

**Development Control Committee  
2 February 2010**

**JJ1      S09/1725/MJNR**

Target Decision Date: 18-Dec-2009

Applicant	<b>Quappelle Residential Care Home</b> UNIT 3, The Arena, Roman Bank, Bourne, PE109LQ
Agent	Alan Hornsby Architectural Services Ltd Little Acre, Peak Hill, Cowbit, Spalding, PE12 6AW
<b>Proposal</b>	<b>Demolition of existing garage and erection of residential care home</b>
<b>Location</b>	<b>Woolfs Garage, Harrington Street, Bourne, PE109HA</b>
App Type	Major RM (Non-residential)
<u>Parish(es)</u>	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 Cllr Higgs.

**The Proposal**

This seeks planning permission for the erection of a 35 bedroom residential care home on the site of Woolf's Garage, Harrington Street, Bourne. The new care home would replace an existing smaller care home located at 32 West Street, Bourne (Qu'Appelle Residential Care Home). The existing facility and proposed development would cater primarily for dementia patients within a secure environment. The applicants have advised that the existing care home is no longer adequate to cater for the increasing demand for this type of specialist care, and is unable to provide for all the needs of its patients within its present accommodation.

The proposed development would provide accommodation to the latest Department of Health standards and include a hairdressing room, treatment room and assessment room, together with three lounges and a large dining room. The applicants have advised that the

aim of the development is to provide a safe and secure environment for the patients who because of their condition could be vulnerable in an ordinary non specialist care home.

The proposed building has a relatively traditional two storey design with hipped roofs. Amended plans have been submitted showing a lower eaves height and dormer windows in the western elevation. The plans have been amended in order to minimise the impact on the adjacent residential properties.

The development would have a modest landscaped garden and patio area to the rear and side of the building. To the front of the proposed building there would be 12 visitor and staff parking spaces and some additional landscaping. The side would be screened by 1.8m high close boarded fencing, with the exception of the eastern site boundary where the existing wall will be lowered and then retained at a height of two metres.

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

The application site comprises Woolf's Garage on Harrington Street and part of the rear gardens of 9 and 11 Meadowgate and 50 George Street. The total site area measures approximately 0.18 hectares.

The application site is located within the centre of Bourne and is surrounded by residential development. The properties on Harrington Street, Meadowgate and George Street all back on to the application site. Access to the site is from Harrington Street.

### **Site History**

SK.12/0019/90 – In February 1990 planning permission was granted for extensions, alterations and the installation of underground fuel tanks on the site.

SK.12/1065/92 – In November 1992 planning permission was granted for the change of use of part of the car showroom to general retail store.

SK.94/0700/12 – In August 1994 planning permission was granted for the extension to the driveway and parking area to the rear of 7a Meadowgate. This area is included in the application site.

SK.94/1217/12 – In December 1994 planning permission was granted for a single storey extension to the rear of the existing garage.

S00/0661/12 – In November 2000 planning permission was granted for the erection of a stainless steel fluepipe on the garage site.

S04/1908/12 – In February 2005 outline planning permission was granted for the erection of six dwellings on the site.

## **Representations Received**

Environmental Protection:

I have read the desk study report and concur with the recommendations that an intrusive ground investigation be undertaken. The desk study has comprehensively documented the conceptual model for the site, and identified which potential pollutant linkages exist.

In summary, an intrusive ground investigation is necessary, determinants to be tested have been identified in the desk study.

Environment Agency:

I can confirm that we have now received a Desk Study Report, undertaken by Nicholls Colton Geotechnical, dated September 2009 (Report No. G09143). We agree with the recommendations set out in the report for intrusive site investigation to be undertaken. Accordingly, we would request that the following condition is attached to any planning permission granted:

Condition:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risk associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:

- 1) A site investigation scheme, based on the submitted Desk Study Report, undertaken by Nicholls Colton Geotechnical, dated September 2009, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an option appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To ensure that any contamination resulting from the previous use of the site is appropriately identified and remediated in order to prevent the pollution of Controlled Waters.

Local Highway Authority:

The Local Highway Authority has raised no objections to the proposed development subject to conditions relating to the construction of the access, provision of parking and turning space on-site and details of surface water drainage being imposed on any consent.

Community Archaeologist:

No objections to the proposed development.

Bourne Town Council:

No objections – Their members felt this to be good use of the site and an ideal location for such use as it is close to the town centre.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement. Six letters of objection have been received from local residents and businesses. The objections can be summarised as follows:

- Concerns about volume of traffic on Harrington Street
- Existing problems with on-street parking on Harrington Street
- Lack of parking for proposed development
- A few years ago planning was refused for 6 dwellings so how can the proposal be acceptable given likely numbers of staff and visitors?
- Concerns re overlooking and loss of privacy
- Loss of light to adjacent properties
- Concerns about loss of legal right of access which is in deeds to the property for access to 2 Harrington Street.
- Overdevelopment of site – excessive site coverage
- Poor residential amenity for proposed occupiers
- Detrimental impact on residential amenity of adjacent residential properties.
- The proposed development will be dominant and overbearing
- The limited amenity space would provide a limited outlook and are substandard in qualitative terms.
- Concerns about overshadowing of adjacent residential properties.
- There are problems with the outfall sewer pipe in the Harrington Street area, the proposed development will make the situation worse.
- Concerns relating to bin storage and potential odours and noise.

A letter objecting to the development has also been received and signed by 14 local residents. The concerns raised relate to the following:

- Lack of off-street parking provision for this scale of development.
- Existing parking and traffic problems on Harrington Street.

- Concerns that delivery vehicles would have problems accessing the site given the existing traffic problems in the area.

One letter of support has also been received raising no objections to the proposed development of a residential care home.

## **Policy Considerations**

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development  
PPG13 – Transport  
PPG24 – Planning and Noise  
PPS25 Development and Flood Risk

### **Development Plan:**

East Midlands Regional Plan

Policy 2 – Promoting Better Design  
Policy 3 – Distribution of New Development

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

Policy EN1: Protection and Enhancement of the Environment

## **Key Issues**

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

Highway safety and parking  
Residential amenity  
Visual amenity / design  
Contamination  
Drainage

## **Officer Evaluation**

Visual Amenity

The proposed residential care home is of a traditional design, two storeys high with a hipped roof. Following negotiations and the receipt of amended drawings the eaves have been lowered in order to minimise the overall ridge height of the building and dormer windows have been proposed in the western elevation in order to again minimise the overall mass and bulk of the building.

The applicants have submitted plans showing cross sections through the development and showing its relationship to adjacent properties. This demonstrates that whilst the building has a large footprint it will not appear out of scale or character with the predominantly two storey residential properties in the area. The building comprises three main elements which also helps to break up the mass of the building and further reduce its impact.

The building would be constructed from traditional materials including red facing bricks and Sandtoft Calderdale Slate roofing tiles. It is considered that these materials would be in keeping with those used in the surrounding area.

### Residential Amenity

The proposed development is surrounded by residential development. The existing eastern elevation of the garage forms the boundary with No. 2 Harrington Street. It is proposed to lower and then retain this wall at a height of 2m to form the boundary with 2 Harrington Street. The new care home would have a number of high level roof lights facing towards 2 Harrington Street, there would also be a landing window and a bedroom window. These would however be set well off the site boundary and at the bottom end of the garden to 2 Harrington Street in order to ensure that there is no significant overlooking of this property.

Cross sections have been provided to demonstrate that the proposed development would not be any more dominant in relation to 2 Harrington Street than the existing building as the eaves height is at a similar level and the building is set back further from the site boundary than the existing garage.

The owners of 2 Harrington Street have objected to the development on the grounds that they have a right of access across the proposed parking area to the front of the development and as such the proposals could not be implemented. The plans show that an access point to 2 Harrington Street has been maintained. This is however a civil matter between the applicants and the adjacent land owners and is not a material planning consideration.

With regard to the southern site boundary the proposed building would be located approximately 28m from the rear of the properties on George Street. It is considered that this separation distance will ensure that there is no significant loss of privacy to these properties. The separation distance also ensures that the building will not appear to be overbearing.

With regard to the western site boundary the proposed building would be located approximately 19m from the residential dwellings on Meadowgate. It is also relevant to point out that the majority of this boundary borders onto two storage sheds which are not within a residential curtilage. The proposed separation distances and the use of dormer windows on the western elevation of the proposed building will ensure that there is no significant loss of privacy to the properties on Meadowgate. The separation distance and height of the proposed building also mean that the development will not have an adverse overbearing impact.

With regard to the properties on Harrington Street the western wing of the proposed building will be set back approximately 20m from the rear elevation of the closest

properties on Harrington Street. There would only be a landing window at first floor level facing these properties and this could be conditioned to be obscurely glazed. Given the separation distances it is considered that there would not be any significant loss of privacy to the properties on Harrington Street or any loss of privacy to the rear gardens of the properties on Meadowgate.

Concerns have been raised about overshadowing and loss of light. The proposed building is of a similar height to the two storey residential properties in the surrounding area and it is considered that given the separation distances involved the development would not result in any significant loss of light or overshadowing.

Concern has been raised in relation to bin storage and possible smells and noise and disturbance. The bins would be stored to the rear of the site adjacent to the proposed kitchen. They would then be moved to a designated collection point towards the front of the site when the bins are to be collected. It is considered that this is an acceptable arrangement which can be controlled by condition.

#### Contamination

The existing garage use has the potential to have contaminated the site. It is therefore recommended that a condition requiring a detailed intrusive survey to be undertaken. This complies with the advice provided by both the Environment Agency and the Council's Environmental Protection Officer.

#### Highway Safety

A significant number of the objections received have raised concerns about the existing traffic problems which exist on Harrington Street and the surrounding area. One of the main concerns raised has been that of on-street parking.

The proposed development replaces an existing garage use which is already likely to generate more vehicle movements than that of the proposed residential care home. The development has made provision for 12 off-street parking spaces which complies with the Lincolnshire County Council Parking requirements.

The Local Highway Authority has been consulted on the proposed development and has raised no objections to the proposed access and egress arrangements or the amount of off-street parking provision provided. It is therefore considered that the proposed arrangements are acceptable.

#### **Crime and Disorder Implications**

This 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.

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

The proposed development is considered to be an acceptable form of development in this primarily residential location. The proposal is considered to accord with the thrust of national policy contained in PPS1 Delivering Sustainable Development, PPG 13 Transport, Policies 2 and 3 of the East Midlands Regional Plan the Saved Policy EN1 (i), (iii), (iv), (v), (vi) and (vii) of the South Kesteven Local Plan and, whilst concerns have been raised in relation to visual amenity, residential amenity, highway safety, parking provision and noise and disturbance they are not considered 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 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 refuse and recycling storage facilities shall be provided in accordance with the details shown on the approved plan drawing number 08/34/07 received on 2 July 2009. The rubbish shall be stored in the agreed locations in commercial sealed bins. The areas shown on the approved plans shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

3. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. 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.

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

5. The arrangements shown on the approved plan 08/34/07 dated 02/07/09 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

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

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 the site.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risk associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:

- 1) A site investigation scheme, based on the submitted Desk Study Report, undertaken by Nicholls Colton Geotechnical, dated September 2009, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an option appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that any contamination resulting from the previous use of the site is appropriately identified and remediated in order to prevent the pollution of Controlled Waters.

9. The boundary treatments hereby approved as per Dwg Nos 08/34/07 and 08/34/10 shall be constructed prior to the occupation of the care home unless otherwise agreed in writing by the local planning authority.

Reason - To protect the amenity of neighbouring occupiers in accordance with policy EN1 of the saved South Kesteven Local Plan.

10. Prior to commencement of work on site a method statement regarding the proposed demolition and constructions works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:

- a) Hours of operation
- b) Types of machinery and equipment to be used on the site; and
- c) Details of how noise, vibration and dust are to be controlled using best practicable means.

The works carried out shall be in accordance with the approved method statement.

Reason - To ensure that the construction and demolition of the development is carried out according to the best practice to minimise disruption to adjoining occupiers in accordance with policy EN1 of the saved South Kesteven Local Plan.

11. Prior to installation, details of any flue/extractor systems shall be submitted to an approved in writing by the local planning authority. Details shall include noise levels, method of mounting to minimise sound transmission. The development shall be undertaken in accordance with any such details that are approved unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of residential amenity of neighbouring occupiers and in accordance with the policy EN1 of the saved South Kesteven Local Plan.

12. Before any plant and machinery is used on the premises precise details of mounting, sound insulation and operating noise levels shall be submitted to and approved in writing by the local planning authority. the development shall operate in accordance with any such details that are approved unless otherwise agreed in writing by the local planning authority.

Reason - To protect the amenity of neighbouring occupiers and to accord with the policy EN1 of the saved South Kesteven Local Plan.

13. Details of any floodlighting/external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building(s) is occupied. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area.

14. This permission relates solely to the application as amended by drawing No. 08/34/07 and 08/34/10 received on 2 July 2009 and drawing No. 08/34/06A, 08/34/05A and 08/34/12A received on 4 January 2010.

Reason: The earlier submitted drawings were unacceptable because they had a detrimental impact on the residential amenity of adjacent properties.

Note(s) to Applicant

1. Your attention is drawn to the comments of the attached letter from the Environment Agency.
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. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
4. 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.

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Applicant	<b>Mr M Sanders</b> 1, Hillary Close, Stamford, PE9 1XG
Agent	
<b>Proposal</b>	<b>Creation of access</b>
<b>Location</b>	<b>1, Hillary Close, Stamford, Lincolnshire, PE9 1XG</b>
App Type	Householder Development
Parish(es)	Stamford

## **REPORT**

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

The application has been referred to committee due to South Kesteven District Council having an interest the land.

### **The Proposal**

The proposal is for the provision of a new vehicular access and associated hardstanding to the front of no. 1 Hillary Close

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

The application site forms part of the frontage to no. 1 Hillary Close and is a small area situated between the existing turning head on Hillary Close and the front elevation of the existing flat development.

The majority of the amenity area that fronts the development is already block paved. The area situated to the north, between the turning head and Drift Road, is grassed.

Hillary Close is a short road that appears to provide parking for some 6-8 vehicles.

### **Representations Received**

Local Highway Authority: No representation received

Stamford Town Council: No objections

Community Archaeologist: No intervention required

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 8 December 2009.

Two third party representations were received both raising concern over the new vehicle hardstanding and how its use would restrict the parking of vehicles in the turning head.

