

**AGENDA ITEM 7A**

**SF.1     S04/1789/56**

Registration Date: 30-Nov-2004

Applicant	Wilcox Body Trailers C/o Agent
Agent	Shayne Andrews, Alston Country Homes Squirrels Lodge, Hards Lane, Frognall, Deeping St. James, Peterborough, PE6 8RL
<b>Proposal</b>	<b>Factory unit and offices</b>
<b>Location</b>	<b>Land Adjacent Wilcox Body Systems, Blenheim Way, Market Deeping</b>
App Type	<b>Outline Planning Consent</b>

**RECOMMENDATION:** That subject to the satisfactory completion of a S106 Agreement relating to the payment of a contribution towards highway improvements, the development be Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. This consent relates to the application as amended by Drawing Rev B received on 25 May 2005.
6. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
7. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Outgang Road and the minimum width of the access shall be 6 metres.
8. The arrangements shown on the approved plan Drawing Rev B received 25 May 2005 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. For the avoidance of doubt.
6. The application was submitted in outline and no such details have been submitted and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG 13.
8. To enable calling vehicles to wait clear of the carriageway of Outgang Road in the interests of safety, and in accordance with PPG13.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

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**SF.2**     **S05/0968/56**

Registration Date: 14-Jul-2005

Applicant	South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
Agent	Community & Economic Regeneration, South Kesteven District Council Council Offices, St. Peters Hill, Grantham, NG31 6PZ
<b>Proposal</b>	<b>Change of use from residential garden to public open space</b>
<b>Location</b>	<b>land opposite, 45, High Street, Market Deeping</b>
App Type	<b>Full Planning Permission</b>

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is occupied by bats, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.
3. The development hereby permitted shall be carried out in accordance with the submitted Tree Report dated 5 August 2005.

4. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on the site and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. For the avoidance of doubt.
4. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control section to ascertain the level of protection required, and whether a geological assessment is necessary.

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Development Control Committee

**23 August 2005**

**NU.1 S05/0476/35**

Registration Date: 31-Mar-2005

Applicant	<b>Techknol Developments Ltd</b> 11, Station Approach, Oakham, Rutland, LE15 6QW
Agent	Client First 2000 The Stables, Bridge Street, Grantham, NG31 9AE
<b>Proposal</b>	<b>Erection of 14 apartments</b>
<b>Location</b>	<b>The Stables, Bridge Street, Grantham</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Grantham</b> Unclassified road Demolition of any building - BR1 Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs
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**REPORT**

**The Site and its Surroundings**

The application site is located on the north side of Bridge Street, some 28m to the west of the junction with Harrowby Lane.

The site measures 25m in width by 28m in depth and is currently developed with various structures, including a road frontage dwelling, that are used for business and retail purposes. The buildings within the site are mainly lean-to structures and are at a lower level to the surrounding properties. All of the surrounding properties are residential and form terraced dwellings facing Bridge Street, Stuart Street to the north and Harrowby Road to the east.

**Site History**

Outline planning permission was sought in August 2004 for the residential development of the site with 14 apartments. The applicant requested that the siting, external appearance and access issues were considered as part of the proposal and plan and elevational drawings were submitted as part of the proposal. Outline planning permission was refused on 29 September 2004 for the following reasons:

1. Outline planning permission is sought for the erection of 14 no. apartments on land at The Stables, Bridge Street, Grantham. It has been requested that the siting, external appearance and access issues are considered as part of this proposal. The site is surrounded by residential properties and it is considered that the erection of 14 units on this site, in the form and scale as shown on the submitted details and in such close proximity to the site boundaries would result in a cramped, over development of the site that would have a detrimental impact on the adjacent residential properties and the street scene in general. In addition, the proximity of 3-storey units to the boundaries would give rise to a marked loss of privacy to the adjacent residential properties to the detriment of their occupiers'

residential amenity. For these reasons it is considered that the proposal would be contrary to Policies H6 and EN1 of the South Kesteven Local Plan.

A resubmission application was subsequently made for the residential development of the site (S04/1604), which omitted reference to dwelling numbers, layout, height and detail. The application was approved on 24 November 2004 with a condition imposed in order to restrict the height of the development to match that of the adjacent properties of 12 to 14 Bridge Street. A condition was also imposed to ensure that any 'reserved matters' application showed cross sections through the site in order that the height of any development could be assessed with regard to the surrounding dwellings.

### **The Proposal**

Consent is sought for the erection of 14 flats on the site. The development would be arranged on 3 floors incorporating a reduced floor area to the ground floor to allow for car parking.

Seven car parking spaces would be provided which, although sub-standard in terms of the number of flats to be provided, has been accepted by the Highway Authority as the site is within a sustainable location where unnecessary car journeys should be discouraged.

The proposed building would virtually fill the site but would allow for small garden/amenity areas for the ground floor apartments and a safe fire escape route. The bulk of the building would be within 3m of the boundaries to the north, east and west.

All but 2 of the units are arranged on a single level and, due to the shape of the site and the building itself, have windows facing east and west, towards the adjacent properties. The upper floor accommodation utilises rooflights to the units that would have direct overlooking over neighbouring dwellings. 'Juliet' balconies are proposed to 4 of the windows on the front elevation and on the remaining 3 elevations are 6 full balcony areas and 2 further 'Juliet' balconies.

The applicants have attempted to reduce levels of overlooking by the placement of the windows to the habitable rooms, but due to the levels involved, it is considered that some overlooking and loss of privacy will occur from the development, especially to the dwellings on Stuart Street to the north and Harrowby Road to the east.

The sectional details submitted in support of the application show how the building would sit in relation to the surrounding dwellings. These details do show that the building would be some 1.8m higher than the adjacent dwellings on Bridge Street (contrary to the condition on the outline approval) but around 3m lower than the dwellings on Stuart Street and Harrowby Road.

Mindful that the site has outline planning permission and a high-density scheme of development should be encouraged as the site is 'brownfield' in character there has to be an acceptance to the principle of development. However, based on the overall size and height of the proposed building and the disposition of the windows it is considered that the proposal, in its current form, would form an over-development of the site that would visually impact on the neighbouring properties and would result in unacceptable levels of overlooking.

### **Policy Considerations**

PPG3 – Housing – Paragraph 54 states that 'local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.'

Paragraph 56 goes on to state that 'new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, recognising that new building technologies are capable of delivering acceptable built forms and may be more efficient. Local planning authorities should adopt policies which (inter alia):

- Create places and spaces with the needs of people in mind, which are attractive, have their own distinctive identity but respect and enhance local character.
- Promote designs and layouts which are safe and take account of public health, crime prevention and community safety considerations.
- Focus on the quality of the places and living environments being created and give priority to the needs of pedestrians rather than the movement and parking of vehicles.

In addition to the above advice PPG3 also advises that acceptable sites for development should be maximised and, where other policy issues are met, high-density development proposals should be encouraged.

### South Kesteven Local Plan

Policy H6 – Housing – Advises that, in determining proposals, consideration should be given to (inter alia) the impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.

Policy EN1 – Protection and Enhancement of the Environment – Advises that development proposals should (inter alia) reflect the general character of the area through layout, siting, design and materials.

It is considered that the proposed development would be contrary to the above policies and cannot be supported in this instance.

### Statutory Consultations

Local Highway Authority: Requests 1 condition (F4) and 'Note to Applicant' on any approval.

Community Archaeologist: No comments made.

Environment Agency: No comments made.

Lincs Police Architectural Liaison Officer: Requests a 'Note to Applicant' on any approval.

Civic Trust:

"We feel that this development is badly out of scale with the surrounding area and will overshadow and overlook all the surrounding houses and their gardens. The appearance is not in keeping with the modest domestic scale of the terraced housing and there seems to be totally inadequate parking provision with 7 spaces provided to serve 14 apartments. Even the 7 spaces provided will remove about 3 existing on street parking spaces so there will only be an effective increase of about 4 spaces. Most of the proposed apartments look as though they will generate a need for a couple of car spaces each."

### **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and letters of representation have been received from interested parties.

The following issues have been raised:

- a) Loss of numerous small businesses.
- b) Three storey development will be over-dominant on the street scene.
- c) Building would be higher than adjacent buildings and contrary to the outline planning approval.
- d) Sub-standard parking allowance, increase in on-street parking.
- e) Loss of privacy to neighbours, overlooking.
- f) Design is not in-keeping with the area.
- g) Bats roost within the existing buildings, loss of wildlife.
- h) Direct overlooking of houses and gardens.

### **Planning Gain**

Should the development be deemed to be acceptable a Section 106 Agreement will be required in order to secure the provision of a financial contribution, of around £10,000, towards the upgrading of community play facilities at Dysart Park.

### **Planning Panel Comments**

18 May 2005 – The application be referred to the Development Control Committee for consideration.

### **Applicants Submissions**

The following information was submitted as part of the planning application:

“Please find enclosed the Planning Application on the above site which, following discussions and input from yourself and Richard Edwards, I believe have addressed and satisfied all the salient points which are pertinent to the submission of these ‘Reserved Matters’. They also embody attention to earlier, more general, comments of which we were all made aware.

I now trust that we can, once more, look forward to the project being “wholly supported by this Authority” in gaining approval.

