

Late Items

**Development Control Committee
24 July 2012**

Additional Information

KJC1 - S11/2002

Proposal: Residential Development – Main Road Long Bennington

Additional Information

The applicants have undertaken a noise assessment of the proposed development which has been assessed by the Council's Environmental Protection department. Their comments are:

I have had a review of the report, (a comprehensive report with noise amelioration recommendations [Section 8]), I therefore recommend that development can proceed in accordance with the recommendations listed in Section 8.

The layout has been amended by removing a dwelling adjacent to 1, Westborough Lane. This is reflected in the revised layout plan.

Officer Comment:

I have drafted a condition to ensure the development would be undertaken in accordance with the recommendation of the noise mitigation measures set out in Chapter 8 of the submitted report.

The site has comparable issues in relation to the development refused planning on Valley Lane (S09/1233). Members concerns in relation to that application were that the future occupiers would not be able to enjoy their home and associated garden because there would, on certain dwellings, be a requirement for non-opening windows and mechanical means of ventilation.

I have requested further comments from Environmental Protection in relation to the submitted noise assessment to explain the differences between this site and the Valley Lane site. These comments will be reported verbally to committee.

Members of the Public:

Three additional e-mails have been received not included in the main committee report. A summary of their concerns are listed below:

The proposals should be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.

Although the site is in the submission version of the Site Allocations and Policies Development Plan document, this document is subject to review by Mr Roland Punshon the government appointed planning inspector. He has already been highly critical of the site selection process that was undertaken by SKDC and no doubt the process will be further scrutinised as the review moves forward. Additionally a number of residents have made representations regarding the selection of the site in the development plan. Residents feel quite strongly that Mr Punshon should hear the representations as the arguments are based on common sense and once heard the proposed site would be removed from the plan. Additionally, the parish council does not support the inclusion of the site in the development plan.

The proposals should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

The local community was never consulted on what the development should include. The consultation was an exhibition in the village hall of the outline development with an opportunity to make comments. Additionally the consultation was for 25 homes. The submitted proposal is identical to the exhibition, indicating no changes were made as a result of the consultation, except that the number of homes was increased to 35. The increase was a developer led proposal. The claimed improvement to pedestrian and cycle access between the village and the business park is a cosmetic exercise because there is already adequate access and most workers on the business park use cars, as witnessed by morning and evening traffic flows. Additionally the parish council does not support the application.

The proposals should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

The developer states that the development will contribute to the identified shortage of affordable housing in Long Bennington. Presumably this statement comes from the parish plan and the Community Lincs housing needs survey. Unfortunately the parish plan housing survey does not indicate how many responses were received so it is difficult to know how robust this information really is. Whilst small starter homes and retirement homes perhaps have some support, housing association properties do not. Additionally the Community Lincs report was funded by a housing association provider and had a very low response rate of 9.3%.

It is also interesting that the parish plan is used as the source document for affordable homes. It should be noted that the development site was identified in the parish plan for recreational use and yet this has been simply ignored.

The proposals should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

No comment

The proposals should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.

The proposed development is on agricultural land and a development here will extend into open countryside and is an encroachment into greenbelt land and will have a significant impact on the landscape character of the open countryside. Additionally the proposed development will have a significant impact on the visual character of the village and as it is agricultural land is important to the character and setting of the village. Therefore the proposed development does not protect the green belt nor does it recognise the intrinsic character and beauty of the countryside.

The proposals should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources and the use of renewable resources.

A pre development report by Anglian Water indicates that the sewerage system, at present, has available capacity for gravity flows from the proposed development site. This report claims to use the best current information available. It was published after the South Kesteven District Council Detailed Water Cycle Study and does not reference this detailed report and also contradicts its findings.

However the proposed development is in Long Bennington and the findings of the South Kesteven District Council Detailed Water Cycle Study Final Report November 2011 clearly states that until a strategic solution is found for the sewerage constraint there should be no further development in the village. The proposed development will increase the risk of sewer flooding in the village and make the village vulnerable to sewer flooding. These are the findings of the very comprehensive and detailed water cycle study and as such these findings should be taken very seriously.

The proposals should contribute to conserving and enhancing the natural environment and reducing pollution.

It is not clear from the design and access statement whether the existing hedgerows on the western, southern and eastern edges if the proposed development will be retained.

The proposals should encourage the effective use of land by reusing land that has been previously developed (brown field land), provided that it is not of high environmental value.

