

Development Control Committee
7th December 2004

SR.1 **S04/0124/75**

Registration Date: 03-Feb-2004

Applicant	Mr M Thurlby The Periwig, 7, All Saints Place, Stamford, PE9 2AG
Agent	Landscape Design Associates 14-16, Cowcross Street, London, EC1M 6DG
Proposal	Construction of 7 new houses and provision of public open space
Location	Red House Paddock, Main Road, Tallington

<u>Site Details</u>	
Parish(es)	Tallington Public footpath crosses site - FP1 A Class Road Radon Area - Protection required Listed Building (Grade II) Area of special control for adverts EN6 Important open area Airfield Zone - No consultation required Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The 2.19 ha application site is located on the south side of the A16, Main Road in the centre of Tallington.

The Proposal

The development proposed under this application comprises the following:

- Six houses in a gap on the paddock's frontage to the A16, Main Road, and served by a private drive off that road.
- A single dwelling in the south-east corner of the paddock, alongside two existing dwellings, and served by a private drive from an existing field access at the northern end of the frontage to Mill Lane.
- The creation of a public open space, "Millennium Green", as an amenity for the whole village.

It is also proposed to restore the landmark dovecote, which is prominently situated in the paddock. A listed building consent application (LB.6170) for the works required to restore the dovecote appears elsewhere on this agenda.

The details of the scheme are described in the Design Statement submitted in support of the application – see below.

Policy Considerations

South Kesteven Local Plan:

Policy EN1 – Protection and Enhancement of the Environment.

Policy C5 – Conservation

Policy EN6 – Open Areas Important to the Character and Setting of Built-up Areas

Lincolnshire Structure Plan (Deposit Draft) – Policy 62.

Statutory Consultations

Local Highway Authority: Requests refusal – see reason 1 below.

Environment Agency: No objections. If permitted, requests condition requiring detailed Flood Risk Assessment incorporating Sustainable Drainage System design, maintenance etc.

Community Archaeologist: If permitted, requests standard condition W8.

Environmental Health Services: If permitted, requests standard condition R25.

Leisure and Cultural Services:

Public open space shall be provided to offset any localised shortfall and shall be prepared in accordance with the recommendation of the document “amenity facility adoption standards”. Commuted sum payments shall be payable to SKDC on completion of any request for adoption.

The development should provide a LAP standard play area (as designated by the NPFA 6 acre standard). However, as the Parish Council are responsible for an existing local area for play, then a financial contribution of circa £7,000, or equal to the cost of providing a LAP, would be sufficient contribution towards the upgrade of the existing facility.

Lincs Police Architectural Liaison Officer: Recommends perimeter lighting to illuminate front of dwellings and private drive, in the interests of crime reduction and community safety.

Lincolnshire County Council:

It is expected that the definitive line and customary width of the public footpath will not be affected by any proposed development.

During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced by any such works.

The Ramblers Association: It would appear that this development should not affect the public footpath.

Parish Council:

“The scheme now presented largely reflects the initial scheme put forward for consultation by the Parishioners in August 2002. At that meeting of approximately 80 Parishioners there was an overwhelming majority in favour of the scheme.

The application carries the support of the Parish Council, with the following observations:

1. In order to ensure privacy is retained to the adjoining property, the Old Forge, we recommend:
 - i) Planting of trees in the rear of plot 1.
 - ii) The 2 velux windows to the west elevation of plot 6 are to permit light to the living room and study below – no alterations should be permitted which would create an upper living area which could intrude on the neighbouring property.
 - iii) We note that the garage to plot 2 has external stairs to the upper level. This area has no natural lighting other than the door and consequently consideration should be given to a window above the garage door and also a covenant should be included preventing a window being subsequently constructed to the upper level of the garage on the western elevation.

2. The following comments were made regarding plot 7, all of which were supported by the applicant at our meeting:
 - i) Concern was expressed that plot 7 is not in line with the neighbouring properties.
 - ii) It would be preferable for plot 7 to be sited “a handful of metres” further away from the adjoining property.
 - iii) Should it be impractical to move plot 7 forward, towards the Dovecote, consideration could be given to turning the property to say 20 degrees.
 - iv) There should be no windows overlooking the adjacent property.

3. In order to provide wheelchair/pushchair friendly footpaths these should be constructed using compacted natural materials and any gates should be spring loaded, rather than stiles or kissing gates.

4. For pedestrian safety consideration should be given to the construction of a pedestrian crossing joining the St Lawrence Way footpath and the entrance to the new development, which will ensure safe access to the Millennium Green by residents, the majority of whom live on the other side of the busy A16.

5. Concern was raised regarding the development of land previously designated EN6.

6. Concern was raised regarding any additional pressure that the additional properties will place upon the water drainage system in the village, which has already experienced problems due to blockages and broken pipes underneath the railway crossing.

In summary, acknowledging that some minor amendments may be preferable, it was the unanimous conclusion of the Parish Council that the thoughtful and sympathetic scheme will enhance the village and the Council support the application.”

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements as “Major Development, development affecting the setting of a listed building and footpath crossing the site. The closing date for representations being 5th March 2004. Letters have been received from interested parties.

The issues raised are as follows:

- a) Loss of privacy to Portland House, Bainton Road from increased use of field as public open space and public right of way. (1)

- b) Installation of lighting in the field will spoil outlook and cause inconvenience. (1)
- c) Proposals will result in increased security risk to neighbouring residences. (2)
- d) Excessive number of houses proposed. (1)
- e) Proposals could be start of larger development. (1)
- f) Addition of further windows to gable end of plot six will compromise privacy of The Old Forge. (1)
- g) Plots 1 and 2 have upper level windows that overlook The Old Forge. (1)
- h) Proposed "Millennium Green" will compromise privacy of Old Forge. (1)
- i) Question whether applicant owns footpath connecting field to Bainton Road. (1)
- j) Increased use of footpath will damage the environment and increase existing litter problem. (1)
- k) Sufficient existing footpaths in and around Tallington. (1)
- l) Access off A16 would compromise road safety. (1)
- m) Access to all dwelling off Mill Lane would be safer. (1)
- n) Safety of pedestrians crossing A16 to access proposed area. (1)
- o) Question whether village has infrastructure to support proposed development. (1)
- p) Scheme requires amendment before any approval is forthcoming. (1)
- q) Who will pay for grass cutting if no sheep in field. (1)
- r) Plot 7 is in the bed of former canal. (1)
- s) Footpath in south west corner of site should emulate canal towpath rather than be a modern path. (1)
- t) Proposed dwelling on Plot 7 too close to Canal Cottage. (1)
- u) Plot 7 contrary to Policy EN6. (1)
- v) Red House Paddock not identified in Local Plan as a development site. (1)
- w) Proposals contrary to Local Plan. (1)

Applicants Submissions

The applicant has submitted the following Design Statement in support of the proposal:

SITE CONTEXT

Introduction

This report has been prepared for the landowner Mr M Thurlby, and relates to the proposed development of seven residential units, the restoration of a listed building, the creation of new public open space and footpaths to connect into the local network.

The site is currently given over to private grazing and is not open to the public.

This proposal will:

- Renovate and provide access to the Grade II listed Dove Cote.
- Provide a new village public open space “Millennium Green” for local recreational use.
- Provide new links onto the local footpath network – providing safer routes away from busy roads.
- Restore the existing, neglected orchards on the east of the site.
- Provide new orchards adjacent to the Millennium Green on the west of the site.
- Develop seven high quality residential units in keeping with the local architectural styles and materials.
- Provide additional native tree and species rich grassland within the Millennium Green and the adjacent areas.
- Enhance the ecological interest of the site through appropriate management regimes.

Site Location

The site lies in the centre of the village of Tallington, and is defined along its northern boundary by the A16 and Mill Lane on the north-eastern boundary.

The total area indicated on the master plan is 2.19 ha, and is designated as EN6 open space in the Local Plan.

Historic Context

Historically, the site has belonged to the Red House, which has been in the current owner’s family for at least three generations (previously belonging to the current owner’s Grandfather), and in recent years has been maintained as part grazed paddock and part orchard.

The site contains two interesting historic features:

- Dove Cote: a Grade II listed 18th Century structure, now in a ruinous state. The condition of the dove cote has deteriorated rapidly in recent years following the collapse of its roof. Subsequent lack of protection to the walls has led to their partial collapse.
- Stamford canal: Now visible only as a wide, shallow depression that running along the southern boundary of the paddock.

The canal is thought to largely date from the 1660’s.

To the south-west and south-east of the site, it is reported that there are medieval village remains, and the area is known to be rich in prehistoric activity, though none is recorded on the site. Further survey work is envisaged.

The site is also reported to possess a well, west of The Red House adjacent to the boundary hedgerow.

Village Context

The Red House

The site lies in the centre of the village of Tallington, but due to the surrounding hedgerows does not contribute significantly to the visual experience of the village. There are glimpsed views into the paddock, orchard and dove cote from gateway openings on the eastern and western boundaries, but views are generally screened.

A public footpath runs along the southern boundary of the site, which presumably once formed a section of the canal tow-path.

The village itself is typical of the locality, containing mainly vernacular stone-built cottages and farm/barn buildings, now mainly converted to residential use. The oldest and most interesting domestic building appears to be the former Post Office, which has a Collyweston slate roof, and mullioned windows.

Materials found in the village include coarse rubble stonework, some rendered properties, probably of timber framed construction and one timber boarded outbuilding. The Red House is of red brick with a slate roof; it dates from the Victorian period, and is not typical of the vernacular of the district. Roofing materials in the village include Collyweston stone slates, clay Roman and pantiles, with some Welsh slate to more recent properties. Thatch may have once been common, but no examples now remain.

Site Description

The site is presently a fairly level grazed paddock, with the remains of an orchard at its eastern end. Views to the south are the least restricted, with views to open countryside, although a line of pylons are visible to the south-west. It is proposed to screen these pylons with new native hedgerow planting.

