

Development Control Committee**5 December 2006**NR.1 S06/1042/42

Date Received: 26-Jul-2006

Applicant	Mr S Winfield Brittle Farm, Oasby, Grantham, NG323NA
Agent	Stephen Bate, The Robert Doughty Consultancy Ltd 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
Proposal	Change of use of agricultural land to leisure uses including the provision of holiday cabins, creation of lake, landscaping & improvement to access
Location	Pt OS 5865, King Street, Oasby

Site Details	
Parish(es)	<p>Heydour</p> <p>C Class Road</p> <p>Unclassified road</p> <p>Radon Area - Protection required</p> <p>Area of special control for adverts</p> <p>EN3 Area of great landscape value</p> <p>Barkston/Cranwell (refuse tips only)</p> <p>Barkston/Cranwell (Yellow - exc 45.7m)</p> <p>Drainage - Welland and Nene</p> <p>EA: Flood Risk Zone 2 (New Build Only)</p> <p>EA: Flood Risk Zone 3 (New Build Only)</p>

REPORTThe Site and its Surroundings

The application site is located approximately 8.5 kilometres northeast of Grantham. It would be accessed from Kings Street which is a single track lane running north to south from High Dyke and the A52.

The applicants' agent has indicated in their supporting statement that the site forms part of Brittle Farm, a holding of approximately 27 hectares. However, no additional land within the control of the applicant is shown on the submitted location plan.

The surrounding landscape is predominantly flat and in agricultural use. Although the application site has a difference in levels of approximately 3.5 metres. The frontage of the site, adjacent King Street being higher than the rear of the site.

The site benefits from a hedge along the south, east and west boundaries.

The adjacent village of Oasby is identified as a less sustainable village by the Council's Interim Housing Policy. This is based on the facilities available at the village. From the Council records the village has a public house, mobile library and local bus service.

Site History

There is no relevant site history.

The Proposal

The proposed development is in outline form with all matters reserved for subsequent approval except access. The submitted site plan is therefore indicative only but demonstrates how 30 holiday cabins could be accommodated on the site with associated landscaping. No elevational details have been submitted of the cabins as the design and appearance is reserved for subsequent approval.

Roughly centrally within the site it is proposed to excavate a lake. This lake has been designed in conjunction with Ministry of Defence advice. It is a small linear feature and is not intended for fishing but as an ornamental feature. This will avoid the possibility of encouraging large bird species which may be a potential danger to aircraft flying to and from RAF Barkston Heath.

Access to the site would be via the existing field access off King Street. It would run directly behind the existing hedge line and into the main application area.

A footpath link is proposed from the site at the south-west corner to link up with Ancaster Lane and the village of Oasby.

Policy Considerations

National Policy

Planning Policy Statement 7 (Sustainable Development in Rural Areas) 2004

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance Note 21 (Tourism) 1992

Lincolnshire Structure Plan (adopted)

Policy T3 – Caravans and Chalets

South Kesteven Local Plan (adopted)

REC 8 – Recreational Facilities in the Open Countryside

REC 11 – Touring Caravan and Camping Sites

EN1 – Protection and Enhancement of the Environment

EN2 – Development in the Countryside

EN3 – Areas of Great Landscape Value

Statutory Consultations

Councillor Stokes has requested that the application be determined at committee as the application is for a new venture on agricultural land.

Heydour Parish Council: A summary of the main concerns received by parish council are listed below:

1. How will the surface water and sewage be dealt with?
2. Are the cabins for rental or short term lease?
3. Will the accommodation be restricted to families?
 4. Very large development sited in the open countryside on the high ground in close proximity to a small conservation village.
 5. No shop in Oasby nor the surrounding villages.
 6. Detrimental effect on character and visual amenity of the area.
 7. 30 cabins at full occupancy would almost double the population of Oasby.
 8. No details of surface water/sewage disposal have been provided.
 9. Increase in volume of traffic on the surrounding road network would present a potential road safety problem.
 10. Noise and disturbance to residents. It is understood that this kind of problem has arisen at Woodland Water
11. Proposal does not satisfy criteria in Lincolnshire Structure Plan and South Kesteven Local Plan.
12. No traffic survey has been produced.
13. Whilst the passing bays are an improvement.
 14. There have been a great number of accidents at Oasby Mill Cross roads over recent years.
15. Whilst the passing bays are an improvement it is not considered they address the additional traffic.

Welby Parish Council: A summary of the main concerns are listed below:

1. Although the proposals may not affect our village directly we feel that the repercussions will have a detrimental effect upon our area.
2. Impact on 'drive through' traffic and highway relevant. They are only built for local needs.

Local Highway Authority: Requests refusal – see reason 3 below.

Campaign to Protect Rural England: CPRE Lincolnshire objects to the development on the following grounds:

1. The development would represent a visual intrusion by reason of the number and forms of leisure developments proposed in an area of extremely pleasant and tranquil countryside.

2. The proposals cannot reasonably be said to be sustainable in such a remote rural location well away from established centres of population. It takes agricultural land which is not used for any other purpose at present. It is not linked to any existing or man made feature, such as a former gravel working, which might give some credence to claim for some types of leisure use.

3. It would result in all persons visiting the site having to travel by private car or van. This would be contrary to national guidance seeking to reduce the need to travel unnecessarily by private vehicles. There is no public transport service which might help to reduce such travel.

4. The road network in the area is poor and the village is served by narrow lanes. Despite the provision of passing bays. It is nevertheless likely that roadside verges will be churned up to the detriment off the appearance of the village and its surroundings.

Community Archaeologist:: No development shall take place until a programme of archaeological works has been secured.

Environment Agency:

We note that foul water from the development is not proposed to go to the mains sewer network.

No details have been provided demonstrating the proposed means of foul water, sewage and trade effluent disposal. The Environment Agency therefore object to the proposed development subject to the submission of these details. This is considered necessary to prevent the contamination of controlled waters and to ensure that the development is carried out in accordance with DETR Circular 03/99.

Flood Risk

I can confirm that we have received a Flood Risk Assessment (FRA) submitted to support this application. We consider that the details in the FRA have been undertaken in line with the fluvial main river aspect of flood risk guidance, and these are appropriate for the scale and nature of the proposed development.

We recommend that a condition securing compliance with the FRA is appropriate.

Representations as a result of publicity

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

A summary of their main concerns are listed below.

1. Contrary to current government guidance, Structure Plan and Local Plan policy.
2. Impact on the character and appearance of the area.
3. Highway safety and impact on the existing highway network and access.
4. Impact on landscape.
5. Impact on archaeology of the area.
6. Lack of tourism need.
7. Design is out of keeping with character of the area.
8. Proposal is not closely related to any major rural or countryside recreational activity.
9. Detrimental impact on the conservation area of Oasby.
10. There are no attractions or amenities in Oasby village.

