

Applicant	Messrs Hartley/Munton The Old Rectory, 2, Greatford Road, Uffington, Stamford, Lincolnshire, PE9 4SW
Agent	Jonathon Hartley Architectural The Old Curiosity Shop, 28, St. Peters Street, Stamford, PE9 2PF
Proposal	Erection of 3 dwellings
Location	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	Considered to be locally controversial
Recommendation Summary	<p>There are considered to be three key issues with the application. Firstly, whether or not the development would represent an enhancement on the character of the area beyond what is currently in situ. In this regard it is considered that the elevation treatment and scale of the proposed dwellings, which are reflective of the attractive neighbouring Victorian properties, would result in an enhancement on the existing. Secondly, the scale of the development would be similar to existing properties in the locality and therefore any overlooking or overbearing impacts that result would be similar to those which currently exist and not justify a refusal of planning permission. Thirdly, vehicular access to the site is from Radcliffe Road with the majority of the access road a private drive. However, the resultant increase in vehicle movements would not be harmful to highway safety and vehicles can and enter leave in a forward gear with ample parking provision within the site.</p> <p>It is, therefore, considered that the application complies with Core Strategy policies EN1, SP1, and H1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.</p>

Key Issues

- Access/parking including highway and pedestrian safety
- Impact of development on residential amenities
- Visual impact on the character of the Conservation Area

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans
- Elevational Drawings
- Dwelling Floor Plans
- Site Level Details
- Vehicular Access/Parking Arrangements
- Tree survey and associated plans

REPORT

The Proposal

This is a full application for the erection of 3 dwellings on land off Casterton Road. The dwellings would be two-storey in scale, with accommodation in the roof space, and include a single storey rear aspect. Vehicular access to the site is from Radcliffe Road.

The application site and its surroundings

High Lodge is a bungalow within a relatively large plot. The property is well screened from Casterton Road by two Magnolia trees to the front of the plot. In the rear garden is detached garage with a mixture of planting, fencing and wall, between 2 and 3 metres tall, marking the rear property boundary. Within the rear garden there are a number of trees. There is a significant change in levels across the application site with the garage to High Lodge some 4.85m above the floor level of the bungalow. Vehicular access to the site is from Radcliffe Road and falls between 6 Rock House gardens and 21 St John's Terrace. A number of dwellings currently utilise this access point with an un-adopted road, in a poor state of repair, leading to the rear of High Lodge.

To the immediate west of the site is a footpath, locally known as the Donkey steps, that leads from Casterton Road to Radcliffe Road. Beyond the path and fronting Casterton road is a row of 6 attractive Victorian terraced properties.

Heading up the donkey steps toward Radcliffe Road there are two lines of terraces on the left hand side, St John's Terrace and 21-37 Radcliffe Road. It is understood that High Lodge, the three dwellings to the immediate east and 1-6 Rock House Gardens are built on the former gardens of Rock House, a Listed building. The immediate neighbouring property to the east, Ellesmere, is a two-storey dwelling with a first floor landing and bathroom window in the side elevation adjacent to the site.

The area is characterised by two-storey dwellings which are prominent in the locality.

Relevant site history

An application for the erection of a dwelling on part of the rear garden of High Lodge was refused permission (ref; S10/0968) in June 2010 for the following reasons;

- 1) To prevent the new dwelling from excessively overlooking the existing bungalow a 1.8 metre high solid boundary treatment will be required between the existing and proposed plots. Such a treatment added to the change in levels would create a 5.8 metre high screen within 8.5 metres of the existing bungalow. The height and proximity of this element added to the overall impact of the proposed new dwelling would create an overbearing and obtrusive feature that would unduly harm the residential amenities of High Lodge. It is therefore considered that the proposed development would conflict with the guidance contained within PPS3, Policy 2 of the East Midland Regional Plan as well as Saved Policies H6 and EN1 of the South Kesteven Local Plan.
- 2) It is considered that the proposed dwelling would sit awkwardly with the built form of the surrounding area, appearing out of keeping with the established character of Casterton Road and relating poorly to St John's Terrace and the adjacent Radcliffe Road dwellings. It is therefore considered that the proposed development would conflict with the guidance

contained within PPS3, Policy 2 of the East Midland Regional Plan as well as Saved Policies H6 and EN1 of the South Kesteven Local Plan.

- 3) The application does not provide sufficient details to allow an adequate assessment of the potential impact on highways safety to be undertaken. It is therefore considered that the proposed development would conflict with the guidance contained within PPG13 and Saved Policy H6 of the South Kesteven Local Plan.

Policy Considerations

National Planning Policy Framework

Section 1: Delivering sustainable development
Section 4: Promoting Sustainable Transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 10: Meeting the challenge of climate change, flooding and coastal change.
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment

South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN2 - Reducing the Risk of Flooding
Policy EN4 – Sustainable Construction and Design
Policy H1 – Residential Development

Representations received

Lincolnshire County Council, as Highway Authority, does not object to the application subject to the imposition of conditions about the retention of parking and turning areas within the site.

The Consultant Tree Officer agrees with the content of the tree report and notes that it is the trees to the front of the plot that make the greatest contribution to the character of the Conservation Area and those to be removed are ornamental in nature.

The Principal Conservation Officer notes that the replacement dwellings attempt to replicate the terrace to the west in terms of scale, design and materials and if care is taken with the details, the development should represent an enhancement of the appearance of this part of the Conservation Area.

Environmental Protection note that air source heat pumps are proposed for the dwellings and request clarification on the noise that they would generate.

Lincolnshire Police request that the authority consider crime reduction and community safety through appropriate boundary treatments, lighting and landscaping.

The comments of Stamford Town Council are reproduced below;

“The Planning Committee strongly object to the demolition of High Lodge. It is considered to have significant interest having been built in the 1950s of local brick and stone which is now unavailable. It is a good sound property which is in keeping with the fabric of the Conservation Area. It is strongly recommended that the decision to demolish this building is deferred to the Development Control Committee.

The Planning Committee strongly object to the proposed erection of three dwellings as the proposal will overdevelop the site and the roof line will dominate the environment. The design is not in keeping with the character of the area and street scene. The greatest concern is on Health & Safety and the traffic impact on a small un-adopted road which will seriously impact on the residents of the 13 dwellings using this road. The congestion at the junction with Radcliffe Road is already acute, with the additional pressure of vehicles accessing North Street at the Scotgate intersection the congestion will be increased. It is strongly recommended that LCC Highways is fully consulted before this application is given any further consideration.

It has also been brought to our attention that there are major electrical cables which service a major part of Stamford located below the surface of the un-adopted road.

There is concern over the removal of some of the well-established trees which will be detrimental to the environment. It is recommended that this application is deferred to Development Control Committee and a site visit conducted”.

On the amended plans the Town Council maintained their original objection to the application.

Representations received as a result of publicity

The application has been advertised in accordance with the Council’s Statement of Community Involvement with the initial closing date for representations being the 03 August 2012. Further consultation was also undertaken following the receipt of amended plans, allowing a further 14 days to submit additional comments.

At the time of writing a total of 33 representations have been received on the application and all respondents object to the application. A summary of their objections to the application is reproduced below;

- The scale of the dwellings are out of character with those that surround it
- There is no justifiable reason for demolishing the existing bungalow
- Noise generated from the occupiers is likely to be over and above that from the current occupiers
- Access from Radcliffe Road is poor with the junction being close to the fire station and New Cross Road
- Maintenance of the road within the site is down to the various occupiers and the increase in numbers will exacerbate existing problems
- There is a main electric cable and substation that would be affected by the development
- Construction traffic will block the road and affect the ability of local people to park
- Approving the development would be contrary to a covenant
- Parking and turning for the dwellings would be difficult
- The donkey track will be poorly lit and increase the fear of crime
- Privacy will be compromised from the development as well as the dwellings resulting in an overbearing impact

- Surface water runoff will increase as a result of the increased hardstanding
- The site falls within the former historic gardens of Rock House and should be protected from further development
- General overdevelopment of the site
- Loss of mature trees and a detrimental impact on the natural environment
- Vehicle movements are likely to be detrimental to pedestrian safety given the widespread use of the donkey track by many local children

Officer evaluation

Amended plans have been received that reduce the overall scale and height of the proposed dwellings and the application is considered accordingly. It should also be noted that an application is under consideration for the demolition of the existing bungalow (ref; S12/1561/CAC) with the application site falling within the recently extended Stamford Conservation Area.

Impact on the character of the area

Following alterations to the application, which reduce the height and depth of the proposed dwellings, it is noticeable that the eave and ridge height of the proposed dwellings would be lower than the adjacent Victorian terraced properties. Furthermore, the eave height of the dwellings would be lower than Ellesmere to the south whilst having a ridge height the same as this dwelling; this is achieved with the proposed dwellings being set lower than the existing bungalow. The depth of the two-storey element of the dwellings, at 8.8m, is also reflective of the adjacent Victorian terraces.

In terms of scale it is considered that the replacement dwellings act as a suitable bridge within the streetscene between the properties that are either side of it, with the ridge heights of the dwellings reducing whilst heading down Casterton Road into central Stamford. Furthermore, the dwellings are reflective in terms of elevation treatment of the attractive Victorian properties to the north. Given that the existing bungalow makes little or no contribution to the character of the Conservation Area and that the replacement dwellings are considered to be an enhancement on the existing there is not considered to be any reason in terms of impact on the character of the area to refuse the application.

Residential amenity

The primary consideration for impacts on residential amenity is overlooking and overbearing issues. The dwellings are proposed to be sited forward of Ellesmere and backward of 2 Casterton Road and would be visible from some of the main windows of these dwellings. However, the dwellings would be set 1m from the plot boundary and any views of the dwellings would be oblique in nature from these properties. With regard to the mass and overbearing impacts that may result it is also noticeable that the main two-storey mass of the proposed dwellings is likely to be similar to that currently experienced from 2 Casterton Road. The two-storey depth of the proposed dwellings would also be less than the facing wall of Ellesmere on the same boundary.

Overlooking from the proposed dwellings would be similar to those that currently exist from neighbouring properties, with the exception of the accommodation in the roof space. However, there is an element of mutual overlooking between neighbouring properties and the change in levels and distance to properties on Radcliffe Road should ensure that privacy would not be unduly compromised.

Highway impacts

The highway authority have not objected to the application with it being noted that there are currently a number of dwellings that utilise the existing access and that the likely increase in vehicle movements would not justify a refusal of permission. Strong objection has been received from local residents about maintenance of the communal turning area to access the application site and this area is in a poor state of repair. However, this is a civil legal matter between relevant parties that have an obligation to maintain and/or use the private road.

The primary consideration with regard to highways is the ability of vehicles to enter and leave in a forward gear. Two car parking spaces are proposed for each dwelling with them to be on an area of hardstanding, similar to the existing garage and parking for the neighbouring property. There is also ample space for vehicles to enter and leave the site in a forward gear. Construction traffic is likely to impact on the private road but this would be temporary in nature and, again, a private civil legal matter.

