

## AGENDA ITEM

### Development Control Committee 17 November 2009

JJ1 **S09/1699/MJRF**

Target Decision Date: 20-Oct-2009

Applicant	<b>Keystone Developments C/o Agent</b>
Agent	Louise Cooper, LMC Architect 11, Main Street, Lyddington, Rutland, LE15 9LR
Proposal	<b>Restoration and conversion of The Croft to wardens accommodation &amp; communal facilities and erection of 68 retirement dwellings and associated infrastructure</b>
Location	<b>The Croft, North Road, Bourne, PE109AS</b>
App Type	Major Full (Residential)
Parish(es)	Bourne

### **REPORT**

#### **Application Category**

This application is categorised as a major application.

#### **Reason for Referral to Committee**

The application has been referred to Committee because it is a major application and at the request of the Council's Lead Professional.

#### **The Proposal**

This is a full application for the restoration and conversion of The Croft to warden's accommodation and communal facilities and the erection of 68 retirement dwellings and associated infrastructure.

It is proposed to construct a total of 68 residential units on the site. The development includes a mixture of 1 and 2 storey retirement properties ranging from two and three bedrooms. The 68 units represent a development density of 28 units to the hectare. However the large area of open space that exists along the North Road frontage is considered to be an important publicly viewed local amenity which is proposed to be retained and restored as part of the proposed development. When this area of open space

is excluded from the density calculations the development has a density of 37 dwellings to the hectare.

The development provides the required 31% affordable housing giving a housing split of 47 open market units and 21 affordable homes.

The proposed layout of the development has been designed around the preservation and restoration of The Croft. The main building would be restored to provide warden accommodation and community facilities for the retirement homes which would be developed around The Croft. Landscaping also forms a key element of the development with areas of both hard and soft landscaping providing open space throughout the development.

It is proposed to have three access points to the site from North Road, Charles Close and Maple Gardens. All dwellings will benefit from a dedicated car parking provision in the form of either formally marked out spaces within the parking courts of designated plot parking spaces.

### **The application site and its surroundings**

The Croft is a large detached dwelling set in spacious grounds and access from the A15, North Road, Bourne. The approach to the property is defined by a tree lined avenue, which forms an important element of the sites character. The application site comprise the orchard located to the north of the existing dwelling, the tennis court and part of the garden located to the east and the paddock which lies to the south.

The application site is surrounded by residential development on all sides with the exception of the doctors surgery located to the north of the existing access road. The development surrounding the application site is characterised by one and two storey properties.

### **Site History**

SK.89/0111/12 – Planning permission was refused in March 1993 for the residential development of part of the application site. The application was refused on the grounds that the site was not allocated for development and that it would represent an unacceptable loss of an attractive open space.

SK.89/0112/12 – Planning permission was refused in March 1993 for the residential development of part of the application site. The application was refused on the grounds that the site was not allocated for development and that it would result in the unacceptable loss of an attractive break in the otherwise built-up frontage on North Street.

SK.94/0228/12 – Planning permission was refused in July 1994 for the residential development of the site. The application was dismissed on appeal in March 1995. The application was refused on the grounds that the site was not allocated for development and that it would represent an unacceptable loss of an attractive open space.

SK.94/0229/12 - Planning permission was refused in July 1994 for the residential development of the site. The application was dismissed on appeal in March 1995. The application was refused on the grounds that the site was not allocated for development and that it would result in the unacceptable loss of an attractive break in the otherwise built-up frontage on North Street.

S03/1236/12 – In December 2003 planning permission was refused for the erection of 37 dwellings on the site. There were four reasons for refusal relating to the development creating a cramped and oppressive environment, concerns relating to highway safety and increase traffic, concerns relating to loss of open space and that the development would have a detrimental impact on the setting of The Croft. The applicants appealed against the refusal but subsequently withdrew the appeal.

S04/0499/12 – In June 2004 planning permission was refused for the erection of 51 dwellings on the site. The application was dismissed on appeal in December 2005. The Inspector considered that there were 4 main issues that arose in the appeal. These related to:

- Sustainability issues arising from the development
- The impact of the proposed development on the character and appearance of the area
- The impact of the proposed development on residential amenity
- The highway safety implications of the proposed development

Of the four issues identified the Inspector considered that the impact on residential amenity and highway safety were acceptable but that the other two issues were determining factors. The Inspector concluded that as part of the site was greenfield land, there was a lack of evidence to justify its use for residential development. The Inspector also concluded that the development would cause significant harm to the character of the area, particularly in respect of open space issues.

## **Representations Received**

Council's Arboriculturalist:

Adjacent to the northern boundary, at the rear of Galletly Close, is a row of trees included in the Bourne, 40 North Road, TPO, 1995, No. 315. Most of these trees have the potential, when mature, to become large forest trees. Ideally, any new build should be a similar distance away as the current houses are on Galletly Close.

If this is not possible, the layouts of plots 26 to 35 inclusive should be orientated so that the rooms requiring maximum day light and sun light, kitchen and living room, are on the south elevation and the bedroom and bathroom are located on the northern elevation.

On the layout plan for plots 27, 28, 29, 32, 33 & 34 patio doors are shown located on the northern elevation. If these are installed, requests to prune the trees to increase light levels will be a constant threat to the trees.

Community Archaeologist:

Given the archaeological potential of the site, Heritage Lincolnshire is recommending that an archaeological evaluation be undertaken. It is recommended that a Scheme of Works condition is applied to any planning permission that is granted and that the trial trenching must be undertaken so that appropriate mitigation measures to preserve the archaeological record can be taken if required.

In addition, photographic recording of The Croft is also required prior to development and should include the setting of the building within its grounds.

Natural England:

Based on the information provided, Natural England has no objection to the above proposal in relation to species especially protected by law, subject to the following condition:

Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

The Scoping Survey showed the potential that trees, shrubs and hedgerows on site have for nesting habitat of breeding birds. Natural England welcomes the recommendations to erect bird boxes on site as compensation for the vegetation loss.

Local Highway Authority: No objections subject to conditions relating to access and parking arrangements.

Partnership & Projects Officer:

I confirm that there is an affordable housing requirement on the above site as follows:

- 31% affordable housing should be provided on site
- At least 60% of the affordable housing should be rented
- A maximum of 40% of the affordable housing should be shared ownership
- The size, type and tenure of the affordable housing should be agreed with the council in writing
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy.
- All affordable rented and shared ownership housing must be built to meet relevant housing corporation standards and to meet the appropriate level of code for sustainable homes

Longhurst Homes Limited is one of the district councils preferred Registered Housing Providers.

The proposed application provides for 31% (21) affordable housing units on site and will meet Code Level 3/4 of the Code for Sustainable Homes.

Community Leisure Officer:

Initially, I am classifying Bourne as an urban area and therefore will be calculating the provision for Play and POS using the equation promoted in the Fields in Trust document: Planning and Design for Outdoor Sport and Play (2008).

