

Applicant	<b>Mr G Laird</b> 13, Fox Dale, Stamford, PE9 2XA
Agent	Mr Tom Reeve 9, Lea View, Ryhall, Stamford, PE9 4HZ
Proposal	<b>Erection of two storey front extension and raising of roof</b>
Location	<b>13, Fox Dale, Stamford</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Stamford</b> Unclassified road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Welland and Nene

## REPORT

### The Site and its Surroundings

The application property is a linked detached dwelling situated on a cul-de-sac (Fox Dale) of some 17 other similar dwellings. The property is located close to the end of the cul-de-sac and it part fronts the hammer-head turning area.

The dwellings on the southern side of Fox Dale are similar, each with a broad front elevation and low pitched roof. The dwellings are linked by flat-roofed garages and a strong horizontal fascia board, a feature which is taken across the front elevation of each dwelling.

There are modest front gardens of open plan form but softened by landscaping which has grown up over the approximate 30 year history of the development.

### Site History

There is no planning history on this site which is relevant to the consideration of this application.

### The Proposal

As originally proposed the application involved the erection of a two-storey front extension, the full width of the front and projecting some 2.8m, together with the raising of the roof to a maximum height (at the ridge) of 8.25m from the current height of 6m.

During the consideration of this proposal the applicant withdrew that proposal and submitted a reduced scheme. The two storey extension has now been reduced to a ground floor front extension. The amount of front extension, 2.8m is as before but the front walls have been inset slightly from the main house walls. A lean-to roof with hipped ends sits under the first floor windows. The proposal to lift the roof as before remains.

Internally the proposal is to provide a breakfast room and enlarged kitchen on the ground floor and a single large room with en-suite facility within the roof space. Other internal changes include a shortening of the garage to provide a re-arranged w.c. area.

### **Policy Considerations**

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

Policy H6 – Allows for the improvement and extension of dwellings where (inter alia) consideration is given to the impact of the proposal on the form, character and setting of the settlement.

### Statutory Consultations

Stamford Town Council:

Commented on the original proposal "The Committee is uncertain of the desirability of such a prominent forward extension on neighbouring houses. Strongly recommend site visit. It is noted that these houses are within an old quarry site".

Following reconsultation of the amended scheme the Town Council commented: "the Town Council wish to change the decision that the application be rejected".

Local Highway Authority: has no objections

Representations as a result of publicity

The application has been advertised in accordance with established procedures and letters of representations have been received from the following:

(Original proposal)

1. Mr D Hollins (on behalf of his mother Mrs D Hollins of 15 Fox Dale)
2. Mr K M Barnett, Stirling Road
3. Mr & Mrs A MacKenzie, 51 Stirling Road
4. Mrs J Hunter, 147 Stirling Road
5. Mrs L J Kinealy, 1 Fox Dale
6. Mr & Mrs D Briscoe, 9 Fox Dale
7. Mr P Pond, 6 Fox Dale
8. (indecipherable) 39, Stirling Road
9. Mr A Stanhope, 8 Fox Dale
10. Mrs J Williams, 5 Fox Dale

11. Mrs G M Riley, 18 Fox Dale
12. Mr & Mrs S Allan, 16 Fox Dale
13. Mr & Mrs White, 14 Fox Dale
14. Mr N Kettle, 11 Fox Dale
15. Mr & Mrs A Bloodworth, Stirling Road
16. E Day, 45 Stirling Road
17. Town Councillor J Judge, 8 Brooke Avenue

Following the receipt of amended plans all those making representations were re-consulted. Further letters were received from:

1. Mr & Mrs R Jordan, 20 Fox Dale
2. Mr & Mrs D Brisco, 9 Fox Dale
3. Mrs MacKenzie, Stirling Road
4. Mr & Mrs Kinealy, Fox Dale
5. Mrs G Riley, 18 Fox Dale
6. Mr & Mrs S Allan, 16 Fox Dale
7. Mr P Pond, 6 Fox Dale
8. Mr J Williams, Fox Dale
9. Town Councillor J Judge, 8 Brooke Avenue
10. Mrs D Hollins, 15 Fox Dale
11. Mr & Mrs P White, 14 Fox Dale
12. Mr N Kettle, 11 Fox Dale
13. Mr D Hollins, (on behalf of his mother Mrs D Hollins of 15 Fox Dale)

The following issues have been raised (both initially and following re-consultation of the amended scheme)

Summary of objections (not ranked in any way):

- a) Precedent
- b) Boxing in of neighbour
- c) Overwhelm neighbour
- d) Dominant/oppressive
- e) Out of keeping (no 3 storeys in area)
- f) Loss of light
- g) Disturbance from construction
- h) Would cause drainage problems
- i) Overshadowing
- j) No need to increase roof height to resolve a maintenance problem
- k) Property could be extended elsewhere
- l) Increase parking problems
- m) Affect on street scene
- n) Reduce access for service/emergency vehicles
- o) Destroy the "exclusiveness" of the development
- p) Recent high court case is similar

- q) Breaches building line
- r) Contrary to deeds
- s) Loss of front garden
  
- t) Increased bogus callers
- u) Overhanging gutters
- v) Increased noise
- w) Increased demand on water
- x) Will result in increased council tax banding

In addition to the above objection one representation has been received from:

Mrs S Norriss of 7 Fox Dale

Who supports the proposal on the basis that the new roof may be something she will have to do to resolve the problems of damp.

