

SF.1 **S05/1151/35**

Registration Date: 23-Aug-2005

Applicant	South Kesteven District Council Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Agent	Mr B Hutchinson, South Kesteven District Council Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Proposal	Erection of 1.8 metre fence to side and rear (Retrospective)
Location	13, Tamar Court, Grantham
App Type	Full Planning Permission

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.

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.

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.

* * * * *

**Development Control Committee
4 October 2005**

NR.1 S05/0869/71

Registration Date: 27-Jun-2005

Applicant	Mr R A Curtis 4, Alexandra Close, Long Bennington, Newark, NG235DH
Agent	
Proposal	Change of use for training of off-road driving techniques
Location	Gorse Lodge, Stubton

<u>Site Details</u> Parish(es)	Stubton Public footpath crosses site - FP1 Unclassified road Area of special control for adverts Airfield Zone - No consultation required Drainage - Lincs
---	--

REPORT

The Site and its Surroundings

The site is located to the north of Stubton Gorse Farm. Members may recall a number of previous planning applications on the adjacent land in relation to Stubton Gorse Clay Ground.

The application site lies between Stubton and Brandon, approximately 1100 metres south east of Fenton and approximately 1900 metres to the north west of Brandon. Brandon karting circuit is approximately 800 metres to the east of the site. Access to the site is via a long access serving other rural properties and enterprises.

Site History

The original planning permission for the use of the adjacent site including the area of land which is the subject of this planning application for clay shooting was approved by planning permission S00/0471 date 19 June 2003. This permission allowed for shooting on the site between 10am and 8pm Monday to Friday, 2 weekends per month between 10am and 4.30pm and for a maximum of 50 days per year.

Temporary planning permission was granted on 9 October 2001 for a variation in the shooting hours (allowing for an additional hour on Tuesday evenings). This permission was granted for one year only and has subsequently lapsed.

A further application in 2003 (S03/1093/71/) sought consent for the modification of the operational hours and was refused on 7 October 2003 for the following reason:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated midway between

the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow the business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

More recently planning permission (S04/0345/71) was refused for (inter alia) the extension of the operating days and hours of operation, for the following reasons:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation at the Stubton Gorse Clay Ground. Permission was refused on 7th October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 dated 19th June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

S05/0357 – Variation of condition imposed on S00/0471 – Hours of Operation is a current application and is considered elsewhere in this report.

The Proposal

The proposal relates to change of use for the land to be used for the training of off road techniques. The applicant has submitted the following information with the planning application.

Use of Site – Gorse Lodge

It is proposed to use areas of Gorse Lodge for running training courses in off-road driving techniques. The types of vehicles involved will be discussed in the section headed “Description of Equipment” but will include 4x4 cars, off-road buggies, and quad bikes, all of which will be instructed on in small numbers and under expert supervision.

No clients will be allowed to use vehicles unsupervised, all relevant safety equipment will be provided, on-going risk assessment will be used to satisfy Health and Safety requirements.

Use of vehicles will be as non-damaging to the environment as possible, both in terms of direct damage, and in terms of noise problem also. (See equipment section)

In using these vehicles, areas will be chosen not only for the safety of our clients, but also with due consideration to our neighbours.

Description of equipment to be used – Gorse Lodge

All vehicles to be used in conjunction with the off-road driving techniques at Gorse Lodge will be four-stroke petrol engine or diesel engine wherever possible. The company will have its own vehicles which will be maintained to our high standards, thus guaranteeing control of emissions and noise. Again St. GEORGE'S will be very strict in terms of vehicles allowed to use the site. The noise speed should be certainly no more than which St GEORGE'S creates already at PFI and far less than that which occurs during Gorse Lodge's busier days, and indeed less than agricultural usage. The vehicles which the company envisages using include Landrovers, quads, off-road buggies. All training will be instructed in small numbers and clients will always be supervised by a responsible trained instructor.

On certain occasions, a client (such as Environment Agency or Police) may wish to use their own vehicle, these will generally always be a 4x4 car type vehicle and as such subject to vehicles regulations (in keeping with roadworthiness). St GEORGE'S will exercise strict control over which vehicles will be allowed on to its site.

Some companies offer "Pay and Play" time to members of the public to use their sites. St GEORGE'S will NOT be offering this facility, thus ensuring our high safety standards and a complete control over the numbers and types and "roadworthiness" of vehicles allowed on to our sites.

Site use on Daily Basis – Gorse Lodge

We should like approval which allows us to offer training on a daily basis. Due to other commitments within the business (motorcycle training, trailer training) it will not be possible to actually do this, time having to be spread over each area. We are embarking on this expansion in order to provide us with work opportunities particularly through the less-busy winter period.

Most days will involve a number of different activities and may use some or all of the vehicles at some point. To lessen the effect of any noise or environment damage, we envisage having regular breaks and include such activities as team-building exercise/games which involve no vehicular use. Exercise such as these may include a treasure hunt on foot, or games which revolve around one small area.

Of the vehicle activity mentioned, all will be at low speed, designed to be unobtrusive and non-damaging, not only to the environment, but also the clients themselves! The maxim "As slow as possible, as fast as only necessary" will be followed. We will be offering the chance to experience these vehicles safely, responsibly, and in a controlled environment.

This is not for spectators, so the only people we need to cater for in terms of access and parking will be those clients directly using our facilities. Existing parking will be utilised, as will existing access. Traffic movement and parking will not be changed dramatically from that which already uses Gorse Lodge. If necessary, we are prepared to bring vehicular traffic in from A17 thus solving any concerns regarding extra traffic flow through Stubton and Fenton.

There are to be no permanent buildings added within this proposal, and no groundworks to be undertaken. This will have no real impact on the surrounding

area. We are aware of a bridleway running across the width of our site, and can confirm that this will be left clear and unused (save for occasional crossing).

Policy Considerations

Policy EN1 – Seeks to resist planning applications that would pollute their surrounding by excessive noise.

Policy EN2 – Seeks to resist development in the open countryside except for uses that cannot reasonably located elsewhere.

Statutory Consultations

Local Highway Authority – No objections

Community Archaeologist – No objections

Head of Environment Health Services – A noise report is required

Lincolnshire Fieldpaths Association –

We have concerns that the use of a site for off road driver training would produce conflicts with the path users and even a danger to them. The applicant states that the path will be crossed only for the purposes of access from one part of the site to another, and not as part of any driving course or training ground. If this condition form part of any consent it would meet our concerns.

Lincolnshire County Council – Footpaths

In the absence of further information it is expected that the definitive line and customary width of the path will not be affected by any proposed development.

During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazard by any such works.

The Ramblers Association

I have now spoken to the applicant regarding the use of the site in relation to the adjacent public rights of way. I have his assurance that the public rights of way will be safeguarded whilst their training sessions are in progress.

North Kesteven District Council

A summary of their main concerns are listed below:

1. The application is not supported by a detailed noise or ecology assessment.
2. The proposal appear unclear as to the manner in which driver will operate.
3. Assessment of the proposed use on the local network of public rights of way must be undertaken.

