

**Development Control Committee
6th July 2004**

AGENDA NO.

Applicant	Myertor Ltd 126, Strathmore Avenue, Luton, Beds
Agent	Triad Planning & Design Ltd The Old Dairy, Manor Farmhouse, Manor Road, Barton-le-Clay, Bedford, MK45 4NP
Proposal	Residential development
Location	R/o 21-43, North Parade, Grantham

Site Details	
Parish(es)	<p>Grantham A Class Road Radon Area - Protection required Railtrack (York) within 50m - RAIL1 Airfield Zone - No consultation required TPO affects site - TPO1 Drainage - Lincs</p>

REPORT

The Site and its Surroundings

The site is located immediately adjacent to the main East Coast railway line and is to the rear of properties along North Parade. Access is gained via Mount Street, which is a spur off the roundabout at the junction of Barrowby Road and Sankt Augustin Way. Mount Street currently directly serves 5 residential properties as well as rear accesses to a number of North Parade dwellings. Additionally a social club, a dance school and two garage blocks are also served off this road. Mount Street is only an adoptable highway for part of its length.

Site History

The site, or land immediately adjoining it, has had 3 previous planning applications made upon it that are directly relevant to this application.

- SK35/494/76 – Residential Development. Refused planning permission in June 1976 and subsequently dismissed on appeal in 1977.
- SK35/0528/87 – Erection of bungalow. Refused planning permission in 1987 and subsequently dismissed on appeal in April 1988.
- S02/0695/35 – Erection of 30 sheltered flats. This application was recommended for refusal of planning permission but was withdrawn by the applicant on the day of the Development Control and Licensing Committee of 7th October 2002.
- S02/1686/35 – Erection of 26 flats, 1 wardens flat and guest suite. The applicant appealed against the Council’s failure to make a decision within the prescribed time period and was decided by an Inspector appointed by the First Secretary of State. The Inspector dismissed the proposal in October 2003.

This last application is particularly relevant to the consideration of the current application. Following the appeal against non-determination this Council made a resolution to refuse planning permission, had it still been within the Council’s jurisdiction. The resolution to refuse was on two grounds:

1. Highway safety and the inadequacies of the access.

2. The scale and size of the development and the potential loss of amenity to adjoining residential properties.

The Inspector considered these points when determining this proposal and his report stated the following:

Description

The appeal site is located within Grantham, immediately adjacent to the main East Coast railway line, and to the rear of properties along North Parade. Access is gained via Mount Street, a spur off the roundabout at the junction of Barrowby Road and Sankt Augustin Way. At present Mount Street serves five dwellings as well as providing rear vehicular access to a number of dwellings on North Parade. In addition a social club, a dance school and blocks of garages are served.

The site is about 0.4 ha in area and consists of the dance school and the land around, including the car park, and former allotments and orchards. The development would provide 26 sheltered flats for less active elderly people, 1 warden flat, guests' suite and residents' lounge. The flats would be arranged in 3 blocks laid out in linear form and linked by two glazed corridors. The middle block would be three storeys high, whilst the two outer blocks would be three storeys with two-storey wings.

Character and Appearance

Some of this site is previously developed land. It is also located within the main built up area of Grantham, not far from the town centre, close to a wide range of services and facilities. Furthermore the existing building on the site is of little architectural merit. Consequently it is the sort of site favoured for housing development by both national and local planning policy. Notwithstanding this Policies H6 and EN1 of the South Kesteven Local Plan both emphasise the need to take account of local character. Paragraph 54 of Planning Policy Guidance Note 3: Housing backs this up by advising that in making more efficient use of land the quality of the environment should not be compromised.

I appreciate that there are sizeable buildings nearby, including the Kontak Social Club, three-storey dwellings along North Parade, and the Asda supermarket. I believe, however, that the proposed development would essentially be seen within the context provided by the modest sized dwellings, and small-scale outbuildings and garages, along Mount Street. The introduction of three substantial three-storey blocks here would, in my opinion, not be in keeping with these surroundings and appear incongruous. Furthermore the blocks would look cramped on this long narrow site and dominate the area to an unreasonable extent. I do not believe that the proposed elevational treatment, the limited space left around the blocks or landscaping would be effective in disguising the inappropriate scale of the proposal.

I conclude, therefore, on the first issue that the proposal would be detrimental to the character and appearance of the area. As such the proposed development is in conflict with the objectives of Policies H6 and EN1 of the South Kesteven Local Plan.

Living Conditions

There would be a substantial number of first and second floor windows in the flats facing towards the rear of the properties fronting onto North Parade. These include windows to lounges, kitchens and bedrooms. In my opinion there is sufficient distance between these windows and the rear elevations of the dwellings on North Parade to ensure that existing

levels of privacy inside these dwellings would not be affected. I consider, however, given the proximity of the windows in the flats to the eastern boundary, that the rear part of the gardens of the North Parade properties would be severely overlooked. As a result the privacy enjoyed by the occupiers of these properties would be substantially reduced. I am also of the view that the development would have an overbearing impact on the outlook from these rear garden areas.

I do not believe that the existing trees, shrubs, fencing, outbuildings and garages along the boundary would be effective in protecting privacy. In reaching this view I am mindful that most of the trees and shrubs are outside the application site, that many of the trees and shrubs are deciduous, and of the limited height of the fencing, outbuildings and garages compared to the proposed windows. I have taken into account the advice in government guidance on privacy, including *By Design: Better Place to Live*. Consequently I am aware of the need to apply external space standards flexibly and the emphasis on careful design. However I do not consider that a development that incorporates an extensive array of windows at first and second floor level close to the back gardens of neighbouring properties pays sufficient regard to privacy. I accept that the proposed development may reduce the amount of railway noise reaching some of the properties on North Parade and improve surveillance. In my view these considerations do not compensate for the loss of privacy that would result.

I conclude, therefore, on the second issue that the proposal would be detrimental to the privacy of the occupiers of nearby properties. In view of this the proposed development is contrary to the objectives of Policy H6 of the South Kesteven Local Plan.

Highway Safety

At present the dance school, when open for classes, generates a considerable amount of vehicular and pedestrian traffic during the evening peak and on Saturdays. This leads to traffic conflict and congestion on Mount Street. In comparison the proposed flats, given that they would be designed specifically for less active elderly people, would be likely to generate fewer movements, even taking into account delivery vehicles. This reduced level of traffic is likely to be spread throughout the day rather than concentrated at particular times. I consider that such reductions in traffic, coupled with a more even distribution through the day, would benefit highway safety on Mount Street and the surrounding network. Although the proposed development would increase traffic flows during the morning peak, and at certain other times, these additional flows are unlikely to cause problems because of their limited nature. In reaching the view that the proposal would be beneficial in terms of traffic generation I am also mindful that increased use of the dance school building, and the additional traffic that would bring, would not be subject to planning control. I also believe that the likely changes in the amount and distribution of traffic along Mount Street would benefit the amenity of those living on the street.

Both the Lincolnshire Design Guide for Residential Areas and Residential Roads and Footpaths Layout Considerations: Design Bulletin 32 indicate that shared surface roads with a width of 4.1m shall normally be acceptable to serve around 25 dwellings. In this particular case the number of trips generated by this sheltered housing scheme is likely to be far less than by ordinary dwellings. In the light of this I do not consider, having also taken account of the existing properties and garages along Mount Street, that access via a shared surface road here is unacceptable. The detailed survey prepared on behalf of the appellant indicates that it would be possible to provide a shared surface road of at least 4.1m in width. The scheme would also improve highway conditions by making provision for the proper surfacing of the unadopted section of Mount Street and for the turning of lorries.

In reaching these views on highway matters I am aware that the Highway Authority did not object to the scheme provided certain conditions were imposed.

I conclude, therefore, on the third issue that the proposal would benefit highway safety. As such the proposed development accords with the objectives of Policy H6 of the South Kesteven Local Plan.

Other Considerations

I consider that a number of the other difficulties associated with the development of this site have been successfully addressed by the appellant. These include noise from the railway line, the flora and fauna on the site and the provision of reasonable living conditions for future occupiers. Furthermore the provision of sheltered accommodation would be a welcome addition to the housing stock and provide some employment. However, although I have taken account of these matters, they do not override the significant problems that would arise if the development were allowed to proceed.

There is clearly a need for the provision of additional affordable housing in the District given the findings of the Council's Housing Needs Survey: Final Report 1999 and the Review (2002). However the proposed scheme makes no provision for an element of such housing. As Circular 06/98 Planning and Affordable Housing does not exclude special needs housing from the provision of an element of affordable housing this adds to my reservations about the scheme.

Conclusions

I have concluded that the proposal would benefit highway safety. In my judgement, however, this conclusion does not outweigh my other conclusions that the character and appearance of the area and the privacy of the occupiers of nearby properties would be detrimentally affected. Consequently there are compelling grounds for dismissing the appeal. None of the other matters raised outweigh the considerations that have led to my conclusions.

Formal Decision

For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss the appeal."

As can be seen from the above report the Inspector considered that the appeal should be considered on 3 grounds. He concluded that on the issues of character and appearance of the area and living conditions of the adjacent occupiers, the appeal should fail. However, he did not accept that the development would result in increased risks of highway safety, and to the contrary concluded that the situation would in fact be improved.

The Proposal

Outline planning permission is now sought for the erection of 20 flats on the site in 2 storey blocks. As originally submitted the applicants only wished for the principle of development to be determined, but following lengthy negotiations between the applicant and Officers of the Council, it has now been agreed that the Committee should also consider siting, design and external appearance at this stage.

The proposed scheme is set out in 5 blocks of 4 flats. Two pairs of these blocks are to be linked together by a communal entrance feature that allows for independent access to each unit. None of

the units have habitable rooms that face onto the railway line and together with the communal entrance detail help to achieve the necessary reduction in noise levels experienced on the site. Unlike the previous scheme the current proposal sites the properties obliquely to the boundaries of the properties along North Parade. This, together with the use of obscure glazing in many, not all, of the first floor windows is considered to adequately address the concerns expressed by the Inspector.

Access to the development, like before, is off Mount Street. The plans indicate that 20 car parking spaces are to be provided located in 3 bays close to each block of flats. The Local Highway Authority are still assessing the proposal and it is anticipated that their final comments will be received prior to the Committee meeting.

Policy Considerations

Whilst it is necessary to judge this proposal against all relevant development plan policies, it is considered that the key policy considerations for this application from the South Kesteven Local Plan are as follows:

Policy H6. Allows for windfall developments within the built up area subject to certain criteria including:

1. Impact on the form and character of the settlement.
2. Provision of a satisfactory access.

Policy EN1. The aims and objectives of this Policy are to ensure that the built (and countryside) environments are preserved and enhanced. Development proposals will be judged against set criteria, including:

1. Reflect the general character of the area through layout, siting, design and materials.
2. Be located where the highway system can adequately and safely accommodate the likely traffic generated.

PPG3 – Housing. PPG3 outlines the government's current initiatives regarding the provision of new housing. The drive thrust of the guidance centres on the need to make better use of land. Particular emphasis is placed upon under used urban land and how it can make an important contribution to providing development opportunities.