The calculation for the provision of Play is detailed in the attached document. Based on the potential number of residents the equation provides a figure of 400 sq m to be provided for children's play on the proposed development. The area of 400 sq m of children's play space is the equivalent of 1 Local Equipped Area for Play (LEAP) which can be located on the same site. Please find attached details of what is required for a LEAP.

Having looked at the plan I do see there is allocated 'communal gardens' to the south the site entrance road. I cannot see in enough detail as to whether or not this site could accommodate the LEAP. Please could you let me know as to this situation?

If a suitable site could not be identified for the LEAP I would request that a request for a commuted sum of £30,000 be handed over to SKDC for the installation/upgrade of a local within the local vicinity.

Environmental Protection Officer: No objections.

Bourne Town Council:

The committee accepts that the area needs development and the proposal in principle, but objects to the application on the following grounds:-

- An up to date traffic survey needs to be undertaken to assess highway safety and traffic impact.
- An up to date ecology survey needs to be undertaken with particular reference to the presence of bats.
- There is too high a density of housing in this application leading to potential over-development, and also there should not be any three-story housing in this area.

Lincolnshire Wildlife Trust:

We have read information accompanying the application and have some concerns regarding protected species, in particular bats. We note that the ecological survey

states that there were no trees on site with the potential to support bats. However, having read the Arboricultural survey of the site, it would appear from the report that many of the trees on site have features such as dead wood or cavities that would be suitable for use by bats. We would query whether these features are still present and perhaps require further investigation.

We would wish to ensure that any protected species present are identified and mitigation implemented if appropriate.

Environment Agency: No objections subject to a condition requiring surface water drainage details to be submitted prior to development.

Bourne Civic Society:

We have considered the details of the application and whilst we would be only too happy to see suitable development on this site we do have some comments to make about this particular set of proposals.

This site does have a high profile near to the town centre but as noted in the comments of the Inspector in the previous appeal hearing any development should have a relatively low density.

We would be pleased to see a development of this nature take place but with a considerably reduced density.

Planning Policy:

The application site lies within the built up part of Bourne. It is not specifically allocated or designated by a policy in the Saved Local Plan, neither is the existing building listed or located within the conservation area. The application should therefore be considered in light of policies H6 and EN1 of the Saved Local Plan. The relevant elements of these policies refer to the need to ensure that the design and layout of the scheme has a positive impact upon the site, its setting and neighbouring use. This policy will allow the key issues of open space, impact on the character of the area and residential amenity, which were considered important in the previous application and appeal, to be properly determined. Policy H9 of the Local Plan also relates to the provision of affordable housing as part of new housing schemes.

The Design and Access statement accompanying the application makes reference to amount of housing required in Bourne and the district. As correctly stated the district housing requirement is determined within the Regional Plan which was approved in March 2009. This has increased the district housing requirement to about 680 per annum. However the Regional Plan gives no indication of how this requirement should be distributed – this is a matter to be determined by the Local Planning Authority through its LDF.

The South Kesteven Core Strategy is due to be submitted to the secretary of State in the week commencing 17th August. It is expected that the Public Examination of representations made about the Core Strategy will take place in November this year

and that the documents will be adopted in April 2010. Policy H1 of the Core Strategy distributes the district wide housing requirement across the four towns and 16 Local service centres. It therefore makes provision for just over 100 new homes to be built in Bourne each year (2001-2026). This primarily reflects the number of homes which already have planning permission in the town, recognising that the major urban extension of Elsea Park will deliver Bourne's housing needs over the plan period. If this policy is adopted as currently written, future housing proposals elsewhere in Bourne will be expected to address a recognised need for affordable homes, rather than provide additional market housing.

However in determining this application, the policies of the emerging Core Strategy carry little weight at this time. Consideration should therefore focus upon the policies provided by the RSS (Policies 1, 2, 3, 13a and 14) and H6, H9 and EN1 of the Saved Local Plan, which should ensure that the best use is made of the site.

I assume that the matter of the appropriate mix of affordable and market housing and the specific need for this type and number of elderly persons units will be covered by Mandy Gee. This should address the requirements of policy H9.

The proposed use of the site seems to be a good compromise. It will ensure the retention and reuse of the locally important, but unlisted building - "The Croft", and protect the open views through to the existing house provided by the tree lined drive from North Road. In addition, open space incorporated into the scheme layout, should provide an open feel to the development. As such the application seems to have addressed the concerns of the council and the Planning Inspector in relation to the previous application.

In conclusion I have no policy objection to the principle of the reuse of the application site as proposed. The strategic policy framework for the district as provided by the RSS proposes a high housing requirement and until such time as the Core Strategy policies are adopted the distribution of that housing requirement is undefined. As a partial brownfield site in a sustainable location the site performs well in relation to national and regional planning policy. Saved Local Plan policies H6, H9 and EN1 should therefore be used to determine whether the detailed layout and design of the site is appropriate for this site and location.

NHS Trust: No comments received.

Lincolnshire County Council Education: No comments received.

### **Representations as a result of publicity**

The application has been advertised in accordance with the Council's Statement of Community Involvement. 22 two letters of objection and 1 letter of support have been received. The comments are summarised below:

- 68 bungalows is excessive, has anyone conducted a survey to see whether there is demand for this quantity of retirement accommodation?

- Concerns about highway safety and increase in traffic
- Loss of privacy
- Detrimental impact on outlook from residential properties
- The proposals will completely change the visual impact of the site and its character
- Concerns relating to noise and disturbance during construction
- Concerns relating to loss of mature trees
- Contrary to planning policy
- Design out of keeping with surrounding area
- Homes should be built on allocated sites such as Elsea Park
- Concerns relating to density
- Proposals to retain the existing house are welcomed and this appears to be a better scheme than that previously refused
- Concerns relating to bats on the site. Further ecological survey should be undertaken
- Footpath links should be provided from North Road and Queens Road
- Green space could be used to provide much needed allotments
- No change since previous Inspectors decision to dismiss appeals at the site. There is still a lack of evidence to justify use of this greenfield land for residential use.
- The application site is not in residential use. The site actually comprises 3 parts as confirmed by previous approvals. The site comprises The Croft and garden, The Paddock and The Orchard. The Paddock and the Orchard cannot be considered as previously developed land
- The Core Strategy Document at paragraph 5.1.10 states that no additional land needs to be allocated in Bourne
- Previous planning application have been refused for 37 and 51 dwellings on the site. The current application is for 68 dwellings this is a significant increase. Maple Gardens is of a similar size to the site and only has 31 dwellings on it.
- The application is for 32 bungalows and 36 houses.
- Concerns have been raised with regard to the type of tenants that occupy social rented accommodation
- Although this application is for over 55's accommodation now once approved the age restriction will be removed as with Brown Court and the Corn Mill developments
- The road between plots 48-51 and 19-21 could be used as a 'rat run'
- Concerns relating to foul water drainage and the impact that the development will have on the existing system
- Request that conditions be included to ensure that no construction traffic uses Maple Gardens
- Concerns that the proposed 2 storey dwellings will create a dominant and oppressive environment
- The site should be compulsory purchased
- Social housing is shown in one location and should be spread evenly throughout the site
- There is little to stop the renting and sale of the dwellings to anyone if the take up of retirement dwellings does not happen in the present economic situation. this could end up as anything but a retirement development
- Concerns re limited parking provision
- Any entrance from Maple Gardens would double the current traffic using this road.
- Loss of property values

