

AGENDA ITEM 5A

SF.1 S06/1263/35

Date Received: 12-Sep-2006

Applicant	M Sibthorp & H Brooks Logan House, Lime Grove, Grantham, NG319JD
Agent	
Proposal	Two storey side extension to dwelling
Location	Logan House, Lime Grove, Grantham
App Type	Full Planning Permission

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 51 of the Planning & Compulsory Purchase Act 2004.
2. To maintain the appearance of the building and in accordance with Policy EN1 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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SF.2 S06/1314/54

Date Received: 25-Sep-2006

Applicant	Mr & Mrs P Church 13, Third Avenue, Grantham, NG319TR
Agent	Riverside Design 88, Belton Grove, Grantham, NG31 9HH
Proposal	Two storey extension to dwelling
Location	13, Third Avenue, Grantham
App Type	Full Planning Permission

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 51 of the Planning & Compulsory Purchase Act 2004.
2. To maintain the appearance of the building and in accordance with Policy EN1 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.

AGENDA ITEM 5B

**Development Control Committee
24 October 2006**

NU.1 S06/0891/06

Date Received: 21-Jun-2006

Applicant	Northern Affordable Homes Ltd Bellgate Farm, Casterton, Kirkby Lonsdale, LA6 2LF
Agent	
Proposal	Erection of 24 affordable dwellings
Location	Land South Of Leys Close, Reedings Road, Barrowby

<u>Site Details</u> Parish(es)	Barrowby Unclassified road Area of special control for adverts EN3 Area of great landscape value EN5 Prevention of coalescence Airfield Zone - No consultation required Drainage - Lincs
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REPORT

The Site and its Surroundings

The application site is a rectangular parcel of land measuring 78m (max) by 115m and is located to the south of properties fronting Leys Close and Reedings Road to the north. The site is open agricultural land at present and is currently cropped.

The site is identified in the South Kesteven Local Plan under Policy EN5 – Prevention of Coalescence and Policy EN3 – Area of Great Landscape Value.

Site History

SK.6/0558/78 – This application covered part of the current application site and land beyond and sought outline planning permission for residential development. The application was refused on 5 September 1978 for the following reasons:

1. Notwithstanding that Barrowby is shown as a selected village in the county development plan, the development of this land if permitted, could lead to further applications for similar development on land to the south and east of the site which would be difficult to resist, resulting in a loss of valuable agricultural land and an over allocation of land for residential development in the area to the west of Grantham.
2. The Ministry of Agriculture, Fisheries and Food object to the release of the land for the following reasons:
 - a) The land is predominantly Grade 1 within the Ministry of Agriculture, Fisheries and Foods agricultural land classification.
 - b) Consent to this proposal would jeopardise the continued use in agriculture of the adjoining land.
 - c) There appears to be sufficient land with planning consent in the vicinity and the proposal appears to be making extravagant demand on good agricultural land.
3. No satisfactory details of surface water disposal have been submitted with the application.
4. The site is outside the curtilage of the village of Barrowby as defined in the Draft Grantham District Plan, where in order to preserve the open character of the countryside, development which is not specifically related or required by the predominant agricultural use of the land is strictly controlled.

SK.6/1351/78 – Sought outline planning permission for the erection of 20 dwellings on part of the application site and land beyond. This application was refused on 22 November 1979 for identical reasons 1, 2 and 4 given for the previous application.

An appeal was lodged against this reason for refusal, which was dismissed by the Planning Inspectorate (not titled) on 8 December 1980.

SK.6/0057/90 – Sought outline planning permission for the erection of 41 dwellings on the same site as the current application site. The applicants withdrew this application on the 19 January 1990.

S06/1280 – Development of 24 affordable dwellings at Land Off Walkers Way. A planning application is currently lodged with the authority.

The Proposal

Full planning permission is sought for the erection of 24 'affordable houses' on the site. Access into the site would be formed by extending Reedings Road to form an adoptable highway into the site, with associated turning feature.

The proposed dwellings would be sited in groups, comprising of semis and terraced rows, with associated parking areas located to the north and south of the turning area and either side of the access road.

A design statement forms part of the application submission, within which it is suggested that the proposed layout 'compliments the sites location within the village' and 'responds to the scale, massing and detail of the vernacular built form'. The proposed housing layout is poor and shows the dwellings sited in a regimented fashion with little thought given to providing a good residential environment for the future occupiers of the dwellings and to provide a pleasant street scene environment from within the site. In terms of design and layout the proposal is contrary to the Lincolnshire Design Guide for Residential Areas (1996) and the provisions of PPS1.

All of the proposed dwellings are 2-storey with 3 of the dwellings providing 3-bedroomed accommodation and the remaining 16 dwellings 2-bedroomed accommodation.

The site layout plan identifies an extensive swathe of landscaping to surround the site, except at the point of vehicular access, in order to visually screen the development from the dwellings to the north and the open views across the site from the east, south and west.

Policy Considerations

National Policy

PPG3 – Housing – States that affordable housing in rural areas should be supported by a rural exceptions policy (see reference to the Interim Housing Policy and H8 later in this section), which should allow for small exception sites, solely for affordable housing on land within or adjoining small communities which would not otherwise be released for general market housing. However, one of the main government objectives in PPG3 states that planning authorities should:

“Provide sufficient housing land but give priority to re-using previously developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of Greenfield sites.”

Paragraph 13 of PPG3 states:

“Assessments of housing need which underpin local housing strategies and local plan policies, are matters for local authorities to undertake in the light of their local circumstances. Local planning authorities should work jointly with housing departments to assess the range of needs for different types and sizes of housing across all tenures in their area. This should include affordable housing and housing to help meet the needs of specific groups ...” and “... Local assessments should consider not only the need for new housing but ways in which the existing stock might be better utilised to meet the needs of the community. The Department will issue further advice to assist local authorities in preparing local housing need assessments.”

Paragraph 56 of PPG3 seeks to ensure that the design of new developments should not be viewed in isolation and issues relating to design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the wider context, townscape and landscape of the wider locality. And in paragraph 63 the PPG states that planning authorities should reject poor design where decisions are supported by clear plan policies, adopted guidance and village design statements.

It is considered that the proposal would be contrary to the provisions of PPG3 for the following reasons:

- The development would clearly be an extension of built form into a greenfield site, which benefits from additional safeguarding Policies EN5 and EN3.
- Housing Solutions have confirmed that, as there are already developments within the village for affordable housing there is potential of flooding the market in the area. It is therefore questionable as to whether there is a defined need for further development of this type within the village.
- The design and layout of the proposed development is poor and would be contrary to the provisions of PPG3 and the adopted Lincolnshire Design Guide for Residential Areas.

PPS1 – Delivering Sustainable Development – Advises on the ‘Social Cohesion and Inclusion’ of development schemes in paragraphs 14, 15 and 16. The provision of affordable housing is of paramount concern when considering social cohesion and inclusion in development schemes. However, issues of design are covered in the PPS, where the following is stated:

“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”

PPS7 – Sustainable Development in Rural Areas – One of the main objectives of the PPS is to raise the quality of life and the environment in rural areas through the promotion of (inter alia) inclusive and sustainable rural communities and ensuring people have decent places to live whilst providing a continued protection of the open countryside for the benefit of all with ‘... the highest level of protection for our most valued landscapes and environment resources.’

More importantly, in considering the promotion of more sustainable patterns of development, the PPS states that:

- Most development should be within or next to existing town and villages, however
- Urban sprawl should be prevented, and
- The development of greenfield should be discouraged.

Paragraph 1, part (v) seeks to ensure that priority should be given to the re-use of previously developed sites in preference to the development of greenfield sites.

Lincolnshire Structure Plan

Policy H4 – Affordable Housing Provision

South Kesteven Local Plan

Policy EN5 – Prevention of Coalescence – Requires the maintenance of an open break between Barrowby and Grantham. Whilst the physical barrier of the A1 exists in this general locality it is important that development on the edge of the village is prevented to maintain this important visual open break and to maintain the separate identity of the two communities.

Policy H8 – Affordable Housing

Policy H8 allows, in exceptional circumstances, for small site, affordable housing scheme to be approved within or adjoining existing settlements, subject to a number of criteria. These criteria relate to:

- that the need for such housing cannot be accommodated in any other way;
- that the benefits pass not only to the initial occupants but also the subsequent occupants by secure arrangements;
- the sites must be well related to the existing form of the settlement in locations which would not spoil its character or landscape setting;
- where public services and satisfactory access can be made available.

Lincolnshire Design Guide for Residential Areas

Statutory Consultations

Parish Council:

The Parish Council strongly object to this application for the following reasons:

1. The proposed plan of these houses is not sympathetic to the rest of the estate i.e. detached house or bungalows.
2. There would be an overload of facilities.
3. Reedings Road and Hedgefield Road already have to bear the use of heavy traffic. More would be a problem for the immediate community.
4. The village school has no vacancies.
5. The proposed plan is contrary to Policies EN3 and EN5 of the South Kesteven Local Plan.

Local Highway Authority:

In respect of this layout the traffic calming is not acceptable and should be removed from the layout. The junction assessment details still have not been provided.

Partnership and Project Officer – Housing Solutions:

I have now had an opportunity to read the proposed S.106 agreement submitted with the above application.

The agreement would appear to provide for the properties on the above site being sold on a shared ownership basis to local people in the first instance.

Proposals have already been drawn up and funding achieved for the provision of 18 affordable homes by Longhurst Housing Association (12 rented and 6 shared ownership). The parish council have been working in partnership with Longhurst Housing Association in identifying the affordable housing needs for Barrowby.

Should the scheme be approved this would mean a provision of 42 affordable homes, 30 of which would be sold under the shared ownership banner, which would mean that quite a few of the properties would need to be sold to applicants without a direct connection to the village.

Highways Agency: The Highways Agency has no objection to the proposed development.

Planning Policy:

The application is for 24 affordable units with a mix of 2 and 3 bedroom houses on a shared ownership basis.

The proposed scheme is for a greenfield site on the edge of the village of Barrowby. The site is not allocated for specific development, however it is covered by Policy EN5 – Prevention of Coalescence in the adopted Local Plan.

Policy EN5 requires the maintenance of an open break between Barrowby and Grantham. Whilst the physical barrier of the A1 exists in this general locality it is important that development on the edge of the village is prevented to maintain this important visual open break, and to maintain the separate identity of the two communities.

Policy H8 allows, in exceptional circumstances, for small site, affordable housing schemes to be approved within or adjoining existing settlements, subject to a number of criteria. I will therefore consider the proposal against the policy criteria.

a) The scheme needs a proven local need.

The applicant has demonstrated within the supporting statement to the application, that there is a local need for 25 2 and 3 bedroom homes. Information has also been provided within the statement about local house prices and local incomes. This information has been used to guide the application in terms of the type of housing provided and the cost of units for release on a shared ownership basis. Whilst the number of units and the size of proposed units would meet the need identified, by

the village need study, I am concerned that as this proposal is for 100% shared ownership and does not include properties available for rent it does not accord with the tenure mix identified within the 2006 HNS prepared for the district by Fordham Research.

In their letter dated 2 October 2006 the applicant has indicated a willingness to transfer all or some of the properties to a RSL (nominated by the Council) under the shared ownership lease to allow the properties to be rented out.

Whilst this would appear to present an acceptable solution to the issue of mixed tenure on the site, I understand that such an arrangement is unlikely to be accepted by a RSL, primarily because of their own funding arrangements.

NAH would offer the properties to a RSL on a shared lease basis; this means that the RSL would only own a "share" of the property. They would not therefore be able to secure funding for that share, other than via a mortgage on which they would need to make only repayments. These would be funded by the rental of the property and may result in the rent being "unaffordable". In addition the part share arrangement would prevent the RSL from recouping its investment to spend elsewhere on additional affordable housing.

b) The need for such housing cannot be accommodated in any other way.

I am aware that a second application also for 24 affordable units, but in a different part of the village is currently under consideration. (I have also made comments on this other application).

The level of need (25 units) in Barrowby has been justified, therefore a decision will need to be taken as to which of the two schemes performs best in relation to both the policy requirements and in terms of the actual delivery of affordable housing in this location. I do not believe that there is sufficient need to justify both schemes as exceptions.

c) The benefits of the scheme pass to all subsequent occupants by secure arrangements

Circular 6/98 affordable housing (para 27) sets out that the involvement of a Registered Social Landlord is an effective way of controlling the future occupancy of affordable housing. Setting out that the benefits of using RSLs is twofold; firstly RSLs must ensure that they have publicly available procedures for allocating tenancies, these must be fair and based upon local need; secondly if an RSL needs to dispose of its assets the disposal process will be subject to housing corporation controls. Thus providing a high degree of control over the future occupancy of such housing. The application is not submitted by an RSL and consideration must therefore be given to the ability of NAH and the Council to control future occupancy of these dwellings.

