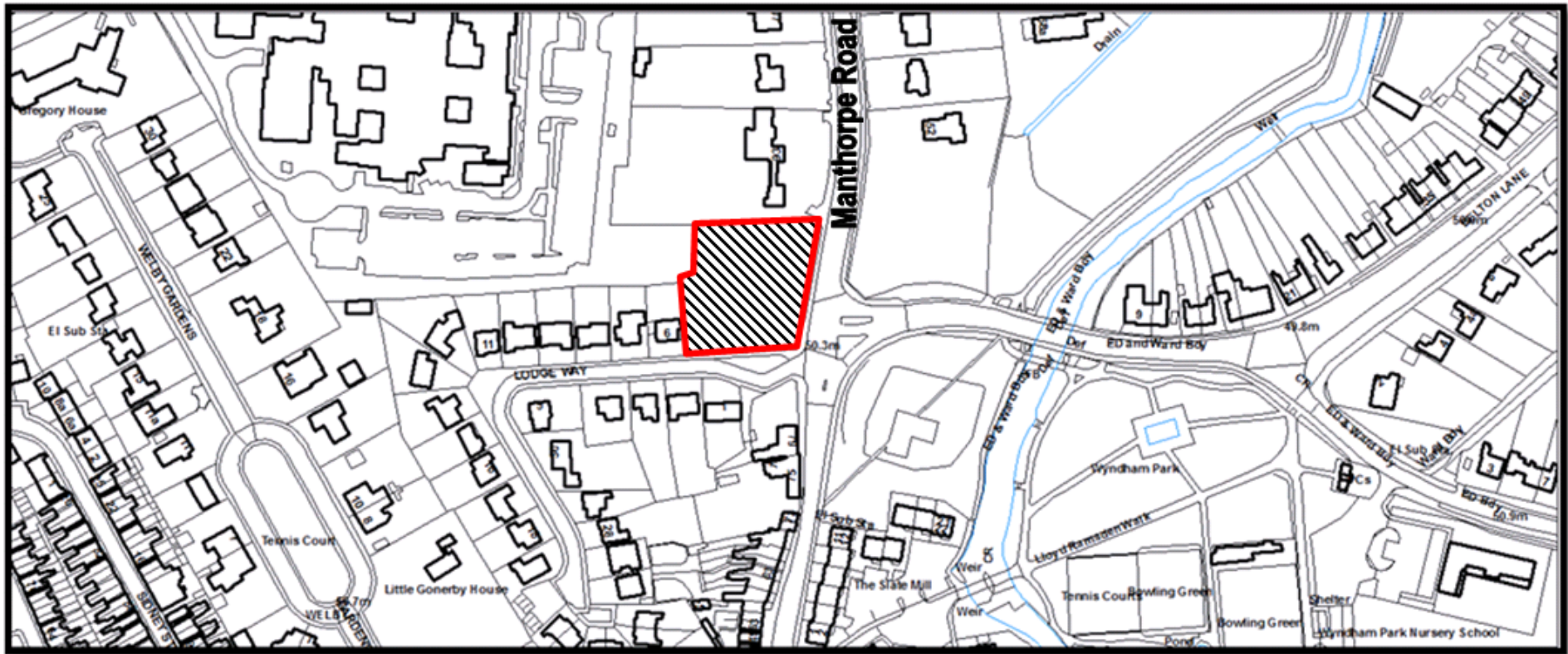


KJC1	S18/0475	Target Decision Date:1st June 2018
		Committee Date:29th May 2018

Applicant	Mr David Defusto Hungerton Developments Limited Sherwood House 7 Gregory Boulevard Nottingham NG7 6LB
Agent	Mr Keith Clark CBP Architects 44 The Ropewalk Nottingham NG1 5DW
Proposal	S73 application to vary condition 8 (parking and turning), condition 11 (approved plans) and condition 13 (root protection zone) of Planning Permission APP/E2530/W/15/3141151 to amend location of building
Location	85 Manthorpe Road Grantham Lincolnshire NG31 8DE
Application Type	Full Planning Permission (Major)
Parish(es)	Grantham
Reason for Referral to Committee	The application has been referred to committee at the request of Councillor Wootten. The reasons for referral are overlooking of neighbouring properties, loss of privacy, highway safety, design out of keeping with the local area and that the previous application was heard by committee.
Recommendation	That the application is:- Approved conditionally
Report Author	Kevin Cartwright - Principal Planning Officer 01476 406080 Ext: 6390 k.cartwright@southkesteven.gov.uk
Report Reviewed By	Justin Johnson - Planning Operations Lead 01476 406080 Ext: 6392 j.johnson@southkesteven.gov.uk

Key Issues

Impact on heritage assets
Residential Amenity
Highway Matters
Impact on Protected Trees



Key



**Application
Boundary**



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1.0 Description of proposal

1.1 This application is a Section 73 application in relation to minor material amendments to the previously approved 26 two bedroom apartment scheme, (S14/3565) that was granted planning permission on 24 August 2016 by the Planning Inspectorate.

1.2 The applicant's agent has provided the following background to the application:

"The minor changes to the approved scheme S14/3565/MJRF are necessary to ensure protection to the existing tree T12 (Wellingtonia) which was unfortunately positioned incorrectly on the topographical survey plan which brought the footprint of the building within the Root Protection Area (RPA) of T12.

The changes to the approved scheme are therefore:

Adjusted Building Footprint

Revised to accommodate clearance to the RPA of T12 which has resulted in the building footprint being slightly relocated westwards.

This has been achieved simply by rotating the south west corner of the building approximately 1.3-degree counter clockwise.

This moves the front elevation further away from Manthorpe Road but yet retains the separation distance between the west elevation to 6 Lodge Way.