## **Site History**

There is no relevant site history

## **Policy Considerations**

### **National Policy**

PPS 3 - Housing

PPG13 - Transport

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

Policy EN1 (vi)

Policy H6 (iii)

## **Key Issues**

Highway safety

Hillary Close is a small road that has not been adopted by the Local Highways Authority and given the minor nature of the application it has not provided a response to the initial consultation.

The Close provides for 8-10 parking spaces within three parking bays with a turning area for vehicles. The proposal is to provide a dropped curb and hardstanding off this turning area. It appears that motorists park indiscriminately within this turning area resulting in vehicles having to reverse out onto Drift Road.

Concerns have been raised in the two objections received that acceptance of this proposal will not result in the addition of any new parking spaces in the Close as vehicles already park in the turning area. However; although the new hardstanding will not increase the number of parking spaces it is considered that this proposal may assist in reducing the number of vehicles parking indiscriminately in this turning bay, largely due to the revised parking layout for no. 1 Hillary Close being less confusing to motorists.

Impact on the streetscene

It is considered that the proposed access and area of hardstanding, which is conditioned to having matching surface materials to the adjacent pedestrian area, will not have a detrimental impact on the streetscene.

### **Crime and Disorder Implications**

The site appears to raise no concerns relating to crime and disorder.

### **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.

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

In the opinion of the local planning authority it is considered that the proposal will not compromise highway safety or adversely impact on the streetscene.

It is therefore considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement 3 (PPS3), planning policy guidance note 13 (PPG13) and Policies EN1 (vi) and H7 (iii) of the Saved Policies of the South Kesteven Local Plan.

**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. Prior to the commencement of any development detailed construction specifications for the kerb shall be submitted in writing to the local planning authority. Development shall proceed fully in accordance with the approved details.
3. The surface materials used for the hardstanding shall match that of the existing block paving adjacent to the south of the site.

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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Applicant	<b>Mrs C Rudd &amp; Mr R Reedman</b> 31a, East End, Langtoft, Peterborough, PE6 9LP
Agent	Avocet Design Ivy Cottage, 1, Sluice Road, Saracens Head, Spalding, Lincs, PE12 8BH
<b>Proposal</b>	<b>Proposed dwelling and conversion of cattle shed</b>
<b>Location</b>	<b>Land Between 48-50, East End, Langtoft</b>
App Type	Full Planning Permission
Parish(es)	Langtoft

**REPORT****Reason for Referral to Committee**

The application is referred to Committee at the request of Councillor Kerr

**The Proposal**

The proposal is for full planning permission for the erection of a two-storey dwelling which includes the conversion of an existing barn/cattle shed

**The application site and its surroundings**

The application site, which extends to 0.07 hectares, is located towards the eastern end of the settlement of Langtoft and has direct access off East End which is situated immediately north of the site.

The northernmost part of the site has a single storey barn/cattle shed, which adjoins no.50, fronting the road with a small vehicular access to the west of it. The roof of the stone built cattle shed has fallen into disrepair with corrugated tin being used to provide some cover for the building.

The main stone wall to the building's frontage is devoid of windows and doors with the rear elevation having open bays with some timber cladding.

The rear garden area is mainly lawn with ornamental trees within the site with three mature trees on the southeast boundary. The garden continues southeast of the barn until it meets the access track that serves a number of dwellings fronting East End.

Residential properties are situated on both sides of the site with no. 48 East End having a ground floor window facing directly into the site.

## **Representations Received**

Local Highway Authority: No objection subject to conditions being attached.

Community Archaeologist - No archaeological intervention required.

Langtoft Parish Council: Object on grounds of design, size, impact to occupants of neighbouring properties and concerns over protected species.

Lincolnshire Wildlife Trust – Awaiting comments.

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 18 December 2009.

As a result of the consultation period five representations were received, three of which were in support of the proposal with the remaining two objecting to the proposal. A summary of the material planning considerations raised in the objections were;

1. Dominant and oppressiveness.
2. Overlooking/loss of privacy.
3. Overshadowing/
4. Design out of keeping with the character of the area.
5. Highway safety and traffic impact.
6. Poor choice of materials.

## **Site History**

S09/0501 – Refusal of planning consent for the erection of a two-storey dwelling and conversion of barn/cart shed.

This current application is identical to the previous proposal that was refused on 17 July 2009.

## **Policy Considerations**

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 - Housing

PPG15 – Planning and the Historic Environment

## Regional Policy

REGIONAL PLAN 2009 – policy 2 and 27

## Saved Policies of South Kesteven Local Plan

Policy H6 (b,c,i)

Policy EN1 (iii)

## **Key Issues**

Design, siting, size and scale

The front elevation of the main dwelling will be set back behind the existing single storey barn by some 11m (from the road) whereby the dwelling and barn will be conjoined by a single storey link, which will provide a conventional room (annotated as a garden room).

The height of the existing barn is 4.2m and the ridge height of the proposed dwelling is 7.7m.

The siting of the dwelling will also be set only 1.9m away from the boundary of no. 50 Eastgate with the gable wall being situated very close to the private patio and garden area of no. 50.

No. 48 Eastgate has a ground floor window that looks directly onto the land of the proposal and therefore it will be looking directly into the courtyard area of the proposed dwelling.

Although the design of the dwelling, when considered in isolation to the barn, appears acceptable the siting and the link with the existing barn is totally uncomplimentary in form and character to both the existing barn and surrounding area.

Notwithstanding the fact that the proposed dwelling is similar in height and scale to other dwellings along Eastgate the siting, which is to be set back from the road, will result in a poor relationship with neighbouring dwelling resulting in an inappropriate form of development for.

Furthermore, the dwelling and the link that will connect the barn to the dwelling is not in keeping with the scale and massing of the attractive stone barn giving rise to a form of development that would virtually destroy the identity of the existing building.

Given that the floor area created by the proposal is an increase of 330% in comparison to the existing barn it is considered that this proposal is far beyond the pre-application advice given for a modest extension that would be supposedly sympathetically designed to reflect the design principles of the existing barn and the surrounding built environment.

Based on the findings above it is therefore considered that the proposal is unacceptable in terms of its size, scale, design and siting

Impact on the form and character of the area, the streetscene and the Langtoft Conservation Area

The main structure of the dwelling will be highly visible above the existing ridge to the barn resulting in an incongruous visual appearance from certain public vantage points.

Furthermore, the integrity of the existing barn, which contributes to the strong, historic street frontage, may be lost, largely due to the detrimental visual impact arising from the rear of the proposal being out of scale.

It is therefore considered that the proposal will have a detrimental impact on both the streetscene and this part of the Langtoft Conservation Area

Protecting neighbours amenities

The siting of the main dwelling to the rear results in the main gable being adjacent to the primary sitting area in the garden of no. 50. The ridge height measures 7.7m and the eaves height 4.7m and this gable is set back just 1.9m away from the boundary.

It is considered that a building of this height and scale in this position would result in a dominant and oppressive environment for the occupants of no. 50 and lead to a large part of the private patio area being in the shade during the afternoon and evening hours of the day.

A concern was raised by an objector regarding the loss of privacy that would result from the development. The front elevation of the proposed two storey dwelling has a bedroom window at a similar height to the bedroom window of the rear elevation of the adjacent property (no. 50). Although the angle from this proposed bedroom window to the neighbour's bedroom window is approximately 60 degrees the separation distance between these windows is only 6-7m.

It is therefore considered that that the relationship between the 2 windows is poor and it is likely that the privacy of both the occupants of no. 50 and the future occupants of the proposed dwelling would be compromised. Although this may not be sufficient reason alone to refuse the application weight should be given to this issue and it could be included in any combined reason for refusal.

The applicants have stated in the additional support submitted as part of the application that an alteration to the first floor layout could reduce some of the overlooking/loss of privacy concerns. I see no obvious reason why this could not be achieved

Conversion of the barn

The structural report generally accepted that the roof had to be totally replaced in any conversion scheme. The walls show some signs of decay but the report concludes that the main walls are structurally sound and apart from some minor repair works are capable of being retained in a suitable conversion scheme.

It is acknowledged that the roof will need to be replaced and, subject to a suitable scheme of conversion, the building appears sound enough to be substantially retained. This should

be encouraged as the primary road frontage wall is an important feature of the streetscene and contributes the historic character of the area.

#### Access

There is an existing access adjacent to the barn that serves the plot. The local highways authority has raised no objection to the proposal subject to conditions being attached.

Notwithstanding the poor visibility for vehicles leaving the site it is considered that the use of the access would not introduce any further highway concerns above and beyond what already exists.

#### Conforming Use

The site is located in an area which is predominantly residential with dwellings surrounding the site. A residential use for this site in Langtoft, which has been identified in the Interim Housing Policy (IHP) as a sustainable settlement, is therefore considered acceptable.

#### **Crime and Disorder Implications**

The site appears to raise no concerns relating to crime and disorder.

#### **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.

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

1. The proposal involves the erection of a two-storey dwelling, which is set back some 11m from the highway, and the conversion of the single storey barn into habitable accommodation. A single storey link is also part of the proposal that will connect the dwelling to the barn. In the opinion of the local planning authority it is considered that the design, size and scale of the proposal is uncomplimentary to the existing barn and will be detrimental to the identity and character of this building.
2. It is further considered that the siting of the two-storey dwelling, which is located behind the barn but is clearly visible within its setting, will result in an unacceptable level of visual intrusion having a detrimental impact on both the streetscene and this part of the Langtoft Conservation Area.

3. Furthermore, the two-storey dwelling, which is located only 1.9m away from the eastern boundary, will give rise to a dominant and oppressive environment for the occupants of no. 50 East End and overshadow their private patio/garden area for large parts of the day.
4. It is also considered that the first floor bedroom window (bedroom 1) to the northern elevation of the two-storey property will have a poor relationship to the first floor bedroom window to the southern elevation of no. 50. Notwithstanding the fact that these windows are offset by some 50-60 degrees it is envisaged that these facing windows, which are only 6m apart, will compromise the privacy of both the occupants of no. 50 and the future occupants of the site.

It is therefore considered that the proposal is contrary to Planning Policy Statements 1 and 3 (PPS1 and 3), Planning Policy Guidance note 15 (PPG15), Policies 2 and 27 of the Regional Plan and Policies H7 (b, c, l) and EN1 (iii) of the Saved Policies of the South Kesteven Local Plan.

\* \* \* \* \*

Applicant	<b>Mr Harold Wordsworth</b> 37, Wharf Road, Stamford, PE9 2EB
Agent	Mr James Kearsey, Wordsworth Holdings Plc Invicta Works, Houghton Road, Grantham, Lincolnshire, NG32 6JE
<b>Proposal</b>	<b>Change of use from dwelling to 6 bed hostel accommodation</b>
<b>Location</b>	<b>63, Barrowby Road, Grantham, NG318AB</b>
App Type	Full Planning Permission
Parish(es)	Grantham

## **REPORT**

### **Application Category**

This is a minor application

### **Reasons for Referral to Committee**

At the request of Councillor Turner. The reason for referral to committee being the concerns of neighbours in relation to hostel accommodation.

### **The Proposal**

The application relates to the change of use of the property from a dwelling to a six bed hostel. It is intended that a single bedroom, dining room and kitchen diner would be provided at ground floor, three no. bedrooms at first floor and two no. bedrooms in the attic.

The property would provide temporary homeless accommodation for a maximum period of 8 weeks as per the requirements of their licence agreement. During this period all residents are expected to be actively engaged with their own resettlement plans.

Residents are also expected to contribute to the upkeep and general appearance of the property in which they live. This is achieved by all residents having to undertake a daily chore as a condition of stay.

There would be one full time and two part-time workers. Between the hours of 9am and 8pm there will always be at least one member of staff on duty. However, it is unclear as to what staff would be on site in terms of night security staff as this appears to be linked to the availability of funding.

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

The application property is located at the junction of Barrowby Road and Green Hill Road. The property is a three storey end terrace. There is an area of hard standing to the front of

the site and garden to the side and rear. To the rear of the application site is the access that serves a garage court.

The site is located in close proximity to Grantham town centre and is approximately 0.5 kilometre from the market square.

### **Representations Received**

#### Local Highway Authority

The local highway authority requests that the permission be personal to the applicant. It is also suggested that secure provision for bicycles be provided on site for residents.

#### Service Manager Housing Solutions

The Lincolnshire Supporting People (SP) Programme came into place in April 2003 with a commitment to providing a better quality of life for vulnerable people by funding housing related support services from its c£20m per annum budget.

All services are commissioned in partnership with Lincolnshire County Council, the Health Authority, the Probation Service and the seven district councils.

SKDC are therefore a key partner and contribute to the governance arrangements at both leading member and senior officer level.

In 2008 the SP Partners launched their strategic plan for the five years 2008-2013 following the completion of a large, evidence based, needs analysis which helped identify the priorities for service development across the county of Lincolnshire.

Homelessness was identified as the no. 1 Key Priority. The actions to address the needs of homeless people included:

1. The commissioning of additional support services for those in emergency accommodation
2. The commissioning of additional support services for those in temporary accommodation that will support them and follow them out into move-on accommodation
3. A review of the amount and accessibility of emergency accommodation across the county to reduce the numbers of those living on the street

At present the only open access night shelter accommodation for the whole county is in Lincoln. Thus the review at point 3 resulted in the commissioning a service, through open tender, for a further 12 bed spaces of emergency accommodation in the south of the county. Axiom Housing Association was awarded the contract in 2009.

South Kesteven District Council is the second largest district in the county both in terms of population and area. It also contains the largest town, namely Grantham.

Not unsurprisingly it also has one of the highest numbers of households requiring housing advice and accepted as statutorily homeless. We also however see a large number of clients that are not deemed a priority need under the legislation, have no settled accommodation and have limited options available to them. Thus a facility of this type could be a valuable addition to the housing options we are able to offer to customers.

As I understand it the contract funded by SP is to provide 6 accommodation spaces for single vulnerable adults\*. Applicants can be referred via a number of relevant agencies and will be subject to risk and needs assessment\*\* before admission. On site support will be provided. Residents will be given up to eight weeks residency via a licence to occupy during which time they will be supported to find other accommodation.

\* Supported housing provision for 16-25 year olds already exists in Grantham (11 units) and Stamford (9 units). This is not direct access accommodation however and applicants are subject to referral & full assessment.

\*\* Arrangements are already in place via legislation, and through a number of public bodies & agencies, to provide other options & solutions for those deemed the highest risk to either others or themselves.

