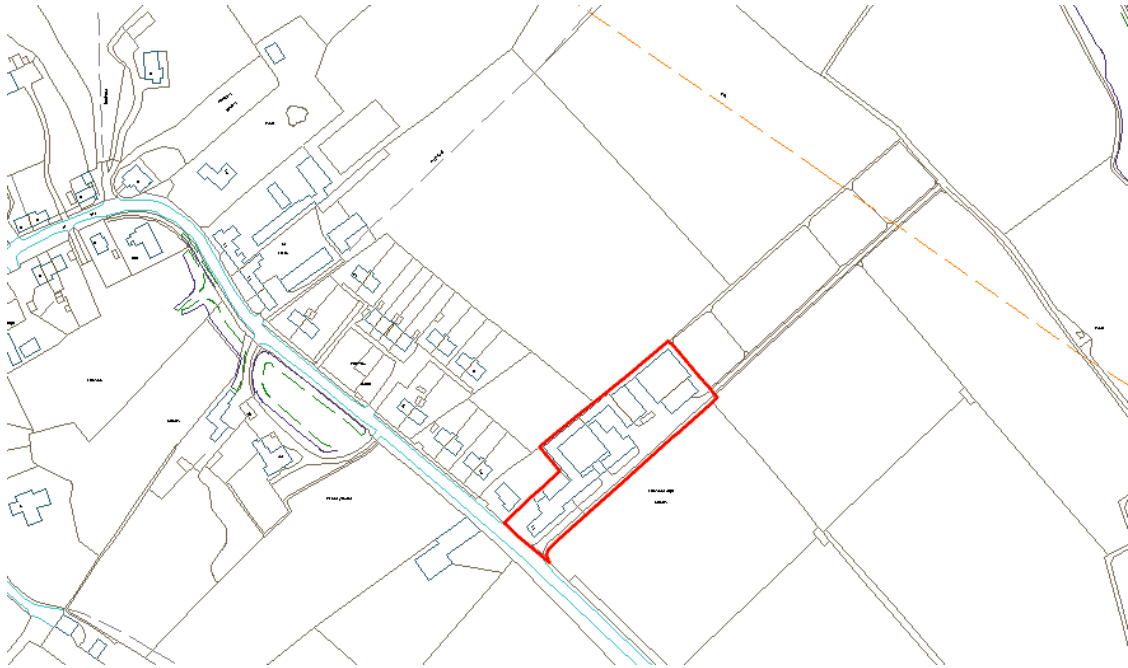


Committee Date: 16 June 2011

Reference: 11/00263/VAC
Date Submitted: 31.03.2011
Applicant: Mr Kevan Hayward
Location: Grimston Lodge Stud, 75 Main Street, Grimston, LE14 3BZ
Proposal: Alteration of conditions 5 and 6 and deletion of condition 10 to planning application 09/00928/FUL



Introduction:-

This is an application under section 73 of the Town and Country Planning Act 1990, to continue the development (approved under permission 09/00928/FUL) without complying with condition 10 and with alteration to conditions 5 and 6 in relation to the demolition of existing stables and accommodation and erection of 5 dwellings and 8 stables.

The application was considered at the Planning Committee of 25 May 2011, and deferred for a site visit as members wished to view the site and to be updated on the issue of the provision of new 'kerbs' on the western side of the public highway (Main Street) as part of the up-grading works, proposed by the applicant as a means of improving the junction of the site access and Main Street, to facilitate the traffic from the use of the proposed stables for commercial equestrian use as well as the residential traffic from the approved dwellings.

The previous permission relates to a stud farm on the edge of Grimston village, and permission was granted on 4th March 2010 for the demolition of existing stables (around 30) and the erection of 5 dwellings and 8 stables. Grimston Stud is an imposing building situated on the approach in to the village from the South East and Saxelby and the land concerned lies within the village envelope on the edge of the village.

The current application seeks to:

- (i) Delete condition 10 which restricts the use of the stables to personal use; the owner wishes to continue the previous 'commercial' use of the stables on a reduced basis, but operating from the new stable building and in order to accommodate the traffic from both the new dwellings and the commercial use of the stables, the applicants are proposing that the access drive to the development be widened (detailed plans of the new drive are submitted), and as the road will have changed,
- (ii) Vary conditions 5 and 6 need to be to reflect new plans for a changed access drive.

