

**Development Control Committee  
6 August 2013**

**Additional Information**

AH1 - S13/1217

**Proposal:** Erection of 4 No. dwellings and associated garaging and new garage to existing dwelling at No. 19 Horsegate, Deeping St James.

**Summary of information received:**

Additional comments have been received from the District Council's Consultant Arboriculturalist whom has requested that rather than just as a "Note to Applicant" (as per the Committee report) that the details of the construction of the footings to the dwelling (on Plot 2) and the associated driveway inside the Root Protection Area should be required as a condition of any grant of planning permission to provide the necessary controls in proximity to the Ash Tree to be retained on the site.

Four letters of representation have also been received from local residents in relation to the revised scheme. The letters in overall terms all note that there have been changes made to re-site/re-design dwellings and garages on the application site, however, the residents concerned consider that these revisions do not overcome their objections to the scheme in terms of its overbearing, overshadowing and overlooking impacts on the adjoining properties and their associated garden areas. The additional following points have also been raised:-

- Since the original neighbour representations were submitted the applicants have already cleared the site behind the properties on Swift Close significantly changing the landscape and making the likely negative impact of the development more obvious, as well as 'revealing' that the existing boundary treatment has gaps in. Boundary treatments should be replaced and raised in height to mitigate loss of privacy to neighbours.
- It is noted that additional drawings have been provided to specifically highlight the daylight factors impacting on adjoining properties, however, it is considered that the drawings feature arbitrary illustrative material and are thus misleading and should not form part of the planning application or be presented to the planning committee.

- The actions planned to preserve the Ash tree are welcomed but it is requested that a preservation order be placed on this tree to protect it in the future
- It is pointed out that there are bats residing within the area - with their flight paths over the application site - as well as nesting birds. The trees cleared from the application site were full of nesting birds with no thought being given to these.
- It is questioned whether contamination analysis has been done on the site in the light of the fact of it being a builders yard and previously a bus depot.
- There are concerns that on windy days that potential fumes and dangerous dust will blow into the garden area of adjoining properties.
- It is pointed out that there has also been a few mornings already where work has started at the site at 7am and this is considered far too early for a residential area and consideration should be given to starting times.
- When the site was being cleared recently of trees the branches from those trees were dropped into an adjoining garden area causing damaging to a bird table. It is requested that consideration be given to the level of care of operations at the site to ensure no further damage property occurs.

It is also pointed out that one resident thanks the Council for coming on a site visit recently whereas one of other letters again requests that a site visit be undertaken to assess the impact the development will have on No. 129 Swift Close. As was the case with the original submissions of local residents there are number of suggestions for (further) changes to be made to the development proposals.

**Officer comments on information received and issues raised:**

The additional comments received are considered under the same headings as set out in the application report as follows:-

Impacts on Visual and Residential Amenities

As set out their analysis in the Committee report officers consider that the proposed development - as now proposed - by reason of its scale and design would be sufficiently in keeping with the character of the locality and would not have a sufficiently overbearing, overshadowing or overlooking impact on adjoining properties and their associated garden areas to warrant a refusal of

planning permission. The details of boundary treatments, and their implementation, is already required by a suggested condition.

With regard to the impact of construction works, in line with the comments of the Council's Environmental Protection Section it has already been recommended on the agenda report that any approval be subject to a condition requiring that building works shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday and at no time on Sundays or Public Holidays. It is considered that such a condition would provide sufficient mitigation of noise impacts to the residents of surrounding dwellings.

#### Water/Drainage/Land Contamination Issues

With regard to potential land contamination issues, as set out the Committee report the District Council's Environmental Protection Section have not raised any objections to the scheme in principle and in line with the Section's request a suggested condition already requires that measures be put in place to deal with any land contamination that may be discovered as the development is progressed. Matters relating to potential fumes/dangerous dust would fall to be addressed under the Environmental Acts.

#### Impacts on the Natural and Historic Environment

It is pointed out that a tree preservation order has been served in relation to the Ash tree. It is also agreed that in line with the suggestions of the District Council's Consultant Arboriculturalist that an additional condition be attached to any grant of planning permission to provide for necessary controls on building works inside the Root Protection Area to the Ash Tree in relation to the details of the construction of the footings to the dwelling (on Plot 2) and the associated driveway

In terms of wildlife impacts, as outlined in the Committee report conditions have already been proposed to provide for bat roosts and bird boxes within the site and to provide controls on vegetation clearance as part of the development.