The developer suggests that because of a shortage of brown field sites in local service centres it has been necessary to identify sites which are greenfield. There is no logic to this argument. By their very nature local service centres are thriving villages in rural locations and historically have been places where people live, where the only economic activity has been farming. There will be few, if any brownfield sites. If greenfield sites were used simply because no brownfield sites were available many villages would be consumed by vast developments.

The proposals should promote mixed use development encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

The proposal claims it will make contributions to education, health and recreation space for the village. I cannot comment on health. However I have a child currently at the village school in a class of more than 30 children. The school is full and this proposal will put unnecessary pressure on an already stretched school. To suggest expanding the school in this austere economic climate is simply not an option. I have already commented on the impact the proposal would have on recreation use in the village in my email of 13th June 2012.

The proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

No comment

The proposals should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

A pedestrian and cycling path does not exist on the Eastern side of Main road so it is difficult to understand how something that does not exist can be improved upon. Even if the path did exist it would be rarely used as it leads to the southbound carriageway of the A1. The developer is attempting to claim that the proposal complies with the new planning framework.

The proposals should take into account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

It has already been shown above that the proposal does not satisfy this element of the new planning framework. Additionally, given the amount of development that has taken place in the village over recent years, the development that is currently occurring together with plans already approved, the village infrastructure simply cannot sustain this proposal and equally the village does not need this proposal.

Should this plan be approved, you are removing any rights we may have of having our concerns heard by the planning inspector.

In 2004 a similar plan was refused partly because the development forms an unwarranted extension of built development into an area of open countryside. Surely we have the same situation arising again. The policy officer states that this development can be seen as a logical 'rounding off' of the village. Villages are not meant to be 'rounded off'. If this is an accepted planning principle then our green fields are in real danger.

The NPPF states in its core principles that planning should be genuinely planned empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Long Bennington has had a village plan since 2005. The plan was developed by local people for local people. This plan has been completely ignored in this process, particularly the section that suggests that this land is suitable for an additional sports field, the section that attempts to restrict further linear development in the village and the section that new developments should not give rise to an unacceptable loss of privacy to adjoining residents.

Additionally, local people have not been empowered in this process. The parish council have raised 20 points over this plan. 65 letters from local residents opposed to this development have raised 107 concerns. Most of the concerns of the parish council and local people have either been ignored or disregarded as not important. It seems that in this case the voice of the local people has not been heard and I certainly do not feel empowered by this process.

(The recommendation to approve) does not appear to take into account the objections from the people and parish council of Long Bennington which seem to have been either ignored or dismissed as irrelevant. This development is clearly not wanted by or in the interests of Long Bennington village for the many reasons already stated.

Planning Policy Officer Comment in relation to the above

The further comments to do not raise any issues that are not already addressed in the comments from the Planning Policy and Partnership Projects officers. It should be clarified, however, in respect of the comment relating to the South Kesteven Water Cycle Study (WCS) that the conclusions of the

Anglian Water pre-development report supersede, for the application site, the findings of the WCS with regard to sewerage constraints.

Presentation

A member of the public has requested that the photographs of the parking problems along the road fronting the site be circulated to Members. See enclosed photos (page 7). A short video of parking issues will form part of the member of the public's presentation.

Additional Conditions

When an application is made to the local planning authority for the approval of reserved matters details of noise mitigation measures for each dwelling and associated garden area shall be submitted to and approved in writing by the local planning authority. These details shall provide noise attenuation equivalent or better than the recommendations set out in chapter 8 of the submitted Noise Impact Assessment.

The development shall be undertaken in accordance with any such details that are approved.

Reason: In the interests of residential amenity and to ensure a satisfactory form of development.

The development hereby permitted shall be undertaken in accordance with the following list of approved plans submitted as part of the application:

List of submitted plans and 2no. amended plans removing 1no. unit adjacent to 1, Westborough Lane.

Drawing no. CS507169/04 RevA

Drawing no. CS507169/03A

Proposal: Demolition of existing retail warehouse building and erection of 11 dwellings at 2A Radcliffe Road, Stamford

Summary of information received:

One additional letter of objection has been received. The comments are set out below:

- It is up to 1.8m higher than the plans previously approved. The current plans could be changed to feature a mansard style roof with a flat top to significantly lessen the unacceptable overlooking, shading and visual impact on the Cliff Rd properties.
- The internal layouts of plots 8-11 could be changed to match 5-7 so that all the 2nd floor accommodation overlooking the Cliff Rd properties are bathrooms with obscured glazing. This would effectively remove all my over privacy concerns.
- The density of the development is unacceptably high resulting in the tiny rear patios.
- Preserving the warehouse wall is welcomed as a screen for my privacy but it is incredibly sad that such a desperate and drastic measure has to be adopted in order to obtain planning permission.
- Your comments regarding the economic viability of the scheme are in my view erroneous – the privacy and amenity value of EXISTING properties should take precedence!

