

Applicant	Muir Group Housing Association Limited Old Government House, Dee Hills Park, Chester, CH3 5AR
Agent	Trevor Burden, Property Services, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
Proposal	Erection of 6 houses and 2 bungalows
Location	Land Off, Croake Hill, Swinstead

Site Details Parish(es)	Swinstead Site partially in Conservation Area B Class Road Demolition of any building - BR1 Radon Area - Protection required Adjacent Listed Building Area of special control for adverts C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The application site forms part of an existing local authority GOPD scheme on the south side of High Street in Swinstead.

The existing scheme comprises 21 elderly persons bungalows grouped around a shared open space, a two storey building accommodating a community centre, nine flats, and two grassed open spaces, one fronting High Street and the other Creeton Road.

The existing development, which dates from the early 1970's, is of an unremarkable design of brick and concrete tile construction.

The site slopes gently upwards from High Street, where a low stone wall defines the frontage. A hedge defines part of the frontage to Creeton Road, to which there is an existing public footpath from Croake Hill.

The grassed open spaces and a garage court are within the designated Conservation Area, the remainder is outside.

In the grass verge on the High Street frontage there is a listed Telephone Kiosk.

The village cross, a scheduled Ancient Monument, is some 33m north east of the site.

Site History

There are 2 applications directly relevant to the consideration of this proposal, both of which will be familiar to Members.

S03/1343 – Erection of 13 dwellings and community facility. Members will recall that this was the first submission by the applicants. This application was considered by Committee on the 9th December 2003 and deferred for a Member site visit. However, that application was subsequently withdrawn before a decision could be made. The site visit nonetheless took place.

S04/0074 – Erection of 10 dwellings and community facility. Committee considered this application on 9th March 2004 where the application was refused contrary to Office recommendation for the following reason:

Planning permission is sought for the demolition of an existing 2-storey block of flats and the erection of 10 new bungalows and houses and a community facility on land off Croake Hill, Swinstead. The development is within and adjacent to the Swinstead Conservation Area the character of which it is desirable to preserve or enhance. The settlement is in a relatively remote location and lacking in full range of services and facilities and as such any new occupiers of the development will be reliant on the motor car. In the opinion of the Local Planning Authority the proposed development will have an adverse impact upon the character and setting of the settlement and on the community and its local environment by virtue of the design, density, height and proximity to adjacent and nearby listed buildings. Moreover, the proposed development fronting onto High Street will result in a substantial loss of the only undeveloped area of open space that exists in the heart of the settlement. A development of this nature does not preserve or enhance the special character or appearance of the Conservation Area and constitutes an unsustainable form of development. The proposal is therefore contrary to Policies H7 and C9 of the South Kesteven Local Plan and current government planning guidance contained within PPG3 and PPG13.

The applicant subsequently appealed against this refusal. An informal hearing took place in January 2005 following which the appointed Inspector dismissed the appeal. The Inspector's decision is reproduced below in full for Members information:

Main Issues

1. The main issues in the appeal are whether Swinstead is an appropriate location for residential development, the matter of housing need, and the effect of the proposals on the character and appearance of the surroundings, because of unsympathetic design and the loss of open space.

Planning Policy

2. The most relevant part of the development plan is the South Kesteven Local Plan adopted in 1995. Reference was made at the hearing to Policies H7 and C9, along with national planning guidance.

Reasons

Housing Need

3. The statistics from the housing needs survey indicate that in 2002 almost 100 households in the central rural sub-area of the district were in unsuitable accommodation and were unable to afford market housing. The projections show that over the next 5 years the same zone will face a continuing shortfall. There is evidence of a desire for people on the housing waiting list, some with village connections, to have a house or bungalow in Swinstead.

4. These needs are material planning factors that have to be taken into account. However, they do not strike me as compelling considerations in the appeal because the central rural sub-area includes a substantial tract of the district area. The assessment does not specify where provision for any affordable housing should be made and it seems to me that, notwithstanding personal preferences, the needs could be equally well met in other settlements in the area.

Rural Settlement Policy and Sustainable Development

5. Under Policy H7 Swinstead is a village where, subject to certain criteria, planning permission is normally granted for individual dwellings and small groups of dwellings. The ideas being developed by the Council for re-categorising such settlements are at an early stage and, although the community is quite isolated with few services and facilities and an infrequent bus service, I am not persuaded that in relation to the principle of residential development any new concepts are yet of greater significance than the development plan. Indeed, the Council intimated that it would not object to appropriate village infilling and has approved a group of dwellings not far from the appeal site.

6. The appeal project is to replace nine bed-sit flats with ten small dwellings, some intended for people with disabilities. There would probably be some increase in car-borne journeys and an additional demand for services as a result of the broader household structures. However, given the location of the site at the centre of the village, the limited scale of the development and its general conformity with Policy H7, and the history of residential approvals in the village, I consider that any sustainable disadvantages of the proposal are not so serious as to justify rejecting the scheme for that reason.