- How can 2 and 3 bedroom properties be classed as retirement bungalows for the over 55's
- The development is shoe-horned in to the site and greatly reduces the existing openness resulting in a cramped and oppressive environment at odds with the prevailing character
- The site is an important 'green lung' in this urban area
- The development would have an adverse impact on the setting of The Croft
- Concerns relating to flood risk
- Concerns that the development will have a detrimental impact on local wildlife
- Light pollution from car headlight shining into adjacent properties
- Concerns that construction noise will have an adverse impact on residents of a nearby care home
- There is no demand for this type of development in Bourne
- Concern relating to loss of privacy due to the relocation of the bus stop to the front of number 38 North Road
- Concerns that trees have previously caused damage to wall of number 38 North Road and if site is developed as the area adjacent to the property is allocated as open space there will be no individual to complain to about any future damage

### **Policy Considerations**

#### National Planning Policy:

PPS1 – Delivering Sustainable Development  
 PPS3 – Housing  
 PPS9 – Biodiversity and Geological Conservation  
 PPG13 – Transport  
 PPG16 – Archaeology and Planning  
 PPS25 Development and Flood Risk

#### Development Plan:

East Midlands Regional Plan (March 2009)

Policy 1: Core Objectives  
 Policy 2: Better design  
 Policy 3: Distribution of new development  
 Policy 13a: Regional housing provision  
 Policy 14: Regional Priorities for Affordable Housing  
 Policy 26: Protection and enhancing the region's natural and cultural heritage  
 Policy 27: Regional priorities for the historic environment  
 Policy 35: A regional approach to managing flood risk  
 Policy 48: Regional car parking standards

#### Saved Policies of the South Kesteven Local Plan

Policy H6: Residential Development  
 Policy H9: Affordable Housing

Policy EN1: Protection and Enhancement of the Environment  
Policy EN8: Protection of Wildlife and Geological Sites  
Policy C2: Archaeology

### **Key Issues**

Planning policy considerations  
Highway safety  
Loss of area of open space  
Impact on visual amenity and setting of The Croft  
Impact on residential amenity  
Impact on local wildlife  
Affordable housing provision

### **Officer Evaluation**

This application seeks to redevelop The Croft and its surrounding land to provide 68 retirement properties for the over 55's. The Croft would be restored as part of the development and extended to provide warden accommodation and community facilities for residents of the site.

#### Planning Policy Considerations

The application site is located within the built framework of Bourne and is surrounded by residential development. The site is not allocated for residential development in the saved policies of the adopted local plan. The site is not located within a Conservation Area and although The Croft is not listed it is an attractive building worthy of retention.

Policy H6 advises that in towns and villages listed in the Saved Policies of the Local Plan planning permission will normally be granted for small groups of dwellings. The supporting text to policy H6 defines small groups of dwellings as up to 10 dwellings. The number of dwellings proposed here is greater than envisaged by policy H6, the supporting text at paragraph 2.90. states that exceptions may be made for the redevelopment of a site which is not identified on the Proposals Map for more than 10 dwellings where the proposed development is considered to be acceptable when considered under the following criteria:

- 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 is therefore considered in this case appropriate to consider the development under the criteria set out in policy H6.

The application is also to be considered under policy EN1 of the saved policies of the local plan which requires developments to conserve or enhance the visual quality and amenity of the built and countryside environments.

Policy H9 of the saved policies requires applications for residential development to provide a mix of housing types and sizes and where necessary a contribution towards affordable housing.

The Design and Access statement submitted with the application makes reference to the fact that the housing requirements for Bourne are determined by the Regional Plan which was approved in March 2009 (RSS8). The RSS has increased the district housing requirements to approximately 680 per annum. However the RSS gives no indication of how this requirement should be distributed, this is a matter to be assessed locally as part of the Local Development Framework process.

The South Kesteven Core Strategy was submitted to the Secretary of State in August and the Public Examination is has opened. The Hearing Sessions for the examination into the Core Strategy are due to take place in January/February 2010 with the Inspector report due to be published in April 2010.

Policy H1 of the Core Strategy distributes the district wide housing requirement across the four towns (Grantham, Stamford, Bourne and the Deepings) and 16 local service centres. It makes provision for just over 100 new homes to be built in Bourne each year (2001-2026). This primarily reflects the number of homes which already have planning permission in the town, recognising that the major urban extension of Elsea Park will deliver Bourne's housing needs over the plan period. If this policy is adopted as currently written, future housing proposals elsewhere in Bourne will be expected to address a recognised need for affordable homes, rather than provide additional market housing.

However in determining this application, the policies of the emerging Core Strategy can only be given limited weight at this moment in time. Consideration therefore needs to be focused on the adopted policies provided by the RSS and the saved policies of the local plan.

A number of applications have been refused on the site and dismissed on appeal. One of the main reasons for these applications been dismissed on appeal was the fact that the development was found to be contrary to the requirements of PPG3. PPG3 emphasised the need to develop previously developed sites in advance of greenfield sites. However PPG3 has since been replaced by PPS3.

PPS3 now focuses on creating mixed and sustainable communities and ensuring that housing is developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure. PPS3 does however advise that priority should be given to the use of previously developed land.

As outlined above the application site comprises three individual areas. The orchard located to the north of the existing dwelling and the paddock located to the south which are classed as greenfield parts of the site and the main dwelling along with its curtilage and the tennis court which are classed as previously developed land.

The application site is clearly located within a sustainable location and although only part of the site can be classed as a previously developed land site it is considered that the site is suitable for development taking into account the following factors:

- The site is located within a sustainable location within a residential part of the town,
- The site is within easy walking distance of the town centre, is located directly adjacent to the doctors surgery, and has good public transport links,
- The development has been designed in order to take account of the previous Inspectors concerns to retain open spaces throughout the site. The fact that the properties have shared gardens ensures that the openness of the site is further protected.
- The proposed development would also contribute 21 affordable dwellings in order to help meet the need for affordable housing in Bourne,
- The development will restore and preserve a locally attractive building and tidy up a rundown area of land.

Whilst PPS3 does promote the use of brownfield sites it is considered that this site is a suitable location for residential development. Furthermore the proposed design and layout addressed previous Inspectors concerns with the development in relation to the need to protect the openness of the site.