For your information, I have listed the specific areas of attention included in our recent discussions, as follows:

- Number of apartments reduced to only fourteen.
- Further attention to the design has been given on the North and East elevations as requested by yourself and Richard Edwards to help resolve their amenity aspects.
- Small garden amenity to ground floor apartments.
- Profiles confirm the site physically sits in a low 'pocket'.
- Profiles also confirm diminutive relationship to neighbouring properties on all sides.
- Ridge heights reduced by use of dormer windows.
- Gentle hips introduced to help blend E-W ridge into profile.
- Large atrium allows light to pour into 2nd and 3rd floors.
- Second smaller opening to rear for added light.
- Internal void created by designing split-level accommodation.
- Seven car spaces (@ 0.5:1) allows more space at entrance.
- Sloe included for disabled access to ground floor.
- Bins to be recessed against piers on front footway.
- Provision of 6 no. secure cycle spaces.
- No windows now required on front ground floor.
- Glazed front stairway provides further light and sense of space.
- Central position bisects building and reduces visual mass.
- Buttressing used to retain higher adjoining levels.
- Materials to be confirmed.

Also, I have attached a copy of the original 'statement' (letter to Mark Heaton, LCC Highways, 16/04/04) providing supporting information and background for the access and parking arrangements submitted with the Outline application. As you suggested, I have only included the text but can supply the accompanying photographs, if so required. These documents are provided to comply with condition 4 of the Outline Planning Permission dated 25 November 2004."

### **Conclusions**

Based on the overall size and height of the proposed building and the disposition of the windows it is considered that the proposal, in its current form, would form an over-development of the site that would visually impact on the neighbouring properties and would result in unacceptable levels of overlooking.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. Consent is sought for the erection of 14 no. apartments on land at The Stables, Bridge Street, Grantham. The site is surrounded by residential properties at varying levels and it is considered that the erection of 14 units on this site, in the form and scale as shown on the submitted details and in such proximity to the site boundaries would result in a cramped, overdevelopment of the site that would have a detrimental impact on the adjacent residential properties and the street scene in general. In addition, the proximity of 3-storey units to the boundaries would give rise to a marked loss of privacy to the adjacent residential properties to the detriment of their occupiers residential amenity. For these reasons it is considered that the proposal would be contrary to Policies H6 and EN1 of the South Kesteven Local Plan and national planning guidance given in PPG3 - Housing (2000).

The above application was scheduled to be considered at the Development Control Committee on the 14 June 2005 but was withdrawn by the Agent prior to the meeting in order that the planning concerns raised in the above report could be addressed by amendments to the scheme.

Several meetings have taken place with the applicant, agent and architects in order to overcome the reason for refusal as referred to in the above report which has resulted in the submission of amended details on 22 July 2005. The prime concern of the original submission was the impact that the development would have on the adjacent dwellings due to the type and positioning of the windows at their respective heights on the north, east and west elevations.

The amended details do not show revision to the size of the building or its overall height but show the omission of full balconies in favour of 'Juliet' balconies in areas where there would have potentially been issues of overlooking and/or a loss of privacy. The following amendments have been made:

- The 4 second floor windows in the north facing elevation have been omitted in favour of the use of obscure glass blocks (permitted in the 'Maltings' development opposite) and the use of rooflights on the inner facing roof slopes.
- Due to the levels difference across the site the majority of the first floor windows are lower or at an equivalent height to the ground floor windows of the adjacent dwellings. The spacing between the existing dwellings and the proposed development is acceptable in planning terms and existing and proposed boundaries will also screen any proposed first floor windows to prevent any loss of privacy.
- Where inappropriate, balconies have been omitted (as referred to above) and second floor windows, that may have resulted in overlooking, have been replaced with rooflights.
- The architects have confirmed that the fire escape to the north elevation will only be accessed via an alarmed door and unnecessary access or social use of this feature will therefore be restricted.

In addition to the above points the applicant has confirmed acceptable to the imposition of conditions that will prevent the creation of additional windows, rooflights or alterations to the balcony areas without the benefit of a further planning permission.

Members are reminded that the sites does benefit from the outline planning permission which limits the number of apartments that could be created to 16 in order to comply with highway restrictions. The current proposal is for 14 units and is wholly PPG3 compliant in terms of density and developing 'brownfield' sites.

The amended details have been advertised in accordance with established procedures and additional comments have been requested before the 8 August 2005. At the time of drafting this report no representations had been received.

It is considered that the amended details received on 22 July 2005 (Drawing No. 1301/1D) address the reason for refusal as previously referred to and the scheme can now be supported subject to the imposition of any relevant and necessary conditions.

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Applicant	<b>Twyford Properties Ltd</b> Lindpet House, Market Place, Grantham, Lincs, NG31 6LJ
Agent	Mr M Ellison Beacon Hillside, Beacon Lane, Grantham, NG31 9DQ
<b>Proposal</b>	<b>Residential development (10 dwellings)</b>
<b>Location</b>	<b>R/o 6 And 16, New Beacon Road, Grantham</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Grantham</b> C Class Road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs
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**REPORT**

**The Site and its Surroundings**

The application site is located to the rear of existing dwellings fronting New Beacon Road and is currently garden land serving 6 and 16 New Beacon Road. The garden area is currently partly maintained and has numerous trees along the northern boundary and within the eastern end of the site.

Access to the site would be gained between the 2 'host' dwellings following the removal of a garage serving 6 New Beacon Road.

**Site History**

Outline planning permission was originally refused in 2002 for the erection of 3 dwellings on part of the site for reasons of 'backland' development and housing Policy H6, under application S02/0771/35. An appeal was lodged against this reason for refusal and the appeal was allowed in August 2003, effectively granting the outline planning permission.

An additional outline application was approved for the erection of 2 dwellings on the remainder of the site (behind 16 New Beacon Road) on 4 December 2003 (application S03/1366/35).

In addition to the above there has also been an outline approval, and a subsequent reserved matters approval, for the erection of 4 dwellings to the south of the current application site.

In light of the above consents there is outline planning permission in place for the erection of 5 dwellings on the current application site and there is a detailed consent in place for 4 additional dwellings on the land immediately to the south.

**The Proposal**

Notwithstanding that the 2 outline planning approvals allow for the principle of the development of 5 dwellings on the site, consent is sought for the erection of 10 dwellings on the site.

The proposed layout shows the use of smaller dwellings on the site, 4 of which are detached. Plots 8 to 13 form a linked row of dwellings with the central 4 units being 3-storey in height. The 3-storey element of the proposal is integral to the development of the site and does not impose visually, or in

terms of overlooking, on any of the existing dwellings around the site fronting New Beacon Road or Southlands Drive.

The increase in dwelling density on the site is PPG3 compliant and due to the spatial qualities of the site, the landscaping to be retained and the amount of available private garden/amenity space, it is considered that the development will have a minimal impact on the character and appearance of the area.

The design of the proposed dwellings is considered to be acceptable for this location and although there is an urban appearance to the 3-storey element it remains acceptable for its central location within the development site.

### **Policy Considerations**

PPG3 – Housing (2000) advises local authorities on the efficient use of land and encourages the maximisation of development where suitable sites exist. Bearing in mind that the overall development of the site has been accepted and the area was previously developed/brownfield the current proposal would meet the requirements of the PPG.

Policies H6 and EN1 of the South Kesteven Local Plan (1995) allows for residential proposals that do not adversely impact on the form and character of the area.

### **Statutory Consultations**

Local Highway Authority: Final comments awaited based on letter received on 23 May 2005.

Community Archaeologist: No comments made.

Environment Agency: No comments made.

Lincs Police Architectural Liaison Officer: Requests conditions relating to boundary details and lighting.

Property Services:

The hill is full of springs that are liable to appear at random. New property here is at risk of flooding and development of Greenfield areas will exacerbate the risk to existing properties.

### **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues were raised:

- a) Density increase too much for site.
- b) Dwellings styles out of character.
- c) Increased noise and disturbance.
- d) Town-houses are not suitable for 'suburban' area.
- e) Further loss of landscaping.

- f) Potential for increased loss of privacy.
- g) Poor access.
- h) Profit-led development.

### **Planning Panel Comments**

7 June 2005 – General acceptance to the development as proposed but request that Committee consider the application as the outline applications were Committee items and there is appeal history to the site.

### **Applicants Submissions**

None.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note 3 and Policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to density, design, loss of privacy and landscaping and issues relating to the access are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**RECOMMENDATION:** That subject to no adverse comments from the Highway Authority, the development be Approved subject to condition(s)

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. Before the development is commenced, there shall be submitted to and approved by the District Planning Authority details of the means of surfacing of the unbuilt portions of the site.
7. This consent relates to the application as amended by \*\*\* received on \*\*\*.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity.
3. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area.
5. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site.
6. In the interests of visual amenity.
7. For the avoidance of doubt.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

**The above application was considered at the Development Control Committee on 5 July 2005 when the application was deferred pending the receipt of advice from Property Services in relation to the flooding risks and subject to the receipt of a flood risk assessment.**

Following discussions with the Agent for the application, a set of amended details were received on 5 August 2005 for a less intensive development of only 7 dwellings. The revisions include the following:

- A reduction from 10 dwellings to 7, including the revision of 3 house types.
- 2 and 3-storey dwellings on plots 7 to 13 have been replaced with a row of 4 no. 2-storey dwellings.
- Plot 14 has been renumbered as plot 11 and the garage has been moved away from the boundary of 16 New Beacon Road.