Lincolnshire County Council (Highways): No objections subjected to the conditions set out below in the changes to recommendation.

Officer's comments on information:

The concerns raised in the letter of objection are commented on in the main report.

With regard to the highway authority's comments it is recommended that the suggested conditions be attached to any consent.

Changes to recommendation:

That the following additional conditions be included on any consent:

Condition 14.

Any gates to the vehicular access shall be set back a minimum of 6.0 metres from the nearside edge of the carriageway of Radcliffe Road and shall not open over the highway.

Reason:

To enable calling vehicles to wait clear of the carriageway of Radcliffe Road in the interests of safety.

Condition 15.

Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 04 dated 22nd February 2012 and retained for that use thereafter.

Reason:

To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Condition 16.

Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 04 dated 22/02/2012.

Reason:

In the interests of safety of the users of the public highway and the safety of the users of the site.

PL1 – S12/0209

Proposal Single Storey Rear Extension and Retention of Garage

Information Received

Letter from applicant:

Letter sets out how applicant sought advice on the need for planning permission for the garage, confirms that the garage is a shed not a garage, how the proposal for the rear extension and the shed have been amended, comments on the points made by the objectors and queries why the application is being considered by the Committee.

Officer Comments on Information Received

The points raised are noted but do not change the recommendation to approve the application.

Alterations to Conditions

None.

Changes to Recommendation:

No changes to the recommendation contained in the main report.

Proposal Erection of Livestock Building

Information Received

2 letters from neighbouring properties:

Letters request additional conditions to be added relating to; when the cattle can use the livestock building – November to April, restricting the number of cattle to 60, restrictions on the area in front of the development and existing shed as area for bale corrals, an effective fly control mechanism be installed, restricted to pellet feed and suitable gates and locks be used to stop escaping animals. Also querying the odour issue identified by the Planning Inspector in refusing an earlier application.

Officer Comments on Information Received

Regarding the suggested conditions – time restriction occupancy of the building, this is not considered appropriate and would restrict the proposed farming methods as set out in the submitted supporting information.

Number of cattle – the level of cattle proposed (106) is considered appropriate for the size of the building and the holding.

The use of bale corrals – the area where the corrals have been constructed are outside the application site and will not be required if this application is approved.

Fly control system – following consultation with the Council's Environmental Protection section they are satisfied with the measures proposed in the submitted supporting information already proposed as a condition.

Pellet feed – this is already proposed in the submitted supporting information and a condition is proposed regarding the use of fresh food stuffs for feed.

Suitable gates and locks – this is not an issue that can be controlled by a planning condition.

Regarding the odour issue on the previous appeal - Environmental Protection have considered the current proposal and concluded that if the livestock operation is carried out in accordance with the details contained in the submitted supporting documentation odour should not be an issue.

Alterations to Conditions

None.

Changes to Recommendation:

No changes to the recommendation contained in the main report.

Proposal: Outline application for three dwellings with associated accesses including demolition of existing dwelling.

Information Received

A further 8 letters of objection have been received, these comments are summarised below;-

1. Unsustainable location
2. Contrary to policy SP1 of the adopted Core Strategy
3. Loss of privacy and potential overlooking
4. Lack of services available e.g. bus service
5. Highways issues including poor access to site and increase in traffic
6. Overdevelopment of site

Officer Comments

It is considered that these issues have been raised and addressed within the committee report.

Alterations to Reasons for Refusal

That the development be refused for the following reason

This is an outline application for the erection of 3 dwellings in a less sustainable location and the proposal would be contrary to Policy SP1 of the adopted South Kesteven Core Strategy 2010 which states that development will be concentrated to the four main towns and villages identified as Local Service Centres, in all other villages and the countryside development will be restricted.

As such the proposal, will introduce two additional dwellings in an unsustainable location whereby future occupiers of the site would be reliant on the use of the motor vehicle to meet their everyday needs.

Thus removing reason 2

Changes to Recommendation

No changes to the recommendation contained in the main report.