Parish Council

Caythorpe Parish, Brant Broughton and Stragglethorpe, Hough on the Hill and Fenton:

1. Vehicles would cross the bridleway. Who would monitor it?
2. The noise of off road training would create a dangerous area for horses.
3. The road through Stragglethorpe would be subject to an increase in traffic.
4. Who will monitor the statement that persons will not be allowed to 'pay and play'?
5. The vehicle would be likely to produce deep rutting and eventual flooding.
6. A noise report is vital.
7. The vehicle activity will be a low speed would defeat the object of having the course in the first place.
8. Proposal will ruin the area for people waking and exercising their animals.
9. Proposal will result in increased traffic movements on the existing highway network.
10. Comments regarding the operation of the PFI Circuit (not the subject of this application).
11. Visitors to the site will have to drive down bridleways.
12. Would result in an increase in traffic flows through Fenton.
13. Clay pigeon shoot already causes excessive noise.
14. The noise from the vehicles would not be contained at levels suggested by the applicant.

Representations as a result of publicity

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

A summary of their main concerns are listed below:

1. The use of the site will inevitably lead to an increase in noise pollution. For villagers the noise will be relentless with Kart days, clay shooting days, motorbike training.
2. Conflict with the character of the area which is essentially rural to a noise pocket to be avoided.
3. Vehicles at low speeds going up and down inclines would produce irritating noise pollution.
4. The surrounding area almost totally consists a small lanes completely unsuitable to an increase in traffic.
5. A bridleway runs across the site. What provisions will be made for the safety of people using the bridleway? How would the bridleway be protected from damage?
6. There is a clear risk from very damaging light pollution if some activities continue into the night in winter months.
7. Increased traffic flows along the existing highway network and conflict with existing road.
8. Is there no limit to the expansion allowed on the site?

Other comments have been made in relation to the adjacent PFI Circuit which is not the subject of this application

Planning Panel Comments

The application is to be determined by committee.

The applicant has been requested to provide additional detail regarding the proposed use, specifically:

1. Provide a noise report.
2. Provide evidence as to the nature and intensity of the proposed use.
3. How the training will be supervised.
4. Undertake a detailed assessment of the sites, ecology, particularly the woodland area.

At the time of drafting this report the requested information has not been received from the applicant. Any additional information provided will be reported verbally to the committee.

In light of the above comments it is considered that the use may be acceptable. However, until such as time as the requested information is received it is not considered that a full and proper assessment of the proposal can be undertaken. It is therefore recommended that the application is deferred for consideration at a future planning committee on receipt of the additional information.

RECOMMENDATION: The planning application is deferred for consideration at a future planning committee following receipt of the requested information.

The above application was scheduled to be considered at the Development Control Committee on 13 September 2005 but was deferred at the request of the Committee for a site visit to assess the impact of the proposed use on the area.

Additional information has been provided by the applicant in support of the application. A summary is listed below:

1. All driving will be supervised, low noise/low speed (11 mph or less).
2. No competitive or intensive usage. No racing, no time trials, no speed trials or irresponsible use.
3. All training will be supervised. No free time.
4. The applicant is an approved driving instructor.
5. The areas of woodland having tracks running through them. The use will utilise them. No trees have been removed.
6. A maximum of 2 no. buggies, 3 no. four by fours, 4 no. quad bikes used on the site at any one time.
7. The buggies are 150cc 4 stroke automatic machines with a top speed of 20 mph. The four by fours are land rovers or range rovers diesel or 4 stroke petrol models. The quads are 90cc 2 stroke automatic machines restricted to a top speed of 11 mph.
8. It is envisaged that the hours of operation would be 9.30 am to 4.30 pm. There will be no evening or night time training.

Since the previous report was prepared additional representations have been received from the following:

1. Mr & Mrs Shine, The Old Vicarage, High Road, Hougham.
2. Mr & Mrs Hearne, Stragglethorpe Lodge.
3. Mrs Derbyshire, The Gables, Pump Lane.

A summary of their comments are listed below:

- a) Comments regarding the operation of the existing PFI Circuit. Not the subject of this application.
- b) Some or all of the vehicles will be in use at some time and worst of all most days.
- c) Off road training will not produce a noise similar to a tractor.
- d) Any increase in the present noise level will fatally damage the essential rural nature of the area.
- e) A trial period of 6 months is essential.
- f) The hours of operation suggested should be set as a maximum.
- g) The permission should not be transferable.
- h) There should be restrictions on weekend and bank holiday use.
- i) The nearest village is 1 kilometre away, not a mile.

In addition there were further comments from Fenton Parish Council regarding the additional details:

1. In the synopsis of the amended plan the applicant says that the nearest village to the site is "approximately one mile away". It is not. It is approximately ONE KILOMETRE away from the village of FENTON.

2. Given the close proximity to our village we are concerned that the 2 stroke engines of the Quad Bikes will be noisy.

3. At a meeting with environmental health on 30 August 2005 the applicant offered that planning permission be given just for himself i.e. not transferable in the future.

4. At the same time Mr Mike Brown of the Environmental Health dept. suggested that a 6 month trial period might be the way forward.

Given the concerns we have over noise (this site is closer than the Stubton Gorse Clay Shoot) would the planning committee please consider the applicants offer in point 3, and also the Environment Health Departments suggested in point 4."

Statutory Consultations

Environment Health: Comments received are summarised below:

Following discussions with the applicant and the additional information that has been provided, I consider that should the committee be minded to approve the application, it could be approved subject to the following conditions:

1. The course shall only be used for low speed training purposes.
2. That only 4by4 drive cars, off road buggies and quad bikes are used.
3. A maximum of 3 4by4 vehicles restricted to a maximum speed of 10 mph, using on road tyres, are on the course and operating at any one time.
4. A maximum of 2 off road buggies with four stroke engines with a maximum engine size of 150cc with automatic gearboxes restricted to a top speed of 20 mph are on the course operating at any one time.
5. A maximum of 4 quad bikes with a maximum engine size of 90cc mechanically restricted to a maximum speed of 11 mph are on the course and operating at any one time.
6. Premises shall not be used for time trials, racing or similar activity.
7. All activities are under the supervision of a qualified instructor at all times.
8. All road vehicles to be maintained in a roadworthy condition and fitted with standard silencing systems.
9. That permission is granted for a six month period to monitor noise complaints.

Policy Considerations

EN1 – Seeks to resist applications that would pollute their surroundings by excessive noise.

EN2 – Development in the Countryside.

PPG24 – Planning and Noise – refers, in annex 3, to noise from recreational and sporting activities in paragraph 22 as follows:

“Depending on local circumstances and public opinion, local planning authorities may consider it reasonable to permit higher noise emission levels than they would from industrial development, subject to a limit on the hours of use, and the control of noise emissions during unsocial hours.”

Conclusions

The proposal is considered a use which could not reasonably be located within the confines of a settlement, and as such would comply with policy EN2 of the adopted South Kesteven

Local Plan subject to the development being sited and landscaped so as to minimise its impact on the environment.