The footprint of the building adjacent to T12 has also been adjusted to provide a 10m clear root protection zone creating a minor change to the articulation of the elevation at this point. As discussed and agreed with the Council's Tree Officer, all foundations within 12m of T12 will incorporate a pile and beam construction to prevent any loading being transferred down to the root system.

The resulting re surveyed topographical plan also picked up the correct Northern boundary position which had previously been obscured by overgrown landscaping.

Floor Areas

The difference in area between approved scheme and the revised scheme is negligible as confirmed in the table below:

<i>Area</i>	<i>Approved Scheme</i>	<i>Proposed New Scheme</i>
<i>GF</i>	<i>747</i>	<i>755</i>
<i>1F</i>	<i>747</i>	<i>755</i>
<i>2F</i>	<i>506</i>	<i>502</i>
<i>3F</i>	<i>227</i>	<i>222</i>

Site Boundary

The new site survey carried out identified that the North side site boundary follows the existing metal fence line rather than the hedge line.

The corrected North boundary provides additional area which allows additional space for landscaping, car parking and the relocation of building footprint.

Height and Levels

Building heights and floor levels are unaffected by these changes.

Windows and Doors

Revisions to doors and windows were approved under non-material amendment application dated on 26th Jan 2018.

It confirmed that the amended location, size and number of windows and doors to the previous approved scheme were acceptable, as they do not materially affect the appearance and

character of the development and the residential amenities of the occupiers of the neighbouring properties.

In this revised scheme, the windows and doors are designed to match the details submitted in the non-material amendment application. The reduced size and number of windows and doors, in essence will improve overlooking, overheating, acoustic transmission, privacy, reflection to street traffic etc.

Car park

The new scheme proposes the same number of car parking spaces to retain the same ratio of 1:1.5.”

2.0 Description of site

2.1 The site is located at the corner of Manthorpe Road and Lodge Way on one of the main routes into Grantham town centre. To the south-east of the application site is Wyndham Park. To the south is the Grantham Conservation Area and a terrace of 3no. listed buildings at 75, 77 and 79 Manthorpe Road. Beyond the residential properties of Lodge Way and Manthorpe Road to the north-west of the site is Grantham Hospital.

