

AGENDA ITEM

**Development Control Committee
25 October 2005**

Applicant	Mr & Mrs Thorley Sallowbrook House, 5, Yarwell Road, Wansford, Peterborough, PE8 6JP
Agent	H A Architectural Services 2, The Maltings, First Drift, Wothorpe, Stamford, PE9 3JE
Proposal	Two storey detached dwellinghouse
Location	Adj 3, Church Street, Carlby

<u>Site Details</u> Parish(es)	Carlby C Class Road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene
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REPORT**The Site and its Surroundings**

The 0.07 ha application site is located on the south side of Church Lane and on the north-east side of the Church yard. It was part of the domestic curtilage of No. 3 Church Lane until that property was recently sold.

Adjacent to the western boundary, inside the churchyard there are three mature Horse Chestnut trees, which are protected by a Tree Preservation Order.

There is a slight fall across the site from west to east.

The Proposal

The proposal involves the erection of a detached house of similar design to that originally approved but with an increased floor area and overall height.

The increase in floor area is not significant and occurs on the eastern and southern (rear) side of the house and would not, therefore, bring it any closer to the protected trees. The overall height would be increased from 7.95m to 8.45m.

A new access would be created through the existing stone wall on the Church Street frontage and, as with the previously approved scheme, two parking spaces would be provided on-site.

The application specifies light buff brick to be confirmed for the external walls and plain concrete tiles for the roof.

The previous application specified natural stone for the external walls and slates for the roof covering and it is considered that these remain the most appropriate materials for this site.

Site History

The site was originally part of the domestic garden to No. 3 Church Street but is now for sale as a development plot following the granting of planning permission last year (S04/0588/17) for the erection of a detached house.

Before the last application was approved Members undertook a site visit.

Policy Considerations

South Kesteven Local Plan

Policy H6 – Residential development on unallocated sites in existing settlements.

Policy EN1 – Protection and Enhancement of the Environment.

Policy EN3 – Areas of Great Landscape Value.

Lincolnshire Structure Plan (Deposit Draft – April 2004)

Policy P1 – Promoting Sustainable Development.

Policy S2 – Location of Development.

Policy S4 – Rural Communities.

Central Government Planning Policy

PPS1 – Planning for Sustainable Development.

PPG3 – Housing (2000)

Supplementary Planning Guidance

Lincolnshire Design Guide for Residential Areas.

Statutory Consultations

Local Highway Authority: Requests standard condition HP19 – see below.

Community Archaeologist: Requests standard condition W7.

Arboriculturalist:

When planning permission was given for this site on 27 July 2004, the current British Standard that could be referred to was BS5837 'Trees in Relation to Construction', published in 1991.

Although not an exhaustive document, it offers minimum/safe distances between trees and construction.

The erection of a protective fence, 8 metres from the Horse Chestnuts was considered adequate and in accordance with the then current British Standards.

This would create a total exclusion zone during the development of the site. This was re-enforced by Condition 9, of planning permission S04/0588 requiring a temporary access through the eastern end of the wall for access during construction.

Foundations would have to be constructed using a method that ensures tree roots are protected. Condition 6 is qualified by the reason that states – “to ensure that there is no disturbance to the root system of the protected trees in the neighbouring churchyard”.

Parish Council:

The Parish Council objected to the previous application for a dwelling on this site primarily because of concern about the effect on the churchyard trees covered by tree preservation orders. The new application has left an 8m space between any dwelling and the trees as a ‘no dig’ area, which it is assumed, will not be built on in the future.

The Parish Council still has concerns about the churchyard trees and the visual amenity of this area. It objects to this application and recommends refusal, on the following grounds:

There appears to be insufficient information on this plan for the Parish Council to comment on many aspects of the plan.

1. Elevations: There are no elevations shown regarding the slope down to Church Street or the drop in the level next to the churchyard wall. There is no view of the relative heights of the proposed dwelling and the existing neighbouring building. The Parish Council cannot therefore comment on whether this dwelling will dominate its neighbour or whether the foundations will destroy tree roots.

The Parish Council requests that the plans be amended by the addition of ground levels for greater clarity.

2. Access and parking: As in the previous application no turning area is shown. Access is very close to a right angle bend (Church Street is very narrow). This will increase parking problems. No garage is shown. The large lime tree (T1) is close to a junction box for underground telephone cables. If these have to be dug deeper, roots will be disturbed.

The Parish Council requests that access conditions are strictly imposed and that TPO trees are not harmed by development of the area.

3. Visual Amenity: The Parish Council requests that the comments of English Heritage are sought regarding the visual amenity of the site and the use of materials in accordance with local and national policies.

