

Development Control Committee

12 September 2006

NR.1 S06/0482/47

Date Received: 31-Mar-2006

Applicant	Mr & Mrs M Jasinski Little Scotland Farm, Scotland Lane, Ingoldsby, Grantham, NG334ES
Agent	Mr M O Powderly Bsc, MRTPI 26, Lincoln Drive, Melton Mowbray, Leics, LE13 0AH
Proposal	Conversion of stables to two dwellings
Location	Little Scotland Farm, Scotland Lane, Ingoldsby

<u>Site Details</u> Parish(es)	Ingoldsby Public footpath adjoins site Unclassified road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The application site is on gently sloping land, situated on the south side and approximately 250 metres along Scotland Lane. The site is in the hamlet of Scotland, which extends westwards along Scotland Lane from its junction with the C418 Boothby Pagnell Road approximately 300 metres west of the village of Ingoldsby.

The hamlet is a mix of farmsteads and about eleven dwellings, varied in appearance and including dwellings of modern design as well as converted traditional farm buildings. The properties are irregularly spaced but predominantly in the form of frontage development either side of the lane. Scotland lane is a no through road of approximately single carriageway width and with a number of passing places, mainly at the entrance to the properties.

At the roadside and adjacent to the farm entrance is a range of single storey, brick built, pantiled stables/barns arranged in a "U" shape configuration with the wings running away from road. Immediately to the rear of the barns is a modern portal-frame agricultural building with a lean-to structure.

To the south east of the farm yard is another portal frame building and the farmyard doubles as an operating centre for a haulage business run by the applicant.

Site History

S03/021 Conversion of barns to 2 dwellings and erection of 5 new dwellings. Application called in and refused 24.10.04.

The Proposal

This is an application for full planning permission to convert the stables into two dwellings and not for holiday lets. This proposal stands alone and is not linked to any other redevelopment of the farm.

The amended plans for the conversion will not enlarge the buildings and only one additional opening is to be created. Each conversion will have an independent access onto Scotland Lane.

The private amenity areas will be created within the courtyard and these will extend into the area of a building to be demolished. The gardens are not to abut the remaining barn because an access to the farmhouse is proposed.

Internal layouts of the barns mitigates overlooking and provides for a corridor between bedrooms and the existing farm access.

Policy Considerations

National Planning Policy

PPS1 – Delivering Sustainable Development. PPS1 sets out the governments broad aims and objectives on planning policy. The key thread of this policy is the principle of sustainable development, the prudent use of natural resources and social cohesion and inclusion. There are numerous definitions of sustainable development but the basic principles involve the re-use of previously developed sites well related to the existing settlement and easily served by a range of transport choices for future occupants.

PPG3 – Housing. PPG3 specifically outlines the governments objectives in relation to the provision of housing. Whilst pre-dating PPS1, PPG3 also confirms the primacy of delivering sustainable developments. This guidance provides information that is of particular relevance to this proposal on the following matters (relevant paragraph numbers provided):

1. *Avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes (para 11).*
2. *The Governments commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22).*
3. *Undertaking of a sequential approach to site selection (para 30 and 31).*
4. *Making best use of land, i.e. avoiding developments below 30 to the hectare (para 57-58).*

5. *Defining previously developed land (annex c).*

PPS7 – Sustainable Development in Rural Areas. Paragraphs 17 and 18 refer to the re-use of agricultural buildings. This is a permissive policy which seeks to achieve commercial use of the buildings, where appropriate, before their use for residential purposes.

PPG24 – Planning and Noise. Sets out the criteria when considering noise issues.

Development Plan

Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the overall housing requirement for the County. It also sets out policies for ensuring sustainable pattern of development, including a sequential approach to the location of development (Policy 2 & 3)

Lincolnshire Structure Plan 2006. This plan has now been adopted subject to legal challenge. As with all contemporary planning documents the promotion of sustainable development is the central plank of the revised Structure Plan. The Structure Plan translates the regional strategic housing requirement into district allocations. As Members will be aware South Kesteven's allocation has been cut to approximately 9,200, a figure which has largely been accommodated in commitments and urban capacity sites. The revised Structure Plan identifies the settlement hierarchy for the County.

Additionally the revised Structure Plan adopts a lower than national threshold for the delivery of previously developed sites at 40% of all new dwellings.

South Kesteven Local Plan 1995.

Interim Housing Policy – Limits residential development in the “rural area”, i.e. all villages not defined as Local Service Centres and in the open countryside and only housing proposals that fall within one of three exceptions will be allowed. The third exception states:

Conversion of buildings provided that the following criteria are met:

- i) the building(s) contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;
- ii) the building(s) are in sound structural condition;
- iii) the building(s) are suitable for conversion without substantial alteration, extension or rebuilding;
- iv) the works to be undertaken do not detract from the character of the building(s) or their setting; and
- v) it can be demonstrated that all other alternative uses have been considered.