2.2 The site contains a number of trees which are the subject of a Tree Preservation Order.

3.0 Relevant History

Reference	Proposal	Decision	Date
S10/2388	Erection of 22 apartments	Refused	04/07/2011
S14/3565	Construction of four apartment buildings comprised of 5no. one bed apartments and 21no. two bed apartments	Appeal dismissed	26/06/2015
S14/3564	Construction of 26no. two bedroom apartments and associated parking (Planning Inspectorate Ref: APP/E2530/W/15/3141151)	Appeal allowed	26/06/2015
S17/1661	Submission of details in relation to the discharge of conditions 2 (materials), 3 (refuse storage), 4 (hard and soft landscape), 5 (landscape maintenance), 9 (phasing of foul water infrastructure), 10 (surface water systems), 13 (foundation construction) and 15 (updated protected species survey) of planning permission S14/3565	Withdrawn	19/02/2018
S17/2499	Non material amendment to S14/3565 to alter location, size and number of windows	Approved Conditionally	26/01/2018

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 11 - Enhancing the natural environment
Section 12 - Enhancing the historic environment
Section 6 - Wide choice of high quality homes

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement
Policy SP1 - Spatial Strategy
Policy SP2 - Sustainable Communities
Policy EN2 - Reduce the Risk of Flooding

5.0 SKDC Corporate Priorities

5.1 Support good housing for all

6.0 Representations Received

Environment Agency The Environment Agency does not wish to make any comments on this application.

Arboricultural Consultant I am of the opinion that the proposed foundation is suitable (SKDC) from an arboricultural perspective.

I note it sits on/or just above the ground level and does not involve excavations or a change in levels. There is a space between the existing ground level and the floor, which allows for the transfer of oxygen, nutrients.

LCC Highways & SuDS No objection to the S73 application. Having due regard to the Support appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council does not wish to object to this planning application.

7.0 Representations as a Result of Publicity

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement. 14no. letters of objection have been received. The points raised can be summarised as follows:

- dominant and oppressive
- detract from the setting of Grantham conservation area
- contrary to policy EN1 as the proposal would not be appropriate to the existing layout and scale
- overlooking loss of privacy
- balconies overlooking that would infringe on human rights
- design out of keeping
- increase volume of cars onto/along Lodge Way detrimental to highway safety
- should be reduced in density and the severity of the design
- will impact on air quality from increased cars and removal of trees
- noise and odour from entrance to site directly opposite my property
- density and bulk out of character with the adjacent properties
- extension to north and east west wing will overlook neighbouring properties
- increased parking along Lodge Way
- balconies are out of keeping with the street scene
- building will lie over the root protection area
- trees have been removed from the site
- no architectural credibility

7.2 The applicant's agent has provided the following information in support of the application:

- Overlooking neighbouring properties
Property 6 Lodge Way - The proposed elevation facing this property to the West boundary, is no closer than the approved scheme and only approximately 300mm closer where the elevation runs out adjacent to the garden of 6 Lodge Way.

There are only 2 small windows to en-suite bathrooms to this elevation to each level, which will be fitted with obscured glass. The changes therefore are negligible and do not in any way contribute to overlooking issues to this property.

Property 93 Manthorpe Road - The proposed elevation to the North boundary is approximately only 800mm closer to this property than the approved scheme and therefore this revision has very little impact on overlooking issues.

This elevation is only 2 stories in height and has only one window to an en-suite bathroom at each level which will be fitted with obscured glass. The changes therefore are negligible and do not in any way contribute to overlooking issues to this property.

Property 1 Lodge Way - The proposed elevation to the South boundary is set back further away from this property and therefore improves the separation distance to 1 Lodge Way. The changes therefore are an improvement and do not in any way contribute any overlooking issues to this property.

- **Loss of Privacy**
The revised scheme does not contribute to loss of privacy as the changes to the approved scheme are negligible as stated above.
- **Highway Safety**
There has been no changes to the site access. Highways authority have approved the new variation regarding parking / turning / highways in their letter dated 28th March 2018.
- **Design out of keeping with the local area**
The design is the same as the approved scheme.
- **Previous Application heard by Committee**
The previous scheme was approved by the Planning Inspectorate following refusal by the committee.

