

Development Control Committee
25 July 2006

NU.1 S06/0576/54

Registration Date: 19-Apr-2006

Applicant	Saxondale Properties Jasmine House, Main Street, Wysall, Nottingham, NG12 5QS
Agent	Maber Associates St Marys Hall, 17, Baker Gate, The Lace Market, Nottingham, NG1 1JU
Proposal	Erection of three retail units & six flats
Location	Land Adj. Lytham Close, Sunningdale, Grantham

<u>Site Details</u>	
Parish(es)	Londonthorpe & Harrowby Without Unclassified road Radon Area - Protection required Section 106/52 applies on site H1 Housing - Grantham Shopping in villages Airfield Zone - No consultation required TPO affects site - TPO1 Drainage - Lincs

REPORT

The Site and its Surroundings

The site is located on the corner of Sunningdale and Lytham Close (to the south and west) and is bordered by residential properties to the north and east. The site is undeveloped, currently fenced off and has a slope down towards the north and the terraced row of properties of 2 to 10 Lytham Close.

Along the eastern side of the site, but not within the application site, are several trees that are protected by a tree preservation order.

The site is allocated in the South Kesteven Local Plan under Policy S7.2, for the provision of a local shopping centre to directly serve the residential estate within which it is centrally sited.

Site History

Application S05/1371/54 sought consent for the erection of 3 shops and 6 flats on the site. This application was withdrawn by the applicant as there were major concerns raised by the planning authority concerning the size and design of the building proposed, the impact that it would have on the street scene in general and the potential for the overlooking of the properties to the north. The building proposed measured 30m by 13m.

The building proposed at the time had a 3-storey frontage to Sunningdale and was full 4-storeys high at the rear due to the levels change within the site. The overall height of the building was 13.9m (11.7m from the frontage) and would have had 6 bedroom windows, 5 large lobby area windows and 4 kitchen/store windows that would have directly faced the rear of the dwellings on Lytham Close.

A later application, S05/1677/54, sought consent for a revision to the above application for the erection of retail units and 6 self-contained flats. There remained a concern that, due to the height of the building proposed, the site levels and issues of proximity, there would

be an adverse impact on the adjacent properties. The application was refused at the Development Control Committee on 14 February 2006 for the following reason:

The proposed development, by reason of its overall scale, height and the site levels across the site would result in a visual impact on the neighbouring properties to the north and would lead to issues of overlooking and a loss of privacy to those properties that would be detrimental to the residential amenities of their occupiers. For these reasons the proposal would be contrary to Policies S6 and EN1 of the South Kesteven Local Plan.

The Proposal

Consent is now sought for the erection of a convenience store (232m²) and 2 retail units (each 64m²) at ground floor with the provision of 6 flats at first floor. The development will be 2-storey throughout and therefore domestic in overall scale.

The layout of the site has been changed from that previously refused, with the building sited on the western half of the site and the car parking located on the eastern half. This addresses the issue of site levels as the building steps down the slope accordingly, therefore reducing any impact on the dwellings to the north. In addition, having the car parking close to and under the protected trees (outside of the site) will avoid any potential root or branch damage.

Space around the building will allow for good landscaping, separate pedestrian and vehicular access points, disabled car parking and cycle parking.

Windows to the first floor flats will face east over the car parking area or west over Lytham Close. Two small, secondary lounge windows will face south onto Sunningdale. There are no proposed windows to be sited in the north facing elevation, which will avoid any issues of overlooking and loss of privacy to the dwellings to the north.

An amended layout plan was received on 10 May 2006 to address the initial concerns of the Highway Authority relating to car parking numbers, cycle parking and servicing. The Highway Authority has accepted these details.

The applicants have requested that the Use Classes for the proposed development are to be A1 (general retail) for the larger convenience store and A5 (take-away) for the smaller units. As the retail units are within a residential area it would be reasonable to condition any approval to ensure that the hours of opening of the shops is limited and that deliveries could not take place at unsociable hours.

Policy Considerations

South Kesteven Local Plan

Policy S7.2 – Ensures that suitable sites are reserved within large residential development areas for the provision of a local shopping facility.

Policy S6 – Allows for local shopping areas within the main settlements, to meet the everyday needs of the residents, providing they:

- i) do not seriously affect the amenities of the occupiers of adjoining and nearby properties;
- ii) avoid unnecessary conflict between pedestrian and vehicular traffic movements, and
- iii) where necessary, have satisfactory access and car parking provision.

Policy EN1 – Seeks to protect and enhance the environment in ensuring that development proposals (inter alia) respect the general character of the area through layout, siting, design and materials.

Policy T3 – Seeks to ensure that parking is provided to an appropriate standard to serve the land use proposed.

Statutory Consultations

Parish Council:

The members wish to point out several points on this application.

Firstly the latest application is by far the best of the plans seen.

The facility is definitely needed.

We would request no HGVs delivering between the hours of 9pm and 7am.

We would question the ability of HGVs delivering as there appears to be no easy access for unloading.

Local Highway Authority: Requests 4 conditions and a Note to Applicant on any approval.

Community Archaeologist: No comments made.

Environment Agency: No comments made.

SKDC Arboriculturalist: A no dig method of construction should be used for the car parking beneath the tree canopies, on the eastern boundary, to protect tree roots.

Representations as a result of publicity

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

The following issues were raised:

- a) Improvement on the previous application.
- b) Too many buildings, over-development.
- c) Fencing would be incongruous and a brick boundary wall would be preferred.
- d) Buildings too tall and out of character.
- e) Insufficient parking.
- f) Deliveries should not take place from Lytham Close.
- g) Objection to take-away uses, issues of noise and disturbance.
- h) Buildings too high for a residential area.
- i) Anti-social behaviour issues.
- j) Proximity issues and reduction in levels of light.

Planning Panel Comments

13 June 2006 – Due to the planning history of the site the application be considered by the Development Control Committee.

Applicants Submissions

The Agents for the application submitted a Design Statement as part of the proposal. The relevant sections of that statement (that are not already covered by this report) are as follows:

5. The scheme evolution

5.1 The site is important to the estate in that it will need to provide a full range of products if it is to satisfy the requirements for the area.

5.2 The Convenience Store format will be appropriate to the site and the opportunity exists to provide a very useful addition to the area.

5.3 The relationship between the units and the car parking will tend to determine the attractiveness of this scheme and careful consideration of surfacing will be required.

5.4 The intention is to expose the mature trees on the eastern boundary with the car parking below, in a forecourt layout to the retail store, with additional landscaping to the area.

5.5 The buildings will sit alongside a paved court, with ramped pedestrian access from the Sunningdale road approach, to give a friendly access area.

5.6 Servicing to the retail units is available from the courtyard where large vehicles will be able to turn easily.

5.7 Car parking is provided to the level of 15 spaces for the retail development. Whilst this is slightly below the recommended standards the site is located in the centre of a housing estate where a large volume of visits will be by foot and cycle.

5.8 The level changes from Sunningdale road to the back of the site have been carefully considered to create suitable ramping and level approaches for the store. The section through the site reveals the relationship between the new buildings and the adjoining houses and gardens.

5.9 The scheme has carefully considered the height of the buildings adjoining this boundary and there is an opportunity to reduce the storey height of the retail unit, by pitching the roof down to the boundary, to minimise the impact at this position.

5.10 This will therefore present a lower profile to the boundary throughout the length of the Lytham Close gardens.

5.11 The appearance of the scheme is sympathetic to the residential character of the area, whilst incorporating materials that will lift the quality of the scheme above the standard housing characteristics.

6. Planning Policies relevant to the development

6.1 The site is allocated for Retail Development, in accordance with the South Kesteven Local Plan Policy S7.2, which is consistent with this proposal.

6.2 The Policy S6 allows for shopping areas within main settlements providing it:

- Does not affect the amenity of the nearby properties;
- Avoids conflict of pedestrian and vehicle movements;
- Has satisfactory access and car parking provision.

All of these criteria have been met.

6.3 The policy EN1 is satisfied if proposals reflect the general character of the area, via siting, layout, design and materials. The design of the scheme is formulated to follow this requirement.

6.4 Policy T3 requires adequate parking to be provided.

7. Conclusions

7.1 the development proposed by this Planning application is a retail scheme on a site designated for such use in the Structure Plan.

7.2 The site has been evaluated to determine the constraints and opportunities that this type of scheme requires and has been found to be suitable for the scale of development proposed.

7.3 The characteristics of the scheme that may affect adjoining owners has been carefully laid out to minimise the impact on the existing housing.

7.4 The vehicle and pedestrian approaches to the site are safe and appropriate for this scale of retail provision.

7.5 This scheme is probably the best development plan that can be achieved on this site and the proposals will provide a sustainable and extremely useful amenity to the whole estate.

Conclusions

The provision of a small retail development is required within this area and is encouraged by Policy S7.2 of the South Kesteven Local Plan. The site is ideally located centrally within the residential estate and will have a good catchment area. Previous proposals were withdrawn and refused as there were concerns relating to size, scale and overlooking.

The current proposal will have a minimal impact on the dwellings on Sunningdale. There will be some impact on the dwellings fronting Lytham Close due to the height of the building and its positioning but, on balance and by reason of the distance that the building will be sited from the common boundary, the proposal will be acceptable.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 6 and Policies S7.2, S6, T3 and EN1 of the South Kesteven Local Plan. The issues relating to height, design, access/parking, over-development, opening/delivery times, usage, overlooking, damage to trees and anti-social behaviour are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. The arrangements shown on the approved plan 1276-10A dated 10 May 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
4. In conjunction with the development hereby permitted delivery and access shall be from Sunningdale only and the Lytham Close access points shall be used for bin stores only.
5. 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.
6. This consent relates to the application as amended by letter and details received on 10 May 2006 unless otherwise agreed in writing by the local planning authority.
7. The finished floor levels for the buildings hereby permitted shall be as per the sectional level detail shown on drawing No. 1276-11, and shall not be varied without the written consent of the planning authority.
8. The premises shall not be used for retail purposes outside the hours of 2200 and 0730 Monday to Saturday and 2100 and 0830 on Sundays or public holidays without the prior written consent of the local planning authority.
9. There shall be no deliveries to or from the premises outside the hours of 2000 and 0700 on any day of the week without the prior written consent of the local planning authority.
10. 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.
11. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. 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. To enable calling vehicles to wait clear of the carriageway of Sunningdale in the interests of safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. 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 T3 of the South Kesteven Local Plan.
6. For the avoidance of doubt.
7. The building is close to existing residential properties where any increase in the height of the building above that approved may give rise to an adverse impact on those dwellings, contrary to Policies S6 and EN1 of the South Kesteven Local Plan.
8. The site is close to residential properties, the occupiers of which would be adversely affected by the operation of the use outside these hours and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. The site is close to residential properties, the occupiers of which would be adversely affected by the operation of the use outside these hours and in accordance with Policy EN1 of the South Kesteven Local Plan.
10. In the interests of amenity and to ensure a satisfactory development and in accordance with Policy EN1 of the South Kesteven Local Plan.
11. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. 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 782070 for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

Under the provisions of the Council's Constitution this application was deferred from the Development Control Committee on 4 July 2006 following a resolution to refuse planning permission contrary to the stated recommendation of the Planning Officer.

A recorded vote was taken at the meeting on 4 July 2006 and 11 Members voted in favour of the refusal of the application. In accordance with the Council's Constitution these Members were asked to provide their suggested reasons for the refusal of the application. Comments received in the allotted time period are as follows:

Cllr G Chivers

I intend to vote to refuse this application on the following grounds:

1. The structure is overbearing and out of keeping with the area.

2. The use of the flats above the premises will take up most of the parking spaces provided to the detriment of customers to the retail section.

3. Overdevelopment of the site with too many retail outlets on such a small site.

Cllr I Stokes

The proposed development by reason of its overall scale, height and site levels across the site would result in a visual impact on the neighbouring properties and would lead to issues of overlooking and a loss of privacy to those properties that would be detrimental to the residential amenities of their occupiers.

Planning Officer's Comments

The previous report clearly stated why, in this instance, the proposed development was considered to be acceptable.

The Highway Authority have assessed the proposal and, as referred to in the original report, are satisfied with the proposal subject to the imposition of 4 conditions. A reason for refusal based on traffic/parking issues cannot, therefore, be sustained.