The application has been submitted by a commercial company who would develop the site themselves. They are not a RSL. In the supporting statement NAH states that it "is a commercial company in business to make a return for its shareholders

and investors. ... It is a specialist developer of affordable housing. ... Occupancy of these houses is restricted to local people and key workers in housing need, as defined in the S106 undertaking ... These restrictions ensure that occupancy and affordability remains in perpetuity”.

As referred to above, in their letter dated 2 October 2006 the applicant has indicated a willingness to transfer all or some of the properties to a RSL (nominated by the Council) under the shared ownership lease to allow the properties to be rented out. In view of the concerns raised about the unlikelihood of a RSL accepting such a transfer, there is justifiable reason to be concerned that even if a S106 were entered into to secure the transfer, if no RSL is willing to take on the properties they will not be delivered to the rental market.

d) Site will related to the existing form of the settlement.

The site is located on the edge of the village and as such will extend the built form of the village. However it is adjacent to existing residential development which forms the main part of the village and in this respect the site is reasonably well related to the form of the settlement.

e) Is in a location which will not spoil the character or landscape of the location.

The site is however currently designated in the South Kesteven Local Plan by Policy EN5 to Prevent the Coalescence of Barrowby with Grantham. In justifying the designation of this area of land the Local Plan refers to the important role these areas play in maintaining the separate identities of neighbouring communities. Development of this site would be contrary to this policy.

In addition I consider that the location of the site on higher ground which is particularly visible from both the A1 and from Low Road will have a negative impact on the landscape and the setting of the village in this location.

f) Where public services and satisfactory access can be made available.

The application site is located approximately 1120m (following roads) from the centre of the village, which includes local facilities such as the school, shops, a pub and village hall. Access to the site will be dealt with by the Highways Authority.

Conclusions

The site is located within a protected area of countryside, development of this site would be contrary to policy EN5 of the adopted local plan.

Policy H8 of the adopted Local Plan allows for the provision of affordable housing on sites in or adjacent to settlements for affordable housing, subject to a number of criteria. Having examined this scheme in light of the criteria I am concerned that the scheme does not fully comply with the policy criteria as set out in the following respects:

- that it meets the proven need (particularly the need for social rented accommodation);
- that need for such housing cannot be accommodated in any other way;
- that it is in a location which will not spoil the character or landscape setting of the location.

Policy H8 in particular sets out that a scheme must satisfy the Council that the need for such housing cannot be accommodated in any other way. A need (for 25 affordable units) in Barrowby has been justified. Two proposals are currently under consideration, therefore a decision will need to be taken as to which of the two schemes performs best in relation to both the policy requirements and in terms of the actual delivery of affordable housing in this location.

The location of this scheme is contrary to both policies H8 and EN5, however the scheme does benefit from a sustainable location in terms of village facilities, it does provide an appropriate mix of house types, however I am concerned that without a real commitment to the delivery of affordable rental units the scheme does not meet the tenure need identified. In addition without an element of rental properties the scheme will not contribute to a mixed and balanced community in this part of the village.

Amenities Manager – Leisure and Cultural Services:

I would suggest that adequate open space be provided in accordance with the Local Plan. With limited facilities existing in the neighbourhood, play facilities should be provided in accordance with the recommendation of the National Playing Fields 6 Acre standard with our LAP Standard Play Area being sufficient.

Commuted sum payments will be required, all in accordance with the adoption guidelines herewith.

Representations as a result of publicity

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

A petition signed by 274 residents of Barrowby.

A summary of the main concerns are listed below:

1. Loss of character and identity of Barrowby village.
2. Start of a much larger development.
3. Village lacks the services to support additional homes.
4. Increased traffic problems for all the residents of Barrowby.
5. Devaluation of properties.
6. Affordable homes would not be for local people.
7. The proposed town houses are not in keeping with the rest of the houses in Barrowby.
8. No consultation with the local community.

9. Construction traffic would result in noise and disturbance.
10. Contrary to EN3 and EN5.
11. Barrowby is the largest village in Lincolnshire. It does not require any additional dwellings.
12. No room in the school.
13. There are plenty of affordable homes in the village.
14. Brownfield sites are preferable to Greenfield sites.
15. New development should be in sustainable locations well served by existing services and facilities with good access to public transport, employment and other facilities are available.
16. Would set a precedent for further development.
17. Would turn beautiful village into a large housing estate.
18. Increase in crime.
19. Increase in noise and disturbance.
20. Loss of amenity and outlook.
21. Erosion of separation of Grantham and Barrowby.
22. Reduce views of Harlaxton Manor.
23. Sewerage and water supply would not cope with the additional dwellings.
24. Proximity of power lines considered a hazard.
25. It would result in the loss of agricultural land.
26. The local plan, when drafted, included provision for dwellings on 30 acres of land south of Reedings Road. This was removed following objections at the public inquiry.
27. LDF (draft format) makes no provision for residential development in Barrowby.
28. Affordable houses should not all be 'herded together'.
29. Overpowering in relation to existing development.
30. Loss of privacy.
31. Request for a members site visit.
32. Deciduous planting would not be effective screening.
33. Visual intrusion into the open countryside.
34. Proximity to the adjacent play area would be dangerous for the children (traffic).
35. Would create a rat run cutting through to the A52.
36. Overlooking loss of privacy.
37. Hospital may close in future.
38. Loss of natural habitats.
39. Development contains no play areas.

Planning Panel Comments

The application is to be determined by Committee.

Applicants Submission

A Transport Statement and Design Statement and draft Section 106 Agreement have been submitted with the application.

Additionally, the applicant has submitted the following comments in response to the representations received.

Comments contained in letter dated 31 August 2006:

- “1. Additional homes will result in the loss of both character and identity of Barrowby as a village.

Using the data from the Housing Needs Survey the village will be increased by less than 3%. It is quite frankly absurd to say that such a small increase in size could do this.

As explained and illustrated in the Design Statement that accompanied the planning application there is a wide variety of styles and ages of houses in Barrowby. We have tried to get away from the 1960s and 1970s styling that dominated much of this end of the village.

The design principles we use have been commended and held up as an example of best practice in Creating a sense of space: A Design Guide produced by BITC, HRH The Prince of Wales's Affordable Rural Housing Initiative and The Prince's Foundation for the Built Environment (which was sponsored by Hastoe and the Commission for Rural Communities). The NAH business model was held up as an example in the ARHC report. These principles have been applied to this application.

If you do have concerns over the design we would be happy to revisit those aspects (if any) that you have particular concerns about.

2. This development presents all the characteristics of being the start of a much larger development which will extend further east, perhaps eventually connecting with Low Road. The plans suggest as much with the construction of a 'tee' junction in the new road.

Again this is nonsense. We control the area of the planning application (and only this land). We could indeed fit many more houses on the application site however we feel the scheme, as proposed, is of an appropriate scale to Barrowby and the site. The layout does not lend itself to intensification due to the extensive landscaping.

3. The village already lacks the services to support additional homes. The local school, for instance, is already oversubscribed each year.

As identified in Housing Position Statement and Interim Housing Policy (2005) Barrowby is a Local Service Centre. That is to say it is well served and makes an ideal situation for sustainable development (see section 2 of the supporting documents).

4. Additional homes will result in additional traffic for all of the residents of Barrowby but will principally affect residents of Reedings Road, Hedgefield Road and Low Road. Additional traffic consequently results in the additional and associated problems such as noise pollution.

There is no doubt that there will be an increase (albeit small) in traffic to along the roads leading to the site. I have sent you a copy of the highways report. The appropriate authorities are happy with the impact on the highways of the scheme.

5. The location of this site will result in a devaluation of those properties which presently benefit from stunning views of Harlaxton Manor.

Strictly speaking this is not a planning issue. I do not however agree with this statement. Only 5 homes about the scheme (19-22 Leys Close and 72 Adamstiles). These will have their view of Harlaxton Manor interrupted however we have been careful to ensure that the houses stand well away from these homes and that there will not be issues of overlooking. There will also be clear views through and from the site.

6. The planning application suggests that this is to provide 24 affordable homes for local people. This is a cynical misrepresentation. These homes will be sold on the open market and at the market value rate. There are no known proposed covenants restricting purchase to existing residents of Barrowby.

This statement is just wrong. The price and occupation will be controlled through the legally binding s106 undertaking.

7. The proposed town houses are not in keeping with the rest of the houses in Barrowby, all of which are detached 3 or 4 bedroom houses or smaller bungalows.

See my comment at 1 above. The design principles we use have been commended and held up an example of best practice by The Prince's Foundation for the Built Environment. These principles have been applied to this application.

8. For such a proportionately major development for the village of Barrowby there has been no consultation with the local community or the locally elected parish council in order to seek the views of local residents. The planned proposal threatens to endanger the very nature of the village and it is being presented through the back door with the very minimum of consultation.

Prior the application we consulted in detail with Mr Sibthorp. It was only on the advice of Mr Harrison that we proceeded with this application. This is not being presented through the back door – we have used the appropriate consultation and submission process for a relatively small application of this type.

9. During the construction all of the building materials and vehicles will have to pass through just the one access point, creating additional nuisance value for the residents of Reedings Road, Hedgefield Road and Low Road.

This is a genuine concern and I confirm that we would be happy for the 'normal' working time restrictions to be imposed and to agree access routes with you prior to commencement on site.

The other matter raised is in relation to EN3 and EN5. I have re-read these carefully. Great care has been given to the design. We have used a low density and included a significant amount of tree planting on the site – particularly around the edges. This will not only screen the new houses but also the existing houses

from the 1960s and 1970s that do intrude into these views. We believe that the scheme will actually enhance this end of the village.”

Comments contained in letter dated 18 September 2006:

“1. Firstly we would be happy to reduce the scheme from 24 to 16 units in order to reduce the perceived impact of the scheme on the local amenities (which is the concern at the heart of the bulk of the objections from the public). During our discussions you rejected this offer outright and said to produce an amended plan on this basis would not make the proposal any more acceptable. Nevertheless this offer remains (although I will not produce an amended plan) and I would ask that you make it clear that we have made this offer to the planning committee.

2. Secondly you expressed your grave concerns that the scheme was for shared ownership affordable housing and did not contain any social rented housing. You drew my attention to the relevant section of the ‘un-received’ letter of 30 May. We recognise that there is a need for social rented housing as well as for the shared ownership housing (for the record, we believe there is adequate need to justify a 100% shared ownership scheme).

We are keen to work with you and as I said we would be pleased to include an additional sub-clause in section 6 of the s106 undertaking whereby we would offer to transfer all or some (60%) of the units to an RSL or Housing Association nominated by the Council (or to the Council itself) under the shared ownership lease but with an express consent to sub-let to a local person in housing need and in accordance with the local letting policy and at the Housing Corporations target rent. This would be subject to the offer being taken up within a 6 week period and would enable the houses to be used as ‘affordable rented houses’. This would mean that the not only initially but then at every future change of ownership any individual house could be bought at the restricted price and let as a social rented house.

This is in line with appeal APP/U2370/A/05/1193440 where an inspector considered a proposal along these lines from us and agreed with this as a sensible way forward.”

Comments contained in letter dated 2 October 2006:

“Both sites are on the very edge of the village therefore peripheral however his concern about the distance from the village is odd, bearing in mind the facts.

From our site it is just 120m to the closest playground whilst from the Longhurst site it is either 1.2km or 1.3km depending on which playground one is visiting. The distance to the post office is 970m from our site whilst it is 1.2km from the Longhurst site. Furthermore our site is marginally closer to the school being 1.25km away compared to 1.3km from the Longhurst site. It is also important to consider how easy and safe it is to walk to the services. I am sure that you will agree that the situation of our site off the main road is preferable in terms of children’s safety on the highway.

We acknowledge that our scheme will not deliver a solution to all the housing needs for Barrowby – a much larger scheme would be needed to do this. We also acknowledge your concern about the lack of social rented housing. As I have said previously and I have laid out in earlier correspondence, we are willing, to transfer all or some of the houses to an RSL nominated by the council under the shared ownership lease so they can be let as social rented houses – alternatively Longhurst could go ahead with a social rented scheme themselves which would compliment our scheme.

As I have also said previously, in an effort to reduce the perceived impact of the scheme we are also prepared to reduce our scheme to 16 houses. Both of these offers remain open and again I would ask you to report them to the planning committee.

Whilst writing I would like to remind you that our scheme is not reliant on public subsidy and grant – unlike the Longhurst scheme. If you do believe that there is not a need for both schemes in the village, surely it would be better value for money, for the grant that has been allocated to Longhurst to be spent in another village, where there is also a need, leaving our scheme to meet part of the immediate need in Barrowby.”

Conclusions

The main considerations in respect of this application are its compatibility with the adopted South Kesteven Local Plan. Specifically, Policies EN5 and H8 and current national policy guidance.

The site is located within a protected area of countryside. This policy states that planning permission will not normally be granted for any development which would destroy or adversely effect the open character of the land between Grantham and Barrowby. This development would result in built form in a protected part of the open countryside.