It is considered that the main issues relating to the proposal are:

- **Whether the use of the new stables on a commercial basis would have an adverse impact on the amenity of the residents of the new dwellings or other dwellings,**
- **Whether the additional traffic generated by the changed development can be accommodated without any undue impact on highway safety, and**
- **Whether the changed highway details are visually appropriate**

The application is presented to the Committee because of the level of representations received.

Relevant History:-

09/00730/FUL for the demolition of existing stables and accommodation and erection of 5 dwellings and 8 stables was withdrawn.

07/01249/OUT to demolish existing stable block and erection of 5 single storey dwellings in mews style was approved in January 2008.

07/00653/OUT to demolish existing stable block and construction of 5 dwellings. (single storey) was refused in Sept 2007.

09/00928/FUL for the demolition of existing stables and accommodation and erection of 5 dwellings and 8 stables was approved on 04.03.2010

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

PPS3 - Housing - planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches. It emphasises the need for good quality design contributing to the distinctiveness of settlements and to providing dwellings to meet identified local needs.

PPS4 – Delivering Sustainable Economic development - Key principle is giving priority to re-use of previously-developed ('brownfield') sites and encouraging economic growth to sustain rural areas.

East Midlands Regional Plan

Policies 1 and 3 seeks to locate new development in sustainable locations that reduce the reliance on the private car.

Melton Local Plan (saved policies):

Policies OS1 and BE1:-

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6 :- residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy OS2 :- states that planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, development essential to the operational requirements of agriculture and forestry and limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy C4:- seeks to locate new stable developments within or close to existing groups of buildings.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Grimston is now identified as a Category 3 village that is unsuitable for housing developments.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority The plan submitted showing the access alterations is that which the Highway Authority have accepted as being suitable for the variation of conditions during pre-application discussions.</p> <p>No objection subject to conditions.</p>	<p>The agent on the initial application stated that the new stables buildings would be for the use of the residents of the new dwellings, and the original condition (No 10) was imposed due to highway concerns that the change from a commercial stables to a residential use and stables could result in additional traffic.</p> <p>The applicants are now proposing changes to the road junction layout, that would cater for the traffic arising from the residential element of the site as well as the commercial use of the new (and much smaller) stable building.</p> <p>In the view of the Highway Authority, the alterations to the access road and junction as shown on the plans, will not create any adverse highway safety concerns and it is appropriate to remove</p>

<p>Additional advice following deferral:</p> <p>From a highway safety point of view, the kerbing is considered essential:</p> <ul style="list-style-type: none"> • there already is kerbing on the application side of the road, therefore the retention of a kerb on this side cannot be said to adversely affect the rural character of the village. The developer has to provide an extension to the footway on this side, and the kerb is an essential requirement to protect pedestrians. • On the opposite side of the road there is no kerb, however the road is being realigned/relocated closer to the ditch, and therefore the kerb is required on this side to prevent cars driving off the road and into the ditch, especially in inclement weather, and to stop the road collapsing into the ditch. 	<p>condition 10.</p> <p>Because conditions 5 and 6 state that the development should be carried out in accordance with the original submitted plans (now changed) then the conditions need to be varied to reflect the 'new' road layout.</p> <p>The proposal is considered to be acceptable in terms of highway safety.</p> <p>It is apparent that the proposed kerbing is essential in highway safety terms and the proposed changes to the public highway and access road to the side (and consequently the proposed removal/variation of the conditions) is only acceptable with the proposed road alterations/kerbing.</p> <p>The main issue is therefore whether the modest area of new kerbing now proposed, would appear so out-of-place that planning permission ought to be refused.</p> <p>The new kerbs now proposed, represent a very small proportion of the overall length of Main Street and their presence will assist in drawing drivers attention to the existence of a junction, although the area of new kerb is relatively modest.</p> <p>Government guidance contained within Manual-for-Streets indicates that proposals should – where applicable – create a sense of place rather than being dictated by the requirements of the motorcar, and in this instance there is a balance to be struck between meeting the needs of highway safety and maintaining the character of the area.</p> <p>Whilst the new kerbs will change to the present appearance of the area, the change will not be so significant that they could be said to be significantly detrimental to the appearance of the area, and as the site does not fall within a Conservation Area or other designated 'sensitive' site, it is not considered that the refusal of permission on this basis could be justified.</p>
<p>Parish Council - The Parish Council assume that the intention is to make the junction safer and Leicestershire County Council is best placed to assess this.</p> <p>The grass verge should be re-instated sympathetically in keeping with the remainder and not left in a mess</p>	<p>The Highway Authority have confirmed that the proposed variation to the conditions are acceptable in terms of highway safety.</p> <p>The works within the highway will need a license and agreement of Leicestershire County Council who will ensure the verge reinstatement</p>