11. Oasby is not a service centre.
12. Site is in the open countryside and should be protected.
13. Impact on the drainage of the surrounding area.
14. The proposal would double the population of Oasby and would not be sustainable.
15. The land is good quality agricultural land which is set aside.
16. The economic viability of the proposal is not justified.
17. Would result in increase in crime and disorder.
18. No local leisure facilities.
19. Isolated location is fundamentally contrary to government principles of reducing unnecessary pollution.
20. There is a leisure site at Ancaster nearby.
21. Impact on existing established businesses.
22. Only employment creation is the manager of the site.
23. Pollution to neighbouring fishing lakes.
24. Impact on SSSI.
25. Woodland Waters intends to expand to meet demand.
26. Light pollution.
27. the applicant is not a farmer so the development cannot be described as farm diversification.
28. Increase in litter.
29. May result in flooding of the village.
30. Increase in noise and disturbance.
31. The proposed footpath exits onto a narrow lane which has no footpath.
32. Potential for flooding.
33. Lack of public transport.
34. If developed the area would never revert to farmland.
35. There is only a pub in the village. No shop.
36. Log cabins are not suited to the area and would be incongruous.
37. Would set a precedent for similar development.
38. This is not a tourist facility it is an extensive site for temporary housing.
39. Visual impact.
40. Thinly veiled application for 'affordable housing'.
41. Pollution of neighbouring fish stocks.
42. Impact of construction traffic.

Applicants Submission

A summary of a letter supporting the development from the applicant's agent is listed below:

"Firstly, with respect to the drainage and sewerage requirements. As you will be aware, this is an outline application. It is likely that foul disposal would be by way of a sewage treatment plant. Details of surface water runoff attenuation and sustainable drainage are included in the submitted Flood Risk Assessment. We see no reason why these matters cannot be dealt with by way of condition, at the reserved matters stage. We are unclear as to what trade effluent the Environment Agency may be referring to. There will be no industrial processes on site. Refuse disposal will be through the District Council's normal services.

Secondly, with respect to Structure Plan Policy T3, this is important, but is not the key to this proposal. Local Plan Policy REC8 is similarly relevant but forms part of

an outdated Plan. The proposal therefore needs to be considered in the round, alongside all government advice and Development Plan Policy. Appropriate weight should be given to the potential economic benefits of the proposal in facilitating tourism and increasing visitor numbers to the area, which outweigh the minimal environmental impact.

Structure Plan Policy T3 accepts that, "small scale sites for holiday [cabins] will normally be permitted". The proposal will assist in fostering the further development of tourism and recreation in the area, whilst the site location and its accessibility provide opportunities for short breaks and longer stay holidays.

The inclusion of a small lake within the proposal is not intended to provide justification by itself for the development. The proposal provides accommodation in a quiet rural location, to enable the pursuit of countryside leisure activities, such as walking, cycling, fishing, horse riding, clay pigeon shooting, bird watching, gliding/flying etc. All of which are available nearby. Furthermore, the location is accessible to other significant tourist facilities. A list of the location of such countryside leisure facilities is provided at Appendix A of our Development Appraisal. Importantly, the application site lies only a short distance from two significant tourist attractions, Ancaster Karting and Paintball and Woodland Waters.

With respect to the perceived prominence of the proposal, the site is a distance from adjacent roads, being set back one field from the nearest road, and already has well established boundary vegetation. There are very few public vantage points and these offer distance views of the site. The surrounding land is not flat and featureless and the topography helps to screen the site. The proposed layout makes use of the natural contours and tree screening. The proposed cabins will not be prominent structures and will set comfortably within the existing landscape framework and will be accompanied with a significant and sensitive planting scheme.

The fact that a need for good holiday accommodation has been demonstrated means that the diversification, economic and tourism benefits of the proposal should be given sufficient weight to overcome any concerns that this may not be the "correct location for the development".

This application was submitted, with a substantial application fee, on the basis of favourable officer advice. In fact, the scheme was substantially reduced in scale to take account of officer comments. The Council's planning officer responded, in December 2005 that "I remain of the opinion that there is merit in the proposed scheme and I think the alterations to your supporting statement go some way to addressing the issues raised by Policy T3 of the Structure Plan. I think that such a proposal would receive officer support if submitted but I cannot foresee the comments of nearby residents or the Parish Council based on such a proposal. I would hope that, if it is considered that the proposal would be very much one of those 'on balance' applications but, as the majority of the Policy advice can be addressed, I would hope that such an application could be approved."

We accept that officer advice is always without prejudice and we would accept that any application can be subject to negative representations made by consultees,

residents and ultimately the Planning Committee. However we would appreciate a certain amount of consistency amongst officers.

We trust that you will be able to take on board these comments when making your recommendation to the Planning Committee. We would urge you to acknowledge that the economic and tourism benefits of the proposal outweigh the minimal environmental impact and to support this proposal."

Conclusions

The proposal relates the principal of development of an area of open countryside approximately 3.9 hectares for the erection of holiday cabins associated landscaping and creation of a lake.

The main issue relating to this development is its compatibility with relevant government guidance and development plan policy.

The current government guidance contained in Planning Policy PPS7 Sustainable Development in Rural Areas highlights the issues that should be considered when determining development proposals for static holiday and touring caravan parks and holiday chalet developments.

Planning Authorities should:

"In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:

- i) carefully weight the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for relocation away from sites prone to flooding or coastal erosion;
- ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and developments (e.g. to improve layouts and provide better landscaping); and
- iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.

Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.

Additionally, policy T3 of the adopted Lincolnshire Structure Plan states:

Provision will be made for small scale static holiday caravan and chalet facilities provided that a number of criteria are met. Which included:

They are associated with a significant tourist or recreation facility within the locality.

There is satisfactory vehicular access and the existing landscape character and visual amenity are respected and agricultural, nature conservation and heritage interests safeguarded.

Policy REC11 if the adopted South Kesteven Local Plan states that planning permission for tourist camping and caravan sites in the open countryside will normally only be granted where the development is closely associated with existing or proposed major countryside recreational and tourist attractions.

Additionally, visual amenity, potential conflict with the needs of agriculture, forestry and other environmental interests must be taken into account and satisfactory access, parking and service facilities are available.

Whilst the proposal does contain a lake it is an ornamental feature only. It is not intended for fishing. This avoids the potential problem of encouraging large bird species and the danger to flying aircraft at RAF Barkston Heath.

Without any specific countryside or recreational/tourist attraction the development would be reliant upon:

“... the pursuit of countryside leisure activities, such as walking, cycling, fishing, horse riding, clay pigeon shooting, bird watching, gliding/flying etc.”

The future occupiers of the proposed units would therefore be reliant upon the motor vehicle to travel to elsewhere to existing tourist/recreational facilities or be dependent upon the informal recreational activities that can take place in any part of the open countryside. Additionally, as the neighbouring village, Oasby, is identified in the Council's Interim Housing Policy as a less sustainable village the occupiers of the proposed development would again be required to travel to other settlements for essential facilities and services. This is considered contrary to sustainable development objectives.