The issue of impact will be addressed later in this report. The possible overbearing impact of the development is not considered to be an issue due to the degree of separation between the proposed buildings and the adjacent dwellings. The building proposed is domestic in scale and is not considered to be out-of-keeping with the surroundings.

Members are aware that there were 2 applications at the last Committee for consideration. Each of these applications has to be considered on its own merits and, in the opinion of the Planning Officer, both of the proposals were considered acceptable for this site. If both permissions were granted it would not be possible to implement both permissions on the land due site constraints, the position of the building and the positioning of the associated car parking areas. It would be up to the developers to decide which development was to be implemented if both consents were granted. Members must therefore dispel any concern that they can only issue a single permission on the site.

It is believed that the issues of concern to Members was the proximity of the building in relation to the residential dwellings to the north and the potential for overlooking and a loss of privacy.

The nearest part of the building to the properties to the north only extends across the rear boundary of one garden (some 12.6m from the dwelling itself) and around 1.2m in length of the adjacent of the garden. In approving the other application for this site Members have allowed for a building (albeit single storey) the same distance from the dwellings to the north but running the entire length of all the rear gardens to those properties. The proximity of the proposed building to the dwellings to the north is not sustainable as a reason for refusal of this application.

The original report has already mentioned that there are no windows to be positioned in the north facing elevation, which eliminates any downward overlooking of the dwellings to the north. There are windows to be positioned in the east and west facing elevations, which will offer only a very oblique view of the rear garden areas. Notwithstanding this, the nearest first floor windows will be bedrooms with the nearest habitable rooms (lounge/kitchen areas) being set at least 7m into the site. There is no issue of overlooking or loss of privacy with this application.

Page No. NU11 (application ref. S06/0770/35) appears after page no. SR12 in this agenda.

Applicant	Ablehomes Ltd 4, Castle Gate, Newark, Notts, NG24 1AX
Agent	
Proposal	Erection of four dwellings & garage and replacement garage to Farbrooke
Location	Farbrooke, 17, Main Road, Long Bennington

Site Details	
Parish(es)	Long Bennington Unclassified road Area of special control for adverts Drainage - Lincs

REPORT

The Site and its Surroundings

The site is located on the west side of Main Street and wraps around the existing property of Farbrooke (No. 17), which fronts Main Street. To the north of the site are properties fronting Vicarage Lane. Immediately south of the site is a new property of 15 Main Road and to the west of the site is a parcel of overgrown land, on which planning permission has been refused for development.

The site is a level parcel of land that is currently used as domestic garden to Farbrooke. A single, large tree that is central to the site, along with some smaller specimens, would be removed to make way for the proposed development.

The adjacent site will be referred to in the 'Site History' section of this report and Members will recall that the refused applications that relate to that site are currently the subject of an appeal, which are to be heard at a Public Inquiry in August.

Site History

Outline planning permission was granted for the erection of a single dwelling on the site on 11 August 2005, under application S05/0860/55. This outline approval was for a slightly smaller site than that now proposed, as the land to the frontage of 15 Main Road was not included in the overall site.

Planning permission exists for the erection of 2 bungalows on the land to the west of the application site under application SK.55/1288/84. Approval was gained for these properties and the development was commenced by the construction of groundworks and drainage. More recently approval was given on 28 November 2005 for the erection of 3 bungalows on the same site.

There are 3 planning applications currently at appeal for this site. All of these applications (S05/354/55, S05/922/55 and S05/932/55) were for 5 properties (bungalows, 2-storey and 2.5-storey properties) where the planning authority considered that the increase in dwelling numbers on the site would create an overdevelopment that would adversely impact on the neighbouring properties. A Public Inquiry is being held in August to consider the current appeals on these applications.

The Proposal

Consent is sought for the retention of Farbrooke and the erection of 4 new dwellings within its garden area. Access into the site would be gained via a private drive directly off Main Road. Part of the existing frontage garden to 15 Main Road is included within the site area to allow for a frontage dwelling to Main Road.

Two garage blocks would be provided to serve plots 1, 2, 4 and Farbrooke itself, with plot 4 having an integral garage. The proposed dwellings are all 2-storey and are spaced around a central courtyard/turning area. The dwellings have been designed in order to avoid any overlooking where possible and to provide suitable garden areas.

Policy Considerations

National Guidance

PPG3 – Housing. The development would be in accordance with this national planning guidance, as it would form a brownfield development within a Local Service Centre.

Lincolnshire Structure Plan

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

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.

Interim Housing Policy – Identifies Long Bennington Village as a ‘Local Service Centre’ where new residential proposals are only permitted where they are proposed on a previously developed (brownfield) site.

Statutory Consultations

Parish Council:

1. The proposed development is by its position ‘backland’ development.
2. Access to the development.

The access and egress 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.

3. Sewerage and Drainage.

It is fairly common knowledge that the sewerage system in Long Bennington and particularly in the area of this development is inadequate.

The disposal of surface water from this site is proposed to be by soakaways. The land in Long Bennington is heavy clay and soakaways will be spectacularly unsuccessful serving only to exacerbate the current serious problems of flooding at times of heavy rain to areas surrounding this proposed development.

4. Development of this backland will result in loss of privacy to frontage plots at least two sides.
5. If this development is approved it will set a precedent for development of adjacent backland which would seriously affect the general environment, privacy and amenity in the immediate locality.

There is a history associated with this site which the Council understands has been covered in some detail by Mr J Bishop resident at 13 main Road, which the council will not repeat here but support fully Mr Bishops representations.

Local Highway Authority: Requests 4 conditions and 2 Notes to Applicant on any approval.

Community Archaeologist: No objections.

Environment Agency: No comments made.

Asset & Facilities Management: All surface water drainage must be independent of the existing systems, which are at capacity and prone to flooding.

Representations as a result of publicity

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

The following issues have been raised:

- a) Repositioned driveway to 15 Main Road will create issues of noise and disturbance.
- b) Additional entrance points will impact on highway safety.
- c) Previous appeal for rear and frontage dwellings to 15 Main Road was dismissed and there has been no change in circumstances since.
- d) Over-intensive use of the site.
- e) Will create a cramped environment contrary to Policies H6 and EN1.
- f) Overlooking of adjacent properties.
- g) Issues of drainage.
- h) Loss of mature trees.
- i) Adequate areas of developable land are identified in the Local Plan.
- j) Will set a precedent for similar development.
- k) Loss of village character.
- l) Loss of views and light.
- m) Development to be sited over gas and water supply pipes.

Planning Panel Comments

13 June 2006 – The application be deferred for a site inspection and referred to the Development Control Committee.

Applicants Submissions

“We believe the proposals to be in conformity with current policies in that the scheme, if permitted, would make best possible use of existing brownfield land within the established settlement boundary of a sustainable village.

The principle of development on this site has already been established in that there is an existing planning consent for a dwelling in the Western section of the application site.

The scheme has been carefully thought through and the following points are, I believe, relevant:

1. House types have been limited to 2-storeys only thereby avoiding inappropriate overlooking and overshadowing of adjacent premises.
2. The properties have been designed so that architecturally they sit well with the existing dwelling at Farbrooke.
3. The proposed dwelling on plot 1 is visually compatible with the adjacent No. 13 Main Road.
4. A variety of house types and of materials will produce a scheme which is interesting and appropriate for this location.”

Conclusions

Long Bennington is classed as Local Service Centre where new residential development can be sustained if planning proposals seek to develop on brownfield sites. This land is classed as previously developed and does not extend the built form of the village out into the open countryside. The site can be developed with properties of similar height to those surrounding and to a design that would avoid any potential overlooking or loss of privacy. The proposal conforms to national planning guidance and the current development plan and, subject to the imposition of relevant conditions, forms an acceptable development.

Summary of Reason(s) for Approval

The proposal has been considered against national and local policies as set out in Planning Policy Guidance Note 3, Policy H2 of the Lincolnshire Structure Plan, Policies H6 and EN1 of the South Kesteven Local Plan and adopted supplementary planning guidance contained in the Interim Housing Policy. The issues relating to flooding, loss of landscaping, highway safety, overlooking, noise and disturbance, village character, visual intrusion, precedent and over-development 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 three 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. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. The arrangements shown on the approved plan 1/2/2006 dated 28 April 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
7. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 1/2/2006 dated 28 April 2006. (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.)
8. 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.
9. The minimum width of the access shall be 4.1 metres.

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 Policy 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 EN1 of the South Kesteven Local Plan.
5. The application was submitted in outline and no such details have been submitted and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy H6 of the South Kesteven Local Plan.
8. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with 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 782070 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.

Under the provisions of the Council's Constitution this application was deferred from the Development Control Committee on 4 July 2006 following a resolution to refuse planning permission contrary to the stated recommendation of the Planning Officer.

A recorded vote was taken at the meeting on 4 July 2006 and all 14 Members voted in favour of the refusal of the application. In accordance with the Council's Constitution these Members were asked to provide their suggested reasons for the refusal of the application. At the time of the closing date for comments no suggested reasons for refusal were forthcoming from any Members. However, the following suggested reason for refusal was discussed by members at the meeting and was agreed to be considered:

1. It is considered that the density of the development on the site should be commensurate with the wider pattern of the settlement. Long Bennington is predominantly characterised by dwellings set in large plots. The density of this development is greater than that of the surrounding area and, as such, creates a discordant element within the centre of the village contrary to PPG3.
2. It is also considered that the proposed development creates an adverse impact on the amenities of the properties on Vicarage Lane from overlooking and a loss of privacy, contrary to Policies EN1 and H6 of the South Kesteven Local Plan.

Planning Officer's Comments

The previous report clearly stated why, in this instance, the proposed development was considered to be acceptable. The site is brownfield in character and has already had the principle of development (albeit a single dwelling) accepted.

PPG3 suggests that, where suitable sites for development exist they should be developed to a density of between 30 and 50 dwellings per hectare. The lower figure is deemed to be appropriate for village development with the upper figure seen as a target for urban development.

The site area is fractionally over 0.2ha. A site of this size, within a village location, should yield a development of 6 dwellings in order to be in accordance with the requirements of PPG3. It is clear from this that the site has a density below that currently sought by national planning guidance and cannot be considered to be an overdevelopment of the site.

Plot 4 has a single bedroom window facing the Vicarage Lane properties to the north and would be 24m from the nearest part of the nearest dwelling. Plot 3 has 3 bedroom windows facing the dwellings to the north and would be at least 27m away from the nearest dwelling. Due to the distances involved and the fact that none of the first floor windows serve habitable rooms, there is not considered to be an issue of overlooking and loss of privacy between the development and the adjacent properties to the north.

Applicant	Dr Lawrenson & Dr Pullinger 15, Winters Lane, Long Bennington, Newark, NG235DW
Agent	Mr Drage, Beemac Construction Ltd The Old Stables, Norwell Road, Caunton, Newark, Notts, NG23 6AQ
Proposal	Demolition of existing house & surgery and erection of two storey starter flats (18)..
Location	15 - 17, Winters Lane, Long Bennington

<u>Site Details</u>	
Parish(es)	Long Bennington Unclassified road Demolition of any building - BR1 Area of special control for adverts Drainage - Lincs

REPORT

The Site and its Surroundings

The application site consists of the current surgery site and the adjacent property 17, Winters Lane. The existing surgery and adjacent property would be demolished to facilitate the development. The site is accessed off Winters Lane which is a cul-de-sac which currently serves a number of residential properties and a Day Nursery.

The site is roughly square in shape, with a frontage onto Winters Lane with approximately 45 metres. The site has a depth of approximately 38 metres.

Site History

SK.96/0170/55/8 – Planning permission was granted for an extension to the Doctors surgery on 21 February 1996.

S05/1603 – Planning Permission was granted for the erection of a temporary portacabin for use by community nursing team on 12 January 2005.

Planning permission was granted for a replacement surgery on Valley Lane in Long Bennington. (Planning Ref: S05/0820) on 9 August 2005.

The Proposal

The proposed development would require the demolition of the existing surgery and adjacent dwelling (17, Winters Lane) to facilitate the construction of 18, two storey starter flats.

The flats would take the form of an 'L' shaped block fronting onto Winters Lane with car parking behind. The parking would be accessed via a vehicle opening through the southern elevation of the proposed building.

The two storey building would have an overall ridge height of 8.8 metres with windows located in the front and rear elevations.