Other considerations

With regard to impact on trees an Arboricultural Impact Assessment has been submitted in support of the application. The Consultant Tree Officer agrees with its content and notes that the two magnolia trees to the front of the site make the greatest contribution to the character of the Conservation Area and are not affected as a result of the application. Trees to the rear are typical of an ornamental residential garden and not worthy of a Preservation Order and therefore no objection is made to the removal of trees to the rear. Subject to conditions about the protection of trees to be retained and approval of a landscaping scheme there is no concern with regard to impact on trees and vegetation within the application site.

Concern has been expressed about noise from the increased number of occupants but this is not an overriding issue. Furthermore, subject to certain restrictions, the installation of air source heat pumps does not require planning permission.

Section 106 Heads of Terms

Given that the application is for the erection of three dwellings there is no requirement for financial contributions.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right 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 erection of three dwellings on this site is considered to be an enhancement on the character of the Conservation Area with the development being reflective in terms of scale and elevation

treatment of the adjacent Victorian terraced properties. The scale of the buildings and relationship with neighbouring properties is such that it is not considered that residential amenity would be compromised through a dominating or overlooking impact. Nor is it considered that the development would be detrimental to highway safety through vehicle movements that may be generated, with vehicles able to enter and leave in a forward gear. Furthermore, it is not considered that the development would be detrimental to trees worthy of retention or the wider environment. It is, therefore, considered that the application complies with Core Strategy policies EN1, SP1, and H1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The erection of three dwellings on this site is considered to be an enhancement on the character of the Conservation Area with the development being reflective in terms of scale and elevation treatment of the adjacent Victorian terraced properties. The scale of the buildings and relationship with neighbouring properties is such that it is not considered that residential amenity would be compromised through a dominating or overlooking impact. Nor is it considered that the development would be detrimental to highway safety through vehicle movements that may be generated, with vehicles able to enter and leave in a forward gear. Furthermore, it is not considered that the development would be detrimental to trees worthy of retention or the wider environment. It is, therefore, considered that the application complies with Core Strategy policies EN1, SP1, and H1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

4. The arrangements shown on approved plan HAR/12/0463-4 rev A for the parking, turning and manoeuvring of vehicles shall be available at all times when the premises are in use.

Reason: To enable vehicles to wait clear of the carriageway of Radcliffe Road and to allow vehicles to enter and leave in a forward gear in the interests of highway safety.

5. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. As identified in paragraph 8 of the Arboricultural Impact Assessment any works, including demolition and construction of replacement steps to the front of the plot, shall be undertaken by hand or any small diggers shall be used with a banksmen to prevent collision with overhead branches.

Reason: To ensure that there would be no detrimental impact on trees to the front of the plot.

7. No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans, written specifications and a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: Landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. Notwithstanding the proposed drawings, the number, location and size of rooflights proposed shall be identified on a plan to be submitted to and approved by the Local Planning Authority and no additional rooflights beyond those agreed shall be inserted.

Reason: To ensure that the number of rooflights is not excessive and harmful to the character of the area and to comply with policy EN1 of the South Kesteven Core Strategy.

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

HAR/12/0463-4 rev A
HAR/12/0463-5 rev A
HAR/12/0463-6 rev A

Reason: To define the permission and for the avoidance of doubt.

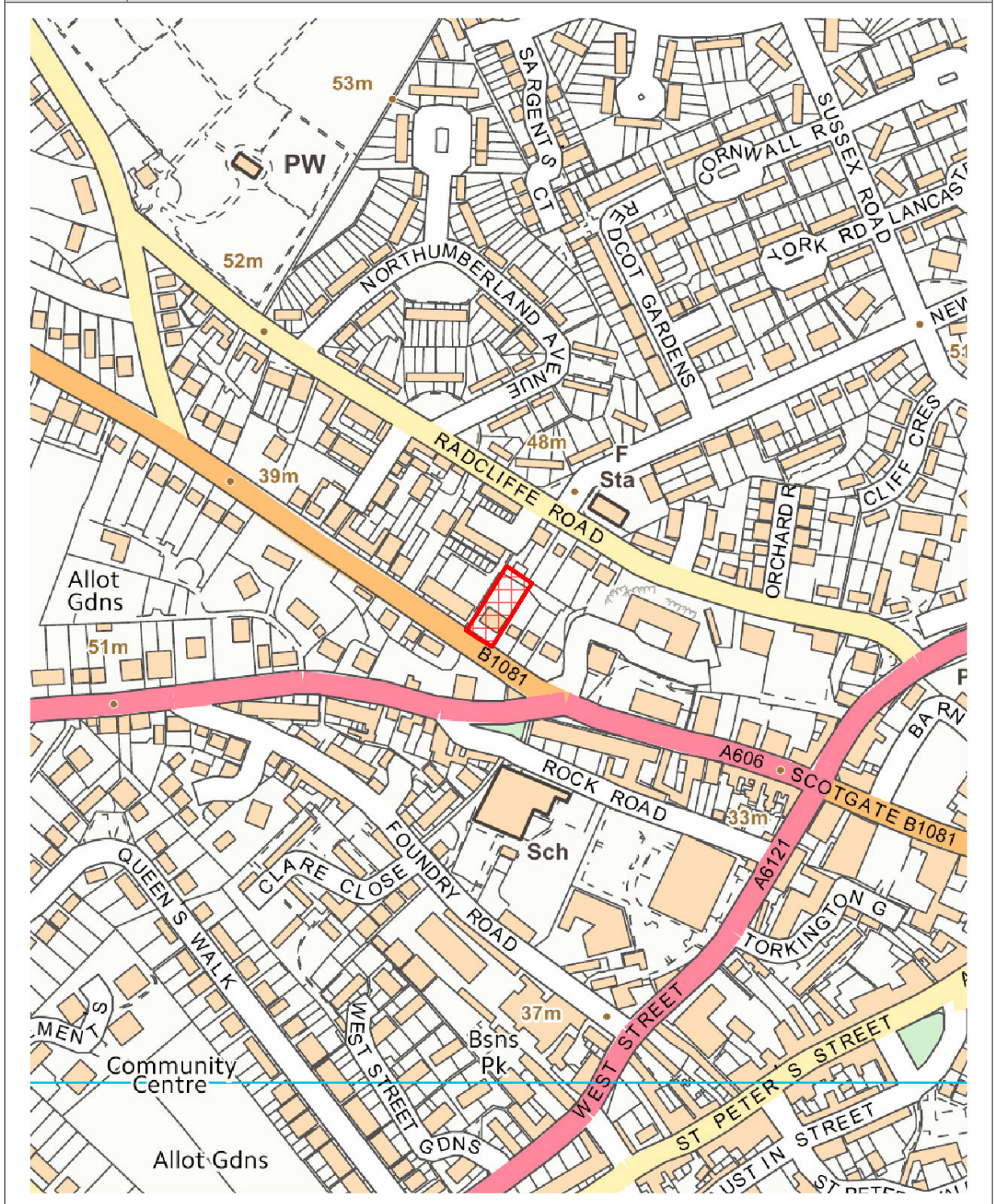
Note(s) to Applicant

You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

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Site Location Plan

Ref	S12/1562
Proposal	Erection of 3 dwellings
Location	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL



Applicant	Messrs Hartley/Munton The Old Rectory, 2, Greatford Road, Uffington, Stamford, Lincolnshire, PE9 4SW
Agent	Jonathon Hartley Architectural The Old Curiosity Shop, 28, St. Peters Street, Stamford, PE9 2PF
Proposal	Demolition of bungalow
Location	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL
App Type	Conservation Area Consent
Parish(es)	Stamford

REPORT

The proposal

The application is for the demolition of a bungalow within Stamford Conservation Area.

The application site and its surroundings

High Lodge is a bungalow within a relatively large plot. The property is well screened from Casterton Road by two Magnolia trees to the front of the plot. In the rear garden is detached garage with a mixture of planting, fencing and wall, between 2 and 3 metres tall, marking the rear property boundary. Within the rear garden there are a number of trees. There is a significant change in levels across the application site with the garage to High Lodge some 4.85m above the floor level of the bungalow. Vehicular access to the site is from Radcliffe Road and falls between 6 Rock House gardens and 21 St John's Terrace. A number of dwellings currently utilise this access point with an un-adopted road, in a poor state of repair, leading to the rear of High Lodge.

To the immediate west of the site is a footpath, locally known as the Donkey steps, that leads from Casterton Road to Radcliffe Road. Beyond the path and fronting Casterton road is a row of 6 attractive Victorian terraced properties.

Heading up the donkey steps toward Radcliffe Road there are two lines of terraces on the left hand side, St John's Terrace and 21-37 Radcliffe Road. It is understood that High Lodge, the three dwellings to the immediate east and 1-6 Rock House Gardens are built on the former gardens of Rock House, a Listed building. The immediate neighbouring property to the east, Ellesmere, is a two-storey dwelling with a first floor landing and bathroom window in the side elevation adjacent to the site.

The area is characterised by two-storey dwellings which are prominent in the locality.

Relevant site history

An application for the erection of a dwelling on land to the rear of High Lodge was refused permission (ref; S10/0968) in June 2010 for the following reasons;

- 1) To prevent the new dwelling from excessively overlooking the existing bungalow a 1.8 metre high solid boundary treatment will be required between the existing and proposed plots. Such a treatment added to the change in levels would create a 5.8 metre high screen within

8.5 metres of the existing bungalow. The height and proximity of this element added to the overall impact of the proposed new dwelling would create an overbearing and obtrusive feature that would unduly harm the residential amenities of High Lodge. It is therefore considered that the proposed development would conflict with the guidance contained within PPS3, Policy 2 of the East Midland Regional Plan as well as Saved Policies H6 and EN1 of the South Kesteven Local Plan.

- 2) It is considered that the proposed dwelling would sit awkwardly with the built form of the surrounding area, appearing out of keeping with the established character of Casterton Road and relating poorly to St John's Terrace and the adjacent Radcliffe Road dwellings. It is therefore considered that the proposed development would conflict with the guidance contained within PPS3, Policy 2 of the East Midland Regional Plan as well as Saved Policies H6 and EN1 of the South Kesteven Local Plan.
- 3) The application does not provide sufficient details to allow an adequate assessment of the potential impact on highways safety to be undertaken. It is therefore considered that the proposed development would conflict with the guidance contained within PPG13 and Saved Policy H6 of the South Kesteven Local Plan.

Policy Considerations

National Planning Policy Framework

Section 1: Delivering sustainable development
Section 4: Promoting Sustainable Transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 10: Meeting the challenge of climate change, flooding and coastal change.
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment

South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN2 - Reducing the Risk of Flooding
Policy EN4 – Sustainable Construction and Design
Policy H1 – Residential Development

Representations received

The observations of the Principal Conservation Officer are drafted below;

“The application site is located in one of the recently added extensions to the Stamford Conservation Area and currently contains a nondescript late C20 bungalow situated in an elevated

position on the steeply sloping land on the northern side of Casterton Road.

Apart from this bungalow, the remainder of the dwellings on this side of this road within the CA, the principal approach to the town centre from the north-west, are two-storey. To the north-west of the site there are attractive late nineteenth/early twentieth century terraced houses and, to the south-west, modern detached houses.