Representations as a result of publicity

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

The issues raised are:

- a) Damage to roots of protected trees. (13)
- b) Narrowness of Church Street for construction traffic. (2)

- c) Medieval Path crosses the site. (3)
- d) Do Council have resources to enforce conditions? (1)
- e) Overdevelopment of site. (2)
- f) Detrimental to setting of Church. (1)
- g) Applicant's site plan does not show all protected trees in churchyard. (3)
- h) Digging out to keep proposed dwelling at same height as No. 3 would further damage tree roots. (5)
- i) Danger of trees falling on proposed dwelling and No. 3 Church Street. (5)
- j) Village already overdeveloped. (1)
- k) Church Street too narrow to accommodate any further development. (2)
- l) Manhole cover for underground telephone cables near front of site may have to be lowered, further damaging tree roots. (2)
- m) Proposed development will be dominant and have detrimental impact on old village centre and church. (3)
- n) Request site visit. (1)
- o) True level of site has been ignored. (2)
- p) Overlooking and overshadowing of No. 3 Church Street. (1)
- q) Loss of winter sunlight to The Old Plough, Church Street. (1)
- r) Request site visit. (2)

In addition to the above a tree report has been submitted on behalf of the Parochial Church Council and this confirms that the protected trees are in a sound condition. However, their consultants have commented as follows:

Further to your request to comment on the above development adjacent to the churchyard, in relation to the nearby trees (specifically 3 no. mature Horse Chestnuts) I am pleased to offer the following personal observations:

1) It is reasonable to assume, because of the similarity in terms of ground environment either side of the boundary wall, that the trees' roots will have developed to approximately the same extent in both directions; both sides offer an equally attractive environment in terms of water and air percolation.

2) The roots of all trees predominantly exist within the top 600mm of the soil, because of their requirement for water and oxygen, which is generally not available in sufficient quantities at greater depths, and are consequently very easily damaged or destroyed.

3) It is extremely difficult to establish the true extent of tree roots for a particular tree: each individual case will vary. It is generally accepted that, given suitable conditions, roots can extend laterally up to a distance equal to at least twice the height of the tree.

4) Because of the shallow nature of roots, any construction involves the digging of footings or ground modelling (either lowering or rilling) within the rooting area, will inevitably result in either the severance of roots, or their damage through changes in levels of available oxygen.

5) I note, in copies of the literature provided by yourself relating to this case, that BS 5837:1991 (wrongly identified as BS 5463) is quoted as saying that construction can take place up to 8m from the trees. Whilst there is indeed such a figure quoted in Table 1 of that document, I would point out that 8m is in fact the minimum recommended distance for protective fencing; it is not a recommended distance for the proximity of construction. The question of scaffold erection to facilitate construction and the storage of building materials are just two additional factors for consideration, also advised upon in that document.

6) Interestingly, the publication of a more up to date BS 5837 is imminent (19 September 2005) which is likely, according to draft proposals, to insist on a significantly larger area of protection for such trees (calculated as 12x the diameter at 1.5m). As this would be considered to be more in line with current thinking in the industry, it may be that consideration should be given to this document rather than BS 5837:1991 which it is generally acknowledged is long out of date.

7) There is also an acknowledgement in the documentation you have provided, of the need for hand digging where tree roots are involved. While this is laudable where the intention is to thereby leave significant roots intact, one can only assume that the process of excavating footings would necessitate their removal in any case. I therefore fail to see what benefit is being promoted for the trees. The only way to achieve such protection would be by the incorporation of 'pile and beam' or 'pier and beam' style foundations, to bridge retained roots, which is not mentioned.

8) Whilst a 'no-dig' approach to the driveway construction is good practice, there would be little point unless the area concerned had been afforded adequate protection throughout the process of the house building, or the driveway was constructed first. Once an area has been compacted through the storage of materials or the movement of machinery etc., it is too late to acknowledge that roots are important and very vulnerable; they cannot be protected retrospectively.

9) Irrespective of adequate protection for the roots, I would suggest, from previous experience, that should this development go ahead, there will almost inevitably be demands at some point in the future for, at the very least, drastic pruning of these trees. Shade, leaf litter and merely the perception of imminent danger are all reasons given for the removal of trees in such circumstances. The wisdom of increasing such a threat to the continued survival of these trees, which have obviously been deemed worthy of preservation for the wider community, is perhaps questionable.

Summary of Reasons for Approval

The proposal is in accordance with national and local policies as set out in PPS1 (Planning for Sustainable Development), PPG3 (Housing – 2004), Policies P1, S2 and S4 of the Lincolnshire Structure Plan (Deposit Draft – April 2000), Policies H6, EN1 and EN3 of the South Kesteven Local Plan and adopted supplementary planning guidance contained in the Lincolnshire Design Guide for Residential Areas. Although there is some conflict with Policies P1 and S2 of the Lincolnshire

Structure Plan and SKDC's adopted Interim Housing Policy, in this instance, the issues raised do not outweigh the principal policies referred to. The issues relating to the impact on the protected trees and on neighbours amenities are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal.