#### Planning Panel Comments

4th July 2006 – That the site be the subject of a site visit and then the application be referred to the Development Control Committee. Members carried out a site visit on 19th July 2006.

#### Conclusions

S.38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The policies set out above are generally permissive towards house extensions and therefore it is necessary to consider whether the proposal is in conflict with any of the conditional issues raised in the policies or whether any material considerations exist to overturn the policy presumption in favour of the development.

These issues are best considered separately under the following headings: -

#### Design/Appearance

The development along the southern side of Fox Dale has seen surprising little change since the estate was built about 30 or 50 years ago. The original concept of detached houses linked by flat-roofed garages with white-painted horizontal fascias has largely prevailed. The proposal, involving a front single-storey extension and the raising of the roof, will clearly disrupt the lines of the street scene. However, the design is itself acceptable and whilst it will introduce a different element it will not appear so incongruous or out of place to justify a refusal on these grounds.

## Affect on amenities of occupiers of neighbouring properties

Application of the “45° rule” (advocated by the Building Research Establishment as a means of judging the effect of development proposals on daylight to neighbouring properties) reveals that the ground floor extension will not materially affect daylight levels. It is unlikely that increasing the roof height will have any significant effects.

## Increased incidence of on-street parking

There are currently two parking spaces at the property, one in the garage and one on the drive. This will reduce to one with the proposed internal changes which reduce the garage to only 3.5m long (i.e. below the length of most cars). The extended dwelling also has the potential to generate more vehicles. Although the adopted local plan has a policy of requiring in effect a total of three off-street car parking spaces for dwellings over 112 sq.m (as here) this has been superseded by Planning Policy Guidance Note 13 which states that authorities should no longer have car parking standards requiring a minimum provision.

The existing garage can in any event be converted as proposed without planning permission and occupiers cannot be required to park their cars in them.

There has been no objection to the proposal from the County Highways Authority.

Whilst an element of off-street car parking might arise it is difficult to see what particular harm would arise from that practice, particularly as this is virtually at the head of the cul-de-sac where traffic speeds are very low and there can be no through traffic.

## Other Matters

The objectors have raised many and various other issues some of which, such as being contrary to the terms of the deeds or would result in overhanging gutters, are not planning matters and cannot be taken into account in the determination of the application. Of the remaining matters which have some (limited) relevance the following comments are of relevance.

**Precedent:** The objector(s) argue that because there is no such similar development then permission should not be granted. This is not a basis on which an application can be determined. Clearly, if it were then anything new, original, different or innovative would have to be turned away.

No justification for increasing the roof pitch. The objector(s) argue that the existing low-pitched roofs do work and the applicant has not made a case for carrying out the works. Applicants do not have to demonstrate a need to carry out their development proposals.

Neighbours will be 'boxed-in'. The neighbour supported by others, claims that the front extension will result in her property being 'hidden away' in the corner making the property more prone to be the target of thieves and the like. Whilst public security is capable of being a planning matter the relationship here would not be so severe as to cause general concern. In many ways this is down to personal preference – some people preferring a 'hidden' location. In any event the neighbouring property is already hidden to a similar degree by a tree growing on the applicant's front garden.

## **SUMMARY**

### **In line with policies, material considerations raised but do not outweigh policies**

The development is in accordance with national and local policies as set out in Planning Policy Guidance Notes and policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to overshadowing, loss of light, being out keeping, affect on-street scene, being dominant and increasing parking problems 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. This consent relates to the application as amended by letter and plans received on 2 June 2006.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. For the avoidance of doubt.
3. To maintain the appearance of the building and in accordance with Policies H6 of the South Kesteven Local Plan.