Policy EN1 of the Local Plan seeks to preserve or enhance the built and countryside environments by ensuring development is located to avoid pollution of their surroundings by noise, and be located where the highway system can accommodate the volume and nature of the traffic likely to be generated. The Highway Authority has not raised any concerns regarding the proposed use.

In light of the above comments it is considered that subject to appropriate conditions restricting the number of vehicles in use on the site, hours of operation, and a permission personal to the applicant, a temporary six month period would be appropriate to fully assess the impact of the proposal.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note PPG24 and Policies EN1 and EN2 of the South Kesteven Local Plan. The issues relating to noise and disturbance and highway safety/capacity of highway network 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. This permission is valid for a limited period only, expiring 6 months after the date of this notice. On or before that date the use hereby permitted shall cease and the site reinstated to its former condition .
2. This permission shall enure for the benefit of the present applicant Mr R A Curtis only.
3. The use shall not operate outside the hours of 0900 to 1800 without the prior consent in writing of the local planning authority.
4. The number of vehicles operating on the site shall be limited to:
 - i) A maximum of 3 4by4 vehicles restricted to a maximum speed of 10 mph, using on road tyres, on the course and operating at any one time.
 - ii) A maximum of 2 off road buggies with four stroke engines with a maximum engine size of 150cc with automatic gearboxes restricted to a top speed of 20 mph on the course operating at any one time.
 - iii) A maximum of 4 quad bikes with a maximum engine size of 90cc mechanically restricted to a maximum speed of 11 mph on the course and operating at any one time.

Unless otherwise agreed in writing by the local planning authority.

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

1. The permission has only been granted because of the exceptional personal circumstances of the application and to allow a full assessment of the use to be undertaken.
2. To define the permission.
3. In the interests of reasonable residential amenity and in accordance with Policies EN1 and EN2 of the South Kesteven Local Plan.
4. To define the permission.

* * * * *

NR.2 **S05/0955/55**

Registration Date: 14-Jul-2005

Applicant	Mr P Lefrenais, Kean Homes Edgefield House, Vicarage Lane, North Muskham, Newark, Notts, NG23 6ES
Agent	JWA Architects Ltd Robert Tresham House, Clipston, Market Harborough, Leics, LE16 9RZ
Proposal	Erection of four dwellings
Location	Crosburn House, Main Street, Long Bennington

<u>Site Details</u> Parish(es)	Long Bennington C Class Road Curtilage Listed Building Area of special control for adverts C9 Area Conservation Policy Drainage - Lincs
---	---

REPORT

The Site and its Surroundings

The application site is located to the rear of Crossburn House and currently forms gardens land to serve that dwelling. Crossburn House is a grade II listed building.

Access to the site is gained via an existing narrow private drive, bordered by dense hedging to both sides. Immediately to the north of the access is a pair of semi-detached cottages with the south facing gable wall adjoining the access.

The site borders agricultural land to the south (with a recent planning permission to redevelop to provide 15 dwellings), garden land to the north and EN6 land to the east. The land and barn immediately to the west of the site is in the ownership of the applicant and is the subject of discussions with the Planning Authority for a scheme of residential conversion.

Site History

Planning permission was refused for the erection of 4 dwellings on the same site, under application S04/1881/55, on 7 February 2005. The refusal was based primarily on issues of access, due to the restricted width of the access track, its proximity to the dwellings either side and the increased use of the access. A second reason for refusal related to development on 'greenfield' land as opposed to Brownfield/garden land.

The Proposal

Following the refusal of planning permission meetings have been held with the applicants in order to establish the acceptability of a resubmission application if the issues raised in the previous reason for refusal could be addressed.

Firstly, it has been established that all the land is garden land owned and controlled by the applicant. This makes a proposal to develop the site a 'brownfield' proposal, therefore, overcoming the 2nd reason for refusal on the previous application.

At a site meeting it was established that, if measures could be introduced to protect the adjacent property from additional noise and disturbance from an increased use of the access then the proposal would be more acceptable to the planning authority.

Permission is now sought for the erection of 4 dwellings on the site with an improved access provision. The details of the application are as follows:

- Access into the site would be in the same location and allow for improved visibility splays at the edge of the footpath to enable emerging drivers better visibility along the footpath.
- A 4.1m wide access road would be provided which would be brought 2m away from the adjacent cottage to the north.
- The 2m wide 'buffer' would be given/sold to the owners of 42 Main Street, along with a small section of land at the rear of their garden, and would be bordered with a new 1.8m high brick wall, which would screen the access road from that dwelling and reduce the noise levels from passing vehicles and pedestrians.
- The existing hedge towards the frontage of the access, on the northern side, would be retained and supplemented with additional planting. The hedge on the southern side would be re-established closer to the listed building to allow for the increase in drive width to 4.1m.
- The existing wall within the extensive garden area would be removed and the proposed dwellings would be evenly spaced around a central turning area.
- The proposed dwellings are large, having 5 bedrooms to the first floor and 2 further bedrooms in the roof void, but are sited on spacious plots and are well distanced from the site boundaries so as not to impact on the surrounding area.

Policy Considerations

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

Directorate of Highways and Planning – Request 2 conditions and 2 ‘notes to applicant’ on any approval.

Community Archaeologist – No objections

Environment Agency – No comments made

Parish Council –

1. Access to the development.

The access to this site from Main Road is narrow and long and will no doubt be a source of noise pollution to the existing adjacent properties.

This proposed development is by its position ‘backland’ development.

2. Drains and Sewage.

Long Bennington is on a clay bed that is largely impervious to water. This has caused problems in the past when new developments have altered the natural water flow. We are aware that currently surface water from new developments is to soakaways. These have not all proved effective.

There are problems with surface water drains on Main Road and both Anglian Water and Severn Trent are investigating. Early indications are that many of the old culverts have collapsed or become blocked.

SKDC should be aware of our concerns on this matter and report their findings to this Council, in particular the congestion of old drainage systems.

3. Amenities

School.

A new site is already being sought for the school as its present situation restricts growth. The new developments already taking place in the village will stretch its resources, which will be further exacerbated if Foston and the other adjacent villages expand. We have the support of these villages in requesting that developments should be refused until this amenity has been improved.

Surgery.

A new doctors surgery is proposed. It is envisaged this will not be available until mid-2006 at the earliest. With the other developments in the village, new patients are being refused until this happens. We have the support of the adjacent villages in requesting that further developments be refused until this amenity has been improved.

4. The Council cannot accept that this is a brown field site as suggested by this application.”

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:

- No drastic change from application previously refused

- Impact on village drainage/infrastructure
- Increased traffic at narrow entrance, highway safety, danger to small children
- Backland development
- Impact of dwellings, 3-storey in height
- Possible overlooking/loss of privacy
- Precedent
- No details provided for the conversion of the barn (separate application)

In addition to the above a letter in support of the application was received from the occupiers of 42 Main Road stating that the objection raised to the previous application had now been addressed to their satisfaction.