The site does benefit from existing boundary screening on three sides in addition to trees on the eastern boundary of the site. However, the scheme would be dependent upon significant proposed planting and screening. This would take a considerable period of time to become established.

Notwithstanding the existing and proposed screening, it is considered that the proposal would result in significant built form in the open countryside to the detriment of reasonable visual amenity. Particularly, as the area is protected by policy EN3 of the adopted South Kesteven Local Plan. It is accepted that this policy supports recreation and tourism development. But with certain criteria. It should not be at the expense visual amenity. The application site is somewhat discreet from Oasby and would be visible when approaching by road from the north.

It is accepted that tourism has long been an important component of the Lincolnshire economy (particularly along the holiday coast, Lincoln, and other historic centres). However, this should not be at the expense of overarching objectives of sustainability and protection of the natural environment.

In light of the above comments it is recommended that planning permission be refused.

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

1. The proposed development would not be associated with any significant tourist or recreational facilities/attractions in the locality. Additionally the adjacent settlement of Oasby is defined as a less sustainable village (Interim Housing Policy). The occupiers of the proposed development would therefore be reliant upon trips by motor vehicle to surrounding settlements for essential facilities and access to recreational/tourist attractions.

As such the proposed development is considered to be unsustainable and contrary to Planning Policy Statement PPS7, PPG13 - Transport, Policy T3 of the adopted Lincolnshire Structure Plan and Policy REC11 of the adopted South Kesteven Local Plan.

2. It is considered that the proposed development, notwithstanding the existing and proposed screening would result in a visually prominent and undesirable built form in the open countryside unrelated to the settlement of Oasby. As such the development would be detrimental to visual amenity and would have a detrimental impact on the character of this area of great landscape value.

Accordingly, the proposed development is considered contrary to Policies EN2 and EN3 of the adopted South Kesteven Local Plan.

3. The application and plans submitted are inadequate in terms of details supplied. Precise details of the access or scheme details showing the proposed highway improvement works as suggested in the report are required.

This lack of information makes it difficult for the highway to assess this application and would be detrimental to highway safety.

This application was deferred at the last Committee to allow members to undertake a site visit.

Due to an administrative error the neighbour representations were omitted from the original report and these have now been added to this report.

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Applicant	Ablehomes Ltd 4, Castlegate, Newark, Notts, NG24 1AX
Agent	
Proposal	Residential development of four houses and garage including replacement garage to 'Farbrooke'
Location	17, Main Road, Long Bennington

<u>Site Details</u>	
Parish(es)	Long Bennington C Class Road Unclassified road Area of special control for adverts Airfield Zone - No consultation required Drainage - Lincs

REPORT

The Site and its Surroundings

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

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

Site History

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

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

To the west of the site is a parcel of land that has been the subject of three planning appeals (APP/E2530/A/05/1186103, 05/11888281 and 1188280).

Planning permission was granted for the erection of three bungalows on the land to the west (S05/1108) on 28 November 2005.

Planning permission was refused for the erection of four dwellings and garages and replacement garage to Farbrooke – S06/0622. This application is currently under appeal.

The Proposal

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

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

This application is a resubmission of planning application S06/0622 which was refused planning permission on 28 April 2006.

Policy Considerations

National Guidance

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

Lincolnshire Structure Plan

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

South Kesteven Local Plan

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

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

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

Statutory Consultations

Parish Council: Any comments will be reported verbally.

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

Community Archaeologist: No objections.

Environment Agency: Any comments will be reported verbally.

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

Representations as a result of publicity

The application has been advertised in accordance with established procedures and any comments received will be reported verbally.

Applicants Submissions

The applicant has submitted a comprehensive Design and Access Statement with the application, and makes particular reference to the appeal Inspector's decision in relation to the site to the west accessed off Vicarage Lane.

Conclusions

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

Members should be aware of the recent appeal decisions on the land adjacent to the application site. All three appeals were allowed. The main thrust of the Inspectors decision was that the developments were in keeping with the surrounding area, and would not result any significant loss of residential amenity to neighbouring occupiers.

The application before you is for a comparable form of development.

Summary of reason(s) for approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPG3, policy H2 of the Lincolnshire County Structure Plan, policies H6 and EN of the South Kesteven Local Plan and Interim Housing Policy. There are no material considerations that indicate against the proposal though condition(s) have been attached.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.

3. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
4. The screen walls shown on the submitted plan shall be erected at the same time as the associated drawings.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. The arrangements shown on the approved plan 1/2/2006 dated 28 September 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
7. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 1/2/2006 dated 28 September 2006. (Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers).
8. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
9. The minimum width of the access shall be 4.1 metres.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990, as amended by 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. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To provide a satisfactory appearance to this residential estate by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. The application was submitted in outline and no such details have been submitted and in accordance with Policy EN1 of the South Kesteven Local Plan.

6. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy H6 of the South Kesteven Local Plan.
8. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.
2. This road is a private drive and will not be adopted as Highway Maintainable at the public expense (under the Highways Act 1980) and, as such, remains the responsibility of the individual property owner.

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Applicant	Ms C Alijohari Leverett House, Gilbert Drive, Endeavour Park, Boston, PE21 7TQ
Agent	Ms L Cooper - L M C Architect 11, Main Street, Lyddington, Rutland, LE15 9LR
Proposal	Development of 24 affordable dwellings
Location	Land Off Walkers Way, Barrowby

Site Details	
Parish(es)	Barrowby Unclassified road Radon Area - Protection required Area of special control for adverts Airfield Zone - No consultation required Barkston/Cranwell (refuse tips only) Drainage - Lincs

REPORT

The Site and its Surroundings

The application site is a rectangular parcel of land measuring approximately 60 metres by 100 metres. The site is currently used as paddock. It has an overall area of approximately 0.563 hectares. The site is located adjacent to Walkers Way.

Site History

The site has not been the subject of any recent planning applications.

S06/0891 – Planning permission was refused for the erection of 24 Affordable Dwellings. The reasons for refusal related to encroachment into the open countryside/prevention of coalescence and that the affordable housing would not provide the identified tenure need.

SK.92/0054 – Planning permission was granted for the erection of 14 dwellings, The Drift, Barrowby (adjacent the application site).

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 Walkers Way to form an adoptable highway into the site, with associated turning features.

The proposed dwellings would be sited in semi-detached blocks with associated parking areas around the turning area and access road. The dwellings are a mix of two storey and bungalows adjacent to the existing properties on Walkers Way.

A design statement forms part of the application submission. A summary of the main contents of the statement are listed below.