The layout of the proposed development is somewhat at odds with the character and form of the existing settlement. The development is in the form of discrete, detached blocks which would not relate to the existing form and layout of the settlement and would be seen as a development tagged on to the existing. It is accepted that the development would be extensively screened. However, the development would still represent an inappropriate excursion into the open countryside.

Development of this site would therefore be contrary to Policy EN5 of the adopted South Kesteven Local Plan and national guidance set out in PPG1 and PPG3.

Policy H8 of the adopted South Kesteven Local Plan allows for the provision of affordable housing on sites in or adjacent to settlements subject to a number of criteria.

It is not disputed that there is a local need for 25 two and three bedroom homes, or that the site is located in a sustainable location in terms of existing village facilities. However, it is the method by which the housing would be delivered that is a concern.

In its original submitted form the development would be for 100% shared ownership, and does not include properties available for rent. This does not accord with the tenure mix identified within the Housing Needs Survey 2006.

The applicants willingness of transfer some or all of the properties to a registered state landlord (nominated by the Council) under a shared ownership lease to allow properties to be rented out is also acknowledged.

Northern Affordable Housing would offer the properties on a shared lease basis. The RSL would only own a share of the property. They would not therefore be able to secure funding for that share, other than via a mortgage. These would be funded by the rental of the property and may result in the rent being unaffordable. The part share arrangement would prevent the RSL from recouping its investment to spend elsewhere on additional affordable housing.

Whilst this would address the mix of tenure on the site it is unlikely that this arrangement would be acceptable to a Registered State Landlord (RSL).

“NAH ... a commercial company in business to make a return for its shareholders and investors”.

As Northern Affordable Housing is a commercial company, they are not a RSL and if a RSL cannot be secured it is unlikely that the benefits of the scheme would pass to all subsequent occupants by secure arrangements.

There is a local need for 25 two and three bedroom homes. However, it is not considered that the proposed development satisfies the criteria set out in Policy H8.

The scheme would be located in a sustainable location in terms of the existing village facilities, and does provide an appropriate mix of house types. However, the impact on the open space between Barrowby and Grantham, and the poor relationship between the existing settlement coupled with no real method of delivering affordable units the proposal is considered contrary to Local Plan Policies EN5 and H8.

It is accepted that the applicant is willing to reduce the overall numbers on the site. However, it is considered that there is a policy objection to the principle of the development.

Members should be aware that there is currently a planning application for 24 affordable units on land off Walkers Way, Barrowby (ref. S06/1280). Both this application and the scheme at Walkers Way would meet the identified local need. It is considered that this scheme performs poorly in relation to Policies EN5 and H8. It does provide an appropriate mix of house types, however it is considered that without a real commitment to the delivery of affordable rental units the scheme does not meet the tenure need identified. In addition without an element of rental properties the scheme will not contribute to a mixed and balanced community in this part of the village.

In light of the above comments it is considered that the proposed development should be refused planning permission.

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

1. The proposed development would result in the erection of 24 affordable units on a greenfield site served off Reedings Road, Barrowby. The proposal would result in a significant extension into the open countryside between Barrowby and Grantham. It is considered that this additional built form would encroach into the openness between the two settlements to the detriment of visual amenity and erode the separate identities of the neighbouring settlements.

As such the proposal is considered contrary to Policy EN5 of the adopted South Kesteven Local Plan and Planning Policy Guidance Note 3.

The proposed development would result in the erection of 24 affordable units adjacent to the existing settlement of Barrowby. The form and layout of the development is out of character with that of the adjacent built form and represents an inappropriate extension into the open countryside. The proposed affordable housing scheme without a real commitment to the delivery of affordable rental units the scheme would not meet the identified tenure need. In addition without an element of rental properties the scheme would not contribute to a mixed and balanced community in this part of the village.

As such the proposal is considered contrary to Policy H8 of the adopted South Kesteven Local Plan and Planning Policy Guidance Note 3.

* * * * *

Applicant	Mr D Rowlands, Iberdrola Renewables Energies Wellington House, Starley Way, Solihull, West Midlands, B37 7HE
Agent	Hyder Consulting (UK) Ltd HCL House, St Mellons Business Park, Cardiff, CF3 0EY
Proposal	50m tall, steel meteorological mast
Location	Neslam Farm, Sempringham Fen

<u>Site Details</u> Parish(es)	Pointon & Sempringham Area of special control for adverts Drainage - Lincs EA: Flood Risk Zone 2/3 (new bld only)
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REPORT

Member Information

This application has been deferred from 16 May 2006 to investigate whether an Environmental Impact Assessment (EIA) was required, if so then the application would have been invalid, and to allow officers to study the European Landscape Convention and determine whether South Kesteven Local Plan was out of date in this respect,

Your officers have investigated the matter regarding an EIA and conclude that an assessment is not required for this application. Stated cases make it clear that an EIA will be required for any application for the construction of wind turbines. Objectors indicated that another planning authority had stated in it's reasons for refusal that an EIA was required but investigation with that authority revealed that officers had made a mistake and that they subsequently concluded that an EIA was not needed.

The United Kingdom has only recently signed the European Landscape Convention though it has been written for a number of years. This convention requires planning authorities to assess the landscapes in their area; this has been done for the preparation of the 1995 Local Plan. Members will be aware that special protection was accorded to the rolling uplands around and between Grantham and Stamford embodied in Policy EN3. In this respect the Local Plan accords with the convention. A new Landscape Character Assessment is being undertaken in connection with the Local Development Framework. The report is still in draft form and cannot be given significant weight.

The applicant has been requested to provide further information regarding the impact of the mast in the landscape and composite photographs have been submitted. These have been placed on the website and further consultation undertaken.

Given the nature of the information received the original report has been put in italics and additional comment is included in ordinary typeface.

The Site and its Surroundings

The site is located to the East of Billingborough and Pointon in the flat fen fields of Sempringham Fen. The landscape is characterised by mature wooded copse in varying size. Manmade features such as pylons and communication masts are visible in various directions.

Access is obtained from the minor road linking Sempringham and villages east of the South Forty Foot Drain and thence using existing farm tracks to the field. The road alignment has a number of reverse curves and is of limited width.

Site History

No relevant History.

The Proposal

Full planning permission is sought for the construction of a 55m high steel meteorological mast supported by stay wires.

This mast will gather data to determine whether the site is suitable for development as a windfarm. The data is required for an Environmental Impact Assessment which will have to be submitted as part of an application for a windfarm.

Policy Considerations

National Planning Policy

PPS22 – Renewable Energy. The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper². This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.

The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The White Paper sets out policies to stimulate the development of new technologies to provide the basis for continuing growth of renewables in the longer term, to assist the UK renewables industry to become competitive in home and export markets and in doing so, provide employment.

Increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

– social progress which recognises the needs of everyone – by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;

– effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
– prudent use of natural resources – by reducing the nation’s reliance on ever diminishing supplies of fossil fuels; and,
- maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.

Development Plan

Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the criteria for renewable energy projects in Policy 41. It includes the criteria to contribute to both local and national objectives for this type of energy production.

Lincolnshire Structure Plan 2006

POLICY NE9 – Renewable Energy:

LOCAL PLANS/LDDs SHOULD PROMOTE AND ENCOURAGE A RANGE OF RENEWAL ENERGY SOURCES HAVING REGARD TO:

- THE SUSTAINABLE BENEFITS OF USING VARIOUS RENEWABLE ENERGY SOURCES
- ENVIRONMENTAL IMPACT INCLUDING SITE, DESIGN AND LANDSCAPING CONSIDERATIONS
- THE EFFECT ON AMENITY, AGRICULTURE AND THE NATURAL AND BUILT ENVIRONMENT
- TRAFFIC GENERATION AND VEHICULAR ACCESS
- PROXIMITY TO THE RENEWABLE ENERGY SOURCE
- THE REUSE OF APPROPRIATE EXISTING SURPLUS INDUSTRIAL LAND
- BENEFITS TO THE LOCAL COMMUNITY OF SMALL SCALE SCHEMES.

IN ASSESSING INDIVIDUAL PROPOSALS, THE LOCAL PLANNING AUTHORITIES SHOULD HAVE REGARD TO THE LINCOLNSHIRE (AND EAST MIDLANDS) TARGETS CONTAINED IN THE REGIONAL SPATIAL STRATEGY

POLICY NE11 – On Shore Wind Energy

PROPOSALS FOR ON SHORE WIND ENERGY DEVELOPMENT SHOULD BE EVALUATED AGAINST THE FOLLOWING CRITERIA:

- THE SUSTAINABLE BENEFITS OF DEVELOPING A RENEWABLE ENERGY SOURCE
- LANDSCAPE IMPACT INFORMED BY LOCAL LANDSCAPE CHARACTER AND CAPACITY ASSESSMENTS

- THE REQUIREMENTS OF AVIATION, TELECOMMUNICATIONS AND RADAR
- PRACTICABLE AVAILABILITY OF A CONNECTION TO THE ELECTRICITY DISTRIBUTION NETWORK
- THE EFFECT ON LOCAL AMENITY AND QUALITY OF LIFE
- WIDER NATURAL, CULTURAL AND BUILT ENVIRONMENTAL IMPACT INCLUDING NATURE CONSERVATION CONSIDERATIONS
- TRAFFIC GENERATION AND VEHICULAR ACCESS

IN ASSESSING INDIVIDUAL PROPOSALS, THE LOCAL PLANNING AUTHORITIES SHOULD HAVE PARTICULAR REGARD TO THE CUMULATIVE IMPACT OF SUCH DEVELOPMENT RELATED TO THE LINCOLNSHIRE (AND EAST MIDLANDS) TARGETS CONTAINED IN REGIONAL PLANNING GUIDANCE.

WHEN PLANNING PERMISSION IS GRANTED FOR INDIVIDUAL PROPOSALS, APPROPRIATE PLANNING CONDITIONS SHOULD BE ATTACHED COVERING THE SATISFACTORY FUTURE DECOMMISSIONING OF THE SITE.

South Kesteven Local Plan

Policy EN2 - Development in the Countryside.

This is a restrictive policy having exemptions, one of these states "certain utility installations requiring a rural location." The ultimate objective is the generation of electricity and this mast is part of that project; it is therefore a utility installation.

Statutory Consultations

Parish Council – No reply to date. Any response will be notified to members.

Defence Estates – has no safeguarding objections to this proposal

Local Highway Authority: No comment.

Black Sluice Internal Drainage Board:

There is a Board maintained watercourse on the south side of the proposed mast structure (see enclosed plan).

The Board has a Byelaw that stipulates no structures, including stay wires, shall be placed within 9 metres of the brink of a Board's drain.

Black Sluice Internal Drainage Board:

No structure, including guide wires to be within 9m of the brink of the Board's drain.

Pointon and Sempringham Parish Council object on the following grounds:

1. Risk to protected species, in particular from collision by birds. Residents in the fen report the presence of barn owls and red kite.
2. Visual impact. The mast is not in keeping with the landscape, which is entirely agricultural fenland with no man made intrusions other than those directly related to agriculture. The mast significantly exceeds the height of any other structure in the area including St Andrew's Church Spire at Billingborough. The mast will be visible from many viewpoints over a wide area, including the nearby historic hillside site at St Andrew's Church, Sempringham and the developing tourist route along the South Forty Foot Drain. (Under the European Landscape Convention landscapes are recognised as an essential component of people's surroundings).
3. Risk to aviation. In an area frequented by light aircraft and used for training purposes, the presence of this unlit tall structure not shown on aeronautical maps would be a significant hazard.
4. Inappropriate industrial development in an agricultural area. Permission would set a precedent for future industrial development around this site.

Following re-consultation Pointon and Sempringham Parish Council made the following comments:

The further information appears to provide no new matters of substance other than that the development would be required for a period of 24 months (notwithstanding that your officers have already recommended that any consent should be for a maximum of one year).

The authors of the further information accept no responsibility for any reliance on its contents by any third party. We trust therefore that no such reliance will be assumed until and unless any alleged facts are independently verified and published by a competent party.

In any event, the authors appear to be merely expressing their personal opinion. In particular, their conclusions appear to be biased on the unsubstantiated presumption that the inhabitants of the parish emerge from their dwellings only to travel at too high speed to be aware of their surroundings.

The further information should not obscure the fact that other environmental impacts of the proposed development remain to be addressed, as raised in our earlier representations on 6 May 2006.

Representations as a result of publicity

Eight letters of objection have been received from interested parties.

Who raised concerns about the following matters:

- a) *Part of proposed 6 turbine wind farm have a maximum height of 120m;*

- b) *Lack of information of intent*
- c) *Visual Intrusion;*
- d) *Collision risk*
- e) *Local Planning Policy;*
- f) *Inappropriate location;*
- g) *Cumulative impact;*
- h) *Reclassification of land;*
- i) *Is the main application a forgone conclusion;*
- j) *Sempringham Fen is part of a historic and rural landscape;*
- k) *The proposed height is questionable given that the hub height of the turbines is 80m;*
- l) *Intrude on my privacy by being a constant visual irritant;*
- m) *Impact from construction traffic noise.*
- n) *No information regarding impact on wildlife and eco-habitat,*
 - o) *Horbling fen is an SSSI and some of the features there may be present at Sempringham Fen. More investigation is required;*
 - p) *If allowed this will start the process towards inappropriate industrialisation in a wild place and there are serious health concerns regarding wind farms.*

Any further letters received will be reported.