Policy Considerations

Planning Policy Guidance Note PPG3 – Residential Development

Draft PPS3 - Housing

Policy S4 – Rural Communities

Policy H2 – Housing on Previously Developed Land – the policy indicates that the District Councils should work to achieve a Lincolnshire target of ‘at least 40%’ of additional dwellings on previously developed land.

South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment – seeks to protect and enhance the environment in ensuring that development proposals respect the general character of the area through layout, siting, design and materials.

Policy H6 – Residential Development – Allows for development that has no resultant impact on the form, character and appearance of the settlement.

Policy T3 – Seeks to ensure that parking is provided to an appropriate standard to serve the proposed use.

Interim Housing Policy – Identifies Long Bennington village as a ‘Local Service Centre’ where new residential proposals are only permitted where they are proposed on a previously developed ‘brownfield’ site.

Representations as a result of publicity

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

A summary of the main issues raised are listed below:

- a) The development is too large for the site.
- b) Houses would be a more appropriate alternative to flats.
- c) Infrastructure would be unable to cope.
- d) Poor land drainage at the site.
- e) Loss of privacy for adjacent/neighbouring occupiers.
- f) Loss of light.
- g) Highway safety.
 - h) Noise and disturbance and pollution from vehicle movements to and from the site day and night.
- i) The proposal is contrary to the Parish Plan.
- j) Visual impact.
- k) Sewerage system unable to cope.
- l) Inadequate parking would be provided.
- m) Health and Safety. Access for emergency vehicles.
- n) Fear of Crime.
- o) No justification for high density development.
- p) Development is best suited to urban areas.
- q) Parking problems on Winters Lane at present.
- r) Such a compact development would result in antisocial behaviour.
- s) Occupiers will be dependent upon the transport/vehicle due to the out of town location.
- t) Proposed bollards will result in parking elsewhere along Winters Lane.
 - u) The provision of bus stops would remove the ability of residents to ‘hail’ a bus from anywhere on Main Street as is currently the case.
- v) Long Bennington School is at capacity.
- w) The area is susceptible to flooding.
- x) The cost of the units is likely to be outside the range of first time buyers.
- y) Substation would result in noise and disturbance.

- z) Bin area would result in smells and health and safety issues.
- aa) The design of the development is not in keeping with the rest of the properties in the area.
- bb) Would result in a dominant and oppressive environment.
- cc) No provision for garden, play areas or drying areas.
- dd) Loss of established trees and hedge rows.
- ee) Unsociable occupiers likely to result in an increase in crime.
- ff) Inappropriate development adjacent to a childrens day nursery.
- gg) The adjacent childrens play area would be overlooked.

Statutory Consultations

Parish Council: A summary of the parish council comments are listed below:

1. Whilst the Parish Plan calls for affordable housing to enable younger people to stay in the village, the type of accommodation in this proposal does not meet this criterion. The building of high density, private and rented accommodation for young people in the form flats is not appropriate for a village location.
2. There will be no gardens for children of families to play.
3. The on road parking problems experienced at present with the Doctors' Surgery will be worsened by this development which has one parking bay per flat.
4. The intention to install bollards opposite the development will result in long term excess parking outside many of the existing properties on Winters Lane.
5. The site in question is an ideal location for the provision of retirement homes and sheltered accommodation.
6. The Council strongly urges the refusal of this type of development

Leisure and Cultural Services – Amenities Manager:

Considering the number of flats and the nature of the development I would suggest that it will not be necessary for the provision of Public Open Space or play equipment. If however the developers decide to provide such facilities and require South Kesteven Local Plan to adopt then the adoption detailed in the enclosed document will apply.

Lincolnshire Police:

In the interests of crime reduction and community safety the following points should be given due regard:

1. Boundary Treatment – the perimeter of the site should be secured with a robust fence or wall.
2. Lighting- prior to the development being brought into use the parking area together with the access point shall be provided with details of lighting to be submitted to and approved in writing by the local planning authority.
3. Landscaping – landscaping should be kept to a minimum growth height of 1 metre. Trees should be pruned to a minimum height of 2 metres.
4. Access control – where a common entrance door serves four or more flats it is recommended that an access control system should be installed.

Asses and Facilities Management:

Existing surface water drainage systems are at capacity. All new drainage must be independent (soakaways).

South Kesteven District Council Archaeology: The proposed development does not affect any known archaeological sites.

Local Highway Authority: Requests that any permission given by the local planning authority shall include the conditions below:

1. Prior to the occupation of any of the units a scheme of bollards along the frontage of the site, and formalised bus stop arrangements shall be provided on the north and south bound side of Main Street (close to the junction with Winters Lane).
2. Existing access is stopped up.
3. Parking and turning etc. in accordance with the submitted plan.
4. Details of surface water drainage to be submitted.

Housing Solutions

With regard to the affordable housing I can confirm the following requirements:

1. 31 % affordable housing on site.
2. Not less than 60% of the affordable housing units to be rented at no more than the Housing Corporations maximum levels.
3. The affordable housing units to be transferred to one of the District Council's preferred RSL (Registered Social Landlord).
4. The RSL to enter into a nomination agreement for all the affordable housing units.

The above are standard to all developments. However, I understand that the owner of the site wishes to rent out the affordable housing units. Therefore the above applies but the owner will need to enter into a nomination agreement with the district council and agree to the district council's allocation policy taking into account the needs of local people in the first instance.

The above applies to both rented and shared ownership housing units.

Planning Panel Comments

27 June 2006 – Site visit and then determined by committee.

Applicants Submissions

A summary of the main points contained in the supporting statement are listed below:

1. The application site falls within the built up area of Long Bennington and as such satisfies the criteria of policy H6 of the adopted South Kesteven Local Plan.
2. Completed developments are comprehensively managed in-house, utilising modern technology. CCTV monitored security is operated from the Applicant's offices.
3. The applicant is willing to secure the affordable housing provision by means of a section 106 Agreement.
4. The applicant has accepted that the highway works requested by the local highway authority can be accomplished by the imposition of a 'grampian condition'.
5. In addition to the car parking provision it has been possible to incorporate hard and soft landscaping both around the perimeter of the site and between the proposed buildings and the car park.
6. Given the village location particular emphasis has been placed on landscaping and a scheme has been designed which not only replace existing components and trees that will be removed but will also enhance the environment around the new building.
7. The scheme has been designed to take account of the Lincolnshire Design Guide for Residential Areas. The two storey development and utilisation of traditional building materials, i.e. brick/tile combination will relate well to neighbouring houses and incorporates the character and features of the local design and architecture of the village.
8. The scheme provides for 18 units on previously developed land. In terms of density and represents an efficient reuse of the site whilst remaining sympathetic to the

character of the village. The scheme will also assist in meeting the target of 35% of new development on brownfield land set by Structure Plan Policy H2.

9. The development is of a type encouraged by PPG3.
10. Long Bennington is a 'Local Service Centre' (as defined in the Council's Interim Housing Policy Statement). It benefits from a range of facilities both within the village and accessible to public transport.
11. In terms of the Lincolnshire Structure Plan policy S4, Long Bennington is a village where existing services and facilities can be supported by further development and as such is a settlement within which development can be permitted.
12. The application scheme therefore represents a good layout and design in a sustainable location. It makes efficient use of the land both in terms of density and by its reuse of previously developed land. It would provide much needed low cost housing as well as an element of affordable rented housing in a settlement which is recognised by the housing officers as a 'hot spot' in terms of housing need.

Comments

No objections have been received from the highway authority subject to appropriate conditions (including the provision of bollards to prevent on street parking along Winters Lane and the provision of bus stops on Main Street)

The affordable housing element on the site would be secured by a section 106 legal agreement.

The Amenities Manager has not requested the provision of any public open space or play equipment due to the number of flats and the nature of the development.

The Assets and Facilities Manager has identified that the existing surface water drainage systems are at capacity. All new drainage must be independent (soakaways).

The Long Bennington Parish Plan currently has no statutory status. It is intended part of the Parish Plan (The Village Design Statement) be endorsed as a Position Statement by South Kesteven District Council and included in the new Local Development Plan as a Supplementary Planning Document. The current Local Plan will be superseded a Local Plan Document that is currently in preparation (at 'Housing and Economic Development PDP – Preferred Options' stage) and should be formalised in early 2007. As such the current local plan remains in force to date.

Public concern and residents fears of crime and antisocial behaviour from the future occupiers of the units are material planning considerations. However, they should be justified. Public opposition to a development per se is not a material planning consideration even though it may be a powerful background consideration in a democratically based planning system.

Conclusions

The 'L' shaped design of the proposed development would result in the built form being located at the frontage of the site (southern and eastern boundaries facing Winters Lane). This ensures that there is reasonable separation between the existing properties and the proposal. The closest property to the east of the application site, 21 Winters Lane is approximately 10 metres from the site boundary. The nearest property to the east, 13 Winters Lane is a similar distance away from the boundary of the application site. It is considered that this distance should be adequate to ensure there is no significant overshadowing or loss of light experienced by the occupiers of the adjacent properties or their associated garden areas that would justify refusal of planning permission on these grounds.

The proposed layout would result in the car park being located next to the residential property immediately adjacent to the north of the site. A landscaping belt is proposed

between the parking bays and the existing dwelling to ensure that vehicles would not manoeuvre in close proximity to the dwelling and its associated private garden area.

The layout and design of the 'L' shaped block has maximised the separation between the proposal and the adjacent properties, which when coupled with the location of windows to the front and rear elevations of the building only should ensue that any overlooking/loss of privacy would not be so significant that could justify refusal of planning permission on these grounds.

The design of the building, whilst two storey, is designed to incorporate traditional building materials and styles. It has a 'quasi' barn conversion appearance and layout, and as such is not considered detrimental to the character and appearance of the street scene or wider area.

The existing surgery building and adjacent residential property are not considered to have any significant architectural merit that would justify their retention.

Whilst the proposed development would require the removal of existing trees/hedges, an indicative landscaping scheme has been included with the application. To reinforce this on site landscaping condition of any grant of planning permission would ensure appropriate screen planting and allow the development to assimilate with its surroundings.

A transport statement has been submitted with the application to demonstrate that the proposed development would result in a material benefit to the road network. The type of development proposed is such that there is unlikely to be significant reliance upon the private motor vehicle by the future occupiers. This matter when coupled with the requests of the highway authority for bollards to prevent on street parking outside the site and the formation of bus stops on Winters Lane would result in a form of development acceptable from a highway safety/capacity perspective.

The concern of local residents regarding antisocial behaviour/fear of crime, whilst a material planning consideration, does not appear to be justified.

The applicant has indicated that the target market is 'people who could not find, and/or could not afford, centrally located, small scale accommodation....Typically the development partner retains a long-term interest in the properties it develops, holding them to provide rented accommodation for local people. Where units are sold, the applicant continues to own and manage the common areas of the properties'.

There is no evidence from the submitted application that the proposed occupiers would result in a significant increase in the antisocial behaviour or crime of the area. Unless evidence can be provided that the fear of crime and antisocial behaviour is intimately linked with the development, planning permission should not be refused on these grounds. An example of a successful refusal of planning permission on these grounds is for a bail and probation hostel. Evidence was provided of the crime and disorder committed by the hostel's residents and planning permission refused accordingly {West Midlands Probation Committee v Secretary of State for the Environment (1998 JPL 388)}.

No details have been submitted in relation to the proposed substation and bin/bike storage area. A condition requiring details of these buildings is required to ensure that they do not result in any significant loss of residential amenity to adjacent occupiers.

The affordable housing element to the scheme requires the applicant to enter a section 106 legal agreement to ensure that it is delivered.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3, Draft PPS3 - Housing, Lincolnshire Structure Plan Policy S4 - Rural

Communities, Policy H2 - Housing on Previously Developed Land, South Kesteven Local Plan Policies EN1, H6 and T3 and the Interim Housing Policy. The issues relating to highway safety/highway capacity, residential amenity, visual amenity, fear of crime, landscaping/loss of trees/hedges, heights of buildings, noise and disturbance from vehicle movements and inadequate drainage are material planning 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 above.