The former canal, now a depression running the length of the southern boundary, is defined by three large Horse Chestnut trees on the western end of its northern bank.

The Red House boundaries also contain some large mature trees including walnut and pine. Field boundaries are predominantly hawthorn.

The Dovecote is situated at the eastern end of the site, on a slight mound. A separate report covers the condition survey and conservation statement.

Local Plan Policy

The South Kesteven Local Plan (1995) describes adopted planning policy for Tallington. The north eastern quarter of the site falls within Policy EN6, designated for open space.

DEVELOPMENT PROPOSALS

Restoration of Grade II Listed Dovecote
(Refer to separate documentation)

The dilapidated Dovecote has been a local landmark since the 18th Century and is noted by Pevsner. The proposed restoration will ensure the future of the structure which is currently without a roof and in a state of decay.

The Application for Listed Building Consent forms an integral part of this application, and is the subject of separate documentation.

Development of Seven Residential Units
(Refer to Wythe Holland Partnership drawings)

Units 1 to 6 form a group to the south of the A16, and are designed to reflect the architectural character of the agricultural barns and stores in the village. Units 5 and 6 front onto the A16, while Units 1 to 4 define and overlook the northern edge of the new orchard paddock and 'Millennium Green'.

The orientation and positioning of Units 1 to 6 is carefully considered to frame views of the Dovecote from Church Lane to the west of the site.

Unit 7 has been located so that the open setting of the Dovecote is retained. Hedge and tree planting on the boundaries has been designed to replicate the existing arrangement, and minimise impact on glimpsed views from the west and north east.

The house has been designed to reflect the architectural style of the older houses in the village, with a steeply pitched roof, stone mullioned windows, Collyweston roof and double-fronted form.

All the units have been designed to be sympathetic to the local context in terms of their height, massing, detail and materials. Materials will include local coursed limestone with dressed quoins for walling, and clay pantile roofing; simulated Collyweston stone slates will be used in key locations. Unit 7 will have second-hand Collyweston stone slate roofing to the main house, with clay pantiles to the garage and rear out-shoot as is commonly found in the location.

Access and Parking

Access to the six residential units in the western portion of the site (Plots 1-6) is from the A16 between The Red House and The Old Forge. The A16 is a 30 mph limit at this point. Plot 6 is accessed directly off the A16 while Units 1 to 5 are accessed from a new shared track running east and south of these Units.

Access to the single unit on the eastern side of the site (Plot 7) will be from Mill Lane, through an existing gateway on the eastern boundary of the site.

Access tracks on site are to be of permeable (golden-gravel type) surfacing, with low kerbs or soft grass edges to retain an informal, rural character.

Parking for two vehicles is to be provided within garages for each property. Garages are set back from the property frontages and the proposed green space to reduce their visual impact on the public domain. Garage doors will be of a sympathetic design and colour, and set back in reveal to further reduce their impact.

Renovation of Old Orchard (Open Space EN6 Policy Area)

The area of over-mature orchard (north-east of the site) is proposed to be renovated with new plantings of traditional English orchard varieties to complement/replace the existing Russet apples, Conference pear and damson trees. The grassland will be managed to create a traditional species rich orchard meadow, which could be sheep grazed.

This renovation will enhance the site's visual amenity and heritage, filter views of the new residential development, and enhance the setting of the Grade II listed Dovecote.

Full planting and arboricultural proposals will be made available prior to work commencing.

Public Open Space – Millennium Green

It is proposed to create a new public open space at the centre of the site, to be known as 'Millennium Green'. It would:

- Provide public access to the area and the Listed Dovecote.
- Safeguard existing views to the Dovecote.
- Provide new links in the local footpath network.

The new space will provide informal amenity space for the village; the footpaths laid out to create a vehicle-free pedestrian network and link to the old towpath footpath. It is envisaged that a well designed interpretation panel could provide details of local history and the dovecote.

It is intended that ownership of the 'Millennium Green' would be conveyed to Tallington Parish Council, with a sum of money entrusted by the landowner for its future maintenance and upkeep.

Management

Once established, it is intended that 'Millennium Green' would be managed and maintained to encourage biodiversity under a Farm Stewardship Scheme.

Options could include some seasonal grazing, or a hay meadow mowing regime which would benefit wild flower and bird species. The management and maintenance would seek to retain the site's current pastoral and rural character."

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

1. The site is located on a County Class 1 road, the A16, where traffic is generally in free flowing conditions travelling to and from Stamford and beyond. The intensification of vehicular movements in and around the access, in terms of slowing, waiting and manoeuvring, especially where the physical alignment of the carriageway restricts forward visibility, is likely to interfere with traffic movements on the A16 to an extent contrary to the safety and convenience of such traffic and hence detrimental to highway safety and contrary to Policy EN1 of the South Kesteven Local Plan.
2. Section 16 and 66 of the Listed Buildings Act 1990 impose a duty on local planning authorities, when considering where to grant planning permission for development which

affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

It is considered that the proposed erection of a dwelling in the south east corner of the paddock, in close proximity to the dovecote, and the formation of a vehicular access to the dwelling across the paddock from Mill Lane, will severely compromise the isolated, pastoral setting of the listed building. This aspect of the proposed development would, therefore, be contrary to the provisions of Policy C5 of the South Kesteven Local Plan, Policy 62 of the Lincolnshire Structure Plan (Deposit Draft) and Central Government guidance contained in PPG15 (Planning and the Historic Environment).

3. It is further considered that the creation of a driveway across the paddock, between Mill Lane and the listed dovecote, to serve the proposed dwelling on Plot 7 would constitute an undesirable erosion of the open character of this area, designated under Policy EN of the South Kesteven Local Plan as Open Area Important to the Setting of the listed dovecote.

This application was included on the agenda for the meeting on 18th May 2004 but was deferred at the request of the applicant to enable discussions to take place with the Highway Authority with a view to overcoming their objection.

Members also took the deferral as an opportunity to have a site visit.

Amended drawings were submitted, showing the access off the A16 repositioned at the western end of that frontage, instead of the eastern end as originally proposed in order to overcome the highway objections. However, the Highway Authority maintain their request for refusal.

Also, in an effort to overcome the third reason for refusal, as listed above, the access drive to the single dwelling proposed in the south-eastern corner of the paddock (Plot 7) has been moved to the southern end of the frontage to Mill Lane and runs close to and more or less parallel with boundary with the existing dwellings. Whilst it is acknowledged that this revised route for the drive would have less visual impact on the EN6 land, it, nonetheless, does not overcome the objection in principle.

Reponses to amended plans

Re-consultation was undertaken on the amended plans, the responses received were as follows.

Tallington Parish Council:

“The scheme, although amended, still comprises the development of this area of the village which was the initial scheme put forward for consultation by the Parishioners in August 2002. At that meeting of approximately 80 Parishioners there was an overwhelming majority in favour of the scheme.

The application carries the support of the Parish Council, with the following observations:

1. In order to ensure privacy is retained to the adjoining property, the Old Forge, we recommend:
 - i) Planting of trees in the rear of plot 1.
 - ii) The Velux windows to the first floor of the west elevation of plot 6 are to permit light to bedroom five – no alterations should be permitted which would intrude on the privacy of the neighbouring property.

- iii) We note that the garage to plot 2 has Velux windows to the upper level of the western elevation. A covenant should be included preventing an amendment to the type of window being subsequently constructed to the upper level of the garage on the western elevation which would impact on the neighbours privacy.
2. The following comments were made regarding plot 7, all of which were supported by the applicant at our meeting:
 - i) The amendment to the drive of plot 7 which now runs alongside the adjacent properties is considered to be less attractive than the meandering approach in the first submission.
 - ii) Concern was expressed that plot 7 is not in line with the neighbouring properties.
 - iii) It would be preferable for plot 7 to be sited "a handful of metres" further away from the adjoining property.
 - iv) Should it be impractical to move plot 7 forward, towards the Dovecote, consideration could be given to turning the property by say 20 degrees.
 - v) There should be no windows overlooking the adjacent property.
3. In order to provide wheelchair/pushchair friendly footpaths these should be constructed using compacted natural materials and any gates should be spring loaded, rather than stiles or kissing gates.
4. For pedestrian safety consideration should be given to the construction of a pedestrian crossing joining the St Lawrence Way footpath and the entrance to the new development, which will ensure safe access to the Millennium Green by residents, the majority of whom live on the other side of the busy A16.
5. Concern was raised regarding the development of land previously designated EN6.
6. Concern was raised regarding any additional pressure that the additional properties will place upon the water drainage system in the village, which has already experienced problems due to blockages and broken pipes underneath the railway crossing.
7. Concern was expressed to ensure that adequate parking is provided in front of the garages to plots six and two to accommodate visitors, retain a tidy development and keep the shared private drive clear.
8. Considerable concerns were expressed regarding accessibility of large vehicles (fire engines, removal vehicles) which would find it impossible to pass under the archway between plots one and two.
9. The resident of Greystones raised his concerns that the new entrance to the development, which had been changed to improve visibility lines for the development, is directly opposite his own entrance.

In summary, acknowledging that some minor amendments may still be preferable, it was the unanimous conclusion of the Parish Council that the thoughtful and sympathetic scheme will enhance the village and the Council support the application."

Representations were also received from interested parties.

The issues raised are:

- a) Proposals still do not take account of comments and requests arising from previous meetings with local residents. (1)
- b) Approval would be contrary to Local Plan. (1)
- c) New entrance to paddock off A16 a safety hazard and increase congestion. (2)
- d) Access should be off Mill Lane. (1)
- e) Repositioning of driveway to western end of A16 frontage will increase noise pollution on The Old Forge. (1)
- f) Privacy of The Old Forge still seriously compromised. (1)
- g) Revised driveway route across EN6 land will have greater adverse impact on Canal Cottage. (1)
- h) Traffic noise and disturbance to EN6 land. (1)
- i) Red House Paddock is not allocated for development in the Local Plan. (1)

Conclusion

The recommendation remains to refuse planning permission, as originally stated, with minor alteration to the wording of reason 1.