Note(s) to Applicant

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

\* \* \* \* \*

**SU.2 S06/0851/12**

Date Received: 12-Jun-2006

Applicant	<b>Stamford Homes Ltd</b> Ashurst, Southgate Park, Bakewell Road, Orton Southgate, Peterborough, PE2 6YS
Agent	
Proposal	<b>Residential development (121 dwellings)</b>
Location	<b>Wherry Lane, Off, South Road, Bourne</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Bourne</b> Site adjoins Conservation Area Public footpath crosses site - FP1 Public footpath adjoins site A Class Road Demolition of any building - BR1 Adjacent Listed Building Site of wildlife interest - WL1 Drainage - Welland and Nene EA: Development exceeding 1ha - EA6

## **REPORT**

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

The application site is located on the west side of South Road, Bourne and is currently occupied by Wherry's industrial premises, a children's day nursery and a children's play centre. The site is adjacent to residential properties to the south, some open agricultural land to the southwest and west, the listed building of Red Hall to the north along with the fire station premises and a builders yard.

The application site measures 2.46 hectares and is long and narrow in shape, the southern end of which passes under 2 sets of overhead power cables and is adjacent to 2 public footpaths. The site is level and benefits from very dense boundary landscaping on most of its boundaries.

The site adjoins the conservation area and is very close to the town centre when compared to the majority of other new-build development within the town and, from its access point onto South Road is within 460m of the Market Place area. The application site is, in residential terms, a very sustainable area and its redevelopment would clearly be 'brownfield' in character.

## **Site History**

There is a mixed planning history to the entire site but the applications related to extensions to premises, changes of use and advertisements, all linked into the existing uses of the buildings on the land.

Application S06/0092/12 sought planning permission for the erection of 121 dwellings on the site. This application was discussed at the Development Control Committee on 2 occasions in April of this year and, whilst positively encouraged in planning terms, was refused planning permission on 25 April 2006. Members will be aware that the refusal was based entirely on highway related issues, primarily concerning the access from the site onto South Road. The reason for refusal was as follows:

1. Visibility both north and south from the proposed point of access is substantially below requirements due to the existing carriageway alignment. The junction arrangements proposed does not comply with current standards. It is considered that vehicles entering or emerging from this proposed access will be in conflict with traffic traveling on the A15, a County Class 1 Road, contrary to the interests of highway safety.

The applicants have lodged an appeal against this refusal which, although early days, is currently being considered by the Planning Inspectorate. A date for the Hearing has not yet been set.

## **The Proposal**

In an attempt to address the previous reason for refusal the applicants are now proposing an alternative type of access into the site, allowing for a traffic light controlled junction onto South Road.

Within the site 121 dwellings are proposed, allowing for a mix of development across the site providing detached dwellings, semi's, terraced rows and grouped units of apartments. The range of house types proposed would allow for different dwelling sizes and the provision of affordable housing (Section 106 Agreement).

A central spine road would run the entire length of the site to serve the dwellings. In places 'courtyard' areas and pinch-points would be provided to reduce traffic speeds and to add to the visual interest when traveling through the site. In addition to this areas to the edges of the public highway would be landscaped/tree planted to aid the visual amenity within the site.

On entering the site the existing site access to the builders yard premises to the north would be retained. The road would then feed into a courtyard area, from which a secondary (legal) access would be retained to the rear of the builders yard. The site then opens up in width and would allow for a 3-storey range of apartments to the north of the road and mixed dwellings to the south. The apartments would be site to the east of the children's nursery, which is to remain, and to the south east of the Red Hall, a grade II\* listed building. Car parking for the nursery would be provided to the west of the building as opposed to the east where it currently exists.

The access road then meanders through the remainder of the site, terminating in the main area of open space at the southern end of the site.

The site boundaries are well landscaped and the dense Leylandii screen hedge along the southern boundary is within the application site, and is shown to be removed as part of the development. Other mature trees within the site are to be retained where possible, as shown on the submitted layout plan.

At 121 dwellings the density of the site (2.46ha) equates to 49 dwellings per hectare. This is the upper end of the suggested densities in PPG3 but, as the site is within an urban area and is in close proximity to the town centre, is not considered to be an issue in this instance.

Members will recall that concern was raised when considering the previous application in relation to the provision of the modern 3-storey apartment building in such close proximity to Red Hall. The buildings were originally only 20m apart but submitted amended details showed a re-plan of the apartment buildings to site them further away from Red Hall to reduce any issues of impact on the setting of this grade II\* listed building. This amended siting has been retained as part of this application and it is considered that there will be no detrimental impact on the adjacent listed building.

Members may also recall that discussions were underway with the applicants during the consideration of the previous application in order to ensure that sufficient public open space was provided either within the site or that contributions were made for the upgrade of nearby areas of public open space. The current applications confirms that 3246m<sup>2</sup> of POS can be provided within the site. Confirmation has also been given that the applicants are happy to make a financial contribution to the upgrade of POS within the vicinity, of an equivalent amount to account for the shortfall of 1594m<sup>2</sup>. This approach is considered to be acceptable and would form part of a Section 106 Agreement should planning permission be forthcoming.