- This is a wholly residential scheme to provide affordable dwellings to meet a proven local need.
- The adjacent land uses are residential and the site forms a natural extension to an earlier affordable housing scheme.
- It is proposed to construct a total of 24 residential units on the site consisting of both housing and bungalows. This represents a development density of 48 units to the hectare which is in compliance with the density range prescribed by PPG3.
- The existing form of development is very much rectilinear with dwellings facing onto or being perpendicular to the highway. It seems appropriate to continue this theme rather than advocating a more amorphous form that would be at odds with the existing structure.
- In order to successfully integrate the proposed development with the existing dwellings on Walkers Way the use of single storey was considered essential where the two sites adjoin.
- By providing adopted footpaths behind the designated car parking spaces it is possible to integrate strategic planting into the streetscene without the necessity for the local planning authority being required to take over the future maintenance.
- The dwellings draw upon the local traditional vernacular cottages, with simple yet cohesive detailing throughout the scheme.

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 authority 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.

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 environmental 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

Lincolnshire Design Guide for Residential Areas.

South Kesteven Local Plan

Policy H8 – Affordable Housing

Policy EN1 – Protection and Enhancement of the Environment

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. 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.

Statutory Consultations

Parish Council: No objections.

Local Highway Authority:

The Highway Authority does not object to the proposed development. Three conditions regarding highway layout and drainage should be attached to any grant of planning permission.

Partnership and Project Officer – Housing Solutions:

I confirm that the district council are working in partnership with Longhurst Housing to develop affordable homes in Barrowby.

Longhurst Housing Group are also working in partnership with Barrowby Parish Council with regard to this site.

I can confirm that the above application is for 24 affordable housing units to help fulfil local housing needs and Longhurst Housing will enter into a nomination agreement with South Kesteven District Council.

The current registered housing needs for Barrowby are as follows:

Barrowby	=	SGUBA
2 bedrooemed bungalow	=	129 (36 local connection)
2 bedrooemed house	=	352 (75 local connection)
3 bedrooemed house	=	121 (22 local connection)

Planning Policy:

This scheme has been prepared in close co-operation with the Council's Partnership Project Officer (Housing Solutions) and the former Head of Policy and Economic Regeneration. It represents a partnership approach between the housing provider, the District Council and the Parish Council and also benefits from secured Regional funding. The applicant is a Registered Social Landlord (RSL) and is one of the Councils approved Partners for the provision and management of affordable housing. They are the providers of a larger number of affordable housing units within the district and as such make a valuable contribution towards meeting the Councils priority of addressing affordable housing shortages within the district. I consider that these factors should be relevant Material Considerations in the determination of this application.

The application is for 24 affordable units with an appropriate mix and balance of rented and shared ownership units (i.e. 50:50 split of rented and shared ownership units). The scheme also provides a mix of 2 and 3 bedroom houses and bungalows. This mix of type and tenure is in line with the recommendations of the 2006 Housing Need Survey undertaken by Fordhams Research, and with the Council's own emerging affordable housing policy

contained within the consultation version of the Core Strategy and Housing and Economic Development Plan Documents (published for consultation in June 2006).

The proposed scheme is for a greenfield site on the edge of the village of Barrowby. The site is neither allocated for specific development nor is it covered by any protection policies in the adopted local plan. As such the proposal would fall within the consideration of an "exceptions" scheme for affordable housing, therefore policy H8 of the South Kesteven Local Plan (Adopted April 1995). This policy 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.

The scheme meets a proven local need:

The applicant has provided a copy of the detailed village housing need survey undertaken by the parish council and the Community Council of Lincolnshire's Rural Housing Enabler, in 2005. This survey demonstrates a clear need for 25 affordable housing units of two and three bedrooms for both rent and to purchase. This survey has been supplemented by information from the Council's own housing waiting list which reflects the level and type of need.

The proposed scheme reflects the size and tenure mix justified by the needs survey and as recommended in the 2006 Housing Need Survey undertaken by Fordhams Research. It is therefore in conformity with the Council's own emerging affordable housing policy contained within the consultation version of the Core Strategy and Housing and Economic Development Plan Documents (published for consultation in June 2006).

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) has been justified by both proposals, 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 local need to justify both schemes as exceptions.

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 is 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 applicant Longhurst Housing is a RSL and is one of the Council's approved Partners. As such I am confident that the benefits of this scheme will pass to

subsequent occupants. However in accordance with both the requirements of policy H8 and the advice of Circular 6/98 the Council would need to ensure that an appropriate legal obligation were entered into. (Paragraph 33(b) of the circular provides appropriate guidance on this matter).

Site is well related to the existing form of the settlement:

The application site forms an extension to a modest area of existing social housing (some of which is in the applicants ownership) to the south of the main part of the village of Barrowby, adjacent to allotment gardens which form the southern end of the village. I consider that the site is reasonable well related to the form of the settlement.

Is in a location which will not spoil the character or landscape setting of the location:

The application site will form an extension into the countryside. It is considered, however, that the visual impact of the scheme will be minimised by its location to the west of existing housing and behind the allotment gardens, and because of the location of the allotments development of the site should not significantly extend the built form of the settlement. I do not believe that the development would spoil the character or landscape setting of the area.

Where public services and satisfactory access can be made available:

The application site is located approximately 1160m (following roads) from the centre of the village, which includes local facilities such as the school, shops, a pub and a village hall. The application site is also located in close proximity to the bus stop on Low Road. This provides regular public transport access to all the services and facilities of both Barrowby, and more importantly, Grantham.

Conclusions

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 consider that the site performs reasonably well in respect of all the requirements of Policy H8 of the adopted local plan.

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 not contrary to policies of the adopted plan, it will provide an appropriate mix of type and tenure of housing and will therefore make a positive contribution to the delivery of much needed affordable housing in the district. The location of the scheme in an area of predominantly affordable housing does raise concern about the provision of mixed and balanced communities (PPG3),

however I believe the balance of house types and rental and shared ownership proposed will contribute to the creation of a mixed community in this part of the village. The involvement of an RSL in the development and management of the scheme will ensure that future occupants will enjoy the initial "affordable" benefits of the scheme. It is located further from village facilities than the other application, however it is in close proximity to a bus stop on a regular service to a greater range of facilities in Grantham.

In addition the fact that the scheme is the result of partnership work between the applicant, the district and parish councils and has committed funding from the regional assembly must also be material to the consideration and determination of this application.

Amenities Manager – Leisure & Cultural Services: Any comments will be reported verbally.

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

Police Architectural Liaison Officer:

Due regard should be given to boundary treatments, lighting and landscaping in the interests of crime reduction and community safety.

Central Networks: No objections.

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 summary of the main concerns are listed below:

1. The access to the proposed development would pass within one metre of both the kitchen and living room windows (5 Walkers Way). The occupiers would experience the level of car movements passing past this dwelling leading to unacceptable levels of noise and adversely affecting the levels of privacy currently enjoyed by the existing property.
2. It may be possible to gain access to the site from the allotments a little further to the south by pumping station.
3. Barrowby has no public transport after 6pm, there will be a lot of traffic.
4. The site density is high.
5. Occupiers of 5 Walkers Way will experience noise and disturbance from contractors vehicles during the construction phase.
6. The proposed development would affect clients (5 Walkers Way) privacy and should be refused or double standards will be perceived.