As the manager of the housing advice and homeless service for the Council the provision of this facility would be a valuable addition to the options we are able to refer/signpost to. At present we are only able to suggest to customers that they travel to Lincoln or Peterborough where the nearest night shelter facilities exist and then there is no guarantee of access. The addition of support services with this proposed facility will likely provide the best opportunity for both positive & sustainable outcomes for residents.

#### Environmental Protection

This property will have to comply with all current requirements for houses in multiple occupancy. Although if it is to be run by a Social Landlord it will not need to be licensed.

#### Community Archaeologist

The application does not affect any known archaeological sites and therefore no intervention is required.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement. 27 letters of objection have been received.

A summary of the main concerns raised are listed below:

1. Neighbourhood mix- should form part of a larger scheme e.g. Poplar Farm
2. Risk and danger to children
3. Additional traffic
4. Additional police resources to address any anti social behaviour
5. Impact on the grade II listed properties 51-55 Barrowby Road.
6. Likely to result in drinking and littering on the site

7. The garage area to the rear would be a no go area for the residents and become a drop out zone
8. Concerns regarding security of individual homes
9. Would result in street drinking, antisocial behaviour, and lack of safety
10. Already an issue of inadequate on street parking for existing residents
11. Concerns of fear and feeling vulnerable for the elderly residents nearby.
12. The occupiers may be drug addicts and this will bring problems of dealing, needles, noise and disturbance, damage to property and antisocial behaviour
13. Impact on property values.
14. Increase in litter/vermin in the garden
15. Not in keeping with the residential nature of the area
16. Would be more than 6 persons at the property when they have guests/friends etc.
17. The property has been in multiple occupancy in the past and has resulted in antisocial behaviour, littering, unkempt garden
18. The transient nature of the eight week licence would degrade the community cohesion
19. Concerns regarding the category of resident.
20. Loss of privacy
21. Future occupiers may conflict with existing residents
22. The refuse generated by 6no persons may lead to litter on the streets etc.
23. Barrowby Road has no parking. Proposal will cause traffic/parking problems beyond that which already exists.
24. Proposal would have a detrimental effect on the ability to enjoy our homes
25. A house in multiple occupancy is a quasi commercial use that would undermine the residential amenity of local residents.
26. Increase in noise and disturbance, movements, and added pressure on existing facilities
27. More appropriate for an area of the town which already has mixed uses.
28. As the occupiers are likely to spend more time in the property there is likely to be increased overlooking loss of privacy of neighbouring properties.
29. Potential for drug and alcohol abuse
30. Each bedroom window would become a persons main living accommodation leading to an increase in overlooking and loss of privacy.
31. Cannot afford extra security for my property
32. No prior consultation was undertaken by Wordsworth Holdings
33. The application site adjoins several vulnerable areas such as a park, allotments, railway tunnel and lock up garages to the rear.
34. Concerns on how the site would be supervised. Will staff be in attendance 24 hours a day?

### **Applicants Submission**

The applicant has submitted the following information in support of the application.

#### 1. Fear of crime and anti-social behaviour

At Axiom Housing Association we fully accept our responsibility to our neighbours throughout all our areas of operations and over the years our experience has lead us to the following model when establishing night shelters in communities

- Project manager to liaise and join the neighbourhood watch scheme and or the Residents Association where they are in operation
- A member of the Residents Association would be invited to join the Advisory Group for the hostel - this group would meet quarterly and would involve local support agencies, housing providers, hostel staff and the police
- We would build up strong contacts with the local police force and establish regular drop in visits to the project
- We will have information sharing protocols with all relevant local agencies and as such all residents will be asked to sign a third party authority form to allow us to undertake background checks and to speak to agencies on their behalf.
- In terms of anti-social behaviour- We have a stringent set of House rules that are in operation at these hostels
  - House rules cover all forms of anti-social behaviour including noise disturbance
  - Any criminal activity will be escalated to the police with immediate effect and the police will be granted access to our CCTV systems
  - The license agreement underpins the house rules in that for certain misdemeanors an individual will be evicted immediately from the premises.
  - We will have security measures in place – Including staff on site and CCTV in operation.

Please note that the above is a list of measures we will take and can take in the event of problems occurring which we accept may happen from time to time.

The likelihood however of our neighbours being directly affected by any problems is not only minimal but is not borne out by our experience to date. The emergence of antisocial behaviour can usually be found within the context of the night shelter residents themselves i.e. disputes, the breaching of house rules etc.

## 2. Impact on the character and appearance of the area

Hostel staff will be working closely with the District Council to ensure that all residents accepted to the hostel are moved-on within an 8 week time frame as per the licence agreement.

All residents during this short stay period are asked to be actively engaged with their resettlement plans as a condition of stay

All residents are also expected throughout their length of stay to contribute to the upkeep and general appearance of the estate in which they live. We do this by asking all residents to undertake a daily chore as a condition of stay.

No residents will be allowed personal visitors at the address so callers will be predominately other professionals.

### 3. Noise and disturbance problems

The above points cover these concerns also.

### 4. Risk Assessments

Our booking in procedures is a lengthy and rigorous exercise:

Which includes the need for:

- Proof of ID
- Proof of Income
- Proof of homelessness
- Interview assessment
- Risk assessment- This includes a question and answer format, covering criminal histories, medical issues- including medication taken, substance misuse issues, support agency involvement etc. Risk assessments are live documents that are updated regularly to reflect any changes in circumstances. Risk assessments will also involve background checks with relevant agencies where appropriate. In many cases applicants will have been referred and therefore liaison will take place with the referral agency

The whole process can take over two hours and even longer if the applicant needs to go and obtain ID. Throughout the interview background checks will be undertaken where appropriate to ensure the risk assessment is accurate.

Although the service will be direct access our experience has shown that up to 75% of applicants actually come through referrals from other agencies which further ensures that we receive as accurate information as possible.

We will automatically exclude all Schedule one offenders.

#### Summary

Firstly, we would happily invite concerned and interested parties to have a look around our three homeless hostels so that we are better able to showcase how we run our schemes and services.

In the most successful of cases the local community have embraced the hostel and it has become a part of the community with service users volunteering at neighbourhood events and local residents becoming involved in fundraising initiatives and open day.

I have looked through the complaints received at the homeless hostels over the last two years and they tend to have been predominately the result of internal disputes between residents. The second category is complaints about the service received, although it should be noted that these are minimal and thirdly the only complaint from a neighbour that we have received in the last 3 years for our three homeless hostels was last month when a resident phoned to prompt staff at our New Haven hostel in Peterborough, to put the

wheelie bins away as they had been left out for over 24 hours. This complaint was addressed immediately.

#### Additional Information/Frequently Asked Questions

Can you advise me of the experience that Wordsworth/Axiom have of operating such premises?

Axiom Housing Association is a well-established Supported Housing provider and have been delivering supported housing services for the past fifteen years throughout the Eastern region. I have attached a leaflet that details some of our more established supported housing ventures to date.

Additionally, do you have clear established rules that would lead to eviction?

Each of our projects and schemes have slightly different rules but ALL have a very clear set of rules and conditions of license which are clearly explained to all residents when they are booked into the project. Project managers need to use their discretion when evicting someone although potentially any breach of the house rules could ultimately lead to eviction. Violence, aggression and drug taking on our premises are nearly always an evictable misdemeanor alongside a wide range of other breaches.

Do these extend to eviction if for example there is any use of drink and drugs on site?

Illicit drugs are illegal and are dealt with separately- please see above comment. Alcohol is dealt with differently at each site-this understandably depends on the client group. At present none of our homeless hostels allow alcohol on site and we will be enforcing the same rule at 63 Barrowby road.

The number of residents would be six. How many employees would be on site?

We have support funding for 72 hours per week which would equate to 1 full time and 2 part-time workers. Between the hours of 9am - 8pm there will always be at least one member of staff on duty. Please note this is not as yet set in stone as we still need to approach South Kesteven Housing Benefit department to see what elements they will be willing to fund in terms of night security staff. This will then extend the staffing provision further.

We have not felt able to enter into these negotiations yet as we do not have a premises to base a service charge on.

Do they provide 24 hour care?

Please see above response

Do they require on site parking facilities?

Minimal for staff- No more than a domestic household as we do not envisage many if any of our residents will own vehicles.

Will the doors be closed at a certain time?

We envisage that a curfew will be in operation as is the case with our two direct access hostels.

## **Relevant Site History**

No relevant site history

## **Policy Considerations**

There is no specific national advice in respect of accommodation for the homeless.

### PPS3 – Housing

The Government's key housing policy goal to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community

To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing in particular those who are vulnerable or in need.

To improve affordability across the housing market, including by increasing the supply of housing

To create sustainable, inclusive, mixed communities in all areas, both urban and rural.

## **South Kesteven Local Plan**

### Policy EN1 – Protection and Enhancement of the Environment

This is a general policy that relates to issues of highway safety and noise and disturbance.

## **Key Issues**

### Need

Planning control of hostels for the homeless has a history of bad publicity, in fact some businesses have been the subject of scandals and received high exposure in the national press. This has led to a significant degree of prejudice against the use and often results in significant local opposition.

The decision-making process must be balanced against the issue of need. It has been demonstrated at appeal that significant weight should be attached to the absence of any other alternative provision. As this proposal would offer immediate, although only impermanent accommodation to solve local homeless problems, and there are no other facilities nearby, there is a need for the proposal.

This is confirmed by the comments of the Housing Solutions Service Manager as follows:

“ As the manager of the housing advice and homeless service for the Council the provision of this facility would be a valuable addition to the options we are able to refer/signpost to. At present we are only able to suggest to customers that they travel to Lincoln or Peterborough where the nearest night shelter facilities exist and then there is no guarantee of access. The addition of support services with this proposed facility will likely provide the best opportunity for both positive and sustainable outcomes for residents”.

#### Impact on the Amenity of Neighbours

The main concerns relating to the proposed use are the same as that would be associated with any house in multiple occupation, namely noise, activity to, from and around the property, increased vehicle movements to and from the site and parking problems.

It is not disputed that six persons occupying the property is likely to result in more activity than a single household. However, it is not uncommon for there to be differing levels of activity in a residential area depending on the size of households. There a number of similar sized and larger detached properties in the area which could conceivably have the same number of persons and associated comings and goings as the proposed development. As such it is not considered that the comings and goings of six residents and associated staff would lead to a pattern of development so inconsistent with the residential area, or lead to such a detrimental impact on the residential amenity of neighbouring occupiers that planning permission could be reasonably refused on this ground.

It is also considered that operation of the premises in accordance with the risk assessment and set procedures would further help to protect the amenity of local residents.

Whilst the proposed development would result in general living accommodation at first and second floor it is not considered that this would result in any significant increase in overlooking or loss of privacy due to the property being an end terrace and there being sufficient separation distances to the neighbouring properties.

Related to this matter is whether or not neighbouring occupiers would experience significant noise and disturbance from televisions, music etc. emanating from first and second floor rooms which may be adjacent to the bedrooms of neighbouring properties. Whilst there has been no objection from the Environmental Protection department it is considered appropriate to require details of sound insulation to be submitted to and approved by the local planning authority to protect the amenity of not only neighbouring occupiers but also future occupiers of the proposed development.

Parking has also been raised by a number of local residents. However, I think that it is reasonable to assume that the residents are unlikely to own a car. As such on site provision beyond that required by employees is unlikely to be required. The property has an area of hard standing to the front and side which could be used for parking. The local highway authority has been consulted and has not raised an objection to the proposal beyond requesting that the permission is personal.

It is considered that a personal permission is not justified in this instance as sufficient control over the operation of the site can be achieved by an appropriately worded condition relating to the submitted information relating to risk assessment.

Inadequate space around a property for the requirements of the occupiers in terms of dustbins and other domestic equipment has been cited as a concern. However, it is considered that there is sufficient space within the plot to accommodate such domestic paraphernalia. It is also considered appropriate to require the construction of a bin store on site by an appropriately worded condition.

#### Fear of Crime and Disorder

Having regard to various court and appeal cases it is acknowledged that public safety, fear of crime and its perception are material planning considerations. Public opposition, even if found to be unjustified, can be a material consideration. It is however the role of the decision maker to assess the weight to be applied.

When assessing the proposal as to whether or not it would lead to an increase in crime and anti-social behaviour and the associated issues of public safety substantial weight must be attached to the management plan and the procedures in place for the operation of the facility.

In this instance there are comprehensive procedures in place relating to risk assessments.

#### **Conclusion**

Some members of the public have indicated that they believe that this is not an appropriate location for the use as it is a residential area, and that a more appropriate location would be a town centre or mixed use location. It is not considered that this is correct. It is considered that hostel accommodation is most appropriately located in residential areas so they can live as part of the community in accordance with the thrust of national policy guidance contained in PPS3.

An important consideration is to ensure that there is not a preponderance of them in a particular area to an extent that it changes the residential character of the area or overburden the facilities of an area. As this would not be the case it is considered that it is an acceptable location for the proposed use.

Whilst perceptions of increased crime and anti-social behavior, particularly with regard to vulnerable individuals is accepted as a material consideration in the determination of this application, it is considered that in the absence of any relevant information to demonstrate the likelihood of a significant increase in crime and disorder, such perceptions cannot be attributed such significant weight that refusal on crime and disorder grounds would be justifiable.

#### **Crime and Disorder Implications**

This matter is discussed in the Key Issues section above.

## **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.

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

The proposal is considered to accord with the objectives of Saved Local Policies EN1 of the Saved South Kesteven Local Plan concerns have been raised regarding residential amenity, crime and disorder, increased traffic generation and on-street parking, impact on the character and appearance of the surrounding area, anti-social behaviour, overlooking and loss of privacy are material considerations but are not considered to outweigh the policies referred to above and the identified need for this type of temporary homeless accommodation.

**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. There shall be no more than six bedsits within the property.

Reason: To define the permission and in the interests of residential amenity of the neighbouring occupiers in accordance with Policy EN1 of the Saved South Kesteven Local Plan.

3. Before the use hereby permitted is commenced a scheme for the provision of sound insulation to the first and second floor party walls and ceiling/floors within the property shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to any bedsits being occupied and shall be retained whilst any part of the premises are occupied as per this permission.

Reason: To protect the amenity of neighbouring occupiers and future occupiers of the property in accordance with policy EN1 of the Saved South Kesteven Local Plan.

4. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning

Authority. The works shall be carried out in full as approved prior to the first occupation of any part of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

5. The use hereby permitted shall operate in accordance with the details received by the local planning authority by email on 11 January and 13 January 2010.

Reason: To define the permission and for the avoidance of doubt.

6. No residents shall enter or leave the property between the hours of 11pm and 7am.

Reason: To protect the amenity of neighbouring occupiers in accordance with policy EN1 of the Saved South Kesteven Local Plan.

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.

\* \* \* \* \*

Applicant	<b>Ablehomes Ltd</b> 4, Castlegate, Newark, Notts, NG24 1AX
Agent	
<b>Proposal</b>	<b>Residential development of 4no dwellings and garage and replacement garage to Farbrooke</b>
<b>Location</b>	<b>Land Adjacent Farbrooke, 17, Main Road, Long Bennington, Grantham, NG23 5EH</b>
App Type	Full Planning Permission
Parish(es)	Long Bennington

**REPORT****Application Category**

This is a minor application

**Reasons for Referral to Committee**

The application has been referred to committee at the request of the Acting Lead Professional based on the planning history of the site.

**The Proposal**

The application relates to the construction of four detached dwellings and associated garaging and a replacement garage to Farbrooke.

The overall site area is approximately 0.2 hectares and would be served off a private road from Main Road.

The development proposes three differing house types at a density of around 20 dwellings per hectare sited around a centrally located block paved turning area.

**The Application Site and its Surroundings**

The application site is roughly rectangular approximately 33m by 50m metres served off a private drive from Main Road. The site is relatively level and is surrounded by residential properties and their associated garden areas.

Immediately to the west of the application site is the former garden area of Farbrooke which is the subject of planning application S09/2495 which can be found elsewhere within this agenda.

The village of Long Bennington is identified as a Local Service Centre by the Council's Interim Housing Policy which indicates that facilities are available within the settlement in order that residents of the village have the opportunity to meet their daily needs without having to travel by private car.

### **Representations Received**

#### Local Highway Authority

Has not raised any objection to the proposed development subject to appropriate conditions regarding parking and turning and completion of the private drive prior to occupation of the proposed dwellings.

#### Upper Witham Drainage Board

Any approval should demonstrate the suitability of any soakaways and ensure that all drainage routes are maintained during construction works and on completion of the works.

#### Community Archaeologist

The application does not affect any known archaeological sites and therefore no intervention is required.

#### Planning Policy

As Long Bennington is a Local Service Centre, under the adopted Interim Housing Policy there is no policy objection in principle to the development of housing where it involves the development of previously developed land, which as garden land these sites are, subject to the relevant saved local plan policies being met.

I note that both sites have been the subject of previously approved applications for residential development and the current applications seek only to revise the number and house types previously approved in order to meet changing market demands. Whilst the Strategic Housing Market Assessment indicated that there was a predominant need for smaller market dwellings in the District, it also identified the need for larger family housing and the revised proposals meet this need.

Subject to the revised proposals satisfactory meeting the relevant criteria of policy H6 and EN1 there is no planning policy objection.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement. No letters of objection have been received.

## **Applicants Submission**

The applicant has submitted a comprehensive Design and Access statement in support of the planning application. The main points contained within the conclusion are listed below.

The site forms part of the garden area previously associated with Farbrooke and is therefore considered to be previously developed land.

There is an extant approval for a very similar development of 4 detached houses granted on 5th December 2006.

The amended planning application varies the house types from the previously approved scheme in order to take account of changing market conditions.

It is not considered that the application proposal is materially different to that previously granted on the 5th December 2006 and as such permission should be granted for the amended scheme.

An assessment has been made of relevant national, regional and local planning policy and it is considered that the proposal is in compliance with this.

## **Relevant Site History**

S05/0354 – 5no. Bungalows were refused planning permission on 26th July 2005. The reasons for refusal relate to backland development, noise and disturbance to neighbouring occupiers, cramped form of development and impact on drainage, village infrastructure and services.

S05/922 – 5no. Two storey dwellings and associated garages was refused planning permission on 16th August 2005. The reasons for refusal relate to backland development, increased noise and disturbance from comings and goings to the site and a cramped form of development overlooking and loss of privacy.

S05/0932 – 5no. Three storey properties and associated garaging was refused planning permission on 16th August 2005. The reasons for refusal relate to backland development, increased noise and disturbance from comings and goings to the site, cramped form of development and overlooking, loss of privacy.

All three of the above applications were granted planning permission on appeal by the Planning Inspectorate on 30th August 2006. The main overriding issue for the Inspector when determining the appeals was national guidance as follows:

“The desire for more effective use of land as directed by PPG3 has inevitably led to the need accept a more tolerant view of amenity standards. It is undeniable that a greater housing density must lead to a reduction in space between dwellings and an inevitable reduction in the degree of personal seclusion available between neighbouring residents. It does not follow however, that because these standards are less, that they are necessarily unacceptable or intolerable, merely different. This reduction in space between and around dwellings is evident in much of the new residential development in Long Bennington and has, for better or worse, become the norm for present day economic and sustainable development”.

Appeal Ref: (APP/E2530/A/05/1186103, 1188280 and 1188281).

S06/1365 – Planning permission was granted for the erection of four dwellings on 5th December 2006. This current submission is an amendment to the house types to reflect the changes in market trends.

## **Policy Considerations**

### National Guidance

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPG13 – Transport

### East Midlands Regional Plan

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13a – Regional Housing Provision

### South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment

Policy H6 – Residential Development

### Supplementary Planning Guidance

Backland Development

Interim Housing Policy

## **Key Issues**

The main issues for consideration in relation to the proposed development are impact of the proposed development on the character and appearance of the area and on the amenity of neighbouring residents.

### Character and Appearance of the Area

It is considered that Long Bennington is not a village of any individual, definable style or character. It has experienced significant new residential development over more recent times as a result of its identification as a Local Service Centre in the Council's Interim Housing Policy, and that the village complies with the thrust of current national guidance in respect of sustainable objectives, the majority of which are of a similar form, character, density and design as this proposed development.

The current application has very similar footprints, distances to boundary and plot sizes as the scheme granted planning permission, on 5th December 2006.

In the light of the above matters it is considered that the scheme is not significantly different than that considered acceptable under planning permission S06/1365 and that there have not been any significant changes to planning policy or guidance to warrant a decision to be taken at variance with that decision.

### Residential Amenity

The application site would be accessed via a private drive located roughly mid way between the existing properties 13 and 17, Main Road, and would run along the frontage of the proposed dwelling for plot 1. However, it is not considered that the comings and goings along this private drive from the development would have any significant impact on the future occupiers of this plot particular as its associated private garden area is shielded by the dwelling which is set approximately 3 metres from the proposed drive.

This scheme proposes the same number of units, 4, as that assessed by planning application S06/1365. As such there would not be any increase in vehicle movements beyond that of the previously approved scheme.

It is considered that the access for the reasons stated above would not result in any increase in vehicle movements and is acceptable.

It is considered that the proposed layout is not substantially different than the previously approved scheme for four properties. There are sufficient separation distances to neighbouring properties which when coupled with the orientation and location of windows in the proposed dwellings and boundary treatments to ensure that there would not be any significant overlooking loss of privacy or overshadowing of neighbouring properties and their associated private garden areas.

It is accepted that that the proposal would introduce built form to an area that was previously open, thereby the outlook from neighbouring properties would change. However, as stated by the planning inspector in his appeal decision relating to the previously approved schemes on or adjacent the site:

“I acknowledge that the outlook from the existing dwellings would change and that the feeling of seclusion and solitude may well diminish as a result of the proposed development. I accept also that these changes may not be welcomed, but to ensure that no adverse impact would arise from the new development would represent an unsustainable level of test”.

Appeal Ref: (APP/E2530/A/05/1186103, 1188280 and 1188281).

## **Conclusion**

The development would not be contrary to the requirements of national and local policy with the proposed dwellings being sited on a brownfield site in a sustainable location, adjacent to existing residential properties.

The design and layout of the proposal is considered to accord with the character and appearance of the surrounding area.

The individual dwellings are sited, designed and orientated as to ensure that there would not be any significant overlooking/loss of privacy or overshadowing of the neighbouring properties and their associated private garden areas.

No objection has been raised by the local highway authority and as such the scheme is considered acceptable and would not have any adverse impact on highway safety/capacity.

It is not considered that the proposed development is materially different than that approved under S06/1365 or that there has been any significant shift in policy thrust since the determination of that application.

## **Crime and Disorder Implications**

It is not considered that the proposed development raises any significant crime and disorder issues.

## **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.

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

The proposal is considered to accord with the objectives of national and local policies as set out in PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, East Midlands Regional Plan Policy 2 - Promoting Better Design, Policy 3 - Distribution of New Development, Policy 13a - Regional Housing Provision, Saved Policies EN1 - Protection and Enhancement of Environment, Policy H6 - Residential Development of the South Kesteven Local Plan and adopted supplementary planning guidance Backland Development and the Interim Housing Policy.

**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 until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be removed during building operations together with measures to protect retained trees in the course of the development. The development shall be carried out in accordance with the approved details.

Reason: Landscaping contributes to the appearance of a development and assist in its assimilation with its surroundings and in accordance with Policy EN1 of the Saved South Kesteven Local Plan.

5. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on the site layout drawing number 2/2006 dated 28 October 2009.

Reason: In the interests of highway safety and the safety of users of the public highway and users of the site in accordance with Policy EN1 of the Saved South Kesteven Local Plan.

6. The arrangements shown on the approved plan 2/2026 dated 28 October 2009 for the parking/turning/manoeuvring/loading/unloading 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 Main Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

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.
2. 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.
3. Prior to the submission of details for any access works within the public highway you are advised to contact the Divisional Highways Manager on 01522 782070 for application specification and construction.
4. The applicant is advised to investigate the suitability of soakaways on the site in accordance with BRE Digest 365.

\* \* \* \* \*

Applicant	<b>Ablehomes Ltd</b> 4, Castle Gate, Newark, Notts, NG24 1AX
Agent	
<b>Proposal</b>	<b>Residential development of 5 no. dwellings and garages</b>
<b>Location</b>	<b>Land Rear Of 5-13, Vicarage Lane, Long Bennington</b>
App Type	Full Planning Permission
<u>Parish(es)</u>	Long Bennington

**REPORT****Application Category**

This is a minor application

**Reasons for Referral to Committee**

The application has been referred to committee at the request of the Acting Lead Professional based on the planning history of the site.

**The Proposal**

The application relates to the construction of five detached dwellings with four bedrooms with either integral or detached garages. Four of the proposed dwellings would be two storeys in height and one property would have accommodation in the roof space. Three differing house types are proposed.

The overall site area is approximately 0.3 hectares and would be served off a private road from Vicarage Lane.

**The Application Site and its Surroundings**

The application site is roughly square approximately 55m by 55m metres served off a long private drive from Valley Lane. The site is relatively level and is surrounded by residential properties and their associated garden areas.

Immediately to the east of the application site is the former garden area of Farbrooke which is the subject of planning application S09/2493 which can be found elsewhere within this agenda.

The village of Long Bennington is identified as a Local Service Centre by the Council's Interim Housing Policy which indicates that facilities are available within the settlement in order that residents of the village have the opportunity to meet their daily needs without having to travel by private car.

## **Representations Received**

### Local Highway Authority

Has not raised any objection to the proposed development subject to appropriate conditions regarding parking and turning and completion of the private drive prior to occupation of the proposed dwellings.

### Upper Witham Drainage Board

Any approval should demonstrate the suitability of any soakaways and ensure that all drainage routes are maintained during construction works and on completion of the works.

### Community Archaeologist

The application does not affect any known archaeological sites and therefore no intervention is required.

### Planning Policy

As Long Bennington is a Local Service Centre, under the adopted Interim Housing Policy there is no policy objection in principle to the development of housing where it involves the development of previously developed land, which as garden land these sites are, subject to the relevant saved local plan policies being met.

I note that both sites have been the subject of previously approved applications for residential development and the current applications seek only to revise the number and house types previously approved in order to meet changing market demands. Whilst the Strategic Housing Market Assessment indicated that there was a predominant need for smaller market dwellings in the District, it also identified the need for larger family housing and the revised proposals meet this need.

Subject to the revised proposals satisfactory meeting the relevant criteria of policy H6 and EN1 there is no planning policy objection.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement. Two letters of objection have been received.

A summary of the main concerns raised are listed below:

1. The objections raised on the previous applications remained unchanged.
2. The density of the scheme is greater than that of the proposed properties and is not in keeping with the surrounding area.
3. The proposal would detract from the feeling of seclusion and general outlook from the neighbouring properties.

4. Detrimental impact on property values.
5. Similar properties have been constructed but not sold.
6. The properties have dormer windows so they should be considered as three storey. This will overlook other properties which are predominantly bungalows.
7. There is a problem of flooding in the area. The orchard previously on the site absorbed rainwater. The extensive hard surfaces in this development will increase flood risk.
8. The development is in reality 10 and not 5. it is artificially subdivided to avoid the adoption of highway and section 106 requirements.

### **Applicants Submission**

The applicant has submitted a comprehensive Design and Access statement in support of the planning application. The main points contained within the conclusion are listed below.

The site forms part of the garden area previously associated with Farbrooke and is therefore considered to be previously developed land.

Three permissions were granted on the site in August 2006 for 5 bungalows, 5 two storey and five three storey dwellings and although time expired, these permissions are very similar to that being proposed by the current application.

The amended planning application varies the house types from the previously approved scheme in order to take account of changing market conditions.

It is not considered that the application proposal is materially different to that previously granted by the appeal inspector on the 30th August 2006 and as such permission should be granted for the amended scheme.

### **Relevant Site History**

S05/0354 – Five Bungalows were refused planning permission on 26th July 2005. The reasons for refusal relate to backland development, noise and disturbance to neighbouring occupiers, cramped form of development and impact on drainage, village infrastructure and services.

S05/922 – Five Two storey dwellings and associated garages was refused planning permission on 16th August 2005. The reasons for refusal relate to backland development, increased noise and disturbance from comings and goings to the site and a cramped form of development overlooking and loss of privacy.

S05/0932 – Five Three storey properties and associated garaging was refused planning permission on 16th August 2005. The reasons for refusal relate to backland development, increased noise and disturbance from comings and goings to the site, cramped form of development and overlooking, loss of privacy.