The proposal is to replace the existing bungalow, which because of its low profile has only minimal impact on the street scene, with a terrace of three dwellings that will have a greater impact on the street scene than the existing bungalow which is virtually unseen due partly to its low profile and the abundance of overgrown shrubs in the garden.

The proposed replacement dwellings attempt to replicate the terrace to the west in terms of scale, design and materials and if care is taken with the details, the development should represent an enhancement of the appearance of this part of the designated Area.

However, should planning application be refused, I would advise that consent should not be granted for the demolition of the existing bungalow, as despite its modest impact on the scene it would not be in the best interests of preserving the character and appearance of the Conservation Area for there to be an undeveloped gap site left indefinitely”.

The observation of Stamford Town Council is reproduced below;

“The Planning Committee strongly object to the demolition of High Lodge. It is considered to have significant interest having been built in the 1950s of local brick and stone which is now unavailable. It is a good sound property which is in keeping with the fabric of the Conservation Area. It is strongly recommended that the decision to demolish this building is deferred to the Development Control Committee.

The Planning Committee strongly object to the proposed erection of three dwellings as the proposal will overdevelop the site and the roof line will dominate the environment. The design is not in keeping with the character of the area and street scene. The greatest concern is on Health & Safety and the traffic impact on a small un-adopted road which will seriously impact on the residents of the 13 dwellings using this road. The congestion at the junction with Radcliffe Road is already acute, with the additional pressure of vehicles accessing North Street at the Scotgate intersection the congestion will be increased. It is strongly recommended that LCC Highways is fully consulted before this application is given any further consideration.

It has also been brought to our attention that there are major electrical cables which service a major part of Stamford located below the surface of the un-adopted road.

There is concern over the removal of some of the well-established trees which will be detriment to the environment. It is recommended that this application is deferred to Development Control Committee and a site visit conducted”.

Representations as a result of publicity

The application has been advertised in accordance with the Council’s Statement of Community Involvement with the closing date for representations being 3 August 2012.

It should be noted that no additional consultation was undertaken on this application, unlike S12/1562, with there being no alteration to this aspect of the development.

As a result of consultation a total of 16 letters of objection have been received. Many of the observations relate to the possible future redevelopment of the site with the comments specific to this application summarized below;

- There is no justifiable reason to demolish the bungalow which is in a good state of repair
- The bungalow contributes to the character of the Conservation Area being constructed of local materials e.g. Williamson Cliffe brick.
- Traffic to demolish the dwelling would be harmful to the highway and pedestrian safety
- Trees and birds would be affected by the demolition

Officer evaluation

The bungalow was constructed in the 1950's and does not make any great contribution to the character of the Conservation area with it being well screened from public vantage points by existing vegetation as well as being the only bungalow in an area dominated by two-storey dwellings. The garage to the rear of the property is also proposed to be demolished.

Given the lack of historical importance of the dwelling there is not considered, in principle, to be any reason to seek its protection; however, this would be subject to the approval of a suitable scheme to replace it. Application S12/1562 is also due for determination at this Committee and subject to approval of that application there is not considered to be any reason to object to the demolition of this bungalow.

It should be noted that no protected species survey has been completed on the existing bungalow; however, the dwelling is currently occupied and is not a development e.g. barn conversion, where protected species are likely to be found. A note should be added to the decision notice in the unlikely event that protected species are present.

Section 106 Heads of Terms

A section 106 is not required for this type of application.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right 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 bungalow is not prominent within the street scene or reflective of the traditional form of the Conservation Area. It is, therefore, not considered to be worthy of retention and subject to a suitable alternative development of the site, which would be an enhancement of the existing, the

demolition of the property is supported. The application is, as a result, deemed to comply with Core Strategy policy EN1 and guidance contained with the National Planning Policy Framework (chapter 12); with no other material planning considerations to indicate that the application should be determined otherwise.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note(s) to Applicant

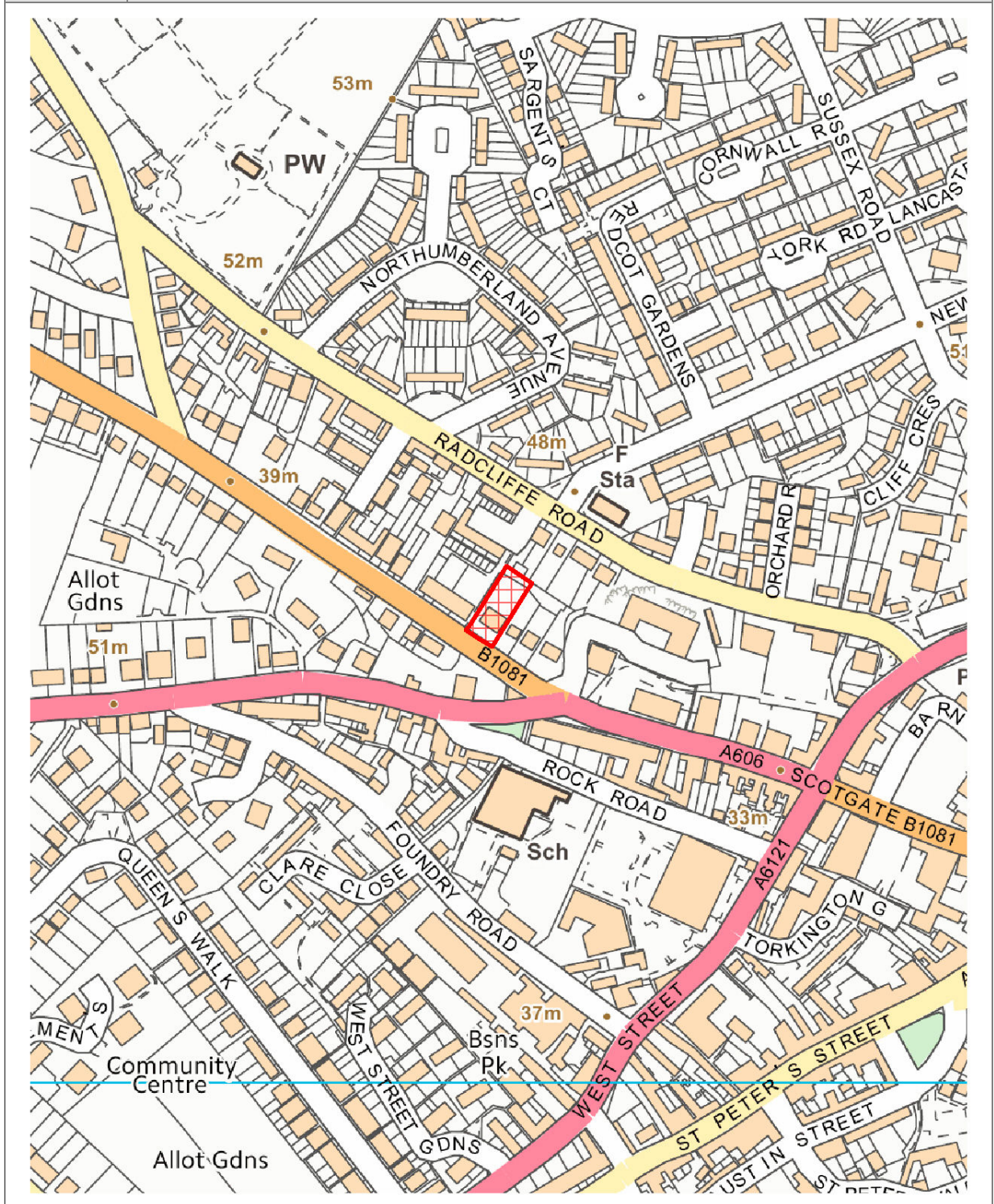
Please note that this grant of Conservation Area Consent does not override the need for a 'Demolition Notice'.

Please note that should protected species be found during the demolition of the dwelling then development should cease immediately and contact be made with a suitably qualified ecologist or Natural England prior to the recommencement of development.

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Site Location Plan

Ref	S12/1561
Proposal	Demolition of bungalow
Location	High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL



Applicant	Mr N Wilkins Bellway Homes & Nowich Hub Ltd &, The Buckminster Trust Estate 3, Romulus Court, Meridian East, Meridian Business Park, Leicester, LE19 1YG
Agent	
Proposal	Approval of reserved matters for residential development of 105 dwellings and associated garaging and infrastructure pursuant to outline Planning Permission S08/1231
Location	Poplar Farm, Barrowby Road, Grantham, NG31 8AF
App Type	Major RM (Residential)
Parish(es)	Grantham
Reason for Referral to Committee	Likely to cause wider concern.
Recommendation Summary	<p>This is a reserved matters application for the construction of 105 dwellings, garaging and associated infrastructure pursuant to outline planning permission S08/1231. The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission.</p> <p>The development site is located within the Northwest Quadrant Urban Extension site and would provide a further section of the Pennine Way Link Road.</p> <p>As such the proposal is considered to accord with national guidance contained in the National Planning Policy Framework Section 6 Delivering a wide choice of quality homes, Section 7 Requiring good design and Section 11 Conserving and enhancing the natural environment. Policy H2A, H3, SP1, SP3, and EN1 of the adopted Core Strategy and draft Grantham Area Action Plan (GAAP) policy NWQ1.</p> <p>Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and drainage they are not considered to outweigh the policies referred to above.</p>

Key Issues

- Compliance with Outline Planning Permission S08/1231
- Compliance with Policy
- Highway Safety
- Residential Amenity
- Visual Amenity
- Drainage

Technical Documents Submitted with the Application

- Design and Access Statement
- Water Vole Mitigation Strategy
- Reptile Survey Report
- Great Crested Newt Survey
- Badger Survey Report

REPORT

The Proposal

The application is the submission of reserved matters pursuant to the grant of outline planning permission (Planning Ref: S08/1231).

The outline planning permission granted a mixed use urban extension comprising up to 1800 dwellings, community facilities, associated open space, new road and associated bridge over the railway.

This application provides the detail of 105 dwellings and a further part of the road which will form, when completed, the Pennine Way Link.

Of the 105 residential units which are proposed, 15 would be affordable shared ownership units.

In accordance with the design code element of the master plan approved as part of the outline planning permission the scheme proposes a mix of 2, 3 and 4 bed houses all of which would be two storey.

The application site and its surroundings

The application site forms part of the larger 68 hectares site which extends from the roundabout adjacent to Asda to the field immediately to the west of the Muddle Go Nowhere public house.

The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission. The overall density for the development would be 32 dwellings per hectare.

The site would be bounded by Balmoral Drive and the existing residential development to the south. To the north would be the landscape corridor incorporating sustainable urban drainage. The subject of a separate planning application S12/1502).

It is proposed that the 105 dwellings would be delivered in three phases. The first phase would be the properties taking direct access onto Balmoral Drive. With a second access serving the remainder of the development (two phases) via a new off-site urban boulevard and main street along the western and northern boundaries of the site.

Relevant Site History

SK35/0253/88: Outline – residential development, neighbourhood centre, health and education facilities, public open space, roads and other facilities. Approved 12/3/1990.

SK35/0777/88: Outline – residential. Approved 12/3/1990.

SK0986/90: Reserved Matters – residential. Approved 20/11/1990

SK94/0347: Outline – development without complying with Condition 1 of SK35/0777/88. Approved 10/5/1994.