#### Scale and Layout

It is proposed to construct a total of 68 residential units on the site comprising a mixture of 1 and 2 storey retirement properties ranging from two and three bedrooms. The site density is 28 units to the hectare. However when the large area of open space located along the North Road frontage is excluded the density is 37 dwellings to the hectare. It is considered that the proposed density is appropriate for this location and represents a good use of the site.

The proposed layout of the development has been designed around the preservation and restoration of The Croft. The main building would be restored to provide warden accommodation and community facilities for the retirement homes which would be developed around The Croft. It is considered that the proposed layout reflects the pattern of development in the surrounding area and is appropriate for this location. The proposed design of the dwellings reflects the characteristics of The Croft and of adjacent residential developments. The design approach taken is therefore considered to be an appropriate one for this particular site.

Landscaping forms a key element of the development with areas of both hard and soft landscaping providing open space throughout the development. The proposed units would have shared communal gardens which would help to retain the sites openness. In addition it is recommended that permitted development rights for erecting fencing and extensions are removed in order to ensure that the site retains its open character.

## Residential Amenity

Concerns have been raised in relation to residential amenity. With regards to overlooking and loss of privacy it is considered that the proposed layout of the scheme ensures that there is adequate separation distance between existing and proposed dwellings to ensure that the privacy of the occupiers of existing dwellings is preserved.

Concerns have also been raised stating that the development will be over dominant and oppressive. The application relates to the erection of single and two storey dwellings with ridge heights ranging from 5m – 7m. It is considered that the proposed dwellings are in scale and character with the adjacent residential development in the area and that the proposed development will not appear to be overly dominant or oppressive.

## Highways

It is proposed to have three access points to the site from North Road, Charles Close and Maple Gardens. All dwellings will benefit from a dedicated car parking provision in the form of either formally marked out spaces within the parking courts of designated plot parking spaces.

The local highway authority have been consulted and the applicants have undertaken a traffic assessment. Although concerns have been raised in relation to highway safety and parking issues the local highway authority has raised no objections to the proposed development. It is therefore considered that the access arrangements are acceptable.

## Open space and Landscaping

The proposed development includes a number of open spaces and focal spaces which will help to maintain the sites open nature. The avenue of trees along the sites frontage would be restored through new tree planning in order to maintain this important feature of the site. It is recommend that conditions be imposed in order to require a full and detailed hard and soft landscaping scheme to be submitted as well as a long term management plan for the maintenance of the planting.

The Council's Arboriculturalist has raised some concerns relating to plots 26-35. He is particularly concerned that these properties may place pressure on the Council to agree to the trees along the northern site boundary to be pruned in the future. Whilst this is not considered to be so significant an issue as to warrant refusal of the application officers have contacted the applicants to see whether or not the dwellings internal arrangements can be amended in order to locate some of the primary living accommodation on the south elevation where it would benefit from direct sunlight.

The Council's Community Leisure Officer has requested a contribution towards open space provision. However the applicants are proposing to include a significant amount of open space as part of the proposed development which they will maintain through a management company. As this is also for over 55's accommodation it is not considered appropriate in this particular case to request a Section 106 contribution towards the provision of additional open space facilities.

## Other Issues:

Concern has been raised in relation to the possible impact that the development will have on the local wildlife. Lincolnshire Wildlife Trust has raised some concerns about the possible need for an additional bat survey however Natural England have confirmed that they have no objections to the proposed development. As Natural England are the statutory consultee in relation to wildlife matters it is considered that the proposed development will not be detrimental to the local wildlife subject to the suggested condition being imposed on any consent. It should also be noted that bats are protected by law and should they be found on site the applicants would need to apply for a licence to move them. Such licences are issued by Natural England.

With regard to drainage concerns and flood risk the Environment Agency has raised no objections to the proposed development it is therefore considered that the development will not result in any increase in flood risk. It is however recommended that conditions be attached requiring drainage details to be submitted.

Concerns have been raised that the development will not remain in use for over 55's. In order to ensure that the development maintains its character and in view of the parking standards adopted it is considered appropriate to attach a condition restricting the occupation of the dwellings to residents over the age of 55. This will ensure that the dwellings are not sold of as standard market dwellings.

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

## **Crime and Disorder Implications**

The proposed development raises no significant crime and disorder implication.

## **Human Rights Implications**

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

## **Conclusion**

The proposed development complies with the relevant development plan policies and is accordingly recommended for approval.

## **SUMMARY OF REASON(S) FOR APPROVAL**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance notes 13 and 16, Planning Policy Statements 1,3, 9 and 25 policies 1, 2, 3, 13a, 14, 26, 27, 35, 46 and 48 of the East Midlands Regional Plan and policies H6, H9, EN1, EN8 and C2 of the Saved Policies of the South Kesteven Local Plan. The issues relating to design, layout, access, residential amenity, parking and noise and disturbance 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.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site.

3. Prior to any development taking place a photographic record of the Croft shall be undertaken. This record shall include the setting of the building within its grounds. The precise details of the photographic record shall be agreed in writing with the local planning authority prior to being undertaken.

Reason: In order to provide a reasonable opportunity to record the history of the site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modifications), no gates, fences or walls shall be erected (other than those expressly authorised by this permission).

Reason: To ensure that the development maintains its open character and appearance.

7. The dwellings hereby permitted shall be used for the purposes of retirement accommodation only. Occupiers shall be:

- i) persons of 55 years or over;
- ii) other persons who are living as part of a single household with a person or persons aged 55 years or over;
- iii) persons who were living as part of a single household with a person or persons aged 55 years or over who have since died.

Reason: A reduced parking standard has been applied to the development as it relates to retirement accommodation. Use of the apartments for general housing would result in additional on-street parking which would be detrimental to highway safety and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

8. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 31% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable

housing provider[or the management of the affordable housing] (if no RSL involved)  
;

iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that a reasonable provision of affordable housing is met as part of the development in accordance with national, regional and local housing policies.

9. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.] Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme]

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

11. 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from

public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

13. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees.

14. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to North Road and Maple Gardens shall be improved in accordance with drawing number 181-SK-02 dated 9 July 2009.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

15. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

16. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 181-SK-02 dated 9 July 2009, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

17. The arrangements shown on the approved plan 181-SK-02 dated 9 July 2009 for the parking/turning of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of North Street and Maple Gardens and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

18. 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.

Reason: 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.

19. No dwellings (or other development as specified) shall be commenced before the first 20 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 181-SK-02 dated 9 July 2009 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of North Road and Maple Gardens.

20. 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.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

21. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and as assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding.

22. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the local planning authority.

Reason: To ensure that breeding birds are not adversely affected.