This application was deferred from the 5 October meeting to allow discussions to take place with the Highway Authority to ascertain what conditions they would wish to see imposed on any grant of planning permission.

In addition, a list of the matters to be covered by a Section 106 Agreement has been received from the applicant's Solicitor.

The Highway Authority have asked that the following standard conditions be imposed if Members are minded to approve the application:

- 1. B18 – Turning Space.
 - 2. B7 – Visibility of access.
 - 3. C3 – Surface water run-off.
 - 4. B10 – Radii and width of access.
 - 5. B24 – Private driveway.
- Plus 2 standard Notes to Applicant.

The applicant has suggested, through his Solicitor, that the following be covered by a Section 106 Agreement:

- 1. Restoration of Dovecote.
- 2. Conveyance of land to Tallington Parish Council upon completion of sale on last property.
- 3. Conveyance of land to The Red House upon completion of sale of last property.
- 4. Fences and gates to be constructed and planting to be undertaken by the applicant prior to conveyance to the Parish Council.

5. Applicant to pay £30,000 to Parish Council to be invested for future maintenance upon completion of sale of the last property.
6. Applicant to pay £7,000 to the Village Hall Association for village amenities.
7. The applicant's family to convey existing Tallington Playing Field to the Parish Council before any building is commenced.
8. All reasonable legal fees incurred by the Parish Council to be paid by the applicant.

A representation from an interested party was received shortly before the meeting but after the Agenda had been published.

The representation reads as follows:

"We oppose this proposed Millennium Green development, which has now, we understand, been twice recommended for refusal by the Committee. We believe that it is time to draw this matter to a close by formal final refusal of planning consent.

Our prime objection is because the Red House Paddock proposed development intends to use land specifically excluded from property designated in your Local Plan 1995, on which development can be considered by SKDC.

As there have been no policy or other changes since the Local Plan was agreed and published, it is clear that this proposal should not be approved.

If this proposal was approved, your Committee members could be exposed to serious potential legal risk, as we understand that in planning law this would constitute a "perverse decision" in view of its departure from the formal Local Plan. Such a decision would, we are told by specialist planning advisers, have to be publicly advertised under the 'departure procedure'. Furthermore, in the light of all prevailing local and national policy, any approval of this proposal by your Council would be open to challenge in the High Court, we understand.

Furthermore, on a purely local level, this proposal also breaches a variety of other planning policies, as clearly outlined by SKDC Planning Officers in their recommendation that this scheme be refused in its entirety.

- The proposal (in both original AND amended forms) is unacceptable to the Highways Authority in view of the congestion, interrupted flow and added safety risk it would bring to the A16 through Tallington.
- Construction of the House on Plot 7 would seriously compromise open views of the listed dovecote in Red House Paddock.
- The access road from Mill Lane proposed for Plot 7, in either original or amended form, would be a clear breach of the EN6 order protecting this traditional orchard, which would also lose at least two mature apple trees, should this scheme go ahead.

This proposal is a clear breach of a number of planning policies and agreements, especially the Local Plan – which, surely, is as much for the guidance of applicants as it is for the benefit of the Planning Department?

If approved, this proposal would bring further problems on the already congested A16 and it would be a major threat to open vistas of a listed historic building, with significant attendant damage to a protected orchard. Once destroyed, historic views and protected open spaces can never be recreated – which is why, presumably, this land was specifically excluded from development proposals such as this in the Local Plan.

We believe that the Committee should do no more than follow the advice of its own professional, expert planners (who have twice recommended refusal) and abide both by clearly established planning policies and the Local Plan.

We politely request that this proposal be refused.”

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SR.2 **S04/1630/82**

Registration Date: 26-Oct-2004

Applicant	Witham Hall School Trust Ltd C/o Agent
Agent	Steven Dunn Architects Hadleigh House, High Street, Walcott, Lincoln, LN4 3SN
Proposal	Erection of new school hall
Location	Witham Hall School, Witham on the Hill

<u>Site Details</u>	
Parish(es)	Witham on the Hill Conservation Area C Class Road Curtilage Listed Building Area of special control for adverts C9 Area Conservation Policy EN3 Area of great landscape value Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The application site lies within the grounds of the grade II listed Witham Hall, to the rear and east of former stables, now used as music rooms and which enclose a courtyard with other formal service buildings dating from the time when the Hall was a Country House.

These parts of the grounds are adjacent to the main road through the village and are largely screened from view, partly by a 2.4m high stone wall and also by a mature Laurel hedge. The land here is slightly higher than the road and the residential properties opposite, which overlook the application site.

There have been several substantial freestanding new buildings and extensions erected on the school premises in recent years.

The Proposal

Full planning permission is sought for the erection of a new school hall located to the rear (east) of the former stables/music rooms.

The submitted drawings show a single storey building, the external walls of which are to be constructed of natural coursed limestone and the roof covering to be of a slate type to be agreed, positioned at, its closest point, within one metre of the stable block.

The overall size of the building would be 31.5m in length and 14m wide. It would have a shallow pitch roof (20°), giving a height to the ridge of 6.25m and 3.7m to the eaves, and it would be positioned parallel to the northern boundary at a distance of 6.625m.

There are several trees that will be affected by the proposed development and whilst these are not protected by a Preservation Order, any that are over 75mm in diameter are protected by their location within a Conservation Area. A specialist tree survey has been requested to assess the impact on the trees in the immediate vicinity of the proposed building.

It is accepted that the building that currently serves as the school hall is inadequate for that purpose.

This is a resubmission following withdrawal of an earlier application which proposed a similar sized building attached to the rear of the stable block/music rooms, positioned within 0.5m of the boundary hedge and having a hipped roof as opposed to the parapet gables.

Policy Considerations

Lincolnshire Structure Plan (Deposit Draft April 2004): Policy BE3 – Conservation of the Historic Built Environment.

South Kesteven Local Plan: Policy C9 – Buildings in Conservation Areas.

Witham on the Hill Conservation Area document (February 1974).

Statutory Consultations

Local Highway Authority: No observations.

Community Archaeologist: Requests Note to Applicant – ARC1.

Parish Council: Comments awaited – notified 28th October 2004.

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 26 November 2004. At the time of writing, there is just over a week of the publicity period to run and the only representations received are from interested parties.

The issues raised are:

- a) Building in the wrong place. Should be to south west of Witham Hall, away from village dwellings.
- b) Insufficient separation distance from residential properties for there not to be a noise problem.
- c) Proposed building would be a visual intrusion.
- d) Uncertain as to which trees will be lost.
- e) Loss of wildlife habitat.
- f) Further erosion of rural character of the area.

Applicants Submissions

“List of points of relevance : prepared by Witham Hall School

1. Current hall capacity is half-required size.
2. Number of pupils attending school has increased from 155-266 over last five years.
3. We currently provide in excess of 200 individual music lessons per week. We are a registered centre for the ASBRM (Associated Board of the Royal School of Music). In 2003, 37 pupils sat grade examinations. In 2004, 63 and trend is continuous.
4. Building a new hall will allow us to convert the existing hall to music rooms, and to justify the significant cost.
5. Current use of the stable block for music lessons and its very heavy doors is a potential Health and Safety issue.

Siting of the New Hall

- There is only one unused piece of unused and redundant land on the 30 acre site.
- This “scrub” land is in the right place for daily/morning access by the children. The proposed building on this site would have minimal impact upon the setting of the main listed building.
- Investment in the new hall, attached to the stable block, will overcome the Health and Safety aspect of the heavy stable doors and other matters relating to the potential inadequacy of these “stand-alone” teaching spaces.
- The wild flower meadow will remain unaffected and indeed enhanced by the proposal by virtue of the removal of the “scrub” land.

Partnership/Future

- The new hall will be used by the Bythams School as part of our South Kesteven Outreach programme for which we make no charge.
- Lack of a suitable hall is affecting our curriculum and diminishing our ability to provide morning workshop and music. Both areas given high priority by Government and our prospective parents. A new Hall is an essential and fundamental requirement if the school is to prosper.
- Diminishing our attractiveness could put at risk the jobs of the 63 people we employ and the £50,000 per annum we spend maintaining Witham Hall. The Schools significance in this respect must not be underestimated. The continued success of The School ensures that the buildings are maintained and indeed improved through a programme of continuous planned maintenance and improvement.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 15, Policy BE of the Lincolnshire Structure Plan (Deposit Draft April 2004), Policy C9 of the South Kesteven Local Plan and the Witham on the Hill Conservation Area document. Material issues have been raised, but subject to conditions attached to this permission, they are not considered sufficient to indicate against the proposal and outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. A sample panel of proposed materials shall be constructed on site and shall be subject to the approval of the District Planning Authority prior to work commencing on site. The panel shall show the proposed method of construction including the type of natural stone and its finish, the mortar mixture and the method of coursing to be used in the development. The approved development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of construction works.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
4. Before development is commenced on the site, all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth) storage of materials (including soil) vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
5. 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.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To ensure that the type and colour of materials to be used harmonise with the surrounding development in the interests of visual amenity.
3. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment.
4. In the interests of amenity and to ensure a satisfactory development.
5. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.

Note(s) to Applicant

Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.

* * * * *

Applicant	T C Harrison Ltd 49, Wakefield Road, Ossett, West Yorkshire, WF5 9SW
Agent	Ross Thain & Co 3, St. Marys Hill, Stamford, PE9 2DW
Proposal	Redevelopment of site to provide new residential units
Location	Old T C Harrison Site, Wharf Road, Stamford

Site Details	
Parish(es)	Stamford Conservation Area 1000 sq.m. plus in Conservation Area A Class Road Demolition of any building Radon Area - Protection required Adjacent Listed Building Area of special control for adverts C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The 0.16 ha application site is located on the northern side of Wharf Road, just to the west of its junction with St Leonard's Street.

It comprises a former car showroom, an attached office building and an outside car display area that is now vacant due to the owners concentrating their business on the opposite, south side of Wharf Road.