## **Policy Considerations**

### **National Policy**

PPG3 – Housing – Seeks to ensure the development of brownfield sites in sustainable locations, a good mix of house types, sizes and style and advises of development densities of between 30 and 50 per hectare.

PPG3 – Transport – Is mainly focused on traffic movements and the need to provide sustainable development with good transport links in order to reduce the need to travel by car.

### **Lincolnshire Structure Plan**

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

Policy M6 – Traffic Management and Calming – States that provision shall be made to introduce traffic management where such a scheme would promote road safety.

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

Policy H3 – Density of New Housing Development – Seeks a density of new housing development to achieve an average of 30 dwellings per hectare. The development of this urban site would achieve just fewer than 50 dwellings to the hectare.

### **South Kesteven Local Plan**

Policy H6 – Housing - Allows for development that (inter alia) has no resultant impact on the form, character and appearance of the settlement. A residential development on this site would not be harmful to the character and appearance of this part of Bourne and seeks to replace centrally located industry and business uses with residential properties. In visual terms the scheme could vastly improve the character of the area.

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

Policy REC4 – Open Space Provision – Seeks a minimum standard of 40m<sup>2</sup> of public open space (POS) per dwelling on developments of over 100 dwellings – or 4840m<sup>2</sup> for this application. As referred to above a total area of just under 3246m<sup>2</sup> of public open space (POS) is to be provided within the scheme the remainder of which will be off-set with a financial contribution towards the upkeep of nearby areas of POS.

Policy C5 – Conservation – Allows for developments that are not deemed to be detrimental to the setting of a listed building. The buildings would be well distanced from Red Hall and existing landscaping along the boundary would aid in screening the development and reduce any issues of impact on the setting of this grade II\* listed building.

Urban Capacity Study – The consultation document for the urban capacity study highlighted a possible development of 60 dwellings on this site. The formal document of December 2005 suggested a figure of 75 dwellings on the site (at a medium PPG3 density of 40 dwellings per hectare) based on only 80% of the site being developable. This figure would be closer to 100 if 100% of the site were to be developed. At the higher density of 50 dwellings per hectare the current figure of 121 dwellings would be accurate. Bearing in mind the UCS is an advisory document the proposal is not deemed to be contrary to the advice contained therein.

### Planning Gain

A Section 106 Agreement is required for this proposal to ensure the provision of affordable housing (at 31%), the provision and future maintenance of a sufficient area of public open space and a commuted sum for an Educational Contribution to Lincolnshire County Council.

In addition to the above, a further planning gain from the residential development of the site is the removal of un-fettered industrial use of the majority of the site. A residential usage in this location is far better in neighbourly terms than the existing uses of the land.

### Statutory Consultations

Bourne Town Council: – Objection

Bourne Town Council believes that this proposal is contrary to Government Planning Policy (RPG8)

The proposal is out of keeping with the historic character of the area.

Development in such close proximity to the Red Hall, early 17th mansion in red brick and Conservation Area would be damaging to a Grade II Listed Building and Conservation Area.

The proposed development would destroy a substantial Greenfield site on this land and would have a detrimental impact on wildlife.

Highways safety and traffic impact: The development's proposed access of the A15 is located very closely to a narrow S-bend. An increase in traffic moving along an already busy and narrow 'A' road, particularly at peak times is likely to be detrimental to highway safety.

The proposal of 121 dwellings is clear over-development of the site and would create an oppressive and dominant environment.

Bourne Civic Society: Comments awaited.

Local Highway Authority: Request the refusal of the planning application for the following reasons:

The junction arrangement proposed onto the A15, a County Class 1 Road is below requirements in respect of design and layout configuration. The arrangement proposed does not comply with current standards. It is considered that vehicles entering or emerging from this proposed access will be in conflict with traffic traveling on the A15, a County Class 1 Road, contrary to the interests of highway safety.

Community Archaeologist: No comments made.

Environment Agency: Notwithstanding that a Flood Risk Assessment was submitted with the proposal an objection is still raised until additional information is provided.

Lincolnshire County Council Footpaths: The definitive line and customary width of the footpath will not be affected by any proposed development.

The Ramblers Association: The development will not affect the public right of way.

Lincolnshire Policy: Note to the applicant concerning the lighting, landscaping and boundary details. A condition can be imposed relating to the lighting for areas of shared car parking.

Lincolnshire County Council Education: Request and educational contribution (via a S.106) of £390.495.

English Nature: No objection subject to a condition on any approval relating to nesting birds.

Lincolnshire Wildlife Trust: No objection subject to a condition on any approval relating to nesting bats or birds.