Planning Panel Comments

24 August 2005 – Defer the proposal to the Development Control Committee for consideration.

Applicants Submissions

“As with our previous application as submitted in December 2004, and as further discussed at our recent meeting, it was generally accepted that the means of access, both in terms of safety (a Highway Authority matter) and the issue of amenity, unacceptable noise and disturbance to the adjoining residents has been satisfactorily addressed within the current proposals and as you will see from the supporting information in the letter that has been received from the adjoining neighbour.

In principle the masterplan of the proposed development is designed so as to retain the existing garage block to be refurbished for the retained use of Crosburn House (subject to a separate application) whilst maintaining the Courtyard arrangement with a gated entrance via a re-aligned private drive to assist in the restrictions of views into the proposed site, so as to protect the setting of Crosburn House from Main Street.”

Conclusion/Summary/Recommendation

It is considered that the revisions made to the proposal, following the refusal of planning permission in February of this year, are sufficient to warrant a recommendation for approval in this instance.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note(s) 3 and policies H6 and EN1 of the South Kesteven Local Plan and adopted supplementary planning guidance on 'Backland Development'. The issues relating to infrastructure, highway safety, visual impact, privacy, backland development and precedent are material considerations but, subject to the condition(s) 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. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
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. The screen walls shown on the submitted plan shall be erected at the same time as the associated dwellings.
5. 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.
6. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number H5999/11 Rev. C dated 30 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.)
7. 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.

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. 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 Policy/ies ** of the South Kesteven Local Plan.
3. 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.
4. 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 and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
5. To provide a satisfactory appearance to this residential estate by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy H6 of the South Kesteven Local Plan.

6. 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.
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 Policy H6 of the South Kesteven Local Plan.
8. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy H6 of the South Kesteven Local Plan.

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.
2. 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.

This application was deferred at the Development Control Committee meeting on 13th September to enable members to undertake a site visit.

* * * * *

Applicant	Mr & Mrs P Groves The Summer House, Ease Lane, Westborough, Newark, NG23 5HW
Agent	
Proposal	Erection of dwelling
Location	Adj Milestones, Carlton Road, Hough-on-the-hill

<u>Site Details</u>	
Parish(es)	Hough on the Hill Site adjoins Conservation Area Public footpath adjoins site C Class Road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs

REPORT**The Site and its Surroundings**

The application site is located adjacent to Milestones, Carlton Road, Hough on the Hill. The site is an infill plot between the existing properties. The plot has an overall length of approximately 60 metres and a width (at its widest point) of approximately 24 metres. The frontage width of the plot is 13 metres. The plot is grassed and has the appearance of a paddock. Adjacent to the site is a public right of way.

Site History

Outline planning permission was granted for the erection of a bungalow and garage on 17 August 2004. A planning condition was attached to this permission restricting the development to a bungalow only. The condition read as follows:

A bungalow only shall be erected. (Bungalow does not include a chalet bungalow).

S05/0537/46 – A planning application for the erection of a dwelling on the plot adjacent to Milestones, Carlton Road. Concern was raised regarding the proposal due to the size of the dwelling in relation to the adjoining properties and plot size. In addition the proposals appears out of keeping with the character and appearance of the street scene.

This application was withdrawn at the applicants' request.

The Proposal

The proposal relates to the erection of a detached dwelling on the grassed area adjacent to Milestones. It would have a roughly square footprint, 16 metres wide by 15 metres length. Its front and rear elevations would be located roughly in line with the front and rear elevations of Milestones. There would be a distance of 2.4 metres to the common side

elevation with Milestones at the front elevation and a distance of 4 metres at the rear elevation.

The front elevation of the proposed development contain a feature porch, two ground floor windows, a garage door and five rooflights.

The rear elevation would contain five large glazed panels, three at ground floor level and two at first floor level and a rooflight. The large glazed windows would be to a family room, kitchen and living room at ground floor and to a bedroom and void above the living area at first floor level.

The proposal would contain two windows in the southern side facing elevation, to the living room at ground floor level and bedroom at first floor level (obscure glazed). To the northern side facing elevation there would be four windows, two at ground floor level and two at first floor. The windows at first floor level would be obscure glazed to the study/bedroom and en-suite.

Statutory Consultations

Local Highway Authority: Requests standard condition HP19 and Note to Applicant – DHP.

Parish Council:

1. The Council acknowledges that the applicant has attempted to address the previous concerns raised e.g. the change of building material and the reduced width of the building by 2 metres.
2. The plan does not comply with the stated reason for the approval of the outline plan.
3. It is considered that the proposal is quite inappropriate for the site. The whole style failing to fit in with the 'street scene', being out of keeping with the neighbouring properties and out of character with the old style houses of the village.
4. The roof height, whilst being in-line with Milestones has an extremely deep slope which extends the full width of the property.
5. The proposal is very overpowering and imposing and will dominate the skyline to the detriment of this conservation village.

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) Whilst the proposed dwelling appears like a bungalow from the front it is clearly a house from the rear.

- b) The proposal is not in keeping with the surroundings and character of the area and will lead to loss of amenity.
- c) The proposal would have a ridge height of 5.7 metres for almost all of its length of 15 metres.
- d) The proposal would be side on to our kitchen window and close to our boundary where it would be visually intrusive and totally dominate the skyline. It will over shadow us to the extent that it will block out most if not all of the eastern sunlight.
- e) This will be further exacerbated by the fact that the plot ground level is approximately 200mm higher than that of Milestones.
- f) The design is not in keeping with the area.
- g) The integrated garage and large extra height fully glazed porch are totally out of keeping with the rural cottage style of the distinctive "Belton Estate" cottages around the site.
- h) The local planning authority should impose the conditions of the previous application. 'A bungalow only shall be erected.'
- i) The size of the building is inappropriate to the width of the site.
- j) The property is adjacent to a public right of way and would be viewed from front, back and sides.
- k) The property fills the plot boundary to boundary. The front elevation has a steep slope which is overpowering and imposing and will dominate the skyline to the detriment of the conservation village.
- l) The property would stand a few feet from the boundary of Milestones.
- m) Its height and length would contribute to blocking natural light from Milestones porch, lounge, kitchen, dining area all which face the proposed dwelling.
- n) The property would dominate and cause an oppressive environment (for Milestones).
- o) The proposal would be located between two small bungalows. Therefore not in keeping with the adjacent buildings.
- p) The proposed house appears too big for the site.
- q) The windows on the first floor in the side of the house will overlook my main living areas.
- r) The upstairs windows will overlook my front and rear gardens. The loss of privacy would be very intrusive.
- s) The plans appear to be attempting to squeeze as much floor space as possible into a plot that is too small.

Planning Panel Comments

Site visit then to be determined by Committee.

Applicants Submissions

“After taking in the concerns registered by neighbours local to the proposed planning application, I have enclosed a revised application with the following amendments.