#### **Other Matters**

It is pointed out that the drawings provided by the applicant to specifically highlight the daylight factors impacting on adjoining properties do not form part of the list of drawings set out in condition 2 should planning application be approved. It is also pointed out that any damage caused to adjoining properties during building operations would be a private legal matter to be resolved by the parties concerned.

**Changes to recommendation:**

**That the following additional condition be attached to any grant of planning permission:-**

Notwithstanding the submitted details no development shall commence on the site until the following details are submitted to and agreed in writing by the Local Planning Authority :-

- (i) The means of construction of the new hard surfacing proposed inside the Root Protection Area (as defined on Drawing No. PB/SK/04 Revision P received on 11 July 2013).
- (ii) The means of construction of the footings to the proposed dwelling (on Plot 2) inside the Root Protection Area (as defined on Drawing No. PB/SK/04 Revision P received on 11 July 2013).

The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of the visual amenities and ecological interests of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010); having due regard to the requirements of the BS5837 (2012) guidelines.

## KJC1 – S10/1805

**Proposal:** Residential Development for the creation of nine flats including demolition of the existing building

### **Information Received**

The applicants have submitted a development appraisal in relation to the provision of affordable housing. This has been assessed by Partnership Project Officer. Comments are summarised below:

#### Partnerships and Projects Officer

I have had an opportunity to study the submission and can confirm that it is a fair breakdown of the construction costs for the development. The build costs equate to a 'good' standard cost per square metre based on the Midlands average of builder and subcontractors build.

The land acquisition price is fair and the professional fees and finance costs are reasonable with regards to the proposed scheme.

The applicant has indicated that it is the intention to let the properties and this development is to form part of their pension portfolio. A profit margin of 5%-6% is expected in the current market.

I can confirm based on the submitted financial viability appraisal received that the proposed development would not be viable if the provision of affordable housing was requested. The developer is hoping to achieve a profit of between 5% and 6% which is well below the current market standard of 17%. However it is the intention of the developer to retain the proposed flats when completed as part of their pension portfolio.

#### Applicants Submission

The applicant has submitted the following information in support of the application:

##### Background

Grantham Roofing Services Ltd are a successful Grantham based roofing contractor having been established over 26 years with all key personnel living in Grantham having been recruited from other Grantham based roofing and construction companies.

We employ skilled local labour directly which helps to retain wealth within the South Kesteven area. An extensive training programme is used to develop an

excellent skills base, both occupational and vocational, within the company and as a result have a very low labour turnover rate.

#### Reasons for Entering Property Development

The directors of Grantham Roofing have, for a long period of time, wanted to develop a single site for a long term investment programme. Management had actively searched for the last 5 years looking for a suitable site to develop.

20B Swinegate, Grantham came onto the market via a property auction and we were successful in our bid at a reasonable land acquisition cost.

We had previously looked at this brownfield site prior to it being auctioned but were unable to trace the owners.

Due to the success of the company in the roofing sector, we therefore having a firm financial standing our bank is happy to support us on this long term development. We have assets to provide guarantees to the bank to help underpin this development.

As a company we have the skills to administer and labour force to work on our development whilst trading with most local builder's merchants and specialist subcontractors which we would look to procure materials and employ to further retain wealth within the local community.

#### Why Not Expand Within the Roofing Sector?

Being successful within our construction sector despite the recession means that we have not looked to expand our services as we currently operate in a refined niche of the roofing industry working with local builders and national shopfitting organisations mainly on commercial buildings. Both areas of our core customer base are stable however are not currently expanding markets therefore it is not viable to look to expand.

#### Timing of the Development

We are looking to commence development of 20B Swinegate immediately upon receipt of planning approval. As part of a separate planning permission we have already levelled the original cottages contained within the premises leaving only the original garage frontage to remove. This has only been left as not to erect temporary hoardings until necessary when the construction phase begins.

As this is a long term investment before any return is made and our construction costs are based upon materials being procured at current rates.

As margins on this project are tight then any material price increases or any additional costs will seriously affect the viability of the scheme.

**Officer Comment**

Based on the comments, and the advice from central government in that there is a presumption in favour of sustainable development, it is considered that in this instance an affordable housing contribution should not be sought.

**Alterations/Additional Conditions**

None.

**Changes to Recommendation**

None.