The office building is a prominent feature in the street scene, having an unusual roof shape, and pre-dates the use of the site for car sales.

The site slopes up, northwards, from the Wharf Road frontage, with a maximum difference in level on its south-western side of approximately 3 metres. Wharf Road itself rises from west to east as it approaches the junction with St Leonard's Street.

To the north of the site are residential properties fronting St Leonard's Street. To the east and west, on the Wharf Road frontage, there are two storey cottages.

The site lies within the Stamford Conservation Area, the boundary to which at this point follows the line of Wharf Road.

The Proposal

The application proposes redevelopment of the site for residential purposes. The modern showroom building would be demolished and replaced with three, two storey, dwellings in a neo-vernacular style between the retained office building and a pair of yellow brick cottages. The retained, stone office building would be converted to three dwellings.

A terrace of six dwellings would be erected on the former outside vehicle display area. As originally submitted, the drawings show these to be three storey with accommodation in the roofspace and

positioned on a north/south alignment within metres of the western boundary. The ground levels on this part of the site are to be lowered, by as much as 1 metre.

This part of the scheme has been amended to a terrace of two storey dwellings with accommodation in the roofspace.

Materials are specified to be Ashlar local limestone to the front elevations of all units with coursed limestone rubble to the sides and rear. Roof coverings to be "Rutland Stone Tiles".

Statutory Consultations

Local Highway Authority: Requested amendments – final comments awaited.

Historic Buildings Advisor:

"I am in receipt of amended details to the above (Drawing Nos. 284 – 103A, 104A and 106A). These show the proposed terrace of houses to be erected within the site substantially reduced in height (now to two storey with attics) and the roof gardens deleted. In my opinion, the buildings in the scale now proposed will no longer overbear on buildings in the vicinity or the street scene generally and the roof forms will be more appropriate in the context of the setting with the incongruous roof gardens deleted.

I would only now advise that it should be ensured that the application of external materials and detailing of features will be of high quality and complementary to the historic Conservation Area setting."

English Heritage:

"We have considered the proposal and offer the following advice.

Summary

The proposals would represent an enhancement to the existing frontage onto Wharf Road, however, the development to the rear would have a dominant and discordant effect on the conservation area due to its scale and design. English Heritage advise that the application should be refused.

English Heritage advice

This area of Wharf Road, although currently somewhat fragmented in townscape terms by large vacant sites, has a consistent pattern of development of two storey houses mostly constructed of Ancaster limestone. The site, formerly a car showroom and originally the Girl's National School, consists of some stone vernacular buildings which make a very positive contribution to the area. The showroom itself however is of no interest and could be redeveloped in a manner that would improve the street scene.

The proposals involve redevelopment of the showroom site with sympathetically designed two and a half storey terraced houses sited on the back edge of the footway and constructed of stone. On the existing car park there is proposed a further six houses of essentially four stories in height, whilst the existing buildings would be converted into three dwellings. The houses proposed for the car park would be sited on rising ground which would increase their height over other houses on Wharf Road considerably further. PPG15 reminds us that development in conservation areas should follow fundamental architectural principles of scale, height, massing and alignment. The houses proposed for the site

frontage on Wharf Road have been designed in line with this advice, however, the houses proposed for plots 1-6 would have a dominating effect that would harm the character and appearance of the conservation area.

Recommendations

The proposals contain elements which would enhance the conservation area, however this is outweighed by the harm that the dominance plots 1-6 would have on the street scene. English Heritage therefore advise that this application should be refused, and that the applicants encouraged to come forward with fresh proposals that address the areas of concern that we have raised.

Next Steps

Providing that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government advice, development plan policies and with the benefit of any further necessary conservation advice locally. It is not therefore necessary for us to be consulted again on this application."

Community Archaeologist: Requests standard condition W8.

Environment Agency: No comment to make on proposal.

Environmental Health Services: Requests standard condition R25.

Leisure and Cultural Services:

"No requirement for on-site open space/play facilities but suggest that a contribution be requested towards upgrading facilities on Recreation Ground Road."

Lincs Police Architectural Liaison Officer: Makes several recommendations with regard to crime reduction measures.

Town Council:

"Plots 1 to 6
Overbearing on properties adjacent at Wharf Road and St Leonard's Street.

Plots 7, 8, 9
Strongly propose that SKDC look at 106 Agreement in view of lack of properties and affordability.

All Plots
Prefer to see Collyweston Slate rather than imitation. Request an onsite archaeological survey, bearing in mind proximity of Town Walls."

Representations as a result of publicity

Responses from interested parties to scheme as originally submitted:

Issues raised:

- a) Inadequate off-street parking provisions. (2)

- b) Overlooking from upper floors of proposed dwellings into existing properties. (3)
- c) Proposed dwellings on plots 1-6 are too high. (1)
- d) Intentions with regard to boundary wall at rear of nos. 42-45 St Leonard's unclear. (1)
- e) Loss of privacy. (3)
- f) Loss of daylight. (3)
- g) Noise nuisance. (1)
- h) Site not identified for development in Local Plan. (3)
- i) Overbearing development. (4)
- j) Design not in keeping with character of the area. (3)
- k) Loss of view of night sky. (1)
- l) Overdevelopment. (1)
- m) Proposed dwellings too high. (2)
- n) Proposed development would exacerbate existing congestion problems. (1)
- o) Proposals could give rise to action under the Human Rights Act.

Responses to revised proposals. The additional issues raised are:

- a) Amendments fail to address original concerns. (1)
- b) Still not clear how properties at eastern end of St Leonard's Street will be affected. (1)
- c) Proximity of large houses to properties fronting Wharf Road will result in loss of light and overlooking. (1)
- d) Reduction of height of plots 1-6 should reduce overwhelming impact of original plan.

Policy Considerations

PPG 1 – General Policy and Principles.

PPG 3 – Housing (2000).

PPG 15 – Planning and the Historic Environment.

PPG 16 – Archaeology and Planning.

Lincolnshire Structure Plan (Deposit Draft April 2004) – Policies H2, BE3 and H3.

South Kesteven Local Plan – Policies C9, H6 and EN1.

Conclusions

As will have been noted from the representations received, the majority of the concerns over this development relate to the impact on existing residential properties adjacent to the site.

Whilst this can be mitigated to some extent by the reduction in ground levels, as proposed, and arranging internal layouts so as to keep to a minimum the number of habitable rooms which have windows overlooking neighbouring properties, it is difficult to avoid this entirely in a tight urban context.

Further amendments have been sought from the applicants showing the height of the proposed dwelling at the northern end of the terrace of six further reduced and a section through the eastern end of the site to demonstrate the difference in levels between the proposed dwellings fronting Wharf Road and those existing on St Leonard's Street.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Notes PPG 1, PPG 3, PPG 13, PPG 15 and PPG 16, Policies S1, S2, H2 and BE3 of the Lincolnshire Structure Plan (Deposit Draft April 2004) and Policies H6, EN1 and C9 of the South Kesteven Local Plan. The issues relating to loss of privacy and daylight are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal or to outweigh the policies referred to above.

RECOMMENDATION: That subject to satisfactory resolution of the overbearing and overlooking issues, the final comments of the Highway Authority and the applicant agreeing to enter into a Section 106 Agreement in respect of financial contributions for upgrading children's play facilities, 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. This consent relates to the application as amended by *** received on ***.
3. 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.
4. Before the development hereby permitted is commenced detailed elevational drawings, to a scale of 1:50 of all elevations of all buildings shall be submitted to the local planning authority. Only such details as may be agreed in writing shall be used in the development.
5. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
6. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
7. A sample panel of proposed materials shall be constructed on site and shall be subject to the approval of the District Planning Authority prior to work commencing on site. The panel shall show the proposed method of construction including the type of natural stone and its finish, the mortar mixture and the method of coursing to be used in the development. The approved

development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of construction works.

8. 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.
9. 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.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
11. The rear access paths to plots 1-6 shall be secured by lockable gates, details of which shall be submitted to and approved in writing with the local planning authority.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.
4. To ensure that the details of the approved dwellings are appropriate to this location within a Conservation Area.
5. To ensure that these details are in keeping with local tradition and are appropriate for this Conservation Area location.
6. 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.
7. 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.
8. 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.
9. The application was submitted in outline and no such details have been submitted.
10. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. The implementation of the scheme is therefore necessary to create and maintain a pleasant environment.
11. To reduce the risk of crime.

* * * * *

Applicant	T C Harrison Ltd 49, Wakefield Road, Ossett, West Yorkshire, WF5 9SW
Agent	Ross Thain & Co 3, St. Marys Hill, Stamford, PE9 2DW
Proposal	Demolition of unlisted buildings in conservation area
Location	Old T C Harrison Site, Wharf Road, Stamford

<u>Site Details</u>	
Parish(es)	Stamford Conservation Area A Class Road Demolition of any building Radon Area - Protection required Adjacent Listed Building Area of special control for adverts C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Welland and Nene

REPORT**The Site and its Surroundings**

The application site and its surroundings have been described in the report to the accompanying planning application S04/1124/69.

The Proposal

Conservation Area Consent is sought for an unlisted building in the Conservation Area. The building in question is a former car showroom on the Wharf Road frontage. It has a flat roof and stone panel surround to large display windows.

It would be replaced by a terrace of three, two storey dwellings, as described in the report to S04/1124/69.

Policy Considerations

PPG15 – Planning and the Historic Environment.

South Kesteven Local Plan – Policy C9.

Statutory Consultations

Historic Buildings Advisor (dated 28 August 2004):

“I am in receipt of details to the above and would offer the following observations thereon, as requested.

1. The buildings to be demolished are modern and, in my opinion, a negative feature in the Conservation Area. The more attractive traditional stone buildings in the south eastern sector of the site and along the Wharf Road frontage are appropriately shown to be retained and incorporated in the redevelopment scheme.

2. The proposed terrace of houses to be erected along the Wharf Road frontage to the site will, in my opinion, be attractive and appropriate in form, scale and detailing, as far as indicated.