1. In order to reduce the overall size of the property I have been able to reduce the total width by 2 metres (2 metres x 15 metres) whilst keeping the external appearance the same shape as previously proposed. All the rear windows can now be reduced to three glass panel widths as opposed to four, thus giving the appearance of a much smaller house. The front elevation will lose the cloakroom window in order to fit in the new internal plan.

2. In order to be more in keeping with the street scene I would be happy to build the property out of red brick instead of local stone.

3. In order to avoid a possible overlooking problem of the Milestones rear garden I have re-orientated the property to follow the southern boundary and therefore pointing away from next door (see attached site plan). Please be aware that only the main first floor bedroom could have a view of next doors rear garden, as the other windows are part of a double height lounge with views from the ground floor only. All north elevation windows will be of obscured glass excluding the utility room which is hidden from next door by a large established hedge. By re-orientating the house and reducing its width there will be a gap tapering from 2.4 metres to 4 metres from ‘The Milestones’ boundary hedge.

4. Regarding the use of the roof space to the rear elevation I would like to point out that the Milestones could convert their attic space without planning permission if they so wished. All properties next to the Milestones and on the opposite side of the road are all two storey houses.

It is also important to realise that the rear elevation of this proposal cannot be seen by any other property and therefore lends itself to the possibility for creating something of a more unique and interesting design with beneficial environmental qualities. It is proposed to construct the property using SIP panels internally. This will give the property incredibly low U values (0.22 – 0.14 W/n.K) and make it very airtight (as low as 1 air change per hour). The amount of glazing to the southern side of the house is required for solar gain, which is then ducted throughout the house and should reduce heating bills by approximately 60%.”

Conclusions

It is accepted that the proposed dwelling is not, by definition a bungalow, and therefore does not comply with the conditions imposed on the aforementioned outline planning permission. However, this planning application is not a submission of reserved matters and as such is not bound by the conditions of the outline planning permission. The issues

relating to this planning application are whether or not the proposed dwelling would result in any significant loss of amenity to occupiers of the adjacent properties or be detrimental to the character and appearance of the area.

The dwelling has been sited and orientated to minimise the impact on the occupiers of the adjacent properties by overshadowing. The proposed dwelling would be approximately 12 metres away from the neighbouring property Milestones at the nearest point. It is considered that this would not result in any significant loss of daylight, sunlight or result in such an overbearing environment for the occupiers of Milestones that could justify the refusal of planning permission on these grounds.

The proposal is separated from the semi-detached bungalows to the south by the existing field access/public right of way and is approximately 12 metres away at the closest point. This is considered to be a satisfactory degree of separation to protect the current level of amenity of the neighbouring occupiers.

The proposed dwelling would have the appearance of a bungalow when viewed from Carlton Road, and be designed to incorporate a two storey rear elevation. It is accepted that the proposal is not a traditional design and would be visible from both Carlton Road and the adjacent public right of way. However current Government guidance does not preclude design 'different' than that of existing properties.

Planning Policy Guidance Note PPG 3 – Housing, para 58 states:

“Good design and layout of new development can help to achieve the Government’s objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas. In seeing to achieve these objectives, 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.”

Planning Policy Statement PPS1 – Delivering Sustainable Development, para 38 states:

“Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally. Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantial requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”

The application site is not within the Hough on the Hill Conservation Area and the site is not the subject of any specific supplementary planning design guidance.

In light of the above comments it is not considered that the proposed dwelling is significantly detrimental to the street scene, the adjacent conservation area or the character and appearance of the village as a whole.

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 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. 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.
4. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Class A to D of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or re-enacting that order with or without modification), no further extensions or additions to the dwellinghouse shall be constructed without the prior consent in writing of the local planning authority.
5. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
6. The first floor windows in the northern and southern side elevations of the development hereby permitted shall be fitted with obscure glazing. The obscure glazing shall be inserted before the dwelling is occupied and shall be permanently retained unless otherwise agreed in writing by the local planning authority.
7. The existing natural hedge along the frontage of the site shall be retained except at the point of access and shall be maintained at a height of not less than 1.4 metres.
8. The arrangements shown on the approved plan 30101A for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
9. Building operations shall not be commenced on site until details of the existing and proposed ground levels within the site, the finished floor levels of the proposed building, together with the existing floor and ground levels of adjoining properties have been submitted to and approved in writing by the local planning authority.

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 Policies EN1 and H7 of the South Kesteven Local Plan.
3. 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 H7 of the South Kesteven Local Plan.
4. To protect the amenities of adjacent occupiers in accordance with Policies EN1 and H7 of the South Kesteven Local Plan.

5. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy C2 of the South Kesteven Local Plan.
6. To protect the amenity of adjacent occupiers in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
7. 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 surrounds and in accordance with Policies EN1 and H7 of the South Kesteven Local Plan.
8. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policies NE1 and H7 of the South Kesteven Local Plan.
9. In the interests of amenity and to ensure a satisfactory development and in accordance with Policies EN1 and H7 of the South Kesteven Local Plan.

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.
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	Starfish Developments Limited PO Box 738, Harston, Cambridge, CB2 5WY
Agent	Jefferson Sheard Architects Ltd 1, Scotgate Mews, Scotgate, Stamford, Lincs, PE9 2FX
Proposal	Demolition of existing dwelling and erection of terrace of 4 dwellings
Location	The Orchard, Foundry Road, Stamford

<u>Site Details</u> Parish(es)	Stamford Unclassified road Demolition of any building - BR1 Radon Area - Protection required Airfield Zone - No consultation required Drainage - Welland and Nene
---	---

REPORT**The Site and its Surroundings**

The application site is located on the western side of the northern end of Foundry Road.

The 336 sq.m. site currently comprises a much altered and extended two storey building on the Foundry Road frontage with a single storey wing at the rear on the south side and a double length garage adjacent to the northern boundary.

Adjoining the application property to the south is Foundry Court, a terrace of five two-storey dwellings with a communal car park at the rear. To the north is a detached bungalow alongside the entrance to The Paddocks, a small estate of eight bungalows, one of which is Lawn Grange immediately to the rear of the application property and in whose garden outline planning permission has been granted for another bungalow.

Site History

The premises were originally a shop with living accommodation over.

In 1995 planning permission was granted (S95/1207/69) for the change of use of the former shop area to a ceramics studio/workshop with incidental retail, and a first floor extension above an earlier flat roof addition at the north-western end of the building.

In 2001 planning permission was refused (S01/0762/69), on highway grounds alone, for the conversion of the property to two dwellings.

The Proposal

Full planning permission is again sought for the demolition of the existing buildings and their replacement with a terrace of four 4-bedroom houses set back 4.8m from the site frontage and with a height to the eaves of 5m and 9m to the ridge. (The respective measures for the refused scheme were 5.25m and 9.9m).

The rear gardens lengths would vary from 5.175m to 4.675m, which is a slight increase of 400mm on the previous scheme.

The proposed dwellings would be constructed of materials to be agreed.

Statutory Consultations

Local Highway Authority: Requests standard condition F4 and Note to Application – DHP.