Policy EN1 – The Protection and Enhancement of the Environment. This is a general consideration policy that aims at ensuring that new developments do not have an adverse impact upon their environs.

Policy EN3 – Areas of great Landscape Value. This is a restrictive policy and development is measured against one of three criteria. The relevant criteria for this application is that it relates to the appropriate re-use or adaptation of existing agricultural and other rural

buildings provided that the proposed use, form, bulk, and general design of the converted buildings are in keeping with their surroundings.

Statutory Consultations

Local Highway Authority: Advise that certain highway improvements are to be undertaken within the highway to widen the junction of Scotland Lane and the Boothby Pagnell Road; create a passing place approximately half way between the junction and the access to the site and improve the access and carriageway width opposite the site entrance.

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

Parish Council: Does not propose to enter any representations with regard to the application.

Representations as a result of publicity

In respect of the original scheme five letters of objection were received and the following issues were raised:

- a) The Secretary of State decided that there should be no further development in the area of Scotland Lane.
- b) Where are the septic tanks to be located and what consideration is being given to their run off.
- c) The entrance to the haulage yard has been greatly reduced in width.
- d) Is this planning by stealth for future development.
- e) The call-in Inspector concluded:
"In my view there is no housing need justification for the residential development, including the barn conversions, at little Scotland Farm."
"I conclude that the proposed housing would not have good accessibility to jobs, shops and services by modes of transport other than the car, with no significant potential for improving such accessibility"
"Overall I consider the residential development would not make a significant contribution to the development of a sustainable community";
"I consider the mix of business and residential use in close proximity would not be compatible, especially in view of the position and building configuration of the barns"
- f) The current haulage business will continue in the farmyard adjacent to the proposed conversions and adjacent to the steel framed machine barn and store contrary to the conclusions presented at The Public Inquiry.
- g) The following questions on the application form are incorrect.
- h) Does the development involve anything other than houses or house extensions ?
- i) Does this application relate to any dwelling in connection with agriculture ?
- j) Does the applicant own or control any of the adjoining land ? There is a list of land holdings outside the blue line.
- k) New access onto Scotland are questioned as to their safety.

In respect of the amended scheme correspondence objecting to the development has been received from three individuals raising the following matters:

1. A letter with the amended plans mentions holiday homes has the application been changed ?
2. Previous comments still apply.
3. The applicant's agent refers to a desire to relocate therefore the intention to develop holiday lets is not the real reason for the application and that this is an attempt to develop the site piecemeal.
4. A list of the applicant's land holdings is given in various parts of the district.
5. Adverse impact of noise on the future occupants of the conversions.

Planning Panel Comments

25 July 2006– Defer the application to the Development Control Committee for full consideration.

Applicants Submissions

The applicant's have submitted three letters in the course of this application, the first with the application, the second with the amended plans and a third in respect of noise amelioration.

These letters are also included in an appendix to this report

Planning Considerations

The key issues of this application are precedent of previous decisions, policy, noise and the impact on the character of the area.

Precedent of Previous Decisions

A previous decision is a material consideration and previous decisions by the Secretary of State must be given greater weight. The rationale for that is given by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* [1992] 65 P&CR 137 at 145, in which he said:

"It was not disputed in argument that a previous appeal decision is capable of being a material consideration. The proposition is in my judgement indisputable. One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the appellate process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgement. He is therefore free upon consideration to disagree with the judgement of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.

To state that like cases should be decided alike presupposes that the earlier case is alike and is not distinguishable in some relevant respect. If it is distinguishable then it usually will lack materiality by reference to consistency although it may be material in some other way. Where it is indistinguishable then ordinarily it must be a material consideration. A practical test for the inspector is to ask himself, whether, if I decide this case in a particular way am I

necessarily agreeing or disagreeing with some critical aspect of the decision in the previous case?"

In order for a previous decision properly to be taken into account it is necessary that not just the fact of the determination, grant or refusal of planning permission, should be known to the decision maker and taken into account, but regard should be had to the basis of the decision.

The applications determined by the Secretary of State related to the comprehensive redevelopment of the farmyard and the development of the farm at Bitchfield Road and the two were interlinked. The farmyard was to be developed by the conversion of the barns into two dwellings and the erection of 5 new dwellings.

Clearly this application is distinguishable from the previous application in that this is simply for the conversion of the barns/stables and deletes the new buildings for the other 5 dwellings. Further there is no proposal, linked or otherwise, for a farm at Bitchfield Road. It is then pertinent to consider whether it is material in some other way.