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. 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 works shall commence in the highway until a Section 278 Agreement, Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to improve the access junction The Croft/North Road together with all necessary ancillary works.
5. In respect of the bus stop provision, the applicant will need to liaise with the local highway authority and undertake any consultations deemed necessary prior to the commencement of its construction.
6. The surface water drainage scheme required by condition 21 should include:

\* Pre-development calculations need to be established and agreed using the Institute of Hydrology (IOH), report 124 method, (sites less than 200 hectares should use IOH124 method for a 50 hectare site and scale down to the correct site size). Post Development calculations must also be calculated in full. We consider Flood Estimation Handbook appropriate for catchment specific data. Calculations need to be presented and post development figures should be modelled for the 1 year, 30 year, 100 year and 100 year plus allowance for climate change. The maximum volume and peak flow rate will need to be identified in the worse case storm event including seasons and the duration of the event. The developer should refer to Environment Agency/Defra document W5-074 'Preliminary Rainfall Runoff Management for Developments' (revision D) for guidance. As the proposed site is currently Greenfield, it must be proved that surface water runoff is not increased post development.

\* Full details of any attenuation methods must also be included. The site should be able to attenuate up to and including the 100 year event with the inclusion of climate change. The developer should use Sustainable Drainage methods (SuDS) wherever possible for managing flood risk. Relevant documents for SuDS include the Interim Code of Practice for SuDS and CIRIA publication C697 (The SuDS Manual). Details of all elements of the proposed drainage systems should be included as should clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements of the drainage system should be included.

\* The Flood Risk Assessment will need to state the overland flood flow routes and subsequent flood risk in the event of surface water system failure, it is essential

the flood flow is routed away from vulnerable areas and property, and that the development remains 'safe', as according to Planning Policy Statement 25. The applicant should consider the impact of the development to adjacent properties in regards to surface water flooding.

7. The applicants attention is drawn to the attached comments of the Community Archaeologist.

\* \* \* \* \*

Applicant	<b>Exors of Harold Pugmire (Dec'd)</b> Pickworth Hall, Folkingham Road, Pickworth, Sleaford, Lincs, NG34 0TJ
Agent	Mr Michael Thompson, Richardson Richardson, Sheep Market House, 3, Sheep Market, Stamford, PE9 2RB
Proposal	<b>Replacement of four static caravans with four small detached cottages (outline)</b>
Location	<b>Pickworth Hall, Folkingham Road, Pickworth, Sleaford, NG34 0TJ</b>
App Type	Outline Planning Consent
Parish(es)	Pickworth

**REPORT****Application Category**

This application is categorised as a minor application.

**Reason for Referral to Committee**

The application has been reported to the development Control Committee at the request of the Council's Lead Professional in view of the sites previous planning history and the local plan policy considerations.

**The Proposal**

This is an outline application for the replacement of four static caravans with four detached cottages. Details relating to layout, scale, appearance, access and landscaping are all reserved for subsequent approval. Indicative layout plans have however been provided.

**The application site and its surroundings**

Pickworth is a small village located approximately 8 miles to the east of Grantham and 8 miles north of Bourne. Pickworth comprises of a mixture of dwelling types including detached and semi-detached dwellings.

Pickworth Hall is located approximately halfway along Folkingham Road, on the eastern side opposite three pairs of former Council houses. The application site comprises the grounds of the Hall and a small element of an adjacent field. Along with the existing Hall the site is currently occupied by 4 static caravans which are occupied as permanent dwellings.

The site has an area of approximately 0.74 hectares (1.84 acres).

## **Site History**

WK.3181 – This application related to the siting of a caravan on the site. The application was submitted in September 1962. It appears that no formal decision was issued in respect of this application. The application was therefore deemed withdrawn.

WK.5400 – This application related to the siting of 3 residential caravans within the grounds of the hall. The application was withdrawn in August 1969.

WK.5589 – In September 1969 temporary planning permission was granted for the siting of a residential caravan on the site.

WK.5986 – In January 1971 planning permission was granted for the siting of two residential caravans on the site.

SK.62/1176/76/1999 – In November 1976 planning permission was refused for the siting of 5 caravans within the grounds of Pickworth Hall.

SK.62/171/78/277 – In April 1978 temporary planning permission was granted for the siting of 3 residential mobile homes on the site.

SK.62/97/83/158 – In February 1983 planning permission was refused for the retention of three existing caravans and the siting of two additional caravans on the site. The applicants subsequently appeal and the Secretary of State allowed the appeal. The appeal Inspectors decision letter indicated that planning permission was granted for the continuing mixed use of the land at Pickworth Hall for the purposes of flats and of a residential caravan site, for 4 pitches. The appeal also granted personal consent for the retention of a further caravan for use by Ruth Norris Pugmire. This caravan however was required to be removed when the land ceased to be occupied by her.

S01/0698/62 – In July 2001 planning permission was granted to provide disabled facilities in connection with one of the residential caravans.

S01/1167/62 – In November 2001 planning permission was granted to site a shed within the curtilage of one of the mobile homes.

## **Representations Received**

Local Highway Authority: No objections subject to conditions.

Community Archaeologist: The application site does not affect any known archaeological sites.

## Planning Policy:

“The application site is within the village of Pickworth. Pickworth is identified a less sustainable settlement in the Interim Housing Policy. In these locations new housing development is restricted to:

Rural Exceptions sites for affordable housing  
Replacement dwellings (one for one)  
Conversion of buildings.....

The application proposes the replacement of four static caravans with four cottages. The static caravans have been on the site and in a permanent residential use since permission was granted on appeal in 1984. I therefore conclude that this can be considered as an application for replacement of existing dwellings. As such the proposal is in accordance with second criterion b) of the Interim Housing Policy.

I note that the application is in outline with all matters reserved. In this respect I would be concerned if a reserved matters application substantially increased the size and scale of the proposed cottages. As currently indicated they will probably have a minor impact upon the character of the immediate area, however this impact could be substantially increased if the scale and design of the cottages were increased.”

## Pickworth Parish Council:

“I am writing as Chairman of Pickworth Parish Meeting with regard to the above Planning Proposal. As Chairman I have listened to feedback from residents around the proposed site, had discussions with my committee and looked at national and local research on housing matters.

The Planning Proposal raises two major concerns.

First, Pickworth has a very great lack of small, affordable housing suitable for the single, first time buyer. The village is dominated by medium and large family type housing and the few small houses that were in the village have either been or are in the process of being extended. Although the plans and supporting statement talk about small cottages and the need for small houses in the village, three of the four still appear larger than would normally be considered a starter or single occupancy dwelling and the fourth appears to be a family size dwelling. With national and local research showing a growing demand for single person accommodation and a shortage of small, affordable housing in the area, it seems that to grant Planning Permission in an already crowded and “unsustainable village”, other than for the purpose of single occupancy, affordable buyers, to be against all research and District Housing Policy.

Second, many residents have raised concerns that by granting this relatively small development would open up access, not only to more building within the grounds of Pickworth Hall but also to the field beyond with the possibility of a much larger development in the future.”

