

REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF: Pat Reid Development Management Service Manager

REPORT NO: PLA 937

DATE: 21st August 2012

TITLE:	S08/0780 – Residential development – 14 dwellings and associated parking. Land off Stephens Way, Deeping St James	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	N/A	
CONTACT OFFICER:	Nigel Bryan	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below Not applicable	Full impact assessment Required: Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	N/A	

1. RECOMMENDATIONS

The application be refused permission on the grounds of a lack of financial contribution toward Public Open Space, Education and Health and that these are considered to be necessary contributions without which the development is considered unacceptable.

2. PURPOSE OF THE REPORT

To seek authorisation from Committee to refuse the application for the reason outlined above.

3. DETAILS OF REPORT

The application has had a resolution to grant permission on it since the 14 October 2008 subject to the signing of a Section 106 (s106) Legal Agreement for contributions toward Public Open Space, Education and Health. However, planning permission has not been granted as the applicants have not signed the S106.

It should also be noted that subsequent to application S08/0780 having had a resolution to grant permission on it, a revised application, covering part of the land, now has planning permission (ref; S09/2409).

Requests have been made to the agent to have this application withdrawn but this has not been received. Given the time that has lapsed since the application was heard at Committee, and requests made to the agent, it is felt that there is limited likelihood of permission being granted and that the application as submitted should now be refused permission for the reason outlined above.

It should also be noted that since the application has had a resolution to grant permission on it the Local Plan has been superseded by the Core Strategy and PPG's and PPS's replaced by the National Planning Policy Framework.

A copy of the original committee report for application S08/0780 is drafted in italics below;

“Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee because it is considered to be locally controversial.

The Proposal

The proposal is to erect 14 dwellings and provide associated parking in-lieu of existing spaces that would be lost.

The application site and its surroundings

The application site lies to the east and west of Stephens Way, a cul-de-sac of residential properties accessed off Eastgate. Part of the land is currently used as parking for existing dwellings on Stephens Way, with planting beyond, a section of the extended garden of 13 Eastgate is also within the application site.

Site History

The original permission for the existing dwellings on Stephens Way was granted permission in 1990 (ref; SK.25/1632/89).

A recent application for 11 affordable bungalows, made under the exceptions policy and secured as affordable via a Section 106 Legal Agreement, was granted permission in November 2007 (ref; S06/1493/25). These would be accessed off Stephens Lane also.

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An application for a single dwelling on part of the application site was refused permission (ref; S07/0066/25) on the grounds that it would result in residential development in open countryside. An appeal against the application was lodged. Subsequently; however, it came to light that the land was allocated for residential development in the Local Plan. As a result the appeal was withdrawn to allow the submission of a more appropriate application.

Representations Received

The Planning Policy Department note that site is allocated for residential development, as described in policy H4:6, the principle of development is therefore supported.

Welland and Deepings Internal Drainage Board: No objections.

South Kesteven District Council Archaeology notes that the proposed development would not affect any known sites of interest.

Deeping St James Parish Council:

Object to the application as they consider that the Greenfield site makes a significant contribution to the rural character of the area; the local plan is out of date with more recent guidance indicating that such development would be inappropriate; the land was not identified in the urban capacity study; raise concern over highway and parking concerns, particularly having regard to the 11 bungalows that have been granted permission.

Lincolnshire County Council would require financial contributions toward school places. Furthermore, the Lincolnshire Primary Care Trust indicates that financial contributions would be required to enhance the existing health infrastructure as a direct result of the development.

Local Highway Authority does not object to the application subject to appropriate conditions.

It has been advised that an area of public open space would need to be provided or payment in-lieu of such provision.

Representations as a result of publicity

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being the 25th July.

Objection has been received from 27 residents. The reason for their objection is summarized below;

1. Highway safety/traffic impact; the road is narrow and causes parking problems as

well as turning issues for emergency/refuse vehicles. The visibility splay at the junction of Stephens Way and Eastgate is not good and the extra vehicles would exacerbate existing problems.

2. Consider that the replacement parking provided would be inadequate to replace those lost and that information submitted in support of the application is mis-leading. Furthermore, part of the parking would be on an area of public open space not within the applicants control.

3. There is no demand for the housing proposed with the Local Plan also being out of date.

4. Note that both the local primary school and health centre are oversubscribed and that the proposed development would increase the pressure on existing services.