S99/1248: Outline – Residential development. Withdrawn 26/6/2003.

S02/0154: Outline – Residential, Local centre, School, POS, Roads and Bridge. Withdrawn 15/10/2007.

S08/1231 – Outline Planning Permission was granted for the A mixed use urban extension comprising up to 1800 dwellings, community facilities, (including a primary school, community

centre, retail use classes A1, A2, A3 & A5, doctor's surgery and elderly person's accommodation) and associated open space (including new playing fields, facilities and changing rooms, children's play areas, informal networks of open space and allotments) and a new road and a new road bridge to complete the Pennine Way Link on 23 June 2011.

This application before you is a submission of reserved matters pursuant to the outline planning permission.

S11/1667 - Approval of details required by Conditions 3 (master plan/design code), 4 (school, community facilities'), 5 (phasing plan) & 10 (landscaping) of S08/1231 – was granted approval on 18th November 2011.

S12/1468 – Reserved matters application for the construction of 99 dwellings (including 15 no. affordable dwellings and associated garaging) – current application.

S12/1502 – Approval of details required by conditions 11-landscaping, 17-Strategic Surface Water Regulation System and 33-Overland Flows of planning permission S08/1231 – current application.

S12/1503 – Approval of details reserved by conditions 6 & 13 (Programme of Development), 20 (Protected Species Activity) & 35 (Archaeological Statement) of S08/1231 – current application.

Policy Considerations

National Planning Policy Framework

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and Enhancing the natural environment

South Kesteven Core Strategy

Policy SP1 – Sustainable Communities

Policy H2A – North West Quadrant

Policy EN1 – Protection and Enhancement of the Character of the District

Policy EN4 – Sustainable Construction and Design

Draft Grantham Area Action Plan

Policy NWQ1 – North West Quadrant

Regional Spatial Strategy

Policy 2: Promoting better Design

Policy 13: Regional Housing Provision

Policy 14: Regional Priorities for Affordable Housing

Policy 29: Priorities for Enhancing the Region's Biodiversity

Policy 42: A Regional Approach to Water Resources and Water Quality

Policy 35: A Regional Approach to managing Flood Risk

Policy 37: Regional Priorities for Waste Management

Policy 38: Regional priorities for Energy Reduction and Efficiency

Policy 44: A regional Approach to Traffic Growth Reduction

Policy 45: A Regional Approach to Behavioural Change

Policy 47: Regional Car Parking Standards

Representations Received

Lincolnshire County Council Footpaths Officer

It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

Planning Policy

The application site is located within the Northwest Quadrant Urban Extension site which is designated under Core Strategy Policy H2A.

Under Policy H2A development of the site is (amongst other things) required to complete the road link between Pennine Way and Barrowby Gate. Provision for a further section of the Pennine Way Link Road to be delivered appears to be made through the information submitted.

Policy H2A states that the detailed site boundaries and broad distribution of land uses are to be defined through the Grantham Area Action Plan (GAAP). The information submitted for pre-application advice is broadly in compliance with the information contained in the Submission Draft GAAP Policy NWQ1 and is therefore compliant with this policy area.

Overall the information submitted is broadly compliant with policy.

Highways Agency

As the application is for reserved matters, the principle of the development and its impact has already been agreed. We therefore have no comments to make.

Partnership and Projects Officer (Affordable Housing)

Initial Comments

I would respond to the affordable housing requirements as follows:-

The S.106 requires that from the first 246 residential units on the site 54 (22%) affordable units will be provided. The above proposal seeks permission to develop 105 residential units of which 15 (14.3%) are proposed as affordable housing units. The remainder of the affordable housing units (39 – 27.6%) are expected to be delivered as part of the next 141 units.

The 15 affordable units are proposed to all be shared ownership. The S.106 requires that as a minimum 60% of the affordable housing units will be rented and no more than 40% will be shared ownership. This will mean that on the next development which will provide the remaining 39 affordable units, 32 (82%) of these units will need to be provided as rented units. Any shared ownership units developed will be restricted for sale to local applicants in need of affordable housing and in the current financial market it may prove difficult to sell the shared ownership units to local people in housing need and they may therefore stand empty for some time.

The affordable housing units must form part of a sustainable integrated community and we must be mindful that on the first phase there will be no affordable rented units, whereas on the second phase the majority of the affordable units will be rented and care will need to be taken to ensure that the affordable rented units are not located all together and will need to be pepper potted around the site.

The location, size and type of affordable housing proposed on this site is acceptable in that it will provide affordable housing in two locations on the site, providing 9 x two bedroom houses and 6 x three bedroom houses.

The developer will also need to have regard and liaise with the Council and Registered Provider (housing association) on the following:-

- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RP).
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RP) partners and choice of partner to be agreed in writing with the council. The RP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development.
- The consideration of the affordable housing units to be offered for sale to a RP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Final Comments

Affordable housing provision should comply with Policy H3 Affordable Housing in the South Kesteven Adopted Core Strategy in that,

'Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. In the case of Poplar Farm the S.106 was agreed at a lower percentage of 22% for the first phases of development. The S.106 requires that from the first 246 residential units on the site 54 (22%) affordable units will be provided. The above proposal seeks permission to develop 105 residential units of which 15 (14.3%) are proposed as affordable housing units. The remainder of the affordable housing units (39 – 27.6%) are expected to be delivered as part of the next 141 units.

A further planning application has been received from Wilsons to construct another 99 housing units on a site adjacent to the above site with a proposal that 15 units are affordable units (15%). This would leave a requirement for 24 affordable housing units to be provided from the remaining 42 units (57% affordable). This would not be conducive to providing mixed sustainable developments with the potential of the final phase providing 57% social rented housing.

Policy H3 continues – 'The affordable element will be expected to include a mix of socially rented and intermediate housing appropriate to the current evidence of local need. Both applications Bellways and Wilsons suggest the tenure of the affordable housing units as all shared ownership (30 units) which will not meet identified local needs and affordability levels.

Below is the current housing register numbers for applicants who wish to live in affordable housing in Grantham and who are aged under 60 years of age:

SIZE OF HOUSE	NUMBER OF APPLICANTS IN TOTAL REGISTERED FOR AFFORDABLE HOUSING IN GRANTHAM	NUMBER OF APPLICANT IN MEDIUM/HIGH HOUSING NEED (OVER 150 HOUSING POINTS AWARDED)
2 BED HOUSE	1180	146
3 BED HOUSE	346	49
4 BED HOUSE	129	25

(Housing Register 4 September 2012)

A recent enquiry with East Midlands Homebuy has confirmed that they only have 12 applicants looking for shared ownership accommodation in South Kesteven but they were unable to narrow this down to Grantham only.

All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need for that ward. I can confirm that the size, type and location of the affordable housing units on this site do meet identified local needs.

Police Architectural Liaison Officer

Thank you for your recent correspondence and the opportunity to comment on the proposed development. I have studied the said plans and would request that due regard be given to the following points in the interest of crime reduction and community safety.

Perimeter and dwelling boundaries It is recommended that the boundary treatment for the perimeter of the site and the individual plots be a robust fence or wall constructed without footholds to a minimum height of 1800 mm the rails to any timber fencing should face the garden.

All rear pedestrian gates should be fitted with anti lift hinges and be fitted with a locking device. These measures will reduce the opportunities of crime and reduce the fear of crime for the occupiers.

Landscaping

All landscaping, including that within the Public Open Space, should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a maximum height of 2 metres, thereby maintaining a clear field of vision through the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Road and parking court lighting

Before the development is brought into use the roads, private driveways, parking areas and footpaths should be provided with lighting in accordance with details to be submitted to and approved in writing by the local planning authority.

Natural England

Protected species

It is noted that a survey for European Protected Species (great crested newts) has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect a European Protected Species.

We also note that surveys have been undertaken for badger, water vole and reptiles; all have been recorded on site. Provided that the mitigation measures proposed by FPCR in each of the separate

survey reports are carried out, Natural England is satisfied that there will be no adverse impact upon these species as a result of the development.

However, one point of clarification that we wish your authority to consider is the retention of condition 20 with the overall outline planning permission (S08/1231). This current application is seeking to approve reserved matters on parcel H of the granted outline site as well as discharge a number of planning conditions (including condition 20). Should your authority discharge condition 20 as part of this application, we would be concerned about the driver for ensuring that protected species surveys are undertaken prior to the development of each land parcel. For example, badgers have already expanded their range across the site since 2008 – this illustrates the need for up to date survey work to inform up to date mitigation (which could include EPS licenses) on each land parcel.

We therefore advise that outside of our wider non-objection to the development within parcel H, your authority does not discharge condition 20 until the final land parcel has been developed (which could be a number of years away).

We also note that parcels D and K are to be developed as part of Phase 1 – we request that Natural England are consulted on reserved matters applications in either of these parcels when they come forward.

Upper Witham Drainage Board

The site is one that the Board has had a great deal of involvement in the past. The works that affect drainage must be completed in accordance with the agreed Flood Risk Assessment.

As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

Should this not be possible, or the proposed discharge becomes directed to a watercourse or another sewer system and then into a watercourse, then the applicant must provide detailed information to show that the proposed discharge regime will not increase flood risk elsewhere.

Reason: To prevent the increased risk of flooding.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site

levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

The Board undertook work to assist in the regulation of the surface water flow from the development area some time ago and at that time the landowners and the council accepted that the Board should be recompensed for the preliminary works undertaken. The ability to utilise the surface water discharge watercourses may require use of the system previously constructed by the Board and therefore in addition to any other agreements that may be necessary the Board's Consent may be required to allow discharge into the watercourses that outfalls through this regulation system.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Senior Historic Environment Officer (Archaeology)

This application does not affect the area of archaeology interest.

Network Rail

In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied for the above application other than those returned in response to the original application as detailed in the attachment which still apply. We would reiterate the requirement in relation to the bridge for the applicant to obtain an easement and detailed design agreement from Network Rail.

Lincolnshire Wildlife Trust

We have read the protected species survey reports submitted with the application and are satisfied that providing the recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

We strongly support the proposed habitat enhancements within the wider development site, through creation of the central landscape strip to provide foraging habitat for badgers, waterbodies which should benefit reptiles and amphibians, and enhancement of the Running Furrows drain for water voles. We have looked at the soft landscaping plan and would recommend that a greater proportion of native species, preferably of local provenance, of trees and shrubs are used. These will have greater benefits for biodiversity, have lower maintenance requirements and will help the development to blend in better with the wider countryside.

We would also recommend that consideration is given to the provision of bat roosting and bird nesting features within the development. Where possible these should include permanent bat roost units or access tiles built into suitable buildings or swift boxes built under the eaves. Nesting features could also be included for other declining birds such as swallow and house sparrow. Recommended levels of roost and nest provision can be found in 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build', Dr Carol Williams, 2010, RIBA Publishing.

Environmental Protection

No Comments.

Gonerby Parish Council

No objection to the development

Barrowby Parish Council

There was strong concern expressed regarding the increase of traffic flow on Barrowby Road. In order to alleviate this it was felt that roundabouts should be considered on both A1 slip roads off the A52.