The objectors quote sections from the Inspectors Report and these have been set out above. Firstly attention is drawn to the Inspectors conclusion that there is no housing justification for residential development. This conclusion dealt with 1) new development of 5 houses and 2) change of use of existing buildings. The Inspector prefaced this conclusion by stating that there was a policy vacuum on the overall level of housing required in the district. This vacuum has been filled by the Interim Housing Policy that has identified locations for sustainable development..

The Interim Housing Policy restricts residential development in the hamlet of Scotland, and only development that accords with one of the three identified exceptions to development in non-sustainable locations can be recommended for approval. A common theme between this application and that at Scotland House is that officers consider that both the host buildings are buildings that contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form; are in sound structural condition; are suitable for conversion without substantial alteration, extension or rebuilding; the works to be undertaken do not detract from the character of the building(s) or their setting; and it can be demonstrated that all other alternative uses have been considered.

The view that the barns at Little Scotland Farm contribute to the character of the area is re-inforced by the Inspector who states at paragraph 12.19 "The barn conversions and the use of the courtyard layout would be in keeping with the rural scene. The simple rectangular forms and the general massing would reflect the local character. The scale of the individual dwelling would respect the scale of neighbouring Development." She then went on to contrast this with the new buildings at the rear, and drawing on previous paragraphs in her report, would have an adverse impact on the character on the area that was mainly composed of frontage development. Your officers requested amended plans and there is only one new opening being created and would concur with both the Inspectors conclusions. It is considered that they are structurally sound, a structural engineers report has been submitted concluding their soundness, and that there are no substantial extensions.

Officers consider that the buildings, in both this application and at Scotland House, should not be used for other uses because this would introduce a business use at Scotland House and add further independent business uses at Little Scotland Farm. Officers consider that this would adversely affect both sites.

Your officers consider that the last quote from the Inspectors Report stated by the objectors is being taken out of context. Paragraph 12.65 quoted in full states "In relation to the proposed barn conversions, PPG7 encourages re-use for business rather than residential purposes. However, there was no information available on the availability of rural buildings for business re-use [7.10]. I consider a mix of business and residential use in close proximity would not be compatible, especially in view of the position and building configuration of the barns"

Your officers consider that the inspector was stating that the barns of this application were not suitable for business use because of their relationship to other dwellings. This conclusion, one with which your officers concur, is supported by the Inspector stating at paragraph 12.41 "...I consider the weight of the evidence is that the agricultural haulage business can operate satisfactorily from the existing site without causing significant harm to the living conditions of nearby occupiers through unreasonable disturbance."

To put the objector's construction on the mix of business and residential uses, that the barns are not suitable for residential development because of the haulage business, means that the two conclusions of the Inspector conflict. Your officer's construction is considered to be the logical meaning derived from the two conclusions.

Your officers conclude that application S03/0210 is a significant material consideration. However, the parts of the decision that are relevant to this proposal are only a part of the whole decision and are supportive in some respects as explained above. Taking the relevant elements of the previous decision, the Interim Housing Policy and the recent grant of permission for a similar change of use, also on Scotland Lane, there is sufficient reason to reach a conclusion on this proposal which differs from the Secretary of State's overall decision on the previous application.

This application has much in common with S06/0220 at Scotland House; one of the objectors has sought in correspondence to distinguish the application at Scotland House from this application by stating that "...it did not involve new residential building, as to my knowledge that barn conversion has been in lawful occupation since about 1999." Your officers disagree, firstly the building had been subject to a condition that it should be ancillary to the main dwelling house and because no certificate of lawfulness had been granted the occupation of the barn conversion was unlawful in 1999. In both cases there is no new building but the material change of use of buildings to independent dwellings.

Policy

The key policy in this application is the Interim Housing Policy derived from RSS8, PPS7, PPG3, PPS1 and the Lincolnshire Structure Plan. Much of this policy has been rehearsed above and your officers conclude that this development accords with the criteria set out in exception 3 of the Interim Housing Policy and is therefore acceptable.

Noise

Objectors have stated that noise from the haulage business will have an adverse impact. The applicant's have stated that the buyers will be aware of the situation when they purchase the properties. Whilst this may be true your officers consider that this impact should be addressed. PPG24 offers the following advice:

1. When assessing a proposal for residential development near a source of noise, local planning authorities should determine into which of the four noise exposure categories (NECs) the proposed site falls, taking account of both day and night-time noise levels.

Local planning authorities should then have regard to the advice in the appropriate NEC, as below:

NEC	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning Permission should normally be refused.