In addition to the above comments a further 86 letters of objection stating the following matters in addition to that already listed:

- a) The test mast at Bicker Fen is visible.
- b) It is contrary to Policy EN1, EN2(I & ii) and EN6.
 - c) How can the planning department justify these when they have refused micro-turbine on private property.
- d) Objects to a wind farm and related problems associated with turbines.
- e) Risk to wildlife especially birds and bats.
- f) Danger to aircraft.
- g) No Environmental Impact Assessment.
- h) Not an efficient green means of generating electricity that is expensive.
 - i) Build somewhere else where it can be done without effecting peoples lives, property values etc.
 - j) Take account of the European Landscape Convention that the UK signed in February 2006.
 - k) I have superb views and this will spoil my view.
 - l) Appli cation is premature and unrelated to existing agricultural use.
 - m) Affec ts TV reception.
 - n) Adve rse impact on the tourist trade.

o)	Mast
is unnecessary because wind information is available from the met office.	
p)	Very
little to no benefit or improvement to our locality.	
q)	Sem
pringham Abbey site is 1 mile from the site.	
r)	Impa
ct on recreational activities.	
s)	Adve
rse impact on highway safety on the A52.	
t)	The
council will be liable for accident damage from wind turbine and human ill health.	

Two letters of support were received stating:

- a) Sempringham fen is considered a sensible location for land based wind turbines.
- b) I do not subscribe to the view that these turbines are “Ugly”.
- c) There are few places better suited to windfarms – lack of hills and other obstructions means a steady flow of air.
- d) To be able to harness the wind and obtain “Free” electricity seems to be admirable.

Responses received following consultation on additional information.

7 letters of objection have been received, all reiterate and stress the adverse visual impact on the landscape and then reiterate point raised before. Most take issue with the landscape report and it’s conclusions.

Applicants Submissions

The applicant submitted a detailed landscape assessment and their conclusion follows:

6 Summary and Conclusions

The scheme would constitute a relatively inconspicuous element within local views and whilst introducing a new landscape element that would contrast with local landscape character it would not, due to its form and almost transparent qualities, form a prominent or in any sense dominating landscape element. The local landscape would remain unaffected at all but the very local area to the scheme (potentially up to a 150m radius from the scheme). Within this very local area the mast would form a potentially dominant landscape element. However, moving away from this very local area, the prevailing open and expansive low-lying agricultural landscape would become the chief landscape characteristic. Similarly, only within views to the south-east from Neslam Farm is the scheme assessed as having any potentially significant visual effects. Within all other views the scheme would have a Low to Negligible Magnitude of Effect, which would be insignificant.

Whilst opinions may vary as to the acceptability of these effects, it is the opinion of the assessor that the effect of the scheme, however slight and temporary, would be positive. The scheme, whilst utilitarian is not without some visual interest and appeal. It would provide some local relief within a landscape that, whilst varied and not unattractive, is of uniform topography and landuse and lacks incident. At a local level the scheme would provide some local incident, albeit that the range in terms of distance from the scheme that this incident could be appreciated, would be very local and generally between 1 to 3 km from the scheme.

Conclusions

As Members are aware the 2004 Planning and Compulsory Purchase Act places a legal duty upon the decision maker to make decisions in accordance with the development plan unless other material considerations indicate otherwise. The same section further states that where policies conflict then the last published/adopted document takes precedence. The adopted local plan is silent on renewable energy and therefore PPS22 and Companion Guide together with Policy 41 of RSS8 and Policies NE9 and NE11 of the new Structure Plan are relevant. The Key Issues are discussed below.

Precursor to a larger development

This is an application for a meteorological mast and not the application for the 6 turbines. This applications has been submitted because information is needed to determine whether the site is suitable for a wind farm. When consulted about the contents of an Environmental Impact Assessment (EIA) that would be needed for an application for a wind farm your officers noted that in the section regarding site selection the applicant stated that wind measurements would be needed. Without this information the EIA will be incomplete. A theoretical scenario whereby this application is refused and an application for a wind farm is submitted without this wind information, then a refusal on the grounds of lack of information would probably result in an appeal decision that the authority was acting unreasonably and this would give grounds for an award of costs against the authority.

A number of objectors have stated this point and the implication being that if this application is refused then they will not be able to proceed with the next. As stated above that decision may result in a financial penalty that would ultimately be paid by residents.

This application should be determined on it's own merits. Any application for a wind farm should also be determined on it's own merits and it should be noted that data from this mast may indicate that this site is unsuitable.

Visual Impact

The mast is to be constructed of galvanised steel that is considered not to create a stark contrast with the sky or landscape background. It is considered that a single mast for a temporary period will not create a significant permanent visual intrusion into the landscape. It is considered that a condition restricting the mast for a maximum of 1 year is a suitable period to record data and that it should be removed earlier if data is not needed for that length of time.

As part of the drafting of the Local Development Framework Documents an appraisal of the landscape in the District is being undertaken. This document is in draft form and has not been subject to consultation and therefore carries little weight but it does identify the fens as a particular character area. The draft report highlights that any tall feature will be prominent in the landscape and this conclusion is acknowledged by the applicant.

The key question is whether this mast will have an adverse visual impact sufficient to justify refusal? It is considered that the mast will have an adverse impact when viewed from positions close to the site against a blue sky. Correspondingly it is considered that the mast will have a lessened impact when viewed against a cloudy sky as evidenced by the photo montages. It is considered that the mast will have the less impact when viewed from distant points and it is concluded that it will have no greater impact than existing steel lattice pylons.

On balance it is considered that the mast will not have an adverse visual impact. Since drafting the original report the applicants have requested that the mast be retained for two years and this is considered acceptable. The condition has been amended.

Other issues raised during publicity

It is considered that the other matters raised will have little adverse impact with respect to this application but are very pertinent to an application for the wind farm. In part the comments will be answered by the EIA in the process of compilation.

Your officers conclude that this development is acceptable.

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

1. The development hereby permitted shall be for a limited period of:
 - a) the period to obtain the necessary wind data; or
 - b) two years from the date of this consent;whichever is the shorter. The date of completion of data recording shall be submitted to the Local Planning Authority in writing within 1 month of finishing.
2. The mast and any foundations will be removed from the land within a period of 3 months from the date of notification of completion of data recording.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development site is capable of beneficial agricultural use after the need for the mast has ceased.

* * * * *

Applicant	Sustrans/Colsterworth PC National Cycle Network Centre, 2, Cathedral Square, College Green, Bristol, BS1 5DD
Agent	Chris Dent, Sustrans Planning 5, North Avenue, Exeter, EX1 2DU
Proposal	Change of use of disused railway line between Woolsthorpe & Burton Road Ind Estate to cycle path & sculpture trail
Location	Former Railway Land, Colsterworth

<u>Site Details</u> Parish(es)	Colsterworth Easton Public footpath crosses site - FP1 Public footpath abuts site B Class Road C Class Road Unclassified road Trunk Road 40mph + Trunk Road Dev within 67m TR - HA1 Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value EN8 Wildlife and geological site Airfield Zone - No consultation required Cottesmore/Wittering (refuse tips only) Site of wildlife interest - WL1 Adj site of wildlife interest - WL2 EA: Adj not waste disposal site - TIP2 Drainage - Lincs EA: Flood Risk Zone 2 (New Build Only) EA: Flood Risk Zone 3 (New Build Only)
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REPORT**The Site and its Surroundings**

The 'site' is defined, in the main, by the former rail line that runs between the very western edge of Woolsthorpe-by-Colsterworth and Burton lane, to the south of the Easton Cold Stores. The line has been redundant for many years and, for the purposes of the application, is 3200m in length.

At a point nearing the middle the line crosses the A1 and, slightly to the west of this point the former rail line crossed the road from the A1 into Colsterworth village. The bridge remains in place over the A1 but has been demolished where it crosses the road to the village.

For the majority of its length the line is embanked and tree lined. The route of the line is therefore clearly defined.

The rail lines and sleepers have been removed and the surface of the line is now rough grass.

Site History

None

The Proposal

Consent is sought for the change of use of the defined length of the former rail line to form the Colsterworth Railway Path Project (part of the National Cycle Network) to allow for its open usage by walkers, horse riders and cyclists. It is also intended to extend the use in the future to provide a sculpture trail, although further planning consent will be required for the provision of the sculptures.

To form the path a multi-use surface area will be provided to a width of 2.5m. In places the embankments will be re-formed, re-aligned or made wider to straighten the line of the path and to allow direct approaches to the bridge areas.

It is intended to reinstate a new bridge over the road to the village (B6403), the detail of which will have to form part of a further application. An indicative plan is provided with the submitted details to show how this could be achieved.

Policy Considerations

National Policy

PPG17 relates to Planning for Open Space, Sport and Recreation and the key principles of this guidance are as follows:

- supporting an urban renaissance – local networks of high quality and well managed and maintained open spaces, sports and recreational facilities help create urban environments that are attractive, clean and safe. Green spaces in urban areas perform vital functions as areas for nature conservation and biodiversity and by acting as ‘green lungs’ can assist in meeting objectives to improve air quality.
- supporting a rural renewal – the countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies of rural areas, Open spaces within rural settlements and accessibility to local sports and recreational facilities contribute to the quality of life and well being of people who live in rural areas.
- promotion of social inclusion and community cohesion – well planned and maintained open spaces and good quality sports and recreational facilities can play a major part in improving people’s sense of well being in the place they live. As a focal point for community activities, they can bridge together members of deprived communities and provide opportunities for people for social interaction.
- health and well being - open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the

social development of children of all ages through play, sporting activities and interaction with others.

- promoting more sustainable development – by ensuring that open space, sports and recreational facilities (particularly in urban areas) are easily accessible by walking and cycling and that more heavily used or intensive sports and recreational facilities are planned for locations well served by public transport.

More specifically, with reference to recreational rights of way paragraph 32 of PPG17 states that "... rights of way are an important recreational facility, which local authorities should protect and enhance. Local authorities should seek opportunities to provide better facilities for walkers, cyclists and horse-riders, for example by adding links to existing rights of way networks."

Lincolnshire Structure Plan

Policy M8 states that provision will be made to encourage a greater proportion of journeys to be made by cycle through (inter alia) providing a network of cycle routes both on and off the highway, including those for recreational use.

Policy M9 states that provision will be made to encourage a greater proportion of journeys to be made on foot through (inter alia) the development of convenient and safe routes for pedestrians and the reduction of vehicular and pedestrian conflict.

South Kesteven Local Plan

Policy EN2 – supports development within the open countryside that allows for recreational facilities which could not reasonably be located within the confines of a settlement and which draw on the character of the countryside itself rather than imposing on it.

Policy REC8 – allows for recreational facilities in the open countryside, which are compatible with a rural location and where the use would not present any unacceptable environmental or traffic problems.

It is considered that the proposed development accords with all of the policies listed above and represents a good use of this redundant rail line with no overriding impact on the rural area or the immediate surroundings.

Statutory Consultations

Local Highway Authority: Request a 'Note to Applicant' on any approval.

Community Archaeologist: No objections.

Environment Agency: No comments made.

Parish Council: The Parish Council supports all the objections stated in the attached letters from Parish Councillors.

Cllr Wilks: Requests that the application be referred to the Development Control Committee.

Lincolnshire Wildlife Trust:

"The ownership stated in the application is inaccurate. According to Trust records the former line to the west of the B6403 (dismantled bridge) is still owned by Lincwaste with whom the Trust has a legal agreement to manage the site as a nature reserve until 2008. Lincwaste made an offer to donate the ownership of the land managed as a nature reserve to the Trust but it declined after making a risk assessment of the culvert which takes the river Witham underneath part of old line. The Trust understands that Lincwaste intends to make a gift of the land west of the B6403 to Colsterworth Parish Council with the understanding that the Trust will continue to manage the site as a nature reserve. However there is diminished wildlife interest in the stretch behind the housing which covers the area marked '2' to '11' on Map 1 dated April 2006. The area of this part of the reserve is 3.464ha, marked on our map (attached) and the Trust raises no objections to plans along this stretch.

The Trust wishes to continue to manage the remaining sections of 2.418ha and 1.862ha as limestone grassland – a scarce resource in the country. Amongst other wildlife features it has colonies of 2 rare species of butterfly – dingy and grizzled skipper. Whilst all Trust reserves are open to the public for walking, cycling and horse riding is discouraged. Most of the regular users of the reserve appreciate quiet enjoyment and relaxation as they walk (many with their dogs) along this narrow reserve appreciating plants, birds and butterflies in particular. Discussions with members of Colsterworth Parish Council support this view. Therefore the Trust objects to any plans to alter the status quo.