Statutory Consultations

Local Highway Authority: Comments awaited.

Community Archaeologist: Comments awaited.

Environment Agency: No objections.

Environmental Health Services: Comments awaited.

English Nature: Requests conditions to cover protected species.

Representations as a result of publicity

At the time of drafting this report 33 letters of representation had been received from interested parties (NB: some objectors have written more than one representation):

The following issues were raised:

- a) Existing scheme does address the Inspectors findings.
- b) Proposed flats are at odds with the prevailing architectural style of the area.
- c) Development resembles an office block rather than residential scheme.
- d) Blocks would look cramped on this long and narrow site.
- e) Loss of privacy of adjacent gardens from overlooking of first floor windows.
- f) Access to site is inadequate to serve proposed market housing.
- g) Twenty car parking spaces is insufficient.
- h) Inspector was wrong to conclude that the first scheme would improve highway safety.
- i) Loss of green open area in town.
- j) Detrimental impact of railway on future occupiers.
- k) Site is a haven for flora and fauna.
- l) Development constitutes a linear and sporadic form of development.
- m) Development will result in the loss of mature trees.
- n) Drainage problems.
- o) Inadequacies of existing highway network to cope with additional demand.
- p) Proposed building is too big and imposing.
- q) Loss of vehicular access to existing garages.

Planning Gain Requirements

The current scheme for 20 units falls below the threshold for affordable housing.

Applicant's Submissions

The site and its surroundings

The site is a strip of land situated between the main east-coast railway line and the rear gardens of properties fronting North Parade.

The distance from the main rear walls of the properties fronting North Parade to the boundary of the current application site (not the building line) varies between 57 to 88 metres.

In some of the rear gardens of the North Parade properties immediately abutting the application site garages and outbuildings have been constructed.

There are approximately 12 semi-mature trees of varying species immediately abutting the application site boundary but within the control of other parties.

On the western side of the site immediately abutting the railway line are located two large horse chestnut trees.

To the south of the application site is a large two storey dwelling known as Cumbraes and the proposed access to Mount Street which also gives access to a social club, three terraced houses and several garages.

The properties on one side of North Parade are predominantly three storeys and almost all three storeys on the other side of North Parade.

There are no properties to the north of the proposed building, only vacant land within the applicant's control.

1.0 The illustrated design

The illustrated design scheme has been completely redesigned, reflecting both the site constraints, and recent appeal decision.

- The illustrative design reflects a total of 20 number flats standard occupancy.
- The illustrative design is two storeys only.
- The main blocks of the proposed development are separated by open fronted glazed links, which provide vertical circulation and improves amenities for the proposed residents.
- In our view the development effectively rounds off the current pattern of development.
- The proposed development is situated on the widest part of the application site, "turning its back" on the railway to form an acoustic shield.
- Substantial distances are proposed between all the existing surrounding development and the new buildings and the aspect is now oblique.
- The design of the buildings has been derived from a detailed examination of surrounding buildings, a previous planning report to committee, your previous submission to the Planning Inspectorate and the Planning Inspectorate's appeal decision.

In terms of footprint dimensions, the terrace of three properties in Mount Street measures some 12 metres x 8.5 metres as a block plus substantial rear annexes. Cumbraes measures some 14 metres x 7 metres and number 6 Mount Street measures 9 metres x 8 metres. The North Parade properties vary in the footprint dimensions numbers 21 to 31 are approximately 14.8 metres x 14 metres, number 33 is some 12 metres x 11 metres and numbers 35 to 41 are some 12.6 metres x 8.5 metres plus rear annexes. All of the above properties effectively surround the proposed development.

As regards character:

- The design proposal illustrates blocks of buildings some linked with walkways. The primary dimension of the largest blocks is some 8.5 metres x 10.5 metres with annexes. This is eminently comparable to both the properties in Mount Street and substantially less than those in North Parade, which is therefore in accord with the Inspector's comments.
- Due to the substantial setback of the link corridors the blocks of buildings will appear isolated rather than continuous thus reflecting similar dimensions of properties to those already adjacent to and surrounding the site.
- Whilst a substantial proportion of the surrounding development is three storey, the Inspector and indeed in your own report clearly indicated that three storey is unacceptable in this location, the design proposal is two storey! Which accords with earlier advice given by your authority.
- The properties along Mount Street are a mixture of Victorian, Georgian, 1930's and 1960's style. The predominant style within the greater area (Mount Street) is either Georgian or Victorian, with a marked content of 1930's styles. The design proposal illustrates a modern form of accommodation, which reflects and respects the size of properties but incorporates detailing similar to that of surrounding properties. It is not our intention to ape or emulate the existing surrounding buildings but to provide a design solution that complements those buildings.

2.0 Amenity considerations

The nearest building of the illustrated design (block 1) is located over 23 metres from the flank wall of Cumbraes. This boundary already has the benefit of a substantial conifer hedge in excess of 6 metres high. It is proposed that further landscape planting in the form of both ornamental and indigenous trees supplement the existing screening in this location. It is also proposed that block 1 will be set at an oblique angle to the garden of Cumbraes which will minimise overlooking.

The main railway line is located immediately to the west of the proposed development, two substantial horse chestnut trees in excess of 23 metres high exist along this boundary. It is intended to plant further trees and bushes along the embankment boundary with the application site.

The separation between the rear of the properties in North Parade and the proposed development varies between 65 metres (measured from the eastern most point of block 3 to the nearest two storey section of number 41 North Parade) and over 89 metres (measured from the north eastern corner of block 1 to the rear wall of number 29 North Parade). Notwithstanding both the separation distance and the extant landscaping within the rear gardens immediately abutting the application site it is proposed to provide supplementary landscaping planting where possible. The illustrated design proposes that the blocks be set at an oblique angle to these properties and indicates that a substantial proportion of all windows at first floor level have obscure glazing, indeed there is no reason why the same windows could not be fixed panes.

As regards the amenities of the proposed occupants substantial space exists within the two courtyards and in the communal areas of the central block for the occupants with further open areas being immediately adjacent to blocks.

The previous application inspector's report was concerned at the extensive array of windows at first and second floor level. The second floor level no longer exists and a substantial proportion of the windows at first floor level can now be both obscure and fixed due to the proposed design. Moreover the proposed layouts enable the majority of first floor windows that serve habitable rooms to face away from the properties in North Parade and of course the views are no longer straight into the gardens but oblique, a material consideration.

3.0 Access to the site

Access to the site is proposed from Mount Street, which joins Barrowby Road via a large roundabout with adequate capacity for the illustrated development. Car parking is provided in accordance with approved standards.

4.0 Landscaping issues

Notwithstanding previous comments concerning the existing and proposed landscaping it has been acknowledged by both Dr Frank Hope and the local planning authority Arboriculturalist that a linear development of this form will not result in pressure to remove the existing trees or excessive pruning.

5.0 Impact on surrounding development

The height, depth, width and siting of the proposed buildings in relation to the surrounding development will not result in an overbearing appearance.

In respect of the detailed design the height and scale of the development is limited to two storeys. This accords with your recommendations in your report to committee "the overlooking problems could be resolved by a reduction in height and scale", "deferred pending a reduction in scale and number of units", "limited to two storeys then such a situation would be less likely to exist". The former application proposed 2075m² gross internal floor area the illustrative proposal provides 1024m², more than a 50% reduction.

The inspector's decision stated that the proposed development should reflect the local character and would essentially be seen within the context provided by the modest sized dwellings and smaller size outbuildings and garages along Mount Street. The inspector continued that the blocks would look cramped along this long and narrow site and dominate the area to an unreasonable extent. He concluded that he did not believe the proposed elevational treatment, limited space around the blocks or proposed landscaping would be sufficient to disguise the inappropriate scale of the proposal. The inspector also concluded that due to the proximity of the proposed development to the eastern (rear) boundary of the gardens at North Parade would be reduced. He further commented that due to the scale of the development the overbearing impact on views from the rear gardens would be unacceptable.

6.0 Policy Implication

In terms of policy, the total number of dwellings proposed is now 20 which is less than the trigger threshold which requires social housing, Policy H8 is therefore no longer applicable.

Policy H9 dictates that new housing development should be of a reasonable mix and balance and house types to cater for a range of housing needs, both one and two bedroom accommodation is proposed. Policy EN1 dictates that the scheme should have appropriate landscaping and tree illustrative planting and retain any important existing trees and hedgerows.

The current proposal reflects this albeit the small clump of non-indigenous self-set Sycamores are to be removed. The new planting proposed will more than offset the limited amenity that these trees provide. There is now substantially more landscaping and more area around the blocks than the former scheme, which we consider more than adequate to mitigate any perceived impact that the development may have.

The illustrative proposal does not intrude into the setting of important buildings, does not intervene with important landscapes or prominent views. It also achieves an improvement to currently derelict and underused land and is located in an area immediately adjacent to main thoroughfares, all of which comply with Policy EN1.

Policy H6 indicates that permission will normally be given for small groups of dwellings, individual dwellings etc, the development is effectively for a small group of buildings comprising individual buildings forming flats of a suburban design within the existing suburban/urban context.

In evaluating proposals against Policy H6 the five main considerations are:

- Impact on form, character and setting on the community and local environment.
- Availability of services.
- Satisfactory access.
- Protection of important local spaces.
- Sporadic/linear development.

The current proposal reduces the former design scale in terms of height, width, predominance of windows and sets the proposed buildings at an angle, as acknowledged in the previous planning report a design incorporating two storey buildings minimising overlooking would be appropriate in this location.

All main services are available, satisfactory access can be provided, there are no important open spaces to be protected and the development does not provide sporadic or linear development it is a natural infill.

7.0 Conclusion

In our view the current design accords in all respects with the patten and design of the surrounding development and specifically accords with both local plan policies and national planning policy guidance notes. We hope that the illustrative design demonstrates that this form of development can be accommodated on this site and hope you are able to support the application.”

Conclusions

In principle it is considered that this is an acceptable site for the form of residential development now proposed. In your deliberations it is necessary for you to take account of the following matters.

As previously described the Inspectors decision relating to the last scheme on this site is material to determination of this application and should be ascribed significant weight. The issues that the Inspector dismissed the previous appeal on have now been largely overcome. Concerns have been raised by many of the objectors over the potential for overlooking from the development on adjacent residential dwellings and gardens. It is not considered that the properties along North Parade will be overlooked to a detrimental degree by this proposal. It is accepted that the close proximity of adjacent properties will result in a degree of overlooking. However, it should be noted that the developer is proposing to obscure glaze the majority of the first floor windows and with the oblique angle of the buildings, it is not considered that a refusal of planning permission can be sustained on this particular ground.

The issue of highway safety has once again proved to be a major issue amongst the objectors to this scheme. It must be acknowledged that the Inspector concluded that highway safety would be improved by the previous scheme and as such agreed with the applicants that this element of the proposal was unobjectionable. The current scheme is similar to the previous one, in that it provides residential flats, but rather than be for sheltered accommodation, the current proposal is for normal market dwellings. Therefore it is likely that this scheme will generate more vehicular movements than the sheltered scheme. The Local Highway Authority are currently assessing the submitted information and a formal response is likely prior to the Committee meeting.