3. The proposed terrace of houses to be erected within the site will on the other hand, in my opinion, tower over the existing buildings in close proximity and will cause a severely unwelcome overbearing impact on the scene by way of excessive height. I would advise that these buildings should be reduced in height preferably to no more than two storey.

4. Notwithstanding the foregoing further consideration should be given to external materials to the new buildings and the detailing of their application, and sensitive detailing of all external features.”

Historic Buildings Advisor (dated 22 October 2004):

“I am in receipt of amended details to the above (Drawing Nos. 284 – 103A, 104A and 106A). These show the proposed terrace of houses to be erected within the site substantially reduced in height (now to two storey with attics) and the roof gardens deleted. In my opinion, the buildings in the scale now proposed will no longer overbear on buildings in the vicinity or the street scene generally and the roof forms will be more appropriate in the context of the setting with the incongruous roof gardens deleted.

I would only now advise that it should be ensured that the application of external materials and detailing of features will be of high quality and complementary to the historic Conservation Area setting.”

Town Council: See S04/1124/69.

Stamford Civic Society:

“We refer to the above drawings. As you will know the Society supported the demolition proposals previously proposed and, indeed, saw no objection to the previous scheme. We note the changes made to the height of the rear block and would support the application. We are pleased to see clear plans submitted with attention to detail – sadly not a comment we can often make.”

Representations as a result of publicity

The application has been advertised in accordance with statutory requirements, the closing date for representations being 20 August 2004.

The representations received in connection with this proposal have been included in the report to S04/1124/69.

Summary of Reason(s) for Approval

It is considered, having regard to the relevant provisions of the development plan, that the demolition of the car showroom to facilitate replacement with three dwellings would not result in the loss of a building that makes an important contribution to the character and appearance of the Conservation Area.

RECOMMENDATION: That subject to planning permission being granted for a redevelopment scheme, 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 building shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.
3. No demolition shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.

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

1. Required to be imposed pursuant to section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. To ensure that demolition only commences immediately prior to the commencement of an approved redevelopment scheme so that a gap in the street scene and visual injury does not result.
3. 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.

* * * * *

SU.3 **S04/1463/56**

Registration Date: 24-Sep-2004

Applicant	Tesco Stores Ltd PO Box 400, Cirrus Building, Shire Park, Welwyn Garden City, Herts, AL7 1AB
Agent	G L Hearn Leonard House, 5-7, Marshalsea Road, London Bridge, London, SE1 1EP
Proposal	Extension to superstore
Location	Tesco Stores Ltd, Godsey Lane, Market Deeping

<u>Site Details</u> Parish(es)	Market Deeping Public footpath crosses site - FP1
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	C Class Road Radon Area - Protection required Section 106/52 applies on site TPO affects site - TPO1 Drainage - Welland and Nene
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REPORT

The Site and its Surroundings

The site is located within the urban area of Market Deeping but not within the Established Shopping Area. The site is bounded by open fields on two sides and by schools on the third, residential properties are located adjacent to the access roundabout. The site comprises a supermarket, landscaped area and car park and service yard.

The site has access from a traffic island.

Site History

SK.96/1016 – Outline permission for shop. Approved.

SK.97/0966 – Erect foodstore & associated works. Refused. Appeal – Withdrawn.

S98/0587 – ARM: amendments. Approved.

S98/0650 – Amend condition 20 on previous approval. Approved.

S98/1098 – Non-compliance (noise levels). Approved.

S99/0001 – Advertisements. Approved.

S99/0002 – Advertisements. Approved.

S99/0069 – Extension. Withdrawn.

S99/0340 – 24 hour trading. Refused.

S99/0341 – Trading Hours condition variation. Approved.

S04/0291 – Advertisement. Approved.

The Proposal

This is a full application for an extension of the building, alterations to the car park layout and landscaping.

The extension is to the east side of the shop creating an increase of 972m² trading space and 529m² storage space. Externally there will be space for 5 trolley bays, 30 cycle parking spaces, 68 additional car parking space and additional hard and soft landscaping.

Policy Considerations

Policy S5 – Large Retail Stores outside Town Centres.

Policy EN1 – Protection and Enhancement of the Environment.

Draft Planning Policy Statement 6 – Planning for Town Centres, in particular the following:

2.36 A sequential approach should be adopted in selecting appropriate sites for allocation within the centres where that need is to be met. All town centre options (including the extension of the town centre) should be thoroughly assessed before less central sites are considered for development for key town centre uses. The sequential approach requires that locations are considered in the following order:

- first, locations in existing centres where suitable sites or buildings for conversion are, or will become, available, taking account of an appropriate scale of development in relation to the centre; and then
- edge-of-centre locations; and then
- out-of-centre sites.

3.2 The policies in this statement should be applied to all proposals, of whatever size, for:

new development;

redevelopment of existing facilities;

changes of use involving development;

renewal of extant planning permissions; and

the distance thresholds used in applying the sequential approach and searching for appropriate sites will differ for different types of development (see Table 2, Annex A).

3.15 In selecting sites, all town centre options should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.36, above.

3.19 Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence why they are not practicable alternatives in terms of:

Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application, and the local planning authority is satisfied that the applicant has undertaken a reasonable assessment, the local planning authority should take this into account in their assessment of the application; and

Suitability: with due regard to the requirements to demonstrate flexibility (paragraph 3.16), the sites are not suitable for the type of development proposed; and

Viability: the development would not be viable on these sites.

3.20 Further guidance on applying the sequential approach will be provided in forthcoming Good Practice Guidance: Applying the Sequential Approach.

Lincolnshire Structure Plan Draft Deposit - Policy E3 Town Centres, Retail and Leisure.

Statutory Consultations

Market Deeping Town Council: Objects that the inclusion of parking to the south of the site will impinge on the footpath which is heavily used owing to the proximity of schools. Also feel that there will be a loss of amenity on side of Tesco where the public footpath is.

Local Highway Authority: Reviewing the Transport Assessment. Any comments received will be reported to Committee.

LCC Footpaths: Diversion of the footpath is necessary and users of the footpath should not be inconvenienced or exposed to hazard.

Welland and Deepings Internal Drainage Board: Increase in impervious area will require attenuation of flows on the site.

Environment Agency: No objection but request conditions be attached.

Peterborough City Council: No objections.

Representations as a result of publicity

Ramblers Association: No objections.

Open Space Society: No objection but requests that the footpath be clearly marked on the ground.

Market Deeping Community Primary School: Concerned regarding the safety and security of the pupils would be compromised and that there would be a negative aesthetic impact from the extension. The extension will exacerbate problems caused by pedestrians and vehicles in the car park. These problems could be resolved by having direct access to the new footpath. The school has had crime problems because of vulnerability from the shop site.

A representation has been received from an interested party relating to the following:

- a) Cannot determine if school parking is to remain, but if not then highway safety will be compromised.
- b) Planning conditions relating to deliveries are to be retained.
- c) States that the application will be approved and asks if the view of local Council Tax payers are genuinely required or sought.

Planning Panel Comments

To be determined at Committee after a site visit.

Applicants Submissions

A Retail Impact Assessment has been submitted with the application.

A Transport Assessment has also been submitted.

Conclusions

The key issues of this application are impact on the vitality and viability of Market Deeping Town Centre, and the impact of traffic generation.

Retail Impact

It is considered that the Retail Impact Assessment (RIA) provided by the applicant provides insufficient information. In particular it is considered that the "Need" for extended premises has not been adequately demonstrated and that a full sequential test, as detailed in the government Draft Planning Policy Statement 6 – Planning for Town Centres, is missing from the report. The report does not list alternative sites in Market Deeping, but refers to sites examined for the application in 1996. The report fails to examine sites suitable for a disaggregated operation of the business in order to achieve the desired floor space, e.g. potential sites for a Tesco Metro type store in the town centre. It is considered that this is a serious flaw in the report.

Furthermore, the RIA provided by the applicant, in concluding a need for convenience goods within Market Deeping is contradicted by the Council's own report prepared by White, Green, Young Planning in June 2004 that states there is no capacity for further convenience goods floor space in the town and the following:

In terms of South Kesteven District as a whole, there appears to be no capacity over the Local Plan/Development Framework period to support additional convenience goods floorspace. However, given that the District covers a reasonably wide area and is served by four town centres, this study also assesses the floorspace capacity within each of the four main settlements within the District.

On this basis, there is no identified expenditure capacity for Grantham, Bourne or Market Deeping. However, in Stamford, taking into account overtrading of existing stores within the town and the closure of the Rainbow Store, there will be £17m of residual expenditure by 2016. On the basis that 70% of this residual expenditure would be available to superstores whilst the remaining 30% would be available to small foodstores, this provides capacity for some 1,209 sq.m. net of superstore floorspace together with 931 sq.m. of small store floorspace by 2016.

Comparison Goods

In terms of non-bulky comparison goods, there is projected to be expenditure capacity to support between 11,135 and 25,804 sq.m. net floorspace across the District as a whole by 2016 (depending on the assumptions adopted). In each individual centre, the following ranges of floorspace capacity are identified:

Grantham: 8,866 – 13,995 sq.m. net.

Stamford: 7,583 – 10,711 sq.m. net.

Bourne: 2,435 – 3,491 sq.m. net.

The Deepings: 255 – 365 sq.m. net.

Turning to bulky comparison goods, the overall capacity within the District by 2016 is assessed to be between 91,736 – 16,088 sq.m. net. In individual towns, the corresponding figures are as follows:

Grantham: 7,544 – 11, 735 sq.m. net.

Stamford: 1,577 – 3,084 sq.m. net.

Bourne: 393 – 945 sq.m. net.

The Deepings: 222 – 324 sq.m. net.

Transport Assessment

A Transport Assessment has been submitted and is being considered by Lincolnshire County Council Highways. It is anticipated that any issues raised can be resolved.

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

1. It is considered that the available evidence does not demonstrate that the proposed development meets important criteria in Draft Deposit Structure Plan Policy E3 relating to scale and impact on the vitality and viability of Town Centres.