7. It may be possible to mitigate the effects by reducing the dwelling numbers and creating a build out when the access is rebuilt.

Applicants Submissions

In addition to the Design and Access Statement the applicant has enclosed a housing needs survey for Barrowby which was undertaken in July 2005. The survey identified 25 households who are in need of new or alternative accommodation.

Conclusions

The main considerations in respect of this application are its compatibility with the adopted South Kesteven Local Plan. Specifically, Policies H8 and EN1 and current national policy guidance.

The proposed scheme would be located on a Greenfield site on the edge of Barrowby village. The site is not the subject of any site specific policies. As such the proposal would fall within the consideration of an exceptions scheme for affordable housing. This policy allows for small scale affordable housing schemes within or adjoining existing settlements subject to criteria:

- the scheme meets a proven local need;
- the need for such housing cannot be accommodated in any other way;
- the benefits of the scheme pass to all subsequent occupants by secure arrangements;
- site is well elated to the existing settlement;
- the location will not spoil the character or landscape setting of the location;
- where public services are satisfactory access can be made available.

It is considered that the proposed development accords with the above criteria.

There is proven local need. It is considered that the scheme performs better in relation to the above policy and other relevant local plan policies than the planning application for affordable units on Reedings Road (S06/0891). The site is not protected by any specific local plan policies. It would provide an appropriate mix of type and tenure of housing. Whilst the location of the units is in an area which is currently predominantly affordable units is somewhat at odds with the creation of mixed and balanced communities identified in PPG3. However, it is considered that the mix of house types and tenure will contribute to the creation of a mixed community rather than detract from it.

The site is located in close proximity to a bus route on a regular service to Grantham and its associated facilities.

Accordingly the proposal is considered to accord with Policy H8 of the adopted South Kesteven Local Plan.

The proposed development is clearly an extension beyond the current built form. However it is considered to be a logical extension to the Walkers Way development. The layout has

been designed to prevent any significant loss of residential amenity to existing neighbouring occupiers via overlooking/overshadowing/loss of privacy by the siting of single storey properties adjacent to the existing properties on Walkers Way, and by providing an adequate degree of separation between the proposed development and the existing properties.

The layout provides an acceptable means of access and appropriate levels of car parking to the satisfaction of the highway authority.

Concern has been raised by the occupier of 5 Walkers Way with regard to noise and disturbance from increased vehicle/pedestrian movements to and from the site and associated loss of privacy. The possibility of 'building out' a buffer adjacent to the property and/or diverting the footpath has been discussed with the highway authority who have indicated that they consider these amendments would be detrimental to the free flow of traffic/pedestrians and detrimental to highway safety.

It is accepted that the development may well produce additional vehicle/pedestrian movements adjacent to 5 Walkers Way. The location and orientation of this dwelling with two windows facing the highway in unfortunate. This dwelling is no closer to the highway than 20 Walkers Way and is currently in close proximity to the footpath and turning head of Walkers Way. The occupiers may experience noise/disturbance and loss of privacy at present. Any increase in noise/disturbance and loss of privacy experienced by the occupiers of this property, be it during the construction phase, or on completion, is unlikely to be significantly greater than experienced by that property and others along the existing access road at present, and is not considered justification to refuse planning permission.

Members may recall at a previous planning committee that planning permission was refused for the erection of 24 affordable units on Reedings Road. It is considered that this application is significantly different in so much that it performs better when assessed against relevant local plan policy and would delivery affordable units to meet the identified need in terms of size and tenure mix.

A section 106 agreement will be required to ensure that the homes are actually delivered as 'affordable'.

In light of the above comments it is recommended that planning permission is granted subject to the following conditions and an appropriate section 106 agreement.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPG3, Planning Policy Statements PPS1, PPS7, policy H4 of the Lincolnshire County Structure Plan, policies H8 and EN1 of the South Kesteven Local Plan. The issues relating to impact on residential amenity/noise and disturbance/loss of privacy 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. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.

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, as amended by 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. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. 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.
5. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. 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.
7. 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.
8. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building

Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.
4. The enclosed letter from Central Network is for your information.

* * * * *

Applicant	Anvils of Stamford 2A, Radcliffe Road, Stamford, Lincs
Agent	Wythe Holland Partnership Wallis's Mill, Old Dry Lane, Brigstock, Northamptonshire, NN14 3ER
Proposal	Erection of 11 townhouses
Location	2A, Radcliffe Road, Stamford

Site Details	
Parish(es)	<p>Stamford</p> <p>Unclassified road</p> <p>Demolition of any building - BR1</p> <p>Radon Area - Protection required</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p>

REPORT

Representations Received

Town Council : Recommend a site visit by SKDC Planning Department and confirmation from LCC Highways that access onto a public road is acceptable. If approved, recommend Section 106 Agreement be required.

Local Highway Authority: Requests 1 standard condition and note to applicant (See below)

Environment Agency: No objections. Requests 2 conditions (See below)

Community Archaeologist: Requests Note to Applicant ARC1

Representations as a result of publicity

The application has been advertised in accordance statutory requirements as 'Major Development', the closing date for representations being 14th July 2006.

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

- a) Loss of light and overbearing impact to 'SAPS' building. (3)
- b) Proposed development out of scale with immediate surroundings. (1)
- c) Scale, layout, neighbourhood amenity. (2)
- d) No need for development of such high density. (2)
 - e) Proposed development would make it difficult to access eastern side of 'SAPS' building for maintenance. (3)
 - f) Proposed development would result in a significant increase in traffic using the junction of Radcliffe Road and North Street, compromising highway safety. (1)
- g) Proposed ridge height too high. (1)
 - h) Roof length and elevation is not consistent with those of the properties in the immediate area. Split or staggered roofline would be more pleasing.(1)
- i) Loss of privacy to Constable Mews properties. (2)
- j) Windows on first and second floors should decrease in height. (1)

- k) Lack of provision of play area detrimental to family occupiers. (1)
- l) Impact on security of Properties fronting Cliff Road. (1)
- m) Increase in noise and disturbance on Cliff Road properties. (1)
- n) Lack of consideration to subsidence of surrounding land. (1)
- o) There have previously been issues with regard to foul drainage affecting the site and neighbouring Fontwell Gardens. The proposed development will only aggravate this. (1)

Applicants submission

"The detailed scheme is for 11 no. Town Houses accessed off Radcliffe Road. This site is on the edge of existing commercial units, but largely surrounded by residential development.

It has been established from the previously considered traffic statement that the proposed 11 no. dwellings do not constitute an increase in traffic movement and are therefore a satisfactory equivalent to the current Warehouse/Retail use.

The site access has been widened with the removal of the existing kerb side gate and fence to improve manoeuvrability. An entry gate has now been proposed, set back 10m from the back of pavement, to improve security. A pedestrian gate also allows access for refuse collection.