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs, the means of access and the landscaping of the site.
3. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
4. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.
5. Development shall not be begun until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority.
6. Prior to site clearance operations beginning, a re-survey of badger activity shall be undertaken by a suitably qualified and experienced individual. No development shall take place until the applicant has secured appropriate mitigation measures for badgers which have been submitted to and approved by the local planning authority.
7. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether

the site is occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.

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

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only.
3. The application was submitted in outline and no such details have been submitted.
4. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.
5. To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety.
6. To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on the site.
7. To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on the site.

Note(s) to Applicant

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

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Applicant	Mr & Mrs F Whiten 4, Wendover Close, Rippingale, Bourne, PE100TQ
Agent	R Coutts Peregrine House, 4, Bertie Close, Swinstead, Grantham, NG334PW
Proposal	Bungalow
Location	4, Wendover Close, Rippingale

<u>Site Details</u>	
Parish(es)	Rippingale Unclassified road Area of special control for adverts Drainage - Lincs

REPORT**The Site and its Surroundings**

The site of this application is located in a cul-de-sac development at the west end of the village. It presently forms part of the garden of the adjacent bungalow 4 Wendover Close. High leylandii hedges form the boundaries with neighbouring properties, reducing any loss of amenity for the occupants of these adjacent dwellings. A low wall and hedge form the roadside boundary.

The Proposal

The application proposes a small bungalow with an integral garage. The dwelling would be constructed in red brick and Norfolk pantiles.

Policy Considerations

Policy EN1 – Protection and Enhancement of the Environment.

Policy H6 – Residential Development.

Statutory Consultations

Local Highway Authority: No observations.

Community Archaeologist: No observations.

Property Services: Request drainage details.

Parish Council:

1. Object to application.
2. Would be to detriment of layout of Close. Will unbalance spacious setting of properties.
3. Too close to neighbouring property.
4. Set precedent. Endanger an important rural/spacious area of village.

Rippingale Village Design Committee:

1. The Close has matured and is an attractive rural development.
2. Proposal would destroy layout and character of Close. Not conform to Local Plan Policy H6.
3. Loss of majority of garden and close to No. 2.
4. Detrimental to visual amenity. Contrary to EN1.
5. Similar to application at 2 Middle Street, dismissed on appeal, contrary to EN1 and H6.

Representations as a result of publicity

The application has been advertised in accordance with established procedures with the date for representations being 5th March 2004.

Applicants Submissions

“The attached application seeks consent to build an additional bungalow on part of the existing site of No. 4 Wendover Close, Rippingale, owned by Mr & Mrs F Whiten.

Mr & Mrs Whiten have decided that, having reached an age when a large garden is becoming a liability, they are seeking to utilise the right hand (South) side of the garden as a site for a bungalow, which will be occupied by friends – Mr & Mrs R Coutts, who have prepared the attached scheme and drawings.

Wendover Close is a pleasant cul-de-sac on the edge of Rippingale village, with a fairly high density of existing bungalows to the north end of the cul-de-sac, with three bungalows of varying size on the east side of the road. A large new conservatory to No. 6 ‘closes’ much of the space between Nos. 4 and 6, whilst the proposed bungalow would have a similar effect on the existing space between Nos. 2 and 4 producing a fairly balanced street scene.

The suggested design of bungalow, based on similar properties in the area, is only in sketch form and obviously open to discussion and amendment with the Planning Officer for the area.

Materials for walls and roof cladding would be matched to adjoining properties, and much of the existing garden shrubs, trees and plants can be retained. The proposed garage utilises the existing entry and dropped kerb.

We trust our proposals will be looked on with favour by the Planning Committee – direct neighbours have been approached and have no objections.”

Summary of Reason(s) for Approval

The application proposes the erection of a small bungalow in the grounds of an existing bungalow, 4 Wendover Close. The style and design of the new dwelling would relate acceptably to adjacent properties and make good use of land for housing purposes and be in accordance with the provisions of Policies EN1 and H6 of the South Kesteven Local Plan.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. This consent relates to the application as amended by amended plans received on 26th April 2004.
4. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity.
3. For the avoidance of doubt.
4. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

This application was deferred at the last meeting for consideration to be given to the submission of amended plans.

Amended plans have now been received. The scheme now submitted proposes a chalet style property, occupying a much smaller footprint than the original proposal.

The proposed dwelling would be set in 3.0 metres from the southern boundary and 2.5 metres from the northern boundary, giving a much greater air of space around the dwelling than that of the previous rather cramped scheme.

The ground levels of the site would be lowered in line with the levels at the southern end of the site to give a ridge height for the new dwelling slightly higher than 4 Wendover Close, but of a similar height to that of the bungalow to the south.

The scheme as now revised is considered to be acceptable in scale and design relating satisfactorily with adjacent development and being in keeping with character of the area.

This application was deferred at the meeting on 18th May 2004 for clarification of the submitted plans.

Revised plans have been received which show the proposed dwelling in relation to the properties on either side. These plans show the proposed chalet bungalow as being 500mm higher than the adjacent bungalow to the north.

The applicant has provided the following additional information in respect of the revisions:

“Further to our recent discussion on the question of levels on the above site, we have had a survey of site levels carried out by Clifford Hirst/Roy Roberts F Inst CES.

This survey confirms the levels shown on my Drawing No. 626/6 – if we excavate the top level of the north end of the site to pavement level, we would provide a reduction of 590mm – with the area of the house reduced by a further 100-103mm we can ‘lower’ the chalet bungalow by 700mm.

Although the proposed building would be, by about 500, slightly higher than the adjoining bungalow it will be considerably lower than the conventional two storey house directly opposite it in Wendover Close, which has a gable of around 8000 high.

The revised design of chalet bungalow would have a ‘footprint’ some 32% less than the original bungalow design (Drawing 626/4a). The chalet design suggested by you would give a similar floor area – but with much more space to each side. Materials for the walls and roof would be similar and type to No. 4.

The garage has been separated from the house and moved to the rear SE corner of the site, to increase the feeling of space around the chalet bungalow and utilising the existing dropped curb and access.

Many of the mature shrubs and plants will be removed by a garden specialist, who will hold them over and replant on completion of building work to compliment the new layout.”

The amended plans have been advertised in accordance with established procedures with the date for representations expiring on 22nd June 2004. Representations have been received from interested parties.

The following points have been raised:

1. Totally inappropriate to immediate neighbourhood and village.
2. It is a 2 storey chalet dwelling.
3. Contrary to design of Close re roof lines, spacing between properties and no property dominating another.
4. Proposal will fill one garden and leave minimal space between the 3 properties. Significantly higher than No 2, will dominate it. Also higher than No. 4.
5. Outline planning permission was for a bungalow. Planning Department said this would take too much land to be acceptable. Proposal to get around problem by increasing height will adversely affect every property.

6. Insufficient room for new property so should be rejected.
7. Both Parish Council and Village Design Committee have objected. Approval would ignore 2 village groups.
8. Likely increase in flooding.
9. Drawings misrepresent the ridge height of proposal in relation to Nos. 2 and 4, which masks the effect that the proposal would have on No. 2.
10. If site levels to be lowered the ground floor will be below pavement level, and because of slope between front and back of plot the level change at boundary hedge with No. 8 will be even greater. Therefore the dwelling will sit in a pit.

Rippingale Village Design Committee:

“Thank you for your letter of 5 May 2004 enclosing a copy of the above amendment and Mr Edwards’ subsequent e-mail of 11 May 2004 agreeing with our findings regarding that version of the amended plan and advising us not to respond.

The Village Design Committee and the Parish Council have already made objection to this application in its original form, i.e. a bungalow to this application number, and is of the opinion that the amendment is even more unsuitable than that originally proposed. We make our further objection on the principles of planning grounds and to complain of the manner in which the matter has been reported by the Land Use and Planning Department.

Agenda errors

Agenda item 8 of the SKDC Development Control committee minutes of the meeting held on 18 May, 2004 approves the erection of this dwelling. Initially we must draw your attention to the description of the site and surroundings in that agenda and point out that of the high leylandii hedges mentioned, only one (on the eastern boundary) will exist. The hedge on the southern boundary is not specified as being totally retained and a substantial part of it will obviously be removed during any construction work. Therefore, loss of amenity will occur, contrary to the statement in this agenda.

There is also an inaccurate statement by the SKDC with regard to ridge heights. Whilst the ridge height for the proposed chalet bungalow will be 50cm higher than that of No. 4, it will be substantially higher than the ridge of No. 2 by as much as 2 metres. By no means can it be claimed that it is of similar height to No. 2.

We are concerned to see that your Summary of Reasons for Approval are confined solely to the quotation of relevant Local Plan policy numbers, but without any reasoned qualification or justification that those policies are relevant to this location and the amended application. We do not consider that the information given in this appendix is sufficient for the Development Control Committee to understand the grounds for this decision and in addition is not a proper record for the public domain.

Local Plan Policies EN1 and H6

Whilst both of these policies allow for residential development within an existing built up area, they are particularly emphatic that the impact of the proposed development on the existing layout, siting, and character of the area should be considered in determining the proposal and that development should be without detriment to the locality.

These policies also state that it is desirable that sympathetic infill may be appropriate, but that it should not be assumed that planning consent will be granted. In this instance, the garden and breaks between buildings make an important contribution to the character and appearance of this Close.

It is regrettable that your appendix chooses to totally ignore these conditions.

Planning Guidance

Recent guidance has been given by the government which implies that ordinary domestic gardens are “brownfield sites” on the grounds that they are “previously developed ground”. Mr Neil Sinden, Director of Policy at CPRE, comments that “The Government is not encouraging District Councils to allow the development of gardens. It is just one small element of planning guidance and a misunderstanding of how it should be applied”.

If the Council’s decision to approve the Wendover Close application is on these grounds, then we consider that the Council should seek to clarify the Planning Guidance with the Government before making any binding decision and advise the Rippingale Design Committee of any such clarification for future planning reference.

Wendover Close

With reference to the applicant’s amended plan, it can clearly be seen that the proposal does not conform to the existing layout and siting of the other properties in Wendover Close. It will be cramped into a site that does not conform to the spacious layout of the other dwellings in the Close and therefore will not retain the character and appearance of this location as recommended in both Policy EN1 and H6.

By virtue of the layout of this Close, the majority of the garden of No. 4 is located to the side of the bungalow, not only is it the garden, which is normally found at the back of a dwelling, but it is also a break between buildings. This satisfies at least three of the Local Plan requirements which seek to preserve the character and appearance of the area.

Whilst the site has been the subject of a visit by Development Control committee members, we consider that they have failed to assimilate and apply these principles of the Local Plan. Also, they have made no reference or indication to those principles contained in the Village Design Statement. The simple statement of Local Plan Policies in the agenda do not address the requirements of those policies for the preservation of the form, character and setting of the local environment.

RIPPINGALE VILLAGE DESIGN STATEMENT

The Village Design Statement, which has been accepted by the District Council as Supplementary Planning Guidance, has certainly not been mentioned or featured in the deliberations recorded in Agenda No. 8 relative to this amended application. Our experience and localised knowledge contained in that document have obviously not been taken into account in the Council’s recommendation to approve this new dwelling.