The revisions allow for a lower density to the overall site, greater garden space to each dwelling (commensurate with the existing dwellings in this area) and less 'hard-surfacing' which will address some of the concerns that have been raised with regard to the potential for flooding within this area.

The Agent has, however, acknowledged the need for a flood risk assessment for the site, which, at the time of drafting this report was being prepared and will be received prior to the Committee date.

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Applicant	<b>Mr &amp; Mrs A Richardson</b> 23, North Parade, Grantham, NG318AT
Agent	
Proposal	<b>Change of use of part of dwelling to B &amp; B (3 rooms)</b>
Location	<b>23, North Parade, Grantham</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Grantham</b> Site adjoins Conservation Area B Class Road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs

**REPORT**

**The Site and its Surroundings**

The application dwelling is located on the west side of North Parade, approximately 110m to the north of the junction with Barrowby Road/Broad Street and is currently used, in its entirety, for residential purposes.

The property has a rear access off Mount Street to the west and has provision for off-street parking. The submitted details show that the dwelling currently has 6 bedrooms.

**Site History**

None

**The Proposal**

Consent is sought for a partial change of use of the premises to allow for the creation of a bed and breakfast facility. The submitted details show that, following some minor alterations, the 4 existing bedrooms on the middle (first) floor will be converted into 3 en-suite letting rooms.

The existing parking area off Mount Street would be increased in size to allow for 2 garages and an area of hardstanding for a further 4 vehicles.

As the bedroom numbers will be reduced from 6 to 5 and 3 of those would be letting rooms there would be a majority use of the building for bed and breakfast purposes, hence the need for the planning application. It should be noted that if the number of bedrooms remained at 6 then up to 3 of those rooms could be let on a bed and breakfast basis without the need for planning permission.

The Highway Authority has recommended the refusal of the application due to the intensification of vehicular movements onto Mount Street and the Barrowby Road roundabout. Their full reason for refusal of the application can be found later in this report. To counter the comments of the Highway Authority the applicants have provided additional information, which can be found in the 'Applicant's Submissions' part of this report. The Highway Authority has been given a copy of this information.

At the time of drafting this report further comments of the Highway Authority had not been received.

Members are reminded of the approval of a recent bed and breakfast application, S05/0305/35, at 84 North Parade, which was acceptable contrary to the advice of the Highway Authority as it provided a good tourist facility within close proximity to the town centre.

### **Policy Considerations**

SKLP EN1 – States in sub-section vi) that development proposals “... be located where the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated or incorporate suitable proposals for all necessary improvements”.

SKLP T3 – States “... in considering proposals for development the district council will normally require non-operational parking space to be provided of a standard appropriate to the particular land use proposed”.

### **Statutory Consultations**

Local Highway Authority: Requests refusal – see below.

Community Archaeologist: No objections.

Environment Agency: No comments made.

### **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues were raised:

- a) Increase in on street car parking.
- b) Loss of privacy.
- c) The proposal would not be in-keeping with the form and character of the area.
- d) No details of signage have been submitted (this would require Advertisement Consent)
- e) Access onto Mount Street is extremely restrictive.

### **Planning Panel Comments**

13 July 2005 – The application be determined by the Development Control Committee.

### **Applicants Submissions**

“My response to the objections would be that at present we have a driveway and 2 existing garages on Mount Street that we are perfectly entitled to use, giving us the potential to park at least 4 vehicles. For a 6 bedroom house, this would not be an unusual number of vehicles. The proposed Bed and Breakfast would cater for 3 rooms, so potentially a maximum of 3 vehicles at various times of the day, and the change of use which we are

applying for is no different to current domestic usage facilities in relation to car parking on our land and traffic flow on Mount Street.

Ignoring current parking facilities and assuming an occupancy rate of 60% there would be 2 vehicles using Mount Street and if we were fully booked, 3 vehicles using the road and entering the roundabout, per day. This is the same as the existing domestic usage. Given that Asda attracts several thousand cars a day to the roundabout and this is increasing annually, the flow generated by our small business is miniscule in comparison, will not increase, and is no more than is already catered for by our existing domestic use.

In relation to the traffic volume and width on Mount Street, an application has already been granted for 20 flats to be built along Mount Street with the extra traffic that this would create. I believe that no objection was raised to this application by Highways in relation to width of road and traffic volume onto the roundabout. Surely if they didn't object to this development what grounds do they have to object to our proposal, which although it relates to a change of use, will only attract domestic vehicles and is no different to current usage.

I would also point out that we have allowed for vehicles to turn around on our property, as shown on our drawings supplied, removing them from Mount Street.

Most of the existing bed and breakfast establishments in Grantham, rely on customers parking on busy main roads in the town, such as North Parade, wherever they can find a space and then walking with their luggage, what could be a considerable distance. This is especially difficult for people with disabilities. We are aiming to cater for these types of people by giving customers a guaranteed parking space with easy access to our property and also if required assisted aid, without disrupting traffic flow on North Parade or Mount Street.

In reality, there will be no increased traffic flow over and above the existing domestic arrangement and we are aiming to cater for the less able as well as able and offer safety for them whilst disembarking from their vehicles and security for their vehicles."

## **Conclusions**

A balance has to be reached based on the acceptability of the scheme in terms of highway safety against a minimal usage of the property (virtually permitted development) and the provision of a further town centre tourist facility.

In planning terms alone it is considered that there will be no loss of privacy to neighbouring properties and the use of the premises will have no impact on the form or character of the area. However, as the Highway Authority have requested the refusal of the application, and that stance is unlikely to change based on the further information received from the applicants, it is recommended that the application be refused on highway grounds alone.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. The Local Highway Authority so requests as the intensification of vehicular movements in and around the access onto Barrowby Road in terms of slowing, waiting and manoeuvring, together with the existing width of Mount Street are likely to interfere with traffic travelling on this County Class I road to an extent contrary to the safety and convenience of such traffic.

NU.4 **S05/0835/35**

Registration Date: 17-Jun-2005

Applicant	<b>Progress Care Housing Association Ltd</b> 21, King Street, Leyland, Lancs, PR25 2LW
Agent	Juliette Bradbury, Halliwells LLP St James's Court, Brown Street, Manchester, M2 2JF
Proposal	<b>Variation of condition 5 (occupancy) imposed on original application S05/0110/35</b>
Location	<b>101, Manthorpe Road, Grantham</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Grantham</b> A Class Road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs

**REPORT****The Site and its Surroundings**

The application site is located within the grounds of Grantham Hospital, immediately to the south of the northernmost access road. The site fronts Manthorpe Road to the east and is immediately opposite a new residential development. Members will recall that the development site was formerly developed with nurses/doctors quarters but the outdated and poor buildings were demolished to make way for the residential scheme.

Some of the site is currently used for car parking purposes but is otherwise undeveloped. A swathe of landscaped land (grass with several trees) of up to 14m in width would remain between the site and Manthorpe Road itself.

To the south of the site are some existing nurses quarters which may be demolished upon completion of the development. To the south of that is a further car parking area which will be upgraded and increased in size as part of the proposal. Reference to the car parking issues will be made later in this report.

**Site History**

Planning permission was granted on 27 April 2005 for the provision of a residential accommodation block, under application S05/0110. A condition (condition 5) was imposed on the planning approval to ensure that the occupation of the residential units was in direct association with the Hospital, unless written consent was given otherwise.

Members will recall that the development was originally required for occupation by 'key workers' and was recommended for approval at the Development Control Committee on 5 April 2005. Notwithstanding the recommendation Members were concerned that any residential development on the hospital land should be for hospital purposes (as it was not open-market development land) and approved the application with the restrictive condition referred to.

## **The Proposal**

Consent is now sought to vary condition 5 to allow for the occupation of the premises primarily by hospital staff but, in the event of no more than 80% of the units being occupied, the remaining 20% is open for occupation by 'key workers' as defined in their submitted supporting information.

If permitted this would mean that hospital or NHS Trust staff could occupy all 46 units. However, if no more than 37 units were occupied then other persons as defined in the information provided could occupy the remaining 9 units (limited to a maximum of 9).

It is considered that the occupation of up to 9 units for non-hospital/NHS staff would be acceptable in planning terms providing there was an element of control over who would be occupying the remaining units under the general definition of 'key workers' as defined by the OPDM. The report for the original application defined key workers as follows:

- Nurses and other NHS clinical staff;
- Teachers in schools, FE and 6th form colleges;
- Police officers and civilian staff in police forces;
- Prison and probation service staff;
- Social workers, psychologists, occupational therapists and speech and language therapists employed by local authorities;
- Junior and retained fire fighters.

Key workers accommodation is widely recognised as residential development to serve a 'need' in the housing market that current house prices cannot satisfy. Essential employees, who are possibly on a relatively low wage, find it difficult to live and work within the areas in which they are required unless this type of residential provision is available.

For that reason, and providing the highway/traffic considerations can be met, this type of proposal, especially sited within the grounds of the hospital, which it will primarily serve, should be supported.

## **Policy Considerations**

PPG3 – Housing – Paragraph 13 of PPG3 advises that local authorities should assess the range of needs for different types of housing across all tenures within their area, including key workers. The PPG goes on (in Annex D) to advise 'local authorities to secure a proportion of affordable housing in larger housing developments – both in urban and rural areas. This will benefit many single people, low-income families and key workers such as nurses, teachers and others.'