## **Representations as a result of publicity**

The application has been advertised in accordance with the adopted Statement of Community Involvement. Five letters of representation have been received from local residents. The comments can be summarised as follows:

1. Concern has been raised from tenants of the existing mobile homes about the proposed development and that they were unaware of the proposed development. The tenants have discussed the application with the applicant and now have a clause in their lease stating that they can stay in their homes as long as they live, even if the site is sold.
2. Concerns relating to highway safety, poor street lighting and lack of public footpaths.
3. The residents of Stone Lodge are in favour of the development but have raised concerns relating to how their privacy may be affected by the building of a two storey house so close to the site boundary. They are particularly concerned about loss of privacy to their garden.
4. Concern re noise and disturbance during the construction phase of the development and the increased large vehicles which would provide deliveries to the site.
5. The cottage proposed next to Stone Lodge is too close and should be located further away.

## **Policy Considerations**

### National Planning Policy:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 – Transport  
PPG15 – Planning and the Historic Environment

### Development Plan:

East Midlands Regional Plan 2009 (RSS8)

Policy 1 – Regional Core Objectives  
Policy 2 – Promoting Better Design  
Policy 3 – Distribution of Development  
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 27 – Regional Priorities for the Historic Environment

## Saved Policies of the South Kesteven Local Plan

Policy H7 – Housing (criteria a, i, ii, iii, iv, v). This policy states that planning permission will normally be given for small groups of dwellings within or adjacent to existing built-up settlements. In determining such proposals the policy requires that consideration be given to the impact on the form and character of the area, the availability of services, the proposed access arrangements, the need to protect open spaces defined on the proposals plan, and the need to avoid the extension of isolated groups of houses.

Policy EN1 – Protection and Enhancement of the Environment (criteria i, ii, iii, iv, v, vi, vii). This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments.

Interim Housing Policy (IHP). This policy restricts development in the countryside and settlements that are not considered to be sustainable. Pickworth only has limited services and is therefore deemed to be a 'less sustainable settlement'. The Interim Housing policy states that within 'less sustainable settlements' housing proposals will only be considered acceptable for:

Rural Exceptions sites for affordable housing  
Replacement dwellings (one for one)  
Conversion of buildings.....

## Key Issues

The key issues in the consideration of this case are considered to be:

The planning history in relation to the mobile homes.

The impact that the development will have on residential amenity

Highway safety implications.

The impact on the visual amenity of the surrounding area.

The impact on the adjacent listed building.

The indicative layout and scale of the proposed development and the impact that this will have on the character of the surrounding area.

## Officer Evaluation

This application seeks approval for the replacement of four existing permanent residential caravans with four detached cottages. In 1984 planning permission was granted on appeal to use the site as a permanent site for four mobile homes. The mobile homes on the site have been occupied on a permanent bases and are therefore classed as dwellings. The replacement of the mobile homes with permanent residential dwellings (on a one for one basis) is considered to be acceptable and complies with the requirements of the Council's adopted Interim Housing Policy.

This application is an outline application with all matters reserved for subsequent approval. Indicative plans have however been submitted and these demonstrate that four cottages

could be accommodated on the site in such a way that they do not have a detrimental impact on the visual amenity of the surrounding area.

The site to be developed is primarily formed by the curtilage to Pickworth Hall, however a small area of land in the south eastern corner of the site is currently open paddock. Whilst the majority of the site is therefore considered to be 'previously developed' land. The south eastern corner of the site has not been 'previously developed'. The use of this land represents an acceptable rounding off of the site. The use of this land would not represent an unacceptable incursion into the open countryside, subject to suitable soft landscaping being implemented along the site's southern boundary.

Concern has been raised that if this development is approved it would set a precedent for further development within the adjacent fields. All planning applications must be assessed on their own individual merits it is therefore considered that this proposal would not set a precedent for further development.

Although this is an outline application the indicative plans demonstrate that it is possible to accommodate four cottages on the site and that they would appear in scale and character with the adjacent development. It is also considered that given the separation distances the proposed development would not have any adverse impact on the historic character or setting of the adjacent grade II listed Rectory Cottage.

Some concern has been raised with regard to overlooking and loss of privacy. Although this is an outline application the indicative layout plan demonstrates that four dwellings can be accommodated on the site without having a detrimental impact on residential amenity. With regard to Stone Lodge it is considered that the existing mature boundary treatment will provide significant screening from the development. Siting and design are reserved for subsequent approval, the authority would therefore be able to fully assess the impact of the final designs at the reserved matters stage. It is however considered that there is sufficient screening and space to accommodate the four dwellings and ensure that the private amenity spaces of the adjacent dwellings are suitably protected.

Concern has also been raised at the fact that the current tenants of the caravans were not made aware of the proposed development. The applicant's agent has advised that the tenants were visited with the plans and the proposed scheme was explained to them. Following correspondence from the tenants and the agent it appears that whilst planning permission is being sought to develop the site the applicants do not intend to disturb the current tenants' occupation of the site. The tenants have advised that they now have a clause in their lease stating that they can stay in their homes as long as they live. Although this issue is of particular concern to the tenants this is not a material planning consideration and is a civil matter between the tenants and the site owners.

Although concerns have been raised in relation to highway safety the proposed development is to replace four dwellings on a one for one basis there will not therefore be any significant increase in traffic. The Local Highway Authority has been consulted and raised no objections to the proposed development. The proposed development is therefore considered to be acceptable in highway safety terms. The local highway authority have requested a condition linking the development to the submitted plans, however as the plans are only indicative and issues relating to access are reserved for

subsequent approval it is not considered necessary or appropriate to attach the condition at this stage.

Concerns have also been raised in relation to noise and disturbance during the construction phase of the development. Although there will inevitably be some disturbance during the construction phase this would be for a limited period of time and would not therefore be significantly detrimental to the residential amenity of the occupiers of adjacent properties.

### **Crime and Disorder Implications**

The application raises no significant crime and disorder implications.

### **Human Rights Implications**

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

### **Conclusion**

The proposed development complies with all relevant policies of the development plan and is accordingly recommended for approval.

### **SUMMARY OF REASON(S) FOR APPROVAL**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Notes and Statements PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPG15 – Planning and the Historic Environment, Policies 1, 2, 3, 26 and 27 of the East Midlands Regional Plan 2009 (RSS8) and Policies H7 and EN1 of the Saved Policies of the South Kesteven Local Plan and the adopted South Kesteven Interim Housing Policy.

The issues relating to residential amenity, highway safety, scale, density, landscaping and sustainability 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.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (a) layout;
  - (b) scale;
  - (c) appearance;
  - (d) access; and
  - (e) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings.

5. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: 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.

Note(s) to Applicant

1. 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.

\* \* \* \* \*

Applicant	<b>Mr L Cragg, Barrowby Parish Council</b> 10, Hedgefield Road, Barrowby, Grantham, NG321TA
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	<b>Change of Use to mixed use - sports pavillion to include provision for childcare facilities (re-submission of S08/1315 to include outdoor play area)</b>
Location	<b>Barrowby Sports Pavilion, Low Road, Barrowby</b>
App Type	Full Planning Permission
Parish(es)	Barrowby

**REPORT****Application Category**

This application falls within the category of other development.