Our recommendations in the Village Design Statement are based upon Local Plan policies H6 and EN1, and have been accepted by the SKDC. They call for various factors to be observed when residential development is proposed in the village, namely:-

1. **To protect and enhance those aspects of the village that create its particular character.** Page 1 para 1.
2. **There are long views from many areas of the village giving an open feel which is highly valued by the residents.** "Geographical Features". Page 3 para 1.
3. **The general appearance of the village is one of spaciousness, as houses are well separated by large gardens.** "Open and connecting spaces". Page 10.
4. **It is essential that in-fill developments and extensions to existing properties maintain gaps which provide views out of the village ... and ... ensure that existing open spaces are retained.** "Settlement Guidelines". Page 11.

Conclusion

In view of the discrepancies between the Local Plan policies, the recommendation in Appendix 8 and the Village Design Statement, we feel that the Council has failed to address the matter of development related to the requirement of preserving the character and layout of the area. Also, that the Rippingale Design Statement has not been accorded the proper expression of our objection and objectives in our capacity as a part of Supplementary Planning Guidance to the Development Control committee. Clearly the SKDC's proposal is not supported in detail to justify the approval of this unwarranted intrusion into the character of Wendover Close.

We consider that the SKDC have given undue precedence to the applicant and have submitted flawed reports in favour of the applicant. They have also failed to state the full provisions of the Local Plan policies upon which their Reasons for Approval are based. The applicant's reasons for making his proposal have been stated in full in the agenda. We wish to be accorded the same opportunity in having this representation, in full, presented to the Planning Panel and the Land Use and Planning committee so that the over simplification of our objection does not occur again."

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NR.2 **S04/0629/21**

Registration Date: 29-Apr-2004

Applicant	Mr A Goddard 22, Chapel Lane, Claypole, Newark, NG235BB
Agent	
Proposal	Erection of garage/workshop
Location	22, Chapel Lane, Claypole

<u>Site Details</u> Parish(es)	Claypole Unclassified road Area of special control for adverts TPO adjoins site - TPO2 Drainage - Lincs
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REPORT

The Site and its Surroundings

The site is located to the north end of Chapel Lane, some 15m to the south of the junction with Welfen Lane. Thorn Cottage is a residential property with a substantial rear garden, the dwelling itself being located to the highway edge.

To the north of the site is Rowan Cottage, which is a residential property between a garage/workshop and an existing joinery workshop. The land to the east of the site has outline consent for the erection of a dwelling and is currently occupied by a garage structure. To the south and west of the site are residential properties.

There are 2 trees which are covered by a Tree Preservation Order adjacent to the site's north-east and south-east corners.

Site History

Planning permission was refused on 23rd June 2003 for the provision of a workshop building within the garden to the property (S03/0434/21). The refusal was specific to the siting, design, size and materials for the proposed unit as, at that time, a building of industrial appearance/proportions was applied for.

The Proposal

The current proposal still seeks consent for a garage and workshop within the garden area to the property but the building is now of domestic proportions (basically a large garage) and will measure 15m by 7.6m with a ridge height of exactly 4m. It must be noted that as the building is no higher than 4m and would be sited more than 5m from the nearest part of the dwelling, if it was to be used solely as a domestic garage/store then it would not need planning permission.

The application is required as the applicant intends on using the building for his business use in vintage engine repairs (tractors, cars and boats). The provision of a new building on the site to 'house' the business will mean that suitable levels of sound insulation will be required. The comments of Environmental Health have been sought but, on the previous application, conditions were sought regarding machinery operating times and noise levels at the site boundary.

The applicant has agreed that the road/house facing elevation of the building will be formed in red facing bricks to match the dwelling, with timber cladding above, with the remaining walls finished in a render (colour to be agreed).

It is considered that, as there are numerous business uses within the area and the provision of a small 'home-based' business is entirely sustainable within a rural community, the proposal would be acceptable subject to the imposition of suitable conditions.

Policy Considerations

EN1 – Protection and Enhancement of the Environment. The proposed development would accord with this policy, as the proposed structure would reflect the general character of the area through layout, siting, design and materials.

E13 – Employment Development in Residential Areas. The proposal would accord with this policy as, by condition, the proposal would be environmentally acceptable, would generate high levels of traffic and would not unduly impact on the residential environment.

Statutory Consultations

Parish Council:

“There has been a previous application on this site reference S03/0434/21. The application states that this is for domestic use. If this is the case the Parish Council considers that the size of the building is inappropriate for such an arrangement. It is concerned about environmental issues such as waste, drainage and noise especially as this is a residential area. It has to be noted that when Tyremart (Agricultural) decided to sell their premises which are located at the top of Chapel Lane a condition was placed that they had to relinquish the commercial title and revert back to the site being sold for residential development.

The Parish Council feels that this is in reality a commercial enterprise and in this case the issues of noise, waste etc are going to be even worse than if for a ‘domestic’ use. There would also be the problem of access/egress to the site and Barnby Lane is particularly narrow and visibility poor when turning on to the Main Street. It feels strongly that this type of activity is not in keeping with the area and should be restricted.”

Local Highway Authority: Requests 2 conditions.

Community Archaeologist: No objections.

Environment Agency: No objections.

Environmental Health: Comments awaited.

Representations as a result of publicity

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

The following issues were raised:

- a) Narrow lane cannot serve industrial traffic.
- b) Out of character with the area.
- c) Impact on landscaping and protected trees.
- d) Possible damage to adjacent property.

Planning Panel Comments

9th June 2004 – Acceptance to the proposal but wished the Committee to consider the proposal based on the comments made by the Parish Council.

Applicant's Submissions

“I also note from my 1st application that the Highways and the Environmental Health Services both supported my planning application with some conditions attached.

The main reason for my planning being refused was because of the size, design and materials used and not in keeping. I have addressed these issues with the revised plans and the structure. The height has been reduced down to 4 metres from ridge height to ground level, and the floor area has been reduced, both of which are within, and meet the scope and criteria of a permitted development. (Not exceeding more than 50% of the total area of land and no more than 4 metres in height to the ridge). The materials are no more than that of a domestic concrete pre-fabricated garage with a chippings/spar finish. The boarding around the eaves and gable ends will give it an unobtrusive stable look. (Please refer to the leaflets supplied). The positioning has been kept near to the corner, in line with the existing joinery workshop belonging to Rowland Cottage. Although not in full time use at present, I'm totally aware and fully understand that it could be re-used as a full time joinery works without any prior notice or permissions required at any time, as this was/is its established used.

I hope that with the revised plans and various meetings that I have had, this now meets the requirements needed for planning approval.”

Summary of Reason(s) for Approval

The proposal involves the provision of a garage/workshop building within the garden area of 22 Chapel Lane to provide premises for the applicants business. The proposal will, subject to the conditions imposed on the Decision Notice, have no adverse effects and, in consequence, will be in accordance with Policies EN1 and E13 of the South Kesteven Local Plan.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
3. The area shown on the plan accompanying the application reserved for the parking of vehicles shall be used or be available for vehicle parking at all times when the premises are in use.
4. Before the vehicular access is commenced to be used the access and turning facility shall be provided on site in accordance with the approved plans.
5. No powered tools and machinery shall be operated on the premises before 0800 on weekdays and 0800 on Saturdays nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.
6. Noise from operations conducted on the premises shall not exceed 5dB(A) above the background level measured at the boundary of the site which adjoins a residential property.
7. This permission shall enure for the benefit of the present applicant, Mr A Goddard, only.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity.
3. The local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road.
4. The local Highway Authority so requests to enable vehicles to enter and leave the highway in forward gear in the interests of road safety.
5. To ensure that the proposal does not adversely affect the amenities of the residents in the area by reason of excessive noise.
6. To ensure that the proposal does not adversely affect the amenities of the residents in the area by reason of excessive noise.
7. Permission has been granted because of the special circumstances attached to the application. The District Planning Authority wish to be in a position to assess the effect which a change of occupier would have on the continued operation of the use.

* * * * *

NR.3 S04/0815/02

Registration Date: 01-Jun-2004

Applicant	Director of Highways & Planning, Lincolnshire County Council City Hall, Beaumont Fee, Lincoln, LN1 1DN
Agent	
Proposal	Construction of highways winter maintenance facility
Location	Maddocks Park, Willoughby Road, Ancaster

<u>Site Details</u> Parish(es)	Ancaster A Class Road Radon Area - Protection required Minerals Consultation Area - MC1 Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs
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REPORT

The Site and its Surroundings

The site is located on a Greenfield site south of the A153 at Ancaster. Immediately to the east of the site is Ant House Farm and a firm using a large factory unit (approximately 3700 sq. metres) for the use of metal fabrications. The south and west views see open countryside.

Site History

SK.97/0263 – Refusal of planning permission for development of the site without complying with conditions 2, 3 and 6 of planning application no. SK.94/0994 (adjacent site) on behalf of Ken Wootton Trailers Ltd.

SK.97/0551 – Approval for mounding and extension to storage area on behalf of Ken Wootton Trailers Ltd.

SK.1012 – Approval for access to site.

The Proposal

This application is for County Deemed Consent and the opinion of the District Council is sought. Planning permission is sought for a winter maintenance facility (WMD). The proposed depot is proposed to be located at Ancaster to optimise access to major gritting routes throughout this part of the county. This will involve the erection of a large salt dome measuring some 13.8 metres high and a little over 30 metres in diameter. The materials for this dome are to be plywood timber in a forest green colour. The proposal also includes a large garage to house vehicles used in salt dispersion. This will measure 34.2 metres by 12.3 metres totalling 420.66 square metres in floor area. The materials for this are metallic silver or Alaska grey steelwork. It is understood that lighting, boundary treatments (fencing) and landscaping will be conditioned with approval.

As stated in the previous section of this report, planning permission already exists for the creation of a new vehicular access off Willoughby Road to serve the existing factory facility. This current proposal aims at utilising this access point.

Policy Considerations

South Kesteven Local Plan

Policy E6. Policy E6 allows for planning permission to be granted in rural areas for small scale industrial and business development subject to certain criteria including:

1. Impact on the character and setting of the village.
2. Visual impact and highway implications of the proposed development.

Policy EN1. The aims and objectives of this Policy are to ensure that the built (and countryside) environments are preserved and enhanced. Development proposals will be judged against set criteria, including:

1. Reflect the general character of the area through layout, siting, design and materials.
2. Be located where the highway system can adequately and safely accommodate the likely traffic generated.

Applicant's Submissions

The applicants have submitted a lengthy supporting statement. The overview of that statement is as follows:

“The proposed WMD should pose a significant improvement to the problem of leachate contamination from salt storage, and improve the quality of service which Lincolnshire County Council can provide.

The containment of contamination, primarily through design and secondly through “best-practice” management, will not pose a threat to any existing habitats. The ability to undertake monitoring will also ensure that any risk is identified and dealt with, long before it becomes a greater environmental issue.

A number of Local Authorities, including Norfolk County Council, and most recently Falkirk Council, in Scotland have completed new salt storage facilities, incorporating Environment Agency/SEPA approved designs to our specification.