East Midland Development Agency: Already commented on this proposal in a letter to your Council dated 14th February 2006. We do not wish to make any additional comments on this occasion.

East Midlands Regional Assembly: This new application falls within the East Midlands conformity criteria. Point 3 in my letter of 2.3.06 still applies. It may be judged that the development affects the setting of an 11\* listed building, in which case, English Heritage would need to be consulted. There does not appear to be provision made, particularly in the communal dwellings, for the provision of facilities for the segregated storage, aggregation and collection of wastes for composting and recycling. I refer you to the Regional Waste Strategy, Policy RWS 7 regarding the existing buildings and hard surfaces etc. The S106 agreement could include consideration of upgrading the legal status, width and surface of the footpath to provide safe, segregated access to local facilities. You may also wish to investigate with the highway authority the adaptation of the wide verges/footpaths and environmental enhancements on South Road to provide footpath/cycleway links to local facilities and the town centre with associated resource implications. The earlier observations regarding the incorporation of high-energy efficiency standards and potential for local CHP schemes still stand.

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

The application has been advertised in accordance with established procedures and representations have been received from the following:

1. Mrs Harwood, 64 Southfields
2. N Hydes, 85 Northorpe Lane, Thurlby
- 3.....J Ropson, 7 Broadway Close
4. J Carvath, 12 Southfields
5. I Morley, 10 Station Avenue, South Witham
6. Stansgate Planning Consultants, on behalf of Bourne United Charities
7. A & M Smith, Ashbrook House, 23a South Street
8. I Robinson, 30 Southfields
9. M Williamson, c/o Jewsons
10. D Main, 10 Southfields

The following issues were raised:

- a) Hazardous access onto South Road, danger to pedestrians and vehicles.
- b) Previous comments on S06/0092/12 still apply.
- c) Inappropriate location.
- d) Density is too high – higher than Urban Capacity Study.
- e) Impact on the listed building of Red Hall.
- f) Pressure on infrastructure, school places etc.
- g) Drastic increase in vehicles onto South Road.
- h) Loss of trees will open up site and result in a loss of privacy.
- i) Damage to boundaries and adjacent gardens.
- j) Footpaths should remain un-diverted and open.
- k) Conflict with vehicles using the Jewsons entrances.
- l) Development contrary to PPG3 and PPG25.
- m) Impact on the Conservation Area.
- n) Flooding issues have not been addressed.
- o) Overlooking and loss of privacy.

## Planning Panel Comments

11 July 2006 – The application be determined by the Development Control Committee.

### Applicants Submissions

As part of the planning application the applicant's have submitted a Flood Risk Assessment (surface water run-off), which has been assessed by the relevant body (see above) and has been found to lack sufficient information for any formal clearance to be given. In addition to this the applicants have provided an Ecological Assessment, Design Statement, open space calculations, Transport Assessment, a Geo-Environment Investigation report, a preliminary Section 106 Agreement and large-scale details of the proposed access onto South Road.

Additionally on 7th August 2006 a comprehensive report from the Applicant's Highway Engineers was received highlighting the potential options for vehicular access into the site. This included provision for the retention of the existing junction, the provision of a right turn ghost island, the provision of a mini roundabout or the provision of a traffic signalised junction. A full copy of this report is included as an Appendix to this Agenda.

The Highway Authority have been asked to comment on this report and their views have been requested prior to the Development Control Committee.

In addition to this the following information was received from the applicants on 8 August 2006:

*'You will have received a report from Faber Maunsell, our highway consultant, on the various options proposed so far. As you will see, from the reports attached all the solutions are practical but the simple T-junction is still the best option. We have carried out a speed survey and demonstrated the actual speeds are below 30mph (23 and 28 mph) and therefore the visibility is adequate.*

*We have sought the opinion of another consultant on the approach taken by both Faber Maunsell and Lincolnshire Highways and he concurs with the conclusion that the T junction is the best solution, and that LCC's approach of absolute compliance with standards is untenable and not what the guidance is for. (Hurlstone Partnership letter attached).*

*To be absolutely sure of our position, we have also consulted TRL, the consultants used by government to formulate standards. Their comments are (submitted to the LPA) accord with the others.'*

## Other Issues

Key Issues – The key issues for members to consider in the determination of this application are as follows:

1. Access issues and highway safety at the point of access onto South Road
2. Issues of potential flooding due to the increase in surface water on the site.
3. Potential loss of privacy and overlooking.
4. Density.
5. Loss of landscaping and loss of the strong boundary hedges.
6. Impact of the development on the adjacent listed building of Red Hall.
7. Acceptability of 3-storey development within the site.
8. The provision of adequate public open space.

Policy Analysis – The policies that are relevant to this application are listed in the policy section above.