**PLA 1002**

**Agenda Item 6**

**Service of Urgent Works Notice in respect of Toll House Cottage, Bourne Road, Folkingham**

A letter has been received from an agent acting on behalf of a prospective purchaser of Toll House Cottage and this is reported in full below.

'Mr. Lynch, the proposed purchaser of the property, gave to Mr. Ian Wright a detailed structural engineers report on the above property, for consultation. Consultation at the time was free of charge. To this date, Mr Wright has never responded to the survey even though I have requested a response by e mail to Philip Moore.

I have suggested that a site meeting should be held with Mr. Wright and Mr. Moore so that we can fully understand and discuss the requirements for this application (e mail to Philip Moore, dated the 25<sup>th</sup> July 2013). A reply was received from Mr. Wright 1<sup>st</sup> August 2013 confirming the meeting would not be held until after the 6<sup>th</sup> August 2013.

In the same e mail to Philip Moore I gave notice to the Council that I had approached East Midlands English Heritage requesting pre-application advice. We understand it will take 21 days to receive a reply.

Also, I referred to a letter from the Council to Mr. Miller, dated the 28<sup>th</sup> June 2013, requesting urgent works and a reply within 28 days. We requested that this action should be suspended until we receive a reply from English Heritage.

Mr. Moore rang me late in the afternoon of 26<sup>th</sup> July 2013 informing me that Mr. Wright refused to delay the urgent works notice.

The cottage was listed in 1987. At present on one elevation there is a tree growing out of one of the external walls that must be at least 50 years old. The tree roots and root ball have heaved up the floor and the tree itself is pushing over 2 external walls at right angles to each other to such an extent that the walls are out of plumb. According to the engineer the eccentric load at 38mm, the stress on the inner face is zero and on the outer face twice the average. Any eccentricities, greater than 38 would create unstable conditions.

The structural engineers report, in his considered opinion, is that the building, due to tree damage is unsafe, and should be demolished without delay.

Late on Thursday 1<sup>st</sup> August, I received an e mail from David Walsh of English

Heritage, copied to Mr. Ian Wright requesting the Council to approve a recommendation that English Heritage and the Council and myself as agent to the applicant, work together to bring this matter to a successful conclusion.

With the inaccuracies in the Council report, can I please request the service of the urgent works notice be suspended, and the Committee recommend the Council take up English Heritage's recommendations.'

### **Officer Comment on Information Received and Issues Raised**

The demolition of a listed building should be the last resort and the Structural Engineers report referred to is not considered to be sufficiently rigorous for the purpose of justifying the demolition of a listed building or to reach a decision on such: there is no analysis of whether other options such as repair and/or rebuilding of parts of the building are technically feasible or viable. Concerns regarding the adequacy of the report have previously been made verbally by the Principal Conservation Officer to the structural engineer who prepared the report.

A listed building consent application to demolish the Toll House Cottage by the prospective purchaser is currently awaiting the receipt of further information in order to validate it.

English Heritage have advised the agent that as the local authority are considering statutory action relating to Toll House Cottage it would not be appropriate for them to give separate advice but will respond when consulted by the LPA at an appropriate stage regarding works which require listed building consent.

The information received does not change the recommendation. Notwithstanding the outcome of any application to demolish that may be made, authorisation to serve the Urgent Works Notice would not prevent further discussion regarding the future of this listed building but would enable the Council to take action without delay to secure the preservation of the listed building should this become necessary.

## **PLA 1000**

### **LDPP1 – S13/1262**

Proposal Modification of Planning obligation in relation to Section 106 Agreement (location of play equipment)

#### **Information Received**

##### **Comments of Financial Services**

The council will need to ensure the Section 106 monies are collection at the point of transfer and spent in accordance with the amended Section 106 agreement.

#### **Objections received through public consultation period.**

The representations below were received after the committee report was produced and were not included in the report. A summary of their content is listed below.

4 letters of objection have been received from members of the public not included in the committee reports. As summary of any comments not previously contained in the report are listed below.

1. Potential Anti-Social behaviour issues.
2. Potential Highway Safety Issues.

It is considered that these issues have been raised and addressed within the committee report as such the officer recommendation remains unchanged.

Approximately 288 neighbours were consulted on this application and 4 site notices were put up, a total of 4 letters were received as part of the consultation process.

#### **Changes to Recommendation**

No changes to the recommendation contained in the main report.