It is planned that these new facilities will contribute to environmental protection, in departure to the old methods, providing a cost effective and responsible solution to growing highways use and safer road conditions.”

Conclusions

The development proposed is quite unique in that it serves a substantial part of the County. Whilst it is accepted that the site is located on the edge of this part of the settlement, it is considered that the lowering of the ground levels and the introduction of additional landscaping will result in an acceptable form of development. The proposal is largely development plan compliant and is unlikely to result in any significant environmental harm.

RECOMMENDATION: That this Council raises no objections subject to the imposition of appropriate conditions regarding lighting, boundary treatments and landscaping.

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Applicant	Mr J Galbraith 6, Peachum Road, Blackheath, London, SE3 7PJ
Agent	Mr Peter Wilmot, The Wilmot Partnership The Old Stables, High Street, Morcott, Oakham, Leics, LE15 9DN
Proposal	Demolition of existing dwelling and erection of terrace of 8 dwellings and 1 detached house
Location	Hazel Grove, Emlyns Street, Stamford

Site Details	
Parish(es)	Stamford Unclassified road Demolition of any building Radon Area - Protection required Airfield Zone - No consultation required TPO affects site - TPO1 Drainage - Welland and Nene

REPORT

The Site and its Surroundings

This application concerns a 0.2 ha site on the eastern side of Emlyn's Street, just north of the junction with New Cross Road.

At present there is a single dwelling on the site that dates from the 1970's that is structurally unsound. Several trees within the site are protected by a Preservation Order, as are others in the highway verge on the Emlyn's Street frontage.

Mature hedging defines the western, southern and eastern boundaries of the site.

Access to the existing dwelling is from a private drive off the Emlyn's Street/Conduit Road, directly opposite the junction with New Cross Road.

To the north of the site are three modern detached houses fronting Drift Road. To the south, beyond the private drive, detached properties fronting Conduit Road. To the east are the recently constructed houses of Northfields Court, a tennis club and the playing fields of Stamford School.

On the opposite side of Emlyn's Street are older, mainly terraced properties fronting New Cross Road and Prince's Road.

The Proposal

Outline planning permission is once again being sought for demolition of the existing dwelling and, this time, its replacement with a terrace of eight houses on the frontage to Emlyn's Street and a single, detached dwelling at the rear.

Although an outline application, the applicant has requested that the matters of siting and means of access be considered at this stage.

The main difference between this application and that refused in April (S04/0075/69) is that no on-site parking provision is to be made for the terrace of eight dwellings. The single house proposed

on the rear part of the site would be served by the access to the existing dwelling off Northfields Court.

Site History

The existing house on this site was erected under a permission granted in 1977.

Members will recall that this site has been the subject of two previous applications proposing residential development. The earlier application, for 11 dwellings, in 2001 (S01/1170/69) was withdrawn. That in 2002, for nine dwellings (S02/1611/69), was refused for the following reason:

“The Local Highway Authority so request because visibility from the new private drive to the proposed development would be restricted by mature trees in the highway verge that are protected by a Preservation Order. It is considered that the trees restrict visibility to both north and south for vehicles emerging from the access to an extent that such vehicles are likely to be in conflict with traffic travelling in both a northerly and southerly direction along Emlyn’s Street, contrary to the interests of highway safety. The protected trees in the verge make an important contribution to the street scene and their removal would have an adverse effect on the visual amenities of the area.”

A subsequent appeal was dismissed and the Inspector’s reasons are as follows:

“Reasons for the Decision

The appeal site is in a residential area close to the town centre. There is consequently no dispute that the principle of housing development is acceptable. The proposed housing density, 45 dwellings per hectare, would also accord with the objectives of PPG3. The Council does not dispute the necessity to demolish the existing dwelling, due to its structural instability, and I have no reason to disagree. The only area of dispute is in the implications of the proposed access off Emlyn’s Street.

It is agreed that the appropriate visibility splays for an access serving 8 dwellings onto a road of this nature would be 2.4 metres x 60 or 70 metres. The difference arises by virtue of the 85%ile speed being either at or slightly below 30mph. In reality the difference is of no material relevance to this appeal. Visibility at the proposed junction is obstructed by trees planted within the highway verge. These trees are an important visual asset to the area and are protected by a Tree Preservation Order (TPO). It was evident from my observations at the site visit that visibility would be adequate on leaving the site curtilage, but would reduce considerably as an emerging vehicle approached Emlyn’s Road. The mature trees are set close behind the edge of the carriageway and create large blind spots where approaching traffic would be obscured from view. This is confirmed by reference to the plans prepared by the appellant’s highway consultants.

I consider the lack of clear visibility available in the key area close to the main road to be unsatisfactory and detrimental to the safety of road users on Emlyn’s Road and of the proposed site access. There is no doubt that adequate visibility could be achieved by the removal of the offending trees. The appellant argues that the trees have reached the end of their useful life and need replacing in any event. Inspection of the trees during my site visit revealed them to be reasonably healthy and showing no signs of need for replacement. I am inclined, therefore, to accept the view of the County Council’s trees and woodlands officer that they could have a life expectancy of a further 100 years.

It does not follow, however, that the trees must be protected at all costs, since the benefits of the additional housing provision need to be weighed in the balance against the harm

caused by the loss of the trees. In making such a judgement, I must be satisfied that the access, as proposed, represents the most appropriate solution in the context of these conflicting objectives. No meaningful evidence has been submitted to indicate whether or not a suitable access could be created with adequate visibility and avoiding the need to remove mature trees covered by a TPO. Siting and means of access are detailed matters before me for determination and the submitted layout dictates that the site must be accessed in the position now proposed. Given the detrimental impact on highway safety of the proposed access with the trees, I consider that on balance, and in the absence of information on alternative access provision, that this appeal should not succeed.

I note that no development plan policies were referred to in the Decision Notice. However, I find that the proposed development as shown on the submitted plans, would be in conflict with Local Plan Policies EN1 and H6, which require satisfactory highway arrangements and seek also to retain existing trees wherever possible. For the above reasons and having regard to all the other matters raised, I conclude that the appeal should be dismissed.”

In January this year a further application was made (S04/0075/69) seeking outline planning permission for replacement of the existing dwelling with a terrace of eight dwellings on the Emlyn's Street frontage and a detached house at the rear, all served off Northfields Court, the private drive along the southern boundary which provides access to not only the existing house but also most of those of the recent Northfields Court development to the east and a tennis club. That application was refused for the following reason:

1. The Director of Highways and Planning, LCC so requests as visibility from the private drive is restricted both north and south by the presence of existing mature trees (north) and over land to which the applicant does not have control (south). It is considered that an intensification of vehicles emerging from the access, which is onto a crossroad and where visibility is restricted, are likely to be in conflict with traffic travelling north and south along Emlyn's Street, contrary to the interests of highway safety.

The provision of extra dwellings served off this private drive will also be excessively over the numbers permitted by the Lincolnshire Design Guide for Residential Areas.

In view of the above, the proposal would be contrary to policies EN1 and H6 of the South Kesteven Local Plan.

Policy Considerations

South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment.

Policy H6 – New Housing on Unallocated Sites.

Central Government Policy Guidance

PPG1 – Planning General Policy and Principles.

PPG3 – Housing (2000).

Statutory Consultations

Local Highway Authority: Requests refusal – see below.

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

Town Council:

“Reject due to:

- severe problems with parking;
- no parking provision for houses;
- road already congested;
- fast road used as a through route;
- concern about possible destruction of hedge;
- SKDC to review site history and previous comments.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 18th June 2004.

Representations have been received from interested parties.

The issues raised are:

- a) Proposals will create additional parking and traffic problems. On-street parking already at a premium.
- b) Proposals will endanger trees.
- c) Proposals will increase risk of accidents.
- d) Will encourage parking on grass verge, between bollards.
- e) Poor visibility at junction.
- f) Loss of green space.
- g) Loss of local beauty spot.
- h) Proposed terrace would be overbearingly dominant.
- i) Application is limited in content and presentation.
- j) Road network in this area already used as a ‘rat-run’. Proposals will increase hazards for both vehicles and pedestrians.
- k) Question need to demolish existing house.
- l) Cynical attempt to get round traffic issues.
- m) Proposals out of keeping with surrounding buildings.
- n) History of refusals for similar development on this site and one dismissal of an appeal.

- o) Proposed development too dense.
- p) Increased disturbance and damage to the atmosphere.
- q) Adverse effect on nearby Stamford School playing fields.
- r) Harm to wildlife.
- s) On-street parking will restrict access for emergency vehicles.
- t) Proposals will have no benefit for the local community.
- u) No public car park in the immediate area.
- v) The site is not within the town centre nor does it propose to cater for occupiers with a propensity for low car ownership which will increase on-street parking and local traffic.
- w) Proposals contrary to Local Plan Policies T3 and EN1.

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

1. The Director of Highways and Planning, Lincolnshire County Council so requests, as there is insufficient provision made within the application site to accommodate the parking of vehicular traffic likely to be generated by the proposed development, and this deficiency is likely to result in the indiscriminate parking of vehicles along Emlyn's Street and the surrounding roads. It is considered that this increase in demand on streets where on-street parking provision is at a premium is likely to lead to unsafe conditions in terms of pedestrians (particularly due to the close proximity of schools and colleges and vehicle movements contrary to the interests of highway safety.

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SU.2 **S04/0774/25**

Registration Date: 21-May-2004

Applicant	Mr & Mrs B Vaughan 27, Eastgate, Deeping St. James, Peterborough, PE6 8HH
Agent	Columb Hanna 21, Church Lane, Bainton, STAMFORD, PE9 3AQ
Proposal	Erection of dwelling
Location	Land R/o 29, 31, 33 & 35 Eastgate, Deeping St James

<u>Site Details</u> Parish(es)	Deeping St James B Class Road Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The site is flat lying to the rear of 27-35 Eastgate and at present is orchard with adjoining paddock. Access to the site is achieved via an existing drive located between Nos. 27 and 29 Eastgate.

Site History

In 1999 planning permission was granted for extensions to the existing bungalow under ref. S98/1271 and in December 2002 permission was refused for a dwelling on this land under ref. S02/0796.

The Proposal

The application is in full and seeks to erect a dwelling measuring approximately 18m x 8.5m standing some 7m in height. The dwelling is sited immediately to the rear of 35 Eastgate with a north west/south east orientation.

It is intended that the area for residential use be limited to the orchard, with the adjoining paddock to be used in conjunction with the new dwelling, and accessed via the existing drive.