3. The NEC noise levels should not be used for assessing the impact of industrial noise on proposed residential development because the nature of this type of noise, and local circumstances, may necessitate individual assessment and because there is insufficient information on people's response to industrial noise to allow detailed guidance to be given. However, at a mixed noise site where industrial noise is present but not dominant, its contribution should be included in the noise level used to establish the appropriate NEC.

Your officers have concluded that the site falls into Category B. Members attention is draw to the first page of the agent's letter received 14 August 2006 stating the measures to ameliorate noise and it is considered that a condition be attached to implement these measures. It is consider that the implementation of these measure will render the application acceptable with regard to noise.

Character of the Area

The character of the area is composed of properties that are irregularly spaced but predominantly in the form of frontage development either side of the lane.

The Inspector concluded in paragraph 12.13 "... I found the farmyard and agricultural buildings to be in keeping with the rural landscape setting, because as explained in evidence by the Rule 6 third parties, the existing site is a typical working rural farmyard [8.20]. In contrast, the concentration of the new housing would introduce a development of atypical character." The Inspector further stated at paragraph 12.19 "... In assessing whether the scheme would reflect good design I have referred to the advice in the SPG [4.14]. The barn conversions and the use of a courtyard layout would be in keeping with the rural scene. The simple rectangular forms and the general massing would reflect local

character. The scale of the individual dwelling would respect the scale of neighbouring development ...”

This development will continue that form of development and in this respect conforms to the criteria of Policy EN3 and is not disputed by the Inspector and therefore considered acceptable.

Other matters raised by Objectors

The objectors have raised other matters relating to land holdings outside the red and blue lines of the applicant and whether these can be developed. These comments are made in conjunction with speculation that the refused application is to be made piecemeal and that an application to relocate the farm to Bitchfield Road will be made. The applicant has stated openly that he still desires to relocate at some time and that he will consult Planning Officers prior to making any application. Any such proposal would have to be considered on its own merits, and current policy, and against the conclusions of the Secretary of State, for example, agricultural justification and landscape impact.

Other matters have been raised in correspondence by both objectors and applicant and are considered to be not material to the determination of this application.

Conclusion

It is concluded that this application is distinguished from the previous refusal because of the nature of the development and that any material issues have been addressed through the Interim Housing Policy. It is concluded that the development accords with the criteria of the Interim Housing Policy and Policy EN3. The development is considered acceptable.

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. The development shall not be commenced until the works required by Lincolnshire County Council Highways within the highway have been completed.
3. The development shall accord with details stated in a letter from Mr M Powderly dated 14 August 2006 in respect of noise mitigation measures.
4. Notwithstanding submitted details, 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. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, The Proposed Layout received 12 June 2006, and retained for that use thereafter.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no development relating to Class A of Part 1 of Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.
7. 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.
8. This consent relates to the application as amended by amended plans received on 12 June 2006.
9. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.
10. All materials to external elevations shall be made good using matching and where available original materials.
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. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To improve highway safety to accord with PPG25.
3. To mitigate the impact of possible noise to accord with Policy EN1 and PPG24.
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 Policy EN1 of the South Kesteven Local Plan.
5. 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 T3 of the South Kesteven Local Plan.
6. To protect the character and visual amenities of the area and the amenity of adjacent residential properties, and in accordance with the Interim Housing Policy and Policy EN3 of the South Kesteven Local Plan.
7. 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 the Interim Housing Policy and Policy EN3 of the South Kesteven Local Plan.
8. For the avoidance of doubt.

9. To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on the site and in accordance with Policies EN1 and EN3 of the South Kesteven Local Plan.
10. To maintain the appearance of the building and in accordance with Policy EN3 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 PPG25 and Policy EN1 of the South Kesteven Local Plan.
12. No such details have been submitted and the district planning authority wish to be in a position to ensure that the proposed details are sympathetic to the property and in accordance with Policy EN3 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.

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Applicant	BRB (Residuary) Limited 5th Floor, Hudson House, York, YO1 6HP
Agent	Jacobs Babbie 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

<u>Site Details</u> 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
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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.

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 Carlby 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:

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)

This application was deferred from the last meeting for the submission of further information on the structural condition of the bridge and its life expectancy.

The following additional information has been submitted by the Agents:

Thank you for your letter regarding the further deferment of a decision regarding planning permission.

With regard to more detailed information on the structural condition of the bridge, it should be noted that the critical defects were detailed in the "Additional Information" submitted with the planning application.

I have included an extract from the Condition Report issued to our client which basically gives the same details as those given in the "Additional Information".

Construction Type

EBO 3 is a 3 span brick arch bridge with span to rise ratio of approximately 4:1. Little is known about the construction form of the abutment construction; other than that they are constructed from brick. The piers are approximately 2.6m high (above ground level) but nothing is known about the foundations at present. The parapets are of brick construction with a ridged coping-stone and are approximately 1.2m high. All the brickwork appears to be English bond, with the arch barrels being 4 no. rings thick (475mm approx).