## Conclusions

The redevelopment of this site represents a brownfield development, within a sustainable location close to the town centre of Bourne. National planning policies contained in PPG3 are therefore met in this instance.

The site is currently occupied with unrestricted industrial premises, a day nursery and a children's activity centre. The potential 'bad neighbour' use of the site would be removed if planning permission was forthcoming – arguably creating a better residential environment for the adjoining residents to the south. In planning terms the proposal represents a good re-use of the land, in a sustainable location, close to the town centre.

The Highway Authority maintain the opinion that a traffic light controlled junction onto South Road would not be appropriate in this location and would be contrary to the interests of highway safety.

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

1. The junction arrangement proposed onto the A15, a County Class 1 road, is below requirements in respect of design and layout configuration. The arrangement proposed does not comply with current standards. It is considered that vehicles entering or emerging from this proposed access will be in conflict with traffic travelling on the A15 contrary to the interests of highway safety.

2. The proposed development will allow for a high level of hard surfacing to the entire site, which will exacerbate levels of surface water and potential flooding. Insufficient information has been provided in order to determine how the surface water will be dealt with, to address the concerns of the Environmental Agency, which may give rise to issues of surface water flooding in the future. Without sufficient information to overcome this issue the proposal would be contrary to the provisions of PPG25 - Development and Flood Risk (2001).

\* \* \* \* \*

SR.1 S06/0779/17

Date Received: 25-May-2006

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

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Carlby</b> 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 the following:

1. P Launders, Spa Halt, Spa Road, Braceborough.
2. Rachael & Richard Barron-Clark, Church View House, Greatford.
3. Greatford Parish Council.
4. Alan & Betty Rose, Ash Lodge, Carlby Road, Greatford.
5. Mike & Pat Smith, 14 Greatford Gardens, Greatford.
6. Dr Ann Henley, 4 Greatford Gardens, Greatford.
7. Lincolnshire Wildlife Trust.

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**

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.

**This application was deferred from the last meeting for Members to undertake a site inspection.**

**The Highway Authority have made the following additional comments in response to representations on this application:**

**“In respect of the removal of this bridge and the ‘levelling’ of carriageway alignment would be constructed/designed and approved to the requirements of this (highway) authority and current regulations.**

***As part of the scheme the authority will look at enhancing the signing and junction arrangements from Calby Road onto the A6121, Stamford Road. The authority is aware of HGV issues in this area, but it would be unreasonable to request refusal of this application”.***

The following representations were not included on the agenda for the last meeting:

From Carlby Parish Council:

1. The bridge is of historic interest.
2. Existing hedgerow on either side of bridge is mixed mature native trees and shrubs, which is better for wildlife than just hawthorn, as proposed.
3. Bridge acts as a speed hump for traffic approaching A6121 junction from Greatford.
4. Proposal would have a detrimental effect on the environment of this rural area.
5. Why has speed restriction not been imposed if bridge is structurally unsound?

From members of the public:

1. Clive Osborne, 7 Main Street, Greatford
2. Dr K M Langley, The Grange, Bourne Road, Carlby
3. Mrs L M Webb, 1 Old Bridge Cottage, Greatford
4. Mr G M and Mrs H J Campbell, The Brimble, Rectory Drive, off Carlby Road, Greatford

Issues raised:

- a) Proposal will add to the problem of HGV's using this route to avoid the HGV ban in Stamford and as a shortcut, rather than following the recommended lorry routes. (4)
- b) HGV traffic is destroying the road surface and edges of the carriageway, despite frequent costly repairs. (2)

- c) Removal and re-profiling will increase speeds on approach to junction with A6121. (3)
- d) This type of bridge is part of character of English roads and Countryside. Should be protected. (2)
- e) Proposal will mitigate against the possibility of old railway being used as a linear park.(1)
- f) Weight limit should be imposed and bridge retained. (2)

\* \* \* \* \*

Applicant	<b>Countryfield Village Homes Ltd</b> First Floor Office, Portland Chambers, King Street, Southwell, Notts, NG25 0EH
Agent	Rosamund Nicholson Knapeney Farm, Ossington Lane, Ossington, Newark, Notts, NG23 6ND
Proposal	<b>Demolition of exg dwelling &amp; erection of 24 starter homes</b>
Location	<b>24, Doddington Lane, Claypole</b>

<u>Site Details</u>	
<b>Parish(es)</b>	<b>Claypole</b>  C Class Road Demolition of any building - BR1 Area of special control for adverts Airfield Zone - No consultation required Drainage - Lincs

## REPORT

### The Site and its Surroundings

The site forms a rectangular parcel of land to the west side of Doddington Lane that is currently occupied with a single dwelling. The site is flat and is well landscaped to the boundaries, although at the time of drafting this report some site clearance works were underway.