Policy Considerations

South Kesteven Local Plan

Policy H6 relates to dwellings in Deeping St James and states:

OTHER THAN ON THOSE SITES IDENTIFIED FOR NEW RESIDENTIAL DEVELOPMENT AT THE TOWNS AND VILLAGES LISTED IN POLICIES H1, H2, H3, H4 AND H5, PLANNING PERMISSION WILL NORMALLY BE GIVEN FOR THE FOLLOWING CATEGORIES OF RESIDENTIAL DEVELOPMENT WHERE SUITABLE SITES EXIST WITHIN OR IMMEDIATELY ADJOINING THE EXISTING BUILT-UP AREA:

- a) **SMALL GROUPS OF DWELLINGS;**
- b) **INDIVIDUAL DWELLINGS;**
- c) **REDEVELOPMENT OR CHANGE OF USE OF EXISTING BUILDINGS; AND**
- d) **IMPROVEMENT AND EXTENSION OF EXISTING DWELLINGS.**

IN DETERMINING PROPOSALS FOR SUCH DEVELOPMENT, CONSIDERATION WILL BE GIVEN TO:

- i) **THE IMPACT OF THE PROPOSAL ON THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT AND ON THE COMMUNITY AND ITS LOCAL ENVIRONMENT;**
- ii) **THE AVAILABILITY OF UTILITY SERVICES;**
- iii) **THE PROVISION OF SATISFACTORY ACCESS;**
- iv) **THE NEED TO PROTECT OPEN SPACES DEFINED ON THE PROPOSALS MAP AS SERVING AN IMPORTANT VISUAL OR AMENITY FUNCTION; AND**

- v) **THE NEED TO AVOID THE EXTENSION OF ISOLATED GROUPS OF HOUSES AND THE CONSOLIDATION OR EXTENSION OF SPORADIC AND LINEAR DEVELOPMENT.**

Policy EN1 seeks to protect the quality of the environment stating:

THE VISUAL QUALITY AND AMENITY OF THE BUILT AND COUNTRYSIDE ENVIRONMENTS OF THE PLAN AREA WILL BE CONSERVED AND ENHANCED. DEVELOPMENT PROPOSALS SHOULD:

- i) **INCORPORATE APPROPRIATE LANDSCAPING AND TREE PLANTING WHERE APPROPRIATE;**
- ii) **CONSERVE AND ENHANCE, WHEREVER POSSIBLE, WOODLAND, TREES, HEDGEROWS, WETLAND AND OTHER WILDLIFE HABITATS, WATERCOURSES AND OTHER NATURAL FEATURES, KNOWN ARCHAEOLOGICAL SITES AND FEATURES OF HERITAGE SIGNIFICANCE;**
- iii) **IN RESPECT OF BUILDINGS, REFLECT THE GENERAL CHARACTER OF THE AREA THROUGH LAYOUT, SITING, DESIGN AND MATERIALS;**
- iv) **NOT INTRUDE INTO THE SETTING OF IMPORTANT BUILDINGS, LANDSCAPE FEATURES OR PROMINENT VIEWS;**
- v) **WHERE APPROPRIATE, HELP TO ACHIEVE THE IMPROVEMENT OF DERELICT, DEGRADED AND UNDERUSED LAND;**
- vi) **BE LOCATED WHERE THE HIGHWAY SYSTEM CAN ADEQUATELY AND SAFELY ACCOMMODATE THE VOLUME AND NATURE OF TRAFFIC LIKELY TO BE GENERATED OR INCORPORATE SUITABLE PROPOSALS FOR ALL NECESSARY IMPROVEMENTS; AND**
- vii) **AVOID POLLUTION OF THEIR SURROUNDINGS BY NOISE, TOXIC OR OFFENSIVE ODOUR OR BY RELEASE OF WASTE PRODUCTS.**

The Council has also produced Supplementary Planning Guidance in relation to Backland Development which outlines certain criteria which require consideration in relation to proposals where a dwelling will be sited to the rear of others.

Lincolnshire Structure Plan

Policy 5A relates to residential development and is reflected in Policy H6 of the South Kesteven Local Plan.

National Planning Guidance

Planning Policy Guidance Note 1 – General Policy and Principles.

Amongst other things the advice states that “Good neighbourliness and fairness are among the yardsticks against which development can be measured; for example, it might be material to consider the question of ‘overlooking’ or loss of privacy experienced by a particular resident.”

Statutory Consultations

Local Highway Authority: Recommends conditions.

Community Archaeologist: Comments awaited.

Environment Agency: Flood Risk Assessment acceptable.

Drainage Authority: Recommend conditions.

Parish Council: Comments awaited.

Representations as a result of publicity

The application has been advertised in accordance with established procedures with the date for representations expiring on 30th June 2004. At the time of writing representations had been received from the interested parties.

The objections are made on the following grounds:

- a) Previous application refused.
- b) Overlooking of garden.
- c) Noise and disturbance.
- d) Highway dangers.
- e) Loss of privacy.
- f) Backland development.

Any further representations received will be reported verbally at the meeting.

Planning Gain Requirements

None

Applicant's Submissions

The applicant has submitted a document which shows that the existing house has its own access separate from that to be used for the proposed dwelling and that soundproofing measures could be undertaken to overcome noise problems. Also proposed are measures to alleviate highway dangers from lack of visibility.

It is further stated that Nos. 29-35 have rear gardens which are 30m in length and have large conifer hedges which would mask noise or visual impact. Consequently the proposed dwelling would not be able to overlook Nos. 29-35.

Photographs and examples of other 'backland' sites are indicated as examples which have already been approved.

Conclusions

A similar application to this was refused to years ago on 30th July 2002, one of the reasons for which was on highway grounds.

This objection has now been overcome and if the required measures are undertaken the highway authority raise no objection subject to appropriate conditions.

Notwithstanding this, the application clearly represents backland development where the site would be accessed between two dwellings, and furthermore would extend the residential environment beyond the natural confines of the village.

In a recent appeal decision relating to Eastgate the Inspector stated that Eastgate is characterised by a linear form which runs alongside the river, this being characteristic of fenland development.

The proposal is contrary to this linear form and is also considered detrimental to the residential amenities of adjacent residents. There is, furthermore, no material change in circumstances between this and the previous application which was refused.

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

1. This proposal involves the erection of a dwelling on agricultural land to the rear of residential properties fronting Eastgate. Access to the site would be gained via an existing shared private driveway passing between Nos. 27 and 29 Eastgate. It is considered that the proposal would constitute an unacceptable form of backland development resulting in noise, disturbance and loss of privacy detrimental to the residential amenities of the occupants of the adjacent properties.

Furthermore the development would extend beyond the natural confines of the village contrary to the general form and character of this part of Deeping St James and contrary to policies contained within the Local and Structure Plan which seeks to protect the countryside from sporadic development of this type, and if permitted would set an undesirable precedent for further developments which the district planning authority would find difficult to resist.

Accordingly the application is considered contrary to Policies H6 and EN1 of the South Kesteven Local Plan, the Council's Supplementary Planning Guidance and national planning policy guidance as outlined in PPG1: General Policy and Principles.

* * * * *

SU.3 **S04/0798/56**

Registration Date: 26-May-2004

Applicant	M R Thornton 88, Church Street, Market Deeping, Peterborough, PE6 8AL
Agent	
Proposal	Extend trading hours from 8am start to 6am and provision of 2 condensing units on front elevation
Location	88, Church Street, Market Deeping

<u>Site Details</u> Parish(es)	Market Deeping Conservation Area A Class Road Radon Area - Protection required Adjacent Listed Building C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The site is 88 Church Street, Market Deeping which used to be the Deepings Dance Centre and which has recently received permission for a change of use to A1 Retail. The premises are a converted chapel set back from the road and situated between The Almshouses, which are Grade II listed and No. 86 which is a detached property set within well treed grounds. The premises are also located within the Conservation Area of Market Deeping.

Site History

Recently planning permission was granted for a change of use for A1 Retail under S03/1658.

The Proposal

When planning permission was granted for the retail use a condition was attached which limited the opening hours to 8am-8pm. This application seeks to vary those hours to enable the premises to open at 6am, on the basis that it is a newsagent.

The application also seeks retrospective permission for 2 condenser units which have been installed on the front of the building.

Policy Considerations

South Kesteven Local Plan

Policy C5 relates to the protection of the setting of listed buildings and states:

PROPOSALS FOR AN APPROPRIATE FORM OF DEVELOPMENT WHICH RETAINS OR REINSTATES THE ESSENTIAL CHARACTERISTICS AND APPEARANCE OF LISTED BUILDINGS, OR WHICH WOULD NOT BE DETRIMENTAL TO THE SETTING OF SUCH BUILDINGS, WILL NORMALLY BE GRANTED. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD BE DETRIMENTAL TO THE CHARACTER OR SETTING OF SUCH BUILDINGS.

Policy C9 relates to Conservation Areas and seeks to ensure that the quality of this character is retained. It states:

WITHIN THE AREAS SHOWN ON THE PROPOSALS MAP AT MARKET DEEPING THE FOLLOWING POLICIES WILL APPLY:

- 1 PROPOSALS TO DEMOLISH, OR PARTIALLY DEMOLISH, ANY BUILDING WHICH MAKES AN IMPORTANT CONTRIBUTION TO THE STREET SCENE, ENVIRONMENTAL**

**QUALITY OR CHARACTER OF THE AREA WILL NOT NORMALLY BE PERMITTED;
AND**

**2 APPLICATIONS FOR PLANNING PERMISSION FOR DEVELOPMENT WILL BE
CONSIDERED HAVING REGARD TO:**

- i) THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE
OF THE AREA;**
- ii) THE APPROPRIATENESS OF THE PROPOSAL IN TERMS OF DESIGN, SCALE
AND MATERIALS; AND**
- iii) THE IMPACT OF ANY NEW USE ON THE AREA.**

Policy EN1 seeks generally to maintain the quality of the environment stating:

**THE VISUAL QUALITY AND AMENITY OF THE BUILT AND COUNTRYSIDE
ENVIRONMENTS OF THE PLAN AREA WILL BE CONSERVED AND ENHANCED.
DEVELOPMENT PROPOSALS SHOULD:**

- i) INCORPORATE APPROPRIATE LANDSCAPING AND TREE PLANTING WHERE
APPROPRIATE;**
- ii) CONSERVE AND ENHANCE, WHEREVER POSSIBLE, WOODLAND, TREES,
HEDGEROWS, WETLAND AND OTHER WILDLIFE HABITATS,
WATERCOURSES AND OTHER NATURAL FEATURES, KNOWN
ARCHAEOLOGICAL SITES AND FEATURES OF HERITAGE SIGNIFICANCE;**
- iii) IN RESPECT OF BUILDINGS, REFLECT THE GENERAL CHARACTER OF THE
AREA THROUGH LAYOUT, SITING, DESIGN AND MATERIALS;**
- iv) NOT INTRUDE INTO THE SETTING OF IMPORTANT BUILDINGS, LANDSCAPE
FEATURES OR PROMINENT VIEWS;**
- v) WHERE APPROPRIATE, HELP TO ACHIEVE THE IMPROVEMENT OF
DERELICT, DEGRADED AND UNDERUSED LAND;**
- vi) BE LOCATED WHERE THE HIGHWAY SYSTEM CAN ADEQUATELY AND
SAFELY ACCOMMODATE THE VOLUME AND NATURE OF TRAFFIC LIKELY
TO BE GENERATED OR INCORPORATE SUITABLE PROPOSALS FOR ALL
NECESSARY IMPROVEMENTS; AND**
- vii) AVOID POLLUTION OF THEIR SURROUNDINGS BY NOISE, TOXIC OR
OFFENSIVE ODOUR OR BY RELEASE OF WASTE PRODUCTS.**

Statutory Consultations

Local Highway Authority: No observations.