The access road is 5m wide, in excess of the minimum carriageway requirement of 4.1m set out in the Outline Permission. Adequate turning space is provided within the main courtyard.

The buildings are arranged around a central courtyard, as the Outline Application, with external parking for all units. The buildings are 3 storey with a traditional mansard roof to maintain the scale of the development in relation to surrounding properties. All properties have small courtyard gardens to the rear. The internal designs are adjusted where buildings are in closer proximity to existing dwellings.

The elevations drawn show the relative heights of proposed buildings. The critical relationship being to both the bungalow of No. 2 Fontwell Gardens and the 3 storey 'Constable Mews'. We believe that, due to differences in ground level, the proposals do not have undue impact.

The north elevation against No. 2 Fontwell has a mansard hip to reduce the impact against what is the garage and entrance side of the bungalow. The only gable windows are to the new staircase.

The east elevation to 'Constable Mews' is a full storey height lower and with the retention of a 2m boundary fence at the higher garden level, will avoid any direct overlooking of the ground and first floors (Units 5, 6 and 7). Our second floor (mansard) to these closest units has only bathrooms with obscure glazing. Where the gardens to the 'Police Houses' open up in size, the issue of overlooking existing dwellings is lessened.

We believe that the proposed development addresses the points raised in the conditional Outline Approval represents efficient use of the available land and would represent a significant improvement in character of the surrounding area."

Officer Report

Reason for referral to Committee

The application has been referred to Committee at the request of the local member.

The site and its surroundings

The 0.19 Ha. (0.48 acre) application site is located to the north and rear of residential properties fronting the eastern end of Radcliffe Road, close to its junction with North Street.

The site currently comprises a portal framed, profiled metal clad building which was erected in the early 1990's, after a fire destroyed the building which previously occupied the site.

Since 2001 the premises have been used for the storage and sale of furniture.

Access is off the eastern end of Radcliffe Road, which is a cul-de-sac serving, in addition to the application premises, a handful of residential properties and an estate of small business premises.

Adjoining the western site boundary is a pet supplies building and this has several windows in the wall facing onto what is currently the car parking and turning area for the current use but which would be the rear yards/gardens of one block of proposed houses. This has privacy implications for these properties and clarification as to how this might be addressed has been sought from the applicants. At the time of writing a reply is awaited.

Site History

Outline planning permission was granted for redevelopment of the site for residential purposes in February this year (S.05/1505/69). The matters of siting and access were considered at outline stage. A letter accompanying the decision notice advised the applicant that, when a submission was made for approval of reserved matters, the units at the northern end of the site should be kept to a maximum of two storeys and that the balconies to the first floor sitting rooms should include side screens to restrict overlooking into neighbouring residential properties.

In 2001 planning permission was granted (S.01/1226/69) for the current use, a furniture warehouse with sales.

In 1990 planning permission was granted for the erection of the existing building (S.69/1221/12) following the destruction of the previous one by fire.

In 1988 permission was granted for the use of the premises for light industrial purposes (toy manufacturing).

The Proposal

Approval of Reserved Matters is sought for the erection of 11 dwellings in the form of two blocks facing onto a communal parking area. The dwellings are 3 storey, with the second floor accommodation in the roofspace.

The eastern block comprises seven dwellings and the western block four dwellings. As originally submitted both blocks would have 'Mansard' type roofs to keep down the overall height, with the eastern block being hipped, so as to reduce the impact on the neighbouring property to the north, 2 Fontwell Gardens.

The houses have three double bedrooms and small rear gardens/yards, 4.7m depth for the eastern block and 5m for those to the western ones.

Materials are specified to be natural stone to the external walls and slate for the roof.

The existing building on the site has a ground floor area of approximately 1,200 sq.m. (12,665 sq.ft.). The proposed dwellings would have combined ground floor area of 645 sq.m. (5,490 sq.ft.).

Parking provision is non the basis of two spaces per dwelling.

Amended proposals

Amended drawings have been submitted showing the design of the dwellings improved by the introduction of gables into the front and rear elevations of both blocks. The northern end of the western block has been reduced even more to lessen the impact on the neighbouring property to the north.

Policy Considerations

Central Government Guidance

PPG 3 – Housing (2000)

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- Housing on unallocated sites.

Policy EN1- Protection and enhancement of the environment.

SKDC Interim Housing Policy

Key issues

Design.

Highway safety – The highway authority are satisfied with the revised scheme.

Impact on surroundings- Amenities of neighbouring properties.

Conclusion

The principle of eleven dwellings arranged as proposed has been accepted at the Outline stage, the dwellings submitted for this application for Reserved Matters approval are of a greater floor area, resulting in reduced space for private amenity space.

The highway authority were satisfied at outline stage that the access and junction of Radcliffe Road and North Street could safely accommodate the traffic generated by the proposed development.

The site is significantly lower than the properties to the east, fronting Cliff Road and about a metre lower than no.2 Fontwell Gardens.

The proposed materials for the external walls and the roof covering are of a higher quality than has been used for other recent development in the vicinity.

Reason for approval :

The proposal is in accordance, policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to highway safety, privacy 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 receipt of satisfactory confirmation as to how the privacy issues raised by the windows in the 'SAPS' building will be addressed, the details be approved subject to the following conditions:

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 amended drawing nos. 1366/06 Rev B, 07 Rev B, 08 Rev B and 09 Rev B received on 17 October 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. The arrangements shown on the approved plan 1366/05 Rev B dated 9 June 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
5. 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.
6. The first floor windows in the north facing gables shall be obscure glazed.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the materials to be used for the external walls and roof coverings are appropriate to the context, in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with PPG13.
5. In the interests of visual amenity and in accordance with Policy H6 of the South Kesteven Local Plan.
6. To safeguard the privacy of the neighbouring residential properties to the north and in accordance with Policy H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. 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.
3. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

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

* * * * *

Applicant	Mr Choudhury 46, Saxon Road, Eastfield, Peterborough, PE1 5JT
Agent	Sure Design Ltd Unit 1, Sleaford Road Industrial Estate, Bracebridge Heath, Lincoln, LN4 2ND
Proposal	Change of use from shop premises (A1) to restaurant (A3 & A5)
Location	37, North Street, Bourne

Site Details	
Parish(es)	Bourne Conservation Area (Policy C9) A Class Road Unclassified road Listed Building (Grade II) Adjacent Listed Building C9 Area Conservation Policy S1 Town Centre Shopping Area S3 Primary Town Centre Shopping Area Airfield Zone - No consultation required

REPORT

Representations Received

Town Council:

“The committee objects as it believes that this proposal would affect the viability of the whole of the town centre. Adding a further eating-place to North Street would be over saturating the area.”

Local Highway Authority: No observations.

Environmental Health: If permitted request standard conditions S2 and S5.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 27 October 2006.