RECOMMENDATION: That subject to the conclusion of an Agreement under Section 106 of the Town and Country Planning Act to ensure an affordable housing element within the scheme, the development be Approved subject to condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior consent in writing of the local planning authority.
6. Prior to any flat/unit hereby permitted being occupied, bollards shall be erected along the site frontage in accordance with details to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
7. Prior to any flat/unit hereby permitted being occupied, formalised bus stop arrangements shall be provided to serve the north and southbound carriageways of Main Street (adjacent to its junction with Winters Lane) in accordance with details (including engineering specification) to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
8. Within seven days of the new access being brought into use, the existing access onto Winters Lane shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

9. The arrangements shown on the approved plan 523/10 dated 16 May 206 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
10. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
11. Before any 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.
12. Before any development is commenced, details of the proposed substation and bin store/cycle store shall be submitted to and approved in writing by the local planning authority. Such details shall include details of the means of insulation against the transmission of noise and vibration to adjoining properties, the siting, design and external appearance of the substation and bin/cycle store. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
13. Prior to commencement of work on site a method statement regarding the proposed demolition and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:

- a) Hours of working on site;
- b) Type of machinery and equipment to be used on site;
- c) Details of how noise, vibration and dust are to be controlled, using best practicable means; and
- d) Any other processes such as blasting, pile driving which may need controlling.

The works shall be carried out in accordance with the approved method statement.

14. No development shall be commenced until details of any lighting to be used to illuminate the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
3. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.

5. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
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 Policies EN1 and H6 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
8. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
9. To enable calling vehicles to wait clear of the carriageway of Winters Lane in the interests of safety, and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
10. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
11. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
12. To protect the amenity of adjacent occupiers and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
13. To ensure that the demolition of the existing buildings and the construction of the development is carried out according to the best practice to minimise disruption to adjoining occupiers and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
14. To protect the amenities of adjacent occupiers and in accordance with Policies EN1 and 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 782070 for appropriate specification and construction information.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Applicant	Status Architecture 6-10, King Street, Leicester, LE1 6RJ
Agent	
Proposal	Erection of dwelling
Location	Land Adjacent 98, Empingham Road, Stamford

<u>Site Details</u>	
Parish(es)	Stamford A Class Road Demolition of any building - BR1 Radon Area - Protection required Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The application site is in a suburban location on the south-eastern corner of the junction of Empingham Road and Roman Bank, the former being the A606, one of the principle approaches to the town centre from the west. It currently forms part of the garden to No. 98 Empingham Road, an early 20th Century semi-detached dwelling.

The area is characterised by predominantly detached and semi-detached, mid-twentieth century, properties.

The majority of houses are set well back within their plots and do not, therefore, impose themselves on the streetscene, which in the principal view along Empingham Road from the west, is typically twentieth century suburban with mature planting in relatively long front gardens and trees in the grass verge.

Site History

An earlier application (S05/0842/69) for a three bedroom detached house in the same position, featuring a distinctive 5.5m diameter flat-roofed 'drum' was refused under delegated powers, after consultation with the Chairman and Vice-Chairman.

The Proposal

Full planning permission is sought for the erection of a two-bedroom, detached house, positioned right up to the back edge of the footpath on the Empingham Road corner.

The house would have an L-shaped ground floor plan with only a two-storey element on the 'upright' of the L, the northern wall of which would be rounded.

Materials are specified to be stained timber boarding for the upper part of the two-storey element, except for the rounded end wall, and facing bricks for the remainder. The roof tiles are to be double lap plain tiles.

It is stated that the house would have high insulation and high thermal mass, rainwater recycling, solar water heating, materials chosen for sustainability, low-carbon index and local sourcing and good levels of natural ventilation and daylight.

A new access would be formed off Empingham Road to serve the proposed dwelling.

Policy Considerations

Central Government Guidance

PPG3 – Housing (2000)

South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment

Policy H6 – Housing on Unallocated Sites

Statutory Consultations

Local Highway Authority: If permitted, requests two standard conditions.

Town Council: No objections.

Representations as a result of publicity

The application has been advertised in accordance with the Statement of Community Involvement. The closing date for representations being 16 March 2006.

Letters have been received from interested parties.

The issues raised are:

- a) Out of keeping with nearby properties. (4)
- b) Dangerous access near busy junction. (4)
- c) Where will solar panels be sited? (1)
- d) Visual intrusion. (1)
- e) Would create a dominant and oppressive environment. (1)

Planning Panel Comments

To be determined by Committee.

Applicants Submissions

The architects for the scheme have submitted information on two houses in Leicestershire which they claim are on sites comparable to that under consideration with this application.

Their supporting letter reads as follows:

As with Empingham Road, Stamford, both projects are prominent in the street scene and the designs for both have emanated from townscape requirements. Evington Lane (see further photo) is on a bend in the road and replaced an untidy 1920s bungalow and asbestos cement garage. It now provides a quality and interesting element in the street scene.

The Sileby Road, Mountsorrel project repairs an untidy gap in the village lane by building a granite front wall (a very traditional local material) to contain the street and it is anchored to the street by putting the garage on the back of footpath line (another village tradition) thereby linking the development to the neighbour but with the added advantage of hiding the poor quality rendered gable of the adjacent building.

Both of these schemes demonstrate how it is possible to repair and enhance sensitive sites in a contemporary way that respects traditional townscape values.

With the Stamford proposal the junction is road dominated, open and untidy with its present fence boundary. The proposed building addresses the corner without dominating it, uses traditional and good quality materials (to be agreed with yourselves) and repairs the street containment with a brick wall. We believe that the end result will make a small but positive contribution to this mediocre part of Empingham Road.

The photographs of the schemes referred to above will be included in the presentation to committee.

Conclusions

It is not being suggested that the design of the dwelling itself is unacceptable, more that it is appropriate for this location. It is considered to be too radical a departure from the established form, style and character prevailing in the immediate area.

It is, therefore, considered that the proposal is contrary to national and local policies.

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

1. The proposal involves the erection of a detached dwelling on a very prominent corner site in a mature residential area on one of the principal approach roads to the town centre from the west. The site currently forms part of the domestic garden of a semi-detached dwelling, No. 98 Empingham Road.

It is considered that the proposed development constitutes too severe a departure from the established traditional pattern, style and character of existing residential properties in the vicinity and would, therefore, cause an aggressive visual and architectural intrusion on the scene.

The proposal would, therefore, be contrary to Policies EN1 and H6 of the South Kesteven Local Plan, advice on new dwellings in Supplementary Planning Guidance contained in the Lincolnshire Design Guide for Residential Areas and Central Government Planning Policy Guidance contained in PPG (Housing - 2000).

* * * * *

Applicant	E Bowman & Sons C/o Agent
Agent	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
Proposal	Residential development (outline)
Location	Land And Premises Of E Bowman & Sons, Cherryholt Road, Stamford

Site Details	
Parish(es)	<p>Stamford</p> <p>Unclassified road</p> <p>Radon Area - Protection required</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p> <p>EA: Flood Risk Zone 2/3 (new bld only)</p>

REPORT

The Site and its Surroundings

The 0.74ha application site is currently a stonemasons premises on the eastern side of Cherry Holt Road, a 6.5m wide, unclassified road running south off Priory Road.

It is an area of mixed uses, with some residential commercial/industrial premises and an electricity substation on the opposite (west) side of the road. There are further commercial premises at the southern end of the road, adjacent to the river. To the south and east is pasture land. To the north, on higher ground, are residential properties, one fronting Cherry Holt road and the remainder on Priory Road.

High voltage power lines run close to the southern edge of the site.

There is a gentle fall across the site, from north to south, of approximately 6m. The southernmost 40m of the site lies within the floodplain of the river Welland.

The site at present comprises a mixture of single and two storey buildings constructed of a variety of materials, including brick, timber and concrete blockwork. The unbuilt portions of the site are used for vehicle parking/manoeuvring and storage purposes.

The Site History

There is no relevant history of planning applications on the site.

The Proposal

Outline planning permission is sought for the redevelopment of the site for residential purposes.

The application is accompanied by both a Transport and a Flood Risk Assessment.

Although not forming part of the application, an indicative layout has been submitted showing how a total of 19 dwellings and 28 flats could be accommodated on the site, albeit in somewhat regimented fashion.

Policy Considerations

Central Government

PPG3 – Housing (2000)

PPS3 (Draft) – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPG25 – Development and Flood Risk

Lincolnshire Structure Plan (Deposit Draft)

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

South Kesteven Local Plan

Policy H6 – Housing on Unallocated Sites

Policy E11 – Safeguarding Industrial Sites

Policy EN1 – Protection and Enhancement of the Environment

Policy REC3 – Public Open Space and New Housing Development

Interim Housing Policy 2005

Statutory Consultations

Local Highway Authority: Stage 1 Safety Audit for the junction of Cherryholt Road and Priory Road – submitted and under consideration – final comments awaited.

Environment Agency: Objection pending submission of an amended Flood Risk Assessment. Amended FRA to be submitted.

Head of Policy and Economic Regeneration:

“Thank you for consulting Planning Policy on the above application. I have considered the Supporting Planning Statement and would wish the following planning policy issues to be noted.

The interpretation of the 1995 South Kesteven Local Plan on pages 7 and 8 is erroneous. Although the plan period has expired, the policies still have materiality. National guidance on employment land has changed little to supersede the 1995 Plan; PPG4 was issued in 1992, and the only update to that guidance has been through an update to PPG3. This states that local authorities should, subject to criteria, favourably consider planning applications for housing on employment sites that are no longer needed for such use.

The Supporting Statement claims that Policy E9 of the Local Plan provides for the redevelopment of existing employment sites. However, this Policy only allows for the redevelopment or expansion of business or industrial uses on existing employment sites NOT change of use to Non-B Class uses. The relevant policy to consider in relation to this application is E11, which states that permission will not

normally be granted for uses other than existing or allocated industrial, office or warehousing, unless the local planning authority is satisfied that:

1. There are ample suitable sites available in the locality;
2. The existing site use causes unacceptable traffic or environmental problems that would be significantly alleviated by a change of use;
3. There is no demand for the existing use.

The Supporting Statement does not address any of the above issues. It does not prove a lack of demand for employment use on the site, nor that there are suitable alternative employment sites in the locality. The applicant does refer to the fact that the current site is not fit for purpose and that they are seeking to relocate – providing this relocation is relatively local then local employment should not be affected. However, without the evidence of an assessment of demand for employment use on the site and availability of alternative employment land it is not possible to recommend this application for approval.”

Housing Solutions:

Affordable housing requirement as follows:

31% affordable housing on site – 50% rented, 50% shared ownership.

The affordable housing to be provided by one of SKDC's preferred RSL partners.

Leisure and Cultural Services: Comments awaited.

Community Archaeologist: If permitted, requests standard condition W8.

Town Council:

No objections in principle. We note that this is a C9 designated area and believe that a high quality development is called for. We also see this development being the subject of a sensible 106 Agreement.

Representations as a result of publicity

The application has been advertised in accordance with the Statement of Community Involvement. Representations have been received from interested parties.

The issues raised are as follows:

- a) Current use of site does not generate any noise outside of workers arriving in morning and leaving in evening and nor weekends when not occupied. Residential use would significantly increase noise levels. (3)
- b) Proposed use would generate significantly more traffic than current use. (2)
- c) Increase in traffic will increase likelihood of accidents at Priory Road junction. (3)
- d) Alternative routes, Adelaide Street and Brownlow Street, are too narrow to accommodate increased traffic. (3)
- e) Existing on-street parking problems on Cherryholt Road will be exacerbated. (2)
- f) Loss of privacy and overshadowing of Priory Road and Cherryholt Road residential properties. (2)

- g) Traffic Assessment flawed. It is based development of 28 units when proposal is for 47. (1)
- h) On street parking already makes it difficult for delivery vehicles to access premises in the vicinity. (1)

Comment

Most representations make comments on the indicative layout but, as stated above, this does not form part of the application.

Planning Panel Comments

To be determined by the Development Control Committee.

Applicants Submissions

The applicant's agent has submitted the following supporting statement:

1. INTRODUCTION AND BACKGROUND

1.1 This Planning Statement has been prepared by John Martin & Associates to support the planning application submitted on behalf of E Bowman & Sons Ltd to redevelop the site on which their existing business premises are located at Cherryholt Road, Stamford for residential purposes.

1.2 The application is made in outline with all matters reserved for later consideration and has been prepared following a pre-application meeting with the planning officer at South Kesteven District Council on 16 January 2006.