<p>Environmental Health - Neither of condition 5 or 6 are of any significance from an Environmental Health aspect.</p> <p>Condition 10 does not directly affect any Environmental Health matters although it may affect the running of the establishment. If it is to be removed it is requested that a condition is imposed to the effect that manure and any other waste arising as a result of the development of the 8 stables is stored and disposed of in such a manner that it does not give rise to a nuisance.</p> <p>Any coming and going of vehicles to the stables would not amount to a nuisance for residents.</p>	<p>Condition 10, which restricted the use of the new stables to the personal use of the residents, was imposed for highway safety reasons, and not because the traffic from a commercial stables, (unrelated to the new dwellings) would create any noise or disturbance for the residents.</p> <p>The removal of condition 10, would allow the use of the new stables on a 'commercial' basis, as currently occurs on a larger scale, and the operator of the stables might be un-related to the occupants of the new dwellings and in order to protect their amenity in the future, it will be necessary to impose a different condition, require an appropriate manner to dispose of manure arising from the stables development.</p>
---	--

Representations:

A site notice was posted and neighbouring properties consulted. 25 letters of representation from 24 households have been received commenting on the following:

Representations	Assessment of Head of Regulatory Services
<p>Street scene</p> <ul style="list-style-type: none"> • Widening and kerbs will impact on the rural character of the area and have an urbanising affect. • Kerbs are only needed to retain a roadway, and village road is in good condition • Kerbs affect run-off and will encourage water on the road and ice. • Will destroy a beautiful village and the community character. 	<p>The original proposal required widening/kerbing the access, drainage and improved radii and this application to vary the conditions will not be significantly different to the extant approval.</p> <p>The highway authority has indicated that the new kerbs are essential for safety purposes</p> <p>The Highway Authority will ensure that the works are undertaken to an appropriate standard.</p> <p>The visual impact of the new access road works will not appear dissimilar from the approved scheme and whilst 'kerbs' are introduced, these are not considered to be detrimental to the appearance of the village approach road.</p>
<p>Highway safety</p> <ul style="list-style-type: none"> • Saxelby Lane is used by walkers and horse riders who will be forced in to road by the widening. • Widening of the road will increase speed in to the village, most villages are reducing width to slow traffic. 	<p>The impact on all users of the highway will have been assessed by the highway authority</p> <p>The 'widening' works are to the private access road and not to the main public highway. On the submitted plans, it does show the verge altered (opposite the access road) and it states on the plans that the road is 'widened'. However, the submitted plans show that the main street is 'narrowed' on the other side (next to the access road) and the net result is that the main street is no wider that currently exists.</p> <p>Effectively, the whole highway is just moved</p>