During the planning stage of realignment of the junction of the A1 and B6403, the Trust discussed with Atkins Design Environment and Engineering Consultants the plans for reinstatement of limestone grassland associated with the new slip roads on the east side of the A1 since both verges of the B6403 are designated Protected Road Verges under the scheme agreed between Lincolnshire County Council and this Trust. Agreement was reached to store and use existing turf and seed of local provenance to create limestone grassland as part of the vision agreed by English Nature, Lincolnshire Wildlife Trust and Leicestershire and Rutland Wildlife Trust for the re-establishment of limestone grassland in the Lincolnshire and Rutland Limestone Natural Area. The Trust will object to any plans by Sustrans to diminish the area of proposed limestone grassland reinstatement by inappropriate tree planting, tarmac laying or neutral grassland seeding. It would prefer to negotiate and advise where appropriate.

I trust that the level of detail supplied indicates that the application could have deleterious effects on plant and animal wildlife in the area."

SKDC Senior Projects Officer:

"South Kesteven District Councils cycling strategy strongly supports this application. The works to convert this former railway line to a cycle path were identified in SKDC's Cycling Strategy and programme from 1999 onwards with the aim of it fulfilling 3 roles:

1. To form part of the National cycle Networks Regional Route 16 between Grantham and Stamford.
2. To form part of a circular tourist route, provisionally named 'The Newton Route' to maximise the potential of Cycle Tourism for tourist enterprises in villages nearby.
3. To enable the journey to work for those employed from the villages of Woolsthorpe and Colsterworth at the Burton Road Industrial Estate to be made safely on cycle or foot.

A key feature in the utilisation of this route for all three purposes is the re-use of the existing bridge over the A1. It represents the only safe method, for pedestrians and cyclists to cross the A1 between Great Ponton (a pedestrian footbridge), 4.5 miles to the North, and South Witham (a local road passes under the A1 but with no specific cycle/pedestrian facility), a similar distance to the south.

Similarly the proposed reintroduction of a bridge across the route of the old A1 just north of Colsterworth will particularly enhance the routes safety and utility for people from Woolsthorpe in particular but also for cycle borne tourists seeking to get to the National Trust owned farmhouse where Sir Isaac Newton was born."

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) No control over fly-tipping and vehicular access.
- b) No indication of future maintenance.
- c) Motorbike use is uncontrolled and is a nuisance – this will be increased as a result of this application.
- d) No EIA submitted with the application.
- e) Poor car park area with no security.
- f) Access gained over private land, no notice served.
- g) Limited benefits of the scheme.
- h) Potential loss of privacy from embanked areas.
- i) Concern over security to rear of properties.
- j) Path too narrow for horses.
- k) Incompatible with adjacent agricultural uses.

- l) 'Urban' materials acceptable in rural locations.

Planning Panel Comments

5 September 2006 – The application be determined by Committee.

Applicants Submissions

None

Conclusions

The proposal makes good use of the redundant railway line and, whilst conforming to national and local planning policies, provides a good recreational facility for use by all. Further planning permission will be required for any proposed sculptures and the provision of the new bridge over the road.

Many of the issues raised as a result of the publicity of the application are not planning related and, although they are referred to above for Members information, cannot be taken into account in the determination of the planning application.

Summary of Reasons for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPG17, policies M8 and M9 of the Lincolnshire County Structure Plan, policies EN2 and REC8 of the South Kesteven Local Plan. The issues relating to noise and disturbance, security, loss of privacy, legal access and incompatibility of uses are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development, large scale plan and sectional details (to a scale of not less than 1:200) to show all the sections where the configuration or realignment of the embankments is proposed, shall be submitted to and approved in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. The submitted details are not of scale where the accuracy of these details can be determined and the planning authority wish to be in a position to determine that any

works proposed do not impact on the surrounding area, in accordance with Policy EN2 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
3. Planning permission may be required for the provision of any sculptures or structures as may be sited along the length of the trail and planning permission will be required for the new bridge structure to cross the B6403. No details have been submitted to show these structures and these elements have not been asked to be considered as part of this application.
4. Access may be shown to serve the trail over land which is not owned or controlled by the applicants. If this is the case legal agreement will need to be reached between the applicants and the respective landowners.

This application was deferred from the last committee to enable members to undertake a site visit.

Additionally, the applicant has been requested to confirm that the application site is within the control of the applicant and/or the correct Certificates have been served on any interested parties.

Any information received from applicant/agent will be reported verbally.

* * * * *

Applicant	Holland House Nursing Homes Holland House Residential Home, 35, Church Street, Market Deeping, Peterborough, PE6 8AN
Agent	Baxter & King Construction Squirrels Lodge, Hards Lane, Frognall, Deeping St James, Peterborough, PE6 8RP
Proposal	Erection of 14 sheltered housing units
Location	Holland House Residential Home, 35, Church Street, Market Deeping

<u>Site Details</u> Parish(es)	Market Deeping Conservation Area 1000 sq.m. plus in Conservation Area A Class Road Radon Area - Protection required Curtilage Listed Building Area of special control for adverts C9 Area Conservation Policy Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The proposal relates to the erection of detached sheltered accommodation to the rear of the existing nursing home, Holland House. It would create 14 apartments in two detached blocks. Holland House is a grade II listed building within the Market Deeping Conservation Area.

It is located on the east side of Church Street and is adjoined by dwellings to the north and south. The residential cul-de-sac of Still Close borders the site to the east.

Site History

S01/0890 – Planning permission was granted for the erection of an extension to the residential care home to form an additional 24 units.

The Proposal

The application is for full planning permission to form 14 units. The site would be accessed via the existing vehicular access adjacent to Holland House. The development would be in the form of two detached blocks of apartments. They would have an overall ridge height of approximately 7.1 metres. There would be no first floor windows to the rear elevations. The front elevation would contain dormer windows at first floor level built of the front wall.

Policy Considerations

South Kesteven Local Plan

Policy C9 – Buildings in Conservation Areas.

Policy EN1 – Protection and Enhancement of the Environment.

Policy E5 – Small Businesses.

Statutory Consultations

Town Council:

Object – Access too congested. There are already parking issues on Church Street with regard to the Post Office/bus stop which is opposite.

The proposed development is too dense.

Welland and Deepings Internal Drainage Board:

No objections. Should any land or surface sewer pipes be uncovered during excavations the Board should be informed immediately.

Environment Agency: No comments.

Local Highway Authority:

I have serious concerns regarding the intensification of vehicular movements at this access and would therefore request the following:

1. Visibility splays for the site entrance are shown. Note these should be 2.4 metres by 90 metres.
2. The parking spaces at the site of Holland House are not acceptable.
3. Parking calculations for the Nursing Home and the proposed development shall be stated and shown on the plan.
4. Transport statement is required in respect of the reduced parking numbers.

Community Archaeologist: Requests Note to Applicant – ARC1.

Conservation Officer:

The southernmost of the two proposed housing blocks is now modelled in a more traditional form and scale and, subject to appropriate external materials and detailing should not over-intrude on the scene, not least due to the comparatively discreet siting.

I remain of the opinion that the proposed block to the north is generally ill-fitting and will have an uncomfortable overbearing impact on the setting to the listed buildings adjacent as the new block to the south. I would therefore advise that the northern block would be better deleted from the scheme.

English Heritage:

We do not wish to make any representations on this occasion. We recommend that this case should be determined in accordance with government advice, development plan policies and with the benefit of conservation advice locally.

Representations as a result of publicity

The application was advertised in accordance with established procedures. Letters of objection have been received from interested parties.

A summary of the main concerns are listed below:

- a) Would add to existing traffic congestion on Church Street.
- b) Increase in traffic would impede emergency vehicles.
- c) Access is a narrow domestic style drive.
- d) Traffic calming would be appropriate on Church Street.
- e) The infrastructure, utilities, sewers, water supply etc have no spare capacity.
- f) A section 106 agreement could be used to secure the necessary improvements.
- g) South Kesteven policy is not to allow 'backland' development.
- h) Infrastructure cannot accommodate additional 14 residents.
- i) Available parking on Church Street is a major problem.
- j) The addition of the second storey would invade the privacy of my garden area (31-33 Church Street).
- k) Although the developers call it "sheltered housing" they are just another housing development on backland.
- l) The access will be through a relatively narrow entrance onto an ongoing traffic hazard area with the continuing and seemingly unstoppable parking violations caused by customers to the post office.
- m) Support for accommodation for the elderly but concern regarding increased traffic.
- n) The existing car parking spaces at Holland House is insufficient.

Applicants Submissions

The following information was submitted by the applicant in support of the application:

Holland House is currently registered as a residential care home for 21, being 15 in the main house and 6 in the converted barn.

This arrangement is not completely satisfactory as the residents of the barn either have to cross the yard to the communal dining room or the staff have to carry food from the main kitchen over to the barn.

In 2003 a planning application to increase the number of beds from 21 to 45, with a separate unit built in the garden was approved (planning ref. S01/0890/56). This included a fully serviced unit with additional car parking.

This current proposal changes to the rear unit approved in 2002 from a 24 bed residential unit to a close care facility with 14 apartments for independent living.

The total facility will therefore give a 12 bed residential unit and 17 close care units.

We have revised the scheme to give 15 spaces being 12 parallel spaces and 3 tandem spaces similar to the previous approval.

Conclusions

This application is an alternative scheme to that previously approved under planning permission S01/0890. The scheme would result in a reduction in the overall number of units provide, which in turn would result in a reduction in the vehicle/pedestrian movements to and from the site.

Whilst concern has been raised from the highway authority regarding the access, visibility splays and parking it is noted concerned that the proposal would result in additional highway safety/capacity implications over that considered by the 2002 application. As this current scheme would result in a reduction of units compared to the previous approval it is considered that the highway issues are reduced.

Whilst the proposed development would have a higher ridge line than the previously approved scheme, approximately an additional 1.5 metres higher (to facilitate the first floor accommodation) it is not considered that it would result in any significant overlooking/loss of privacy as the first floor windows are restricted to the front elevations only.

It is considered that the main issue for consideration is the impact of the proposed development on the adjacent listed building. It is considered that the southernmost block is acceptable and has no detrimental impact on the character or setting of the adjacent listed building.

The smaller northern block due to its increased ride height (over that previously approved) and its location would have an impact upon the adjacent listed building. However, it is not considered that the current proposal would be significantly detrimental to the adjacent listed building that could justify refusal of planning permission on these grounds. Particularly, when it is compared to extant planning permission.

The housing blocks have been modelled on a more traditional form and scale than the previously approved scheme which when coupled with the reduced number of units is considered to produce a satisfactory form of development.

In light of the above comments it is considered that the proposed development is considered acceptable.

Summary of Reasons for Approval

The proposal is in accordance with national and local policies as set out in policies EN1, C5 and E5 of the South Kesteven Local Plan . The issues relating to highway safety/parking, impact on the character and setting of the adjacent listed building and residential amenity are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
3. No development shall take place until there has been submitted to and approved in writing by the district planning authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.

4. Before the development is commenced, there shall be submitted to and approved by the district planning authority details of the means of surfacing of the unbuilt portions of the site.
5. No development shall take place until details of the proposed screen wall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
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 windows/dormer windows (other than those expressly authorised by this permission) shall be constructed unless otherwise agreed in writing by the local planning authority.
7. This permission shall be read in conjunction with the submitted application and the amended plan ACH/01/BK 001A and 002A received by the local planning authority from the applicant's agent on 29 August 2006 unless otherwise agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 51 of the Planning & Compulsory Purchase Act 2004.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. In the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To ensure a satisfactory form of development and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. In the interests of visual amenity and impact on the adjacent listed building and wider Conservation Area and in accordance with Policies EN1 and C9 of the South Kesteven Local Plan.
6. To protect the amenities of adjacent occupiers in accordance with Policy EN1 of the South Kesteven Local Plan.
7. To define the permission.

* * * * *

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

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

The Site and its Surroundings

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

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

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

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

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

The Site History

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

The Proposal

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

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

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

Policy Considerations

Central Government

PPS1 – Delivering Sustainable Development.

PPG3 – Housing (2000)

PPS3 (Draft) – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPG25 – Development and Flood Risk

Lincolnshire Structure Plan (Deposit Draft)

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

South Kesteven Local Plan

Policy H6 – Housing on Unallocated Sites

Policy E11 – Safeguarding Industrial Sites

Policy EN1 – Protection and Enhancement of the Environment

Policy REC3 – Public Open Space and New Housing Development

Interim Housing Policy 2005

Statutory Consultations

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

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

Head of Policy and Economic Regeneration:

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

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

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

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

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

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

Housing Solutions:

Affordable housing requirement as follows:

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

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

Leisure and Cultural Services: Comments awaited.

Community Archaeologist: If permitted, requests standard condition W8.