It is considered that the available evidence does not demonstrate that the proposed development meets important criteria of site selection and there is insufficient information relating to a full sequential test in accordance with the clarified PPG6 and draft PPS6 criteria including consideration of disaggregation.

It is considered that the available evidence does not demonstrate that the proposed development meets important criteria of need for an increase in convenience goods floor space within Market Deeping.

* * * * *

SU.4 **S04/1595/56**

Registration Date: 19-Oct-2004

Applicant	Executors of B C Barsby Deceased Double & Megson Solicitors, 11, Market Place, Market Deeping, Peterborough, PE6 8EA
Agent	R Moulsher, Connells 40, High Street, Stamford, PE9 2BX
Proposal	Erection of two dwellinghouses and associated garaging and access
Location	42A, Halfleet, Market Deeping

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

The Site and its Surroundings

The site is located within the urban area of Market Deeping. The site is “U” shaped and wraps around a residential property at 42 Halfleet and is bounded by other residential properties. The site comprises a mobile home and seven garages, constructed from a hotch potch of materials in various states of repair, and bounded in part by vertical corrugated iron sheets. The site is flat and contains trees and scrub bushes and a variety of hard surfaces.

The current access to the site is situated between No. 42 and a stone barn.

The site is the remaining section of the caravan site that was developed for the Meadway and as such is considered to be a brownfield site.

Site History

SK.97/0735 – Renewal of temporary permission for mobile home – Approved.

S02/0973 – Residential mobile home – Approved.

The Proposal

This is an outline application for two dwellings with siting and access being determined and design, external appearance and landscaping being reserved for future consideration.

The stone barn and the garages would be demolished and two dwellings constructed in the positions indicated. However amended plans have been requested so that the dwelling labelled 42a has been moved so that it is constructed at the back of the footpath.

The third garage is to provide off street parking for the occupant of No. 42.

Policy Considerations

Policy H6 – Housing other than that identified in H1, H2, H3, H4 and H5.

Policy EN1 – The visual quality and amenity of the built and countryside environments.

Statutory Consultations

Local Highway Authority: No objections but requests conditions be attached.

Town Council: Objects - Backland Development. Invasion of privacy for 2 houses not shown, too much on too little, more unwanted piecemeal development.

Representations as a result of publicity

Representations have been received from the following interested parties.

The following issues have been raised:

- a) The plan does not show all neighbouring properties and gives a false impression that it looks out over open fields.
- b) The accuracy of the plans in relation to site boundaries and neighbouring properties have been omitted.
- c) There are a number of trees on the site that would interfere with the proposed development.
- d) The wall bounding our property is proposed at 1m, less than the current height, the wall should be 1.75m to maintain levels of privacy.
- e) The application is flawed because the site notice has not been posted in the vicinity of the proposed development, the application was not displayed on the correct web page and the details on the planning application are not correct.
- f) The site is used in connection with a builders business and the proposed use of the third garage is that of business storage.
- g) There will be no maintenance access for 60 Meadway.
- h) Details that should be on the proposed development plan are missing, if the various Council Committees are to make an informed decision.
- i) This constitutes back development that would cause invasion of privacy.

Planning Panel Comments

Refer to Committee after site visit.

Applicants Submissions

The agent has submitted a statement stating that the house at the front of the site should reflect the character of the two neighbouring properties in form and materials and the house at the back could be of a modern design to reflect dwellings on the Meadway.

The traffic generation at the site will be reduced with the removal of rented garages and the access width will be improved.

Conclusions

The key issues of this application are residential amenity, impact on the setting of a listed building and impact on the character of the street.

Character of Listed Building and Street

The dwelling at 42 is constructed from stone with a Collyweston slate roof though there is a modern rendered extension to the rear under a pantile roof. It is considered that the amended location of

the dwelling at 42a will compliment the setting of the listed building. The choice of materials will need to reflect the listed building.

The widening of the access and the concomitant demolition of the roadside barn will have an impact on the character of both the street and the listed building. However this widening has to be balanced with the enclosure created by the new dwelling and it is considered that there will be no adverse impact on the street and listed dwelling.

Residential Amenity

PPG3 recommends the efficient use of previously developed land and this is balanced with the consideration to match the character of the area. It is considered that the proposal to site two dwellings is the best compromise between the two criteria. It is concluded that a denser form of development would have an adverse impact on the setting of the listed building.

Both neighbours have raised concerns regarding privacy. In relation to the fencing adjacent to No. 34 this can be controlled by condition, though the section at the front of the site will have to be reduced in height to provide vehicle pedestrian inter-visibility.

The application only proposes determination of the siting of the dwellings with design and external appearance being reserved for a future application. At that time officers will assess the design to ensure that there is no loss of privacy. It is not axiomatic that a dwelling constructed in this location will automatically create overlooking and loss of privacy as implied by a neighbour. Whilst the impact of a dwelling could be controlled by a condition it is considered unnecessary in this instance.

Neighbours Comments

The issue of inaccuracy of the boundaries has been discussed with the agent and he states that the actual boundary may vary round the footprint of buildings on the boundary, but he is confident that the development will not be external to boundaries revealed on demolition of garages and other buildings.

The neighbour makes reference to some spatial dimensions reflected in the "Essex Design Guide", however officers would give consideration to opposed habitable room windows when determining a future Reserved Matters application. It is considered feasible to create a two storey dwelling that respects the spatial constraints of the site, however members may wish to consider attaching a condition restricting the form of development to a bungalow.

The retention of a maintenance access strip is not a material planning consideration. The issues of a lack of detail do not render the application invalid and the matters relating to neighbours properties has been addressed in the report. The application has been correctly advertised.

The issues of unauthorised use has been passed to the enforcement team for their attention.

Conclusion

The development is considered acceptable.

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. Any gates to the vehicular access shall be set back 6 metres from the nearside edge of the carriageway of Halfleet and shall open away from the highway.
 3. Before the access is commenced to be used the land between the existing highway boundary and the vision splays indicated on the attached plan (drawing number *** dated ***) shall be cleared of all obstructions exceeding 1 metre in height, and so maintained thereafter.
 4. Before the permitted access is commenced to be used the existing access between the site and Halfleet shall be stopped up permanently in accordance with a scheme which has been submitted to and approved by the District Planning Authority.
 5. 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.
 6. Prior to the buildings becoming occupied, the driveway (and turning feature) shall be laid out and constructed, and suitably gravelled/hardened for the whole of its length.
 7. Before any development is commenced the approval of the District Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of surface water run-off from the development; and such scheme as may be approved shall be carried out before (the) (any) building is occupied.
 8. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
 9. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
 10. Prior to the commencement of any works on the site, a detailed plan of a scheme for the protection of all trees/ hedges which are to be retained as part of the approved landscaping scheme shall be submitted to and approved in writing by the District Planning Authority. The scheme as approved shall be implemented prior to the commencement of any works on site and shall be retained for the duration of construction works.
 11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details. The neighbouring properties shall be made secure during the time between demolition of buildings on the boundary and construction of final boundary screening.

12. 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.
13. 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 design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs and the landscaping of the site.

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 local Highway Authority so requests to ensure that vehicles entering or leaving the site may wait clear of the carriageway while the gates are being opened or closed, in the interests of road safety.
3. The local Highway Authority so requests to ensure that drivers of vehicles have adequate vision distances when emerging from the access onto the public highway, in the interests of road safety.
4. The local Highway Authority so requests in the interests of road safety.
5. The local Highway Authority so requests to enable vehicles to enter and leave the highway in forward gear in the interests of road safety.
6. The local Highway Authority so requests in order that mud and soil are not deposited on the highway in the interests of road safety.
7. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.
8. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment.
9. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings.
10. In the interests of amenity and to ensure a satisfactory development.
11. In the interests of amenity and to ensure a satisfactory development.
12. 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.
13. The application was submitted in outline only.

Note(s) to Applicant

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.

* * * * *

Applicant	Mr & Mrs B Vaughan 27, Eastgate, Bourne, PE109LB
Agent	Columb Hanna 21, Church Lane, Bainton, STAMFORD, PE9 3AQ
Proposal	Erection of dwelling
Location	Land R/o, 27, Eastgate, Deeping St James

Site Details	
Parish(es)	Deeping St James B Class Road Drainage - Welland and Nene

REPORT

The Site and its Surroundings

The site is located on the edge of the urban area of Deeping St James. The site is triangular shaped with an access drive between 27 Eastgate and No. 29. The site is bounded by other residential properties on two sides, one being 27 Eastgate, and overlooks open fields on the third. The site comprises an orchard, stated as being part of the curtilage and not agricultural land, with a fenced paddock. The plans indicated the demolition and reconstruction of stables but this is not included in the application details.

The paddock on the third side of the site is to be used in conjunction with the new dwelling.

Site History

S98/0401 – Residential Development (5) – Approved.

S98/1271 – Extend bungalow – Approved.

S04/0774 – Construction of dwelling – Refused for the following reason:

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 Plans which seeks to protect the 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.

The Proposal

This is a full application for one dwelling with a private access drive.

The area for the construction of the new dwelling is situated in an area previously used as an orchard, but also contained a pond. The dwelling has approximately 260 m² of floor space on two floors; living space is restricted on the first floor to the north western side. The rear elevation dormer provides light to an open space above the dining hall.

A double garage is provided in the garden.

Policy Considerations

Policy H6 – Housing other than that identified in H1, H2, H3, H4 and H5.

Policy EN1 – The visual quality and amenity of the built and countryside environments.

Statutory Consultations

Local Highway Authority: Comments to follow. Any comments received will be reported to Committee.

Parish Council: No comments received.

Representations as a result of publicity

Representations have been received from interested parties.