1.3 The application site extends to approximately 0.7 hectares as shown on the plan included as Appendix 1. The site is presently occupied by a number of buildings used variously for office and workshop purposes associated with the business activities of the applicant. In addition there are a number of hard standing areas within the site which are used for storage of materials and a small car park area is situated adjacent to the northern site boundary. Photographs of the site and the existing building are included in Appendix 2.

1.4 All the buildings on the site are of a considerable age inhibiting modern working practices which together with the access problems referred to in 2.10 is restricting economic operations on the site. The company therefore intends to relocate rather than redevelop commercially on the site in view of adjacent residential development and to this end is in negotiation to secure alternative premises.

1.5 The application proposes the demolition of the existing buildings on the site and redevelopment for residential purposes. In this regard an illustrative layout (drawing No. H6454/SK1) is included in support of the application as Appendix 3. This shows how the site might be developed having due regard to the site location and constraints, existing built form of the area and surrounding environment.

2. PROPOSAL SITE AND SURROUNDINGS

2.1 The application site is located to the east of Cherryholt Road approximately 500m to the east of Stamford town centre. It is rectangular in shape with boundaries formed by existing residential development to the north, agricultural land to the east and south and Cherryholt Road to the west.

2.2 The existing buildings on the site extend to approximately 2650sq.m. and are made up of offices, workshops, saw mill buildings, secure storage and open sheds and range in their age, style and construction.

2.3 The most northerly building on the site consists of a two storey office which fronts onto Cherryholt Road with a single storey rear building used as a joinery shop. The other buildings within the site range in eaves and ridge heights and are used primarily as workshops and secure storage, with the main area of open storage located at the southern end of the site.

2.4 There are various site buildings located to the back edge of the pavement along the majority of the site frontage to Cherryholt Road, with two existing site entrance points breaking the continuous built frontage.

2.5 There is existing development on the opposite side of Cherryholt Road from the site. This development is a mixture of bungalows on Cherryholt Road and two storey terraced houses fronting Adelaide Road to the northern half of the site with predominantly commercial/office buildings opposite the southern half of the site.

2.6 There is a gentle slope down across the site from north to south. The southern side boundary is formed by a wire mesh fence interspersed with bushes. Beyond this site boundary there is an overhead electricity cable which runs east from the sub-station located the south west of the site. In addition a public footpath is located a short distance further to the south which runs east – west and provides the opportunity for views of the site from the south and east.

2.7 There is part of the extreme southern site area which is identified on the Environment Agency Indicative Flood Maps as subject of flood plain areas. As such the applicant has commissioned the preparation of a Flood Risk Assessment, which has been prepared by Geof Beel Consultancy and is submitted separately in support of the application.

2.8 The site boundary to the east is similarly formed by a wire mesh fence interspersed with bushes along its south half with existing buildings forming the boundary along the remaining length. Beyond this boundary is agricultural land which is used for seasonal grazing.

2.9 The northern site boundary is formed by the rear gardens to the properties fronting onto Priory road. There is at present a car park for approximately 20 cars located in this northern part of the site with a separate access to Cherryholt Road situated immediately north of the office block to which reference is made previously.

2.10 There are known to be existing problems with on street parking along Cherryholt Road which have caused considerable problems to the applicants business. This is a major factor in the applicant seeking to relocate the business away from the site and proposing the residential development. A Transport Assessment has been completed for the site and submitted to the County Highway Authority for comment. A copy of the Transport Assessment prepared by Sanderson Associates is submitted separately in support of the application.

3. PLANNING HISTORY

3.1 None relevant to the site.

4. PLANNING POLICY CONTEXT

4.1 The proposal must be considered in terms of the advice set out in the following national planning policy guidance notes and statements and the policies of the approved Development Plan which comprises the Lincolnshire Structure Plan Deposit draft Proposed Modifications 2006 and the South Kesteven Local Plan 1995.

Government Policy Guidance

4.2 The following statements and guidance of relevance in considering the current proposal for the residential redevelopment of the site at Cherryholt Road, Stamford.

4.3 PPS1 Delivering Sustainable Development – this statement sets out the Government's objectives for the planning system and the key principles which should be applied to ensure decision taken on a planning application contribute to the delivery of sustainable development. Paragraph 21 refers to the aim of maximising outputs and minimising resources used with reference to 'building housing at higher densities on previously developed land, rather than at lower densities on green field land'.

4.4 PPG3 Housing – the general thrust of this guidance is to achieve a more sustainable form of development. Integral to this is the aim of securing the best use of land in particular by the re-use of previously developed land and buildings in sustainable urban locations. The guidance includes advice as to the appropriate density of development by indicating a reasonable density of 30-50 dwellings per hectare.

4.5 Draft PPS3 – Housing – This document sets out the latest Government approach to planning for housing. It has been subject of consultation and when published in final form will replace PPG3. It indicates that when considering applications for housing in advance of the development plan document being reviewed, local planning authorities should give weight to the policies in the statement as material considerations. With regard to efficient use of land there is encouragement for local planning authorities 'to ensure the redevelopment of brownfield land'.

4.6 The draft PPS retains the definition of Brownfield land, also known as previously developed land as 'that which is or was occupied by a permanent structure and associated fixed surface infrastructure'.

4.7 PPG13 (Transport) – the guidance seeks to achieve sustainable development by directing development to locations which will reduce the amount of trips necessary to access services and facilities. Importantly this includes emphasis on directing development towards urban areas in the first instance.

Lincolnshire Structure Plan Deposit draft Proposed Modifications 2006

4.8 Policy S2: Location of Development – the policy proposes a 'sequential approach to the development of land' ... 'in order of priority'

a) suitable previously developed land and buildings within major settlements which are or will be well served by public transport and are accessible to local facilities'

4.9 Policy H2 – Housing on Previously Developed Land – the policy indicates that the District Councils should work to achieve a Lincolnshire target of 'at least 40%' of additional dwellings on previously developed land.

4.10 The South Kesteven Local Plan was adopted in 1995 and extended over a plan period up to 2001. The Local Plan has now technically expired and the majority of policies are now not considered to be relevant given changes in Government policy.

4.11 Policy E9 could still be applied to the application site. This policy provides for the redevelopment of existing employment sites where there is unlikely to be 'unacceptable environmental or traffic and parking problems'.

Interim Housing Policy

4.12 The District Council adopted in 2005 an Interim Housing Policy as a response to the over provision of housing land, primarily within the rural area against the Structure Plan requirement.

4.13 This Interim Housing Policy confirms that new housing development will not be permitted on Greenfield sites within the District. In the four towns of Grantham, Stamford, Bourne and the Deepings new housing development will only be permitted which involves

- a) A previously developed site (in accordance with the definition included in PPG3 Annex C).
- b) The interim policy does also state that in all cases planning permission will also be subject to relevant policies of the "saved" adopted South Kesteven Local Plan.

5. ILLUSTRATIVE LAYOUT

5.1 The illustrative layout submitted with the planning application has been prepared after due consideration of the existing characteristics of the site and its immediate surroundings. The scale of development proposed for the site is in the order of 62 dwellings per hectare and as such is considered to be in conformity with the proposed density levels put forward in both PPG3 and Draft PPS3.

5.2 The illustrative layout suggests a total of 47 units comprising a mix of 3 bed 2½/3 storey town houses, 2/3 bed 2 storey semi-detached houses and 1 and 2 bed flats.

5.3 The 2 storey flats have been arranged along the Cherryholt Road frontage with parking and amenity space behind to reflect the existing built frontage to the site. Two access points have been provided into the site which reflects the existing arrangement and will allow for greater permeability into and out of the site and for ease of servicing.

5.4 The houses have been arranged principally to take advantage of the views across the adjacent landscape. With reference to the conclusions and recommendations of the Flood Risk Assessment the extent of possible flood plain area has been identified on the layout for diagrammatic purposes and as such there is no built development proposed further south.

5.5 With regard to parking provision this would be provided on site and it would be the intention that the flats and semi-detached houses would have 1 parking space per dwelling, whereas the town houses would have 1 parking space plus an integral garage per dwelling.

6. CONCLUSIONS

6.1 This supporting statement has considered the nature of the application site, its planning history, the prevailing planning policies and the key planning considerations.

6.2 Whilst made in outline the indicative layout submitted with the application indicates that residential development of the site shall be orientated in such a manner its development is of a scale and form appropriate to the character of the site and its surroundings.

6.3 The proposal is compliant with relevant PPS and PPG's in seeking to bring forward a previously developed site in a sustainable urban location, which will minimise the need to travel.

6.4 The reasons set out in this report and separate appendices together with the supporting Traffic Assessment and Flood Risk Assessment, it is hoped that the South Kesteven District Council can give the application their support.

Conclusions

National planning policy guidance promotes the re-use of previously developed land within urban areas in preference to Greenfield sites. To this end local authorities are required to undertake urban capacity studies to assess the potential to recycle land and buildings in their area.

The application site was identified in the Urban Capacity Study and included in the 'Welland Quarter' opportunity area, together with land to the south and east. The suggested uses for this area are residential, retail, employment and leisure. The proposal to redevelop for residential purposes would accord with the aims for the area albeit in a piecemeal fashion rather than the envisaged comprehensive approach.

It is a 'brownfield' site and capable of being developed in a way which respects the scale and character of the surrounding area. Although this is an outline application with matters relating to siting, external appearance, access and landscaping reserved for subsequent approval, it is considered that residential development of the site will not have an adverse effect on the amenities of neighbouring residential properties. Issues relating to privacy and overshadowing will, therefore, be addressed at the Reserved Matters stage.

A Section 106 agreement will be required in respect of Affordable Housing and Public Open Space provision.

At the time of writing, there are outstanding highway and flood risk issues to be resolved and the further comments of the Head of Policy and Economic Regeneration are awaited on the additional information provided by the applicants agent to meet the requirements of Policy E11.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Draft - Housing), PPS23 (Planning and Pollution Control), Planning Policy Guidance Notes PPG3 (Housing 2000), PPG13 (Transport), PPG25 (Development and Flood Risk). Policies S1, S2 and H2 of the Lincolnshire Structure Plan Deposit Draft), Policies H6, H11, REC3 and EN1 of the south Kesteven Local Plan and the adopted Interim Housing Policy (June 2005). The issues relating to highway safety and flood risk are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

RECOMMENDATION: That subject to the final comments of the Local Highway Authority, the Environment Agency and the Head of Policy and Economic Regeneration and the completion of a Section 106 Agreement in respect of Affordable Housing and Public Open Space provision, the development be Approved subject to condition(s)

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved:-
 - (i) detailed drawings of the estate layout to a scale of not less than 1/500 showing the siting of all buildings and means of access thereto from an existing or proposed highway and site contours at one metre intervals;
 - (ii) detailed drawings to a scale of not less than 1/100 showing the siting, design and external appearance of the buildings including particulars of the materials to be used for external walls and roofs;
 - (iii) a scheme of landscaping.
3. 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.
4. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
5. Development approved by this planning permission shall not be commenced unless:
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and.
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.
 - d) A Method Statement detailing the remediation requirements using the

information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on site.

6. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
7. The site investigation trial pits or boreholes located in or through the contaminated land must be backfilled to a specification to be submitted to and agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only and these details are necessary to enable the District Planning Authority to assess the standard of the proposed development and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 of the South Kesteven Local Plan.
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 and in accordance with Policy C2 of the South Kesteven Local Plan.
5. To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health, and controlled waters and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. To prevent the direct contamination of groundwater and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. The comments of the Environment Agency are enclosed for your attention.

This application was deferred from the last meeting pending the final comments of the Environment Agency, the Highway Authority and the Head of Planning Policy and Economic Regeneration.

Members also requested information on how the proposed development conforms to the Preferred Options for the Welland Quarter Opportunity Area.

The recent consultation document entitled Housing & Economic DPD Preferred Options states as follows on this area:

Within the Welland Quarter opportunity area at Stamford as shown on the map following page 23, planning permission will be granted for a comprehensive mixed-use redevelopment to include retail, leisure, housing

and employment uses and together with enhanced public parking provision. Any scheme of redevelopment should:

- i. Make provision for the retention and enhancement of public car parking facilities within the area;
- ii. Incorporate a safe and attractive route for pedestrians and cyclists alongside the river between the bridge and the priory;
- iii. Incorporate appropriate measures to secure safe and convenient pedestrian and cycle link between the area and the main town centre shopping area; and
- iv. Maximise the advantages of the areas riverside setting and be of a high design quality.