## **Statutory Consultations**

Local Highway Authority: Comments awaited.

Community Archaeologist: No comments made.

Environment Agency: No comments made.

## **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues have been raised:

- a) Increase in traffic and congestion on Manthorpe Road.
- b) Concern that traffic will block ambulance access.
- c) Increase air and noise pollution.
- d) Key worker occupation would be acceptable as would mainly comprise of shift workers where there would be no impact on the highway system due to staggered working times.

### **Planning Panel Comments**

3 August 2005 – The application be determined by the Development Control Committee.

### **Applicants Submissions**

On 27 April 2005 the Council granted planning permission to our clients pursuant to application S05/0110/35 for residential accommodation for hospital staff at a site at Manthorpe Road, Grantham, subject to conditions.

Condition 5 is an occupancy condition, and it is condition 5 that is the subject of the section 73 application.

Condition 5 as worded states:

“The occupation of the residential units hereby approved shall be solely by medical and ancillary staff employed by the local health authority or who are mainly employed at Grantham Hospital for operational duties. No occupation shall take place by persons not employed at Grantham Hospital without the prior written consent of the local planning authority.”

We have discussed condition 5 with our clients, and the main problem with it is that it refers to occupation by people “employed by the local health authority”. There is no longer a local health authority; they have been replaced by NHS Trusts.

This means that condition 5 cannot be implemented, and needs to be re-written.

The body employing the majority of staff at Grantham Hospital is United Lincolnshire Hospitals NHS Trust.

However many of the people working at Grantham Hospital include employees of the Leicester NHS Trust and the Nottingham NHS Trust.

In addition, student nurses at the hospital are part of the School of Nursing.

Medical students and physiotherapy students come on work experience to the hospital as part of their university training.

Various candidates attending interviews at the hospital need to stay overnight.

In view of the fact that condition 5 says that no occupation is to take place by such persons, without the prior written consent of the local planning authority, this condition 5 is going to be unworkable in practice. It would mean, for instance, every time a candidate needs to stay

overnight for an interview a letter would have to be sent to the Council and a response received. Sometimes interviews are arranged at short notice and there would not be time for a letter to be sent by our clients, considered by the Council, and a response given.

Our clients have no desire to put themselves in a situation that they could be faced with prosecution for a breach of condition.

All of the above categories that we have outlined are “medical” people undertaking duties at the hospital of one sort or another. (There are of course the non-medical support services). Hospitals always have students, but students are not “employed” by the NHS Trust, so that causes problems with condition 5.

We would assume that the Council wish to continue as at present by letting all the people we have outlined above occupy the site. They are all people connected with the hospital.

In addition some of the “ancillary staff” at the hospital are employed by Lincolnshire Partnership Trust of the Primary Care Trust.

Accommodation is also provided on site for staff on call at night and at weekends, including medical, nursing, physiotherapists, radiographers and occupational therapists.

We have carefully considered the committee report on the original application together with the committee decision. The application proposed only 6 extra units, the need for these being generated by staff who currently rent in town and who want to live on site, thus reducing their need to travel.

The existing accommodation is substandard and unattractive. If it ceased to be available, then the people currently living in it would have to travel to and from the hospital site, with the extra traffic that this would generate.

Therefore our application is that condition 5 of permission S05/0110/35 is deleted and replaced by the new proposed condition 5:

“5.1 The occupation of the residential units hereby approved shall be occupied only by:

- (i) any person engaged in activities and/or employed in the health community or by any health service body and/or a self-employed person working in the National Health Service;
- (ii) any student nurse or midwife or any other medical or healthcare assistant;
- (iii) prospective members of the health community

with priority given to such of the above persons who are based at Grantham Hospital.

5.2 In the event that no more than 80% of the residential units hereby approved can be occupied by persons in the above categories based at Grantham Hospital, then the remaining residential units hereby approved shall be occupied only by:

- (a) any person working or engaged in work with a public sector body or similar organisation and who provides services that are essential for the continuing sustainability of the local community and local economy and such organisation or person shall include, but shall not be limited to:

- i) social services;
- ii) fire service;
- iii) police service;
- iv) the teaching/education services;
- v) the prison service and the probation service;
- vi) publicly funded transport;
- vii) local authorities (including occupational therapists, educational psychologists, speech and language therapists);
- viii) any other organisation or body operating in the public sector.”

## **Conclusions**

It is considered that the proposal to vary the existing condition to allow for at least an 80% occupation of the approved building by hospital/NHS staff and up to 20% by ‘key workers’ would be acceptable, subject to no adverse comments from the Highway Authority. However, the wording of the suggested condition by the applicants is imprecise and does not meet the requirements of Circular 11/95 where conditions should be:

- Necessary.
- Relevant to planning.
- Relevant to the development to be permitted.
- Enforceable
- Precise, and
- Reasonable in all other respects.

On that basis it is considered that the proposal be recommended for approval but with a varied condition that allows for the same percentage split but is re-worded in order that the condition is both precise and enforceable.

**RECOMMENDATION:** That subject to no adverse comments from the Highway Authority, the development be Approved subject to condition(s)

1. The occupation of the residential units hereby approved shall be primarily for persons employed within the NHS Trust, the School of Nursing, persons who are medical students or other ancillary hospital staff. In the event that no more than 80% (37 units) of the units are occupied by persons in the above categories the remaining 20% (9 units) of the units may be occupied by local 'key workers', as defined in the schedule attached to this decision notice, following agreement by written consent of the Planning Authority.

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

1. Permission is granted due to the special circumstances of the proposal as the site is directly associated with Grantham Hospital and would not normally be considered to be a suitable location for independent dwellings or flats, meeting the requirements of PPG3 of Local Plan Policy H6.

### Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

2. Your attention is drawn to the remaining conditions imposed on planning application S05/0110/35, as approved on 27 April 2005, which remain relevant for the construction of the building in question.

\* \* \* \* \*

**NU.5 S05/0905/35**

Registration Date: 05-Jul-2005

Applicant	<b>Mrs G Loucas</b> Springvale Cottage, Hollywell Lane, Braithwell, Rotherham, S66 7AF
Agent	Riverside Design 88, Belton Grove, Grantham, NG31 9HH
<b>Proposal</b>	<b>Erection of 9 flats and car park</b>
<b>Location</b>	<b>Former Post Office Site, Gonerby Road, Gonerby Hill Foot, Grantham</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Grantham</b> B Class Road Demolition of any building - BR1 Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs

**REPORT**

**The Site and its Surroundings**

The application site is located on the north east side of Gonerby Road (B1174), immediately opposite the junction with Webster Way and some 40m to the north west of the junction with Cliffe Road.

The site has a permitted use as a Post Office and has a wide hardstanding area to the frontage to allow for calling vehicles to park clear of the public highway. The upper floors of the premises are used for residential purposes. At the time of drafting this report the Post Office unit was vacant and non-operational.

The site has a frontage width of around 15m and a depth of over 50m. The rear garden area is relatively overgrown but does serve as garden land to the flat over the shop. Bordering the site to the north west is the Vacu-Lug tyre premises and to the south east are residential dwellings fronting Cliffe Road.

**Site History**

S03/0722/35 – Change of Use of Garage and Stores to Hot Food Takeaway. This application was refused on 23 October 2003 on grounds of adverse impact on the amenities of neighbours and on highway grounds based on insufficient parking and indiscriminate parking along the B1174.

S04/0627/35 – Change of Use of Stores and Post Office to Hot Food Takeaway. This application addressed the issues of amenity previously raised but was refused on identical highway reasons.

S04/1088/35 – Change of Use of Stores and Post Office to Hot Food Takeaway. This re-submission application was refused on identical grounds to the above application. An appeal was lodged against the refusal, which was dismissed by the Inspectorate on 6 April 2005.

## **The Proposal**

Outline planning permission is sought for the redevelopment of the site with 9 flats and it has been requested that the siting and access be taken into account at this stage. The proposal would seek approval for the demolition of the existing buildings and the provision of 2 no. 2-storey buildings, one of which will be sited to the frontage of the site (containing 4 flats) and the second would be located in the wider part of the north east of the site (containing 5 flats).

The location of the frontage building will omit the frontage hardstanding area and therefore remove the potential traffic hazard in this area with calling vehicles reversing out across the footpath/cycleway and onto the B1174.

A 4m wide access will be created onto the B1174 and will run along the south east boundary of the site to access a car parking area sited between the 2 proposed buildings. This will ensure that sufficient car parking is provided and all vehicles will enter and leave the public highway in forward gear – therefore improving the situation from what is currently on site.

In order to justify the proposal in terms of access and parking the Agent has submitted a supporting statement, the details of which can be found in the 'Applicants Submissions' section of this report. At the time of drafting this report the Highway Authority had yet to comment on the supporting statement.

The siting of the 2 proposed buildings allows for good surveillance of the central car parking area and allows for the building to the rear of the site to be designed in such a way that any visual impact on, or overlooking of adjacent properties is reduced.

The building would be 2-storey but would be at least 26m from the nearest dwellings of 7 Cliffe Road with its roof sloping away from their rear boundary. The Agent has indicated on the submitted drawing that any first floor habitable windows that face Cliffe Road are to be high level to avoid any overlooking. The majority of the habitable room windows are to face into the site or towards Gonerby Road.

## **Policy Considerations**

SKLP Policy H6 – Allows for new residential development that would not impact on the form and character of the area and would have satisfactory access provision.