There is a single dwelling to the north of the site (20 Doddington Lane) and to the north of that is the recent Bovis development. Opposite the site to the east is a residential development of around 10 years old. Immediately to the east and south of the site are open agricultural fields.

### Site History

Application S04/0943/21 sought consent for the residential development of the site, but was withdrawn by the applicant on 19 August 2004.

Outline planning permission was granted for the residential development of the site on 20 January 2005, under application reference S04/1829/21. Condition 6 of the outline planning permission stated:

1. The siting of any dwelling on the site shall take the form of road frontage development, which should avoid any forms within the western half of the site.

A further application was made towards the end of June 2005, under application reference S05/0893/21, for the variation of Condition 6 of the original outline approval to allow for a more comprehensive development of the site by showing a hatched area of land, sweeping around the south-west portion of the site, which would remain un-developed to provide a break between the built form and the open countryside to the west and south.

Following much debate the application was approved at the Development Control Committee on 13 September 2005 with the following (varied) condition imposed:

1. The hatched area on the submitted plan shall not contain any built development and shall form a landscaping belt, in accordance with details to be submitted to and approved in writing by the local planning authority, to screen the development and provide a gentle transition between the built environment and the open countryside to the west and south of the application site. Planting shall be carried out in accordance with the approved details.

Reserved matters approval was sought under application S05/1453 for the erection of 20 dwellings on the site. It was established through the consideration of this application that, due to discrepancies between the reserved matters application and the outline planning approval that it was pursuant to, that the application was invalid. To overcome this the applicants withdrew the application, on 1 March 2006, and submitted a subsequent application to rectify the anomalies on the outline planning permission (S04/1829/21 – referred to above).

Members will be fully aware of the recent application, S06/0347/21, to amend one of the conditions imposed on the outline planning application and to omit one other condition. Both of these conditions related to highway issues. This application was approved at the Development Control Committee on 13 June 2006.

Consent is therefore in place, in outline form only, for the residential development of the site with an access to serve the site of an adoptable standard and with visibility splays that are acceptable to the Highway Authority.

### **The Proposal**

Reserved Matters approval is sought for the erection of 24 'starter homes' on the site. Access into the site will be as per the details approved on the outline planning permission. The access road feeds into the centre of the site with the proposed dwellings arranged around the turning feature.

The proposal offers a variety of small 2 and 3-storey (rooms in the roof) properties with the provision of 10 apartments, arranged in 2 3-storey blocks, to the south west side of the site, following the agreed line beyond which no development should take place (see application S05/0893/21 as referenced above).

All of the apartments are 2-bedroomed and the semi-detached and terraced properties on the remainder of the site are all 2-bedroomed other than plots 6, 7 and 17 which are 3-bedroomed. The properties are well designed, incorporating many features that are common to village development and, due to their unique designs and siting, offer a good roofscape to this part of the village, without compromising the street scene characteristics.

To the rear of the apartment buildings would be a shared area of amenity space and landscaping that would be available for use by all the future occupiers of the dwellings on the site.

The dwellings to be sited along the northern boundary of the site have been carefully designed in order to avoid any issues of height impact and overlooking on the neighbouring dwelling to the north (20 Doddington Lane). Plot 1 is level with the neighbouring dwelling and has no impact on the adjacent dwelling. Plot 2 has a single window at first floor in the rear elevation, serving only a WC/bathroom. Plots 3, 4 and 5 only have rooflights at first floor on the rear elevation, serving bedrooms and the side elevation to plot 6 has a blank gable wall facing north-east.

A plan submitted on 28 July 2006 identifies 10 existing properties within 100m of the application site that are either 3-storey or incorporate a 2nd floor within the roof area. There are other examples within the village of 3-storey development (modern and traditional), which gives further evidence that this height of development is not uncommon in a rural location.

In addition to these details the applicants have also provided elevational drawings of the properties through the site to show the development in context and to offer a clearer indication of how the development will be viewed from within and outside of the site.

Members will recall that issues relating to the sustainable character of the village, a potential Section 106 Agreement and the future density of the site were all discussed at the June Development Control Committee. The principle of the development of the site has been established by the approved outline permission and the proposed dwelling numbers have been accounted for in the housing figures. A Section 106 Agreement cannot be imposed on a reserved matters application and, based on the site area and the dwelling numbers proposed the density of the site is compliant with PPG3 suggested densities.

## **Policy Considerations**

### **National Policy**

PPG3 – Housing – Seeks to ensure the development of brownfield sites in sustainable locations, a good mix of house types, sizes and style and advises of development densities of between 30 and 50 per hectare.