Representations as a result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 13 letters of objection have been received. A summary of their main concerns are listed below:

- Grantham roads are already congested
- the proposed access route from A52 to Great Gonerby needs to be implemented prior to any further building works
- any accident on the A1 results in Grantham being in gridlock
- grass snakes have been sighted in the fields behind 86-96 Barrowby Road
- object to the development due to the failure of the Council to solve the east west bypass.
- A52 is at gridlock at peak times. A further 105 dwellings will only make the Asda roundabout worse
- the development would appear entirely of residential properties with no service amenities
- the house built opposite our home as clearly not of a similar size, value or standard
- 21 are being put in a space that on our side is only 11 houses and a green
- lower the value of the bigger houses on Balmoral Drive (not a planning matter)
- the access road is insufficient. All 105 dwellings would be forced to use the single access road from Barrowby Road – this will cause congestion
- there is no indication as to how parcel H will connect to future developments
- how will pedestrian cycle routes connect to the allotments and the development as a whole. Establishing this is a priority
- as Balmoral Drive would be a main feeder road for the Poplar Farm development it is undesirable to have any parking on it. The properties that front Balmoral Drive should have two off road parking spaces (not including garages. It is unrealistic to assume that garages will be used for parking as the general practice is for householders to fill garages with other miscellaneous equipment not a car.
- the town cannot cope with a further 105 houses
- allowing any building without the Grantham bypass is totally irresponsible
- why is the road and bridge over the railway not constructed before any dwellings
- the properties proposed opposite Lindisfarne Way as there have already been three crashes there
- loss of privacy
- visual intrusion
- loss of light
- loss of view (not a material planning consideration)
- the site floods on a regular basis
- proposal could flood Moy Park Factory resulting to people being out of work
- homes are not needed in Grantham. There are no homeless people who are crying out for 4 bedroom executive homes
- there is no housing shortage. There are numerous houses for sale on the Barrowby Lodge Estate
- the land is a public right of way and has been for over 20 years
- there are no residents on my estate that are in favour of the development
- the plans should be delayed until an alternative transport route is secured

- no objection to the new homes, but object to the traffic problems
- impact the development will have on house prices coupled with the drop in prices as a result of the recession (not a material planning consideration)
- traffic impact, increased noise, smell and pollution
- increased traffic would be detrimental to highway safety
- housing design are not in keeping. Would dilute the mix and quality of the existing housing in the area
- wildlife would be destroyed
- Grantham does not have the economic base to support the proposal. Future residents will need to commute thereby not supporting businesses already struggling in Grantham
- there are alternative brown field sites in Grantham that could be developed that would be more beneficial to the town both economically and attractively
- building more homes without infrastructure would repeat the mistakes previously made.
- The Cabe report in response to the Poplar Farm development was scathing, in that no development should be undertaken until highway improvements have been made
- object to building unnecessary house on the only remaining green sites in Grantham
- is there any need for more housing in an already stagnant market
- existing infrastructure is already at breaking point
- area is used for dog walking/walking by many in the area. Never a period when it is not in use
- no play areas in walking distance
- application is unnecessary as these properties will never be sold. They will have waterlogged rear gardens and sinking foundations
- the existing housing estate needs flood plains and drainage. This addition will result in overflowing of drainage and sewage onto the estate
- concerns that wildlife is being ignored. Construction will damage the habitats of many species
- the only people to gain from this application will be the builders not the existing residents
- have the appropriate protected species surveys been undertaken

Officer Evaluation

The main issues for consideration in relation to this application are compliance with the outline planning permission, compliance with policy, highway safety, residential amenity, visual amenity and drainage.

Compliance with Outline Planning Permission (S08/1231)

The principle of development of the site is established by the grant of outline planning permission S08/1231. This submission of reserved matters has been assessed and is considered to accord with the outline planning permission, design and access statement and the associated approved design code.

The scheme would adopt the principle of connected grid of streets and blocks to promote pedestrian permeability. There would be feature squares to provide landmark buildings and a sense of place.

Compliance with Policy

The comments of the Partnership and Projects Officer indicate that the tenure of the affordable units proposed does not meet the identified local need. It is proposed that 15 shared ownership units are provided as part of the scheme. No rented properties would be provided. The rented properties would be delivered as part of the next phases/schemes.

The Section 106 legal agreement that accompanies the outline planning permission requires 54 affordable housing units to be provided before the completion of 246 units. The agreement also requires the location, tenure, size, type and mix to meet local housing need.

The affordable housing need for the district as a whole, not just the Grantham area, shows a clear bias towards rented accommodation with a waiting list of only 12 applicants for shared ownership properties. Not all of these applicants would wish to live in Grantham. Clearly the provision of 15 shared ownership units would be an over provision leading to the units not being occupied.

The situation would be compounded by the fact that a further reserved matters application is currently lodged with the authority (S12/1468). This proposes 99 units of which 15 would be shared ownership. This would give 30 shared ownership units in total. This would be a significant oversupply based on the current identified need.

It is accepted that that the remaining schemes could provide the balance of the affordable units. However, it would result in 24 of the 52 remaining units to be rented.

The comments of the Partnerships and Project Officer indicate that the size, type and location of the affordable housing units on this site do meet identified local needs.

There are ongoing discussions in relation to the provision of affordable housing provision to achieve a tenure mix more suitable to the identified local need.

Highway Safety

The difference in levels on the site has resulted in the proposed properties that would front onto Balmoral Drive would be served off Balmoral Drive. The remainder of the site would be served via the new highway works to the west and north of the site. This would provide a further part of the Pennine Link Road.

It is accepted that there are surrounding road network capacity issues. However, this matter was considered as part of the grant of outline planning permission. It was accepted that in order for the development as a whole to function there is a need for a highway link over the railway. This scheme would deliver a further part of the link road. The overall delivery of the link road is controlled via the Section 106 agreement associated with outline planning permission S08/1231, and a planning condition of that permission requires the railway bridge to be completed before 751 dwellings are certified complete.

Whilst the development would clearly generate additional trips which will feed into the existing network, it is considered that any burden that the proposed development would place on the existing network would not be so severe as to present any specific issues in relation to highway safety and is acceptable until such time as the link road is completed.

Residential Amenity

The nearest existing properties to the proposed development are those immediately adjacent to Balmoral Drive. They would be separated from the application site by Balmoral Drive. It is considered that there would be sufficient separation distances between the existing properties and the proposed development to ensure that there would not be any significant loss of amenity via overlooking/loss of privacy or overshadowing. The separation distance between the boundary of the proposed development and the existing properties is approximately 15 metres at the closest point.

It is accepted that the occupiers of the properties adjacent to the site currently experience unrestricted views over open countryside and the proposed development would change this. This may not be welcomed by local residents. However, to ensure that local residents would experience no change as a result of a development is an unrealistic test for a planning application.

Visual Amenity

An assessment of the visual impact of this development (which is part of the wider site encompassed by outline planning permission S08/1231) was considered at the outline stage. This included both impact on the landscape and surrounding area and heritage assets.

In relation to this specific reserved matters application, the overall layout of the site is very much dictated by the level changes on the site. There is a 10 metre fall in levels on the site from Balmoral Drive, to the northern boundary of the site. Accordingly the layout has been designed to accommodate this level difference by serving the highest part of the site from Balmoral Drive. The remainder of the site would be served by a newly constructed road from the north of the site.

The layout of the site is driven by the need to promote free movement around the site and between the development blocks within the site. Each block would be surrounded by a circulation road/private drive allowing movement to the next. There would be a mix of house types including landmark buildings around the feature squares.

It is considered that the layout and design of the development would be in keeping with the character and appearance of the area and can be seen as a logical extension to the existing residential development.

Drainage

The strategic drainage for the site and the wider area would be provided via a series of balancing lagoons within the adjacent landscape corridor which runs adjacent to the site to the north and beyond to serve the future phases.

The drainage scheme is the subject of a separate planning application (S12/1502).

Whilst it is noted that the requests for additional drainage conditions have been made, it is unreasonable to attach further drainage conditions as part of this reserved matters application as drainage matters are already controlled by the requirements of the outline permission. It is however considered appropriate to attach advisory notes to applicant in relation to the comments of the Upper Witham Drainage Board.

Section 106 Heads of Terms

The application is a submission of reserved matters pursuant to outline planning permission S08/1231. There is a legal agreement that accompanies the outline planning permission which secures a comprehensive package of developer contributions which include open space, education, primary care, sports pitches, highway improvements, allotments and affordable housing.

Further developer contributions cannot be sought at reserved matters stage.

Crime and Disorder Implications

The development raises no significant crime and disorder implications

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.

Recommendation

That determination of the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to an appropriate affordable housing tenure mix to reflect the identified local need.

SUMMARY OF REASON(S) FOR APPROVAL

This is a reserved matters application for the construction of 105 dwellings, garaging and associated infrastructure pursuant to outline planning permission S08/1231. The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission.

The development site is located within the Northwest Quadrant Urban Extension site and would provide a further section of the Pennine Way Link Road.

As such the proposal is considered to accord with national guidance contained in the National Planning Policy Framework Section 6 Delivering a wide choice of quality homes, Section 7 Requiring good design and Section 11 Conserving and enhancing the natural environment. Policy H2A, H3, SP1, SP3, and EN1 of the adopted Core Strategy and draft Grantham Area Action Plan (GAAP) policy NWQ1.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and drainage they are not considered to outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be undertaken in accordance with the approved materials schedule PC0279/MS received by the local planning authority on 28th May 2012.

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

2. All hard and soft landscaping works shall be carried out in accordance with the approved details Drawing No. Bir.3996_01A.and PC0279/100/01 Rev C.

Reason: In the interests of highway safety and to ensure as satisfactory form of development.

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

PC0279-100-01-Site Planning Layout, PC0279-100-03-Phasing Plan, Bir 3996_01A -Soft Landscaping Proposals, 300-01-Boundary Treatment Details, 300-02 Boundary Treatment Details, 300-03-Garages, 300-04-Garages, 300-05-Foxton, 300-06 Tilton, 300-07-Somerby

End, 300-08- Somerby End, 300-09-Somerby Mid, 300-10-Ashby, 300-11-Burton, 300-12-Burton, 300-13-Willesley, 300-14-Willesley, 300-15-Belfry, 300-16-Walton, 300-17-Walton, 300-18-Orton, 300-19-Orton, 300-20-Gleneagles, 300-21-Gleneagles, 300-22-Kibworth, 300-23-Kibworth, 300-24-Spinney, 300-25-Spinney, 300-26-Ashby plot 68, 300-27-Walton Sp, 300-28-Walton Sp, 300-29 Willesley Sp, 300-30-Lichfield, GEMMA BDS 3477-EL-90 Engineering Layout, 3477-EL-91-FW Drainage Sections, 3477-EL-92-SW Drainage Sections, JMP-NEA3027-BHM-100-Rev B-Pennine Way Extension Layout, BHM-101-Pennine Way, Balmoral Drive Planning Drawing, BHM-102 Rev A Pennine Way and Main Street Drawing, BHM-103-Rev A Main Street/Bellway Access Planning Drawing, and following supporting information PC0279-DAS-01-Design and Access Statement, PC0279-100-04-Proposed Street Scenes and Sections and 300-31-External Details.