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 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.
3. The arrangements shown on the approved site plan received 5 September 2005 for the parking of vehicles shall be available at all times when the premises are in use.
4. 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.
5. The external walls of the approved dwelling shall be constructed of natural limestone laid in horizontal, random, courses.
6. 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.
7. Excavation of the foundations of the western gable wall of the approved dwelling shall be undertaken using only hand digging.
8. Construction of the driveway and vehicle parking area shall be undertaken only using the 'no-dig' method, recommended in the Arboricultural Practice Notes appended to this decision notice.
9. Before the development hereby permitted is commenced details of the means of surfacing the driveway and parking area shall be agreed in writing with the local planning authority and only such details as may be agreed in writing shall be used to surface these areas.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order without modification), no buildings shall be erected on the land to the west of the western gable wall of the approved dwelling without the express permission of the district planning authority.
11. Prior to the commencement of development a temporary access shall be formed through the eastern end of the wall on the site frontage for vehicles delivering materials. This access shall be used by all vehicles connected with the construction of the dwelling and the wall shall be reinstated before occupation of the dwelling.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with PPG16.
3. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13.
4. 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 Policies H6, EN1 and EN3 of the South Kesteven Local Plan.
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 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 EN1 of the South Kesteven Local Plan.
7. To ensure that the root system of the protected trees in the neighbouring churchyard are not unnecessarily disturbed by works of excavation in accordance with Policy H6 of the South Kesteven Local Plan.
8. In the interests of the character and appearance of the area in accordance with Policy H6 of the South Kesteven Local Plan.
9. To ensure that there is no disturbance to the root system of the protected trees in the neighbouring churchyard in accordance with Policy H6 of the South Kesteven Local Plan.
10. The local planning authority wish to be in a position to assess the impact that the positioning of any buildings in this area would have on the protected trees during the construction period in accordance with Policy H6 of the South Kesteven Local Plan.
11. To safeguard the protected trees during the construction period in accordance with Policy H6 of the South Kesteven Local Plan.

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. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.
3. 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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Applicant	Mr M Cupicciotti 57, Tattershall Drive, Market Deeping, Peterborough, PE6 8BZ
Agent	
Proposal	Re-positioning of garden wall
Location	57, Tattershall Drive, Market Deeping

<u>Site Details</u> Parish(es)	Market Deeping Unclassified road Radon Area - Protection required Section 106/52 applies on site H4 Housing - Market Deeping Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

Situated to the western side of Market Deeping, the dwelling is located on a corner plot with the frontage facing Tattershall Drive to the east and its side elevation running parallel with Belvoir Close to the south.

This is a relatively modern house situated in a wholly residential area. Access to the dwelling is gained off Tattershall Drive.

Site History

SK.0038/87 – Outline Residential – approved 03.10.88.

SK.2202/88 – Full Residential – Phase 1 – approved 24.01.89.

SK.0748/91 – Substitution of house types, plots 99-102 and erection of 73 dwellings. Approved 26.09.91.

The Proposal

The proposal involves the re-positioning of an existing boundary wall, which runs along the southern side and rear of 57 Tattershall Drive. The 1.8m wall will be set back off the road frontage and will enclose a small open green space to the side of the existing dwelling. The wall will be constructed in matching materials and will be finished with a tile creasing and brick capping.

Policy Considerations

South Kesteven Local Plan

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

Policy EN1 – Protection and Enhancement of the Environment.

Statutory Consultations

Local Highway Authority: No observations.

Community Archaeologist: No objections.

Parish Council:

Objection – This proposal would change the outlook of the original development which the town council object to most strongly.

Representations as a result of publicity

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

A summary of the main concerns are listed below:

1. Another green area will be lost.
2. Wall will be unsightly and enclose our garden further from the front and will detract from the aspect of our property.
3. Concerned wall may interfere with access to property and garage.

Planning Panel Comments

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

Applicants Submissions

The application is for the repositioning of a garden wall along the side boundary with bricks to match existing wall and a height of 1.8m. No. 47 Tattershall Drive has had the same work carried out and the wall is higher than before. Application S04/1442 approved with conditions.

Conclusions

It is considered that the proposed wall, enclosing a minimal area to the side, represents an acceptable form of development, being of a similar form and constructed in matching materials to the existing wall. Furthermore by being set back from the road frontage the impact on neighbouring properties and the street scene in general is considerably reduced.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to loss of amenity space and unsightly design 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. 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. The wall shall be sited back in the site at least 600m from the highway.

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/ies H6 and EN1 of the South Kesteven Local Plan.
3. For the avoidance of doubt.

Note(s) to Applicant

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

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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

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 Reasons 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. 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. 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.
4. 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.
5. 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.
6. 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.
7. 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.

The above application was deferred at the Development Control Committee on 13th September 2005 in order to members to undertake a site visit.

This application was deferred at the Development Control Committee meeting of 4th October 2005 following a resolution to refuse planning permission.