Town Council:

Whilst pleased to see reduction in height, not convinced it is sufficient to fit in with surrounding area. Strongly recommend a site visit.

Representations as a result of publicity

The application has been advertised in accordance with established procedures, the closing date for representations being 1st September 2005. Letters have been received from interested parties.

The issues raised are as follows:

- a) Overlooking of Lawn Grange and approved new bungalow within curtilage. (1)
- b) Would exacerbate existing on-street parking problems. (4)
- c) Overbearing on neighbouring bungalow to the north. (1)
- d) Detrimental to highway safety. Shops and school nearby. (4)
- e) Off-street parking should be to the rear, as already with Foundry Court. (1)
- f) Loss of light to bathroom of Williams Cottage. (1)
- g) Loss of privacy to Williams Cottage. (1)
- h) Health and safety during redevelopment works. (1)
- i) Proposed development would make Williams Cottage out of character in street scene. (1)
- j) Inadequate rear garden space for 5-person dwelling. (1)
- k) Dominant and oppressive impact. (1)
- l) Reasons for previous refusal still valid. (1)
- m) Overlooking neighbouring properties. (1)

Planning Panel Comments

Site visit and determined by committee.

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 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 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.
- 4. The area shown on the plan accompanying the application reserved for the parking of vehicles shall be used or be available for vehicle parking 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. In the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
- 4. The local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road and in accordance with Policy EN1 of the South Kesteven Local Plan.

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.

* * * * *

Applicant	Peterborough Homes Limited PO Box 125, Stamford, Lincs, PE9 4UG
Agent	PDG Architects Toll Bar House, Shrewsbury Avenue, Peterborough, PE2 7BX
Proposal	Demolition of existing dwelling and erection of six houses
Location	Blackfriars House, Kings Road, Stamford

<u>Site Details</u>	
Parish(es)	Stamford Unclassified road Demolition of any building - BR1 Radon Area - Protection required Airfield Zone - No consultation required Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The 0.1 ha (0.25 acre) rectangular, site is located on the south side of the junction of Princes Road with Kings Road. It comprises a single, early 20th Century, detailed house fronting Kings Road, a detached garage and a small summerhouse/pavilion. The latter is positioned at the eastern end of the site, against the gable wall of the existing terrace fronting Princes Road.

There are at present two vehicular accesses to the property off Kings Road. An approximately 1.8m high brick wall defines the north, south and western boundaries of the property, most of which was built in the 1980's. A narrow, 3.3m wide, track runs along the southern boundary, between the rear of properties fronting New Cross Road and Princes Road and provides access to their garages.

This part of Stamford is virtually wholly residential in character, with the majority of properties dating from the Edwardian/Victorian periods although these are interspersed with more modern dwellings.

The application site lies within the area known as Northfields, which is in the process of being designated as a Conservation Area.

Site History

The existing house on the site was built in the early part of the 20th Century and there was no planning history on the site until 1986 when planning permission was granted for the erection of the existing brick wall on the Princes Road and Kings Road frontages.

In 2003 outline planning permission was sought (S03/0585/69) for demolition of the existing dwelling and its replacement with a terrace of six houses. That application was approved subject to usual conditions but also the following imposed by Committee when determining the application:

8. A maximum number of three dwellings shall be erected on the site in the form of a terrace fronting Princes Road.

And

11. The existing summerhouse at the eastern end of the site shall be retained in the redeveloped site.

An appeal was made against the imposition of these two conditions and the Inspector allowed the appeal so they were deleted from the planning permission.

An attempt was made to have the summerhouse listed but this was unsuccessful with the Department for Culture, Media and Sport stating:

“English Heritage, the Secretary of State’s statutory advisors on the historic environment, assessed the above building and conclude that it lacks the necessary architectural significance to merit listing. Having carefully considered all the evidence, the Secretary of State has decided to accept English Heritage’s advice and will not be adding the building to the statutory list.”

The summerhouse could, therefore, be demolished at anytime without formal approval being required.

The Proposal

Reserved Matters approval is sought for a development comprising a terrace of 6 three-bedroom dwellings fronting Princes Road.

The houses would be set back 3.9m from the pavement, more-or-less in line with the existing terrace to the east.

Off-street parking would be provided off the private drive at the rear, which is to be widened in accordance with a condition of the outline planning permission.

The submitted drawings show the external walls of the proposed dwellings incorporating banded brickwork, a common feature of many houses in this area.

The existing house, garage and summerhouse would be demolished but the developers have indicated (see letter below) their willingness to donate the latter to the Council for erection elsewhere.

Policy Considerations

Central Government Planning Policy Statements/Guidance

PPS1 – Delivering Sustainable Development.

PPG3 – Housing (2000)

South Kesteven Local Plan - Policies H6 and EN1.

Supplementary Planning Guidance

Lincolnshire Design Guide for Residential Areas.

Statutory Consultations

Local Highway Authority: Requests standard condition HP19.

Town Council:

Recommend refusal. Overdevelopment and design not in keeping with surroundings. Close proximity with new proposed Conservation Area.

Representations as a result of publicity

The application has been advertised in accordance with established procedures, the closing date for representations being 1st September 2005 for the individual notifications, and 8th September 2005 for the site notice.

Representations have been received from interested parties.

The issues raised are as follows:

- a) Proposed development would exacerbate existing on-street parking and highway safety problems. (35)
- b) Design out of keeping with surroundings. (7)
- c) Too many houses proposed. (31)
- d) Loss of attractive summerhouse. (25)
- e) Overshadowing of existing houses. (1)
- f) Proposed dwellings higher than existing terrace to the east. (23)
- g) Loss of view of decorative brickwork on gable end of St Georges's Villas. (7)
- h) Should not be considered as a 'Brownfield' site. (2)
- i) Proper rear entrance door required. (1)
- j) Wheelie bin storage required. (2)
- k) Increased separation from neighbouring terrace required for maintenance purposes. (6)
- l) Open space of Blackfriars garden important to the area. (5)
- m) Loss of privacy for neighbouring residents. (6)

- n) Dwellings should front onto Kings Road. (1)
- o) Proposal contrary to Inspector's opinion numbers of dwellings on appeal. (14)
- p) Velux rooflights out of character with the area. (2)
- q) Increased risk of fire. (1)

Planning Panel Comments

To be determined by Committee.

Applicants Submission

The applicants have submitted the following in support of the proposal:

"Further to the Planning Application made on our behalf by Peterborough Design Group on the 29th July 2005, we would like to provide you with some additional background information on our proposals.

This Company is 25 years old this month and has built over 400 dwellings in the area over that period, mainly for first time buyers and the elderly. If this project receives Planning Permission it will be our twelfth development within the town of Stamford.

We have designed the terrace of six houses to totally replicate the existing adjoining terrace to six houses, both terraces are approximately 30 metres long and are of the same height. We have however by our design, managed to provide approximately twice the open space to the rear of the dwellings, than the existing terrace.