8.0 Evaluation

8.1 The purpose of an application made under section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. This is the case with the current application. The relevant conditions of planning permission ref S14/3565 are condition 8 - parking and turning, condition 11 - approved plans, and condition 13 root protection zone.

8.2 These conditions relate to the layout and number of parking spaces, the footprint, location and appearance of the building and foundation design for any substantial parts of the development within the root protection area.

8.3 The effect of granting permission for this S73 application would be to issue a new permission with a condition listing the new plans showing the amendment together with any other relevant conditions from the original permission.

8.4 The Act is very clear that: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted." In other words, the local planning authority cannot revisit the principle of development, or those issues which are not covered by the conditions, and only minor material changes can be considered.

8.5 Impact on Heritage Assets

8.5.1 The Inspectors appeal decision gives a helpful breakdown of the impact on heritage assets.

- 8.5.2 He found that the significance of the conservation area includes building lines, use of materials and the contrast between densely packed building and more open areas. There are four relevant listed buildings: a terrace of three cottages along Manthorpe Road and Grade I listed St Wulframs Church.
- 8.5.3 The amendments are minor in that they are principally designed to improve the relationship with tree T12 (Wellingtonia) and its associated root protection area. The building retains its inverted L shaped design and use of modern materials and design as per the previous scheme. It is accepted that the scheme would not be seen as a continuation of the existing street scene and would be seen as a standalone building. Nonetheless as there are no increases in overall height the revised building location would have limited effect on the conservation area, and the setting of the listed cottages and St Wulframs Church.
- 8.5.4 As such the changes do not result in any additional impact identified by the inspector and his conclusion that the impact on these heritage assets would be less than substantial remains the case.
- 8.6 Impact on the character and appearance of the area
- 8.6.1 It is accepted that the building would be visible in the street scene, particularly from the park opposite, however, this was the case with the previously approved scheme
- 8.6.2 The amendments to the scheme would lessen the buildings appearance in the street scene in that the building would be set further into the site away from the Manthorpe Road frontage. It is not proposed to remove any additional trees beyond that previously approved. As such the built form would be broken up by the retained trees along Manthorpe Road.
- 8.7 Residential Amenity
- 8.7.1 The amended location of the building within the site is unlikely to result in any significant impact on the amenity of neighbouring occupiers beyond that of the original scheme. At the nearest point to no. 6 Lodge Way a separation distance of 14 metres would still be maintained.
- 8.7.2 Along the northern boundary of the site the building would be 2 metres from the boundary and 10 metres from the garage of the nearest property to the north, no. 93 Manthorpe Road. These separation distances are acceptable and would not result in any significant overlooking or overshadowing beyond that of the previously approved scheme.
- 8.7.3 Whilst there would be a number of changes to windows and balcony locations the changes would not introduce balconies or windows to new elevations. This coupled with the separation distances would ensure no significant overlooking or loss of privacy beyond the previously approved scheme.
- 8.8 Impact on Protected Trees
- 8.8.1 This amended scheme, as per the previously approved scheme, would result in built form within the root protection area of the specimen tree T12 (Wellingtonia) located roughly centrally along the Manthorpe Road frontage. In order to ensure that there would be no significant impact on this tree, a specific foundation design is required. In this instance a pile and beam construction is necessary. This would remove the need to undertake extensive excavation works associated with traditional foundations within the root protection areas, thereby minimising the likelihood of root damage.
- 8.8.2 There would be a small proportion of the south-eastern corner of the building that would fall within the root protection area of the adjacent yew tree. However, the incursion into the root protection area would not be significant and would be unlikely to result in any significant damage to the root systems of the adjacent tree. As such there is no justification to require pile and beam foundation design in this location.

8.9 Highway Safety/Capacity

- 8.9.1 It is accepted that Manthorpe Road is a busy road as is Lodge Way to a lesser degree. However, the amended scheme would maintain the same number of car parking spaces on site. 39 in total. The access would also remain in the same location. As such the amended scheme does not raise any new issues in relation to highway safety and capacity beyond that previously assessed. This is confirmed by the comments of the local highway authority not objecting to the scheme.