Structural Capacity

The actual capacity of the EBO 3 is not known but the bridge is being monitored quarterly for continuing movement.

Summary of Condition

- **Arch barrel**

The centre arch barrel is in fair condition, however the side arches exhibit some vertical cracking 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.

- **Abutments**

Little of the abutments are visible but it would appear that there has been a certain degree of settlement indicated by the position of cracking in the arch barrels.

- **Piers**

The piers are not showing any sign of rotation or settlement and as such are in reasonable condition. There does not appear to be any water staining on them or significant open joints.

- **Parapets**

The parapets have significant cracking particularly 7m in from the west pilasters. These cracks are being monitored but there are significant signs of rotation of the parapets with crack widths up to 40mm at coping level.

- **Wingwalls**

There are no wingwalls on the structure, instead the ground ramps at a gradient of approximately 1:1.5 down to the former track bed.

- **Cause of Defects**

The cracking to the side arches, spandrels and parapets above is consistent with the abutments having rotated away from the former railway and suffered settlement relative to the piers.

The defects described in the “Additional Information” and above extract are symptoms of the rotation of the abutments.

The fractures in the parapets and spandrels as well as the deviation in the line of the string course are all due to this movement.

To estimate the expected future life of the bridge is very difficult as it is dependent on the degree of movement of the aforementioned abutments and associated fractures and hinges. The structure has been subject to a 3 monthly monitoring scheme where movement has been recorded at various monitoring points throughout the structure. The results have shown that the movement is continuous but also shows seasonal variation. Due to the varying results and the complexity of arch structures, the expected future life of the bridge cannot be easily determined and it would not be appropriate for Jacobs or BRB (Residuary) Ltd to quote a figure.

BRB (Residuary) Ltd's first priority is to ensure the safety of members of the public using their infrastructure. The design submitted will remove any future risk to the public that this structure poses.

At the last meeting several Members suggested the bridge should be retained for its historic interest. With this in mind, it has been inspected by the Conservation Officer and his conclusions are as follows:

It is basically a 3 arch brick structure, with a tarmac deck and guard walls on either side of the road. The walls include a smooth plinth and flush gabled brick coping, and coped blue brick pillars

at either end. The coursing is alternate headers and stretchers in red brick with occasional blue brick infill. On the outside, there is evidence of more substantial areas of blue brickwork in the arches themselves and on the infill between, but this appears to be very random in nature, with no particular decorative pattern being followed. The only decorative feature appears to be a semi-circular brick string course above the arches, which this may simply serve to define the deck level on the other side.

There is evidence of ongoing spalling in the arches and elsewhere, and potentially serious failure in parts of the walling adjacent to the road. Some repair work has been carried out here, but with no regard to the appearance of the structure. "Tell tales" are presently in place to measure any current movement, and it is likely to deteriorate further.

This bridge is in my view a simple functional structure of basic design for its purpose. Of its type I would consider it to be of little architectural or historic merit, and it appears to have outlived its purpose.

I do not therefore consider that on conservation grounds, a case can be made for its retention.

* * * * *

SR.2 S06/1010/78

Date Received: 13-Jul-2006

Applicant	Stamford Developers Limited C/o Agent
Agent	Jonathon Hartley The Old Curiosity Shop, 28, St. Peters Street, Stamford, PE9 2PF
Proposal	Conversion of garage to playroom and orangery extension
Location	Plot A Adj, Barclay House, Bertie Lane, Uffington

<u>Site Details</u> Parish(es)	Uffington Conservation Area Public footpath abuts site Unclassified road Radon Area - Protection required Area of special control for adverts C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Welland and Nene
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REPORT

Representations Received

Parish Council:

At our recent meeting the above application was discussed and comments made:

- All the Parish Council's comments still stood, as in letters dated 1 February 2006 and 11 July 2006. This development was out of keeping for the area around the Listed Bertie Arms was too large for the plot and any further extensions would just exacerbate the problem.
- This dwelling had previously been moved to the south away from Bertie Lane, and therefore made it less overpowering to the adjacent Bertie Barn property. These proposed extensions will bring it back nearer to the house and lane once more.
- A site visit should be considered.

Local Highway Authority: No observations.

Community Archaeologist: Does not affect any known archaeological site.

Neighbours and other representations: Two representations have been received raising, in summary, the following issues:

- Third time garage has been re-sited.
- Will result in lengthy blank wall outlook to The Old Smithy.
- Alternative garage tacked onto end wall of the house will be most pervasive. Without garage where will owners vehicles be parked?

Officer Report

Reason for referral to Committee

This application has been referred to Committee at the request of the local member, Cllr Moore.