The effects on local environmental characteristics

7. The criteria of Policy H7 referred to at the hearing relate to the impact of the development on the form and character of the settlement and the need to protect important open spaces.

8. I saw that the village contains a range of building types with not many focal characteristics other than the stone and tiles of the older cottages. Even these properties vary in size, height and appearance and in some cases they are juxtaposed with more modern brick dwellings. One of the chief building influences in the vicinity of the appeal site is the Croake Hill development itself and in this setting the proposed bungalows and community facility would not be out of place. I note the advisory comments made about the height and detailing of the houses but my impression is that the designs have been prepared with respect for the nature and variety of other buildings in the locality and reflect the customary diversity of local dwellings. They would certainly look better than the existing block of flats. I am satisfied that none of the dwellings would obstruct important public aspects of the church or the appreciation of listed buildings.

9. The houses planned for plots 1-4 and some parking spaces would fall outside the built-up area of Croake Hill, on land within the conservation area, and here the scheme would have a greater visual impact. The chief characteristic of this part of the appeal site is its openness. Whilst I appreciate that it may not be a play area or open space accessible to the general public, nor it is identified in the development plan as a space in need of protection, I think it is a significant feature of the village. It is not to be mistaken for a traditional village green but it is a pleasantly proportioned area of grass providing an open interval and relief at the heart of Swinstead that adds greatly to the attractiveness of the surroundings. It seems to me from remarks made at the hearing that local people genuinely value the amenity that this green asset provides, and that this should not be discounted.

10. It is a matter of judgement but in my opinion the encroachment of development into this open area with the considerable bulk of two storey houses, and car parking, would have a detrimental effect on the existing form and character of the village centre. I consider that the reduction of the undeveloped area and green setting along High Street would not preserve or enhance the established character or appearance of the conservation area. I am less concerned about the Creeton Road frontage because it is narrower and less prominent in the street picture. However, my conclusion is that harm arising from the loss of the larger open space would conflict with the objectives of Policies H7 and C9 and that permission should not be granted.

Conclusions

11. For these reasons and having regard to all other matters raised I have decided that the appeal should be dismissed.

The Proposal

The revised application again proposes the demolition of the community centre and flats and a block of lock-up garages, to facilitate a Housing Association development, this time comprising:

2 no. 2 bed (3 person) bungalows

2 no. 2 bed (4 person) houses

4 no. 3 bed (5 person) houses

Two pairs of semi-detached houses would front onto the grassed area on the High Street frontage, but unlike previous schemes would not encroach onto the grassed area. These dwellings along with the 2 bungalows are outside the designated Conservation Area. The other two properties are proposed to be located along Creeton Road and would be entirely within the Conservation Area.

Materials are specified to be natural stone for the houses fronting High Street and Creeton Road with roof coverings being predominantly clay pantiles, with some of plain clay tiles.

It is also proposed as part of the application to create new parking provision in the area in front of the existing bungalows for residents of those and some of the proposed units. This area is at present given over to formal, shared open space.

The most significant differences between the current application and the previous scheme are as follows:

- a) The number of units reduced from 10 to 8.
- b) The houses fronting High Street moved back allowing the retention of the open undeveloped grassed area.
- c) Removal of the community facility.

The development proposed is by a Housing Association and is intended to meet a proven housing need. The number of dwellings proposed is now one less than the nine flats that are to be demolished as part of this proposal, therefore resulting in a net reduction in the number of housing units on the site.

The Authority undertook a Housing Needs Review in 2003 and this has identified the need for accommodation in villages in the south-western part of the District, with significant numbers expressing a preference for village locations. Some potential occupiers are already resident in other villages that are similar to Swinstead in terms of their level of facilities.

Statutory Consultations

Local Highway Authority: Requests 2 standard conditions and Note to Applicant.

Community Archaeologist: Development site lies within what would have been the core of the Medieval village. Requests standard condition W7.

Parish Council: Comments awaited.

English Heritage: Comments awaited.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being the 29th April 2004. The application was re-advertised after initially referring to 6 dwellings rather than 8. At the time of drafting this report representations have been received from the following:

1. N Hurt, Croake Hill Cottage, 15 High Street.
2. L Hurt, Croake Hill Cottage, 15 High street.
3. B & T Lynch, 2 Bourne Road.
4. M Lynch, 6 Creeton Road.

The issues raised are as follows:

- a) Swinstead is not a suitable location for providing family affordable housing.
- b) Swinstead is unsustainable and lacks essential facilities.
- c) Development should be located in towns or larger villages.
- d) Loss of open space.
- e) Creeton Road should enjoy protection as a village green.
- f) Adverse impact on the setting and views of listed buildings.
- g) Architecture and roof heights not in keeping with surrounding properties.
- h) Families should not be housed close to OAP bungalows.
- i) Loss of privacy to front garden (No. 15 High Street).
- j) Properties are too close to adjacent listed buildings.
- k) Loss of community centre.