SKLP Policy EN1 – Allows for development that would reflect the general character of the area through layout, siting, design and materials and development that is located where the highway system can safely accommodate the increase in traffic.

SKLP Policy T3 – Allows for development that provides an appropriate standard of parking spaces for the land use proposed.

## **Statutory Consultations**

Local Highway Authority: Comments awaited on the proposal based on the submitted supporting statement.

Community Archaeologist: No objections.

Environment Agency: No comments made.

### **Representations as a result of publicity**

Cllr Ian Stokes – Requested that the application be referred to the Development Control Committee as the development ‘... seems an overdevelopment of the site and could be intrusive on the houses on Cliffe Road’.

The application was advertised in accordance with established procedures and representations have been received from interested parties.

The following issues were raised:

- a) Increase in traffic movements and concern over highway safety.
- b) Increase in noise levels.
- c) Access crosses footpath and cycleway.
- d) Overdevelopment/density.
- e) Possible loss of privacy.
- f) Question over the need for more flats.
- g) Loss of post office and community facility.

### **Planning Panel Comments**

3 August 2005 – The application be determined by the Development Control Committee.

### **Applicants Submissions**

“The site was used up to recently as a Post Office and Convenience Store. The hours of opening were from 9 am to 5 pm for the Post Office with the convenience store staying open until 10 pm. The previous occupier has informed me that up to 160 customers used the premises daily with probably 75% of them arriving by car. This often caused 7/8 cars being parked on the main highway due to the limited on-site parking. Added to customer traffic, various delivery vehicles would call at the site on different days. The existing forecourt is approximately 12m wide, all of which affects the footpath and cycleway. All cars and lorries had to reverse out over the footpath and cycleway due to the limited space available. The proposed access width to the development would be 4m wide plus the radius curves which would impact to a much lesser extent.

The proposed development is for 9 no. flats with 100% parking provision. The greatest vehicle movements will probably be at peak times but will be greatly reduced from the previous usage of the site. The parking provision is for 100% due to the close proximity of the site to the town centre of Grantham with a good bus service and cycleway. The site will also provide secure cycle parking provision.”

### **Conclusions**

It is considered that the proposed development will (subject to no adverse comments from the Highway Authority) improve the highway safety for road users of the site and will not be detrimental to the residential amenity of the occupiers of the adjacent dwellings. Care will need to be taken in

considering any subsequent detailed/Reserved Matters application to ensure that issues of overlooking and potential loss of privacy are fully addressed.

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3 and Policies H6, EN1 and T3 of the South Kesteven Local Plan. The issues relating to highway safety, density, loss of privacy, noise and loss of facilities are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:  
(a) the expiration of five years from the date of this permission; or  
(b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs, the means of access and the landscaping of the site.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
4. Before the development is brought into use, the private driveway shall be provided with lighting (to a meet standard BS 1549 part 9) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
6. Within a period of six months from the completion of the last dwelling to be constructed on the site, the areas shown on the submitted plan as amenity space/play area shall be provided, laid out and landscaped and made available for use. This amenity space shall not thereafter be used for any other purpose.

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

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Local Plan.

4. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety and in accordance with Policy H6 of the South Kesteven Local Plan.
5. The application was submitted in outline and no such details have been submitted and in accordance with Policy H6 of the South Kesteven Local Plan.
6. To ensure that the development is carried out in accordance with the details submitted to safeguard the amenities of the locality and to ensure that spaces remain available for public use and amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. This road is a private drive and will not be adopted as Highway Maintainable at the public expense (under the Highways Act 1980) and, as such, remains the responsibility of the individual property owner.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

Applicant	<b>Mears Motors Limited C/o Agent</b>
Agent	Barker Storey Matthews - FAO J Dadge 37, Priestgate, Peterborough, PE1 1JL
<b>Proposal</b>	<b>Residential development</b>
<b>Location</b>	<b>Thurlby Road Garage, Main Road, Thurlby</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	Thurlby A Class Road Demolition of any building - BR1 Area of special control for adverts Drainage - Welland and Nene
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**REPORT****The Site and its Surroundings**

The irregularly shaped application site is approximately 0.421 hectares and is located at the side of the A15 at Northorpe. It includes a car showroom, external sales, workshops and offices.

The site is surrounded by residential development. The rear part of the site backs onto Nos 8 - 16 Woodside East. Residential properties in extensive plots are located to the north and south of the application site.

**Site History**

Previous site history relates to the garage business at the site.

**The Proposal**

The proposal is for outline planning permission for residential development and associated works. All matters have been reserved for future consideration.

**Policy Considerations****National Policy**

PPG3 - Housing

**Lincolnshire Structure Plan**

H1: Housing Provision  
H2: Housing on Previously Developed Land  
H3: Housing Density

**South Kesteven Local Plan**

Interim Housing Policy.

EN1 – Protection and enhancement of Environment.

## **Statutory Consultations**

Thurlby Parish Council: The parish council do not propose to enter any representations.

Local Highway Authority: Does not object and requests that conditions be attached.

Property Services:

Objects. Since hardstanding was put down there have been flooding problems from surface water run off. There must be measures to attenuate flows.

Housing Services: There is a need for affordable housing should the density warrant.

Community Archaeologist: Affects an area of Archaeological interest.

Police Architectural Liaison: Requests standard conditions re lights, fences and lighting.

Local Education Authority: Requests that a contribution be paid.

## **Representations as a Result of Publicity**

Four letters of objection received from interested parties.

The objections can be summarised as follows:

- a) The building works will cause a long period of disturbance, noise and dust.
- b) There have been flooding problems.
- c) The new dwellings will overlook my garden to a large degree, it is not overlooked now and I will lose all my privacy.
- d) The development would contribute to global warming.
- e) Security would be reduced because the increases in housing is destroying the village identity.
- f) The impact on local traffic will be immeasurable; this is an area where traffic travels at high speed.
- g) The buildings will shade my garden.
- h) The development is out of keeping with the character of the area.

## **Planning Panel Comments**

The site should be visited and be determined by committee.

## **Applicants Submissions**

The applicant states that they have been granted a Ford Dealership and it is anticipated that this will lead to the submission of further application for expansion of facilities. They acknowledge that

this expansion may have an adverse impact on neighbours and state that the use is non-conforming with the surrounding residential properties.

The sale of the land for residential use would finance a move to Bourne where an appropriate site would be sought.

## **Conclusions**

The application accords with Development Plan Policies, therefore the key issues of this application are the impacts on the amenity of neighbours and comments of third parties.

### **Loss of Light**

Any built development will be assessed when the application for approval of reserved matters is considered. Building Research Establishment Guidelines will be used to ensure that there is no loss of light to habitable rooms.

### **Overlooking / Loss of Privacy**

Again any built development will be assessed when the application for approval of reserved matters is considered. It is considered that a layout can be orientated so that there is no significant adverse impact on amenities of neighbouring properties.

### **Character of the Settlement /Design**

This site is a "Brownfield" site in a defined local service centre and therefore accords with the interim housing policy. It is a consequence of PPG3 that land is used at a higher density and this has a different character to that previously permitted in the rural area. However land must be developed efficiently to avoid the take of "Greenfield" sites.

### **Economic Development**

It is considered that if this site was to be developed for a larger business then adverse impacts could affect neighbours. It is preferable for this use to re-locate to a more suitable site in Bourne and increase the economic prosperity of the area rather than wither with a resultant adverse impact. Indeed if the business did close then it is likely that an application for housing would result.

### **Other Third Party Comments**

Whilst the comments by residents in relation to traffic on the A15 are noted, the Highway Authority does not object on grounds of highway safety. It is considered that an access can be constructed without detriment to highway safety.

The flood problems are noted and these can be addressed through conditions requiring the flow by attenuated to a rate of 4/lt/ha; this is the rate of run off from a green field.

### **Conclusion**

The development is considered acceptable.

**RECOMMENDATION:** That subject to completion of a S106 Agreement relating to a contribution towards education and affordable housing, the development be Approved subject to condition(s)

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:  
(a) the expiration of five years from the date of this permission; or  
(b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs, the means of access and the landscaping of the site.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. When application is made for approval of the 'reserved matters', that application shall show adequate land within the site reserved for the garaging or car parking. Such garaging provision as approved by the District Planning Authority shall be made on the site before the relevant dwelling is occupied, and shall thereafter be used, or be available for use, for garaging/car parking.
6. Before the development is brought into use, the private driveway shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
7. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
8. Development shall not be begun until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority.
9. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a \*specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

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

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

10. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
11. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
12. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Thurlby Road and the minimum width of the access shall be 5 metres.

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

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. The application was submitted in outline only and in accordance with PPG1.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy H6 of the South Kesteven Local Plan.
5. The local Highway Authority so requests so that adequate car parking facilities are provided clear of the public highway in the interests of a satisfactory residential environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. The application was submitted in outline and no such details have been submitted and in accordance with PPG25.
8. To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety and in accordance with PPG23.
9. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
10. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
11. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
12. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. In accordance with Report dated 22 July 2005 from Barker Storey Matthews.