9.0 **Section 106 Heads of Terms**

- 9.1 Not applicable.

10.0 **Crime and Disorder**

- 10.1 It is considered that the proposals would not result in any significant crime and disorder implications.

11.0 **Human Rights Implications**

- 11.1 Article 6 (Right to a 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 a recommendation.

12.0 **Conclusion**

- 12.1 The application proposes modest changes to an approved scheme. Whilst there is less than substantial harm to heritage assets, this is outweighed by the delivery of additional housing in a sustainable location.
- 12.2 As such the minor material amendments proposed by this application ensure that the proposal continues to accord with Core Strategy Policies EN1, EN2, SP1 and SP2 and the guidance contained in the National Planning Policy Framework, specifically Sections 6, 11 and 12. The amended scheme does not raise any new material considerations not previously assessed by the previous planning permission and is an acceptable amendment to the previously approved scheme.

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of planning permission APP/E2530/W/15/31411151 granted on 24th August 2016.

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted on 2nd March 2018:

Site Plan Dwg. No. 4425(A) 2000 Rev. P04
Ground Floor Plan Dwg. No. 4425 (30) 301 Rev E
First Floor Plan Dwg. No. 4425 (30) 302 Rev E
Second Floor Plan Dwg. No. 4425 (30) 303 Rev E
Third Floor Plan Dwg. No. 4425 (30) 304 Rev E
Elevations Dwg No. 4425 (40) 453 Rev C

Unless required by another condition of this permission.

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

Before the Development is Commenced

- 3 Before any development commences on the site details of all surface water systems including any permeable paving, SUDs proposals and management plan shall be submitted to and approved in writing by the LPA.

The management plan shall include the following information:

- i) an overview of the SUDs proposal,
- ii) a specification that describes how SUDs will be constructed and the materials used,
- iii) a maintenance schedule for the SUDs.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect (by reason of flooding) the safety, amenity of users/residents of the site and others off-site.

- 4 No building works which comprise the erection of a building required to be served by water services shall be undertaken until details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the LPA. No apartments shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure.

- 5 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 (LPA).

A sample panel of the proposed materials shall be constructed on site and shall be subject to the approval in writing of the LPA prior to the commencement of work on site. The panel shall show the proposed method of construction, its finish, the mortar mixture and the method of coursing to be used in the development. The development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of the construction works.

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with CS Policy EN 1.

- 6 No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the LPA. The works shall be carried out in full as approved prior to the first occupation of any part and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

- 7 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 LPA 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 (eg furniture and play equipment, refuse and other storage units, signs, lighting, etc); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc, indicating lines, manholes, supports, etc); retained historic landscape features and proposals for restoration where relevant.

Reason: To ensure a satisfactory form of development.

- 8 Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works to the public highway, including materials, specification of works and construction method shall be submitted to the LPA for approval.

The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

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

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) working hours;
 - iv) storage of plant and materials used in constructing the development;
 - ii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure a satisfactory form of development which would have no significant impact on the adjacent trees and in the interests of public amenity.

During Building Works

- 10 No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees on the outer edge of the Root Protection Area (RPA) or crown radius if greater than the RPA in accordance with the British Standard, has been submitted to and approved in writing by the LPA, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the LPA.

In this condition - retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; or trees that are located on land adjacent to the site.

Reason: To enable the LPA to ensure the retention of trees on the site in the interests of visual amenity.

- 11 The foundation construction for those parts of the development that would fall within the root protection zones as indicated on drawing no. 4425 (A) 2000 Rev P04 (are hatched red) received on 20th April 2018 shall be constructed using a piled foundation design as indicated on the e-mail dated 20th April 2018.

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

Reason: To ensure a satisfactory form of development which would have no significant impact on the adjacent trees.

Before the Development is Occupied

- 12 Within seven days of the new access being brought into use, the existing access onto Lodge Way shall be permanently closed in accordance with a scheme to be agreed in writing by the LPA.