Since the report was written for the last meeting the following comments have been received from the Amenities Manager:

I would suggest that the requirements of the local plan still be applied regarding the provision of Public Open Space.

In addition play provision still be made in accordance with the recommendations of the National Playing Fields Association 6 acre standard.

As the application is outline and detailed drawings are not available for comment, I would suggest the development would warrant a combined LAP/LEAP standard facility.

* * * * *

Applicant	Allison Homes Eastern Ltd Holland Place, Wardentree Park, Pinchbeck, Spalding, PE11 3ZN
Agent	Stephen Bate, The Robert Doughty Consultancy Ltd 32, High Street, Helpington, Sleaford, Lincs, NG34 0RA
Proposal	11 houses and 6 apartments (Reserved matters)
Location	The Still, Off Rosemary Avenue, Market Deeping

Site Details	
Parish(es)	Market Deeping Unclassified road Demolition of any building - BR1 Radon Area - Protection required TPO affects site - TPO1 Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The 0.32 Hectare application site is located to the rear of residential properties fronting Bramley Road, Clover Road and Rosemary Avenue.

The site is currently occupied by a redundant perfume Still and a single residential property. The Still is overgrown with ivy and has trees and shrubs growing into it.

There are numerous mature and semi-mature trees within the site that conceal the existing buildings from surrounding view.

Access is, at present, a narrow 3.0m private drive running between nos 15 and 17 Bramley Road.

Site History

Outline planning permission for residential development was granted, on appeal, in 2003 (S.02/1582/56).

When the previous application was being considered an immediate Preservation Order was placed on all the trees on the site as they were perceived to be under threat. No detailed survey of the trees was undertaken, it was imposed to control their removal.

The Proposal

The application seeks approval of Reserved Matters for a scheme of seventeen dwellings grouped around an extension to Rosemary Avenue, which currently serves four dwellings.

The existing buildings would be demolished.

The submitted drawings show a mixture of two, two and half storey houses and two, semi-detached, three-storey blocks containing six apartments.

The three storey would back onto existing residences to the west, fronting Clover Road. The two and half storey units would have dormers to the front roofslope only and a rooflight at the rear to an en-suite.

Materials would be a mixture of red and buff coloured facing bricks and roof coverings would Sandtoft double pantiles, in either brown or grey colours.

The house sizes would be as follows:

6no. two bed semis
10 no. three bed semis
1no. four bed detached

All but three of the existing trees are shown to be removed.

The existing narrow driveway off Bramley Road would not be used to access the development. It is understood that it will be offered to the owners of the two properties on either side to purchase.

Statutory Consultations

Local Highway Authority: Minor amendments requested. Final comments awaited.

Community Archaeologist: Request standard condition W8. N.B. The Inspector imposed a Watching Brief condition on the outline permission.

Housing Solutions: The site falls below the 25 unit threshold for an urban development and, therefore, affordable housing is not a requirement.

Arboriculturalist: Comments awaited.

Town Council: Objection – this application received massive objection from residents the last time it was submitted and because of the timing of receipt of the application, residents will not know of this until May. Town Council feel that nothing has changed – it is still an inappropriate development of this site – inadequate access; three storey buildings inappropriate for the site and the loss of one of the ancient buildings in Market Deeping.

Policy Considerations

PPS 1 Delivering Sustainable Development

PPG3 (Housing)

PPG13 (Transport)

Lincolnshire Structure Plan (Deposit Draft- April 2004)

Policy S1 Policy S1 Promoting Sustainable Development

Policy S2 Location of Development

Policy H2 Housing on previously developed land

Policy H3 Density of new housing development

South Kesteven Local Plan

Policy H6 Policy H6 Residential development

Policy EN1 Protection and Enhancement of the Environment

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 12th May 2006.

Representations have been received from interested parties.

The planning issues raised are:

- a) Loss of protected trees. A significant amenity feature to the locality. (11)
- b) Loss of wildlife habitat. Has an Ecological Assessment been undertaken ? (5)
- c) Has a study of storm water drainage been undertaken to assess potential for flooding.(2)
- d) Apartments and semi-detached properties not in-keeping with existing development. (3)
- e) Three storey houses would create loss of privacy and overlooking issues. (6)
- f) Over intensive development, out of character with existing development. (8)
- g) Considerable increase in traffic on surrounding road network. (8)
- h) Would increase likelihood of accidents. (3)
- i) Loss of amenity to occupiers of existing properties.(1)
- j) Concern about gate on Plot 9 leading children's play area. (1)
- k) Concern about safety of large Oak tree and potential damage from falling branches. (1)
- l) Loss of historic buildings. (1)
- m) Would create a dominant and oppressive environment. (2)
- n) No measurements on plans to help decide how close the new buildings would be to neighbouring properties.(1)
- o) Services already at their limits. (1)

Comments

The principle of residential development on this site has already been established by the appeal decision on the Outline application.

At the time the Outline application was under consideration an immediate Preservation Order was placed on all the trees on the site as they were perceived to be under threat. No detailed survey of the trees was undertaken, it was imposed to control their removal.

The density of the proposed development accords with central government guidance contained in PPG3 (Housing-2000).

The highway authority do not have a concern with the number of dwellings and the amount of traffic likely to be generated.

Conclusions

Minor amendments to the design of the proposed dwellings and the car parking arrangements has been sought together with further illustrative material to demonstrate that the privacy of existing dwellings will not be compromised by the proposed three storey apartment block.

Clarification of surface water drainage proposals has also been sought.

At the time of writing this additional information is awaited.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering sustainable development), PPG4 (Industrial and Commercial Development and Small Firms), Planning Policy Guidance Notes PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPG16 (Archaeology and Planning), PPG25 (Development and Flood Risk). Policy S1 of the Lincolnshire Structure Plan

(Deposit Draft - April 2004), Policy E2 of the South Kesteven Local Plan and the adopted Interim Housing Policy (June 2006).

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

1. This consent relates to the application as amended by amended drawing nos. *** received on ***, unless the local planning authority gives written consent to any minor variation.

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

1. For the avoidance of doubt.

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.

This application was deferred from the last meeting for Members to undertake a site visit and for negotiations to be entered into with the applicants with a view to securing a reduction on the height of some of the proposed dwellings.

This application was once again deferred from the last meeting, following a Member site visit, for further negotiations with the applicant with a view to securing substitution of the two and a half story units with two storey dwellings.

* * * * *

SU.4 S06/0514/69

Registration Date: 06-Apr-2006

Applicant	Mr P Doyle, Bloor Homes Stirling House, The Avenue, Cliftonville, Northampton, NN1 5BT
Agent	Mr R A Woolston, rg & p The Old School, 346, Loughborough Road, Leicester, LE4 5PJ
Proposal	Residential development
Location	Former Quarry Farm Brickworks, Little Casterton Road, Stamford

Site Details Parish(es)	Stamford Adj authority - Rutland CC - AA6 C Class Road Radon Area - Protection required Section 106/52 applies on site
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H2 Housing - Stamford Airfield Zone - No consultation required EA: Adj not waste disposal site - TIP2 Drainage - Welland and Nene Wildlife - g/c newts etc - WL3
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REPORT

The Site and its Surroundings

The 4.92ha application site is the former Williamson Cliff brickworks on Little Casterton Road.

The site has been cleared of buildings.

There are existing residential properties to the south, south-east, south-west and east. To the west are the former brick clay pits with full planning permission for residential development and the north agricultural land in Rutland.

There is a steady fall across the site from north to south.

Site History

The site has outline planning permission for residential development granted on 27 July 2005 (S02/1670/69). The permission was subject to a Section 106 Agreement covering the following:

- i) **Affordable Housing – 15% of total numbering the ratio of 60% for rent and 40% shared equity.**
- ii) Green Areas – 40 sq.m. per unit POS and 20 sq.m. per unit as play areas. A LEAP within POS £12,000 commuted sum towards future maintenance.
- iii) Highway Contributions. £25,000 towards off-site improvements. £65,000 towards Community Travel Zone.

The Outline approval did not specify a housing density or a maximum number of units.

The Proposal

Reserved Matters approval is sought for a layout comprising 183 dwellings, a mixture of 3, 2 and 1½ storey dwellings. 27 of the units would be Social Housing.

The main point of access to the site would be off Little Casterton Road. The site will connect with the development already approved to the west and ultimately, via a tortuous route to discourage 'rat-running' with Belvoir Close.

The density of development would be 43.3 units per hectare.

The Public Open Space provision would be 0.73 ha.

Policy Considerations

Central Government Policy Statements

PPG3 – Housing 2000

PPG25 – Development and Flood Risk

Lincolnshire Structure Plan – Deposit Draft

Policy H2 – Housing on Previously Developed Land

South Kesteven Local Plan

Policy H6 – Residential Development on Unallocated Sites

Policy EN1 – Protection and Enhancement of the Environment

Statutory Consultations

Local Highway Authority: Minor amendments to visibility splays and road surfaces required. Final comments awaited.

Environment Agency:

No objection on Flood Risk.

Objection on contamination grounds pending submission of further information.

Housing Solutions:

Plans indicate that, in-line with the Section 106 Agreement 15% affordable housing will be provided on site. The plans indicate 27 affordable units 'pepper-potted' on site.

Leisure and Cultural Services:

No objection. Play equipment should comply with NPFA recommendations and to BS EN1176/BS. All proposals should have local planning authority's approval prior to provision.

East Midlands Regional Assembly:

Thank you for your consultation dated 13 April 2006. My understanding is that this application is for approval of details following grant of outline consent in July 2005 (ref. S02/1670/69). Therefore, there are no conformity issues of principle arising.

RSS8 Policy 31 promotes conservation of the historic environment and is particularly applicable to historic towns such as Stamford. The efforts the local authority has made in the selection of building materials that are sympathetic to the town's character have achieved significant benefits both on new buildings within the built up framework and on edge of town developments that can be seen from some miles away across the surrounding countryside. This work has strong accordance with the above policy. In this context, it may be appropriate to select bricks that are similar to those formerly produced on the site, limestone type dressings and roof tiles that are sympathetic to the Collyweston slates historically used throughout the town and surrounding locality.

East Midlands Development Agency:

Thank you for your letter dated 13 April 2006 requesting the comments of emda on the above planning application. You will have received a copy of the Notification Criteria which emda sent to all local authorities in June 2004. The above application falls under Criterion 1(b):

Residential development comprising of more than 100 dwellings in the Eastern Sub-area.

Significant development of the type proposed is considered to be within the provisions of Article 10(1)(zc)(ii) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003.

This reserved matters application for residential development comprises a total number of 183 units (140 houses/bungalows and 43 flats/apartments) with associated car parking and landscaping. Outline planning permission for residential development has been granted in July 2005.

The above application is for a part of a brownfield site previously used as a brick manufacturing works. The reclamation and reuse of this site is welcomed as it is in line with targets for re-using previously developed land for housing as set out in the Site Provision and Development Strand of the Regional Economic Strategy (RES) 'Destination 2010'.

We welcome the fact that the Design Statement includes sustainable transport proposals such as a connecting bus route through the site, cycle routes and public footpaths. The location of the site approximately one mile from the town centre of Stamford supports sustainable forms of transport.

Therefore, emda supports this application and recommends approval.

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

Lincs Police Architectural Liaison Officer:

1. Lighting to parking areas.
2. Minimum of 1800mm high perimeter fencing.
3. Landscaping to maximum growth height of 1m.
4. 900mm rolled top fence to be erected around the perimeter of each public open space with self-closing gated access.

Stamford Town Council:

- The Planning committee is alarmed at this proposal.
- Although the Committee has been informed that they cannot consider the 'big picture' of the impact of a further development of this size on the town, it is noted that this proposal is contrary to Policy H2 of the existing Local Plan in that it is a major development sited at the urban edge of the town.
- Moreover, it takes the overall numbers of new houses to close to even above the required numbers in Stamford up to 2021.
- In addition, the Committee believes that the impact of the increased traffic generated, will be detrimental both in the immediate vicinity onto the adjacent already inadequate feeder roads and on the town as a whole.