The following issues were raised:

- a) Back fill development and the same criteria apply and will entail a change of use.
- b) The access junction with the highway is situated on a dangerous bend.
- c) There is the potential for heavy use of the access.
- d) The applicant does not state where the access for No. 27 will be.
- e) Protection of open space – this house will be visible from numerous vantage points.
- f) Extension of linear development – the garden extends beyond 41c Eastgate as shown on the plans.
- g) Amenity – the applicant gives not legal guarantees that no further development will be undertaken on the land.
- h) Increased noise.
- i) Greenfield site.
- j) Loss of privacy and overlooking.
- k) Identical to previous application.

Planning Panel Comments

None.

Applicant's Submissions

The agent has submitted a statement stating that the house is to be constructed on curtilage and not agricultural land; have its own access, be inconspicuous and not affect the visual quality of adjacent pasture land; the site is unique and does not extend beyond previous developments, eg. Stephens Way and the cul-de-sac containing 41, 41a, 41b and 41c Eastgate and the dwelling will have no visual impact.

Conclusions

The key issues of this application are residential amenity, impact on the character of the settlement and amendments to overcome the previous reasons for refusal.

Character of Settlement

The defined character of the settlement is linear. However there has been previous development that has extended to the rear, most notably the cul-de-sac nearby. The site of the house is stated to be an orchard and the boundary is contiguous with No. 37. A plan has been submitted defining the curtilage and it is considered that this dwelling does not set a precedent because the access is too narrow for multiple use and there is no space in the defined curtilage to construct another dwelling. The defined curtilage is controlled by condition.

Policy H6 allows for single dwellings to be constructed on the outskirts of settlements and it is considered that the location of this dwelling conforms to policy. It is also considered that this single dwelling does not significantly harm the form of the settlement.

Residential Amenity

The design of the dwelling has been undertaken to minimise the impact on the neighbours. It is considered that the single storey aspect presented to No. 37's garden will create no overlooking. It is also considered that the 26m separation between the dwelling and No. 35 is acceptable and will create neither overlooking nor domination of outlook.

The vehicular access adjacent to No. 29 will serve one dwelling and it is considered that this will retain the status quo, i.e. it serves a single dwelling now and it will for this proposal.

It is concluded that there is no significant adverse impact on the amenity of neighbours.

Neighbours Comments

It is considered that this proposal does not create a precedent, each application has to be considered on its merits. A plan of the proposed curtilage has been requested and this will define the residential extent of the site. Other land edged blue is not part of the application site and a further application would be necessary to alter the use of this land.

The open fields are described variously as agricultural and not by the various parties. It is considered that the paddock is not agricultural land but is in "Horsiculture" use; this use relates to the construction of stables and is defined as a separate use from agriculture. An application for a material change of use would be required to alter the use of this land, but the same material planning considerations would be applied to this type of application as they would to agricultural land.

The access is to serve a single dwelling and if further dwellings are to be constructed then an application would be required and further consideration given to the issues arising from multiple dwellings served from it.

It is therefore considered that the amendments made significantly address the reasons for previous refusal and on balance the development is acceptable.

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3, Policies H2, H3 and BE3 of the Lincolnshire County Draft Deposit Structure Plan, Policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to precedent, amenity, access, character of settlement and open spaces are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Any gates to the vehicular access shall be set back 20 metres from the nearside edge of the carriageway of Eastgate and shall open away from the highway.
3. Prior to the commencement of any works on the site, a detailed plan of a scheme for the protection of all trees/ hedges which are to be retained as part of the approved landscaping scheme shall be submitted to and approved in writing by the District Planning Authority. The scheme as approved shall be implemented prior to the commencement of any works on site and shall be retained for the duration of construction works.
4. Notwithstanding submitted details no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. 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.
6. 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.
7. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
8. Notwithstanding submitted details nothing in this permission shall be construed as giving consent for the change of use of land to garden in areas indicated on plans outlined blue. Further this permission does not give consent for the construction of loose boxes, stables or food store. Separate applications are required for these developments.
9. The curtilage of the property is defined by a red line and the area defined by blue lines are not as shown on plan VGN01C received 26th November 2004.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any other revoking and re-enacting that Order with or without modification) no *** shall be erected on the land without the express permission of the District Planning Authority.
11. 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 gates, fences or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any other revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.

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

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. The local Highway Authority so requests to ensure that vehicles entering or leaving the site may wait clear of the carriageway while the gates are being opened or closed, in the interests of road safety.
3. In the interests of amenity and to ensure a satisfactory development.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area.
5. The local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road.
6. 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.
7. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site.
8. For the avoidance of doubt.
9. For the avoidance of doubt.
10. The Planning Authority wish to be in a position to determine the effects that such development would have on the surrounding area.
11. The Planning Authority wish to be in a position to determine the effects that such development would have on the surrounding area.
12. The Planning Authority wish to be in a position to determine the effects that such development would have on the surrounding area.

* * * * *

Applicant	GPI 32, Grosvenor Gardens, London, SW1 WODH
Agent	James Totty Partnership 38, Wilkinson Street, Sheffield, S10 2GB
Proposal	Erection of doctors surgery
Location	R/o 5 Paddock Close, Ancaster

<u>Site Details</u>	
Parish(es)	Ancaster Ancient Monument - AM1 Conservation Area B Class Road Radon Area - Protection required Area of special control for adverts C1 Ancient Monuments C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required TPO adjoins site - TPO2 Drainage - Lincs

REPORT

The Site and its Surroundings

The application site is located to the north of 12 Ermine Street, which is a bungalow currently used as a doctor's surgery. Access to the site is via a long narrow access between 8 and 14 Ermine Street (both residential) which also runs to the north of and serves 10 Ermine Street. To the north of the site are dwellings fronting Paddock Close and to the east of the site, on slightly higher land, are bungalows fronting Roman Way.

The site itself is overgrown and has been used for allotment and paddock purposes. The land slopes down from the south east corner to the north west, dropping some 3.71m in total to the residential boundaries to the north.

There are some semi-mature trees on the north site boundary and some protected trees outside of the site area to the east.

The majority of the site, other than the access and part of the proposed parking area, forms part of a Scheduled Monument and is covered by Policy C1 of the South Kesteven Local Plan as a Site of Archaeological Interest.

Site History

Planning application SK.97/0388/02, for an extension to the doctor's surgery was withdrawn on 21 August 1998 prior to determination.

The Proposal

Consent is sought for the erection of a new doctor's surgery and associated parking (29 spaces) on the application site. The building will have a 2-storey element to account for the slope of the land and will be 'L' shaped in plan form.

The building will be a maximum of 34.6m in length by 23m with a maximum 6.5m at its nearest point to the north boundary of the site. The dwelling of 5 Paddock Close would be some 18m away. There are no first floor windows proposed that would overlook the private rear garden of that property. The building was also shown to be 8.7m from the east site boundary.

Following the archaeological trenching that has taken place on the site, the building has been relocated 2.2m to the west to allow for the retention of surviving roman masonry. Amended details were received on 27 September 2004 to show this revision.

The application has been in abeyance for some time pending the resolution of the archaeological issues. As the site is of such archaeological interest, Scheduled Monument Consent (SMC) was required before any further consideration of the application could be given. The Department for Culture Media and Sport confirmed, by letter dated 28 September 2004 that Scheduled Monument Consent be granted.

The archaeological issues relating to the site are, therefore, expected to be addressed. Providing a suitable form of foundation is used for the building there will be no resultant harm to the remains that exist in situ.

The planning focus therefore has to turn to any potential impact that the building would have on the nearby residential properties that surround the site.

Firstly it is considered that due to the siting of the building well away from the east boundary and that part of the structure being predominantly single storey (at 8m to the highest part of the gable) that there would be no resultant impact on the bungalows to the east.

On plan form the building would appear to be suitably sited in relation to the properties on Paddock Close. The nearest dwelling of 5 Paddock Close would not be affected to any detrimental degree for the following reasons:

- The building would be a reasonable distance from that property at 18m.
- There is existing landscaping and trees along this part of the boundary will help to screen the development and can be retained by condition.
- The juxtaposition of the buildings will allow for good levels of morning, afternoon and evening sunlight into the rear garden area. Midday light during the winter months may be affected to some degree.
- 5 Paddock Close has an 'L' shaped rear garden and has at least 50% of its private garden space to the east of the dwelling and away from the proposed building.
- The provision of windows in the north facing gable of the proposed building can be safeguarded against by planning condition.

Should members still be concerned that the building may impact on the neighbours to the north, then it may be possible to provide a hipped roof to that elevation as opposed to the gable currently proposed. However, for the above reasons, it is not considered that this is necessary.

Policy Considerations

Policy EN1 – Protection and Enhancement of the Environment. Allows for development which (inter alia) reflects the character of the area through layout, siting, design and materials and development which would achieve the improvement of derelict, degraded or underused land.

Policy C1 – Sites of Archaeological Interest. Allows for development which would not destroy or adversely affect the historic value and setting of scheduled ancient monuments and site of major scientific importance.

Policy C9 – Buildings in Conservation Areas. Ensures that development is considered with regard to the effect on the character and appearance of the area, it is appropriate in terms of design, scale and materials and, if a new use is proposed, it does not unduly impact on the area.

It is considered that the proposed development is in accordance with the above policies.

Statutory Consultations

Parish Council:

“With regard to a plan for the erection of a new doctors surgery, Ancaster Parish Council’s planning committee were very concerned about the access road. A footpath alongside the existing road is planned. This will make the road very narrow with the possibility of vehicles having to reverse back onto Ermine Street to allow vehicles to exit. Visibility at this entrance is already poor and very dangerous, increased motor and foot traffic to the larger surgery/clinic could pose serious highway problems. There are no objections to the building.”

Local Highway Authority: Request the imposition of 3 conditions on any approval.

Environment Agency: No comments made.

Community Archaeologist: Following the exploratory trench works that have taken place on site the Archaeologist is requesting a ‘scheme of works’ condition (W8) on any approval and that English Heritage are consulted prior to any development taking place.

Department of Culture Media and Sport: Grant Scheduled Monument Consent and require 2 conditions on any approval.