The applicant has submitted the following further information in support of the proposal following the resolution to refuse planning permission and an interested party has reiterated her support for the scheme:

“Further to the Development Control Committee meeting held on 4 October 2005, at which the Committee Members indicated their wish to refuse the above planning application, against the recommendation of the SKDC Development Control department, I would like to make the following representations as the applicant.

As the Committee Members have yet to formally lodge their reasons for wishing to refuse the above application with yourself, I detail below all the reasons for refusal as I understand them from attending that meeting myself.

1. The Members stated that the proposed use of the land was acceptable.

2. The Members stated that their wish would be to have the proposed development accessed through Dysart Farm (directly south of Crosburn House), as this site had already been granted planning permission on 14 June 2005.
3. The Members stated the proposed access is not suitable.
4. The Members stated that the proposed access would cause annoyance to No. 42 Main Road (located directly north of the proposed driveway) through increased traffic using the proposed driveway to the proposed development.
5. The Members stated that the proposed repositioning of the driveway to the proposed development would have a detrimental impact on Crosburn House (the applicant's property) through increased traffic using the proposed driveway to the proposed development.
6. The Members stated that the proposed repositioning of the driveway to the proposed development would have a detrimental impact on Crosburn House (the applicants' property) both for the existing and future occupants.

I would like to respond to the above Members opinions as follows:

1. I agree that the proposed use of the land is acceptable.
2. a) I am not legally able to provide access to the proposed development to the rear of Crosburn House via Dysart Farm due to my contractual obligations to the joint applicants; Kean Construction Ltd.
 - b) Even if I was legally able to provide access to the proposed development to the rear of Crosburn House via Dysart Farm, this would not be possible as the plan for Dysart Farm (S05/0480/55 approved 14 June 2005) does not provide for access through to Crosburn House (see fig. 1). I am advised that work on the Dysart Farm development is due to commence imminently.
3. The proposed driveway is in accordance with the Highways Authority regulations in all respects.
4. As you are aware, Mrs Garside (owner occupier of No. 42) has already written to you to confirm that she is highly supportive of the proposed development. The proposals that we have made in respect of No. 42 will have a significant positive effect for the current and future owners of this property in respect of increased value, improved privacy and providing for the first time, a secure external access from front to rear garden.
5. As both the owner and occupier of Crosburn House I have not and will not raise any objections to the proposed development. Moreover, I believe that remodelling the existing driveway presents an excellent opportunity to hugely improve the area that currently lies between Crosburn House and No. 42 Main Road. (See full explanation in section 6 below).
6. a) Currently, there is approximately 9 metres of separation between the main north elevation of Crosburn House and the south elevation of No. 42 Main Road. The existing driveway that passes between the two properties is approximately 4 metres wide and butts up to the south elevation of No. 42 Main Road. This leaves

approximately 5 metres of land between the north elevation of Crosburn House and the southern edge of the driveway. This 'buffer' of land is very poorly utilised being sporadically populated with large bushes that take up all of this space and light but provide little or no amenity to Crosburn House or provide any separation between the two properties. (see fig. 2)

b) Having discussed the Members reasons for wishing to refuse the application with Mrs Garside of 42 Main Road, she has expressed to me her deep disappointment. In an attempt to assist in gaining an approval for the proposed development she has offered to reduce the amount of land we had agreed for her property enhancement from 2 metres to 1.5 metres. This brings the proposed driveway a further 0.5 metres away from Crosburn House. She has advised me that she will be writing to the Development Control Manager under separate cover to restate her support.

c) The proposal therefore, is to move the existing driveway away from No. 42 Main Road by 1.5 metres to provide the benefits to this property as discussed in section 4. This remodelling will still provide almost 3.5 metres (over 11 feet) of 'buffer' land between the north elevation of Crosburn House and the southern edge of the new driveway. This will allow the existing overgrown bushes and shrubs to be cleared from this area and therefore vastly improve the daylight amenity in this area. I further propose to construct a new 1.8 metre high wall along the southern edge of the new driveway to provide a new and safe amenity area for Crosburn House. Furthermore, this new wall will provide, for the first time, a very fitting division between two properties of very different character. I further propose that this wall be constructed in a style and of materials that are sympathetic to the architectural aesthetic of Crosburn House. Possibly by using the bricks from the existing garden wall that we have sought permission to remove. This new wall would run parallel to the north elevation of Crosburn House from the existing garage block to the front (west) elevation of Crosburn House. From that point to the frontage railings, a new leylandii hedge (as exists at present) will be planted. (see fig. 3)

d) I strongly believe that the proposals detailed above will provide a new and secure amenity area at the north elevation of Crosburn House for both the existing and any future owners.

I am certain that with the assistance and support of the SKDC Planning and Conservation department, the integrity and amenity of this area of Crosburn House will only be maintained but greatly improved."

