SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

## Planning Permission

Reference: H02/0909/92 Received:21-AUG-92 Type:SEC 63 Continuation

Name: Mr and Mrs P Tansley
Mallard House
Low Road
Crowland
Peterborough

Agent: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills Spalding

Description: Retain Mallard House, Low Rd, Crowland without complying with the restricted occupation condition
Location : Mallard House Low Road
Crowland

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED to retain buildings/continue use of land in accordance with the application submitted, subject to any condition(s) below:

Notes to Applicant:

Applicants are advised of the existence of a planning obligation in respect of planning permission reference H02/1128/92, which affects the dwelling which is the subject of this permission.

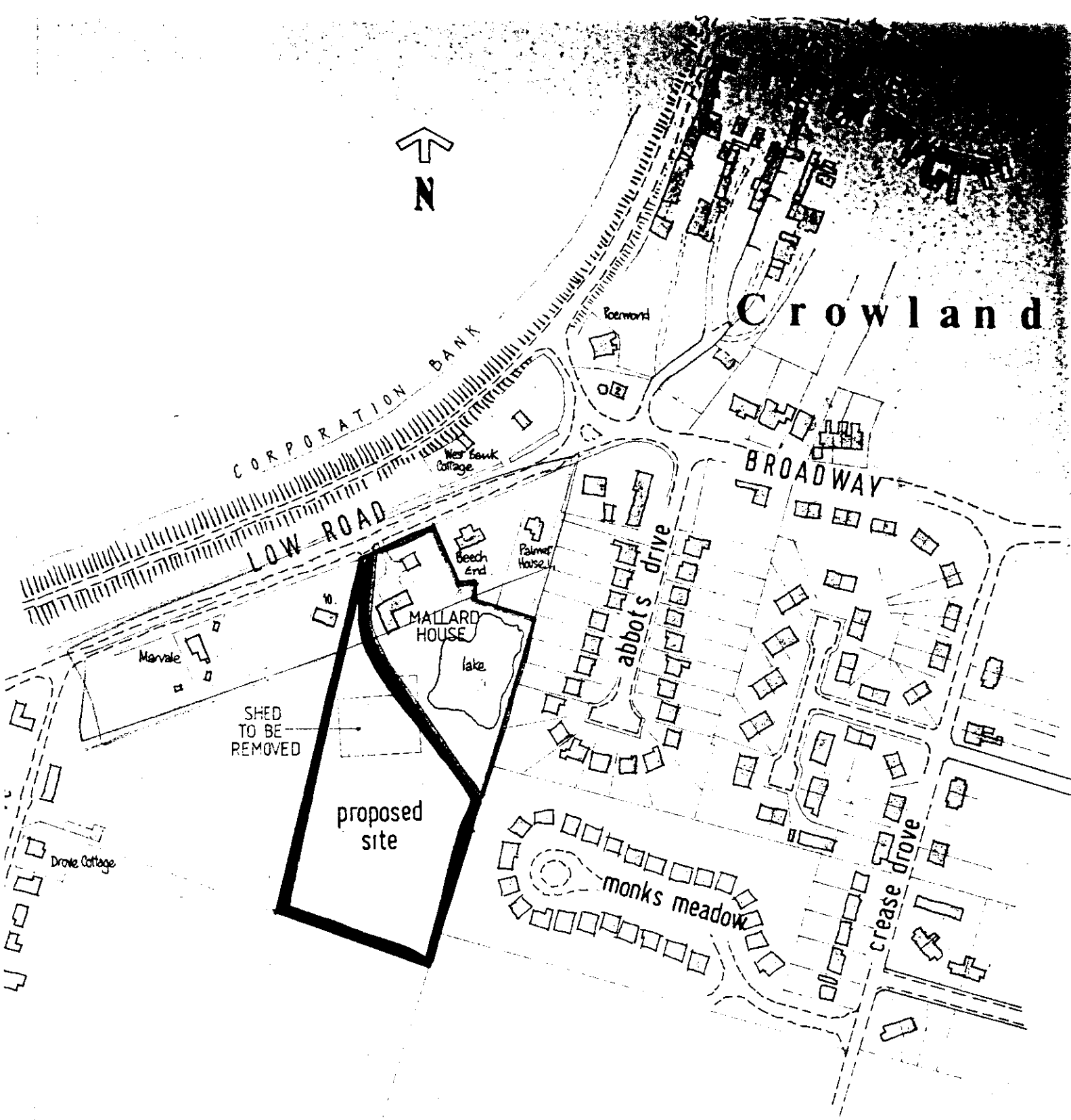
NB H02/1128/92

Director of Planning and Building Control Services
17-DEC-92 H02/0909/92

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

**BRIAN SMITH** Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)




# LOCATION PLAN

FOUR COPIES REQUIRED

# PLANNING APPLICATION

**For office use only**

Application No. H02/0909/92

Date Registered 21 AUG 1992

1. Please complete in block letters

**NAME AND ADDRESS OF APPLICANT**

MR. & MRS. P. TANSLEY
MALLARD HOUSE
LOW ROAD
CROWLAND

Tel. No.

**NAME AND ADDRESS OF AGENT**

(if form completed by agent)

BROADGATE BUILDERS (SPALDING) LTD
BROADGATE HOUSE
BROADGATE, WESTON HILLS

Tel. No. 0406 380582
(Personal contact name) ALAN J. FINCH

Please complete in block letters

**FULL POSTAL ADDRESS OF THE APPLICATION SITE**

MALLARD HOUSE, LOW ROAD, CROWLAND

OFFICE COPY

Please complete in block letters

**DESCRIPTION OF PROPOSED DEVELOPMENT**

TO RETAIN MALLARD HOUSE, LOW ROAD, CROWLAND WITHOUT COMPLYING WITH THE RESTRICTED OCCUPATION CONDITION

Please complete

Signed..... Alan J. Finch ..... Date . 21.8.92 .....

I attach
* Four copies of all plans
* an ownership certificate (see back page)
* a fee of ... £55 ... If you consider no fee is payable include a written explanation instead.

Previous application No.

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use and/or new building works [ ] ➡ **Now complete Parts 3, 4 and 5 and an Ownership Certificates**