Reason: To define the permission and for the avoidance of doubt.

4. The finished floor levels and finished grounds levels of the development hereby permitted shall be in accordance with the approved engineering layout Drawing No. E/3477/EL/90.

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

5. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development.

Note(s) to Applicant

As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

Should this not be possible, or the proposed discharge becomes directed to a watercourse or another sewer system and then into a watercourse, then the applicant must provide detailed information to show that the proposed discharge regime will not increase flood risk elsewhere.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.

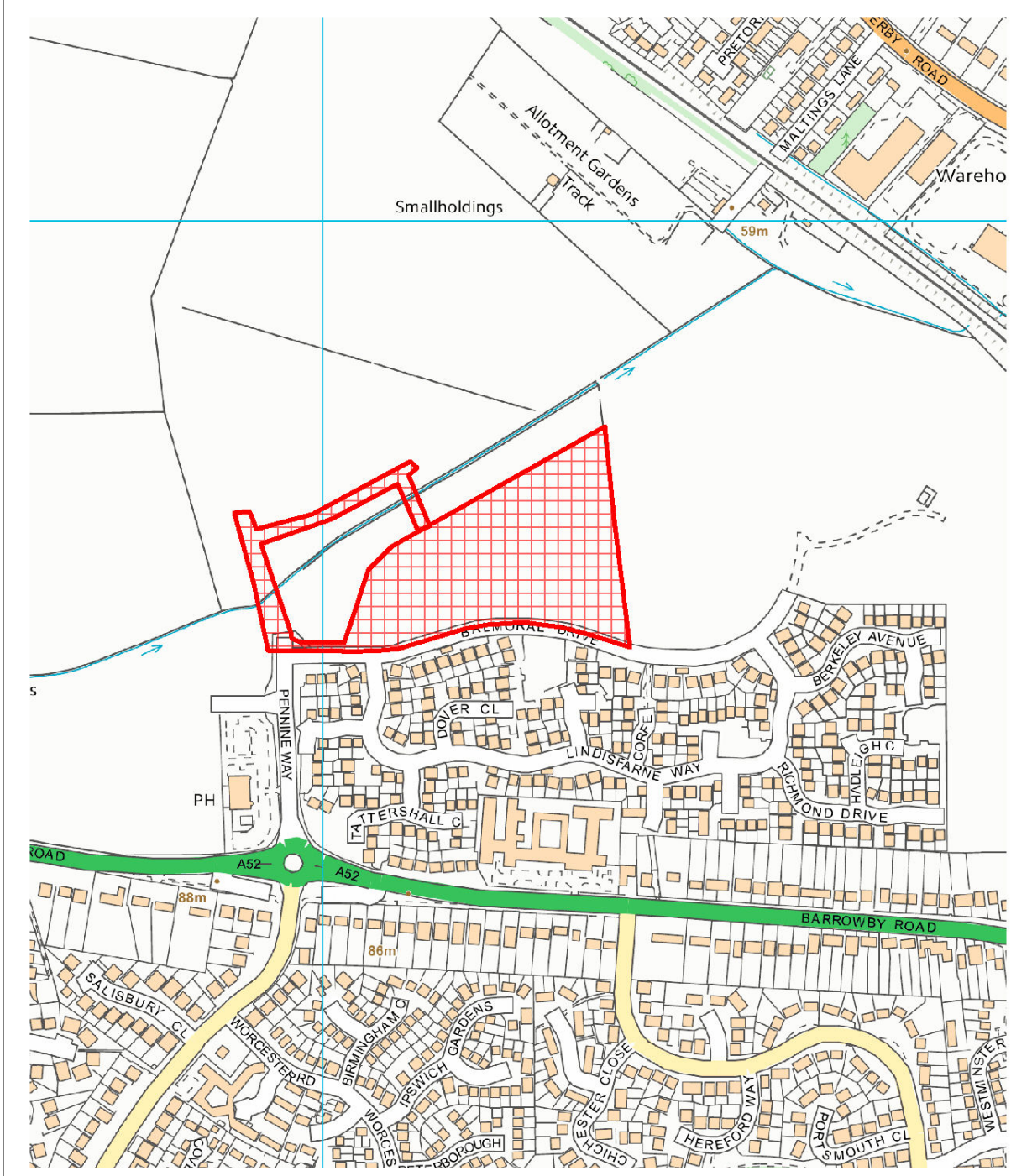
All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

* * * * *

Site Location Plan

Ref	S12/1331
Proposal	Approval of reserved matters for residential development of 105 dwellings and associated garaging and infrastructure pursuant to outline Planning Permission S08/1231
Location	Poplar Farm, Barrowby Road, Grantham, NG31 8AF



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Applicant	Mr D Pallett, Anvils of Stamford 2A, Radcliffe Road, Stamford, PE9 1EE
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Demolition of existing retail warehouse building and erection of 10 dwellings
Location	2A, Radcliffe Road, Stamford, Lincs
App Type	Major Full (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	<p>This is an application for the erection of 10 town houses on land off Radcliffe Road, Stamford. A similar development has previously been approved on the site under application S06/0832. It is considered that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the residential amenities of the occupiers of adjacent properties. Whilst there have been material changes in policy since the previous approval in 2007 the material circumstances relating to the physical layout of the site have not changed. Although the previously approved development consent has lapsed it is still a material consideration in the determination of this application.</p> <p>Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.</p> <p>Concerns have been raised in relation to the appearance of the proposed development, that the development would have detrimental impact on residential amenity, concerns about highway safety, drainage, over development of the site. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.</p>

Key Issues

- Planning History
- Design / Scale
- Residential Amenity
- Highway Safety
- Drainage

Technical Documents Submitted with the Application

- Amended elevations
- Amended ground floor plans
- Amended second floor plans

- Amended north and south elevations
- Application forms
- Contaminated land questionnaire
- Design and access statement
- Elevations sheet 1
- Elevation sheet 2
- Existing first floor layout plan
- Existing ground floor plan
- First floor plan
- Ground and first floor layout plan
- Location plan
- Second floor plan
- Sketch plans
- Transport statement

REPORT

Application Category

This application is categorised as a 'major' application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as this is a major application and is considered to be locally significant. In addition Cllr Powell has requested that the application be referred to the Committee due to concerns about density and parking.

Introduction

Members may recall that this application was reported to the Development Control Committee on the 24 July 2012. The application was deferred in order to look again with the applicant at the height and design of the protective wall and the ridge line and general layout of the development, and to look in detail at the financial appraisal and S106 contributions.

Since the Committee meeting the applicant has amended that proposed development in order to address some of the concerns raised. The amendments include the following:

- A reduction in the total number of dwellings from 11 to 10 units.
- Amendments to the dwellings on the eastern side of the site to include a kitchen dining area with windows and roof lights at ground floor level with a raised patio area above,
- Increase in the depth of the rear gardens to plots 5 to 10,
- Obscure glazing to all the second floor windows in the rear elevation of plots 5 to 10.

The Proposal

This is a full planning application for the demolition of an existing warehouse building, currently used for furniture retail, and the erection of 10 dwellings comprised within two terraces. The development is predominantly three storeys with some of the rooms in the roof space. There is also a single storey dwelling located towards the north-western corner of the site. The proposed dwellings have ridge heights ranging between 9.7m and 10.7m and eaves heights between 5.2m and 7.1m.

The proposed site is accessed via a private driveway leading into the site past Hazel Court. Two terraces of units are proposed, running approximately north-south. The terraces run along the east and western site boundaries and face each other across a central courtyard, used for parking. Eighteen parking spaces are proposed providing 1.8 spaces per dwelling. The eastern terrace occupies land presently taken up by the warehouse building. The warehouse currently runs up to and forms the eastern site boundary. The proposed dwellings will be set off the site boundary by approximately 7m. The area to the rear of the properties would provide a small raised area of amenity space for the properties.

The northern most unit of the western terrace is a single storey hipped roofed unit. The unit has been designed this way in order to minimise the impact upon the adjoining bungalow on Fontwell Gardens.

Outline planning permission was granted under application S05/1505 for residential development of the site. Subsequently an application for reserved matters approval was granted in January 2007 for the erection of 10 townhouses and 1 bungalow (application S06/0832).

The Application Site and its Surroundings

The application site is located approximately 300m to the north of Stamford Town Centre within the built framework of the town. The application site comprises a retail warehouse and its associated parking and manoeuvring areas.

The site is located on the northern side of Radcliffe Road. To the north of the site lies a small development of bungalows on Fontwell Gardens. To the east of the application site lies residential development which fronts on to Cliff Road. Directly to the west of the application site lies S.A.P.S (Stamford Animal Pet Supplies). Beyond the S.A.P.S building there are a number of other commercial premises.

Relevant Site History

SK.69/0181/88 – In March 1988 planning permission was granted for a change of use to light industrial at Hallidays Yard, Radcliffe Rd, Stamford.

SK.69/1221/90 – In November 1990 planning permission was granted for the erection of a light industrial unit at 2A Radcliffe Rd, Stamford.

S01/1226 – In December 2001 planning permission was granted for the change of use of the factory/warehouse to storage, assembly and retail of furniture.

S05/1505 – In February 2006 outline planning permission was granted for residential redevelopment of the site.

S06/0832 – In January 2007 reserved matters approval was granted for the erection of 10 townhouses and 1 bungalow at the site.

Policy Considerations

National Planning Policy Framework:

Section 1 Building a strong, competitive economy
Section 4 Promoting sustainable transport
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment

East Midlands Regional Plan 2009:

Policy 1 Regional Core Objectives
Policy 2 Promoting Better Design
Policy 3 Distribution of New Development
Policy 4 Development in the Eastern Sub-area

Policy 13a Regional Housing Provision

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect. In November 2010 this decision was successfully challenged in the High Court by Cala Homes, which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considered that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

On appeal, the Court confirmed that there may be circumstances in which the intention to abolish the RSS could be material to a development control decision.

South Kesteven Core Strategy 2010:

Policy SP1 Spatial Strategy
Policy SP3 Sustainable Integrated Transport
Policy SP4 Developer Contributions
Policy EN1 Protection and Enhancement of the Character of the District
Policy EN4 Sustainable Construction and Design
Policy H1 Residential Development
Policy H3 Affordable Housing
Policy E1 Employment Development

Representations Received

Community Leisure Officer – has requested an off-site contribution of £11,475 towards improvements of the nearby Recreation Ground Play Area.

Stamford Town Council – Strong objection to the proposed application as this development will have a serious impact on another development in the vicinity in Scotgate. The erection of 11 dwellings will overdevelop the site. The height of the design will dwarf the neighbouring buildings and will impact the skyline. There is concern over the traffic impacts at an already busy junction on Radcliffe Road and North Street. Consideration should be given to the road layout at this very busy intersection which is the main access for emergency vehicles. It is recommended that this application is deferred to the Development Control Committee and a site visit is conducted.

Town Council Comments on amended plans – The Committee is still very concerned over the density of this development and repeats its original comments. It is considered that there is no reduction to the density and with loss of privacy as the development overlooks neighbouring properties. There is serious concern over the potential subsidence to the Police houses at the rear of the site.