Town Council:

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

Representations as a result of publicity

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

The issues raised are as follows:

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

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

Comment

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

Planning Panel Comments

To be determined by the Development Control Committee.

Applications Submissions

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

1. INTRODUCTION AND BACKGROUND

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

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

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

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

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

2. PROPOSAL SITE AND SURROUNDINGS

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

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

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

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

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

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

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

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

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

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

3. PLANNING HISTORY

3.1 None relevant to the site.

4. PLANNING POLICY CONTEXT

4.1 The proposal must be considered in terms of the advice set out in the following national planning policy guidance notes and statements and the policies of the approved Development Plan which comprises the Lincolnshire Structure Plan

Government Policy Guidance

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

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

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

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

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

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

Lincolnshire Structure Plan Deposit draft Proposed Modifications 2006

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

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

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

The South Kesteven Local Plan 1995

4.10 The South Kesteven Local Plan was adopted in 1995 and extended over a plan period up to 2001. The Local Plan has now technically expired and the

majority of policies are now not considered to be relevant given changes in Government policy.

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

Interim Housing Policy

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

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

a) A previously developed site (in accordance with the definition included in PPG3 Annex C).

b) The interim policy does also state that in all cases planning permission will also be subject to relevant policies of the "saved" adopted South Kesteven Local Plan.

5. ILLUSTRATIVE LAYOUT

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

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

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

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

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

6. CONCLUSIONS

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

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

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

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

Conclusions

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

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

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

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

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

Summary of Reason(s) for Approval

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

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved:-

(i) detailed drawings of the estate layout to a scale of not less than 1/500 showing the siting of all buildings and means of access thereto from an existing or proposed highway and site contours at one metre intervals;

(ii) detailed drawings to a scale of not less than 1/100 showing the siting, design and external appearance of the buildings including particulars of the materials to be used for external walls and roofs;

(iii) a scheme of landscaping.

3. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
4. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
5. Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and.
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on site.

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

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

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

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

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

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

Within the Welland Quarter opportunity area at Stamford as shown on the map following page 23, planning permission will be granted for a comprehensive mixed-use redevelopment to include retail, leisure, housing and employment uses and together with enhanced public parking provision. Any scheme of redevelopment should:

- i. Make provision for the retention and enhancement of public car parking facilities within the area;
- ii. Incorporate a safe and attractive route for pedestrians and cyclists alongside the river between the bridge and the priory;

- iii. Incorporate appropriate measures to secure safe and convenient pedestrian and cycle link between the area and the main town centre shopping area; and
- iv. Maximise the advantages of the areas riverside setting and be of a high design quality.

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

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

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

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

This application was deferred from the 25 July meeting pending the receipt of further information addressing the concerns of the Head of Policy and Economic Regeneration on the loss of industrial land and the final comments of the Local Highway Authority.

Further information has been submitted by the applicants agent and the Head of Policy and Economic Regeneration has now confirmed that he is satisfied that all of the criteria set out under Policy E11 of the Local Plan have been complied with and it has been demonstrated that the proposal will not, therefore, result in a shortage of industrial land.

The Highway Authority are now satisfied that the proposed development would not compromise highway safety and have requested four standard conditions and two notes to applicant be imposed on any grant of planning permission (see below).

As reported to the last meeting, the Environment Agency have withdrawn their objection subject to two conditions (see below).

A further letter of objection was received after the 25 July meeting from Mitchell & Hudson, who occupy premises nearby, raising the following issues:

1. Not an ideal situation to build houses.
2. Housing development would adversely affect parking/delivery vehicles etc.
3. SKDC must protect the interests of businesses in this industrial area.
4. Too much industrial land has been given over to housing.

RECOMMENDATION: That subject to the completion of a Section 106 Agreement in respect of on-site Affordable Housing provision, Public Open Space provision and contributions towards improving links to the town centre, the development be Approved subject to condition(s)

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final

approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The following matters are reserved for subsequent approval by the District Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved:-

(i) detailed drawings of the estate layout to a scale of not less than 1/500 showing the siting of all buildings and means of access thereto from an existing or proposed highway and site contours at one metre intervals;

(ii) detailed drawings to a scale of not less than 1/100 showing the siting, design and external appearance of the buildings including particulars of the materials to be used for external walls and roofs;

(iii) a scheme of landscaping.

3. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
4. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
5. Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on site.

6. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an

addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

7. The site investigation trial pits or boreholes located in or through the contaminated land must be backfilled to a specification to be submitted to and agreed in writing by the local planning authority.
8. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

9. 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.
10. 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.
11. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floors levels at a minimum of 22.60mAOD) set out in the approved Flood Risk Assessment carried out by Geoff Beel Consultancy (June 2006), and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.
12. No structures, including dwellings and garages, shall be constructed within the area identified on the map accompanying the approved Flood Risk Assessment carried out by Geoff Beel Consultancy (June 2006) as within the predicted 1 in 100 year flood level, unless otherwise approved in writing by the local planning authority in consultation with the Environment Agency.

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

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only and these details are necessary to enable the District Planning Authority to assess the standard of the proposed development and in accordance with Policy EN1 of the South Kesteven Local Plan.

3. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy C2 of the South Kesteven Local Plan.
5. To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health, and controlled waters and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. To prevent the direct contamination of groundwater and in accordance with Policy EN1 of the South Kesteven Local Plan.
8. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with PPG13.
9. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with PPG13.
10. 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.
11. To reduce the risk of flooding and in accordance with PPG25.
12. To prevent the increased risk of flooding elsewhere as a result of development and in accordance with PPG25.

Note(s) to Applicant

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

* * * * *

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

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

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

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

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

East Midlands Regional Assembly: This new application falls within the East Midlands conformity criteria. Point 3 in my letter of 2.3.06 still applies. It may be judged that the development affects the setting of 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.

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.

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.

This application was considered at the Development Control Committee on 12 September 2006 when the application was deferred to enable further discussions between the developers/highway authority and local planning authority to address the issues relating to the junction arrangements proposed onto the A15.

The various alternative access proposals for the site, namely visibility splays at the existing junction, right turn ghost island, mini roundabout and traffic signs have been fully assessed by the local highway authority. It is acknowledged that some of the proposed arrangements do have some benefits. However, the overall impact on the highway network is negative and is considered to be detrimental to highway safety.

This application was deferred at the last Development Control Committee to allow consultation with English Heritage regarding any impact on the setting of the adjacent listed building (Red Hall).

Any comments from English Heritage will be reported verbally.

* * * * *

Applicant	Moseley Brown Developments West Cottages, 8, Stretton Lane, Houghton on the Hill, Leics, LE7 9GL
Agent	Robert Dixon, Dixon Sharman Associates Limited 19, West Street, Kings Cliffe, Peterborough, PE8 6XB
Proposal	Erection of five town houses, two maisonettes and one flat
Location	6-16, New Town, Water Street, Stamford

<u>Site Details</u> Parish(es)	Stamford Adj authority - Peterborough City - AA7 Unclassified road Radon Area - Protection required Railtrack (York) within 50m - RAIL1 Cottesmore/Wittering (refuse tips only) Wittering (Yellow exc 45.7m) Drainage - Welland and Nene
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REPORT

Representations Received

Town Council: No objections.

Local Highway Authority: Requests 4 conditions and three notes to applicant (see below).

Community Archaeologist: Requests Note to Applicant – ARC1.

Network Rail: No objection.

Peterborough City Council: Does not wish to make any comments.

The application has been advertised in accordance with established procedures, the closing date for representations being 9 August 2006. Representations have been received from seven local residents raising, in summary, the following issues:

1. Over development. (4)
2. Proposed development too high in relation to Welland Mews. (3)
3. Dangerous access. (4)
4. Loss of light to properties on the south side of Welland Mews, which are at a lower level. (2)
5. Too oppressive on Welland Mews. (2)
6. Scheme should include some social housing. (1)
7. No wheelchair access to pavement level either side of access off Water Street. (1)
8. Loss of privacy to 1 Barons Court. (1)
9. Insufficient on-site parking. (1)
10. Impact of bin store on Parkgate House. (1)

Officer Report

Reason for referral to Committee

Planning Panel – To be determined by Committee.

The Site and its Surroundings

The 0.11ha application site is located on the eastern side of Water Street, immediately to the north of the railway line (in cutting), some 39m from the junction with Barnack Road.

To the north and east, at a lower level, are the residential properties of Welland Mews. To the west, between the site and Water Street is Parkgate House, a two storey detached property orientated gable on to the road.

The main body of the roughly triangular site is set back from the road.

The 5.6m wide access runs between Parkgate House and the railway line.

The site does not lie within the Stamford Conservation Area.

The Proposal

Full planning permission is sought for a scheme comprising five town houses, two maisonettes and one flat in two blocks aligned north/south and fronting onto a central parking area.

The easternmost block would comprise two houses and one maisonette. The remainder would be in the western block.

There would be no openings in the gable walls facing onto the Welland Mews properties.

The external walls of the proposed dwellings would be constructed of natural limestone, with render to small areas such as dormer cheeks and panels below bay windows.

The roof coverings would be Bradstone artificial slates, a type used successfully on other recent developments in the historic core of Stamford.

The height of the proposed dwellings would be approximately 9m to the ridge and 5m to the eaves, the usual heights for 2½ storey dwellings.

The Main Issues

- Impact on the immediate surroundings.
- Impact on amenities of neighbouring residential properties.
- Highway safety.
- Density of development.

Planning Policy

Central Government Policy Guidance/Statements

PPG3 – Housing.

PPG13 – Transport.

PPS1 – Delivering Sustainable Development.

Lincolnshire Structure Plan

Policy S1 – Promoting Sustainable Development.

Policy S2 – Location of Development.

Policy H2 – Housing on Previously Developed Land.

South Kesteven Local Plan

Policy H6 – Development in Towns and Villages.

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.

South Kesteven Interim Housing Policy – June 2005

Site History

In March 2005 outline planning permission was granted (S05/0001/69) for residential redevelopment of the site.

Considerations

The site is higher than the Welland Mews properties to the north and some of those properties will inevitably be overshadowed by the proposed dwellings. However, they are overshadowed at present along the entire length of the northern boundary by the existing workshop building and only the end gables of the proposed dwellings would be against this boundary.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1, Planning Policy Guidance Notes PPG3 and PPG13, Policies S1, S2 and H2 of the Lincolnshire Structure Plan, Policies H6 and EN1 of the South Kesteven Local Plan and adopted supplementary planning guidance contained in the South Kesteven Interim Housing Policy. The issues relating to highway safety, overlooking and overbearing presence 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 drawing no. Des 02 Rev C received on 22 August 2006.
3. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.

4. 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.
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no 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.
6. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
7. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
8. Before the dwellings hereby permitted are occupied the gardens/patios shall be enclosed in accordance with details to be submitted to and approved in writing by the local planning authority.
9. Before the development is brought into use the private driveway and communal parking area shall be provided with lighting (to a minimum level of 1 lux/3.5 lux average point luminance) in accordance with details to be submitted to and approved in writing by the local planning authority.
10. Development shall not be commenced until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.
11. The decontamination scheme required by condition 9 above shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment when the site is developed. Development shall not commence until the measures approved in the scheme are implemented.
12. Before the development hereby permitted is commenced a scheme for protecting the proposed dwellings from vibrations arising from the adjacent railway shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any dwelling is occupied.
13. The arrangements shown on the approved plan DES 02 Rev C dated 22 August 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
14. 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.
15. 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.

16. No development shall be commenced (apart from those works identified on drawing number DES 02 Rev C or as specified) before the works to improve the public highway (by means of widening the footway and providing visibility) have been certified complete 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. For the avoidance of doubt.
3. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies ** of the South Kesteven Local Plan.
4. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
5. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
6. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
7. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
8. In the interests of safeguarding the privacy of the occupiers of the approved dwellings.
9. To provide adequate lighting of the private driveway in the interests of crime prevention and community safety.
10. To ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety.
11. To ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety.
12. In the interests of the amenities of the occupiers of the approved dwellings.
13. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
14. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
15. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
16. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 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.

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

* * * * *

Applicant	Mr & Mrs D Hewitt Greytrex House, Tinwell Road Lane, Stamford, PE9 2SB
Agent	Wilson & Heath Architects 112, Queens Walk, Stamford, Lincs, PE9 2QE
Proposal	Conversion of outbuilding to self-contained residential annexe
Location	Greytrex House, Tinwell Road Lane, Stamford

<u>Site Details</u> Parish(es)	Stamford Unclassified road Radon Area - Protection required Cottesmore/Wittering (refuse tips only) Wittering (Yellow exc 45.7m) Drainage - Welland and Nene
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REPORT

Reason for Referral to Committee

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

The Site and its Surroundings

The application site is comprised of a large detached house occupying a substantial plot of land (800 sq.m. approx) on the northern side of Tinwell Lane. The latter is a relatively narrow unmade track which serves the existing dwelling, a few others and acts as a rear service road and access to properties on Tinwell Road to the south.