\* \* \* \* \*

Applicant	<b>Central Leisure</b> Former Nightclub Site, Chapel Yard, North Street, Stamford
Agent	Wilson & Heath Architects 112, Queens Walk, Stamford, Lincs, PE9 2QE
Proposal	<b>Installation of rooflights and windows to roof of flats</b>
Location	<b>Former Nightclub Site, Chapel Yard, North Street, Stamford</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Stamford</b> A Class Road Radon Area - Protection required Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene

## **REPORT**

### **The Site and its Surroundings**

The application site is currently under development for a scheme of 14 flats, planning permission having been granted on appeal in March 2004 (S02/0326/69).

The site was formerly occupied by buildings of an industrial appearance and last used as a nightclub.

To the west, separated from the site by a public footpath connecting the Recreation Ground with North Street, is a Chapel. To the south are commercial premises fronting Chapel Yard and North Street.

To the north and east is the Recreation Ground and mature trees on the boundary with the site are covered by a Preservation Order, imposed after planning permission was granted for the redevelopment.

### **The Proposal**

It is proposed to install additional windows in the gables and dormer windows and rooflights to both roofslopes in order to create five additional apartments. No additional on-site parking is to be provided for the additional units.

At the time of writing the additional windows subject of this application have already been installed.

### **Policy Considerations**

South Kesteven Local Plan – Policy EN1 – Protection and Enhancement of the Environment:

THE VISUAL QUALITY AND AMENITY OF THE BUILT AND COUNTRYSIDE ENVIRONMENTS OF THE PLAN AREA WILL BE CONSERVED AND ENHANCED. DEVELOPMENT PROPOSALS SHOULD:

- i) INCORPORATE APPROPRIATE LANDSCAPING AND TREE PLANTING WHERE APPROPRIATE;

- ii) **CONSERVE AND ENHANCE, WHEREVER POSSIBLE, WOODLAND, TREES, HEDGEROWS, WETLAND AND OTHER WILDLIFE HABITATS, WATERCOURSES AND OTHER NATURAL FEATURES, KNOWN ARCHAEOLOGICAL SITES AND FEATURES OF HERITAGE SIGNIFICANCE;**
- iii) **IN RESPECT OF BUILDINGS, REFLECT THE GENERAL CHARACTER OF THE AREA THROUGH LAYOUT, SITING, DESIGN AND MATERIALS;**
- iv) **NOT INTRUDE INTO THE SETTING OF IMPORTANT BUILDINGS, LANDSCAPE FEATURES OR PROMINENT VIEWS;**
- v) **WHERE APPROPRIATE, HELP TO ACHIEVE THE IMPROVEMENT OF DERELICT, DEGRADED AND UNDERUSED LAND;**
- vi) **BE LOCATED WHERE THE HIGHWAY SYSTEM CAN ADEQUATELY AND SAFELY ACCOMMODATE THE VOLUME AND NATURE OF TRAFFIC LIKELY TO BE GENERATED OR INCORPORATE SUITABLE PROPOSALS FOR ALL NECESSARY IMPROVEMENTS; AND**
- vii) **AVOID POLLUTION OF THEIR SURROUNDINGS BY NOISE, TOXIC OR OFFENSIVE ODOUR OR BY RELEASE OF WASTE PRODUCTS.**

Lincolnshire Structure Plan – Policy S1 (Promoting Sustainable Development) and Policy S2 (Location of Development).

Central Government Policy Guidance – PPG13 (Transport).

### **Planning Gain**

A Section 106 Agreement would be required to ensure that the commuted sum was used on improving public car parking facilities.

### **Statutory Consultations**

Local Highway Authority:

In accordance with Government guidance (PPG13) no on-site parking provision required due to the proximity of public car park and the town centre.

Due to possible increase in usage of the District Council car park suggest the possibility of a commuted sum for the upgrade of car park.

Town Council:

Object in the strongest possible terms to an increase in the number of units on this site and the height of the site, together with the development with the roof space, which is completely contrary to previous planning permission.

Arboriculturalist/Landscape Officer:

To prevent conflict between the new build and existing trees included in the Tree Preservation Order, rooflights and windows should not be installed in north and east facing roofs.

## **Representations as a result of publicity**

The application has been advertised in accordance with statutory requirements, the closing date for representations being 21 April 2005.

## **Applicants Submissions**

The applicant's agent has submitted the following statement in support of the proposal:

"While we believe that you already have all information necessary to consider our application, we thought it might be helpful if members, who may not be familiar with the scheme are made aware of the major factors appertaining to this application in one concise document, so we tabulate these below, as follows:

1. The site was originally home to the second largest nightclub in Stamford, which had been created out of two former industrial buildings and was derelict. The site was in all respects – an eyesore, not only were the buildings misplaced in terms of location, but they were also certainly not attractive to look at (being clad in broken profiled asbestos cement sheeting and rendered blockwork). That was the state of affairs when our Client purchased the property.
2. Our Client then applied for and received, planning approval to construct a large replacement multi-use building – clad for the most part in profiled metal.
3. In the event, having just completed the conversion and extension of a derelict house on Radcliffe Road – into five self contained flats and in so doing, proved a definite need for good quality residential development of that type in the town, our Client decided that it would be better to develop the site residentially. Another planning permission was sought and eventually given – for the construction of 14 flats, with parking.
4. During the exchange of correspondence prior to approval by the Secretary of State, SKDC made it clear that they did not require parking for this residential development, but would prefer that the occupants use the Council's car park.
5. The envelope of the buildings have now been constructed in accordance with the approved drawings and during the course of that construction, we saw the potential to create a further 5 flats within the roofspaces by your planning officer, to make a full planning application now in respect of the possible additional flats in the future.
6. Subsequent to the approval for the original 14 flats, SKDC have placed TPO's on all the trees surrounding the site, but remarkably have decided to omit a number of trees on an adjacent site which perform the same park boundary definition and screening use as the trees adjacent to our site and those along the north side of the Council's car park. While we are very happy at the retention of these trees, we were not given the opportunity to make representation, during the process of your seeking the protection order, as to their status and consequently – their upkeep and maintenance. We note that others were given that opportunity and trees were omitted from the Order to cater for their requirements.
7. The flats now being created provide much needed new affordable rental residential accommodation in the town – accommodation that is not being provided by other agencies. All the flats being built are to the highest standard and are to the latest Building Regulation sound standards.

8. The application before you provides for 5 additional flats, without the need to enlarge or alter the approved structure. The only visible change comprises the insertion of a limited number of dormer windows and 3 rooflights – within the existing roof structure, development, which would normally be classed as ‘permitted development’ in the case of individual dwellings. The flats are to be top quality single bedroom flats enjoying magnificent views over the town and park.
9. We see no logical reason why these additional much needed flats should not be approved and we trust that the members will appreciate, the considerable work, effort and finance our Client is putting into this scheme – taking a long term view, to enlarge the affordable housing stock in Stamford, to clean up the former eyesore at this corner of the park and to provide an attractive complex of buildings on this site, for the benefit of all and in particular the numerous people who daily cross the park to Chapel Yard.”

In order to overcome the concerns with regard to the conflict with the trees, the applicant’s have offered to install black-out blinds inside the rooflights facing the trees and to have a suitable warning written into the tenancy agreements of those flats affected and that measures are in place for the occupants to deal with any problem by using the blinds.

### **Summary of Reason(s) for Approval**

Subject to the applicant agreeing to the amendments set out in the recommendation and to entering into a Section 106 Agreement, the reason for approval is as follows:

The proposal is in accordance with national and local policies as set out in PPG13 (Transport), Policies S1 and S2 of the Lincolnshire Structure Plan (Deposit Draft April 2004) and Policy EN1 of the South Kesteven Local Plan. There are no material considerations that indicate against the proposal.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. It is considered that the proposed insertion of dormer windows into the north and eastern facing roofslopes, to provide daylight to rooms of proposed flats in the roofspace of the existing buildings would endanger the continued existence of the protected Lime trees on the adjacent Recreation Ground by severely restricting natural light reaching those rooms, thus leading to pressure for their removal.

In some cases the dormers are not necessary as they are not the only means of providing natural light and in others it could be provided by alternative means.

The proposal is therefore contrary to Policy EN1 of the South Kesteven Local Plan.

**This application was considered by Committee at the 14 June meeting when it was resolved to authorise the Development Control Services Manager to determine the application, after consultation with the Chairman and Vice Chairman, subject to the applicant agreeing to omit the windows in those roofslopes facing onto protected trees and entering into a Section 106 Agreement for a contribution towards the upgrading of the neighbouring public car park.**

The applicant’s agent has now responded on behalf of his client as follows:

**“Many thanks for your letter dated 16 June 2005, please accept our apologies in not having replied sooner and for having commenced this work on site in advance of approval.**

We confirm that, following your committee meeting on 14 June which as you are aware we attended, and following receipt of your letter, we have now had an opportunity to discuss the two issues outstanding with our Client and now respond as follows:

1. **We have no objection to entering into a Section 106 Agreement with SKDC, in respect of a commuted sum towards upgrading the nearby public car park.**
2. We do not agree to the omission of the dormer windows on the north and east facing roofslopes, for the following reasons:
  - a) The proposed additional roofspace flats have their north and east facing fenestration much further away from the existing lime trees, than the flats located below at 1st and 2nd floor level and they consequently receive much more natural light.
  - b) None of the windows in question serve bedrooms, which might conceivably be subject to a shadowing problem at night.
  - c) We have undertaken to eliminate the possibility of subsequent complaint to SKDC in respect of the trees, with the installation of blackout blinds to the affected windows and suitable wording in the tenancy agreements for the flats in question. (We refer you to page SU42 of your committee agenda in that regard).
  - d) Notwithstanding the adverse, untrue and totally unnecessary publicity, whipped up by certain irresponsible people in Stamford, regarding the trees adjoining the site, these same trees have now been trimmed back by your subcontractors – well in excess of what we requested (which was to trim back the dead branches) and the Flats now have more than adequate natural light and improved views across the park.
  - e) When HM Inspector approved this project, he did not foresee any problem with the east and north facing fenestration of the 1st and 2nd floor Flats – either from a natural lighting point of view or from the fact that shadows might be cast across the glazing by the trees at night-time.