In addition to the above representations, 2 letters have been received from the Swinstead Residents Group. One letter refers to the error in the original publicity (referred to above) and the

other relates to an application to Lincolnshire County Council by the group to attempt to get the two frontage areas designated as a Village Green. On this basis the group registers a general objection to the 2 plots fronting onto Creeton Road.

The issue of the Village Green application has been discussed with the Corporate Manager for Democratic and Legal Services. It is our view that such an application does not in any way give the land any additional protection from development at this current moment in time. Obviously, should the application be successful then this would be a material planning consideration in the same way as Local Plan designations under Policy EN6 which aims at protecting such areas from development.

Policy Considerations

South Kesteven Local Plan

Policy H7 sets out the criteria for residential development in settlements with no specific allocation for housing.

Allows for development comprising small groups of dwellings. A small group is defined as 10 dwellings but this does not preclude the possibility that proposals for more than this number could be acceptable, providing the following criteria can be complied with:

- a) Small groups of dwellings;
- b) individual dwellings;
- c) redevelopment or change of use of existing buildings; and
- d) improvement and extension of existing dwellings.

- i) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment;
- ii) the availability of utility services;
- iii) the provision of satisfactory access;
- iv) the need to protect open spaces defined on the proposals map as serving an important visual or amenity function; and
- v) the need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

Policy C9 – Buildings in Conservation Areas. States that applications for development in Conservation Areas are to be considered having regard to the following:

- i) The effect of the proposal on the character and appearance of the area;
- ii) the appropriateness of the proposal in terms of design, scale and materials; and
- iii) the impact of any new use.

Policy C1 – Sites of Archaeological Importance – states that planning permission will not normally be forthcoming for development which would adversely affect the setting of Scheduled Monuments.

Policy EN1 – Protection and Enhancement of the Environment – sets out the criteria against which development proposals are assessed:

- 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.

Policy EN3 – Areas of Great Landscape Value – identifies those parts of the District which are recognised to be of Great Landscape Value. Swinstead lies within an area so designated.

Policy H8 – Affordable Housing – makes provision for Affordable Housing development on land within settlements, which would not normally be released for general housing demand, to meet a proven local need.

Listed Buildings Act 1990 – Section 72 requires local authorities when exercising their planning function to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Planning Policy Guidance

PPS1 – General Policy and Principles.

PPG3 – Housing (2000).

PPS7 – The Countryside: Environmental Quality and Economic and Social Development.

PPG15 – Planning and the Historic Environment.

Lincolnshire Design Guide for Residential Areas.

Applicants Submissions

1. Introduction

1.1 The Croakhill development is an existing housing area that has been the subject of redevelopment proposals by the Muir Group for affordable housing.

1.2 The most recent planning application resulted in a planning appeal that was dismissed by an independent Planning Inspector. That decision does, however, provide guidance on what would be an acceptable scheme and constitutes a material planning consideration when determining any new proposal.

2. Planning Appeal Decision APP/E2530/A/04/1148480

2.1 The appeal planning application was for the erection of six houses, four bungalows and a community facility.

2.2 The Appeal Inspector identified the main issues in the first paragraph of the decision letter:

“The main issues in the appeal are whether Swinstead is an appropriate location for residential development, the matter of housing need, and the effect of the proposals on the character and appearance of the surroundings, because of unsympathetic design and the loss of open space.” (Para. 1)

Location for Residential Development

2.3 The Inspector found that the appeal proposal would probably lead to some increase in car-borne journeys and an additional demand for services,

“However, given the location of the site at the centre of the village, the limited scale of the development and its general conformity with Policy H7, and the history of residential approvals in the village, I consider that any sustainable disadvantages of the proposal are not so serious as to justify rejecting the scheme for that reason.” (Para 6)

Housing Need

2.4 In support of the appeal proposal, information was provided to illustrate that there is a need for affordable homes in the rural areas.

2.5 The Inspector found that whilst the increasing housing need in the rural areas is a material planning consideration, it was not an overriding one in the case of the Swinstead proposal.

Effects on Local Environmental Characteristics

2.6 The Inspector reviewed the appeal proposal in terms of its impact on the local environment. This included both the areas of open space to the east and north of the proposal.

2.7 The Inspector concluded that:

“the reduction of the undeveloped area and green setting along High Street would not preserve or enhance the established character of the conservation area. I am less concerned about the Creeton Road frontage because it is narrower and less prominent in the street picture. However, my conclusion is that the harm arising from the loss of the larger open space would conflict with the objectives of Policies H7 and C9 and that permission should not be granted.” (Para 10)

2.8 It is clear, however, that the determining factor in the appeal was the impact on the open space area along High Street. Any further development proposal must pay due regard to this factor.