The area is wholly residential and is characterised by low density development of large dwellings in substantial plots.

In the north-western corner of the site lies the two storey building which is the subject of this application.

Site History

Planning permission S02/0541 was granted in June 2002 for the erection of a dwelling and annexe plus carport. Essentially, this permission was granted to secure the removal of an unsightly range of buildings (timber and asbestos) which formerly occupied the site and were in use for a variety of commercial/industrial uses.

A variation on this permission was granted in June 2004 (S04/0531).

The proposal included a large, four bay carport in the north-western corner of the site. The approved drawings show five velux rooflights in the eastern roof slope with the first floor over the carport given over to storage. The planning permission was subject to a number of conditions. One required that, "the roofspace of the carport shall be used for domestic purposes ancillary to the occupation of the main dwellinghouse and for no other commercial purpose". Another condition requires that "there shall be no additional rooflights or windows installed in the carport without the express written consent of the local planning authority."

Following construction of the carport building it was altered by the insertion of windows and French doors into the carport openings. The building itself was begun to be used for residential purposes. The applicant's agents have explained that this was for, "much-needed accommodation from time to time for members of the family and friends with children, who tended to disturb our clients when put up in the main house".

Following the receipt of a formal complaint about the alterations to the carport building a report was presented to the Development Control Committee of 16 May 2006 (Agenda Item No. 5). There was some evidence at the time that the converted carport was in use as a separate dwelling by a person working as a cleaner for the owners of the principal dwelling. The Committee accepted the recommendation to take appropriate enforcement action.

This application has been submitted in an attempt to regularise both the alterations and the use. No action has been taken on the Committee resolution pending the consideration and outcome of this application.

Policy Considerations

Central Government Policy Statements

PPG3 – Housing (2000)

PPG18 – Enforcing Planning Control

South Kesteven Local Plan

Policy H6 – Residential Development on Unallocated Sites.

Policy EN1 – Protection and Enhancement of the Environment.

Statutory Consultations

Local Highway Authority: No objections.

Stamford Town Council: Recommends that the application be refused because of the backland location.

Representations as a result of publicity

The application has been advertised in accordance with established procedures. Objections have been received from 16 properties in the vicinity of the application site. Their objections relate to:

- a) Increased traffic using the unsurfaced narrow lane.
- b) Precedent for further dwellings.
- c) The whole development is incongruous.
- d) Permission was only ever allowed for one dwelling on an exceptional basis.
- e) The Council should enforce the breach of planning control.

In addition two letters of support have been received. The supporters refer to the improvement to the area following the construction of the house and to the improvements carried out by the applicants to the condition of the road.

Conclusions

There are two issues here – the appearance of the building and its proposed use.

In terms of its appearance the only changes from the approved scheme are the closing up of the carport openings with various window details. The building itself remains the same size as previously approved, and, given that the changes can only be seen from within the

site, the appearance of the building from public vantage points is the same as that considered and approved earlier.

As for the use the applicants have specifically applied for a “self-contained annexe”. Whilst the building has all the facilities to allow for occupation as an independent dwelling the Authority can only judge the proposal on what has been applied for. An annexe suggests that the use is intended to be subordinate to or dependent upon the principal use. It would be both reasonable and desirable to restrict the occupation to persons related to those residing in the principal house by the imposition of an appropriate condition.

Much of the objection to the proposal is concerned with the increased traffic. As an annexe this will be minimal and would be less than it would be to an independent dwelling. It should be remembered that the overall traffic generation to this site will have reduced from the time when there was a non-conforming commercial user operating from the premises which previously occupied the site. The Local Highway Authority has not objected to the development.

Objectors also have concerns that the development would establish an undesirable precedent favouring similar developments along the lane. For precedent to be a relevant consideration there must be a consistency in circumstances between the cases. It is difficult to conceive of a situation where the circumstances in this case can be replicated elsewhere. A permission here would not establish a precedent for further residential development along the lane.

In all the circumstances of this case there is no justifiable case for refusal. Subject to the imposition of appropriate conditions the development is acceptable.

Summary of Reason(s) for Approval

The proposal 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 increased traffic and precedent are material considerations but subject to the condition 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 accommodation hereby permitted shall not be used as an independent dwelling separate from the use of the existing dwelling known as Greytrex House.
2. There shall be no additional rooflights or windows installed in the building unless planning permission to do so has first been granted by the local planning authority.

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

1. The establishment of a further independent dwelling on this site would give rise to conditions detrimental to the amenities and privacy of both the existing and proposed dwellings in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
2. In the interests of protecting the amenities of local residents and in accordance with Policies H6 and EN1 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.

* * * * *

Applicant	Mr & Mrs D Mee Hawthorne House, 35, Towngate West, Market Deeping, Peterborough, PE6 8DG
Agent	Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF
Proposal	Erection of seven dwellings
Location	Hawthorne House, 35, Towngate West, Market Deeping

Site Details Parish(es)	Market Deeping C Class Road Unclassified road Demolition of any building - BR1 Radon Area - Protection required Countryside M'ment Plan - MC2 H4 Housing - Market Deeping Airfield Zone - No consultation required Cottesmore/Wittering (refuse tips only) Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The application site is located towards the north-western edge of Market Deeping. The site area is approximately 0.32 hectares (0.79 acres). The site is located on the southern side of Towngate West. The site is rectangular in shape and has a frontage of 30 metres and extends back approximately 100 metres. The site comprises a large two storey detached property, garage with office and the domestic garden.

The site is surrounded by a mix of single and two storey residential development. To the west of the site lies a large area of public open space, which is accessed off Tattershall Drive.

Site History

No relevant planning history.

The Proposal

This is an outline application for the erection of seven dwellings on the site with matters relating to design, external appearance and landscaping reserved for subsequent approval. As part of the development it is proposed to demolish the existing house and garage. Access and layout are to be determined in this application.

Policy Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Guidance Note 3: Housing (PPG3)

Lincolnshire Structure Plan

Policy S2: Location of Development

Policy H2: Housing on Previously Developed Land

South Kesteven Local Plan

Policy H6: Housing Development

Policy EN1: Protection and Enhancement of the Environment

Supplementary Planning Guidance

Lincolnshire Design Guide for Residential Areas

Statutory Consultations

Local Highway Authority : No objections subject to conditions

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

Welland & Deepings Internal Drainage Board:

The applicant has stated that surface water will be taken to the public sewer. The Board have no services within the immediate vicinity, although Anglian Water may have. In line with current recommendations sustainable systems should be considered where possible. Should any land drains or surface sewer pipes be uncovered during excavations the Board should be informed immediately.

Arboriculturalist/Landscape Officer:

From the information supplied, the trees do not appear to be of sufficient merit to warrant inclusion in a Tree Preservation Order, and limit the development of the site, if approval is given. Any trees that are to remain, as part of any planning permission, should be adequately protected during the course of development.

Town Council:

The town council feel that the development is inappropriate for the area and would object to the loss of an important architectural structure if Hawthorne House is demolished. They also object to the fact that the access of the site would be near to a busy junction and also to the loss of privacy to surrounding dwellings.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's established procedures, and representations have been received from interested parties.

This issues raised can be summarised as follows:

- a) The development is backland development.
- b) The impact on a quite country road would be considerable.
- c) The existing property in an imposing modern property in lovely gardens and redevelopment of the site would be detrimental to the character and appearance of the area.

- d) Concerns with regard to what will happen to the boundary wall which runs along the eastern side of the site and who will maintain the wall if the development is approved.
- e) Concerns with regard to the proposed access road, which runs close to residential properties adjacent to the site.
- f) Concerns with regard to increase noise and disturbance.
- g) Concerns about loss of views across the site.
- h) Concerns about visual impact of the development.
- i) Concerns about loss of mature trees (in particular a mature yew tree).
- j) Concerns about maintenance of western boundary fence.
- k) Why is the existing house to be demolished.
- l) Concerns about the density levels of the development being too high.
- m) Concerns about loss of privacy and the impact of any two storey development of the site.
- n) Concerns that the development will dominate the area, which consists of mainly bungalows.
- o) Concerns at lack of information available.
- p) Concerns about loss of privacy and overlooking.
- q) Concerns about highway safety as a result of additional junction in area and general increase traffic.
- r) Impact on drainage in the area.
- s) The speed limit in the area should be reduced from 60mph to 30mph.
- t) Concerns about loss of light.
- u) Concerns about noise and disturbance during construction.
- v) Loss of property value.
- w) The development does not comply with the Local Plan.
- x) The proposed development does not maintain the established building line.

Planning Panel Comments

The application was reported to the Planning Panel on 19 September 2006, at the meeting the Planning Panel required that the application be determined by the Development Control Committee.

Applicants Submissions

The applicant's agent has submitted a planning statement in support of the application. The Development Appraisal section of the report is copied in full below:

3. Development Appraisal

- 3.1 In setting out the case, it will be demonstrated that the development proposal accords with the relevant policies of the adopted and emerging Local Plan. In addition there are other material planning considerations which provide further support for the scheme, most notably central government guidance, in the form of PPG3.

Principle of Development

- 3.2 At present, the application site comprises of a single house and garden and as a consequence, the site is previously developed as defined in PPG3. As such the land is in the highest order of priority for being brought forward for housing.

- 3.3 It is considered that due to the site's location within the town and the fact that the land is previously developed by definition the principle of development is acceptable. The acceptability of the scheme proposed is dependant upon the general development control criteria as referred to in this Statement. The site is not located in an area identified as being at risk from flooding and consequently a Flood Risk Assessment will not be necessary (see accompanying EA extract).

Detailed Design

- 3.4 As described in Section 1 of this Statement the area of Towngate West in the vicinity of the application site is predominantly suburban with a range of detached and semi-detached houses and bungalows. The site forms the backdrop to the large area of public open space located to the east.

- 3.5 It is considered that the development proposal is based upon the basic concept of the street scene by proposing a dwelling set forward of the existing house. This provides continuity in the streetscene whilst at the same time respecting the position of the adjacent bungalow to the east.

- 3.6 In general terms, it can be seen that the design has responded positively to the area and will help to create a high quality development that will create a sense of place. The scale is appropriate for the surroundings and offers a high degree of natural surveillance over the site and beyond. Overall, the proposed design has been carefully crafted and offers a solution which fits into its context.

- 3.7 Privacy will be maintained to the existing dwellings adjacent to the site through the careful siting of each unit primarily on the western side of the site. Additionally, this form of layout allows for a minimum distance of 12 metres between principle elevations and the common boundary with neighbouring properties. The orientation and disposition of the internal room arrangements will allow for passive surveillance of the communal private drive serving the development. The retention of much of the existing established landscaping along the eastern boundary will further help to integrate old with new.

- 3.8 The application is to be served off a private drive in accordance with the requirements of the Lincolnshire Design Guide for Residential Areas. It allows for a minimum of 2 car parking spaces per dwelling on-site.

3.9 Overall, it is considered that the proposal is compliance with development plan policy and consistent with the aims and objectives of current government planning policy. The scheme provides a modestly scaled proposal that is reflective of the character and appearance of the area whilst at the same time offering a contemporary solution to the site.

Considerations

Planning Policy Guidance Note 3: Housing (PPG3) aims to promote more sustainable patterns of development and make better use of previously-developed land. Paragraph 22 of PPG3 states that the Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of Greenfield land being taken for development.

The application site can be considered to be a brownfield site as defined by PPG3, as such the site can be considered suitable for residential development.

Paragraph 57 of PPG3 states that:

“Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy housing, should be avoided.”

Paragraph 58 of PPG3 goes on to state:

“Local planning authorities should therefore:

avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);

encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and

seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.”

The application site is approximately 0.32 hectares and is occupied by a single dwelling. This means the site is currently developed at a density of approximately 3 dwellings to the hectare. This is clearly unsustainable and significantly below the governments suggested level of 30 dwellings to the hectare, which would result in approximately 9-10 dwellings on the site.

The application originally proposed 5 dwellings on the site at a density of approximately 16 dwellings to the hectare, this would still be well below the recommended density level. Following negotiations the application was revised and the number of dwellings proposed was increased to 7. This means that the proposed development would have a density of 22 dwellings per hectare. Whilst this is still below the recommended levels outlined in

PPG3 other factors such as the relationship to existing residential properties mean that any further increase in the numbers of dwellings would potentially have a detrimental impact on the amenities of adjacent properties.

This is an outline application with matters relating to design, external appearance and landscaping reserved for subsequent approval. It is however considered that the erection of 7 dwellings on the site would not have a detrimental impact on the character and appearance of the area and would in fact represent an appropriate use of brownfield land which is currently underutilised. The application proposes a mix of detached and semi detached properties which would be in scale and character with adjacent developments.

Concerns have been raised about the loss of the existing house. Hawthorne House is a late 20th Century property and is of no historic or architectural value. The loss of the house will have no significant impact on the character and appearance of the area and will in fact enable the site to be developed at a higher density in accordance with the requirements of PPG3.