Community Archaeologist: No observations.

Environmental Health Services: Request conditions.

Town Council: Comments awaited.

Representations as a result of publicity

The application has been advertised in accordance with established procedures with the date for representations expiring on 2nd July.

At the time of writing objections had been received from interested parties.

The objections are on the following grounds:

- a) Noise and disturbance from the condenser units.
- b) Unsightly appearance of condenser units.
- c) Various breaches of planning control.
- d) Noise and disturbance from roller shutter and reversing signals of delivery lorries.
- e) Condenser unit, shopfront, signage and shutter detract from overall appearance of the area.

Planning Gain Requirements

None

Applicant's Submissions

None

Conclusions

In regard to the variation to the condition to change the opening hours to 6am, on the basis that many newsagents are located in premises which are adjacent to residential properties, it is felt that this accords with policy and notwithstanding the concerns of neighbours, would be difficult to resist, and should be approved.

However, at the time of writing the application includes a retrospective request to retain 2 condenser units on the front of the building which are detrimental to the setting of the adjacent listed building and also the character and appearance of the Conservation Area. The applicant has been requested to remove this element of the application and has verbally agreed to do so in order that negotiations can take place to resolve both this and other irregularities at the premises. At the time of writing no confirmation has been received and in view of this the application should be treated as a whole.

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

1. The application relates to a variation of Condition 2 attached to Planning Decision ref. S03/1658 which restricts the opening hours to 8am-8pm. Also included is a retrospective application to retain 2 condenser units which have been installed on the front of the building.

In the opinion of the local planning authority these units if permitted would be seriously

detrimental to the setting of the adjacent listed building and also the character and appearance of the Conservation Area of Market Deeping. Accordingly the proposal is considered contrary to Policies C5, C9 and EN1 of the South Kesteven Local Plan together with the advice contained in PPG15 : Planning and The Historic Environment, all of which seek to protect the historic quality of protected environments and buildings.

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Applicant	Mr & Mrs V Harrison 1, Mill Lane, Tinwell, Stamford, PE9 3UW
Agent	J J & Hartley 109, Fulbridge Road, Peterborough, PE1 3LE
Proposal	Erection of dwelling
Location	Land West Of West Hall Farm, Main Road, Uffington

Site Details	
Parish(es)	Uffington Conservation Area Public footpath adjoins site A Class Road Radon Area - Protection required Adjacent Listed Building Area of special control for adverts C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The application site is located on the northern side of the A16, Main Road, on the western edge of the Conservation village of Uffington. It is currently unused but was formerly in agricultural use.

Visually, the application field appears as part of the open countryside, which penetrates this part of the settlement and performs an important break in development on the western approach to the older part of the village and provides a rural setting to the listed buildings of West Hall Farm.

The field and the agricultural land to the north lie within the designated Uffington Conservation Area, the boundary of which is coincident with the western boundary of the field. Its inclusion within the designated area is an indication of its importance to the character of this part of the settlement and to the setting of the nearby listed buildings.

Site History

This site has a complex planning history as the following list of applications/appeals confirms:

SK.7032 (Jan 73)	5 dwellings	Refused
SK.298/75/501 (Mar 75) Dismissed)	8 dwellings	Refused (Appeal
SK.78/1173/75 (Oct 75)	7 dwellings	Refused (Appeal Dismissed)
SK.864/84/1632 (July 84)	7 dwellings	Refused (Appeal Dismissed)

SK.78/1079/89 (June 89)	5 dwellings	Approved
SK.78/0001/91 (Dec 90)	Reserved Matters – 1 dwelling and access	Approved
SK.94/0036/78 (Dec 93)	5 dwellings	Refused (Appeal Dismissed)
SK.94/0843/78 (June 94)	Vary condition 1 of SK.78/1079 (i.e. to extend time period within which reserved matters may be submitted)	Refused (Appeal Dismissed)
S02/0539/78 (April 2002)	1 dwelling (Outline)	Refused
S02/141/78 (January 2003)	1 dwelling (Outline)	Refused

In dismissing the last two appeals at the above the Inspector concluded that the five houses to the west of the application site do not physically or visually form part of the village and the break in development of which the application is part, is open countryside which surrounds the village, providing a link between the farmland surrounding the village to the north and the parkland to the south.

He also considered that the erection of houses in the gap, even set back, and the associated access drive would adversely affect the setting of the listed buildings of West Hall Farm and its significant visual relationship with its rural surroundings.

On the matter of impact on the Conservation Area, within which the application site, the land to the north, the properties to the east and the parkland directly opposite on the south side of the A16, are located, he concluded that West Hall Farm forms a strong termination to the core of the village and that development on this gap would neither preserve nor enhance the character and appearance of the Conservation Area.

The Proposal

Full planning permission is sought for the erection of a detached dwelling.

The submitted site plan shows a 34.5m x 23.5m plot positioned 20m back from the site frontage and 21m from the boundary with the neighbouring residential property to the west, Park View. Distance from the boundary with the grade II listed West Hall Farm to the east would be 48m. Access remains as previously proposed.

The submitted details show the house it is proposed to erect comprising two distinct elements. The main two and a half storey element would have a ground floor area of 92 sq.m. and the one and a half storey element on the eastern end would have 73 sq.m.

Materials are specified to be natural stone for the walls, artificial Collyweston slates for the roof and softwood painted to match West Hall Farm.

The proposed 2.5m access drive would run across the southern end of the field to meet with the existing access off the A16 in the extreme south-east corner.

The drawings is annotated to show that the remainder of the field outside the 'red line area' as "open parkland", proposed tree screen planting on the western boundary and existing trees on the southern, road frontage boundary, retained.

Policy Considerations

Policy C9 of the South Kesteven Local Plan.

Policy H7 of the South Kesteven Local Plan.

Policy H6 of the Local Plan sets out the criteria against which proposals for residential development in settlements such as Uffington:

- i) THE IMPACT OF THE PROPOSAL ON THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT AND ON THE COMMUNITY AND ITS LOCAL ENVIRONMENT;
- ii) **THE AVAILABILITY OF UTILITY SERVICES;**
- iii) **THE PROVISION OF SATISFACTORY ACCESS;**
- iv) **THE NEED TO PROTECT OPEN SPACES DEFINED ON THE PROPOSALS MAP AS SERVING AN IMPORTANT VISUAL OR AMENITY FUNCTION; AND**
- v) **THE NEED TO AVOID THE EXTENSION OF ISOLATED GROUPS OF HOUSES AND THE CONSOLIDATION OR EXTENSION OF SPORADIC AND LINEAR DEVELOPMENT.**

The site and the whole of Uffington village lie within an area covered by Policy EN3 – Areas of Great Landscape Value.

Policy 5A of Alteration No. 1 to the Lincolnshire Structure Plan states that:

Provision for new residential development other than that in Policy 4A will normally be made in and around most existing settlements. The suitability of any proposal will be assessed in relation to its scale and impact on the character, density and physical extent of existing development, there will be a particular need to retain an appropriate level of open space within the settlement. Where appropriate, land will be provided and planning permission will normally be forthcoming for proposals for the improvement or provision of social, community, education, health and utility services/facilities.

Policy 6A of Alteration No. 1 to the Lincolnshire Structure Plan states:

Permission will not normally be granted for housing which would create or extend ribbon or scattered development.

Statutory Consultations

Local Highway Authority: If permitted, requests standard conditions B18 and B19.

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

Parish Council:

“The Council were unanimous in their objection to this development for exactly the same reasons as the previous application and as stated in the Refusal of Outline Planning Permission dated 28th January 2003, i.e. “it is considered that the proposed erection of one dwelling on part of an undeveloped gap in the street frontage on the northern side of Main Road, Uffington, would have an adverse impact on the form and character of the settlement, neither preserving nor enhancing the Conservation Area and would have an adverse effect on the setting of the listed buildings of West Hall Farm to the east, contrary to the provisions of Policies H6, C9 and EN3 of the South Kesteven Local Plan and Policies 5A and 6A of the Alteration No. 1 to the Lincolnshire Structure Plan. Moreover, it is considered that the proposed development would set an undesirable precedent for further development upon adjoining land, which would, by its nature, compound the objections described above, causing demonstrable harm to interests of acknowledged importance.”

The actual footprint of the dwelling is larger than the previous application and covers a quarter of the site, leaving the rest for future development and also opens up access for development at the rear of the site. The access to the site is on a very dangerous corner and near a bus stop lay-by and this should also be taken into consideration.”

English Heritage: Comments awaited.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 4th June 2004. Letters have been received from interested parties.

The issues raised are as follows:

- a) Proposed development would be detrimental to Conservation Area.
- b) History of refusals on site. All refusals confirmed on appeal.
- c) Latest proposal does not overcome objections in principle to development within landscape setting of listed West Hall Farm also forming setting of Conservation Area.
- d) Inappropriate development in this sensitive location.
- e) Proposed development would severely compromise the architectural integrity and individuality of West Hall Farm.
- f) Proposed dwelling would be an asset to Uffington.

Applicant's Submissions

The applicant's agent has submitted the following statement in support of the proposal:

“Further to your refusal to grant Planning Permission on the above site (Ref. S03/0193/78 dated 4th April 2003), I attach my revised Planning Application and list below factors which I would like you to relate to your committee in favour of approval:

- i) The proposed house is now set further back on the site to preserve the view of West Hall Farm from the west.
- ii) The new tree belts to the southern and eastern boundary have now been deleted to allow a clearer view of West Hall Farm from the west.

- iii) The formerly proposed stone wall to the southern boundary has now been deleted to allow a clearer view of West Hall Farm from the west.
- iv) My client has spoken with the local Councillor Mr P Genever and acted upon his suggestion to enclose the northern and eastern boundaries with post and rail fences and beech hedges.
- v) My client is interested in only one dwelling on the site and is willing to enter into a legally binding agreement with SKDC to retain in perpetuity the 'blue' park land as open park land.
- vi) In view of the high regard Mr Genever has for the West Hall Farm building, the proposed house has been detailed in a similar way in order to maintain the form, character and appearance of the settlement and to preserve and enhance the Conservation Area and to not adversely impact on West Hall Farm.
- vii) I appreciate that one of the main reasons for the past refusals has been the proximity of the development to West Hall Farm but there are in the SKDC area many examples of approved new houses set much closer to existing Listed Buildings and I attach a set of five photographs illustrating five such examples in the following locations:
 - a) Uffington – New house currently under construction next door to the listed Bertie Arms public house.
 - b) Uffington – New house next door to the listed West Hall Farm to the east.
 - c) Braceborough – New house currently under construction next door to the listed Old Rectory.
 - d) Tallington – New houses next door to the listed house close to the level crossing.
 - e) Greatford – New house next door to the listed house on the main street.
- viii) Finally in view of the controversy surrounding the determination of previous planning applications, may I request that the application is determined by your full Planning Committee.”

Comment

Many Members will be aware of the complex history of this site, details of which have been included above.

Although under the current Full application the proposed dwelling is now shown to be positioned towards the western end of the site and closer to the road frontage, which brings it nearer to the row of five modern properties that are separated from the main body of the village by the existing gap in the streetscene site, it is considered that this does not overcome the objection in principle to development in this location.