**Finally, we request that your committee reconsider this application in the light of the above comments and suggest that if any member still has reservations regarding the quality of the flats, we would be pleased to arrange a site visit so that they can allay their fears and see the asset being created in the form of affordable housing, for the people of Stamford.**

Will you please consider this application, taking into account the above points.”

\* \* \* \* \*

Applicant	<b>Allington Homes Limited</b> 64, North Street, Bourne, PE109AJ
Agent	Robert Lowe Chartered Architect 1-2, North End, Swineshead, Boston, PE20 3LR
Proposal	<b>Partial demolition, construction and conversion to create 1 no office, 1 no A5 takeaway, 2 no A1 retail and 8 no C3 dwellings</b>
Location	<b>64-66, North Street, Bourne</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Bourne</b> Site partially in Conservation Area A Class Road Demolition of any building - BR1 C9 Area Conservation Policy Drainage - Welland and Nene
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## **REPORT**

### **The Site and its Surroundings**

This site is located between North Street and Meadow Gate, Bourne and was last used for commercial purposes. There is a current A5 user at the site.

The buildings have an "L" footprint and those fronting North Street consist of varying heights from two storey to single storey. The buildings on the return leg abut a footpath and whilst being two storey have both flat and pitch roof elements.

Access is gained from Meadow Gate. Neighbouring properties in North Street are predominantly in commercial uses whilst the neighbouring properties on Meadow Gate are residential.

### **Site History**

S05/0163 – Residential Development, retail and fast food outlets. Refused 21.4.05.

### **The Proposal**

This is a full application to demolish part of the buildings fronting North Street and construct a three storey building consisting of two shops with flats over. The flats have access from the rear.

The offices are to be converted into a small office unit and a hot food takeaway and the remainder converted into residential accommodation in the form of maisonettes.

### **Policy Considerations**

#### **National Policy**

PPG3 – Housing  
PPS6 – Planning for Town Centres  
PPG13 - Transportation

## Lincolnshire Structure Plan

H1: Housing Provision  
H2: Housing on Previously Developed Land  
H3: Housing Density

## South Kesteven Local Plan

Interim Housing Policy.  
EN1 – Protection and enhancement of Environment.

## **Statutory Consultations**

Bourne Town Council:

Objects on following grounds:

**This site is next to a busy footpath and it was felt that a development in such a confined space could have a negative impact on highway safety; and**

As there are already a number of takeaway outlets in Bourne, it was felt that another is unnecessary.

Local Highway Authority: Does not object and requests conditions be attached.

Community Archaeologist: The site is in an area of archaeological interest. A note to the developer is requested.

Police Architectural Liaison: Requests standard conditions regarding lighting fencing and landscaping.

## **Representations as a Result of Publicity**

Four letters of objection received from interested parties.

The issues raised are summarised as follows:

- a) There is sufficient residential development in Bourne centre.
- b) More development will increase traffic congestion.
- c) Meadowgate is unable to cope with the volume of traffic both vehicular (it is a rat run) and pedestrian (school children deliberately walk in the road).
- d) Car parking should be provided at the rate of two spaces per dwelling and there is no provision for the commercial properties.
- e) Concerns with a party wall.
- f) Invasion of privacy of 20-26 and 36-38 Meadowgate.

- g) Another takeaway in Bourne.
- h) Has the dimensions of emergency and utility vehicles been taken into account.
- i) Will there be an increase in utility services.
- j) Retail units and the fast food takeaway will create a source of highway danger on North Street when combined with existing uses.
- k) There is a litter problem from the takeaways.
- l) The development will be oppressive to No 26 Meadowgate.
- m) There will be environmental issues from the takeaway resulting from smells, discarded rubbish and rats.

### **Planning Panel Comments**

The application should be determined at committee following a site visit.

### **Applicants Submissions**

This application addresses the reasons for refusal of the previous application as follows:

The number of dwellings has been reduced from 12 to 8;  
 Parking is provided on a one to one basis;  
 Increased turning space has been provided on site;  
 A larger amenity area has been provided;  
 A screened compound for refuse bins has been provided;  
 Facilities for extraction and filtration has been included in a dummy chimney stack; and  
 The North Street frontage has been designed to improve the appearance of the Conservation Area.

### **Conclusions**

It is considered that the key issues of this application are the impacts on the amenities of neighbours and character of the area.

### **Commercial Uses**

PPS 6 states the following paragraph:

1.5 The following of the Government's wider policy objectives are also relevant, insofar as they would not be inconsistent with the key objective in Paragraph 1.3 above:

- to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;
- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;
- to promote economic growth of regional, sub-regional and local economies;
- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and

- to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents.

Section 58 of the Planning and Compulsory purchase Act 2004 requires that the most up to date planning advice is considered when determining planning applications. It is considered that the development fully accords with the above policy objectives contained in PPS6 which post dates the Local Plan.

It should be noted that the development merely replaces the existing Takeaway on the site and does not create an additional takeaway. It is considered that there will be no additional social problems created by these uses than that existing.

### Design

It is considered that the design improves the Conservation Area at this part of North Street. The small increase in mass over the existing buildings is considered not to create a dominating visual impression and not to have an adverse impact on the amenities of the neighbours.

There are two additional upper floor windows being created and it is considered that this does not create a significant increase in potential overlooking from the existing situation.

The design incorporates a dummy chimney stack to incorporate filtration systems to mitigate odours and emissions. It is considered that this is an improvement on the existing situation.

The access has been designed to accommodate passing private vehicles and delivery vehicles visiting the site.

### Traffic Generation / Car Parking

It should be noted that the site has authorised uses that could be continued without the need for planning permission and this may have only a marginally different impact on highway safety as the new uses. Traffic generation should be compared to the prevailing situation.

Parking provision for this development should accord with the following advice:

C3 (Dwelling houses) – a maximum of 2 spaces

A2 (Office space) – 2 spaces

A1 (Retail) – public parking provision

A5 (Takeaway) – like for like basis

The actual provision is 8 spaces for the dwellings, a delivery /turning area and cycle storage. The 2 space deficiency for the office use is justified by the applicants on the basis that it is a town centre location and that there is public parking provision available. This is considered acceptable by Lincolnshire County Council Highways.

The access conforms to highways requirements and is considered acceptable.

It is considered that the above addresses the material considerations and the development is considered acceptable.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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 in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
3. That part of the premises hereby granted approval for A5 use shall be used for A1, A2 or A5 only and for no other purpose, (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
4. Before the development is brought into use, the private driveway shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.
6. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no buildings, fences, walls or gates shall be erected on the land without the express permission of the District Planning Authority.
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
9. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the District Planning Authority.
10. The premises shall not be used for the operation of business or the sale of goods and services between the hours of 11 pm and 8 am.
11. No part of the land outside the building or designated area indicated on the approved plan shall be used for the deposit, manufacture, storage or display of any goods, waste or other materials or items, except as may be agreed in writing with the District Planning Authority.
12. The arrangements shown on the approved plan Drawing No. 0490/06 Rev D received 31 July 2005 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
13. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 0490/06 Rev D received on 31 July 2005. (Please note that 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 reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
3. The use of the premises for any other purpose within Class A3 would adversely affect the amenities of residential occupiers and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
4. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
5. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy C9 of the South Kesteven Local Plan.
6. No such details have been submitted and the district planning authority wish to be in a position to ensure that the proposed details are sympathetic to the Conservation Area and in accordance with Policy C9 of the South Kesteven Local Plan.
7. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
8. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
9. In order to protect the occupiers of nearby properties from the smells of food preparation and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
10. The site is in an area of mixed uses and activities outside these hours would have an adverse effect on the amenities of occupiers of nearby properties and in accordance with Policies of EN1 and H6 of the South Kesteven Local Plan.
11. Such storage would be to the visual detriment of this area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
12. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13.
13. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

3. This road is a private drive and will not be adopted as Highway Maintainable at the public expense (under the Highways Act 1980) and, as such, remains the responsibility of the individual property owner.

\* \* \* \* \*

**SU.3 S05/0833/25**

Registration Date: 17-Jun-2005

<b>Applicant</b>	<b>Acrabuild Limited C/o Agent</b>
<b>Agent</b>	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
<b>Proposal</b>	<b>Conversion and extension of 2 barns to dwellings, demolition of buildings, erection of 4 dwellings and carport/garages/parking and alterations to facilitate a wider access</b>
<b>Location</b>	<b>Land At Horsegate Farmyard, Deeping St. James</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Deeping St James</b> B Class Road Demolition of any building - BR1 Radon Area - Protection required Drainage - Welland and Nene EA: Flood Risk Zone 2/3 (new bld only)

## **REPORT**

### **The Site and its Surroundings**

The application site is approximately 0.34 hectares and is located at Horsegate Farm, Horsegate, Deeping St. James. It includes two frontage stone properties, Nos 35 and 37, and stone built agricultural buildings. The application site includes open land, used as garden, to the rear of these structures.