Under the provisions of the Council's Constitution Members of the Committee that voted in favour of refusal are required to give their reasons for refusal. These are as follows:

- The proposed re-alignment of the access track will run too close to Crosburn House where a side door exists that would be detrimental to the amenities of future occupiers of the dwelling.
- Previous reason for refusal (relating to the access arrangements) has not been addressed by the proposed modifications.
- Unacceptable and convoluted access arrangement.
- Issues raised by the Parish Council have not been satisfactorily dealt with. The parish raised concerns over the following issues:
 1. Infrastructure problems within the village relating to drainage, education and the doctors surgery.
 2. 3 storey properties would encroach on the privacy of adjacent properties.

3. Do not accept that the site is previously developed (i.e. brownfield).

Additionally, Members have confirmed that there is not an objection in principle to the development of the land at the rear if an alternative, and acceptable, access arrangement can be negotiated.

Comments of the Development Control Services Manager

As Members will be aware the Planning Act places the following statutory requirement on the decision making body in reaching decisions on planning applications:

“If regard is to be held to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. Section 38(6) Planning and Compulsory Purchase Act 2004.

The issues raised by Members above are legitimate concerns that relate to policies contained within the development plan and are material planning considerations. The 2 applicable policies are H6 and EN1 of the South Kesteven Local Plan 1995. Policy H6 allows for windfall developments within towns and villages. In determining whether such developments are acceptable a number of criteria have to be met including, inter alia, the impact of the development on the community and its local environment and the provision of a satisfactory access. From the information provided to me by Members it is clear that a degree of conflict could be identified with this policy. On the other hand Policy EN1 is less helpful to Members concerns. This policy is aimed at providing protection and enhancement to the environment but does not make specific reference to the primary issues of concern. However, amongst the determining criteria for this policy, it states that new development proposals need to avoid pollution to their surroundings by virtue of noise.

The issues raised by the Parish Council are, in my opinion, more clear-cut and I would advise against refusing planning permission on these grounds for the following reasons. There are no objections raised from the statutory consultees regarding drainage, education or health care provision. It is my opinion that the siting of the proposed dwellings provides adequate separation from adjacent properties and will not result in any unacceptable overlooking. Finally, this site is currently residential garden land and as such falls within the statutory definition of previously developed land (PPG3 Annex C).

As will all development proposals it is necessary to weigh up all the material considerations and ascribe the appropriate weight to each factor. The primary area of concern for the first proposal was the detrimental affect upon the living conditions of 42 Main Road. It is my opinion that this issue has now been largely overcome by the realignment of the access drive. As a consequence of this amendment the driveway is now 2 metres closer to the host property, which in Members, has resulted in harm arising to the occupiers of that property.

It is accepted that this is a finely balanced consideration. However, it needs to be noted that there are differences between the impacts on 42 Main Street as identified in the first application and those arising from the current proposal on Crosburn House. The first application detailed the shared driveway running along the gable wall of number 2 and the whole of the front and rear garden. This issue has now been largely overcome by the realignment of the access. I accept that revised access is closer to Crosburn House than before but the distance from the side of the house is similar to that proposed for number 42 (minimum of 2 metres). Additionally the rear garden of Crosburn House is unaffected by this proposal as it is located behind a range of existing outbuildings. It is therefore my opinion that if there is no longer harm being identified to the occupiers of 42 Main Street then a similar conclusion should be reached for the occupiers of Crosburn House.

It should be noted that the applicant has offered to make a further amendment to the scheme in an attempt to allay the fears of Members. It will be noted that as a compromise the applicant is now proposing to move the access a further ½ metre away from Crosburn House and to construct a new boundary wall along the southern side of the proposed access. In light of this Members are asked to consider the relative merits of this alternative.

* * * * *

Applicant	T Balfre Construction Ltd Richmond House, Brant Road, Fulbeck, Grantham, NG32 3JF
Agent	Oglesby & Limb Ltd The Coach House, 67, London Road, Newark, Notts, NG24 1RZ
Proposal	Residential Development
Location	The Pallett Yard, Dallygate, Great Ponton

<u>Site Details</u>	
Parish(es)	Great Ponton Public footpath adjoins site Unclassified road Demolition of any building - BR1 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 site is located adjacent to the A1 on the south side of its junction with Dallygate. The application relates to a 0.296 hectare area of land presently occupied by a derelict industrial building associated with the site's former use as a pallet business.

The site is basically level but elevated above land to the east.

Site History

Outline planning permission was granted under S04/0654 in June 2004. Under this application the location and details of the access of Dallygate was established. The existing access off the A1 trunk road would be permanently stopped up.

A full planning application was submitted in July 2005 but subsequently withdrawn.

The Proposal

The application proposes the erection of 14 terraced two storey properties set out in a U-shaped arrangement of three blocks bordering Dallygate, the A1 and the southern boundary adjacent to the public house. The access, ten car parking spaces and a screen of landscaping would occupy the eastern portion of the site.