All three of the above applications were granted planning permission on appeal by the Planning Inspectorate on 30th August 2006. The main overriding issue for the Inspector when determining the appeals is national guidance:

“The desire for more effective use of land as directed by PPG3 has inevitably led to the need accept a more tolerant view of amenity standards. It is undeniable that a greater housing density must lead to a reduction in space between dwellings and an inevitable reduction in the degree of personal seclusion available between neighbouring residents. It does not follow however, that because these standards are less, that they are necessarily unacceptable or intolerable, merely different. This reduction in space between and around dwellings is evident in much of the new residential development in Long Bennington and has, for better or worse, become the norm for present day economic and sustainable development”.

Appeal Ref: (APP/E2530/A/05/1186103, 1188280 and 1188281).

## **Policy Considerations**

### **National Guidance**

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPG13 – Transport

### **East Midlands Regional Plan**

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13a – Regional Housing Provision

### **South Kesteven Local Plan**

Policy EN1 – Protection and Enhancement of the Environment

Policy H6 – Residential Development

### **Supplementary Planning Guidance**

Backland Development

Interim Housing Policy

## **Key Issues**

The main issues for consideration in relation to the proposed development are impact of the proposed development on the character and appearance of the area and on the amenity of neighbouring residents.

## Character and Appearance of the Area

It is considered that Long Bennington is not a village of any individual, definable style or character. It has experienced significant new residential development over more recent times as a result of its identification as a Local Service Centre in Council's Interim housing policy, and that the village complies with the thrust of current national guidance in respect of sustainable objectives. The majority of these developments are of a similar form, character, density and design as this proposed development.

The current application has very similar footprints, distances to boundary and plot sizes as the scheme granted planning permission, on appeal in August 2006. It is accepted that plots 1 and 5 have larger footprints than the previously approved scheme. However, it must be borne in mind that the previously approved scheme involved three storey properties on all plots, whereas this current scheme proposes a three storey property to plot 4 only.

In light of the above matters it is considered that the scheme is not significantly different than that considered acceptable by the Planning Inspectorate, and that there have not been any significant changes to planning policy or guidance to warrant a decision to be taken at variance with that decision.

## Residential Amenity

The application site would be accessed via a private drive located between 5, and 7, Valley Lane. Both side boundaries have substantial hedges in situ which are considered sufficient to ensure that the occupiers of the neighbouring properties would not experience any significant noise and disturbance to the detriment of reasonable residential amenity. This view was shared by the Planning Inspectorate in relation to the previous applications.

This scheme proposes the same number of units, (5), as that assessed by the planning inspector. As such it is not considered that the access would result in any significant noise and disturbance from comings and goings to the site that would justify refusal on this ground.

It is considered that the proposed layout is not substantially different than the previously approved scheme for five two storey properties or five three storey properties. As such there are sufficient separation distances to neighbouring properties which when coupled with the orientation and location of windows in the proposed to dwellings and boundary treatments to ensure that there would not be any significant overlooking loss of privacy or overshadowing of neighbouring properties and their associated private garden areas.

It is accepted that that the proposal would introduce built form to an area that was previously open, thereby the outlook from neighbouring properties would change. However, as stated by the planning inspector in his appeal decision relating to the previously approved schemes:

"I acknowledge that the outlook from the existing dwellings would change and that the feeling of seclusion and solitude may well diminish as a result of the proposed development. I accept also that these changes may not be welcomed, but to ensure that no adverse impact would arise from the new development would represent an unsustainable level of test".

Appeal Ref: (APP/E2530/A/05/1186103, 1188280 and 1188281).

## **Conclusion**

The development would not be contrary to the requirements of national and local policy with the proposed dwellings being sited on a brownfield site in a sustainable location, adjacent to existing residential properties.

The design and layout of the proposal is considered to accord with the character and appearance of the surrounding area.

The individual dwellings are sited, designed and orientated as to ensure that there would not be any significant overlooking/loss of privacy or overshadowing of the neighbouring properties and their associated private garden areas.

No objection has been raised by the local highway authority as such the scheme is considered acceptable and would not have any adverse impact on highway safety/capacity.

It is not considered that the proposed development is materially different than that approved under appeal or that there has been any significant shift in policy thrust since the determination of the appeal.

Whilst concern has been raised regarding drainage and flood risk it is considered that it can be successfully addressed by an appropriately worded condition. The site is not greater than 1 hectare and is not located in a area identified as being at specific risk to flooding. As such a flood risk assessment is not required. This view was shared by the Planning Inspectorate when determining the aforementioned appeals.

## **Crime and Disorder Implications**

It is not considered that the proposed development raises any significant crime and disorder issues.

## **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.

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

The proposal is considered to accord with the objectives of national and local policies as set out in PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, East Midlands Regional Plan Policy 2 - Promoting Better Design, Policy 3 - Distribution of New Development, Policy 13a - Regional Housing Provision, Saved Policies EN1 - Protection and Enhancement of the Environment, Policy H6 - Residential Development of the south Kesteven Local Plan and adopted supplementary planning guidance Backland Development and the Interim Housing Policy. The issues relating to form and character, residential amenity, visual amenity and flooding and drainage are material considerations but are not considered to outweigh the policies referred to above.

**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 until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be removed during building operations together with measures to protect retained trees in the course of the development. The development shall be carried out in accordance with the approved details.

Reason: Landscaping contributes to the appearance of a development and assist in its assimilation with its surroundings and in accordance with Policy EN1 of the

Saved South Kesteven Local Plan.

5. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on the site layout drawing number 40/1/2005 dated 28 October 2009.

Reason: In the interests of highway safety and the safety of users of the public highway and users of the site in accordance with Policy EN1 of the Saved South Kesteven Local Plan.

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 40/1/2005 dated 28 October 2009, and retained for that use thereafter.

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.
2. 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.
3. Prior to the submission of details for any access works within the public highway you are advised to contact the Divisional Highways Manager on 01522 782070 for application specification and construction.
4. The applicant is advised to investigate the suitability of soakaways on the site in accordance with BRE Digest 365.

\* \* \* \* \*

Applicant	<b>Burghley Developments Limited</b> The Grey House, 3, Broad Street, Stamford, PE9 1PG
Agent	Mr Philip Heath, Wilson and Heath (Architects) 22, Austin Street, Stamford, PE9 2QP
<b>Proposal</b>	<b>Redevelopment of site to create 9 dwellings and 2 shop units</b>
<b>Location</b>	<b>40/40A, St. Pauls Street, Stamford, Lincs, PE9 2BH</b>
App Type	Full Planning Permission
Parish(es)	Stamford

## **REPORT**

### **Application category**

This application falls within the category of Minor applications.

### **Reason for referral to Committee**

Significance of the proposal on the wider community, also a previous application for redevelopment of the site was heard at Development Control Committee.

### **The Proposal**

Full planning permission is sought for redevelopment of the site with two shops on the St Paul's Street frontage, with a flat over, and 8 dwellings to the rear.

The two shops with a flat over would be on the St Paul's Street frontage and the dwellings would be at the rear, three against the eastern boundary, with the neighbouring former garage premises, and the remainder at the southern end of the site.

The existing mature tree would be lost but the Council's Arboriculturalist has confirmed that it is in a poor condition (See comments below).

All but one of the houses at the southern end of the site would have an integral garage and access would be via a 5.0m wide (3.0m existing) arched entrance off St Paul's Street, positioned slightly further eastwards than that existing.

With the exception of one unit, which is orientated at right angles to the other four, all dwellings at the southern end of the site would be three-storey and have accommodation in the roofspace. Those along the eastern boundary, facing westwards toward no. 41 St Paul's Street, would be two-storey, again with the upper floor in the roof space.

In order to avoid the proposed dwellings having any undue over-bearing impact on neighbouring properties, the ground levels of the site are to be lowered to the extent that the southern end of the site would be at the same level as the land to the south and west. At present there is an abrupt change in level of approximately 1.5m.

Materials are specified to be natural stone for the frontage buildings and a mixture of stone and rendered blockwork to the buildings at the rear. Roof materials would be predominantly blue slate but the roof slope to one of the units fronting the street would be covered in Collyweston slates, reclaimed from the demolitions.

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

The site has an area of 0.09 hectare.

The site is located on the southern side of St Paul's Street and is currently occupied by buildings of differing ages. On the St Paul's Street frontage is a two-storey brick cottage and a single storey stone building. At the rear of the latter is a range of single storey flat roofed modern extensions and at the rear of the former a two-storey brick cottage and a range of stone stone/timber workshops built right up to the boundary with the neighbouring property to the west, 41 St Paul's Street. The remainder of the site is a loose surfaced, open yard. The buildings are currently occupied on a temporary basis.

The site was once occupied as a builders yard with workshops but was more recently used for storage purposes by a motor vehicle garage/filling station that formerly occupied the adjoining site to the east. That site is now owned by Stamford Endowed Schools.

At the southern end of the site is a mature Sycamore tree.

Levels fall gently across the site from north to south and from east to west.

The site is adjoined on its eastern side by modern buildings of former garage premises. To the south, at a significantly lower level, is land to the rear of properties fronting St Leonard's Street on part of which there are car sales premises and on the remainder, a former service yard. There is a residential development currently under construction.

To the west is a pair of predominantly 18th century dwellings that are listed grade II.

On the opposite, northern side of St Paul's Street are small, vernacular buildings, some of which date from the middle ages.

The buildings on the southern side of St Paul's Street are generally higher and of a later date than those on the northern side.

A Council Land Use Survey in 1982 recorded that the rear part of the site was still in use as a builders yard.

## **Site history**

Application No.	Proposal	Decision & Date
SK.648/75	Change of Use from Builders Yard to Parts and Accessory Shop, Sales Office	Approved – 31/07/75
SK.243/76	Alterations to existing building	Approved – 01/04/76
SK.148/77	Rear extension for storage of motor Spares	Approved – 31/03/77

The older planning history above is of little significance to the application under consideration. However, application S08/0154/69, for 11 dwellings and 2 shop units was withdrawn on 28 March 2008. Reasons for refusing the application had been drafted and had it not been withdrawn before the decision notice could be issued, the reasons for refusal would have been as follows :

- “1) The proposal is to redevelop the site with 2½ storey buildings comprising eleven dwellings and two shop units, with the upper storey in the roofspace, on a site within the Stamford Conservation Area.

It is considered that the proposed development would have an adverse impact on the amenities of neighbouring residential properties and a detrimental impact on the character and appearance of the Stamford Conservation Area, being unacceptable for the following reasons :

- a) The proposal would constitute a cramped and unsatisfactory arrangement of dwellings that, due to the height of the units at the rear of the frontage buildings, in particular those proposed for the western side and south-west corner of the site, would have an overbearing impact on existing and approved dwellings adjacent to this part of the site;
- b) the windows in the rear elevation of the proposed dwellings on the western site boundary would result in an unacceptable loss of privacy for the existing dwellings to the west; and
- c) the front elevation to the unit on the unit on the northern side of the site entrance off St Paul's Street and the front elevation units to the rear are considered to be over-fenestrated.

The proposed development would, therefore, be contrary to PPS1, PPS3, PPG15, Policies EN1 (criteria iii and vi) and H6 (criteria i and iii ) of the Saved Policies of the South Kesteven Local Plan.

- 2) The Director of Highways and Planning Lincolnshire County Council so

requests as the proposed access alignment and width, at its narrowest points, is inadequate to permit the safe passage of two vehicles and as such is likely to result in additional parking, waiting, turning and manoeuvring of vehicles in St Paul's Street in the vicinity of the access and to the detriment of the safety of other road users.

Whilst visibility splays are not shown on the submitted drawings, visibility to both and east and west from the proposed point of access to St. Paul's Street will be substantially below requirements due to the presence of buildings. It is considered that vehicles emerging from the access will be in conflict with pedestrians and traffic travelling in both directions due to the lack of visibility in St Paul's Street contrary to the interests of Highway Safety.

The proposal would, therefore, be contrary to Policy EN1 (criterion vi) of the Saved Policies of the South Kesteven Local Plan.

- 3) The application site lies in an area of important archaeological interest and an archaeological evaluation is required in order to establish whether a mitigation strategy is required to ensure that any archaeological remains are preserved either in-situ by development design or by record, where preservation in-situ is not achievable.

In the absence of such an evaluation the proposal is contrary to Central Government Policy Guidance contained in PPG 16 (Archaeology and Planning) “

Most recently application S08/1116/69 for the 'redevelopment of site to create 9 dwellings and 2 shop units was refused permission at the Development Control Committee with the decision issued on 28 September. Reasons for refusing the application were given as:

- 1) It is considered the development is unacceptable because of the height of the dwellings, particularly plot A1 will have an adverse impact on the amenities of neighbouring properties by reason of overshadowing and loss of light. This is contrary to saved Policy EN1(iii) and H6(i) of the South Kesteven Local Plan.
- 2) It is also considered that the height of plot A1 will have an adverse impact on the outlook of neighbouring properties creating a sense of enclosure contrary to saved policies EN1(iii) and H6(i) of the South Kesteven Local Plan.
- 3) It is considered that the design including architectural details and the gated access way have an adverse impact on the character and form of the settlement contrary to Saved policies H6(i) and EN1 (iii) of South Kesteven Local Plan.

### **Representations received as a result of consultation**

Lincolnshire County Council, as Highway Authority, note that the existing vehicular access will be widened, the existing permitted use and the application would improve the area –

and it is a town centre development (car parking provision) is proposed to support the application. The access while not in the 'traditional' form would comply reasonably with the 'Manual for Streets'. There may be an issue with potential parking/waiting on the opposite side of the road that may make turning at the access difficult, and thus suggest a contribution be made should it be deemed a Traffic Regulation Order be necessary to control such parking – to cover legal, consultation and implementation; £3,500. This would be returned to the applicant should this not be required at the end of the life of the permission notice. Having regard to the above and subject to appropriate conditions, the highway authority does not object to the application.

The Arboricultural Officer notes that the Sycamore tree located on land at the rear of St Paul's Street has suffered extensive bark loss, probably caused by a fire. Callous growth is evident along the trunk of the tree, but the fire will have caused damage to the root system as well. As the tree has grown adjacent to a boundary wall, which defines a substantial change in soil levels, the stability of the tree is questionable. This will have been further exacerbated by the root damage that has occurred. The tree is not suitable for inclusion in a Tree Preservation Order (TPO) and should be removed as soon as practicable before it fails.

The Community Archaeologist requests that a condition be added requiring a programme of archaeological work.