**Reason for Referral to Committee**

Previous application was heard at committee

**The Proposal**

The proposal is for change of use to mixed use of the existing sports pavilion to include before and after school, and holiday childcare. The use as a childcare facility shall take place between the hours of 07:30 – 09:00 and 15:30 – 18:00 Monday to Friday, and between 07:30 – 18:00 Monday to Friday, during school holidays. The application is for the inclusion of childcare provision within the permitted use, at the site, a sports changing facility.

This application for change of use applies to the whole site, with the childcare use restricted to a certain area defined on the submitted plans. Application S08/1315 was approved in January 2009, which permitted a Change of Use to include childcare provision at the site. However, some of the conditions attached under the previous application are considered by the applicant to be unworkable and one condition was drafted incorrectly, therefore a review of the conditions previously attached has been requested. The application now also includes an outdoor play area for use in conjunction with the childcare facility.

A consequence of this application is that certain conditions of the original permission should also be reviewed.

## **The application site and its surroundings**

The pavilion itself was granted permission in 2007 (S07/1240) and is located on the playing field within the village of Barrowby. There are dwellings to the eastern boundary of the site/playing field. Also to the east is an access track constructed under S07/1240 – the permission was conditioned to ensure that the track is not used by members of the general public. To the south of the site there is a public car park.

## **Representations Received**

Local Highways Authority:

I am not entirely happy that the track will have vehicles and pedestrians on it at the same time. It isn't highway, but there is a duty of care - and I am sure the Parish are well aware.

The use of the facility for the children will inevitably mean such dual movements will often be at dawn/dusk or in darkness, and thus a form of lighting would normally be considered appropriate. Alternatively fencing, to separate the ped movements from traffic is an option, channelling pedestrians say, on the residential side of the 'access road'??

25 cars adjacent the pavilion is excessive for the proposed use. I presume the lower would normally be used for sporting events. Whatever the number of spaces provided at the pavilion end, how will drivers of vehicles wishing to park know when it is full, and not make the journey to 'find out'?

Environmental Protection:

I note that it is proposed that the outdoor play area will be re-located and this should have a beneficial effect. I also note the changes to the car parking surface and access road, and have no further comments to make.

Footpath Officer: PROW should not be affected, no comment.

## **Representations as a result of publicity**

A total of 39 objection letters have been received in relation to the proposed development, a petition has also been received by the Local Planning Authority. The issues raised by the objectors include;

1. Unacceptable increase in traffic usage – volume of traffic using the access track.
2. Too many vehicles parking at the pavilion.
3. Erosion of privacy and tranquility.

4. Illegal use of facility for business purposes.
5. Recreation site should not be used for business purposes.
6. The field was left to the children of Barrowby to play in.
7. Excessive noise – noise of vehicles on the track and gravel, music from vehicles, turning round, car doors slamming, people shouting and swearing.
8. Users revving up their cars and then speeding along the track.
9. Increased pollution.
10. Increased danger to children and other users of the field – highway and public safety.
11. Difficult to enforce usage of the access track.
12. Issues in relation to the sporting facility use - when the pavilion car park is full, visitors still use the access track and park all over the grass.
13. No confidence in the willingness or ability of the parties to effectively manage traffic – so far they have failed to do so.
14. People ignore the signs currently in situ.
15. Speed of cars using the track – speed limits ignored.
16. Use for childcare is in breach of a covenant on the land which states it is to be used for the 'provision of sports and recreation but not for any other purpose whatsoever' – this is a legal matter and not a material planning consideration.
17. Use of the track puts pets and children at risk.
18. Access track should be for emergency vehicles only.
19. Concern that the change of use relates to the whole of the playing field .
20. Concerns that trespassers could gain access to the site and into rear gardens backing onto the site.
21. Fear of crime and anti-social behaviour; increase in crime since the track has been in place.
22. Clouds of dust from the gravel car park.
23. If the children can walk from the pavilion to the school, why can't they walk from the bottom car park to the pavilion.
24. Use is out of keeping with the area.
25. Outdoor play area will increase the noise disturbance.
26. Light pollution – pavilion lit up until 11pm some nights and lights from cars using the track.
27. If vehicles are not allowed to use the track it will be safe for parents and children to walk up.
28. Residents have been sandwiched between two roads.
29. No parking issues on weekdays around the footpath from low road to the pavilion, so why can't parents park there and walk through?
30. Revised scheme does not overcome concerns of residents.
31. Applicants response is negative and inaccurate.
32. If the track is filled with soil this just washes away and due to frequent use of the track, grass cannot grow, therefore this proposal will not help to mitigate noise issues.
33. There is not space for 25 vehicles to use the top car park.
34. Parking on the grass near the pavilion should be prohibited.
35. Unworkable to expect residents to enforce the speed limit, fearful of the consequences of doing so, also residents have neither the equipment or expertise to do so.
36. Needs to be monitoring of car driver behaviour.
37. Proposed surface for the top car park would be an improvement.

## **Site History**

S08/1315 – Change of Use to Mixed Use Sports Pavilion and Provision of Before and After School and Holiday Childcare – Approved Conditionally. It has been requested that conditions attached under this application are amended or removed under the current application

S07/1240 – Erection of Sports Changing Facilities – Approved Conditionally. Conditions relating to the use of the proposed access track were included within the permission that the track was not to be used by members of the general public.

S04/1190 – Erection of Single Storey Sports Changing Facilities – New changing facilities were approved prior to the 2007 application, the 2004 application was for a smaller building and did not include the access track – Approved Conditionally.

SK.947/74 – Use of Land for Village Playing Field and Alterations to Existing Access – Reserved Matters - Approved Conditionally.

SK.346/74 – Use of Land for Village Playing Field with Alteration to Existing Access – Outline Application - Approved Conditionally.

## **Policy Considerations**

Saved Policies of South Kesteven Local Plan

EN1 Protection and Enhancement of the Environment vi) Highway Safety vii) Noise

REC1 – Protection of Existing Recreational Space

## **Key Issues**

Highway Safety

Public Safety

Impact on Neighbouring Residential Properties.

## **Crime and Disorder Implications**

In the interests of child safety and protection, it is considered that during the hours that the pavilion is used for childcare provision no other use should be undertaken within the site.

## **Human Rights Implications**

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

## **Evaluation**

The original permission for the erection of the sports changing facility (S07/1240) was conditioned so that the approved access track was only used by officials etc. to reduce noise and disturbance to neighbouring properties, as well as in the interests of public safety. The original application stated that the access track would only be used by officials, team coaches and emergency vehicles, and the condition attached reflected this submission of the applicants. This was further reinforced by condition 7 of permission S07/1240, which stated that the development shall be undertaken in accordance with the submitted design and access statement, in which it was stated that use of the track 'will be restricted to officials, team coaches and emergency vehicles'. The application also stated that there would be minimal noise and disturbance to residents due to the infrequent use of the track. This in turn infers that frequent use of the track would result in noise and disturbance to residents of neighbouring properties.