The Site and its Surroundings

The application property is one of two detached dwellings currently under construction on the south side of Bertie lane, between the existing residential properties of The Old Smithy and Barclay House. The plot formerly formed part of the garden to Barclay House and part of a paddock to the south.

Both houses were the subject of a permission in April 2005 (S04/1447/78) but that on Plot A was the subject of a more recent approval for a revised scheme (S06/0022/78) which incorporated a single storey element projecting forward to within 10.5m of Bertie Lane.

The neighbouring plot has approval for a detached double garage positioned within 2m of Bertie Lane.

The Proposal

Permission is now sought to add a double garage to the front of the house to replace that in the approved scheme, which is to be converted to a 'playroom'. This would bring the single storey forward projection a further 5m towards Bertie lane and result in a continuous wall along the western boundary with The Old Smithy of 4.4m for the single storey element

and a further 4.1m for the two storey part of the house. The former would, at its closest, be 1m from the boundary with The Old Smithy and the latter would be set back 4m from it.

It is also proposed under this application to add an 6m x 3.8m Orangery onto the south eastern part of the rear of the house.

The materials and details for both would match those of the house as previously approved.

The Main Issues

The main issues associated with this proposal involve the impact of the proposed forward extension on the neighbouring property to the east and on the street scene of this part of the Uffington Conservation Area.

Planning Policy

PPG15 – Planning and the Historic Environment.

Lincolnshire Structure Plan

Policy BE3 – Conservation of the Historic Building Environment.

Conservation Areas and their setting will be protected from development damaging to their setting.

South Kesteven Local Plan

Policy H6 – Development in Towns and Villages

Extensions to existing dwellings will be assessed on their impact on the form and character of the settlement and on the community and its local environment.

Policy EN1 – Protection and Enhancement of the Environment

In respect of buildings, reflect the general character of the area through layout, siting, design and materials.

Policy C9 – Development in Conservation Areas to be considered having regard to:

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

Site History

Previous applications on this site are as follows:

S06/0022/78	Erection of dwelling and garage and change of use of paddock to domestic garden. Approved – August 2006.
S04/1447/78	Erection of two detached dwellings. Approved – April 2005.

S04/0484/78	Erection of dwelling. Withdrawn – August 2004.
S03/0180/78	Residential Development (Outline) Renewal. Approved – May 2003.
S99/1208/78	Residential Development (Outline). Approved – March 2000.

Considerations

Impact on Conservation Area

It is considered that the proposed development would have no adverse impact on the street scene of this part of the Conservation Area. The details and materials are to be the same as the house already approved and the forward extension would not be as close to Bertie Lane as the plans approved in 2004 or the garage on the adjoining plot to the east. The house originally approved for this plot had a garage positioned within 2m of the Bertie Lane.

Impact on neighbours amenities

Whilst the forward extension would impact on the neighbouring property to the west (The Old Smithy), which has a window facing onto the site, but not to a degree that warrants refusal or necessitates redesign. Trees and shrubbery, now removed, formerly ran along this boundary curtailing light and outlook in a similar to the proposed extension. The Orangery extension to the rear would have no impact on the surroundings.

The existing garage to this house could be converted to habitable accommodation without the need for planning permission, once the dwelling is built and occupied.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Guidance Note PPG15, Policy BE3 of the Lincolnshire Structure Plan and Policies H6, C9 and EN1 of the South Kesteven Local Plan. There are no material considerations that indicate against the proposal though conditions have been attached.

RECOMMENDATION: That 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. 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. To maintain the appearance of the building and in accordance with Policies EN1, C9 and H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. 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	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

<u>Site Details</u> Parish(es)	Stamford Adj authority - Rutland CC - AA6 C Class Road Radon Area - Protection required Section 106/52 applies on site 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

PPS23 – Planning and Pollution Control

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.

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.

This application was deferred from the 25 July meeting to allow time for re-consultation on the amended plans received on 25 July 2006.

Representations on the amended drawings submitted on the 25 July were received from interested parties.