Stamford Town Council comments are reproduced below;

"Strong objection to this proposed development on the grounds of gross overdevelopment of the site. It is intrusive and will severely impact on neighbouring properties. The overbearing high design will exacerbate this situation. The proposed development will compromise the area as a whole, this in the conservation area.

The application will affect the overall amenity in St. Paul's Street becoming an oppressive development. It appears amendments made to this application are minor alterations to the boundary wall. Open and transparent discussions need to be undertaken with owners of the neighbouring properties. There are new properties being built to the east and rear of 41 – 42 St. Paul's Street; the area is being far too densely developed and infringes neighbouring amenities severely.

The Town Council would like to draw attention to Policy PPS1: 'Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development including individual building, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate should not be accepted'; also Policy H6 a) The provision of satisfactory access and Policy H6 b) In respect of buildings, reflect the general character of the area through layout, siting design and materials.

Another objection to this development is that there will be increased traffic on to an already extremely busy thoroughfare very close to a school. A Traffic Impact Survey must be carried out between 7.30am-9.00am and 3.00pm-5.30pm during term time to provide a valid survey with a true reflection of traffic movement. It is recommended that the decision is referred to the Development Control Committee".

Stamford Civic Society comments are reproduced below;

“1. Society objected to gated premises

Not mentioned here but the previous scheme was? Clarification please. We still strongly object to the use of gated premises

2. Too restricted parking space

Where is the parking? Only three spaces, A3, A5, and B6 are apparently identified. They still seem to be well below the standard provision

3. Dormer windows breaching eaves line, no down pipes

Appears to be no change here?

4. Suggest a simpler design

Where is the simpler design? The present scheme still seems essentially unchanged and unnecessarily complicated. The spaces left over by the freer planning of the houses seem to us not to be picturesque nooks but forbidding dark left over spaces. We do however appreciate it's a restricted site”.

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

The application has been advertised in accordance with the adopted statement of community involvement, the closing date for representations being 18 December 2009. Representations received raise the following issues:

- Express concern about unit A1. Whilst noting it has reduced in height consider it would still have an overbearing impact and that this dwelling should be omitted from the application altogether, as well as the likelihood that new windows may be inserted in to the rear elevation at a later date. Also believe that erection of the unit would impact on vegetation in neighbouring properties.
- Believe that all of the units on site should be two and not three-storey with the larger dwellings having prominent views across the rear gardens of existing properties.
- Considers the tree on-site worthy of retention with it not being dangerous but in good health.

### **Applicants submission**

- Believes that the scale and design of the development is appropriate being a mixture of heights and design to reflect the individual nature of the site.
- Considers the access appropriate and parking provision over and above that required for a town centre location.
- Notes that the alterations to plot A1; namely that the height of it has been reduced, overcome reason for refusals 1 and 2.

- The applicant has removed the gate to the scheme to overcome reason for refusal 3. However, does still not consider a gated scheme out of character with the area.

### **Policy considerations**

#### Central Government Policy Guidance

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPS6 – Planning for Town Centres

PPG13 - Transport

PPG15 – Planning and the Historic Environment

PPG16 - Planning and Archaeology

Manual for Streets

Safer Places – The Planning System and Crime Prevention

#### East Midlands Regional Plan

Policy 2 – Promoting Better Design

Policy 27 – Regional Priorities for the Historic Environment

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

Policy H6 – Housing on unallocated sites

Policy EN1 – Protection and Enhancement of the Environment

Policy C2 – Sites of archaeological interest

### **Key issues**

Impact on character and appearance of the Conservation Area and the setting of nearby listed buildings.

Highway Safety.

Residential Amenity.

Pertinent planning history

## **Officer Evaluation**

A primary determining factor in this application is the refusal of application S08/1116, which was for a similar redevelopment of the site. The reasons for refusal are contained within this report. It is therefore important to note the alterations between the scheme under consideration and that which was refused permission. These are namely that;

- The gates to the access have been removed
- Both plots A1 and B6 have been reduced in height from 3 to 2-storey and, as a result, no longer have garaging provided.
- The fenestration layout to plot A5, adjacent to the facing wall of an industrial building, has been amended.

With regard to other aspects of the scheme the broad principles are the same in that the redevelopment of this 'brownfield site' would constitute efficient use of currently under-utilised urban land. PPS1 stresses the need for development to be in sustainable locations and wherever possible re-use previously developed land.

The proposed use of the site has to be considered against what purpose it could lawfully be used for at present. The current authorized use for the rear part of the site would appear to be a builders workshop. If the authorized use were to be recommenced, as it could without the need for any planning approval, it could have an adverse effect on the amenities of the area and generate vehicle movements of a different nature to the proposed use.

Whilst the proposed access is somewhat below the standard usually required for development of this type, the Highway Authority have taken various factors into account, including the fact that the existing access is much narrower than that proposed; the site is very close to the town centre and the type of traffic that could be generated by the existing authorised use of the site. In discussions with the Architect it was also acknowledged that much of the current problems with traffic congestion and road safety on St. Paul's Street result from the lack of enforcement of parking regulations.

In addition, to provide an access that met the ideal standards of visibility would have compromised the design of the buildings on the street frontage as they could not have followed the traditional 'back-edge of the pavement' position. The Highway Authority consider therefore that the proposed arrangements to be an acceptable compromise and still meet the advice contained in the Manual for Streets guidance.

The mature tree at the lower end of the site is in poor condition, as confirmed by the Arboricultural Officer, and not worthy of a TPO.

Alterations to plot A1 would reduce the eaves and ridge height of the building which would sit on the boundary with the rear curtilage of 41 and 42 St Paul's Street. This reduction in height, combined with the change of levels that is proposed, is considered acceptable to ensure that any resultant overbearing impacts that would be generated are acceptable so

as not to compromise residential amenity, particularly having regard to the scale of building that currently sits on the boundary with 41 St Paul's Street which would be removed. The siting of plot A1 would also restrict views between existing buildings fronting St Paul's Street and plots A2-A5.

Furthermore, it should also be noted that plot B6 has been reduced in height to a two-storey property to ensure that the privacy of existing properties on St Paul's street is not compromised. A condition about the height of the boundary wall with 41 St Paul's Street is recommended to ensure the privacy of this property is respected, although it is likely to be lower in height than the facing wall of the building to be removed.

The removal of gates to the access would overcome concerns previously expressed by Members about the use of gated communities.

Alterations to the fenestration layout of plot A5 would overcome concerns expressed about possible overbearing impacts from the adjacent industrial building.

Having regard to the alterations made to the scheme it is considered that the proposal overcomes the reasons for refusal attached to permission S08/1116/FULL, subject to appropriate conditions. It is noted that objectors have raised concerns about overlooking impacts from units A2-A5; however, views from these properties would primarily be to the south and views to existing properties on St Pauls Street would be oblique in angle, restricted by unit A1, with a distance of 5m to the nearest property boundary and 20m to the habitable property. It should also be noted that the scale of units A2-A5 were not specified as a reason for refusal of application S08/1116/FULL and in the absence of any material change in circumstances cannot in all reasonableness be raised as an issue now.

Issues with regard to development on or over a boundary and possible loss of vegetation are civil legal matters between the relevant parties.

Overall, the 'mews' type of development is considered appropriate to this location which has been successfully completed elsewhere in the town and the materials specified are those traditionally used. The overall design and detail of units e.g. dormers, quoins etc, is considered appropriate having regard to their setting. It is also considered to represent an enhancement of the Conservation Area and would not compromise the setting of nearby listed buildings. The proposed buildings will have a greater impact on the surroundings but that impact is considered generally to be a positive one.

Ideally, it would have been preferable if the remainder of the former garage site to the east could have come forward for development at the same time but as it is in separate ownership this has not been possible. It is considered that the proposals currently under consideration will not compromise the redevelopment of the adjoining site, as and when that happens.

It is considered, therefore, that there is no fundamental conflict with policy and, notwithstanding the adverse representations received, the application is recommended for approval.

## **Crime and Disorder Implications**

This 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.

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

The application proposes the demolition of unlisted buildings within the Stamford Conservation Area. The buildings to be demolished date from different periods some modern, others from the 19th Century with small remnants of possibly earlier buildings. The buildings would be replaced by a scheme comprising two shop units on the site frontage with living accommodation over and eight houses at the rear all to be constructed of materials commonly used elsewhere in the Stamford Conservation Area.

It is considered that the proposal will result in an enhancement of the Conservation Area and will not have an adverse impact on the setting of nearby listed buildings or the amenities of neighbouring residential properties. Highway and parking issues are also acceptable with the proposal not being detrimental to highway safety and providing adequate parking provision in a central location. The proposal is, therefore, considered to be in accordance with Central Government Policy Guidance contained in PPG15, PPG13, PPG16, PPS1, PPS3, PPS6, Safer Places - Crime Prevention and the Planning System, Manual for Streets, Policy 27 of the East Midlands Regional Plan and Policies EN1 and H6 of the Saved Policies of the South Kesteven Local Plan.

**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 works shall take place until full details of all the proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure that the external joinery detail is in keeping with the local

tradition and appropriate for the context, in accordance with PPG15 and Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

3. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with PPG15 and Saved Policy EN1 of the South Kesteven Local Plan.

4. 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 and in accordance with PPG16.

5. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

6. Before the development hereby permitted is commenced details shall be submitted for the approval of the local planning authority of the proposed means of surfacing the unbuilt portions of the site. Such details as may be agreed in writing shall be implemented prior to the occupation of the buildings.

Reason: To ensure that the surface materials to be used are appropriate for the context in accordance with PPG15 and Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

7. Before the development hereby permitted is commenced details shall be submitted to the local planning authority of the proposed ground levels and finished floor levels of the proposed dwellings.

Reason: In the interests of the amenities of the area and to ensure that the development does not impose adversely on its surroundings.

8. 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.

9. 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.

10. Prior to the commencement of construction of any buildings or commencement of use, the vehicular access to St Pauls Street shall be improved in accordance with drawing number E dated 12/11/09.

Reason: In the interests of highway safety and to comply with Saved Policy EN1 (vi) of the Saved Policies of the South Kesteven Local Plan.

11. 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 into use and thereafter retained at all times.

Reason: In the interests of highway safety and to comply with saved policy EN1 (vi) of the South Kesteven Local Plan.

12. Prior to any of the residential units being occupied the private drive shall be completed in accordance with the details shown on drawing number E dated 12 November 2009.

Reason: In the interests of highway safety and to comply with Saved Policy of EN1 (vi) of the South Kesteven Local Plan.

13. Details of the type and size of rooflight to be used shall be submitted for the approval of the local planning authority and only such sizes and type as may be

agreed in writing shall be used in the development.

Reason: To ensure that only rooflights of an appropriate size and type are used in the development, in the interests of preserving the character and appearance of the Conservation Area in accordance with PPG15 and Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

14. The western wall of the existing buildings on the western site boundary with the neighbouring property no. 41 St Paul's Street shall be retained to a height to be agreed with the local planning authority. If the wall is found to be unsafe, it shall be rebuilt to a height and in materials to be agreed with the local planning authority prior to the first occupation of the related dwelling.

Reason: In the interests of safeguarding the amenities of the neighbouring residential properties to the west in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

15. Before the development is commenced details of the rainwater goods to be installed on the approved buildings shall be submitted to the local planning authority and only such details as may be agreed in writing shall be used on the buildings.

Reason: To ensure that the type of rainwater goods to be used are appropriate for the context, in accordance with PPG15 and Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

16. Before the buildings are occupied means of externally lighting the site shall be agreed in writing with the local planning authority and such lighting as may be agreed in writing shall be installed and operational prior to occupation of the buildings.

Reason: In the interests of reducing the risk of crime and to ensure that the means of external lighting is appropriate for the context and does not adversely affect the amenities of neighbouring properties, in accordance with Safer Places - The Planning System and Crime Prevention.

17. The southern and south-western site boundaries shall be defined by walls constructed of coursed limestone rubble to a height and with copings to be agreed in writing with the local planning authority.

Reason: In the interests of the visual amenities of the area and crime prevention, in accordance with PPG15, PPS1 and PPS3.

18. Before the development hereby permitted is commenced details of the retaining wall to be erected on the eastern site boundary, against the buildings on the adjoining site, shall be submitted to the local planning authority and only such details as may

be agreed in writing shall be used in the development. The retaining wall shall be constructed prior to the first occupation of the related dwelling.

Reason: To ensure that the retaining wall is designed in a manner that complements the remainder of the development and will not have an adverse impact on the visual amenities of the area.

19. The Collyweston stone slates and any artificial stone slates that may be approved for the development, shall be laid in diminishing courses.

Reason: In the interests of maintaining local tradition in accordance with PPG15 and Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

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.
2. The 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.
3. Prior to submission of details for any access works within the public highway the developer shall contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
4. Please note that the grant of planning permission does not override civil legal matters with regard to the party wall etc Act on which there would be a need to seek independent legal advice.

\* \* \* \* \*

Applicant	<b>Burghley Developments Limited</b> The Grey House, 3, Broad Street, Stamford, PE9 1PG
Agent	Mr Philip Heath, Wilson and Heath (Architects) 22, Austin Street, Stamford, PE9 2QP
<b>Proposal</b>	<b>Demolition of existing shop unit, stores and workshop</b>
<b>Location</b>	<b>40/40A, St. Pauls Street, Stamford, Lincs, PE9 2BH</b>
App Type	Conservation Area Consent
Parish(es)	Stamford

**REPORT****Application category**

This application falls within the category of Minor applications.

**Reason for referral to Committee**

Significance of the proposal on the wider community, also a previous application for the same development was heard at Development Control Committee.

**The Proposal**

Conservation Area Consent is sought for the demolition of unlisted buildings in the Stamford Conservation Area in connection with the redevelopment proposed under planning application S09/2662/FULL.

**The application site and its surroundings**

A description of the application site and its surroundings is included in the report accompanying planning application S09/2662/FULL.

**Site history**

The overall site history is as described in the report accompanying planning application S09/2662/FULL. However of particular importance is application S08/CA/7067/69. This was an identical application to that under consideration and was refused consent for the reason outlined below;

“It is considered that demolition of the existing buildings on the application site, in the absence of an approved scheme for redevelopment, would create an unsightly gap in the

street scene, to the detriment of the character and appearance of this part of the Stamford Conservation Area and the setting of nearby listed buildings, contrary to Central Government Policy advice contained in PPG15”.