Policy Considerations

Policies EN1 and H7 of the South Kesteven Local Plan allow for the redevelopment of existing buildings and the improvement of derelict, degraded and underused land.

Statutory Consultations

Parish Council:

1. Concern regarding height of gable ends for Plots 10-14. Dormer-type properties more suitable. Would block out light from rear of the lower properties on Archers Way.
2. Site levels.
3. Surface water.
4. Shrubs/trees along eastern boundary. Query maintenance/height.
5. Acoustic barrier – appearance.
6. Welcome development, but because of prominent position at entry to village need to make sure it is an asset.

Local Highway Authority: Comments awaited.

Highways Agency: Requests condition be attached – see below.

Environmental Health: Request standard condition J9 – Protection of buildings from noise.

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 points have been raised:

1. Still unhappy with point of access.
2. Vehicles come off A1 at 70 mph on 2 wheels into line of oncoming traffic.
3. Concern regarding height of Plots 10-14. Loss of privacy/sunlight. Is builder lowering site? Prefer bungalows/chalets.
4. Will eastern boundary have sufficient barriers to prevent cars accidentally coming over, because forklift truck and pallets have fallen into our garden? Headlights shine into our rooms.
5. Height of fence/type of shrubs and trees?
6. Is surface drainage system adequate?

Planning Panel Comments

Development Control Services Manager to determine subject to conditions.

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

1. 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.
2. Before the development is commenced a scheme for the protection of the proposed dwellings from noise from the adjacent A1 Trunk Road shall be submitted to and approved by the district planning authority. All works which form part of the approved scheme shall be completed before any of the permitted dwellings are occupied.
3. A scheme showing raised kerbs along the eastern edge of the car parking block 19-28 shall be submitted to and approved by the district planning authority prior to the commencement of the development.
4. Development shall not commence unless and until the existing access has been closed off and a new access has been constructed and reinstated on Dallygate as shown on drawing A0342-15, to the satisfaction of the local planning authority in consultation with the Highways Agency.

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

1. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy/ies EN1 and H7 of the South Kesteven Local Plan.
2. In the interests of the amenities of the occupiers of the proposed dwelling and in accordance with Policy/ies EN1 and H7 of the South Kesteven Local Plan.
3. To prevent cars over-running into the gardens to the east.
4. To ensure that the A1 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

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. The highway proposals associated with this consent involve works within the public highway, which is land over which the applicant has no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact the Highways Agency at an early stage to discuss the details of the highways agreement.

Applicant	Persimmon Homes (EM) Ltd Persimmon House, Peterborough Business Park, 19, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Agent	
Proposal	24 dwellings, access & public open space
Location	Land At Crystal Motors, Barrowby Road, Grantham

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

REPORT

The Site and its Surroundings

The application site is located to the south side of Barrowby Road and is currently occupied with numerous buildings relating to the existing car garage – Crystals of Grantham (Nissan). The main showroom and workshop building is located towards the front of the site and other associated buildings are located more towards the centre of the site. Other areas are used for hardstanding or parking.

The site is long and narrow with the road frontage width being 60m and the length of the site extending to over 160m. The site levels drop over 5m over the entire length of the site. The site measures 0.8ha in overall area.

The site is surrounded by residential properties fronting Barrowby Road, Blackburn Close and Manchester Way of which there is a general mix of house types including bungalows, terraced properties and 1980s detached dwellings. It could be argued that the existing use of the land is incompatible with the surrounding development and the road frontage building is incongruous in the street scene in general.

Site History

There is no planning history to the site that is relevant to this application.

The Proposal

Consent is sought for the residential development of the site to allow for 24 dwellings. The development comprises of 2 and 3-storey dwellings arranged either side of a central access road. The dwellings in the lower (south) section of the site will be accessed via a private drive with plots 12, 13 and 16 having elevations facing over an area of public open space.

The central third of the site will be raised land to account for levels difference across the site, the maximum height increase of which will be around 1.4m.

The dwellings are primarily road frontage, including the 4 dwellings to Barrowby Road, and utilise parking court/garage areas to the rear to maintain a strong street scene frontage within the site.

The planning authority is currently in discussion with the applicants to amend the development within certain areas (plots 1, 9, 10 and 11) where there are concerns that the development would impose/impact on the existing dwellings that adjoin the site. Amended details are currently awaited on this issue and are expected prior to the Committee date.

Planning Considerations

National Policy

PPG3 – Housing. The development would be in accordance with this national planning guidance as it would form a brownfield development within an urban area, and would meet the (minimum) density requirement of 30 dwellings per hectare.

Lincolnshire Structure Plan

Policy S2 – The development would be in accordance with this policy as the site is within the urban area and is well served by public transport and local facilities.

Policy H2 – Seeks the provision of a percentage of new housing on previously developed land.

Policy H3 – Seeks the provision of ‘affordable’ housing within new development in accordance with up to date housing needs assessments.