## Lincolnshire Structure Plan

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

## South Kesteven Local Plan

Policy H6 – Housing – Allows for development that (inter alia) has no resultant impact on the form, character and appearance of the settlement. A residential development on this site would not be harmful to the character and appearance of this part of the village and seeks to replace an existing dwelling with residential properties. In visual terms the scheme would not be harmful to the character of the area.

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

Policy H9 – Seek to ensure the provision of a good mix of dwelling styles and sizes to cater for a range of housing needs.

## **Statutory Consultations**

Parish Council:

1. 85% of the site area is hard surface which gives cause for concern regarding surface water disposal. The pond arrangements for dealing with this are not clear and may not be adequate. This view is partly based on the recent experiences with the closely adjacent Bovis estate and the problems with drainage there.
2. Safety of the pond needs some consideration given that these homes are starter homes and will inevitably have a number of small children who may be at risk.
3. The school, as you are aware, is already experiencing demand exceeding capacity and this will add to those problems.
4. The designs of the properties are fine and the Architect has gone to some lengths to meet concerns of residents in a sympathetic manner. The issue of village infrastructure and its capacity to absorb a further 24 properties remains a concern.

Local Highway Authority: Request the imposition of 3 conditions and a 'note to applicant' on any approval.

Community Archaeologist: No comments made.

Environment Agency: No comment made.

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

The application has been advertised in accordance with established procedures, the closing date for representations being 11 August 2006. At the time of drafting this report representations had been received from the following:

1. Mrs C Collier, 11 Wickliffe Park
2. Mr T Thomas, 12 Moore Close
3. C Sharp, By email, address withheld
4. Mr D Grove, 33 Doddington Lane

The following issues were raised:

- a) Village is classed as un-sustainable, how can more development be accepted?
- b) Impact on village infrastructure, school and services
- c) Noise levels from development will impact on adjacent dwellings.
- d) More use of cars and increase in volume of traffic on village roads.
- e) Visual impact.
- f) Further drain on resources.
- g) Access on a dangerous bend – highway safety.
- h) Densities exceed Government guideline for rural areas, set out in PPG3.

### **Planning Panel Comments**

25 July 2006 – The application be deferred to the Development Control Committee for consideration.

### **Applicant Submissions**

A comprehensive car-parking appraisal was submitted as part of the application, which has been considered and accepted by the Highway Authority.

### **Conclusions**

The site is clearly 'brownfield' in character and is therefore sequentially preferable for re-development to 'greenfield' sites that may exist within or on the edges of the village. As the site is within the built-up area of the village it does not create an expansion of the village contrary to its form and character. Further enhancement is gained by the preservation of the landscaped belt to the south-west corner of the site. On this basis it is considered that the proposal also conforms to the key issues of PPG3 as well as housing policy H6 and environmental policy EN1 of the South Kesteven Local Plan.

The development also conforms to Policy LH9 of the South Kesteven Local Plan as it provides a good mix of dwelling styles and sizes to cater for a range of housing needs.

Further large-scale development within the village is now protected against through the Interim Housing Policy and local and national policies relating to sustainable development.

## **SUMMARY**

### **In line with policies, material considerations raised but do not outweigh policies**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) 3, policies H6, H9 and EN1 of the South Kesteven Local Plan. The issues relating to impact on infrastructure, noise, traffic generation, visual impact, highways safety and densities of development are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. Before the development is brought into use, the private driveway shall be provided with lighting (to a minimum level of BS 1549) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
2. The first floor window in the north elevation of Plot 1 shall be non-opening and fitted with obscure glazing in perpetuity. No variation shall be made to this window without the written consent of the local planning authority.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows or roof lights (other than those expressly authorised by this permission) shall be constructed within plots 1 to 6.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no buildings, outbuildings, extensions, conservatories, garages, garden structures or other such developments shall be erected on the land without the express permission of the District Planning Authority.
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. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

7. The arrangements shown on the approved plan 1205.A.2.A dated 24 July 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
8. This consent relates to the application as amended by cross sectional elevations through the site as received on 6 July 2006 and elevational and layout details received on 10 July 2006.

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

1. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety and in accordance with Policy EN1 of the South Kesteven Local Plan.
2. To ensure that there is no direct over-looking of the adjacent property to the north in the interests of residential amenity and to ensure a satisfactory development as in accordance with policy EN1 of the South Kesteven Local Plan.
3. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policy 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 EN1 of the South Kesteven Local Plan.
6. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy H6 of the South Kesteven Local Plan.
7. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policy H6 of the South Kesteven Local Plan.
8. For the avoidance of doubt.

Note(s) to Applicant

1. Your attention is drawn to the conditions imposed on the outline planning permission S04/1829/21, and subsequent applications to vary those conditions as approved under applications S05/0893/21 and S06/0347/21, which remain relevant in this instance.

\* \* \* \* \*