- The Committee would prefer this development not to occur, but if it does, they would wish to see the road through the site re-configured to make it less usable as a 'rat-run' for those wishing to travel from one part of the town to another, or as an alternative road from west to east or vice-versa.
- The Committee also see a need for community facilities, a hall or centre and play areas to be included.
- The Committee is also not convinced that the drainage survey adequately reflects the actual situation as it is known that areas close and below this site already suffer from flooding in heavy rain.
- Recommend refusal.

English Nature: No objection.

Rutland County Council: Concerns about traffic generation onto Little Casterton Road and through the village of Little Casterton.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements and the Statement of Community Involvement the closing date for representations being 19 May 2006.

Representations have been received from interested parties.

The issues raised are:

- a) **Surrounding road network cannot cope with existing levels of traffic. (20)**
- b) Increased flooding at junction of Waverley Gardens and Little Casterton Road. (1)
- c) Shops should be provided in development site. (3)
- d) Design out of character with existing properties. (4)
- e) Visually intrusive development. (1)
- f) Overlooking and loss of privacy. (13)
- g) Inadequate infrastructure for scale of development proposed. (5)
- h) Social considerations, police, medical, education. (1)
- i) Density too high. (9)
- j) Loss of privacy and sunlight from three storey units close to boundaries with existing properties. (12)
- k) Inadequate parking for three storey units. (4)
- l) Environmental hazard due to 'hotspots' needing special treatment and producing toxic dust. (2)
- m) Established trees on the boundary may be uprooted to accommodate new buildings. (1)

- n) Location of affordable housing contrary to government policy on social inclusion. (1)
- o) Three storey units out of context with other buildings in the area. (3)
- p) Unreasonable area of public open space. (1)
- q) Multiple-occupancy dwellings should not be allowed. (1)
- r) Nursery/primary school facilities should be provided within site. (1)
- s) Will create a dominant and oppressive environment. (6)
- t) Increase noise and disturbance. (6)
- u) Inadequate off-street parking provision. (6)
- v) Layout plan omits mature trees to rear of 18 Haddon Road. (1)
- w) Design of three storey units not in-keeping with remainder of proposals. (3)
- x) Insufficient medical and educational facilities in town to cater for proposed development. (6)
- y) concern at noise and disturbance during development period. (1)
- z) Development will increase on-street parking on Little Casterton Road affecting road safety. (1)
- aa) Object to access off Little Casterton Road. (2)
- bb) Buildings in close proximity to boundary will affect future growth of trees. (1)
- cc) Layout plan does not show trees on nos. 10, 12, 14 and 16 Haddon Road that are a haven for wildlife. (1)
- dd) Design of three storey units unsafe as they only have one entrance/exit. (1)
- ee) Overcrowded development difficult to access for emergency vehicles. (4)
- ff) Loss of trees will affect wildlife habitat. (3)
- gg) Any guarantee that drainage will be adequate and not flood adjoining properties. (2)
- hh) Telecommunications mast adjacent to northern site boundary. Is it safe to locate houses next to it? (1)
- ii) Site should be used to put in place first stage of a ring road or developers should be required to contribute to future provision of such a road. (1)
- jj) Access opposite 49 Little Casterton Road will make it difficult to enter and exit that property. (1)

In addition to the above, a petition with 33 signatures of local residents has been received objecting to the development on the following grounds:

- a) Dominant and oppressive environment created by the proposal especially when viewed in conjunction with additional housing development plans proposed for the area.
- b) Highway safety and traffic impact.
- c) Visually intrusive.
- d) Will result in excessive noise or smell nuisance.
- e) Overlooking and loss of privacy in some instances.
- f) Environmental issues. Drainage to mature trees.
- g) Insufficient notices posted in area. No notices put up in areas most affected.

Planning Panel Comments

To be determined by Committee.

Conclusions

The majority of the objections relate to impact of the proposed development on the surrounding road network and the positioning of the three storey units in relation to existing properties.

The Highway Authority have not taken issue with the traffic likely to be generated by the proposed number of dwellings and improvements to the Scotgate and Casterton Road junctions will have to be undertaken before the development commences.

Rutland County Council are currently considering an application for the relocation of the telecom mast some 500m to the north-east, further into Rutland, of its current position adjacent to the application site.

The applicants are reconsidering parts of the layout where overlooking is a concern. At the time of writing an amended layout is awaited.

The objection by the Environment Agency on contamination grounds is a holding objection. This is likely to be lifted when further information has been submitted addressing their concerns. Again, at the time of writing this report, the additional information is awaited.

Subject to the receipt of satisfactory amendments and further information on contamination, it is considered that the development as proposed conforms to both national planning guidance and the current development plan and, subject to the imposition of relevant conditions, forms an acceptable development.

Summary of Reason(s) for Approval

The development is in accordance with national and local policies as set out in the Planning Policy Guidance Notes PPG3 (Housing - 2000), PPG25 (Development and Flood Risk), PPS23 (Planning and Pollution Control), Policy H2 of the Lincolnshire Structure Plan (Deposit Draft) and Policies H6, EN1, EN10 and EN11 of the South Kesteven Local Plan.

RECOMMENDATION: That subject to the receipt of amended plans satisfactorily addressing concerns about the relationship of three storey units to existing properties and overlooking concerns and the final comments of the Highway Authority and the Environment Agency, the development be Approved subject to condition(s)

1. This consent relates to the application as amended by *** received on ***.

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

1. 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	Sir Simon Benton-Jones C/o Agent
Agent	Robert Weighton Partnership 10, Broad Street, Stamford, Lincs, PE9 1PG
Proposal	Demolition of rear extension & erection of two storey stone extension & minor internal alterations
Location	19, Hawthorpe Road, Irnham

<u>Site Details</u>	
Parish(es)	Irnham Conservation Area C Class Road Demolition of any building - BR1 Listed Building (Grade II) 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 Wildlife - g/c newts etc - WL3

REPORT

The Site and its Surroundings

The application site lies on the edge of Irnham village with residential development to the south and west. To the north and east of the site lies open countryside. The application site comprises number 19 Hawthorpe Road and its associated curtilage. 19 Hawthorpe Road is a modest semi detached 17th Century stone cottage on the eastern side of Hawthorpe Road.

No. 19 is a Grade II Listed Building and is located within the Irnham Conservation Area.

Site History

There is no relevant history of planning applications on this site.

The Proposal

This is a full application for a two storey stone extension with rooms in the roof space to the rear of the property. The proposed extension has a half hipped roof with a dormer window on the north elevation. In order to accommodate the proposed extension an existing single storey brick lean-to extension with a catslide roof will be removed.

Policy Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15)

Lincolnshire Structure Plan

Policy BE3: Conservation of the Historic Built Environment

South Kesteven Local Plan

Policy H7: Housing Development

Policy EN1: Protection and Enhancement of the Environment

Policy EN3: Areas of Great Landscape Value

Policy C6: Alterations or extensions to Listed Buildings

Policy C9: Buildings in Conservation Areas

Statutory Consultations

Parish Council : No objections to this application and is pleased that the house/site is to be brought into the 21st Century.

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

Local Highway Authority: No objections.

English Nature: No objections.

Representations as a Result of Publicity

None.

Planning Panel Comments

The application was reported to the Planning Panel on 27 June 2006 with a recommendation for refusal. At the meeting the Planning Panel indicated that they felt that the proposed development was acceptable and that planning permission should be granted.

The application has therefore been reported to the Development Control Committee in accordance with the Council's adopted procedures.

Applicants Submissions

None.

Conclusions

National planning policy contained in PPS1 states in paragraph 34 that "planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

PPG15 advises local authorities to ensure that they have appropriately qualified specialist advice on any development which, by its character or location, might be held to have an adverse effect on any sites or structures of the historic environment.

PPG15 advises that once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out for alteration or demolition.

Paragraph 3.14 of PPG15 states that "many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II* structures."

The site is located within the Irnham conservation area and PPG15 advises that "the courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in

exceptional cases the presumption may be over-ridden in favour of development which is desirable on the ground of some other public interest."

Paragraph 3.4 of PPG15 requires applicants to justify their proposals and to show why works which would affect the character of a listed building are desirable or necessary. PPG15 goes on to state that "they should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

No justification has been provided with the application to demonstrate that the works are desirable or necessary. The survey plans of the existing building submitted with the application are also inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application.

If approved the development would result in the existing listed building being extended with a large two storey extension with a half hipped roof. The design of the proposed extension in particular the proposed half hipped roof does not reflect that of the host listed building. The proposed extension due to its size would dominate the rear elevation and therefore appear out of scale and character with the existing modest stone cottage. Acceptance of the proposal would therefore be contrary to the requirements of National Planning Policy Guidance contained in PPS1 and PPG15, policy BE3 of the Lincolnshire Structure Plan and policies H7, EN1, C6 and C9 of the adopted South Kesteven Local Plan. The application is therefore recommended for refusal.

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

1. The survey plans of the existing building submitted with the application are inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application. Notwithstanding this no justification has been provided with the application to demonstrate that the works are desirable or necessary. It is considered that the proposed two storey rear extension to the rear of No. 19 Hawthorpe Road would constitute, by reason of its design and size, an inappropriate and unsympathetic addition to an otherwise modest two bedroom cottage. Acceptance of the proposal would therefore be contrary to the requirements of Central Government Planning Policy Guidance contained in PPS1 (Delivering Sustainable Development), PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (proposed Changes, February 2005) and Policies H7, EN1, C6 and C9 of the South Kesteven Local Plan.

* * * * *

Applicant	Sir Simon Benton-Jones C/o Agent
Agent	Robert Weighton Partnership 10, Broad Street, Stamford, Lincs, PE9 1PG
Proposal	Demolition of rear extension & erection of two storey stone extension & minor internal alterations (listed building)
Location	19, Hawthorpe Road, Irnham

<u>Site Details</u>	
Parish(es)	Irnham Conservation Area C Class Road Demolition of any building - BR1 Listed Building (Grade II) 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 Wildlife - g/c newts etc - WL3

REPORT

The Site and its Surroundings

The application site lies on the edge of Irnham village with residential development to the south and west. To the north and east of the site lies open countryside. The application site comprises number 19 Hawthorpe Road and its associated curtilage. 19 Hawthorpe Road is a modest semi detached 17th Century stone cottage on the eastern side of Hawthorpe Road.

No. 19 is a Grade II Listed Building.

Site History

There is no relevant history of planning applications on this site.

The Proposal

This is an application for Listed Building Consent for a two storey stone extension with rooms in the roof space to the rear of the property. The proposed extension has a half hipped roof with a dormer window on the north elevation. In order to accommodate the proposed extension an existing single storey brick lean-to extension with a catslide roof will be removed.

Policy Considerations

National Policy

Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15)

Lincolnshire Structure Plan

Policy BE3: Conservation of the Historic Built Environment

South Kesteven Local Plan

Policy C6: Alterations or extensions to Listed Buildings

Statutory Consultations

Parish Council: No objections to this application and is pleased that the house/site is to be brought into the 21st Century.

Historic Buildings Advisor:

The application is concerned with alterations to a modest semi detached cottage on the eastern side of Hawthorpe Road. It is proposed to demolish a brick single storey lean to addition at the rear, and replace it with a new two storey extension to modify and increase the standard of internal accommodation.

I must firstly point out that the information supplied with this application is extremely basic, and does not provide a sufficiently accurate picture to determine what precisely is being proposed. For example, the form refers to the "reuse of suitable material" from the removal of the brick lean to, where as it also indicates that proposed materials are "to match existing". As the existing building is mainly stone, it is difficult to understand what is meant here. Both the existing and proposed drawings misrepresent the existing fenestration, both on the front and side elevations. There is no evidence that drip moulds have been accounted for, and, in particular on the side elevation, windows are of a different design, and the ground floor window is significantly smaller than is illustrated. There are no notes on the plan to indicate what alterations may or may not be proposed here, and what we are being asked to approve is therefore unclear in these areas.

The existing building is relatively narrow in depth, characterised by a steeply pitched roof. The extension proposed would be a significant addition to this relatively modest building, extending across approximately half its existing width. The design appears to incorporate a shallower roof to allow for two complete storeys, with the eaves line significantly higher than that of the existing building. From the sketchy information submitted, it would appear that this extension bears little relationship in terms of scale and appearance to the existing building and little adequate justification has been provided for it.

On the basis of the information provided therefore, I am of the opinion that the size and design of the extension would be unlikely to preserve or enhance the character of the existing relatively modest cottage, and I therefore am unable to support the proposal.