or This is an **outline** application [ ]

Please state Site Area (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

**Now complete Parts 3 and 5 and an Ownership Certificate.**

or This is a **reserved matters** application. [ ]

| | |
|---|---|
| A. Please state Reference Number of outline permission.<br>B. Please state which reserved matters are dealt with in this application.<br>**Now complete Part 4 only** | |

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [✓]

| | |
|---|---|
| A. Please state reference Number of previous permission<br>B. Please state Condition Number referred to<br>**Now complete an Ownership Certificate** | SR 284/68<br>1 |

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. [ ]

| | |
|---|---|
| A. Please state Reference Number of pervious permission<br>B. Please state Condition Number referred to<br>C. Please state variation required<br>**Now complete an Ownership Certificate.** | |

**BRIAN SMI** , Dip TP MRTPI
Director of Planning & Building Control Services
*Planning & Building Control Department,*
Council Offices,
Priory Road, Spalding,
*Lincolnshire. PE11 2XE*

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H02/0909/92 Type: SECTION 63

Applicant: Mr and Mrs P Tansley
Tel:

Agent: Broadgate Builders
0406 380532

Description: Retain Mallard House, Low Rd, Crowland without complying with the restricted occupation condition

Location: Mallard House
Low Road
Crowland

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| | | | |
|---|---|---|---|
| Valid date: | 21-AUG-92 | Terminal date: | 16-OCT-92 |
| Target dates: | | Target Committee: | 07-OCT-92 |
| To case officer | 26-AUG-92 | Report deadline: | 23-SEP-92 |
| Inspected by | 31-AUG-92 | | |
| Extra contacts | 05-SEP-92 | Case Officer: | |
| Report if not clear by | 25-SEP-92 | D J ROBERTS | |

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DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

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CONSULTATIONS CARRIED OUT

| | | Sent | Expiry |
|---|---|---|---|
| Clerk to Crowland PC | 0733 210653 | 27-AUG-92 | 10-SEP-92 |
| Cllr B Alcock | 0733 210560 | 27-AUG-92 | 10-SEP-92 |
| Cllr R C P Cowan | 0733 210932 | 27-AUG-92 | 10-SEP-92 |