3. New Proposals

3.1 The appeal decision has been used to inform the latest proposals for 2 bungalows and 6 houses.

3.2 The key consideration is the open space along the High Street and this is now retained in full.

3.3 In addition, existing garages to the south east of the open space are to be demolished and replaced by car parking, effectively pulling buildings further back from the open space area and the dwelling, 15 High Street.

3.4 This amendment to the scheme has reduced the number of dwellings proposed from 10 to 8, deleting 2 dwellings and the community centre from the scheme. It should be noted that during the appeal hearing local residents expressed concern about the community centre and whether it would threaten other facilities in the village.

3.5 The change in the number of dwellings also ensures that there is no threat to overall housing targets for the District, as the scheme is one that involves previously developed land with the net loss of a dwelling from the current position.

4. Conclusions

4.1 The revised scheme takes into account the recent appeal decision and the proposal now retains the full extent of the open space alongside the High Street, which the Inspector considered to be the determining factor for the appeal.

4.2 The remainder of the development is materially the same as that previously proposed, but with the number of dwellings reduced from 10 to 8, one less than the number of dwellings that currently exist.

4.3 At the same time, the scheme secures rationalised parking arrangements for the current occupiers of bungalows on Croak Hill that were prepared in close consultation with residents.

4.4 The scheme, therefore, provides a most suitable design solution for the site, both in terms of new housing opportunity in the rural area as well as upgrading the current arrangements for residents of Croake Hill.

4.5 I conclude that the revised planning application is in full accord with national planning guidance and current Local Plan policy.

Comments of Development Control Services Manager

Members will by now be fully familiar with the site on which this application is made together with the recent history. In dismissing the appeal earlier this year, the Inspector addressed the issues raised in the refusal notice.

Firstly he concluded that the proposal is “in general conformity with Policy H7, and the historic of residential development approvals in the village, I consider that any sustainable disadvantages of the proposal are not so serious as to reject the scheme for this reason.” With this in mind, and considering that the current proposal will result in a net decrease in dwelling numbers in the village, I do not consider that an objection on grounds of sustainability can be sustained.

Secondly, in dealing with the effect on local environment characteristics the Inspector stated: “... my impression is that the designs have been prepared with respect for the nature and variety of other buildings in the locality and reflect the customary diversity of local dwellings.” He goes on to state that “... none of the dwellings would obstruct important public aspects of the Church or the appreciation of listed buildings.” I therefore consider that the scheme as currently proposed is acceptable in design terms and sits comfortably with adjacent and nearby listed buildings.

The Inspector does however give significant weight to the value of the open undeveloped land fronting onto High Street. Whilst stating that the land should not be mistaken for a traditional village green, he states that "It is a matter of judgement but in my opinion the encroachment of development into this open area with the considerable bulk of two storey houses, and car parking, would have a detrimental effect on the existing form and character of the village centre. I consider that the reduction of the undeveloped area and green setting along High Street would not preserve or enhance the established character or appearance of the conservation area. I am less concerned about the Creeton Road frontage because it is narrower and less prominent in the street picture." The applicants have taken these comments into account and the current proposal excludes any development from the open area fronting High Street. However, this scheme still proposes 2 dwellings on Creeton Road. This is consistent with the Inspector's comments but contrary to the opinion of those who have made representations on this particular application (as detailed above).

With all of the above in mind it is my opinion that this re-designed proposal addresses the issues raised by both the Inspector and Committee. The scheme now results in a net decrease in number of units on the site from 9 to 8 and as such does not conflict with the aims and objectives of the proposed interim housing policy. The retention of all the undeveloped land fronting High Street retains the existing open aspect of this part of the village and indeed the new dwellings provide a much more appropriate and sympathetic backdrop compared to the existing buildings on site.

Summary of Reasons for Approval

It is considered that the design, layout and details of the proposed development satisfy the criteria laid down under the relevant policies of the development plan and would not, subject to compliance with the conditions listed below, materially harm the character and appearance of the conservation area, the setting of nearby listed buildings and Ancient Monument, nor the amenities of neighbouring occupiers. The removal of the existing, brick and concrete tile, two storied, 1970's building and its replacement with more sympathetic cottages and bungalows, would result in a positive enhancement of the Conservation Area.

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. 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. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to

the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.

5. Before the development is commenced there shall be submitted to and approved by the district planning authority details (including cross sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.
6. 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.
7. Prior to the buildings becoming occupied, the driveway (and turning feature) shall be laid out and constructed, and suitably hardened for the whole of its length.

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. 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.
4. 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.
5. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.
6. The Local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road.
7. The Local Highway Authority so requests in order that mud and soil are not deposited on the highway in the interests of road safety.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.
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.

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