It is also interesting to compare our proposal with the previous one for four detached houses. The site has an overall area of 892 sq metres. Our proposals have a buildings footprint of 307 sq metres (i.e. 34%) of the site area, where the previous scheme of 4 detached houses had a total building's footprint of 365 sq metres (i.e. 41%) of the site area. It should however be born in mind that with the previous scheme the rear gardens would have been further reduced in size as no allowance had been made for widening the rear access road. We have also allowed for timber pergolas which will be covered with climbing plants, which will not only disguise the cars but will further enhance the landscaping proposals.

Regarding the existing Summer House, we believe in the past that this area was a club house to an old tennis court, which existed on the site in the early 1900's. The building is in a poor state of repair but we are prepared to offer it to the local authority for reconstruction, possibly on the recreation ground, to be used as a club house again.

It is essential that all developments on infill sites in the town are sympathetic with their surroundings and retain the character of the area. We consider that our proposals are quintessentially Stamford."

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

1. Before the development is commenced large scale details, including sections, shall be submitted of the windows and doors to the proposed dwellings. Only such details as may be agreed in writing shall be used in the approved development.
2. Before the development hereby permitted is commenced, large scale details shall be submitted of the banded brickwork detailing to the external walls. Only such details as may be agreed in writing shall be used in the construction of the approved dwellings.
3. 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.
4. Notwithstanding the details shown on the submitted drawings, before erection of the approved dwellings is commenced, the final details of boundary treatments to the site shall be agreed in writing with the local planning authority and only such details as may be agreed in writing shall be used to define the boundaries.
5. The footpaths at either end of the proposed terrace shall be secured using lockable gates in accordance with details to be agreed in writing with the local planning authority.
6. The arrangements shown on the approved plan *** dated *** 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. To ensure that these details are appropriate for the context.
2. To ensure that these details are in-keeping with the brickwork banding on existing dwellings.
3. In the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To ensure that any boundary treatments erected are in-keeping with the character of the area.
5. In the interests of reducing the risk of crime.
6. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy/ies ** of the South Kesteven Local Plan.

Note(s) to Applicant

1. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.

* * * * *

Applicant	Mr & Mrs BMA Kay Amathus, Church Street, Carlby, Stamford, PE9 4NB
Agent	Mr S Gilbert Welby Way, Grantham Road, Old Somerby, Grantham, NG334AB
Proposal	Two storey front extension and single storey extension with room in the roof
Location	Amathus, Church Street, Carlby

Site Details	
Parish(es)	Carlby Unclassified road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Welland and Nene

REPORT**The Site and its Surroundings**

The application property is a modern detached house fronting the eastern side of Church Street, Carlby.

The house is set back some 21m from the road and in front of it there is a detached garage block, shared with the neighbouring property to the south, Mamore, which is itself a handed version of the application property but set forward so that its rear wall lines through with the front of Amathus.

To the north of the application property is a modern bungalow, The Retreat, of a particularly idiosyncratic design comprising two distinct elements, rectangular part at the front with lounge, dining and kitchen accommodation that is linked by a narrow, 1.5m x 5.0m, enclosed passageway to an L-shaped element at the rear that contains the sleeping accommodation. Enclosed by the south side of the passageway and the front and rear elements is a small patio that is just to the rear of the application dwelling.

The positioning of these three properties in echelon was a deliberate arrangement to ensure that each one did not impose unduly on the rear garden space of its neighbour to the north.

The rear garden of the application property extends some 22.4m eastwards to where it adjoins the gardens of residential properties fronting High Street.

The Proposal

Application is made for a two storey extension to the front of the house and a single storey extension to the rear.

The extension at the front would project 330mm beyond the forwardmost part of the existing house and provide a utility and enlarged hall to the ground floor with an enlarged bedroom and bathroom on the first floor.

The proposed 8.2m x 5.4m rear extension would provide a family room, office and enlarged dining room to the ground floor and a fifth bedroom in the roofspace. It would be positioned centrally on the rear elevation of the existing house.

The height of the proposed extension would be 2.5m to the eaves and approximately 5.5m to the ridge. The refused extension would have measured 7.4m to the ridge and 5.3m to the eaves of the first floor element. It would also have projected 5m from the rear wall of the existing house.

Site History

The house, together with that to the south, was originally built under a planning permission granted in the 1980's.

In July this year an application for a two storey rear extension was refused under delegated powers because of its overbearing and sunlight and daylight curtailment impact on the neighbouring property to the north, The Retreat.

Statutory Consultations

Local Highway Authority: No observations.

Community Archaeologist: The proposed development does not affect any known archaeological site.

Parish Council:

“The Parish Council objects to this application and unanimously recommends refusal, on the following grounds:

1. The proposed extensions will still be overbearing to the site and the surrounding area. The proposed development will be dominant in a way that is unacceptable when the current offset positioning of the dwellings nearest to it is taken into account.
2. Because there is living accommodation in the roof of the single storey extension, there is a possibility that there will be an unacceptable loss of privacy to the south side of the neighbouring property and to those living rooms facing the development.
3. There is also a concern about lack of sunlight to those areas which relates back to the original positioning of nearby dwelling which allowed each to receive a full ration of daylight and sunlight.
4. The objections relating to H6 and EN1 still apply.”

Policy Considerations

Central Government Planning Policy Guidance PPG3 – Housing (2000).

South Kesteven Local Plan Policies EN1 and H6.

Representations as a result of publicity

The application has been advertised in accordance with established procedures. Although originally advertised in August it has been re-advertised, with revised wording making reference to the accommodation in roofspace of the rear extension. The expiry date for the second advertisement is 29th September 2005.

Representations have been received from interested parties.

The following planning issues were raised:

- a) Out of alignment with original, staggered, alignment for these properties. (5)
- b) Loss of light to surrounding properties. (2)
- c) Loss of privacy to surrounding properties. (4)
- d) Out of keeping with this part of the village. (6)
- e) Overbearing on neighbouring properties. (2)
- f) Overbearing on The Retreat. (11)
- g) Contrary to PPG3 and policies EN1 and H6 of the SKDC Local Plan. (4)
- h) Loss of light to The Retreat. (12)
- i) Loss of privacy for The Retreat. (7)
- j) Ground level not clearly shown on plans. (1)
- k) Front extension will have overbearing impact on The Retreat. (4)
- l) Front extension would overpower surrounding properties. (1)
- m) Misrepresentation of proposed development – rear extension two storey, not one. (6)
- n) Proposed rear extension out of scale with existing dwelling. (5)
- o) Would create dominant and oppressive environment for The Retreat. (6)
- p) Loss of light to patio of The Retreat will adversely affect health of occupiers. (4)
- q) Proposed contrary to Human Rights.

- r) Genuine single storey extension at rear would be acceptable. (3)
- s) Front extension acceptable. (1)
- t) Reasons for refusal of previous application still apply. (6)

Planning Panel Comments

Request from local member for application to be referred to Committee due to “massive public disquiet”.

Site visit and determine by Committee.