The site has been layout such that plot 1 fronts directly on to Towngate West with the remaining plots facing the access road. All the plots have rear garden depths of approximately 10 metres which provides adequate separation distance between adjacent properties. Plots 2 and 3 will be approximately 11 metres from the eastern boundary of the site and will not therefore overlook the rear garden of 33 Towngate West. Plots 4, 5 and 6 will be approximately 12 metres from the boundary with 4 Lincoln Close. Number 4 Lincoln Close does have windows to habitable rooms in the western elevation facing the application site but these will be screened by the existing boundary wall which runs along the eastern boundary. Plot 7 will be approximately 15 metres from the eastern boundary and 22.5 metres from the rear elevations of 2 and 3 Lincoln Close. Taking into account the above separation distances and the orientations to adjacent properties it is considered that the site can be developed such that it will not have a detrimental impact on adjacent properties by way of either overlooking/loss of privacy or overshadowing/loss of light.

A significant number of objections have been received relating to the loss of trees on the site, in particular the loss of a mature Yew tree located towards the front of the site. None of the trees on the site are the subject of a Tree Preservation Order. Whilst landscaping is reserved for subsequent approval the Council's Arboriculturalist/Landscape Officer has stated that "...the trees do not appear to be of sufficient merit to warrant inclusion in a Tree Preservation Order...". If the application is approved it is recommended that conditions requiring a detailed survey of the trees on the site and measures for protecting those to be retained. In addition to this a condition requiring additional landscaping is also recommended.

Concerns have been raised with regard to highway safety and parking issues. Following consultation the Local Highway Authority has raised no objections to the proposed development subject to conditions requiring Parking and turning facilities, a minimum access width of 4.5 metres and drainage details being provided. Subject to the imposition of the requested conditions it is considered that the proposed development will not be detrimental to highway safety.

Concern has been raised about potential noise and disturbance from both the use of the proposed access and the construction during development. It is considered that the proposed development both during construction and the use of the access is unlikely to cause such an increase in noise and disturbance to warrant refusal of the application. The closest residential properties will be screened from the development by the existing boundary wall which it is proposed to ensure is retained by way of condition.

Following consultation the Welland & Deepings Internal Drainage Board has advised that the Board have no services within the immediate vicinity, although Anglian Water may have. In line with current recommendations sustainable systems should be considered where possible. Should any land drains or surface sewer pipes be uncovered during

excavations the Board should be informed immediately. Subject to conditions requiring details of surface and foul water drainage to be provided it is considered that adequate drainage can be provided.

Issues relating to loss of views, maintenance concerns and loss of property values are not material planning considerations and cannot be considered as reasons for refusal.

Notwithstanding the objections to the proposed development it is considered that the proposal complies with the requirements of National Planning Policy Guidance and the requirements of the Adopted South Kesteven Local Plan 1995. The application is therefore recommended for approval.

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to an appropriate scale, showing the design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs.
3. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
4. This consent relates to the application as amended by site layout plan received on 24 August 2006. The maximum number of dwellings constructed on the site shall be seven.
5. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.
6. 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.
7. The minimum width of the access shall be 4.5 metres.
8. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
9. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning

Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details. The details submitted to comply with this condition shall show the retention of the existing boundary wall running along the eastern side of the site, unless otherwise agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 51 of the Planning & Compulsory Purchase Act 2004.
2. The application was submitted in outline only.
3. The application was submitted in outline and no such details have been submitted and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
4. For the avoidance of doubt.
5. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy T3 of the South Kesteven Local Plan.
6. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy T3 of the South Kesteven Local Plan.
8. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
10. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.

Note(s) to Applicant

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

* * * * *

Applicant	Fossitt & Thorne 46, Fydell Street, Boston, PE21 8LF
Agent	CAD Associates Ltd 102/104, Newland, Lincoln, LN1 1YA
Proposal	Demolition of existing garage depot and erection of 11 no townhouses with integral garages
Location	Fossitt & Thorne, Eastgate, Bourne

Site Details Parish(es)	Bourne B Class Road Demolition of any building - BR1 Drainage - Welland and Nene EA: Flood Risk Zone 2 (New Build Only)
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REPORT**Representations Received**

Town Council: No objections.

Local Highway Authority: Requests 3 conditions and Note to Applicant and Informative (see below).

Environment Agency: No objections – requests 2 conditions (see below).

Environmental Health: Comments awaited.

Community Archaeologist: Requests standard condition W8.

Lincs Police Architectural Liaison Officer: No comments to make.

Housing Partnership and Project Officer: No Affordable Housing.

Amenities Manager:

No on-site provision required but suggest developer contribution towards upgrading community play facilities, similar to the value of providing an NPFA LAP standard area.

(The Council's recent Open Space and Allotments Study concluded that Bourne has a deficit of childrens play space/facilities).

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 29 September 2006.

A total of four representations have been received and the issues raised are as follows:

- a) 2½ storey buildings will still block the light and overshadow and have an overbearing impact on two storey houses opposite. (3)
- b) Loss of privacy to dwellings opposite. (1)
- c) Houses should be two storey only. (1)

- d) 2½ storey houses not in keeping with those opposite. (1)
- e) Congestion from extra traffic and highway safety. (1)
- f) Concern about impact on adjoining property no. 48/50 Eastgate, which has an existing passageway running under the western end of the existing building. (1)

Officer Report

Reason for referral to Committee

The application has been referred to Committee because it is a revised application following the refusal of an earlier scheme in May this year (see Site History below).

The application site and its surroundings

The application site is located on the south side of the eastern end of Eastgate, near to the junction with Cherry Holt Road. It is currently occupied by Fossitt & Thorne's tyre and exhaust fitting premises, in a functional mono-pitch roofed building that occupies the majority of the site apart from a car parking/storage area at the eastern end.

The site has a frontage of 71 metres but a depth of only 11 metres at its widest point.

Immediately to the rear is the Bourne Eau, a historic watercourse, that was at one time navigable, and beyond that the industrial estate of Graham Hill Way. To the east, between the site and Cherry Holt Road is a pumping station in an area of overgrown grass. To the west is a terrace of three residential properties. On the opposite, northern side of Eastgate are modern, two storey houses facing towards the application site.

There have been several residential developments in recent years on sites of similar depth elsewhere in Eastgate, most recently to the west of The Anchor public house.

Site History

As mentioned above, there was an application for 11 dwellings in March this year (S06/0326/12) which was refused for the following reasons:

1. It is considered that the proposed erection of a terrace of eleven three storey dwellings, with overall heights of approximately 10.25 and 11m, directly opposite to and within 13m of two storey houses on the northern side of Eastgate would have an unacceptably overbearing impact on the occupiers of those properties and severely curtail the amount of natural light they receive.

The proposed development would, therefore, be contrary to Policies H6 and EN1 of the South Kesteven Local Plan and central government guidance contained in PPG3 (Housing – 2000).

2. The Director of Highway and Planning, Lincolnshire County Council so requests as visibility east and west from the proposed points of access to the units/garages is substantially below requirements due to the presence of the buildings and their layout. Notwithstanding the lightly trafficked nature of Eastgate, it is considered that vehicles emerging from the access points will be in conflict with traffic, especially pedestrians travelling east and west due to the lack of visibility, contrary to the interests of highway safety.

Prior to the above there was no relevant planning history since Fossitt & Thorne first occupied the premises in 1978, only applications for minor developments, such as signage and roller shutter doors.

Historically, the site was previously occupied by a tannery.

The Proposal

As with the previous application, 11 dwellings are proposed in a terrace with two parking areas of six spaces each beneath some of the houses.

It is proposed to demolish the existing building and redevelop the site for residential purposes. The submitted drawings show a terrace of eleven, three-storey, two bedroom dwellings to be constructed predominantly of facing bricks and pantiles but with some of rendered blockwork and concrete, slate grey, interlocking roof tiles. Details of specific materials are to be agreed later.

Due to the restricted depth of the site, the proposed dwellings would not have gardens, just small (7.5 sq.m.) rear yards. Their main aspect would be southwards, with balconies to lounges on the second floor and 'juliet' balconies to bedrooms on the first floor.

The overall height of the dwellings as proposed under the refused scheme varied from approximately 11.2m for the tallest to 10.3m and 9.1m for the lower ones. Some would have been three storey and the others two storey. Under the current, revised, scheme the three units at the eastern end of the site would have an overall height of 10.5m, the remainder would be either 9m or 8.2m in height. The existing house at the western end of the site is approximately 8.5m to the ridge.

All the houses would have accommodation in the roofspace, some with dormers and the others with rooflights.

The application is supported by a Site Analysis, Design and Access Statements, Flood Risk Assessment and Ground Investigation Report.

Policy Considerations

Central Government Guidance

PPS1 – Delivering Sustainable Development

PPG3 – Housing (2000)

PPG25 – Development and Flood Risk

PPS23 – Planning and Pollution Control

Regional Planning Guidance

Regional Spatial Strategy No. 8

Lincolnshire Structure Plan

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

South Kesteven Local Plan

Policy E11 – Safeguarding Industrial Land

Policy H6 – Housing on Unallocated Sites

Key Issues

Highway safety – The Highway Authority are satisfied with the revised scheme.

Flood risk – The Environment Agency are satisfied that, subject to appropriate mitigation measures, that the development accords with the requirements of PPG25 on flood risk.

Contamination – The Environment Agency have requested a condition requiring the implementation of a scheme to investigate and remediate any land contamination at the site.

Impact on surroundings – There are existing modern, two storey houses opposite the site and an older house to the west.

The existing industrial building on the site is not attractive and the current use generates noise and disturbance to neighbouring residents.

Loss of industrial land – The Head of the Policy Section considers that the proposal would not result in a significant loss of employment land, as there is more than sufficient outstanding allocations in Bourne to cater for anticipated demand.

Development on Brownfield Land – Government policy encourages the use of 'Brownfield' sites for new development to reduce the loss of 'Greenfield land'.

Conclusion

It is considered that the revised scheme overcomes the concerns of the previous application.

The Highway Authority are now satisfied there will be adequate visibility for the off-street parking areas and highway safety will not be compromised.

The objectors concerns with regard to overlooking, overshadowing and loss of light are noted but there has been a significant reduction in the overall height of the proposed dwellings, to the extent that the majority will be either slightly lower or marginally higher than the existing dwellings to the west.

There will inevitably be some impact on the properties opposite in terms of loss of light, overshadowing and overlooking but it is considered that this will not now be significant enough to justify refusal of planning permission. There will be an overall enhancement of the local environment.

Amended plans have been submitted to address the concerns of the owner of the property to the west (No. 48/50 Eastgate). These show the passageway to the rear of those properties retained.

Summary of Reason(s) for Approval

A total of four representations have been received in response to publicity and neighbour notifications. The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), Planning Policy Guidance Notes PPG3 (Housing), PPG13 (Transport) and PPG25 (Development and Flood Risk). Policies S1, S2, H2 and H3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004), Policies H6 and EN1 of the South Kesteven Local Plan and the adopted Interim Housing Policy (June 2006). Although there is some conflict with Policy EN11 of

the South Kesteven Local Plan, in this instance, the issues raised do not outweigh the principle policies referred to above. The issues relating to highway safety, overlooking and overbearing presence are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

RECOMMENDATION: That subject to the comments of the Environmental Health Officer and the applicants entering into a Section 106 Agreement in respect of a financial contribution towards the upgrading of community play facilities, 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 amended drawing nos. 3543F/04/13(D), 14(14), 15(D), 16(C) and 17(B) received on 21 September 2006.
3. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
4. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.
5. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floor levels) set out in the approved Flood Risk Assessment.
6. Development shall not commence until:

a) a site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive to enable:

- * a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected; and
- * refinement of the Conceptual Model; and
- * the development of a Method Statement detailing the remediation requirements.

b) The site investigation has been undertaken in accordance with the details approved by the local planning authority and a risk assessment undertaken.

c) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to and approved in writing by the local planning authority prior to that remediation being carried out on the site.

7. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
8. The arrangements shown on the approved plan 3543f/04/13 dated 21 September 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

9. 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.
10. No dwelling shall be occupied before the works to improve the public highway by means of a new reconstructed footway as indicatively shown on drawing no. 3543F/0413 Rev. C have been completed and certified as such 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. For the avoidance of doubt.
3. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies ** of the South Kesteven Local Plan.
4. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy/ies ** of the South Kesteven Local Plan.
5. To reduce the risk and impact of flooding.
6. To ensure that the proposed site investigations and remediation do not cause pollution of the environment or harm to human health.
7. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy/ies ** of the South Kesteven Local Plan.
8. To enable calling vehicles to wait clear of the carriageway of [ROAD NAME] in the interests of safety, and in accordance with Policy/ies ** of the South Kesteven Local Plan.
9. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy/ies ** of the South Kesteven Local Plan.
10. 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/ies ** of the South Kesteven Local Plan.

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