The use as a childcare facility has since commenced within the pavilion. Application for change of use to include childcare provision was approved by this authority (S08/1315), a condition regarding use of the track was attached, stating that it should be used by staff only. For clarification a condition was also attached stating that parents/guardians using the facility should park in the car park adjacent to 'The Drift'. The applicants have now reapplied for change of use of the pavilion and have requested that the condition be revised so that parents can lawfully use the track to access the facility. It was suggested by the applicants that a traffic management plan be put forward to address the concerns relating to use of the track, mainly noise and disturbance to neighbouring properties, and safety concerns regarding children and other users of the playing field. A large number of objections have been received in relation to the current use of the pavilion as a childcare facility and the ongoing use of the access track, largely relating to disturbance to occupiers of neighbouring properties and concerns regarding safety of users of the playing field. Due to the level of objection, the traffic management plan was requested prior to the determination of the application, so that neighbours and other statutory bodies could be fully consulted on its contents.

The initial traffic management plan submitted by the applicants included speed humps, chicanes etc, this was considered to be inappropriate as it would create further issues of noise and disturbance and also would reduce access by emergency vehicles to the pavilion. Therefore a further plan was requested, to overcome the major concerns of the Local Planning Authority and local residents. The applicants were informed that if the subsequent plan failed to overcome all concerns that the original condition relating to use of the track would be reiterated on any permission given.

The subsequent traffic management plan has gone some way to overcome concerns in relation to noise to occupiers of nearby residential properties, such as replacing the surface

on the top car park, adjacent to the pavilion. Other matters of disturbance such as light pollution have not been addressed. The traffic management plan states that safety concerns will be overcome by advising users of the speed limit and advising those who do not observe the limit that they may no longer use the track. It is considered that these provisions would be difficult to enforce and would be inadequate in protecting the safety of children and other users of the site. As the concerns of the Local Planning Authority and local residents have not been overcome, a condition restricting the usage of the track is considered to be necessary.

Whilst it is accepted that these arrangements may cause inconvenience to users of the childcare facility, the primary concern of the local planning authority has to be safety of other users of the site, which is likely to include unsupervised children playing on the field. As no workable solution has been forthcoming, with regards to safeguarding users of the site, there is no option other than to reiterate the condition with regard to use of the access track. Furthermore, allowing use of the access track encourages the use of cars which is unsustainable and therefore the use of the track is considered to be unacceptable.

Concerns have been raised by local residents and the Local Highways Authority regarding the number of parking spaces available adjacent to the pavilion, however, as a condition will be attached regarding the use of the track, it is considered to be unnecessary to limit the number of car parking spaces.

The applicants have stated in their submission that they could legitimately use the building for any other D2 purpose. The Local Planning Authority disputes this as the original application for the construction for the pavilion (S07/1240) was conditioned that the development was to only be in accordance with the submitted design and access statement which clearly states that the building will be used for the purposes of sports changing facilities. Whilst the submitted document does acknowledge that other social activities maybe able to use the site, it is evident from the design and access statement that the predominant use and main focus for the pavilion would be the sports facilities. Any other social activities would be individual events and ancillary to the main function of the permitted building as a sports pavilion. Therefore any use such as bingo hall, cinema etc would not be lawful. For the avoidance of doubt a condition should be attached stating that the premises shall be used for sports changing facilities and childcare premises, as agreed, only.

Concerns have been raised by many local residents regarding the change of use to D1 affecting the whole site. Plan G/1368-30 clearly shows the area where the D1 childcare use will be permitted. For clarification a condition will be attached to this permission.

Whilst the proposal involves change of use of an area of the existing open space to be used in connection with the childcare facility, the proposed area is relatively very small when considered in the context of the large playing field which will remain, therefore, the proposal is considered to be in accordance with Policy REC i) of the saved South Kesteven Local Plan. The revised location of the outdoor play area, which is now to be located on the west elevation of the building, is considered to be more appropriate in terms of mitigating noise and disturbance to neighbouring properties.

## **SUMMARY OF REASON(S) FOR APPROVAL**

The proposal is in accordance with Policy EN1 (vi) (vii) of the Saved Policies of the South Kesteven Local Plan, however, it is considered by the local planning authority that due to concerns in relation to public safety and noise and disturbance to occupiers of adjacent residential dwellings, conditions must be attached to ensure that these concerns are overcome and ensure that the development is satisfactory. The proposed area of open space to be used in connection with the childcare facility is a relatively small area, and it is not considered to be contrary to policy REC1 of the Saved Policies of the South Kesteven Local Plan.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The area of the premises available for the Mixed Use (Sports Pavilion and Childcare Provision) relates solely to the area as outlined on plan G/1368-30 Rev A received on 15 September 2009.

Reason: For the avoidance of doubt.

3. The premises as identified in Condition 2 shall not be used for the purposes of Childcare, as authorised by this permission, outside the hours of 07:30 - 09:00 and 15:30 - 18:00 Monday to Friday, and between 07:30 - 18:00 Monday to Friday during school holidays for a maximum of eight weeks per year.

Reason: Operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents contrary to Policy EN1 (vii) of the Saved Policies of the South Kesteven Local Plan.

4. The access track and parking adjacent to the pavilion shall be used by match officials, team coaches, emergency vehicles and employees of the childcare facility only.

Reason: To avoid disturbance to neighbouring properties and in the interests of public safety contrary to Policy EN1 (vi) (vii) of the Saved Policies of the South Kesteven Local Plan.

5. The number of staff and child places shall not exceed 6 members of staff and 32 child places.

Reason: Exceeding this capacity could result in increased noise and disturbance to residents of neighbouring properties and have a detrimental impact on parking/highway safety contrary to Policy EN1 (vi) (vii) of the Saved Policies of the South Kesteven Local Plan.

6. The permitted uses within the pavilion, i.e. childcare facility and sports changing facilities shall not take place simultaneously.

Reason: Both uses operating at the same time would result in parking and other traffic problems contrary to Policy EN1 (vi) of the Saved Policies of the South Kesteven Local Plan.

7. The pavilion shall be used for Sports Changing/Recreation facilities and Childcare provision and for no other purpose (including any other purpose in Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The use of the premises for any other purpose would be unacceptable because it would result in further issues of noise and disturbance to occupiers of nearby residential properties and would result in parking and other traffic issues, contrary to Policy EN1 (vi) (vii) of the Saved Policies of the South Kesteven Local Plan.

8. This permission relates to the application as amended by letter and drawing received on 15 September 2009.

Reason: For the avoidance of doubt.

#### Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

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