South Kesteven Local Plan

Policy H6 – Allows for development that (inter alia) has no resultant impact on the form, character and appearance of the settlement.

Policy EN1 – Allows for development that (inter alia) reflects the general character of the area through layout, siting, design and materials.

Planning Gain

The Applicants are aware that a Section 106 Agreement is required for the provision of affordable housing, a financial contribution towards County Council education and for the provision and maintenance of the area of public open space. Negotiations are underway with the Applicants on all of these issues but it is acknowledged that the site will have exceptional development costs that may result in a reduction in the levels of planning gain that can be reasonably sought.

Statutory Consultations

Local Highway Authority: Have requested further information/details relating to footways, visibility splays and the provision of a design statement as, at present, the development does not accord with the Design Guide for Residential Areas and DB32. These details have been requested and are currently awaited.

Grantham Civic Society:

Our main concern is the still further overloading this development will place on the Town’s overstretched infrastructure and facilities.

Community Archaeologist: No objections.

Environment Agency: No comments made.

Lincolnshire County Council: Require an educational contribution of £73,545.

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 comments were made:

- a) Overlooking and loss of privacy.
- b) Increase in vehicular movements and pollution.
- c) 24 hour usage of the site as opposed to current working hours (unrestricted).
- d) Increase in on-street parking, no parking provision made for existing terraced dwellings.
- e) Noise and disturbance during construction works.
- f) Height of dwellings in proximity to adjacent dwellings, bungalows and garden areas.
- g) Development not in keeping with surrounding dwellings.
- h) Concern over public access via existing public footpath.
- i) Loss of hedges and land retaining features.
- j) Pumping station will be required – noise and disturbance.

Planning Panel Comments

27 September 2005 – Deferred for a site visit and Committee determination.

Applicants Submissions

None.

Conclusions

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3 and Policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to overlooking/privacy, visual impact, noise and disturbance, traffic, pedestrian access and loss of landscaping 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. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.
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. 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.
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. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
7. 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.
8. This consent relates to the application as amended by *** received on ***.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies EN1 of the South Kesteven Local Plan.
3. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy/ies EN1 of the South Kesteven Local Plan.
4. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy/ies EN1 of the South Kesteven Local Plan.
5. 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/ies EN1 of the South Kesteven Local Plan.

6. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy/ies H6 of the South Kesteven Local Plan.
7. 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/ies H6 of the South Kesteven Local Plan.
8. For the avoidance of doubt.

Note(s) to Applicant

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

* * * * *

Applicant	Barratt Homes Barratt House, 16, Regan Way, Chilwell, Notts, NG9 6RZ
Agent	Freeth Cartwrigth LLP Cumberland Court, 80, Mount Street, Nottingham, NG1 6HH
Proposal	Residential development
Location	Land Off Dysart Road/Autumn Park, Dysart Road, Grantham

Site Details Parish(es)	Grantham C Class Road Radon Area - Protection required Section 106/52 applies on site H1 Housing - Grantham Airfield Zone - No consultation required Drainage - Lincs
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REPORT

The Site and its Surroundings

The proposed site covers an area of 3.35 hectares and is largely rectangular in shape. Access to the site would be directly from Dysart Road, at the point of an existing access, which requires appropriate improvements. The site access would then pass through an industrial area (with a large B8 warehouse to the west) after which the site opens up to an overgrown, grassed area to the north.

To the north and north west of the site are residential properties of Campbell Close, Ely Way and Chelmsford Drive respectively. Immediately to the east of the site is a dismantled rail line, which adjoins smaller industrial units contained within the Henry Bell Industrial Estate. To the east and south east of the site is industrial land and an area of (unused) open space.

The northern part of the site has been identified in the South Kesteven Local Plan, under Policy H1.7, as land suitable for residential development.

Site History

Application S01/0784/35 was submitted in June of 2001 and sought full planning permission for the erection of 111 dwellings on the site. The site area for this application was slightly larger as it incorporated the land immediately to the east of the access area.

Discussions were well under way with this application and, at November 2001 the following requirements were sought:

- An educational contribution of over £150,000.
- The provision of adequate open space within the site and financial contributions towards the provision of play equipment and subsequent maintenance.
- The provision of affordable housing at 25-30% of the total number of dwellings to be provided.
- Amendments to the proposed access in accordance with the requests of the Highway Authority.

On 21 October 2004 the application was filed away as there was no further action made to address the requirements raised by the Planning Authority.

On the same date a fresh Outline Planning Application was registered for the residential development of the site, under application S04/1610/35. As part of that application the following information was provided:

- A Planning Statement
- A draft Section 106 Agreement
- An Ecological Survey Report
- A Flood Risk Assessment
- A Geo-Environmental Report
- A Transport Assessment

The site was identified in the Planning Authority's 'Urban Capacity Study' as brownfield/under-used land that would be suitable for residential development. It was, therefore, considered that outline planning permission be granted and, following the formulation of the required Section 106 Agreement, outline planning permission was approved on 3 May 2005.