Bourne Civic Society have objected to the application on the grounds the proposed change of use would be contrary to Policies of LDF which seek to promote and revitalise the central area of Bourne. There are already nine fast-food outlets in North Street in addition to numerous others in the remainder of the central area.

Officer Report

Reason for referral to Committee

Policy Issues.

Objections from Town Council and Civic Society.

The Site and its Surroundings

The two-storey application property fronts the western side of North Street, some 165m from Market Place and 55m south of the junction with Burghley Street.

To the rear is a large service yard to which access is gained off Burghley Street, through the British Legion car park.

The premises are currently vacant but were last occupied by a florists. They are not listed but are within the Bourne Conservation Area.

The premises are adjoined on the northern side by the grade II listed Wake House and to the south by a three-storey building, also listed grade II, with retail on the ground floor and living accommodation over.

There are already several restaurants, cafes and takeaways in this part of Bourne, mostly on the eastern side of North Street.

Site History

There is no relevant site history on the application premises.

The Proposal

Planning permission is sought for a change of use of the ground floor to a restaurant (A3) with a takeaway facility (A5).

The application has been advertised as a proposal to change the use and alterations to the shopfront. However, no alterations are proposed, although the blinds currently above the windows are shown to be removed.

Policy Considerations

Central Government Guidance

PPS6 – Planning for Town Centres.

PP15 – Planning and the Historic Environment.

PPG13 – Transport.

Lincolnshire Structure Plan

Policy E4 – Town Centres Development.

Policy BE3 – Conservation of the Historic Built Environment.

South Kesteven Local Plan

Policy S3 – Non-Retail Uses in Primary Town Centre Shopping Streets.

Policy C9 – Development in Conservation Areas.

Policy EN1 – Protection and Enhancement of the Environment.

Key Issues

The main issues with this type of use are the environmental e.g. odours, litter, late night opening hours etc, and the impact of the use on vitality and viability of the town centre.

Conclusions

The premises subject of this application are located at the extreme northern end of the Primary Town Centre Shopping Area for Bourne and although, as has been mentioned above, there are several similar uses in the vicinity, it is considered that there would, in this instance, be no adverse impact on the vitality and viability of the town centre.

Conditions are recommended to control potential environmental problems.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS6, Planning Policy Guidance Notes PPG15 and PPG13, Policies S1, E4 and BE3 of the Lincolnshire Structure Plan and Policies C9 and EN1 of the South Kesteven Local Plan. Although there is some conflict with Policy S3, in this instance, subject to the conditions attached to this permission, it is considered that it is not sufficient in this case to indicate against the proposal.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the District Planning Authority.
3. No development shall take place until there has been submitted to and approved by the District Planning Authority, a scheme showing provision within the site for storage prior to disposal of refuse, crates and packing cases.
4. Prior to the use commencing, there shall be submitted to and approved by the District Planning Authority details of the means of collection of litter externally of the premises. Such details as may be approved shall be installed prior to the use commencing.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety and in accordance with PPS23.
3. The storage of these items can detract from the appearance of an area. By confining their storage to a particular part of the site the impact is reduced and in accordance with PPS23.
4. In the interests of the amenities of the locality and in accordance with PPS23.

Note(s) to Applicant

1. You are advised that Advertisement Consent may be required for any signage on the building.

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Applicant	Octavia Estates Ltd Swan Centre, Fishers Lane, Chiswick, London, W4 1RX
Agent	PDG Architects Toll Bar House, Shrewsbury Avenue, Peterborough, PE2 7BX
Proposal	Construction of 18 flats & associated external works
Location	R/o 1-3, Market Place, Market Deeping

Site Details Parish(es)	Market Deeping Conservation Area (Policy C9) Site adjoins Conservation Area Adj authority - Peterborough City - AA7 Unclassified road Radon Area - Protection required Countryside M'ment Plan - MC2 C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Welland and Nene
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REPORT

Representations Received

Town Council: Continues to objection on the grounds of access onto a bust street.

Housing Strategy Manager :

The site is in an urban area and because there are less than 25 dwellings there is no requirement for affordable dwellings.

Local Highway Authority:

Visibility North from the proposed point of access to Church Street is substantially below requirements due to the existing buildings. The close proximity of the existing pedestrian crossing and roundabout where an intensification of vehicles turning right into the site, together with waiting and manoeuvring would be detrimental to highway safety.

Architectural Liaison: Standard letter received giving crime prevention advice.

Community Archaeologist:

The site lies in an area of archaeological interest. If remains are discovered then the applicant should contact the planning Archaeologist.

Lincolnshire Education Authority: Requires contribution of £27,892.

Welland & Deepings Internal Drainage Board: No objections.

Representations as a result of publicity

One letter of objection from an interested party regarding highway safety and traffic .

Officer Report

Reason for referral to Committee

The application has been referred to Committee because it is a major development and the previous application was approved, on officer recommendation, contrary to highway advice.

The site and its surroundings

The site is located to the rear of retail premises 1 – 3 Market Place, Market Deeping and the site comprises part of the refurbished shop car park and part of the grounds of Double and Megson Solicitors.

Access is obtained from Church Street and is located between Tonino's Pizzaria and the new extended shop near the "Pelican Crossing" and the traffic island at the junction of The Market Place, Bridge Street and Church Street.

Site History

Relevant History.

S05/0925 – Construction of 12 Flats. Refused 22.9.05
S06/0235 – Construction of 12 flats. Approved 16.5.06

The Proposal

Full planning permission is sought for the construction of 18 two bedroom flats in one building on three floors.

The building has an "I" shaped footprint with the roof ridge of the central part being approximately 10m high rising to approximately 11m at either end.. The upper floor flats have "Juliette" balconies to the living spaces and the rear ground floor flats have French doors.

The proposed development will remove 24 car parking spaces from the existing private car park for the new refurbished shop, whilst providing 16 spaces for the dwellings. Outside the application area, there is a turning area for vehicles servicing the shop and an access to Double and Megson's car park.

Whilst not part of this application, the pedestrian route to the flats and improvements to the side elevation of the shop to improve the environment for residents has been approved as part of application ref S05/0068.

Policy Considerations

National Planning Policy

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

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

1. secure an appropriate mix of dwelling size, type and affordability (para 11)
2. encourage the provision of housing to meet the needs of specific groups (para 11)
3. avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes (para 11)
4. A community's need for a mix of housing types, including affordable housing, is a material planning consideration (para 14)
5. The Governments commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22)
6. Undertaking of a sequential approach to site selection (para 30 and 31)
7. Provision of open space in developments (para 53)
8. Designing for quality (para 54-56)
9. Making best use of land, i.e. avoiding developments below 30 to the hectare (para 57-58)
10. Defining previously developed land (annex c)

Development Plan

Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the overall housing requirement for the County.