I appreciate that a not dissimilar addition has already been erected on the adjacent property. This appears to have been done some considerable time ago, possibly before the property was listed. I do not believe however that this should be seen as a precedent for a wholly unsympathetic and inappropriate addition to this building.

Representations as a Result of Publicity

None.

Planning Panel Comments

The application was reported to the Planning Panel on 27 June 2006 with a recommendation for refusal. At the meeting the Planning Panel indicated that they felt that the proposed development was acceptable and that Listed Building Consent should be granted.

The application has therefore been report to the Development Control Committee in accordance with the Council's adopted procedures.

Applicants Submissions

None.

Conclusions

PPG15 advises local authorities to ensure that they have appropriately qualified specialist advice on any development which, by its character or location, might be held to have an adverse effect on any sites or structures of the historic environment.

PPG15 advises that once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out for alteration or demolition.

Paragraph 3.14 of PPG15 states that “many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II* structures.”

Paragraph 3.4 of PPG15 requires applicants to justify their proposals and to show why works which would affect the character of a listed building are desirable or necessary. PPG15 goes on to state that “they should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

No justification has been provided with the application to demonstrate that the works are desirable or necessary. The survey plans of the existing building submitted with the application are also inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application.

If approved the development would result in the existing listed building being extended with a large two storey extension with a half hipped roof. The design of the proposed extension in particular the proposed half hipped roof does not reflect that of the host listed building. The proposed extension due to its size would dominate the rear elevation and therefore appear out of scale and character with the existing modest stone cottage. Acceptance of the proposal would therefore be contrary to the requirements of National Planning Policy Guidance contained in PPG15, policy BE3 of the Lincolnshire Structure Plan and policy C6 of the adopted South Kesteven Local Plan. The application is therefore recommended for refusal.

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

1. The survey plans of the existing building submitted with the application are inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application. Notwithstanding this no justification has been provided with the application to demonstrate that the works are desirable or necessary. It is considered that the proposed two storey rear extension to the rear of No. 19 Hawthorpe Road would constitute, by reason of its design and size, an inappropriate and unsympathetic addition to an otherwise modest two bedroom cottage. Acceptance of the proposal would therefore be contrary to the requirements of Central Government Planning Policy Guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Proposed Changes, February 2005) and Policy C6 of the South Kesteven Local Plan.

* * * * *

Applicant	BRB (Residuary) Limited 5th Floor, Hudson House, York, YO1 6HP
Agent	Jacobs Babtie West Offices, City Business Centre, Station Rise, York, YO1 6HT
Proposal	Demolition of existing bridge and formation of new embankments and re-profiling of carriageway
Location	Redundant Railway Bridge (EBO/3), Carlby Road, Carlby

Site Details	
Parish(es)	Carlby C Class 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 - Welland and Nene

REPORT

The Site and its Surroundings

The application site is a redundant, three-span, railway bridge of brick construction, on the C class road from Carlby to Greatford. It carries the road over the former Stamford to Bourne line and is only 120m to the east of the junction with the A6121.

The cutting beneath the bridge is overgrown and subject to fly-tipping.

Site History

There is no planning history relating to the bridge subject of this application.

The Proposal

The proposal is to demolish the bridge, form new embankments and re-profile the carriageway so that it is the same level as the road on either side.

The bridge has structural problems, as evidenced by the cracks in the brickwork above the arches and has been subject to monitoring for some time.

Policy Considerations

PPG13 – Transport.

South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment.

Policy EN3 – Areas of Great Landscape Value.

Statutory Consultations

Local Highway Authority: Requests one condition and Note to Applicant – see below.

Community Archaeologist: Comments awaited.

Parish Council: Comments awaited – notified 7 June 2006.

Representations as a result of Publicity

The application has been advertised in accordance with the Statement of Community Involvement. Letters have been received from interested parties.

Planning issues raised:

- a) Ownership of land to either side of bridge (P Launders), therefore need to know extent of works on either side. (1)
- b) If bridge unsafe for heavy traffic put weight limit on to prevent use by HGV's. (3)
- c) Attractive addition to the countryside. (2)
- d) Demolition would remove hump in road to detriment of road safety. (3)
- e) Adverse impact on Greatford parish resulting from removal of bridge. Carlby Road is one of principal approach roads to Greatford and already carries considerable volume of HGV traffic using it as a shortcut. Removal would lead to increase in traffic on road already unsuitable. Junction with Stamford Road inadequate for current traffic. Road surface in Greatford not good enough for existing problem, infill arches to retain humped profile. Question findings of Ecological Survey that no protected species present. (1)
- f) Area beneath bridge provides habitat for wildlife. (1)
- g) Proposal will increase traffic and damage to environment of Greatford Conservation Area. (2)
- h) Removal would enable fast moving traffic to approach busy Essendine/Bourne Road even faster with increased risk of collision. (1)
- i) Ecological survey required. (1)

Applicants Submissions

“Jacobs act as Consulting Engineers/Agents for the British Railway Board (Residuary) Ltd, who own a large proportion of the railway structures throughout the country that are associated with redundant railway lines.

EBO/3 is a 3 span brick arch bridge. The abutments, piers, spandrels and parapets are of brick construction.

The side arches show vertical fractures from the quarter points of the arches. This is consistent with the development of hinges within the arch. In addition there are cracks stretching from the middle of each barrel at the springing line from the abutments running longitudinally for approximately 1 metre.

Only a small area of the abutments are visible but it would appear that there has been some degree of settlement indicated by the position of cracking in the arch barrels. The parapets have significant cracking. These cracks are being monitored but there are significant signs of rotation of the parapets with crack widths up to 40mm at coping level.

The structure is in poor condition and has been subject to a 3 monthly monitoring scheme for some time. A feasibility study was undertaken by Jacobs in 2004/5 to consider possible remedial action. The resulting recommended scheme includes the demolition of the bridge superstructure and re-profiling of the existing

carriageway to remove the “hump” in the road, forming of new embankments (in the redundant cutting) and erection of timber post and rail fencing (adjacent to the re-profiled section of carriageway) and quick growing Hawthorne hedging.

An Ecological survey was undertaken by the Robert Stebbings Consultancy Ltd to ascertain whether any protected species are present in the vicinity of the structure. The report concludes that there are no specially designated wildlife areas around the structure and no known protected species were present.

A safety audit of the scheme is currently being undertaken by Lincolnshire Road Safety Partnership. A stage 1 (outline) audit has already been completed and there were no comments regarding the scheme in principle.”

Conclusions

The bridge subject of this application displays clear signs of structural defect. It does not benefit from any statutory protection. The former railway line is not covered by any wildlife or nature conservation designation.

A copy of the Ecological Survey referred to in the applicants supporting statement has been submitted and copy forwarded to the parish council.

Copies of the representations referred to highway safety issues have been taken by the representative of the Local Highway Authority.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note PPG13 (Transport) and policies EN1 and EN3 of the South Kesteven Local Plan. There are no material considerations that indicate against the proposal though conditions have been attached.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the approved development the works to the public highway in conjunction with the re-profiling of the carriageway shall be agreed and certified by the local planning authority.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. In the interests of the safety of users of the public highway, in accordance with PPG13 - Transport.

Note(s) to Applicant

1. No works shall commence on site until a Section 278 Agreement under the Highways Act 1980, has been entered into with the local highway authority (Lincolnshire County Council) for the highway improvement works in conjunction with the road re-profiling.

Applicant	Asset & Facilities Management, SKDC Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Agent	Allenbuild Limited Stoney Gate Road, Spondon, Derby, DE21 7RY
Proposal	Provision of 3 storey (6 level) multi-storey car park
Location	Welham Street, Grantham

<u>Site Details</u>	
Parish(es)	Grantham Unclassified road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs EA: Flood Risk Zone 2/3 (new bld only)

REPORT

The Site and its Surroundings

The site is located to the north of St Catherine's Road and the west of Welham Street, approximately 100m to the east of the Council Offices. Immediately to the west of the site are the Cinema and the Health Centre and to the north of the site are residential properties fronting Grove End Road and some small business premises. All but 2 of the properties on St Catherine's Road that face the site are used for commercial, business or office purposes.

Members will recall that planning permission is in place, and work has commenced on site, for the erection of residential apartments to the east of the site, on the former tyre garage site.

The site is currently used for surface level car parking (pay and display) and measures approximately 140m x 110m. Vehicular access into the site is gained directly from Welham Street, with pedestrian access points onto Grove End Road, St Catherine's Road and the private road to the rear of the Health Centre.

Site History

Outline planning permission (S05/1378/35) was granted on 20 January 2006 for the provision of a multi-storey car park on the site. Members will be aware that there were restrictive conditions imposed on the outline planning permission relating to the distance that it could be constructed away from the northern boundary of the site.

The Proposal

Some Members may be aware that, following the granting of outline planning permission, an 'open day' was held with prospective developers where various proposals were presented to a Panel and commented upon. The tender proposal had to be within budget, whilst providing a minimum number of car parking spaces and adhering to the outline conditions.

The entire Panel were in agreement, as were the members of the Development Control Committee last December, that the design of the car park was crucial for this prominent, town centre location. There was unanimous agreement that the chosen tender design allowed for an imaginative development, meeting all the requirements of the Council.

Consent is therefore sought for a 3-storey, 6 level car park on the application site containing 331 parking spaces. The 10m buffer zone to the northern boundary of the site is respected, as are the heights of the surrounding development.

The car park would be constructed in modern materials incorporating terracotta panels, exposed painted steel and brickwork. The darker brickwork would be used in the vertical sections of the building in order to break up the horizontal attenuation of the structure and to provide more vertical emphasis. The use of lighter (buff) colours in the horizontal elements will help to reduce visual impact. The colours of the materials will be conditioned and chosen to reflect those in the surrounding properties.

Vehicular access into the car park will be from Welham Street. Pedestrian access into and out of the car park will be gained via two stairwells, one of which will contain a lift. These elements of the building will be predominantly glazed but will include elements of brickwork and steel panelling.

To further prevent any overlooking to the properties fronting Grove End road privacy screens will be inserted in ground and first floor sections of the car park. Pedestrian access to Grove End Road will be retained.

Some minor amendments to the elevational treatment have been requested and the applicants have been asked to provide coloured and isometric drawings in order that a better impression of the proposed car park can be gained. It is hoped that these details will be available prior to the Committee meeting.

Policy Considerations

Policy T2 – Allows for the development of town centre car parks providing there is no loss of car parking or unless an alternative provision, with at least the same amount of car parking is provided elsewhere.

Policy EN1 – Allows for development proposals that (inter alia) incorporate appropriate landscaping, reflect the general character and appearance of the area through layout, siting, design and materials and development where the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated.

Statutory Consultations

Local Highway Authority: Requests 2 conditions and a Note to Applicant of any approval.

Community Archaeologist: Imposed conditions on the outline planning permission.

Representations as a result of publicity

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

The following issues were raised:

- a) Development would be too high.
- b) Poor design.
- c) The upper floor should be staggered back to avoid overlooking issues.
- d) 10m set back and 'privacy panels' are welcomed.
- d) Noise and vibration during construction works.

- e) Potential damage to adjacent properties.
- f) Concern over constructional hours of work and the blocking of Welham Street.
- g) Contrary to the objectives of the LDF.
- h) Increase in traffic to area.
- i) Reduction in air quality.
- j) Loss of mature tree.
- k) Loss of privacy.
- l) Potential flood hazard.
- m) Question concerning whether parking will remain free for motorbike/mopeds.
- n) Anti-social behaviour issues.

Planning Panel Comments

20 June 2006 – The application be considered by the Development Control Committee.

Applicants Submissions

None

Summary of Reason(s) for Approval

The proposal is in accordance with local policies as set out in policies T2 and EN1 of the South Kesteven Local Plan. The issues relating to design, impact, landscaping, highway safety, pollution, anti-social behaviour, privacy, flooding and height 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. 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.
2. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. Within seven days of the new access being brought into use, the existing access onto Welham Street shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

4. The arrangements shown on the approved plan AB(0) 101, 102, 103 and 104 dated 26 May 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

1. 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. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. 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 EN1 of the South Kesteven Local Plan.
4. 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 EN1 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 782070 for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
3. Your attention is drawn to the conditions imposed on the outline planning permission, S05/1378/35, which remains relevant in this instance.

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