The site is surrounded by residential development. The rear part of the site backs onto Nos 31-37 Swift Close. Residential properties in extensive plots are located to the east and west of the application site.; due to the separation between properties, these properties are not readily apparent from the site.

### **Site History**

S05/0438 – Barn conversions and 4 dwellings (3m access). Withdrawn 12.5.05.

S05/0439 - Barn conversions and 4 dwellings (5m access). Withdrawn 12.5.05.

### **The Proposal**

The proposed development comprises the partial demolition of a dwelling fronting Horsegate to provide a satisfactory access, the conversion and extension of two stone barns and the construction of 4 dwellings.

The two stone barns on the site are attractive and worthy of retention and these are proposed for conversion. They form a courtyard with the two existing dwellings. Other structures are shown to be demolished and another courtyard is being formed behind. This courtyard consists of the four new dwellings and a carport.

### **Policy Considerations**

#### National Policy

PPG3 - Housing

#### Lincolnshire Structure Plan

H1: Housing Provision  
H2: Housing on Previously Developed Land  
H3: Housing Density

#### South Kesteven Local Plan

Interim Housing Policy.  
EN1 – Protection and enhancement of Environment.

### **Statutory Consultations**

Parish Council:

Objects on following grounds:

Rear courtyard proposals – units 4 and 5 give an over-intensification of the site;  
Proximity to boundary with Swift Close will give an overbearing and overshadowing effect on neighbours; and  
Partial demolition of No 37 will change the street scene.

Local Highway Authority: No objections. Requests conditions to be attached.

**Welland & Deepings IDB: No objections but requests a note to be attached regarding excavations.**

Community Archaeologist: Does not affect any known Archaeological sites.

English Nature: No objections. The evidence found as a result of the survey is the result of expeditious use of the site as a temporary feeding roost by a brown long-eared bat. An informative note is included to be attached to the permission.

### **Representations as a Result of Publicity**

Letters of objection received from interested parties.

The objections can be summarised as follows:

- a) **Barns are inhabited by a rare species of bat and the site provides an environment for a wide variety of wildlife.**
- b) Removal of asbestos sheeting is potentially hazardous.
- c) The building works will cause a long period of disturbance, noise and dust.
- d) We bought a house next to a large back garden and paid extra for the benefit.
- e) Concerns regarding the visual impact, we will see these houses and the occupants will be able to see us.
- f) The chimneys will cause pollution if used.
- g) There will be a significant adverse impact from the glare from headlights and noise of vehicles.
- h) The access will be a cause of highway danger to vehicles and pedestrians particularly children.
- i) The impact on local traffic will be vast, this is an area that is already heavily congested at certain times of the day.
- j) The most affected property is No 35 Swift close because the back garden is only 6m deep.
- k) The height of the buildings will shade not only my garden but my kitchen and dining room as well.
- l) The new dwellings will overlook my garden to a large degree, it is not overlooked now. I will lose all my privacy.
- m) The development is out of keeping with the character of the area, there is no residential backfill.
- n) The development will be dominant and oppressive.

### **Planning Panel Comments**

The site should be visited and be determined by committee.

### **Applicants Submissions**

The following paragraphs have been extracted from the applicant's supporting statement:

- 5.2 Principle of the residential redevelopment of the site - The application site is located within the urban area of The Deepings, which is one of South Kesteven's four towns which should act as a focus for development. This is consistent with national planning advice in PPS1 and PPG3.
- 5.4 Impact on the form, character and setting of the settlement - The form and character of this part of Deeping St James is formed by residential development fronting the major routes, such as Horsegate. However, the application site already provides an example of development in depth where this was required to meet historical operational requirements.

There are examples of various other buildings located in rearward positions along Horsegate as can be seen on the attached site plan.

- 5.7.A Satisfactory access – The only way to achieve a greater width access into the site is to demolish part of No 37 Horsegate. This approach has been accepted in principle by both the District Council and the Highway Authority in the process of the previous application and is so pursued. Speed surveys which have been carried out show that the required visibility can be achieved.
- 5.9 Design factors - The design approach reflects the existing buildings located on the site. The site lends itself well to forming two courtyards of inward facing development, of rural design. Traditional materials are envisaged to be used as part of the proposal to reflect the frontage properties.
- 5.11 Impact on adjacent residential properties – The amended proposals have increased the spacing between the new dwellings and existing housing at Swift Close, whilst maintaining an attractive rear courtyard layout. The new housing also presents stepped down gable ends towards Swift Close. This acts to reduce the bulk and scale of facing units with no overlooking as first floor windows would be obscure glazed.
- 6.1 The application site has been shown to comprise an appropriate windfall housing site in terms of Policy H6 of the adopted Local Plan. Its greater use has been shown to accord with PPS1 and PPG3. The layout and design has been shown to be of high quality, reflective of the agricultural background of the site.
- 6.2 The application accords with the Council's adopted SPG on backland development. The access proposals and the arrangement of properties are acceptable in terms of this SPG, and the development will provide an attractive re-development of this existing urban site. On this basis it is hoped the application can be supported.

## **Conclusions**

The application accords with Development Plan Policies, except density, therefore the key issues of this application are the impacts on the amenity of neighbours and comments of third parties.

### **Loss of Light**

The Building Research Establishment guidance on this matter states that opposed buildings will not cause a loss of light if a line draw at 25° from a point 2m above ground level is above the building. Using this guidance the car port would only cause a loss of light to windows within 0.5m of the fence of 35 Swift Close. There are no residential buildings that would be affected using this guidance. It is concluded that this will not have an adverse impact on the amenities of neighbours.

In relation to 39 Horsegate it is considered that extensions and houses to the northwest of No. 39 are unlikely to cause a loss of light and it is considered that overshadowing of the garden will not create a significant adverse impact.

### **Overlooking / Loss of Privacy**

There are oblique views from upper floor windows, though this is considered to be no worse than the existing situation. The occupants of No 35 state that their garden is not overlooked but neighbours do have oblique views now. It is considered that the development will not create a significant adverse impact on the amenities of neighbours.

With reference to the same issue relating to 39 Horsegate it is considered that the overlooking is not significantly worse than the existing overlooking from Swift Close.

#### Domination of Outlook / Visual impact

The dwellings are situated with 2 storey flank walls approximately 18m from the rear elevations of dwellings on Swift Close at their nearest points and 14m to the lower storey at their nearest point. These distances are considered acceptable using the old "Essex Design Guide". This guide is considered out of date; current guidance from national policy indicates that these distances should be shorter and that Local Planning Authorities should adopt a flexible approach. It is considered that the orientation and location of the dwellings will not create a significant adverse impact on the amenities of neighbours.

#### Character of the Settlement /Design

Outside Conservation Areas changes to the character of settlements are an inevitable result of national policy advising higher housing densities on previously developed land. Both PPG3 and Policy H3 of the structure plan require developments to have a net density of 30 dwelling per hectare, using that guidance 9 dwellings should be created instead of the 8 proposed (NB two dwellings are in existence in both these calculations – Nos 35 and 37 Horsegate). The development is therefore contrary to density policies but it is considered that the additional dwelling would have an adverse impact on both the amenities of neighbours and the character of the area.

It is considered that the development does echo the courtyard theme and is acceptable in design terms. It is considered that the massing of the buildings and the relation of solid to voids reflects the agricultural character of the front part of the site and contrasts with the architecture on Swift Close. Chimneys were included at the request of your officers because it is considered that they improve the character of the dwelling. Other legislation controls any possible adverse effects relating to possible pollution and it is considered that they are not a reason for refusal.

#### Other Third Party Comments

Some comments have been addressed in detail above. Lincolnshire County Council Highways have not objected to the access, but have requested conditions. The site is currently used to park vehicles and the occupant could park an increased number of vehicles at the site. It is considered that the glare from headlights and noise of vehicles will not have a significant adverse impact on the amenities of neighbours.

English Nature has advised regarding protected species at the site.

Any hazardous substances found at the site would have to be removed in accordance with Health & Safety Legislation under the permission of the Environment Agency.

Whilst it is acknowledged that there will be some disruption during the building process it is considered that this not a material consideration warranting refusal.

The development is considered acceptable.

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

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

2. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. Notwithstanding submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations or buildings shall be erected on the land without the express permission of the District Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no gates, fences or walls shall be erected within the curtilage of any dwellinghouse wall of that dwellinghouse which fronts onto a road.
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
7. Before the development is brought into use, the private driveway shall be provided with lighting (to a minimum level of \*\*\*) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
8. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.
9. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
10. Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
11. The arrangements shown on the approved plan Drawing No. 6758/AT R003 received 7 June 2005 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
12. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 6758/AT R003 received 7 June

2005. (Please note that 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 reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
3. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
4. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
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6. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
7. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
8. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
9. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with PPG25.
10. To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety and in accordance with PPG23.
11. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with PPG13.
12. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with PPG13.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

3. This road is a private drive and will not be adopted as Highway Maintainable at the public expense (under the Highways Act 1980) and, as such, remains the responsibility of the individual property owner.
4. Your attention is drawn to the letter from English Nature attached to this permission.

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