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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
3. Before the development hereby permitted is commenced the finished floor levels of the extensions shall be agreed in writing with the local planning authority and only such levels as may be agreed in writing shall be used in the development.

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 maintain the appearance of the building and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.

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.

* * * * *

Applicant	Jason Murray & Carol Wright 1, Old Station Yard, Morton, Bourne, PE10 0NL
Agent	Clifford Hirst Hurn House, 61, West Street, Bourne, PE10 9NB
Proposal	Replacement dwelling
Location	55, High Street, Thurlby

<u>Site Details</u> Parish(es)	Thurlby C Class Road Demolition of any building - BR1 Area of special control for adverts Drainage - Welland and Nene
---	--

REPORT**The Site and its Surroundings**

The application site comprises number 55 High Street, Thurlby which is a two storey property with a large garden. Within the curtilage of the property there is a large timber stable block located on the eastern boundary of the site and a single storey brick building in the south eastern corner of the site. To the rear of the site (north) the site is bordered by a large paddock, which the applicant owns. To the east of the site there is a large red brick two storey property and to the west a buff brick dormer bungalow.

Site History

SK.76/0494/88 – Outline planning permission was refused for residential development of land to the rear of 55 High Street on 6 December 1988.

SK.76/1848/89 – Outline planning permission was refused for residential development of land to the rear of 55 High Street on 6 March 1990. The applicant appealed against the Council's decision and the appeal was dismissed on 6 December 1990.

S03/1679/76 – Outline planning consent was granted for the erection of a dwelling adjacent to 55 High Street on 6 February 2004.

S05/0787/76 – A full application for a replacement dwelling was withdrawn on 28 July 2005. The application was withdrawn in order for the applicant to consider amendments to the design of the proposal dwelling, in particular a reduction in its height.

The Proposal

This application seeks approval for a two storey replacement dwelling on the site of 55 High Street, Thurlby. The proposed dwelling has been designed so as to appear as a dormer bungalow when viewed from the road. The dwelling would have a more traditional two storey rear elevation.

An earlier application (S05/0787) was withdrawn at the request of Officers. The reason for requesting the applications withdrawal was that the proposed replacement dwelling had a

height of approximately 11m, this was considered to be out of scale and character with other properties in the area.

The current proposal reduces the overall height of the proposed dwelling to approximately 9m. Whilst the existing property has an overall height of 7.8m the design of the proposed dwelling has a recessive roof slope which slopes away from both High Street and the adjacent property number 53 and will not therefore appear over dominant or out of scale and character with the adjacent bungalow and two storey dwellings.

Policy Considerations

National Policy

Planning Policy Guidance Note 3: Housing

South Kesteven Local Plan

Policy H6: Housing

Policy EN1: Protection and Enhancement of the Environment

Statutory Consultations

Local Highway Authority: Requests standard condition HP19.

Community Archaeologist: The proposed development does not affect any known archaeological sites.

Parish Council:

The Parish Council feel that the proposed dwelling would not fit in with the local environment and would be far too grand with other nearby houses. The Parish Council considered that the proposed dwelling would constitute an unduly prominent and obstructive development in the street scene and as such would be detrimental to the visual character and appearance of the area.

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) Proposed dwelling out of scale and character.
- b) Proposed building is too big and would dominate this end of Thurlby.
- c) The application forms states that no trees are to be removed yet on the plans a mature tree would go.
- d) Concerns about boundary treatments.

- e) Loss of light.
- f) Loss of privacy.
- g) If approved there should be restrictions on any future development.
- h) During construction and demolition, restrictions should be placed on hours of work.
- i) There should be replacement landscaping.
- j) Concerns about bats on site.

Planning Panel Comments

31 August 2005 – Defer the proposal for a site visit and refer back to Planning Panel.

7 September 2005 – Site visit.

14 September – Defer the proposal to the Development Control Committee for consideration.

The reason the application has been deferred to the Development Control Committee is that Members wanted the Committee to debate the possible alternative siting options for the proposed dwelling.

Conclusions

The proposed scheme has been designed so as to have the appearance of a dormer bungalow when viewed from High Street. The proposed development although approximately 1.2m higher than the existing dwelling will not appear significantly higher as it will be set back further into the site and will have a recessive roof slope.

The proposed dwelling will have a significantly larger footprint than that of the existing property with a frontage of approximately 26.5m compared with the existing properties frontage of approximately 13m. Whilst the proposed dwelling is significantly larger than the existing property the site currently has permission for an additional dwelling adjacent to number 55 (S03/1697). Number 55 High Street has a large curtilage and the proposed dwelling will not appear out of scale with the plot.

Along High Street there is a mix of property types, styles and sizes ranging from bungalows to large two storey properties. It is considered that the proposed dwelling although large would not appear out of scale and character and would not have a detrimental impact on the character of the area. The proposed development will therefore add to the variety in the street scene.

The proposed dwelling would not overlook or overshadow adjacent properties. Planning Panel has raised some concerns with regard to the proposed siting and suggestions have been made that the dwelling should be rotated slightly and set further back into the site. The agent has submitted a number of alternative siting locations for the Committee to debate. It is however recommended that the original siting is most appropriate as this will keep the development in line with the existing built form and reduce the impact on the adjacent bungalow.

Concerns have been raised with regards to the application forms and the removal of trees. Whilst the forms state that no trees are to be removed it is clear that if approved a number of trees will need to be felled. None of the trees affected by the development are protected by way of a Tree Preservation Order (T.P.O) and they are not considered worthy of retention. This should not therefore be considered as a reason for refusal.

Concern has also been raised in relation to the possibility that if approved additional windows may be installed. It is recommended that if approved, permitted development rights should be removed in order to ensure that the privacy of adjacent properties is protected.

Concern was also raised that the existing outbuildings may be used for office purposes. This does not form part of the current proposal and would require a separate planning application, at which point the Council could consider any possible impact.

One objection has been raised stating that there may be bats in the building. Bats are a protected species under the Wildlife and Countryside Act 1981 and it is an offence under the Act to disturb roosting bats.

One objector has also requested that conditions be imposed relating to hours of work. Such conditions are not usually imposed on developments for single dwellings. It is not considered necessary to condition the hours of work in this instance as any noise or disturbance could be controlled under environmental health legislation.

The proposed development complies with the policies of the adopted South Kesteven Local Plan and is accordingly recommended for approval.

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. The arrangements shown on the approved plan 816-32 dated 28th July 2005 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
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. 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.
5. 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 development relating to Class A of Part 1 of Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

6. 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.
7. In accordance with the submitted plans the first two panels to the first floor sitting area shall be constructed using bricks unless otherwise agreed in writing with local planning authority.

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 allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy 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 H6 and EN1 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 Policy H6 of the South Kesteven Local Plan.
5. To protect the character and visual amenities of the area and the amenity of adjacent residential properties, and in accordance with Policy H6 of the South Kesteven Local Plan.
6. 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/ies H6 and EN1 of the South Kesteven Local Plan.
7. In order to ensure that there is no overlooking of the adjacent residential property.

* * * * *