Lincolnshire Structure Plan 2006. As with all contemporary planning documents the promotion of sustainable development is the central plank of the revised Structure Plan. The Structure Plan translates the regional strategic housing requirement into district allocations. As Members will be aware South Kesteven's allocation has been cut to approximately 9200, a figure which has largely been accommodated in commitments and urban capacity sites. The revised Structure Plan identifies the settlement hierarchy for the County and classifies The Deepings as a small town.

Additionally the revised Structure Plan adopts a lower than national threshold for the delivery of previously developed sites at 35% of all new dwellings.

South Kesteven Local Plan 1995. Policy H6 – This is a permissive policy that allows for developments in settlements such as Deeping St James that are not specifically identified on the proposals map. Whilst specifically allowing for small groups of dwellings (defined as up to 10) the supporting text does allow for greater numbers where the five criterion are satisfied. Those criterion being:

- i. The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment;
- ii. The availability of utility services
- iii. The provision of satisfactory access;
- iv. The need to protect open spaces defined on the proposals map as serving an important visual or amenity function; and
- v. The need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

It must be acknowledged that this development is prosing housing numbers that are far in excess of that originally envisaged by Policy H6. It is in conformity with the determining criteria of H6 but minimal weight should be given to this policy due to the number of dwellings proposed.

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

Policy C9 - Buildings in Conservation Areas:

Within the areas shown on the Proposals Map the following policies will apply:

1. Proposals to demolish, or partially demolish, any building which makes an important contribution to the street scene, environmental quality or character of the area will not normally be permitted; and
2. Applications for planning permission for development will be considered having regard to:

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

Key Issues

The principle of the development – Previous decisions are a material consideration. Since the approval for 12 dwellings was granted the applicant has now applied for 18 consideration must be given to the impact the additional 6 flats have over those approved. The differences between the two proposals relating to:

- a) Scale and Form;
- b) Impact on Amenity;
- c) Parking; and access

will need to be considered.

Applicants Submissions

The regeneration of the whole site will provide a mixed use scheme for Market Deeping Town Centre. This meets planning policy for sustainability. It reuses a previously used but vacant site and provides two important and viable town centre uses.

The possibility of through connections at the rear and side of the site have been examined but this is not possible to achieve due to land ownerships. Other uses have also been examined but are not viable. This proposal for retailing provides the maximum amount of new retail floorspace that is viable.

The plans show the existing trees on site to be retained. Following discussions with Mr Shipman it seems likely that these trees are in poor condition and it may be preferred that they are felled and replaced. We would be pleased to have such a matter conditioned.

Car parking

This land is not currently used though much of it was previously car parking. It is not used for car parking associated with the retail unit and there has been, and is no longer, any need for the car parking. The retail has sufficient car parking on other land to more than adequately satisfy its needs. The accompanying illustrative plan demonstrates how vehicles can continue to park and turn within the remaining post office yard.

Planning Policy Guidance Note 3 on Housing has been issued after the adoption of the Local Plan and therefore contains relevant policies on housing.

Paragraph 61 states that Local Authorities should revise their parking standards to allow for significantly lower levels of off street parking provision, particularly for developments in locations such as town centres, where services are particularly accessible by walking, cycling or public transport.

Planning Policy Guidance note 13 on Transport states in paragraph 51 that Local Authorities should not require developers to provide more spaces than they themselves wish.

This site is immediately accessible to shops and other facilities and also to bus stops giving access to Peterborough. The more general policies in PPG 13 therefore dictate that as the option for walking, cycling and public transport are readily available car parking should be minimised. 100% cycle parking provision has been made.

Design

The scheme has been designed to ensure minimal loss of privacy for adjoining properties. It meets density requirements of PPG 3. It provides for amenity space for the future residents. Materials can be chosen to compliment surrounding buildings.

Viability of Alternative uses

Although the area of land is quite large, it would prove most unsuitable for either retail or office development. This would be back land development with no visibility or frontage to the High Street/Church Street. There will be no passing trade which is of paramount importance especially for retailers.

The economics of building retail units at a cost of £70 per square foot, plus the land value and on costs and only to receive a return of £5.00/£7.50 per square foot on the Zone A is not viable.

Similarly for offices which would cost more and only to receive a rent in the order of £7.00 per square foot does not stack up.

The viability is unacceptable as it would not produce the right return for a Developer/Investor and secondly, I do not believe that there would be demand from retailers (even local tradesmen) or from office occupiers in this location.

Conclusion

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. It is considered that the proposed development accords with policies relating to design, density and car parking and therefore the key issue of this application is the access and consequent impact on highway safety.

Scale and Form

The new proposal is 2 metres higher in all aspects than that approved. Top floor flats have flat roofed dormers. The end projections to the ground and first floor flats have mono-pitch roofs.

Traditional dormers in the neighbourhood have either gable or hipped roofs and thus the flat roof proposals do not reflect the neighbouring vernacular. It is also considered that the

mixture of monopitch, flat roofs and gables is visually discordant. All these matters should have been addressed through a proper design statement taking cognisance from the surrounding neighbourhood. The previous proposal had none of these previous design incongruities.

It is considered that this new proposal does not enhance the Conservation Area.

Amenity

It is considered that the building will now dominate the skyline when viewed from the precinct. The additional height will also create a more dominant impact on the surrounding residential properties. Additionally the top floor flats will create overlooking to both 53 and 55 Church Street and those properties to the rear from oblique views.

Parking

Only 16 spaces are to be provided this is a shortfall of 2 spaces, and whilst accords with PPG13 guidance does not accord with the Highway advice. It is considered that the shortfall can only be addressed through the loss of spaces for retail and this is considered to be unacceptable in reducing the spaces for the retail development.

Access

It is acknowledged that Highways, the Town Council and a neighbour have objected that the access is poor and they consider that this has an adverse impact on highway safety. Yet the access exists lawfully and there is capacity for 57 vehicles to park without the need for planning permission.

Officers argued that the planning benefits, though finely balanced, of the previous proposal outweighed the Highways advice and that the application should be approved. In this case your officers do not conclude that there are benefits from 6 further dwellings, indeed there are disbenefits as outlined above and therefore consider that Highway advice should be acknowledged.

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

1. It is considered that the proposed development will create a visually discordant external appearance, by reason of mixed roof designs, that does not borrow architectural features from the surrounding neighbourhood as required by a proper access and design statement. The proposal is considered to dominate views from the surrounding area and to have an adverse impact on the visual amenity on neighbouring residential properties. It is also considered that the proposal will create loss of privacy from overlooking, from opposed windows and from oblique views, to neighbouring residential properties. This is contrary to PPS1, PPG3 and Policies H6, EN1 and C9 of the South Kesteven Local Plan.
2. It is considered that visibility north from the proposed point of access to Church Street is substantially below requirements due to the existing buildings. The close proximity of the existing pedestrian crossing and roundabout where an intensification of vehicles turning right into the site, together with waiting and manoeuvring would be detrimental to highway safety. This contrary to Policy T3 of the South Kesteven Local Plan.