The Proposal

Consent is sought for the erection of 166 residential units on the overall site. 82 of the units would be dwellings (detached, semi-detached or terraced) and the remaining 84 would take the form of grouped flats. A general mix of house types is proposed with 2 and 3-storey dwellings and 3-storey flats with associated parking court areas.

The site is lower than the existing residential development that fronts Chelmsford Drive and Ely Way and sectional drawings have been provided to show that the proposed dwellings will have no resulting impact on the adjacent existing properties. In addition to the above the applicants have carefully designed the site layout to ensure that the larger/3-storey dwellings and flats are positioned where the site boundaries adjoin the open space or industrial land.

A large area of public open space is to be provided at the entrance into the site in accordance with the provisions of the S106 Agreement on the Outline Planning Permission.

Policy Considerations

National Policy

PPG3 – Promotes the redevelopment of underused land (as opposed to 'greenfield' sites) and advises against maximising development in sustainable locations – which this site clearly is.

Lincolnshire Structure Plan

Policy S2 – The development would be in accordance with this policy as the site is within the urban area and is well served by public transport and local facilities.

Policy H2 – Seeks the provision of a percentage of new housing on previously developed land.

Policy H3 – Seeks a density of new housing development to achieve an average of 30 dwellings per hectare. The development of this urban site would achieve just under 50 dwellings to the hectare.

South Kesteven Local Plan

Policy H6 – Allows for development that (inter alia) has no resultant impact on the form, character and appearance of the settlement.

Policy EN1 – Allows for development that (inter alia) reflects the general character of the area through layout, siting, design and materials.

Planning Gain

A Section 106 Agreement is already in existence for this site, as part of the outline planning approval, and provides for the provision and maintenance of the areas of public open space, the associated play equipment (LEAP) and a financial contribution for highway improvements.

Statutory Consultations

Local Highway Authority: Amended details have been requested to show a varied surface material to one of the main turning areas.

Community Archaeologist: Request Note to Applicant – ARC1.

Environment Agency: Comments requested by 20 October 2005.

Lincs Police Architectural Liaison Officer:

Lighting

Before the development is brought into use, the car parking courts and private roads shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Landscaping

Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any tree should be pruned to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Rear gardens – defensible space

All rear access gates to the individual plots should be fitted with a minimum-security standard of a slide bolt with the provision for a locking device.

Access control

It is recommended that the communal entrance door of the flats be fitted with an access control system with an electronic lock release. This would reduce the possibility of unauthorised persons and help to reduce the possible fear of crime for the occupiers.

Asset and Facilities Management:

The culverted Barrowby Stream crosses the site en route to joining the Mowbeck, and ultimately the Witham. The Environment Agency is in the process of enmaining Barrowby Stream and will almost certainly wish to comment on the application. The culvert itself, it is

suspected, is in poor condition, and the EA may request conditions imposed – possibly improvements, and probably an easement for access.

Arboriculturalist: Comments on the landscaping scheme currently awaited.

Representations as a result of publicity

None.

Planning Panel Comments

27 September 2005 – The application be considered by the Development Control Committee.

Applicants Submissions

A 'Planning Statement' was submitted as part of the planning application. The majority of information contained within the statement has already been referred to in this report. The conclusions of the report are as follows:

It is considered that the proposals conform with the relevant Development Plan policy considerations and will provide an opportunity to develop underused Brownfield land for housing which is in accordance with National Policy Guidance.

The proposal provides the necessary public open space provision as identified in the s106 agreement.

The scheme provides a mix of housing types and styles to both provide for a range of housing needs and to create an attractive environment for future residents.

The landscaping scheme seeks to both enhance the appearance of the development and provide a screen to surrounding residential and commercial industrial uses.

Access is agreed and the highway layout is in accordance with the County Council's recommendations.

Conclusions

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3, Policies S2, H2 and H3 of the Lincolnshire County Structure Plan and Policies H6 and EN1 of the South Kesteven Local Plan. There are no material considerations that indicate against the proposal though conditions have been attached.

RECOMMENDATION: That subject to the resolution of the Highway issues and subject to no adverse comments from the Environment Agency or the Arboriculturalist, the development be Approved subject to condition(s)

1. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.

2. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
3. This consent relates to the application as amended by *** received on ***.
4. Before the development is brought into use, the private driveway shall be provided with lighting (to meet BS 1549 pt.9 - 1996) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

1. 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.
2. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy H6 of the South Kesteven Local Plan.
3. For the avoidance of doubt.
4. The building makes an important contribution to the character and appearance of the locality and the removal of the building would detract from the appearance and amenities of the area and in accordance with Policy H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. Your attention is drawn to the conditions imposed on the outline planning permission S04/1610/35, as approved on 3 May 2005, which remain relevant in this instance.
3. The comments of the Police Architectural Liaison Officer are enclosed for your attention.
4. 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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