### **Representations received as a result of consultation**

Stamford Town Councils comments are reproduced in Committee report S09/2662/FULL; however, they primarily relate to redevelopment of the site and are not specific to the removal of existing buildings.

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

The application has been advertised in accordance with the adopted statement of community involvement, the closing date for representations being 18 December 2009. No third party representations have been received.

### **Policy considerations**

#### Central Government Policy Guidance

PPG15 – Planning and the Historic Environment

#### East Midlands Regional Plan

Policy 27 – Regional Priorities for the Historic Environment

### **Key issues**

Impact on character and appearance of the Conservation Area

### **Officer Evaluation**

The existing buildings on the site date from different periods. None are listed.

They are of no architectural or historic interest and make little or no contribution to the character and appearance of this part of the Conservation Area.

No objections have been received objecting to the demolition of the existing buildings. Representations received relate to the redevelopment proposals.

### **Crime and Disorder Implications**

This 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.

## **Conclusions**

Demolition of the existing buildings on the site is considered acceptable providing planning permission is granted for the scheme proposed under S09/2662/FULL. If permission is not forthcoming for the redevelopment proposals the application should be refused consent, as happened under application S08/CA/7067/69.

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

It is considered that the existing buildings on the site make little or no positive contribution to the character and appearance of the Conservation Area and their demolition and replacement with the development proposed under planning application S09/2662/FULL would constitute an enhancement of this part of the Stamford Conservation Area.

The proposal therefore complies with relevant policy guidance contained in PPG15 (Planning and the Historic Environment) and Policy 27 of the East Midlands Regional Plan.

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

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to indicate that building work will be commenced in accordance with a scheme for which planning permission has been granted within a period of 6 months following commencement of demolition.

Reason: To reduce the time the site is left undeveloped in the interests of the amenities of the area.

\* \* \* \* \*

Applicant	<b>Mr Aaron Mayer, Jelson Ltd</b> 370, Loughborough Road, Leicester, LE4 5PR
Agent	
Proposal	<b>Residential development for the erection of 12 dwellings (substitution of house types of planning approval S06/0643/54)</b>
Location	<b>Plots 1-5, 7, 9-12 &amp; 15 &amp; 16 Land Between Portmarnock Way And Tom Childs Close, Grantham</b>
App Type	Major Full (Residential)
Parish(es)	Grantham Londonthorpe & Harrowby Without

## **REPORT**

This is a major application.

### **The Proposal**

The proposal is for the erection of 12 no. dwellings. The application sites under consideration form part of an overall larger scheme for what were originally 94 dwellings. The application proposes the re-plan of Plot numbers 1-5, 7, 9-12, 15 and 16 inclusive, which were previously approved as part of the wider redevelopment of the site under references S00/0815 (Outline) and S06/0643 (Reserved Matters). The revised scheme sees a change in design type and removes a number of larger dwellings to be replaced with a mix of 2, and 3 bedroomed properties of a standard two storey design.

Across the entirety of the site, this proposed re-plan would not result in an increase in numbers of dwellings from what was originally approved.

The proposed dwellings on the remainder of the site will continue to follow the same layout as that which has previously been approved with only minor changes.

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

The application site is located off Londonthorpe Lane, Grantham.

The current application site forms part of the previous redevelopment proposals for the site, which involved the accommodation of 94 no. plots. Parts of the original scheme have been built and occupied.

The site covers an overall area of approximately 3.67 ha, whilst the current application site incorporates 0.29 ha of land.

Accesses to the sites are directly off Portmarnock Way and Tom Childs Close.

To the south and west of the site is the Grantham Church High School and the associated playing field. Situated to the south east is an established residential housing estate.

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

The application has been referred to committee at the request of the Lead Professional.

### **Representations Received**

Local Highway Authority: No objection.

Planning Policy: No objection.

Environment Agency: No objection.

Housing Projects Officer: No objection. There is no affordable housing requirement on the site.

Lincs County Council: Public Footpath No.2 will not be affected by the proposed development.

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 1st January 2010.

As a result of the consultation period no letters of objection have been received.

### **Applicants submission**

This planning application for the submission of the dwellings is a result of a downturn in the residential housing market necessitating the construction of smaller units. As a consequence this planning application comprises a revised proposal for parts of the development with smaller 2 and 3 bedroom units which are more sellable in the context of this site and associated consumer demand.

The buildings previously approved on the plots to be considered here were in the form of 3 storey types with the exception of house type 69 on the previous permission (S06/0643/54) but it is the intention of this current application to now use only two storey units in the same location. The buildings proposed will have the same design characteristics in terms of visual features, i.e. windows and doors but will be on a smaller scale and thus have less visual intrusion than those already approved.

## **Site History**

SK.94/0674 Residential Development (Outline) - Approved 2nd August 1994.

SK.97/0722 Residential Development (Outline) - Approved 29th August 1997

S00/0815 Residential Development (Amendment to time Condition) – Approved 13th November 2001.

S04/0520 Residential Development for 94 dwellings (Reserved Matters) – Approved 12th August 2004.

S05/0493 Vary Condition to extend time period– Approved 20th May 2005.

S06/0643 Residential Development 94 dwellings – Approved 26th July 2006.

S09/1648 Substitution of house types (13 dwellings) – Approved 6th October.

## **Policy Considerations**

### **National Policy**

PPS 1 – Delivering Sustainable Development

PPS3 - Housing

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

Policy H6 - Residential Development.

Policy EN 1 - Protection and Enhancement of the Environment

## **Key Issues**

Highway safety

The highway authority has not objected to the scheme.

Visual Impact

The locality consists of a mix of house types ranging from detached to semi-detached properties. It is considered that the proposed dwellings assimilate with their surroundings in

terms of mass and form whilst continuing the wide ranging design types that are prevalent in the area.

A condition is recommended requiring the submission of samples of these materials for final approval in order that they match those of nearby developments.

Due to the dwellings being sited a considerable distance within the approved housing estate and away from the main access road to the site, it is considered that the proposals will not have an adverse visual impact on the street scene.

#### Impact on neighbouring private residential amenity

Impacts on neighbouring residential amenity were considered during the approval of the previous applications. It is considered that with the heights of various properties being reduced and position of fenestration of the proposed dwellings remaining the same that the potential for overlooking and loss of privacy has not been further increased than what was previously considered acceptable. The revised house types are in the same positions to those proposed on the approved layout, still maintaining a sufficient distance of separation from neighbouring dwellings thus eliminating any potential adverse impacts in terms of the creation of a dominant and oppressive environment.

#### Drainage

The Environment Agency has not objected to the application. A suitable condition is recommended requiring the submission of final drainage details for the consideration of the local authority.

#### Section 106 Agreement

There is an existing Section 106 Agreement on the site from the 2001 approval which required the provision of Open Space, a £15,000 contribution to the council for on site play equipment and a further £15,000 for grounds maintenance once the open space has been adopted.

A Draft Deed of Variation has been submitted with the application which allows the obligations contained within the existing Section 106 Agreement to be applied to any new consent issued in respect of this new application.

At the time of preparing this report the legal agreement was in circulation. Should a legal agreement be signed this will be reported to committee with the late items paper.

#### **Crime and Disorder Implications**

It is considered that the proposed development will not have any detrimental crime and disorder implications.

## **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.

## **Conclusion**

The development will not be contrary to the requirements of national and local policy, with the proposed dwellings being sited on a brownfield site in a sustainable location, and conforming to the residential uses that exist in the vicinity.

The designs of the dwellings are considered to assimilate with their surroundings and not impact adversely on the character of the area.

Due to the design and siting of the dwellings and the careful positioning of fenestration it is not considered that an unacceptable level of overlooking or loss of privacy will be created as a result of the development.

The suitable mass and form of the dwellings coupled with satisfactory levels of separation will not lead to the creation of a dominant or oppressive environment or loss of light to neighbouring properties.

The Environment Agency has not raised an objection with regards to flood risk.

No objection has been received from the highway department leading your officers to conclude that the proposals will not impact adversely on highway safety.

A Legal Agreement has been formulated ensuring the provision of suitable open space.

It is considered therefore that the proposals comply with National and Local Planning Policy and it is recommended therefore that planning permission be granted.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS 1 (Delivering Sustainable Development), PPS 3 (Housing), and the saved policies H6 (i) & (iii) & EN 1 (iii) & (vi) of the South Kesteven Local Plan. The issues relating to impacts on the character of the area, residential amenity, provision of open space and highway safety are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be 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 development shall be built in accordance with the materials detailed within the submitted application forms.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

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 building(s) are occupied. 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. 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.

Reason: 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.

6. Before the development is brought into use, all roads shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide adequate lighting of the roads in the interests of crime prevention and community safety and in accordance with Policy H6 of the South Kesteven Local Plan.

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.

\* \* \* \* \*

Applicant	<b>Lincoln Diocesan Trust &amp; Bd of Finance</b> The Old Palace, Lincoln, LN2 1PU
Agent	Stephen Roberts Associates First Floor, Brunel House, Deepdale Enterprise Park, Nettleham, Lincoln, LN2 2LL
<b>Proposal</b>	<b>Conversion of former school to 3 no. residential units together with demolition</b>
<b>Location</b>	<b>School Lane, Claypole</b>
App Type	Full Planning Permission
Parish(es)	Claypole

## REPORT

This is an other application.

### The Proposal

The application is for the change of use of a former School to three residential units.

The existing building is currently divided into class rooms, office, hall, kitchen and various toilets and cloakrooms. There is a small staff room on the first floor.

The proposed scheme is for three, 3 to 4 bedroom residential units within the shell of the existing building, utilising the existing ground floor and roof space. There will be no alterations to the eaves and ridge height.

A small extension is proposed to the roof, following the ridge line of the existing roof, allowing for sufficient headroom to the first floor area. Various conservation roof lights are to be inserted providing additional light and ventilation. All other existing openings are to be utilised with minor changes to windows and doors.

There is an existing modern flat roof extension forming a kitchen area and toilet block which will be demolished, reducing the overall footprint of the building.

The layout of the residential units has been formulated to have one principal entrance to the south. Bin stores are also located at this point to the front of the development, adjacent to the southern boundary. Private amenity space to the rear of the units is sited along the northern boundary.

The external layout of the site will remain relatively the same. There will be separate accesses both for pedestrians and vehicles which will be gained from two points off School Lane.

The existing 2.4m high steel wire fence and gates to the frontage of the site will be removed and replaced with a new 900mm high wall to match the existing and topped with

'bow top' railings to 1800mm high. The existing 900mm high brick wall is to be retained where possible.

The proposed landscaping will provide a new block paved drive and 11 parking bays to the western part of the site. New concrete floor slabs will form the pedestrian footpath, principle entrance and rear gardens. All other existing boundary treatments are to be retained along with existing trees.

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

The application site, covering an area of 1,623. 5 sq m, is sited to the east of School Lane within the village of Claypole.

The former school is surrounded by a mixture of two-storey dwellings and bungalows, mainly on School Lane and Rectory Close to the east.

The building runs in an east to west direction and has a front facing section constructed from red brick with a natural slate roof and stone parapets and corbel detail. This part of the building features deep arched timber framed windows with brick heads and stone cills. The remainder of the building is also constructed from red brick but has a plain clay tile roof covering and timber framed casement windows with flat top arches to dormers.

To the south elevation is a UPVC lean-to porch creating an enclosed walkway.

There is a more modern flat roof addition to the school building constructed from white render and red facing brick work.

Access to the site is gained from School Lane leading into a tarmac area to the west of the building.

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

The application has been referred to committee at the request of the Acting Lead Professional.

### **Representations Received**

Local Highway Authority: It is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity. Recommended conditions to be attached.

Projects Officer: The application is for the conversion of an existing building that already has mainly hard-standing in the grounds; as such it can be said that surface water run off will not be increased and thus existing systems will continue to function as they do now. Provided that there is no history of flooding on site or nearby the application as submitted is acceptable

Natural England: No objection. Requests a condition be attached controlling the time of year when certain works can be carried out.

Parish Council:

“The Parish Council considers that the proposed development to be acceptable as it stands but question whether this is the right use for the building. The Parish Council is concerned about the current parking situation down School Lane as two of the houses directly opposite the school entrance park their cars on School Lane adjacent to this point. The Parish Council is also concerned about the existing capacity of Claypole Primary School. The Parish Council would like to see a Section 106 Agreement put in place should this development go ahead. There is a question over the legality of the sale of this as it is understood that the building was gifted to the residents of Claypole and this is going to be looked into. “

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 12th January 2010.

As a result of the consultation period letters of objection were received which raised the following objections:

- Concerns other dormer windows may be added in the future.
- Requests obscure glass to be inserted in upstairs window of the first property.
- May not be possible to convert the building due to legal matters.
- Conversion is welcomed
- Design is in sympathy with the existing Victorian character of the building.
- Bats may be present in the roof
- School would be better converted to commercial uses
- School can not accommodate further children that dwellings may bring
- Development will overlook my garden
- Suitable boundary treatment would improve privacy
- Question measurements on the plans
- Brick walls may damage hedge and trees
- 3 roof lights would overlook our property

### **Site History**

No previous planning history.

### **Policy Considerations**

#### National Policy

PPS 1 – Delivering Sustainable Development

PPS3 - Housing

Saved Policies of South Kesteven Local Plan

Policy H6 - Residential Development.

Policy EN 1 - Protection and Enhancement of the Environment

Interim Housing Policy

**Key Issues**

Highway safety

The highway authority has not objected to the scheme in terms of the suitability of the access or the creation of additional traffic or inadequate parking. Conditions have been attached requiring the completion of the access and turning space together with the provision of suitable visibility splays.

Conforming Use

The proposed residential use will make good use of a currently vacant building and conforms with existing residential uses in the locality, mainly along School Lane and Rectory Lane. The provision of such accommodation is considered appropriate in this location.

The provision of habitable accommodation is proposed without impacting on the main fabric of the building.

It is considered that the proposed use is appropriate for the location, conforming to the general uses that exist in the vicinity.

The Interim Housing Policy allows for such exceptions subject to certain criteria being met, one of which is that there should not be a need for substantial extensions as part of any conversion scheme. There will be a small roof extension to the original building, with the existing internal space being utilised for accommodation.

The building is considered to make an important contribution to the overall character of the area. The school still retains significant amounts of character, which will be retained as a result of the conversion scheme.

The property has been advertised to let for commercial purposes for a period exceeding six months. Having exposed the property to the market for this period the applicants were unable to find a tenant.