Planning Policy – The Core Strategy is clear that the focus of all development within the District will be the towns and identified Local Service Centres. Of particular relevance are Core Strategy policies SP1, H1, H3 and EN1.

Policy SP1 locates development within Stamford in order to maintain and support its role as a market town, giving priority to sustainable sites within the built-up part of the town where development would not compromise the nature and character of the town and allocated sites.

Policy H1 allows for residential development in Stamford and policy H3 requires that developments of 5 or more residential units should make appropriate provision for affordable housing. Policy H3 also allows that provision may be made off-site or as commuted sums in the case of smaller developments, such as the subject of this application. In this case, the applicant argues that there are viability issues with the proposed development. I assume, therefore, that the advice of the Partnership Project Officer has been sought in this regard.

The impact of any development and the extent to which it compromises the nature and character of the town may be determined by assessment against the criteria in Core Strategy policy EN1.

This site is located on the edge of Stamford's town centre, and is surrounded on three sides by residential properties. It can, therefore, be considered to be a brownfield site within the built-up part of the town. There are, therefore, no policy objections in principle to residential development on this site.

Heritage Lincolnshire – No archaeological intervention is required on this site.

Partnership Projects Officer (Affordable Housing) – A contribution of 35% affordable housing should be provided on the site. The developer will need to provide evidence on the viability of the site if the target is less than 35%. Consideration may be given to off-site provision or as a commuted sum in lieu of provision of the affordable homes on site if it is not viable to provide the affordable units on site. The applicant has provided a 'viability assessment' from local estate agency Richardsons. This will need to be assessed independently to determine the viability of the site with regard to the provision of affordable housing on site / off site or a commuted sum.

Crime Prevention Design Advisor – It appears that crime prevention and community safety issues have been considered as a result I have no comments to make.

Environment Agency – No objections subject to conditions to mitigate any possible contamination.

Environmental Protection – Recommend standard conditions for demolition works; specifying hours of work and control of dust. A contaminated land mitigation condition is also recommended given the past industrial use of the site.

Property Services (Drainage) – The application states the use of soakaways for SW drainage. The ground in Stamford is known to be generally unsuitable for infiltration drainage. What is the existing means of surface water for the site?

The applicant must demonstrate the efficacy of a suitable sustainable drainage system and submit test results and detailed design accordingly, together with the proposals for future maintenance.

Lincolnshire County Council (Highways) - The local highway authority has been consulted on the amended plans and their comments are awaited. The comments from the highway authority will be reported in the late background papers document.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 8 letters have been received. The issues raised can be summarised as follows:

- Concerns about the overbearing impact of the development on the single storey properties on Fontwell Gardens,
- Consider the scheme to be dominant and oppressive,
- Loss of privacy / overlooking,
- The western block of properties should be reduced in scale to two storey only,
- Loss of property value,
- Maintenance and stability of the retaining wall to Fontwell Gardens should be protected at all times,
- Concerns that foul and surface water drains for Fontwell Gardens run under the proposed development. These services must be protected as a condition of any approval,
- Request that existing boundary treatments should not be reduced as part of the development,
- There should be no access from the proposed development in to Fontwell Gardens,
- Concerns that the first and second floor windows of the proposed development will overlook the rear gardens of the properties on Cliff Rd,
- Concerns relating to access to the rear of the S.A.P.S building for maintenance. If a rear passage way was installed this would help,
- Concerns about increase noise or smell nuisance form the proposed residential properties,
- Concerns that there has been a lack of consideration to the existing properties and a lack of integration of the scheme with the surrounding area. The main goal of the scheme is to maximise the square footage of floor space,
- Concerns relating to inaccuracies, omissions and ambiguity of the submitted drawings,
- Concerns about the brevity of the submitted viability appraisal,
- I did not object to the original scheme as I only owned the property since 2009. The property was previously rented and the tenants may not have been bothered by the previously approved scheme,
- The terrace of 7 shown in the 2006 proposals featured a traditional mansard roof without full height gables as now proposed. The 2012 roof is approximately 1800mm higher than the 2006 roof at the gable peak (650mm at ridge level),
- The following alterations should be considered to minimise the impact of the development:
 - Reduce the height of the terrace, ideally to 2 or at least 2.5 storeys (as 2006 scheme).
 - Move the living rooms from the rear to the front of the terrace at 1st floor level to prevent unacceptable overlooking into properties on Cliff Rd
 - Position bathrooms overlooking rather than bedrooms as 2nd floor levels.
 - Reduce the number of overlooking windows.
 - The use of obscure glazing to prevent overlooking.
 - Construction of a boundary wall at least 2.5m high.
 - Agree a scheme of planting along boundary (within neighbouring residential gardens if required).
- The planning committee should make a site visit to include properties on Cliff Rd in order for them to fully appreciate the potential impact of the development,
- The applicant should provide levels and dimensions to clearly and accurately show the precise position and height of the development,
- The applicant should provide full details of the proposals for excavation to reduce levels and details of the proposed retaining wall and boundary walls,

- The applicant should provide a detailed cross section to show the precise impact of the development on properties on Cliff Rd, showing window locations and overlooking sight lines,
- The application should be determined by the committee and members of the public should be given the opportunity to make representations to the committee,
- In relation to the amended plans and the proposed boundary wall it is considered that the wall needs to be no higher than 3m, or to a height to avoid overlooking from the ground floor windows in Constable Mews to the first floor sitting rooms of the proposed development. It is considered that as the bedroom windows on the first and second floors of Constable Mews are relatively small, overlooking is not an issue,
- The proposal to retain the existing external wall of the warehouse does solve a lot of my concerns regarding being overlooked and this is welcomed,
- Concerns about feasibility of retaining existing boundary wall and structural stability,
- Conditions should be imposed requiring the developer to place covenants on the purchasers to maintain the retained warehouse wall in good condition and retain its existing height in order to prevent its subsequent deterioration and / or removal,
- I note that the bedrooms and landings to the 3rd floor rear of units 5, 6 & 7 will have obscured glazing. However, the 3rd floor bedrooms to the rear of units 8, 9 & 10 will still overlook my property. If the internal layouts are altered to match units 5, 6 & 7 then my concerns regarding overlooking could be completely resolved,
- The very small rear yard areas of the proposed houses and the close proximity of the retained wall the yards will be oppressive and therefore have a very low/negligible amenity value to the new occupiers,
- Whilst welcomed to limit the impact of this totally undesirable development the retained wall will effectively look and act like an enclosing compound almost akin to a prison camp enclosure – a type of development feature that surely cannot be deemed acceptable from an aesthetic or planning respect? Its retention smacks of desperation to obtain the maximum possible intensity of development without regard to the new living environments being created or the existing adjoining residences.
- 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!

Objections have also been received from an agent acting on behalf of five residents in Police Houses, Constable Mews and Fontwell Gardens. The points raised can be summarised as follows:
:

- My clients do not object to the redevelopment of the Anvils Yard for housing in principle, the objection lies squarely at the design and impact of the current scheme.
- It is considered that the proposal is an overdevelopment of the site which leads to a cramped and contrived development lacking in amenity space and which has a significant adverse impact on the privacy and amenity of a number of adjoining homes.
- Concerns relating to errors and omissions on the submitted plans,

- The previous planning permission has now lapsed and as such they cease to be material to the consideration of the current permissions as they do not offer a fall back permission,
- Planning policy has changed significantly since the 2006 approval,
- Lack of public amenity space within the development,
- Lack of information in relation to levels. The properties have a sunken patio area as amenity space, as well as being sub-standard, cramped, cold and overshadowed spaces in their own right, they are very close to the rear gardens of adjoin properties, no details have been provided as to accurate levels and how the rear gardens of the properties to the east will be retained as it appears that this is a substantial levels change proposed,
- Concerns relating to noise and disturbance,
- Concerns about garden sizes and separation distances with adjacent properties,
- Concerns about overlooking and loss of privacy. The rear gardens of plots 5-11 are only 4.7m long with 5.2 to the end of the (as yet undefined retaining wall) the double sitting room windows will enable a completely unacceptable level of overlooking directly into the private rear gardens of adjacent properties,
- Overshadowing – via a massive loss of evening sunlight with significant overshadowing throughout significant proportions of the day,
- It is considered that the viability assessment submitted with the application is very sparse in information,
- The refuse collection area indicated on the layout is substantially inadequate for the scale of the development proposed.
- It is accepted that the retention of the wall across the rear of the site adjacent to Constable Mews will address some of the overlooking issues and to that respect it is welcomed; however this is a token gesture designed to obscure the worst aspects of this unacceptable proposal. It remains the case that my client's rear gardens and houses will still be overlooked from the second floor rear windows,
- How is the proposed boundary wall to be retained and supported?
- How is this retention to be squared with the provision of appropriate residential amenity within the rear gardens of plots 5-11? It is apparent that the gardens will be very small and in permanent shade sandwiched between the rear of the block and a 7-8m solid wall.

Officer Evaluation

Introduction:

This is a full planning application for the demolition of an existing warehouse building, currently used for furniture retail, and the erection of 10 dwellings comprised within two terraces.

Outline planning permission was granted under application S05/1505 for residential development of the site. Subsequently an application for reserved matters approval was granted in January 2007 for the erection of 10 townhouses and 1 bungalow (application S06/0832). This current application proposes an almost identical scheme to that previously approved. Although these consents have now lapsed and can no longer be implemented they are still a material consideration relevant to the determination of this current application.

Since the outline and reserved matters applications were approved in 2006 & 2007 there have been some policy changes. The Regional Plan was adopted in 2009, the Core Strategy was adopted in 2010 and more recently the National Planning Policy Framework was published earlier this year (2012). These policy changes are also material to the determination of this application.

Although there have been some significant changes in the relevant policy documents since the previous decisions were made, the actual physical layout of the site and the surrounding area has not significantly changed over the last five to six years.

Design:

The design of the proposed development is similar to that previously approved under applications S05/1505 and S06/0832. The proposed development comprises two rows of terraced properties facing each other with a central parking and turning area between them.

The proposed design is considered to be acceptable and picks up on design themes used elsewhere in Stamford. Subject to the use of appropriate materials for the roof and elevations it is considered that the designs would appear to be in character with the surrounding development.

Concern has been raised about the scale of the development it is however considered that the properties would not appear out of scale with surrounding development. The height of the proposed development is the same as that previously considered to be acceptable by the Council in 2007.

Overlooking / loss of privacy:

Concern has been raised in relation to overlooking / loss of privacy. As already stated a similar scheme has previously been approved at the site and although this consent has now lapsed it is still a material consideration in the determination of this application.

When considering the previous application (S06/0832) officers and Members had some concerns about the impact of the development on the S.A.P.S building which runs along the western site boundary and has a number of windows in its eastern elevation. At the time the application was approved cross sections were submitted which demonstrated that these windows were to office and storage areas and at high level. It was considered that this would not result in any significant loss of privacy notwithstanding the very small amenity space to the rear of the proposed properties (approximately 5 metres). This arrangement has not material changed and it is considered that the proposals should therefore be considered to be acceptable as previously accepted by the Council.

In relation to the northern boundary the unit proposed at the end of the western terrace is single storey only. This will ensure that there is no significant loss of privacy to the properties on Fontwell Gardens.