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

- 13 Prior to the occupation of the development hereby permitted a schedule of landscape maintenance shall be submitted to and approved in writing by the LPA.

The development shall be carried out in accordance with the approved schedule.

Reason: To ensure the long term future of landscaping on the site.

Ongoing Conditions

- 14 The arrangements shown on the approved Site plan Drawing No. 4425 (A) 2000 Rev P04 received on 2nd March 2018 for parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

- 15 The development hereby permitted shall be carried out in accordance with the recommendations in the Protected Species Survey, dated 5 January 2105, to be updated not more than one year before development commences.

Reason: To ensure a satisfactory form of development which would have no significant impact on protected species.

- 16 All window and doors shall be set back in reveal by a minimum of 50mm in order to provide visual relief to the buildings.

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

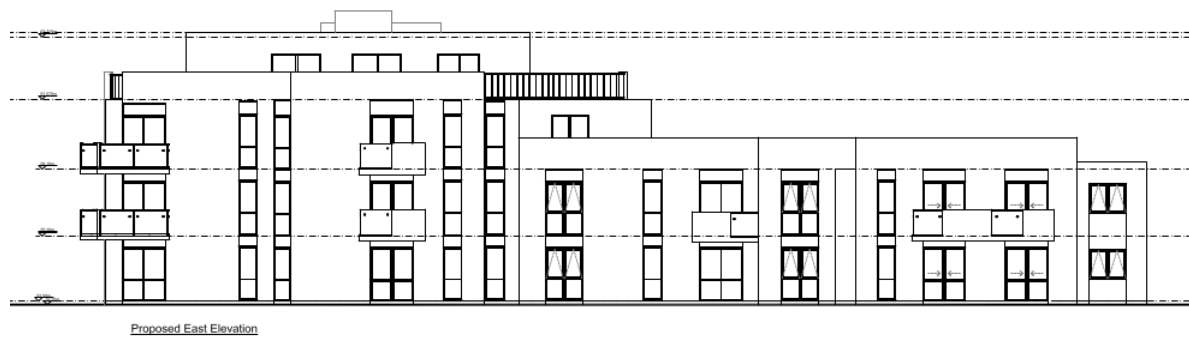
Standard Note(s) to Applicant:

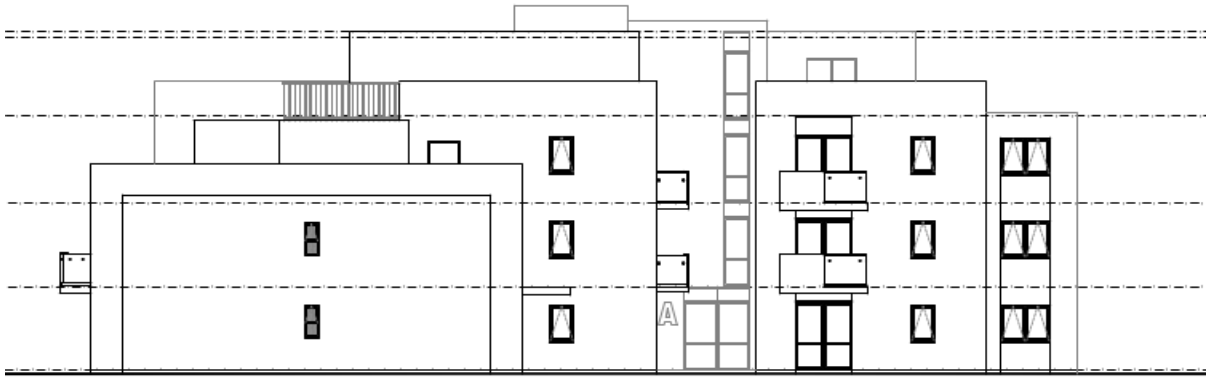
- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 - 187 of the National Planning Policy Framework.
- 2 The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.
- 3 This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

Site Layout Plan



Elevations





Proposed North Elevation



Proposed South Elevation



Proposed West Elevation