## Visual Impact

Due to there being only minor alterations to the external appearance of the building it is considered that there will be no significant or detrimental impact on visual amenity of this area as a result of the proposed development.

Existing flat roof extensions will be demolished, reducing the overall footprint of the building which as a result is considered to visually enhance the area.

## Impact on neighbouring private residential amenity

The additional openings serving the first floor accommodation are in the form of conservation roof lights. These are to be high level openings avoiding direct overlooking to neighbouring properties.

After concerns were expressed by a neighbouring property a condition is proposed requiring a first floor landing window to the northern (rear) elevation to be fixed and obscure glazed.

Conditions are proposed removing permitted development rights in order that the authority can control the further insertion of openings and additional extensions.

It is not considered that the residential use of the site will generate any more noise and disturbance than its previous use as a school.

## Other Issues

Comments have been received that the applicants may not legally be able to implement a permission if granted due to the building being gifted to the village and left in a trust to the church. This is a private matter and not material to the determination of this application.

Concerns have been expressed about the possible presence of bats within the roof of the building. Natural England were consulted and have raised no objection, requesting a condition restricting certain works being carried out during the months of March to August inclusive.

A request has been made for the Authority to enter into a Section 106 Agreement with the developer for educational contributions due to the potential impact the increased dwellings may have on Claypole School. Due to the size of the development it is not considered appropriate to enter into a legal agreement for developer contributions.

## **Crime and Disorder Implications**

It is considered that there are no crime and disorder issues in relation to the proposal.

## **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.

## **Conclusion**

The proposed residential use is considered to conform with those found within the vicinity of the site. The use will be secured involving minor external alterations and will result in minimal impacts on local residents and their private residential amenity.

The development will not be contrary with the requirements of policies of the adopted Local Plan or the Interim Housing Policy, with the proposed residential use being the only viable use considered deliverable on the site and the conversion being possible without substantial alteration or extension.

All external changes are considered to either enhance the building or not impact adversely on the character of the area or visual amenity.

No objection has been received from the highway department leading the authority to conclude that the proposals will not impact adversely on highway safety.

It is considered therefore that the proposals comply with National and Local Planning Policy and it is recommended that planning permission be granted.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Housing) and the Saved Policies H6 (i) and (iii) and EN1 (iii) and (vi) of the South Kesteven Local Plan together with the Interim Housing Policy. The issues relating to conformity of the use and impacts on the character of the area, residential amenity, noise and disturbance and access and parking are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be 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 materials to be used in the construction of the roof shall match those of the existing building.

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

3. Before any development commences, final details of boundary treatments, including design, materials and species where planting is proposed, shall be submitted to the local planning authority for final approval.

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

4. The replacement windows to be used in the development shall be white painted timber casements and shall remain as such unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of maintaining the character of the property.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

6. 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.

7. 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.

8. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 09/004/J/04 revision C dated November 2009, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling 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.

9. Before the access is brought into use, the land between the highway boundary and the vision splays indicated on drawing number 09/004/J/04 revision C dated November 2009 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway School Lane, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

10. Operations that involve the destruction and removal of buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the local planning authority, once they are satisfied that breeding birds will not be adversely affected.

Reason: To minimise the potential to directly or indirectly disturb nesting breeding birds.

11. The window serving the first floor landing to the north rear elevation shall be fixed and obscure glazed and shall remain as such thereafter unless otherwise agreed in writing with the local authority.

Reason: To protect the residential amenities of neighbouring properties and to avoid overlooking and loss of privacy.

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.

\* \* \* \* \*

Applicant	<b>Mrs Emma Wilson</b> Windygates, Casthorpe Road, Barrowby, Grantham, NG321DP
Agent	Mr Andrew Page Architectural Services 52A, Main Road, Long Bennington, Newark, NG23 5DJ
<b>Proposal</b>	<b>Two storey extension to dwellinghouse</b>
<b>Location</b>	<b>Windygates, Casthorpe Road, Barrowby, Grantham, NG321DP</b>
App Type	Householder Development
Parish(es)	Barrowby

## **REPORT**

### **Application Category**

This application is categorised as a minor application.

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

This application has been referred to the Development Control Committee as the applicant is related to an elected member of SKDC and a request has been received by an elected member for referral to the Committee for the following reasons:

1. Local Service Centre
2. Near edge of Conservation Area hidden by high hedge from road
3. New 5 bed development near
4. A site visit by the Committee is desirable.

### **The Proposal**

This is an application for the erection of a two storey extension to the western side of the dwelling. The extension has a maximum projection to the west of 8.36 metres, projects forward of the front wall of the dwelling by 3.81 metres and a maximum depth of 8.85 metres. It is proposed to use materials to match those on the existing dwelling.

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

The application site is a semi detached house, with previous additions to the rear, on the northern side of Casthorpe Road within the Barrowby Conservation Area. The site and surrounding area are level with a hedge identifying the southern boundary and a brick wall and fencing to the western site boundary.

## **Site History**

None.

## **Representations Received**

Barrowby Parish Council:

The Parish Council had no objections to this application and could only comment that it would be a big improvement to the overall view re. the street scene; as the present dwelling is rather a mismatch of building work that had been carried out in the past.

Lincolnshire County Council Highways: No objections.

Community Archaeologist: No affects on any known sites.

Conservation Officer:

The proposal relates to the construction of a large two storey extension to the front and western elevations of the dwelling which is located within Barrowby Conservation Area, designated in 1985. The building is located on the northern side of Casthorpe Road which is characterised by a low density of development. The 20th century buildings on the south side of the road to the west of the junction with Mill Row are excluded from the boundary as they do not contribute to the vernacular character of the conservation area.

The conservation area encompasses the historic core of the village and was designated on the basis of its attractive vernacular character, visually interesting and varied street pattern. The boundary along Casthorpe Road was determined by the abrupt transition from older to new properties. The dwelling is an attractive 19th century semi detached brick building with the west elevation partially built of ironstone, formerly a single cottage, located on the periphery of the boundary and forms an integral part of the conservation area's character. There have been a number of unsympathetic additions to the rear of the building but the front elevation has retained its original character. The dwelling forms a pair with the Posts House, which has been previously enlarged with a side extension that is relatively sympathetic to the character of the original dwelling.

It is considered that the proposal is unacceptable due to the negative impact upon the character of the host dwelling and of the conservation area, for the following reasons:

- It is considered that the proposed extension is excessive in size. It is not subservient to the main dwelling as it effectively doubles the existing width and therefore represents a significant enlargement.

- The significant forward projection of the extension from the front elevation of the dwelling would have a detrimental impact upon its character and that of the adjacent Posts House. The design and excessive bulk of the extension fails to reflect the proportions and design of the original 19th century façades. The pattern of fenestration detracts from the established regular pattern and relationship between void and solid in the original design which has been continued in the side extension to Post Houses.
- The extension would represent a visually intrusive addition to the street scene due to the excessive bulk and the forward projection of the established building line. Although the dwelling is currently partially obscured by a mature hedge, it is visible in eastern views along the street as the boundary of the conservation area is approached. The extension would obscure the view of the original dwelling and would therefore detract from the views into and within the boundary of the conservation area.

The design of the extension has taken its cue from later 20th century buildings on the south side of Casthorpe Road which are not included within the boundary of the conservation area. It fails to respect the traditional pattern of frontages and form which characterise the buildings within the boundary and therefore would have a harmful impact upon the character of the conservation area.

There is scope for a modest extension to the side of the dwelling without resorting to a forward projecting extension which would minimise the detrimental impacts on the character of the conservation area. However, in its current form, the proposal is considered to be contrary to the guidance outlined in PPG 15 as it fails to preserve or enhance the established special character of the conservation area.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement and no replies have been received.

### **Planning Considerations**

#### National Policy

Planning Policy Guidance 15 – Planning and the Historic Environment

#### Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment.

The visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. Development proposals should (amongst other matters);

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

Policy H6 – Residential Development.

In determining proposals for such development, consideration will be given to;

- ii) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.
- iv) The provision of satisfactory access.

### **Key Issues**

The key issues to be considered as part of the determination of this application relate to the following:

- Impact on the character and appearance of the Conservation Area
- Impact on the appearance of the dwelling
- Visual amenity of the street scene

### **Officer Evaluation**

The site is located in a prominent position within the Barrowby Conservation Area. The points raised by the Conservation Officer are accepted regarding the impact on the conservation Area, the dwelling itself and the visual impact the proposal has on the street scene. In the circumstances the proposal is considered to be unacceptable and is recommended for refusal.

### **Crime and Disorder Implications**

It is considered that the proposed development will not have any significant or detrimental 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.

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

1. In the opinion of the local planning authority it is considered that the proposed extension is excessive in size and is not subservient to the main dwelling as it effectively doubles the existing width and represents a significant enlargement.

The significant forward projection of the extension from the front elevation of the dwelling would have a detrimental impact upon its character and that of the adjacent Posts House. The design and excessive bulk of the extension fails to reflect the proportions and design of the original 19th century facades. The pattern of fenestration detracts from the established regular pattern and relationship between void and solid in the original design which has been continued in the side extension to Post House.

The extension would represent a visually intrusive addition to the street scene due to the excessive bulk and the forward projection of the established building line. Although the dwelling is currently partially obscured by a mature hedge, it is visible in eastern views along the street as the boundary of the conservation area is approached. The extension would obscure the view of the original dwelling and would therefore detract from the views into and within the boundary of the conservation area.

It is therefore considered to be contrary to Planning Policy Guidance Note 15 'Planning and the Historic Environment' and Saved Policies EN1 - Protection and Enhancement of the Environment and H6 - Residential Development of the South Kesteven Local Plan.

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Applicant	<b>Mr P Heard</b> High Dyke Lodge, Ermine Street, Ancaster, Grantham, NG32 3PL
Agent	Mr Darren Timms, Domestic Transformations 188, Harrowby Road, Grantham, NG319DX
Proposal	<b>Erection of dwelling and double garage with room above (amendment to S07/0984)</b>
Location	<b>R/o 165 Manthorpe Road, Grantham</b>
App Type	Full Planning Permission
Parish(es)	Grantham

**REPORT****Application Category**

This application is categorised as a minor application.

**Reason for Referral to Committee**

The application has been referred to the Development Control Committee as there has been significant local interest.

**The Proposal**

This is a full application for the erection of a detached four bedroomed property and detached garage.

**The application site and its surroundings**

The application site is located to the rear of detached houses fronting Manthorpe Road and is accessed via an existing drive between 163 and 165 that has close boarded fencing and a short section of wall identifying the access boundaries. The site to the rear has a maximum depth of 21 metres and a width of 40 metres. The north, east and south boundaries are identified by close boarded fencing with mature conifers along the western boundary, to the rear gardens of properties in Highcliffe Road.

**Site History**

S05/0427 – outline planning permission allowed on appeal for the erection of a dwelling and garage.

S07/0984 – reserved matters application approved for dwelling and garage.

The approved scheme was for a detached chalet style property with accommodation in the roofspace and a maximum ridge height of 7.1 metres, the detached double garage has a store room in the roofspace and a maximum ridge height of 6.1 metres. The property was centrally located on the plot with the garage in the north east corner.

### **Representations Received**

Community Archaeologist: No affects on any known sites.

Lincolnshire County Council: No objection subject to suitable parking and turning facilities and the provision of suitable waste collection facilities.

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

The application has been advertised in accordance with the adopted Statement of Community Involvement and at the time of writing this report seven replies had been received.

Any further responses received will be reported on the late papers or verbally at the meeting.

The points raised in the responses received so far can be summarised as follows:

1. Development will invade the privacy of neighbours.
2. Overdevelopment of the plot.
3. Property is out of keeping with other properties in Highcliffe or Manthorpe Roads.
4. Several trees have already been lost.
5. This will set a precedent.
6. Access out of keeping with other properties.
7. Will be a 'beacon eye-sore' due to the height and size and its central location on the site.
8. Increase noise and disturbance.
9. Possible affect on wildlife.

### **Planning Considerations**

#### **National Policy**

Planning Policy Statement 1: Delivering Sustainable Development.

PPS 3 – Housing.

East Midlands Regional Plan (adopted March 2009)

## Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment.

The visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. Development proposals should (amongst other matters);

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

Policy H6 – Residential Development.

In determining proposals for such development, consideration will be given to;

ii) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.

iv) The provision of satisfactory access.

## Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings.

## Officer Evaluation

This is a full application for the erection of one property with a detached garage. The maximum overall ridge height of the property and the garage are the same as that approved under the reserved matters application in 2007 and are both in the same position. The footprint of the property has increased slightly from the 2007 approval and there have been changes to fenestration and the addition of a dormer to the northern end of the roof slope and dormers to either side of the front projection. The internal layout has been altered to utilize the available space.

It is considered that given the proposed site layout, orientation and positioning of fenestration together with the separation distances between existing and the proposed property, the new dwelling will not have any significant impact on the amenities of neighbouring properties.

Having regard to the size of dwelling proposed together with the associated curtilage the proposal will not result in overdevelopment of the plot.

The Local Highway Authority has been consulted about the proposed development and

has raised no objection to the proposal subject to conditions relating to access and turning and waste collection facilities. It is therefore considered that the proposed development will not be detrimental to highway safety.

### **Crime and Disorder Implications**

It is considered that the proposed development will not have any significant or detrimental 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.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and the Saved Policies H6 (i) and (iii) and EN1 (iii) and (vi) of the South Kesteven Local Plan. The issues relating to impacts on residential and visual amenity are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be 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 development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development in accordance with Saved Policies EN1 and H6 of the South Kesteven Local Plan.

3. Before development is commenced on site all trees and hedging shown to be retained 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 the retained trees.

4. The driveway shall be constructed prior to development commencing on the dwelling hereby approved.

Reason: To prevent unnecessary damage to the retained trees.

5. No development approved by this permissions shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the local planning authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

6. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan and retained for that use thereafter.

Reason: To ensure safe access to the site and dwelling in the interests of residential amenity, convenience and safety, and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

7. All trees and hedging shown to be retained on the approved plan shall not be removed unless agreed in writing by the local planning authority.

8. Before development is commenced full details of waste collection facilities in accordance with the Department of Transport's 'Manual for Streets' shall be submitted to and approved in writing by the local planning authority. The agreed facilities shall be provided prior to the first occupation of the dwelling hereby approved and shall be retained at all times.

Reason: To ensure satisfactory waste collection facilities and in the interest of highway safety.

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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