The majority of the objections received relate to the relationship of the proposed eastern terraced to the properties on Cliff Road. The separation distances from the rear of Constable Mews to the proposed terraced has been increased, since the application was last reported to the Committee, to approximately 16 metres and from number 5 Polices Houses approximately 24.5 metres. The units within the eastern terrace would have garden depths of approximately 7 metres. The properties would also be set significantly lower than the properties on Cliff Road. These separation distances and the rear amenity space have now been increase in size since application S06/0832 was considered to be acceptable by the Council. Notwithstanding the policy changes there has not been any significant material change in circumstances since the previous approval in 2007.

Following the Committee Meeting on the 24 July 2012 officers have sought to negotiate some changes to the scheme in order to minimise any potential overlooking / loss of privacy. The changes sought include the retention of the rear wall of the existing warehouse to help screen the first floor windows of the proposed development. The applicants have amended the plans to show that this wall or a replacement boundary feature would be retained up to a height of 3m when measured from the rear gardens of the properties on Cliff Road and 3.8m when measured from the

application site. It is considered that the scheme as amended address some of the previous concerns raised in relation to overlooking and the dominance of the boundary wall.

The applicants have also indicated that the bathroom and landing windows on the second floor of plots 5 to 10 will be obscure glazed to help minimise any overlooking of Constable Mews. It is considered that this will further help to reduce the impact of the development on adjacent properties. Whilst these windows will be visible to the properties on Cliff Road the separation distance is considered to be acceptable and the windows will be non opening where they are below 1.7m above the internal floor level. Therefore the only elements that will be able to be opened will be top lights which are above eye level.

Highway Safety / Parking:

Concerns have been raised in relation to the proposed access and parking arrangements. The access and parking arrangements are not significantly different to the arrangements which were previously considered to be acceptable. The local highway authority has been consulted on the amended plans and their comments are awaited. The comments from the highway authority will be reported in the late background papers document.

Drainage:

Some concern has been raised in relation to drainage and possible damage to surface and foul water drainage pipes which cross the site. A surface water pipe and a foul water pipe cross the site running adjacent to the western boundary. It is the responsibility of the developer to ensure that during construction no damage is caused to the pipes. Given the close proximity of the development to the pipes it may also be necessary for the developer to enter into a build over agreement with Anglian Water.

Given that the majority of the site is already hard surfaced it is considered that the proposed development is unlikely to result in any significant increase in surface water drainage. It is however considered appropriate to attach a condition requiring details of surface water and foul drainage to be submitted prior to any development taking place.

Section 106 Heads of Terms

The Community Leisure Officer has requested an off-site contribution of £11,475 towards improvements of the nearby Recreation Ground Play Area.

Contribution towards affordable housing – Policy Target up to 35% subject to viability.

The applicant submitted a viability assessment based on the previous scheme for 11 dwellings. The assessment indicated that the development would currently be unviable with any S106 contributions. The viability assessment suggests that the applicant would make a profit of approximately 10.69%. The council's financial consultant has indicated that whilst there is some difference in the figures they are not considered to be unreasonable. They indicate that a profit of 13.25% could possibly be achieved. They have however indicated that most developers and their funders would expect a profit in the region of 18-20% after any S106 contribution. The applicants have been asked to submit an updated viability assessment based on the new scheme. It is considered that as the numbers have been reduced it is unlikely that the scheme will now be viable, however the revised assessment is essential to the ensuring that the correct figures can be included in any subsequent S106 Agreement.

Based on the above information it is considered that in the current financial market it is unlikely that the scheme would be viable with a S106 contribution. It is therefore recommended that a S106 be required but that the wording of the agreement includes a claw back clause where the developer only has to make contributions if the market circumstances change and the profits from the scheme increase. The claw back clause will be based on any increase in the sales value of the proposed dwellings.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications

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.

Conclusion

This is an application for the erection of 10 town houses on land off Radcliffe Road, Stamford. A similar development has previously been approved on the site under application S06/0832. It is considered that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the residential amenities of the occupiers of adjacent properties. Whilst there have been material changes in policy since the previous approval in 2007 the material circumstances relating to the physical layout of the site have not changed. Although the previously approved development consent has lapsed it is still a material consideration in the determination of this application.

Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the appearance of the proposed development, that the development would have detrimental impact on residential amenity, concerns about highway safety, drainage, over development of the site. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

RECOMMENDED:

That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the

bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

This is an application for the erection of 10 town houses on land off Radcliffe Road, Stamford. A similar development has previously been approved on the site under application S06/0832. It is considered that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the residential amenities of the occupiers of adjacent properties. Whilst there have been material changes in policy since the previous approval in 2007 the material circumstances relating to the physical layout of the site have not changed. Although the previously approved development consent has lapsed it is still a material consideration in the determination of this application.

Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the appearance of the proposed development, that the development would have detrimental impact on residential amenity, concerns about highway safety, drainage, over development of the site. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Before the first occupation of the building hereby permitted, the secondfloor bathroom and landing windows to plots 5 to 10 on the eastern elevation(s) shall be fitted with obscure glazing (to a minimum obscurity of Pilkington Level 3 or equivalent) and if any part of the window(s) is less than 1.7m above the floor of the room in which it is installed, it shall be non opening. The window(s) shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and in accordance with the guidance contained in national Planning Policy Framework.

3. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning

Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any charges to these components require the express consent of the local planning authority. the scheme shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and the National Planning Policy Framework.

Note:

A desk top study (also known as a Phase I Environmental Assessment) is required as the first stage in assessing the potential risk posed to controlled waters from past use of the site. Based on the findings of the Phase I assessment, further works including site investigation is likely to be required.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that if previously undetected contamination is encountered during the redevelopment, that it is dealt with appropriately.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. the development shall be carried out in accordance with the approved details.

Reason: to ensure that the use of soakaways does not increase the potential risk posed to controlled waters and to ensure that soakaways are no located in potentially contaminated

ground.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. 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 the approved details. The details to be submitted shall include details of the retaining wall along the eastern site boundary and details of how this will be supported to ensure that it maintains its structural integrity.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10. The first floor windows in the north facing gables shall be obscure glazed.

Reason: To safeguard the privacy of the neighbouring residential properties to the north in accordance with guidance contained in the National Planning Policy Framework.

11. Prior to the commencement of any demolition or construction work on site a method statement regarding the proposed construction and demolition works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:

- a) Hours of operation;
- b) Types of machinery and equipment to be used on site; and
- c) Details of how noise, vibration, dust and asbestos removal are to be controlled, using

best practicable means.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that the construction of the development is carried out according to the best practice to minimise disruption to adjoining occupiers.

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

1674 -04B received 29 August 2012
1674 -05B received 29 August 2012
1674 -06D received 29 August 2012
1674 -07B received 29 August 2012
1674 -08D received 29 August 2012
1674 -12C received 3 September 2012

Reason: To define the permission and for the avoidance of doubt.

13. 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.

14. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 04B received 29 August 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 forward gear in the interests of highway safety.

15. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 04B received 29 August 2012.

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

Note(s) to Applicant

This road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

The developers attention is drawn to the attached letter from the Environment Agency.

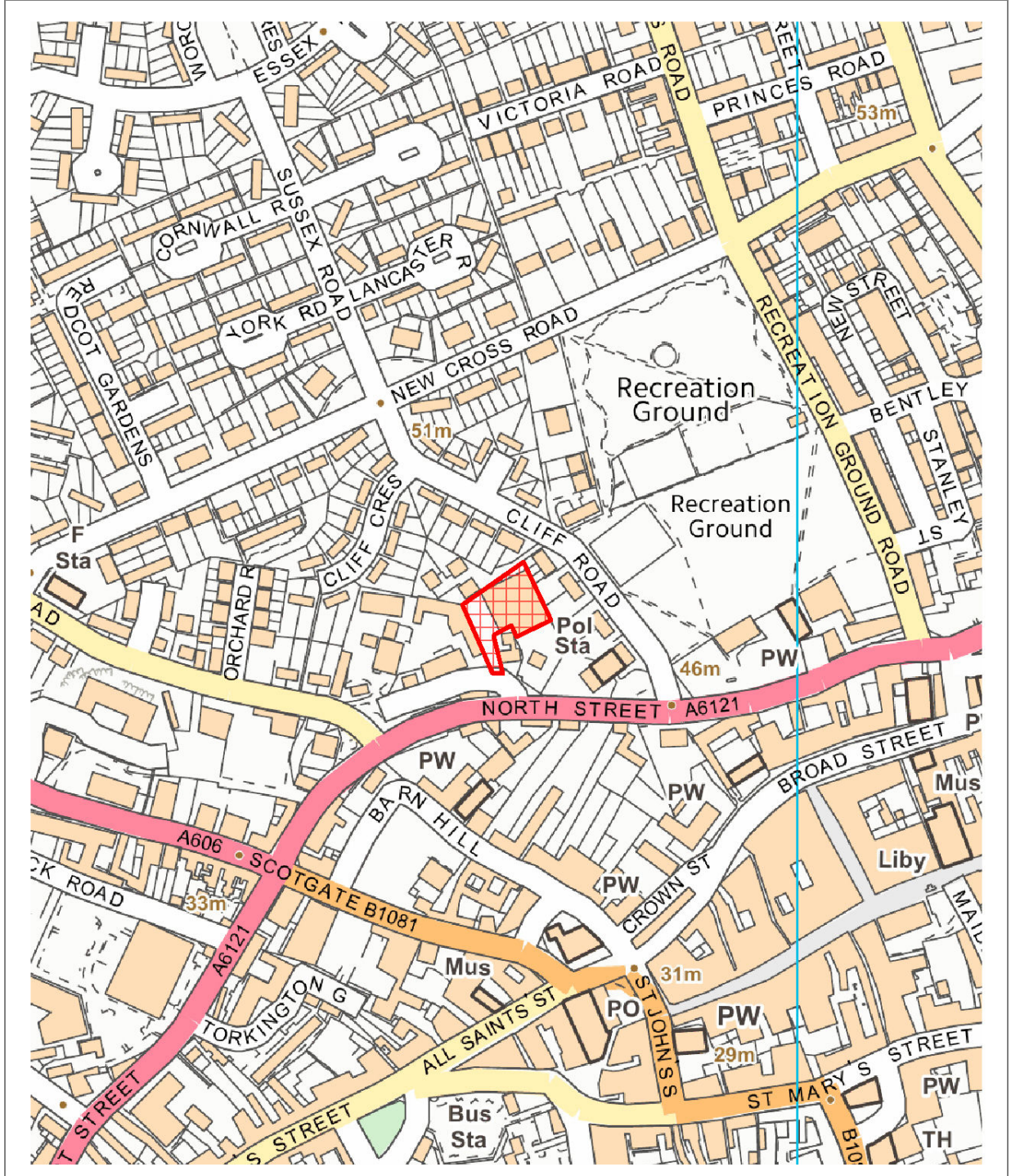
You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

This consent should be read in conjunction with the Legal Agreement (S106) dated

* * * * *

Site Location Plan

Ref	S12/0438
Proposal	Demolition of existing retail warehouse building and erection of 10 dwellings
Location	2A, Radcliffe Road, Stamford, Lincs



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