5. Raise concern about possible overlooking and overbearing impacts

6. Consider that the development would be detrimental to the green character of the area and result in the loss of a number of mature trees.

Policy Considerations

PPS3: Housing (2006)

PPG13: Transport

The Adopted Lincolnshire Structure Plan (2006)

Saved policies of the South Kesteven Local Plan (1995)

Key Issues

The key issues are whether or not the proposal respects the character of the area without being detrimental to the amenity of neighbouring properties through a dominating impact or overlooking impact; highway safety issues; parking provision and whether or not the principle of residential development is acceptable on this site.

Officer Evaluation

The land is allocated for residential development. The principle of residential development on this site is therefore supported and complies with saved policy H4:6 of the South Kesteven Local Plan. As such, planning permission would normally be granted for development that complies with the Local Plan unless material considerations indicate otherwise.

It should be noted that the application falls below the threshold to supply affordable housing and that financial contributions in terms of education and healthcare are covered in the Section 106 legal agreement. A financial contribution is also provided in-lieu of public open space; whilst under normal circumstances this would be required to be provided on site it is considered that additional play equipment in the Deeping St James area would be of greater benefit than the small area of open space that would need to be provided on a cul-de-sac street.

None of the trees to be removed are considered to be of such maturity to be subject of a preservation order. A landscaping condition is also recommended.

In terms of design the proposed dwellings would assimilate with existing properties on Stephens Way by virtue of ridge heights and garden sizes. Materials used would also be similar, and secured via condition. Having regard to the size of the proposed gardens and distance between dwellings it is not considered that the proposal would

result in a dominating or overbearing impact. The relationships would be similar to those currently enjoyed by existing properties on Stephens Way and both Back Lane and East Gate.

In terms of parking provision the replacement of spaces lost would primarily be to the front of proposed dwellings and to the side of 60 Stephens Way. This type of provision is common on the street and would reflect the character of the area. 11 of the 14 dwellings would also have a garage with a parking space in front. The number of replacement spaces is considered adequate to replace those lost as well as serve proposed dwellings.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Summary of Reason(s) for Approval

The principle of the development is considered acceptable in that the land is allocated for residential development in the Saved Policies of the South Kesteven Local Plan. The design of the development is also considered to respect the character of the area assimilating with neighbouring dwellings and, subject to appropriate conditions, not being detrimental to highway safety or creating parking problems. Financial contributions would also ensure that local services would not be unduly affected.

CASE OFFICER RECOMMENDATION: That the development be Approved subject to condition(s) and the signing of a Section 106 Agreement:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

5. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.

6. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

7. Before the development is commenced, there shall be submitted to and approved in writing by the district planning authority details of the surfacing of parking areas and private drives. The development shall be built in accordance with the approved materials.

8. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

9. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

10. This consent relates to the application as amended by plans received on 16 September 2008.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.

2. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the

visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

3. In the opinion of the Planning Authority, a landscape management plan is required to ensure a satisfactory development, properly assimilated with the surrounding area, in which the landscaping makes a significant long term contribution to the development. A landscape management plan will ensure the proper management and husbandry of the landscape resource and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

5. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

6. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

7. In the interests of visual amenity and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

8. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

9. The local Highway Authority so requests in the interests of road safety and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

10. For the avoidance of doubt.

Note(s) to Applicant

1. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

2. This permission shall be read in conjunction with the associated Section 106 Agreement dated”

4. OTHER OPTIONS CONSIDERED

None

5. RESOURCE IMPLICATIONS

No significant impact on resources

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Regulatory Risk – Insufficient Legal agreement in place	None required – withhold or refuse permission until such monies is secured.

7. ISSUES ARISING FROM IMPACT ANALYSIS

Relevant impact addressed in Section 3.

8. CRIME AND DISORDER IMPLICATIONS

It is considered that the development would not result in any significant adverse crime and disorder implications.

9. COMMENTS OF FINANCIAL SERVICES

There are no specific financial implications associated with this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The comment of Legal and Democratic Services will be reported to Members at the Development Control Committee.

11. COMMENTS OF OTHER RELEVANT SERVICES

None.

12. APPENDICES:

Planning submission can be viewed via the following link:

<http://www.southkesteven.gov.uk/index.aspx?articleid=2230&ApplicationNumber=S08/0780>