The issues raised are:

- a) Original report does not properly reflect object (Mr E Wright, 47 Little Casterton Road) – Main entrance to the estate should be opposite Cambridge Road, not opposite 49 Little Casterton Road, as planned. Of three possible options, to have it opposite Cambridge Road is the safest, opposite no. 49 is the most dangerous, and opposite Fitzwilliam Road is less so. (1)
- b) Amendments do not change in impact on 14 Haddon Road – loss of light and oppressive environment. (1)
- c) Lack of employment opportunities locally for residents of proposed dwellings. (1)
- d) Proposed access in dangerous location. Should be opposite Cambridge Road with a roundabout. (2)
- e) Lack of serves in this part of town – will encourage use of motor car. (1)
- f) Insufficient off-street parking for proposed dwellings. (1)
- g) Little Casterton Road and adjoining roads already congested with traffic. (4)
- h) Density still too high. (2)
- i) Concern at the effect on Stamford as a whole. (1)
- j) Dwellings on plots 55-59 and 104-107 are out of character with existing developments. (1)

- k) Mature trees to rear of 18 Haddon Road not shown on layout. (1)
- l) Loss of privacy, sunlight and creation of oppressive environment by proposed dwellings to rear of no. 18 Haddon Road. (1)
- m) Amendments to not address loss of privacy to 1 Gainsborough Road from overlooking from dwellings on Little Casterton Road frontage. (1)
- n) Three storey flats still in same location. (1)

The Town Council commented as follows:

“The Committee’s previous comments dated 3 May 2006 still apply – recommend refusal.”

Further amended plans have now been received and these show the three storey apartment block moved away from the south-east corner of the site, where there were issues in respect of its relationship to existing residential properties, to the north-west.

Other amendments to the original layout are 2½ storey houses on the southern boundary where previously 3 storeys were proposed.

As a result of the amendments, the overall number of houses proposed has been reduced by one, from 183 to 182.

Since the application last appeared on an Agenda, the Highway Authority has confirmed acceptance of the layout and the Environment Agency have withdrawn their objection.

In response to the comments made on the position of the access to the site off Little Casterton Road, the Highway Authority have made the following comments:

1. *The Authority have recently been removing mini-roundabouts due to the number of incidents at them. They also do not assist in pedestrian safety which must be borne in mind, especially in a residential area.*
2. The access arrangements were agreed at outline stage and was designed in accordance with current standards and adopted policies, taking into consideration the road network and internal road network. It is a Distributor Road leading to Belvoir Close.

Summary of Reasons for Approval

See above.

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

1. This consent relates to the application as amended by drawing nos. 6412/005 Rev H, 6412/009 Rev C, 6412.010 Rev, 6412/011 Rev B, 6412/012 Rev C and 6412/013 Rev B received on 25 August 2006.

2. 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.
3. No dwellings (or other development as specified) shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 6412/005 Rev H received on 25 August 2006 has been completed.
4. 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.
5. Prior to any works commencing on site, a written report demonstrating that the proposed measures to remediate identified land contamination have been successful should be submitted and approved in writing by the local planning authority.
6. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floor levels) set out in the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme within one month thereafter.

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

1. For the avoidance of doubt.
2. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with PPG13.
3. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13.
4. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13.
5. To prevent contamination of controlled waters as a result of development in accordance with PPG23.
6. To reduce the risk and impact of flooding in accordance with PPG25.

* * * * *

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

Site Details Parish(es)	Stamford Unclassified road Radon Area - Protection required Airfield Zone - No consultation required Drainage - Welland and Nene
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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 relevant 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) considerations 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: 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 interested parties. (Original proposal)

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

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

Summary of Objections received.

Letters received from 16 properties objecting to the original scheme, 11 further representations after receipt of amended plans of which 7 had objected previously.

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 persuasive 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 80 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 as 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 finding 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 as 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 sqm (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 objections 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 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 fruit garden.

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.

At the last meeting of the Committee, Members resolved to defer consideration of this application to allow the applicant to consider amending the proposal by re-siting the single storey extension from the front of the dwelling to the rear.

This suggestion has been put to the applicant. He is not willing to amend the application and asks the Committee to determine his proposal as submitted.

There is no change to the recommendation to approve this application.

* * * * *

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

Site Details	
Parish(es)	Bourne 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 travelling 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 travelling 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 3246m² 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 1594m². 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 focussed 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 40m² of public open space (POS) per dwelling on developments of over 100 dwellings – or 4840m² for this application. As referred to above a total area of just under 3246m² 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 travelling 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 Police: 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 a 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 interested parties.

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).

This application was deferred from the Development Control Committee on 22 August 2006 to enable Members to have the following information.

Speakers: Mrs G Clingo - against
Mr Wherry & Mr B Maynard

Letter to Councillors:

Lincs Standards are only guidance and do not take into account prevailing conditions and safety benefits of the scheme. These benefits are:

HGV's associated with Wherry's will cease;
Unrestricted HGV use at the site;
Remove conflict HGV's and vehicles using playbarn and nursery;
Significantly improve pedestrian safety by providing a route from the school to the town avoiding the bends.

SKDC Amenities Manager:

Shortfall of POS can be addressed through compensation measures. A LEAP + LAP will be required.