<ul style="list-style-type: none"> • Road already wide enough for 2 lorries to pass. • Developer already has permission to remove willow and hedge to provide visibility for the 5 dwellings. • Widening road compromises safety for all road users. • Widening road will encourage parking there is already difficulty accessing driveways. • The stables were always in use and road was always adequate for equine use therefore there is no need to widen 	<p>across slightly, in a S.W direction away from the access road, to allow better radius curves/widened access road and better visibility splays at the junction.</p> <p>The works are necessary for highway safety purposes.</p> <p>Noted</p> <p>The same visibility splays will still be required as the extant planning permission and the visual impact is similar.</p> <p>Already assessed by Highway authority and deemed to be acceptable</p> <p>The proposals are not considered to impact on current on-street parking</p> <p>The previous development changed the use of the site from a large commercial stables to dwellings and domestic stables and the road was deemed to be adequate for that use. The approved development with, additional traffic generated by houses and a smaller commercial stables, necessitates the road changes proposed.</p>
<p>Stables use</p> <ul style="list-style-type: none"> • Grimston Stud was always run as a business and permission has been given to replace it with 5 dwellings. There is no need to add commercial stables or to widen the road. • Original use of stables was by residents and extra commercial use will cause problem and condition should not be lifted. • Will lead to further commercial development 	<p>The housing development replaced part of the Grimston Stud site, and whilst the original intention was for the commercial use to cease, the owner now wishes to continue their business (albeit on a reduced scale) and this necessitates the widening of the access road.</p> <p>Use of land for small-scale equestrian uses (up to 10 stables) is considered appropriate development in this location, supported by PPS4</p> <p>Any additional equestrian developments will require consent and will be assessed on its own merits.</p>
<p>Amenity Matters</p> <ul style="list-style-type: none"> • We moved to village for its peace and tranquillity there should not be a commercial stable. 	<p>Grimston Stud has always been a commercial stables, and current proposal will retain a much smaller commercial use, in addition to the 5 approved dwellings. The change from private to commercial stable is not considered to impact on the village.</p>

<ul style="list-style-type: none"> • Stables linked to the dwellings would ensure their future maintenance, but this will not occur with an unrestrained use 	It is the interest of the operator of a commercial stables to maintain the building.
<p>Others</p> <ul style="list-style-type: none"> • Devaluation of property with commercial business nearby • It was always odd that 5 dwellings would be built without garages the stables could have been used for domestic storage 	<p>This is not a material planning consideration.</p> <p>The construction of dwellings without garages is not unusual and so long as adequate parking is provided within the site there is no planning requirement for dwellings to have garages.</p>

Other material considerations (not raised through consultation or representation)

Considerations	Assessment of Head of Regulatory Services
Application of Planning Policy	<p>The previous application assessed the development against Development Plan and National policy, and permission was granted and the situation is unchanged by this application.</p> <p>Applications to remove or vary a condition, can only review the condition itself and not the principle of the development. In this instance, the issue of whether the condition should be varied, has been assessed above in relation to highway safety and amenity.</p>
Visual Appearance	<p>The development itself, i.e. the erection of 5 dwellings and 8 stables is unchanged, the only change to the visual appearance results from the alterations to the access road, although the changes are quite minor.</p> <p>The introduction of 'kerbs' to the edges of the junction between the access road and the main road, are not considered to be seriously detrimental to the appearance of the settlement.</p> <p>Subject to the re-instatement of the grass verges, which are a concern to the Parish Council, following the alterations to the access road, there would be little visual change arising from the new proposals and the visual amenity of the locality and the character of the village, and the approach in to the settlement, will be unharmed by the proposals.</p>

Conclusion

It is considered that the only matter for the Committee to consider is whether the variation of condition 10, which will change from stables utilised by residents of the dwellings, to a commercial stables is acceptable in Highway safety and amenity terms, and whether the proposed highway alterations are visually acceptable.

As the site is currently a commercial stables (on a larger scale) it is considered that the proposal would not have a detrimental impact on residential amenity, the revisions to the access road will ensure that the traffic can be accommodated without harming highway safety, and the change to the visual amenity of the street scene arising from the access road amendments will be minimal.

In view of the above the proposal is recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
3. No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 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 Local Planning Authority gives written consent to any variation.
6. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.
7. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
8. The proposed access alterations, including the proposed footway, and the visibility splays shown on the drawing by Banners Gate No. P376/102D shall be provided in accordance with Highway Authority standards, before any dwelling is first occupied and shall thereafter be permanently so maintained.

9. Before first occupation of any dwelling, the improved vehicular access shown on the submitted plan, shall have been surfaced with tarmacadam, concrete paving or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.
10. No development shall take place until details for the storage and disposal of manure and waste arising from the stables have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
3. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. In the general interests of highway safety.
6. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. In the general interests of highway safety.
9. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
10. Such details are required in the interest of the residential amenity of the occupiers of the nearby dwellings.

Officer to Contact: Mr Robin Forrester

10th May 2011