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

1. It is considered that the proposed erection of one dwelling on part of an undeveloped gap in the street frontage on the northern side of Main Road, Uffington, would have an adverse impact on

the form and character of the settlement, neither preserving nor enhancing the Conservation Area and would have an adverse affect on the setting of the listed buildings of West Hall Farm to the east and, contrary to the provisions of Policies H6, C9 and EN3 of the South Kesteven Local Plan and Policies 5A and 6A of Alteration No. 1 to the Lincolnshire Structure Plan.

Moreover, it is considered that the proposed development would set an undesirable precedent for further development on adjoining land, which would by its nature, compound the objection described above, causing harm to interests of acknowledged importance.

This application was deferred from the last meeting for Members to undertake a site inspection to establish the likely impact of the proposal on the Conservation Area and adjoining listed building.

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SR.2 **S04/0588/17**

Registration Date: 23-Apr-2004

Applicant	Mr & Mrs Hall 3, Church Street, Carlby, Stamford, PE9 4NB
Agent	Wilbraham Associates Ltd 33A, Albert Street, Rugby, CV21 2SQ
Proposal	Erection of dwelling
Location	Adj 3, Church Street, Carlby

<u>Site Details</u> Parish(es)	Carlby C Class Road Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The 29m x 12.5m application site forms part of the garden of a modern residential property fronting the south side of Church Street, immediately to the east of the Churchyard. To the south is the rear garden of a residential property fronting High Street.

The front boundary and that with the Churchyard are defined by traditional stone walls. On the western boundary, just inside the Churchyard are three mature Horse Chestnut trees which are protected by a Preservation Order. In the north-eastern corner of the proposed plot is a pine tree. There is a slight fall across the site from west to east.

The Proposal

Full planning permission is sought for the erection of a 4 bedroom detached house shown to be positioned 7m from the boundary with the Churchyard and about 3m from the branch spread of the protected tree.

A new 4m wide access is to be created through the wall on the site frontage and two parking spaces are shown alongside the western side of the house.

Materials are specified to be stone for the external walls and slates for the roof covering. The existing house has rendered walls.

Site History

There is no planning history on the site relevant to the current application.

Policy Considerations

South Kesteven Local Plan

Policy H6 – Residential Development on Unallocated Sites in Existing Settlements

Policy EN1 – Protection and Enhancement of the Environment

Policy EN3 – Areas of Great Landscape Value

Statutory Consultations

Local Highway Authority: Requests standard condition F4 and Note to Applicant – DHP.

Community Archaeologist: Requests standard condition W7.

Parish Council:

“Please note that due to the timescale the Parish Council has not been able to meet and formally resolve on this application. However, it has been examined by members and the following objections were proposed:

1. Not in keeping with amenity of area immediately adjacent to the church.
2. **No turning area shown. Access will destroy ancient rubblestone wall. ‘No dig’ on drive is irrelevant. Access too near to right angle bend (Church Street is very narrow). Will increase parking problems. No garage is shown.**
3. The roadway/track/path on the property is thought to be medieval and would be destroyed.
4. Infill that is overbearing.
5. Concern for the state of the large Chestnut trees – ‘although the plot looks big enough, with the restrictions needed to protect the (TPO) tree it is not a viable building plot.’

The Parish Council unanimously requests that this application be rejected.

If, as expected a decision is requested from the Development and Control Committee, the Parish Council requests that it is notified of the appropriate meeting so that it can be represented and speak.”

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements as “Development Affecting a Tree Preservation Order”.

Representations have been received from interested parties.

The following issues were raised:

- a) Narrow road in crowded part of the village. (5)
- b) House would be too prominent on this elevated site. (1)
- c) Medieval road runs through the site. (9) (See comment below)
- d) Damage to protected Chestnut trees in churchyard. (9)
- e) Rooting system of the trees will be in direct line with footings of proposed dwelling. (1)
- f) Dangerous access. (2)
- g) Difficult to believe that the house and driveway will be constructed without damage to the root system of the trees in the churchyard. (1)
- h) Any building here would be visually intrusive and fail to remain in-keeping with the character of the village. (2)
- i) Protected trees are a potential danger to the proposed dwelling. (3)

Comment

Some objectors have made reference to the remains of a medieval road and hall within the site. This is apparently incorrect. According to the Community Archaeologist, this mistaken belief is due to a mis-interpretation of records held by Heritage Lincolnshire.

The Authority’s own Arboriculturalist, having had sight of the Tree Report commissioned by the applicant, is satisfied that appropriate conditions can be imposed on the planning permission to safeguard the protected trees in the neighbouring churchyard.

Applicant’s Submissions

“The Site

The site comprises part of the side garden to Heath House which stands on the south side of Church Street in the centre of the village of Carlby. The property comprises a detached house which has a parking/turning area to the front and a separate stable/garage building situated adjacent the eastern boundary. The house stands in a substantial plot of some 0.15 hectares (0.37 acres).

The intention is to erect a house on the western side of the plot generally in line with No. 3 and with a complementary design. The land is level and currently comprises a lawned area, a children’s play area screened from the street by fencing, and flower beds.

Church Street varies in width along its length. The first section from its junction with High Street to the east is 4.5m wide for approximately 32m and then narrows down to about 3m. It then widens out towards the western end of the application site and continues at a width of between 4.5 and 6m along that section of the road from the church northwards. There is a pavement and grass verge on the south side in front of the plot. At the front of the site is a 1m high stone wall.

To the west of the site is the churchyard of St Stephens Church and there are three mature chestnut trees within the grounds close to the boundary of the site. These are set in approximately 2m from the stone wall on the boundary and their positions are shown on the site layout plan.

On the north side of Church Street opposite the site is the garden of 2 Church Street which is bounded on its southern side by a 2m high hedge. Beyond the garden stands Nos. 4 and 6 Church Street which are approximately 16 and 22m respectively from the northern boundary of the site.

The Proposal

The proposed house would be set back 9m from the frontage of the site and would be situated within a plot measuring approximately 19m x 31m (0.06 hectares/0.15 acres). In this position it would stand generally in line with Heath House. The new house would be 4.9m to eaves and 7.9m to ridge, slightly lower than No. 3. The dwelling would be built in brick with a slate or clay tiled roof.

The design reflects the village location and would include a plinth, brick on edge detail to the eaves and gables, brick heads and sills to the windows and a bay window to the front elevation.

A new 3.5m wide access would be created to Church Street at the eastern end of the plot. Within the site would be a parking area for two cars and a turning facility such that vehicles could exit the site in forward gear.

The proposed driveway would be constructed using the 'no-dig' method of construction shown on the enclosed Arboricultural Advice Note (APN1) at page 4.

Planning Policies

The South Kesteven Local Plan advises at Policy H6 that new residential development in villages such as Carlby will be allowed subject to consideration being given to five factors. I will deal with these in turn:

- i. The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.*

The proposed house would not change the form or the setting of the village given that the site lies close to the centre of the village and is surrounded by development.

The building would relate well to Heath House and the position of the building would mean that the front elevation would be some 27m from the nearest point of 4 Church Street and some 33m from No. 6. These distances, together with intervening vegetation, would ensure that there is no loss of privacy to those properties from the development. The rear garden would be approximately 12m deep. There is a 2m high wall along the rear boundary, beyond which is the bottom of the very long garden of 15 High Street.

A short section of the stone wall along the frontage of the site would need to be removed (3.5m) to form the access. The remainder of the stone wall along the frontage of the site, and Heath House, would be retained and a stone wall of a similar height would be provided along the common boundary between No. 3 and the proposed dwelling. This is shown on the layout plan.

To the west of the site is St Stephen's Church with the churchyard situated to the north of the church. Within the churchyard and close to the common boundary with the application site are three mature chestnut trees, the positions of which are shown on the site layout plan. These trees would be a minimum of 8m from the nearest point of the proposed house which accords with the protection distances given in Table 1 of BS 5463:1991 Trees in Relation to Construction. The use of the 'no-dig' construction method would ensure that the trees are not damaged during construction of the driveway.

ii. The available of utility services

Utility services are available in Church Street to serve the development. Surface water from the development would be discharged to a soakaway, whilst foul drainage would be discharged to the public foul sewer in Church Street.

iii. The provision of satisfactory access

The proposed access would be 3.5m wide and would be gained from Church Street which at this point is straight and level. As you will be aware, Church Street has a junction with High Street some 70m to the east of the site and a further junction with the High Street some 150m to the north-west. The majority of residents of the dwellings on Church Street use the latter junction to access their property in view of the greater width of the road at its north-western end.

There has been some residential development on the western side of Church Street (to the west of the Church) in recent years following an allocation for 25 dwellings (H5.15) in the Local Plan. Church Street is capable of accommodating the additional limited traffic from this development.

iv. The need to protect open spaces defined on the proposals map as serving an important visual or amenity function.

The land is not identified on the proposals map to the Local Plan as serving an important visual or amenity function. Nor is the site within a Conservation Area.

v. The need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

The proposal would not extend the village beyond already clearly defined boundaries and is, as indicated above, enclosed on all sides by existing development.

The proposals fully accord with Policy H6 in the Local Plan and will provide an additional unit of accommodation on previously developed land without any harm to the village or the amenities of nearby properties."

Summary of Reason(s) for Approval

It is considered, having regard to the relevant provisions of the development plan, that the proposed development will, subject to compliance with conditions attached to this permission, be in accordance with the development plan and not materially harm the character and appearance of the area, the living conditions of nearby occupiers, the survival of adjacent protected trees and would be acceptable in terms of highway safety.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.
3. The area shown on the plan accompanying the application reserved for the parking of vehicles shall be used or be available for vehicle parking at all times when the premises are in use.
4. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
5. Excavation of the foundations of the western gable wall of the approved dwelling shall be undertaken using only hand digging.
6. Construction of the driveway and vehicle parking area shall be undertaken only using the 'no-dig' method, recommended in the Arboricultural Practice Notes appended to this decision notice.
7. Before the development hereby permitted is commenced details of the means of surfacing the driveway and parking area shall be agreed in writing with the local planning authority and only such details as may be agreed in writing shall be used to surface these areas.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected on the land to the west of the western gable wall of the approved dwelling without the express permission of the District Planning Authority.
9. Prior to the commencement of development a temporary access shall be formed through the eastern end of the wall on the site frontage for vehicles delivering materials. This access shall be used by all vehicles connected with the construction of the dwelling and the wall shall be reinstated before occupation of the dwelling.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site.
3. The local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road.

4. In order to ensure that the materials to be used harmonise with existing properties in the locality and that the development as permitted will not deleteriously affect the character of the area.
5. To ensure that the roof system of the protected trees in the neighbouring churchyard are not unnecessarily disturbed by works of excavation.
6. To ensure that there is no disturbance to the root system of the protected trees in the neighbouring churchyard.
7. The local planning authority wish to assess the impact that the positioning of any buildings in this area would have on the protected trees in the neighbouring churchyard.
8. To safeguard the protected trees during the construction period.
9. To safeguard the protected trees during the construction period.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

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