Representations as a result of publicity

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

The following planning issues were raised:

- The land is protected from development under Policy C1 of the Local Plan.
- Overdevelopment of the site, overbearing mass of the building.
- Two storey element will be visually intrusive.
- Proximity of large building to residential properties.
- Possible loss of privacy from building and raised car park area.
- Single storey development would be preferred.
- No boundary details shown, banking and screening would be required.
- Possible drainage problems.
- Unsuitable access for increase in traffic movements.
- Committee site visit requested.

Planning Panel Comments

3 November 2004 – The development be considered by the Development Control Committee.

Applicants Submissions

None

Summary of Reason(s) for Approval

The proposed development is considered to be in accordance with the provisions of PPG15 - Planning and the Historic Environment and Policies EN1, C1 and C9 of the South Kesteven Local Plan. Notwithstanding that material issues have been raised with regard to siting, privacy, overdevelopment and drainage it is not considered that these issues outweigh the acceptability of the development in accordance with national planning advice and local policies.

On this basis it is recommended that the development be approved subject to the conditions listed below.

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. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
4. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
6. 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.
7. Before any development is commenced the approval of the District Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of surface water run-off from the development; and such scheme as may be approved shall be carried out before the building is occupied.
8. Prior to the buildings becoming occupied, the driveway (and turning feature) shall be laid out and constructed, and suitably hardened for the whole of its length.

9. 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 the car parking area.
10. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.
11. This consent relates to the application as amended by letter and layout plan received on 27 September 2004 to confirm the location of the building in relation to the surviving Roman masonry.

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. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment.
4. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings.
5. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area.
6. The local Highway Authority so requests in the interests of the safety and convenience of traffic using the adjacent road.
7. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.
8. The local Highway Authority so requests in order that mud and soil are not deposited on the highway in the interests of road safety.
9. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.
10. 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.
11. For the avoidance of doubt.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. Your attention is drawn to the letter from the Department of Culture Media and Sport, dated 28 September 2004 and the conditions imposed therein.

* * * * *

Applicant	Dr R A Gee & Partners Doctors Surgery, 12, Ermine Street, Ancaster, Grantham, NG323PP
Agent	Mr R J Fairhead 36, Main Street, Wilsford, Grantham, Lincs, NG32 3NR
Proposal	Demolition of bungalow (Dr's surgery) & erection of dwelling
Location	Doctors Surgery, 12, Ermine Street, Ancaster

<u>Site Details</u>	
Parish(es)	Ancaster Ancient Monument - AM1 Conservation Area Unclassified road Demolition of any building Radon Area - Protection required Area of special control for adverts C1 Ancient Monuments C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs

REPORT**The Site and its Surroundings**

The application site is the bungalow of 12 Ermine Street which is currently used as the village doctor's surgery. The property was originally constructed as a dwelling and was converted to the doctor's surgery following planning approval in 1972.

The application is immediately to the south of the site considered under the previous application (S03/0627/02) for the erection of a new surgery. To the east and west of the surgery are residential properties and to the south is the open paddock land that contains the remains of St Mary's Chapel.

Site History

S02/1043/95 – Extension and alterations. Approved on 7 February 1986.

SK.97/0388/02 – Extension and alterations. Withdrawn on 21 August 1998 prior to determination.

The Proposal

Consent is sought for the demolition of the existing building (assumedly following the completion of the new surgery if approved) and the erection of a new 2-storey dwelling on approximately the same footprint.

The dwelling would be 'T' shaped in plan form and would measure 18m by 16.6m with a ridge height of 6.7m. The upper floor accommodation will be provided within the roof space and will be served with dormer windows.

In general design terms the dwelling is well designed and incorporates details and materials that are characteristic of similar cottages within the area. A development of this type provides a good replacement for a poor, dated bungalow and is wholly acceptable within the conservation area.

The application has been in abeyance for some time pending the resolution of the archaeological issues. As the site is of such archaeological interest Scheduled Monument Consent (SMC) was required before any further consideration of the application could be given. The Department for Culture Media and Sport confirmed, by letter dated 28 September 2004 that, subject to the imposition of 2 conditions on any approval, Scheduled Monument Consent be granted.

Policy Considerations

Policy H6 – Housing. Allows for development which would not impact on the character and appearance of the area or on the community and its local environment.

Policy EN1 – Protection and Enhancement of the Environment. Allows for development which (inter alia) reflects the character of the area through layout, siting, design and materials and development which would achieve the improvement of derelict, degraded or underused land.

Policy C1 – Sites of Archaeological Interest. Allows for development which would not destroy or adversely affect the historic value and setting of scheduled monuments and sites of major scientific importance.

Policy C9 – Buildings in Conservation Areas. Ensures that development is considered with regard to the effect on the character and appearance of the area, it is appropriate in terms of design, scale and materials and, if a new use is proposed, it does not unduly impact on the area.

It is considered that the proposed development is in accordance with the above policies.

Statutory Consultations

Parish Council: No objections.

Local Highway Authority: No objections.

Environment Agency: No comments made.

Community Archaeologist: Following the exploratory trench works that have taken place on site the Archaeologist is requesting a 'scheme of works' condition (W8) on any approval and that English Heritage are consulted prior to any development taking place.

Department of Culture, Media and Sport: Grant Scheduled Monument Consent are require 2 conditions on any approval as Note to Applicant.

Environmental Health Services: Request standard condition R25 on any approval.

Representations as a result of publicity

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

The following planning issues were raised:

- a) The land is protected from development under Policy C1 of the Local Plan.
- b) Overdevelopment of the site.
- c) Committee site visit requested.

Planning Panel Comments

3 November 2004 – The development be considered by the Development Control Committee.

Applicants Submissions

None

Summary of Reason(s) for Approval

The proposed development is considered to be in accordance with the provisions of PPG15 - Planning and the Historic Environment and Policies H6, EN1, C1 and C9 of the South Kesteven Local Plan. Notwithstanding that material issues have been raised with regard to siting and overdevelopment it is not considered that these issues outweigh the acceptability of the development in accordance with national planning advice and local policies.

On this basis it is recommended that the development be approved subject to the conditions listed below.

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

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. 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.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. Your attention is drawn to the letter from the Department of Culture, Media and Sport dated 28th September 2004 and the conditions imposed therein.

NR.3 **S04/1567/46**

Registration Date: 13-Oct-2004

Applicant	Mr K Johnson 208, Dudley Road, Grantham, NG31 9AD
Agent	
Proposal	Conversion and extension of garage to form dwelling
Location	Land Adj. 23, Carlton Road, Hough On The Hill

<u>Site Details</u>	
Parish(es)	Hough on the Hill Conservation Area C Class Road Radon Area - Protection required Area of special control for adverts C9 Area Conservation Policy EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs

REPORT**The Site and its Surroundings**

The application site is located on the east side of Carlton Road between 2-storey properties to the north and south. The site is 'L' shaped and is currently occupied with a large double garage.

It is understood that the garage was originally associated with the property of 23 Carlton Road to the north but is now in different ownership and is divided from that property by walling and fencing.

The land to the rear of the garage is relatively overgrown and is partly used for storage purposes.

Site History

There are no previous applications that are specific to this site.

The Proposal

Outline planning permission is sought for the conversion and extension to the garage structure to form a dwelling. No details of the form of conversion and extension have been provided, as it is the principle of the proposal that is sought at this stage.

Pre-application discussions with the applicant indicated that the possible extensions to the building, if outline planning permission was to be granted, would involve an increase in roof height to allow for some first floor accommodation and the provision of a rear glazed area as a lounge/dining area.

The area to the front of the building would remain as hardstanding for vehicle parking.

Policy Considerations

Policy H7 – Housing. Subsection c) of this policy refers to the redevelopment or change of use of existing buildings where consideration should be given to any potential impact on the form and character of the setting.

Policy EN1 – Protection and Enhancement of the Environment. Allows for development that would reflect the general character of the area through layout, siting, design and materials.

Policy C9 – Buildings in Conservation Areas. Allows for development which would not have an adverse impact on the character and appearance of the area and would be acceptable in terms of design, scale and materials.

Sustainability Policies. PPG3 (Housing), PPG13 (Transport), PPS7 (Sustainable Development in Rural Areas) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Deposit Draft all seek to resist development in unsustainable locations that cannot support any further development.

It is considered that the proposal accords with the Local Plan policies but would be contrary to the national and County based guidance and policies on sustainability and cannot be supported in this instance.

Statutory Consultations

Parish Council:

“Hough on the Hill Parish Council has considered the above application and has to comment that this proposal, an eight new development in Hough on the Hill during the past year will add to the already expected increased traffic use on narrow lanes to use any service other than the church and pub. Core policy 2 i, ii and iii, H6 i, ii, iv, H7 i, ii, iv and v (SKDC’s ‘Forefront Sustainability’).

Although the site could be considered ‘infill’, the application does not state whether or not a single storey dwelling is proposed. The PC considers that, if approved, a single storey building, whilst not in keeping with the adjacent dwellings, may be less intrusive and would be more in keeping with bungalows opposite.”

Local Highway Authority: Requests standard condition F1 on any approval.

Environment Agency: No comments made.

Community Archaeologist: No objections.

Representations as a result of publicity

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

The following issues were raised:

- a) Potential impact on the conservation area.
- b) Will create a cramped development that will impact on the adjacent property.
- c) Design will be out of keeping with cottages in the area.

d) Impact due to increase in traffic on narrow roads.

Planning Panel Comments

24 November 2004 – The application be considered by the Development Control Committee.

Applicants Submissions

None

Conclusions

Hough on the Hill only benefits, in terms of local services, by the existence of the public house. It is considered that the village forms an unsustainable location for further development and this application cannot be supported on those grounds.

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

1. Hough on the Hill is a village that is devoid of any essential services and is considered to be a village that cannot sustain any new developments without the need for future occupants to rely on the use of the motor vehicle. It is considered that the proposal would be contrary to national planning guidance contained in PPS7 - Sustainable Development in Rural Areas (2004), PPG3 - Housing (2000), PPG13 - Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Draft Deposit (2004).

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