Bourne United Charities:

Highways

The assessment predicts that the residential development would generate peak morning flows of 66 traffic movements and peak evening flows of 70 movements. However, these figures are substantially below predicted trip generation rates provided by TRICS. For a development of 121 dwellings, this predicts that the total weekday traffic movements could be between 8-10 trips per household. Therefore the total traffic movements generated by the site could be between approximately 968 to 1210 trips per day. The peak hour between 1700-1800 hours could generate an inbound flow of 12 per cent of this figure and outbound flow of 6 per cent. The total peak evening flow of traffic movements could therefore be approximately 218 trips.

Impact on the Red Hall

Despite the amendments to the proposed flats adjacent to the Red Hall, this does not mitigate for the adverse impact it has on this building. The scheme will have a detrimental impact on the character, appearance and setting of the Listed Building for the following reasons:

- ☐ The scheme proposes apartments near to the boundary with the Red Hall;
- ☐ These are inappropriate in terms of their location, size and scale;
- ☐ The scale, size and position of the proposed building will cause an overbearing and claustrophobic relationship with the adjacent Listed building;
- ☐ The excessive height and location of the apartments detract from the setting of the adjacent listed building.

Whilst in general that it is better that old buildings are not set apart, but are woven into the fabric of the living and working community it specifically warns that new buildings should be carefully designed to respect their setting, following fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials.

Character of the area

With over 60 dwellings per hectare the scheme is cramped and contrived and represents a gross over-development. The proposed development does not respect or integrate with its surroundings on this edge of town location. Furthermore, the proposals fail to preserve or enhance the character and appearance of the Conservation Area or the setting of the Listed Buildings.

This would create a very hard urban edge detrimental to the setting of the Conservation Area and to the amenities of users of the nearby public amenity areas and rights of way.

Lincolnshire County Council Highways:

I refer to the executive summary dated 7 August 2006 and plans regarding various access proposals for the above named site.

The comments made by yourself are noted, however taking each of your proposals in turn I would comment as follows.

Existing Junction Layout

The visibility splays quoted and the document referred to Places, Streets and Movement for the design of internal residential road and footpath layouts, not for access onto a County Class I Road, the A15. The document to be used is TD42/95 this is a policy of this Council as local highway authority and as such 90m splays are required as previously stated.

Right Turn Ghost Island

TD42/95 is the correct document to be used in this instance but as previously stated to yourself traffic flows will rise from 856 trips per day at present to 1149 from the proposed new development, a 25% increase in traffic (data taken from your own Transport Assessment). A high percentage of these movements will occur during either morning or evening peak, hence creating a right turn vehicle hazard at these times which does not exist at present. Due to the above a ghost island right turn lane would be required, but from the designs so far produced this scheme cannot be accommodated within land under your clients control or existing highway limits.

Mini Roundabout

The design put forward does not comply with this authority's standards and once again you are quoting a document which is incorrect to use for this type of road and hence would be detrimental to highway safety. Once again you have failed to take into account the change in traffic flow patterns and the disruption of a roundabout in this location.

Traffic Signals

The scheme put forward as you are aware once again does not comply with policy standards adopted by this authority.

Whilst some of your proposals do have some benefits the overall impact on the highway network is negative and hence considered by this authority to be detrimental to highway safety, especially where adopted policy standards for design cannot be achieved.

Community Archaeologist: Condition re scheme of works.

Letters of Support

Mrs Parker: Will stop lorry noise at 4am, reduce dust and remove high conifers.

Adrian Christmas Solicitors (on behalf of Wherry & Sons):

1. It is a brownfield site.
2. The current mixed use does not sit comfortably with the residential areas to the south. The factory creates noise and dust pollution.
3. Having a play school in the middle of an industrial site is not an ideal environment for the children.
4. By building houses nearer the town centre, this should encourage pedestrian traffic into the town centre, thus encouraging local trade. This should also impact on the future redevelopment plans for the North Street/Burghley Street area.
5. Your Council has already approved plans to redevelop the Hereward centre at Cherryholt Road, to cater for Lets Play and other leisure activities. It makes sense to have all the leisure activities in one place. This site would no longer need to cater for the traffic that goes to the existing Lets Play building.
6. A residential development will remove the heavy goods traffic to the existing factory.
7. By opening up the site for housing, it will improve visual impact for the Well-head Fields, another environmental advantage.
8. Back in 1999 The Bourne Town Centre Management Partnership commissioned a Town Centre Action Plan, which we believe has been adopted. Great emphasis was placed on "townscape". The existing buildings on the Wherry site detract from that plan. Redeveloping this part of Bourne would appear to fit in with the objects of the Action Plan and should enhance the approach to the town centre from the south.

Headmaster of Bourne Grammar School: Understands that within the application there is a proposal for a safer pedestrian route to the town which has obvious benefits.

* * * * *