Verbal 2/9/92 23/9/92
L.C.C. - No objections fr CS 3/9/92

Town and Country Planning Act etc

## DRAFT DECISION

Reference: H02/0909/92 Received:21-AUG-92 Type:SEC 63 Continuation

Name: Mr and Mrs P Tansley
Mallard House
Low Road
Crowland
Peterborough

Agent: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills Spalding

Description: Retain Mallard House, Low Rd, Crowland without complying with the restricted occupation condition
Location : Mallard House Low Road
Crowland

South Holland District Council hereby give notice
that permission has been granted/refused etc
on the following conditions/reasons:

Notes to Applicant:

Applicants are advised of the existence of a planning obligation in respect of planning permission reference H02/1128/92, which affects the dwelling which is the subject of this permission.

Authorised to issue:

09-DEC-92 H02/0909/92

AD...9/12.....DC...16/17.....

Minutes of a meeting of the **PLANS SUB-COMMITTEE** held in Meeting Room 1, Council Offices, Priory Road, Spalding on Monday, 30th November, 1992.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr T. Bray - Vice Chairman

| | | |
|---|---|---|
| Mr. W.D. Skells | Mrs. E.O. Hall-Patch | Mr. M.S.L. Rollinson |
| Mr. J. Clark | Mr. N.P. Judge, M.B.E | Mr. D.S. Venni |
| Mr. R.C.P. Cowan | Mr. A.E. Naylor | Mr. R.C. West |
| Mr. E.N. Davies | Mr J.R. Pearl | Mr. M.C. White |
| Mr. J.A. Dobney | | |

The Director of Planning and Building Control Services, the Deputy Director of Administration and the Deputy Director of Environmental Services.

In attendance: Councillor A.J. Biggadike and the Press.

An apology for absence was received on behalf of Councillor B.J. Davies.

894. MINUTES

The minutes of the meeting held on 9th November, 1992 were signed by the Chairman as a correct record.

895. PLANNING APPLICATIONS

The following applications were determined as indicated following an inspection of each site:-

| Plan No. and Applicant | | Proposal |
|---|---|---|
| H07/0383/92<br>G H Miller | O.A. | Residential development at Mole Drove, Gedney Hill. |

RESOLVED: Planning permission be refused for the above development in accordance with the recommendation of the Director of Planning and Building Control Services.

| | | |
|---|---|---|
| H02/0908/92<br>Mr & Mrs P Tansley | O.A. | Residential development at Low Road, Crowland. |

RESOLVED: The Director of Planning and Building Control Services be authorised to grant planning permission for the above development, in accordance with his recommendation subject to a note to the applicant that the future development of the site should accord with the details indicated on the submitted plans.

| | |
|---|---|
| H02/0909/92<br>Mr & Mrs P Tansley | Retention of Mallard House, Low Road, Crowland without complying with the restricted occupation condition. |

RESOLVED: Planning permission be granted in accordance with the recommendation of the Director of Planning and Building Control Services.

APPLICATION REFERENCE: H02/0908/92 DATE RECEIVED: 21 08 92

APPLICANT: Mr & Mrs P Tansley
Mallard House
Low Road
Crowland
Peterborough

AGENT: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills
Spalding Lincs

TYPE: Outline

DESCRIPTION: Residential Development

LOCATION: Low Road, Crowland

APPLICATION REFERENCE: H02/0909/92 DATE RECEIVED: 21 08 92

APPLICANT: Mr & Mrs P Tansley
Mallard House
Low Road
Crowland
Peterborough

AGENT: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills
Spalding Lincs

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 18 NOV 1992

TYPE: SECTION 63

DESCRIPTION: Retain Mallard House, Low Road, Crowland without complying with the restricted occupation condition

LOCATION: Mallard House, Low Road, Crowland

Parish Council:

H02/0908/92
Support as long as the low density is carried through to the full planning application.

H02/0909/92
Support as we consider the agricultural restriction is inappropriate and not in line with the permission already given to the house further down Low Road.

Ward Member:

H02/0908/92
Plans recently passed for the agricultural development on this site to move to the Chase. One of the principle considerations was that heavy traffic associated with the business would be taken from this quiet area of

Crowland to a more appropriate site. Considerable planning gain is associated with this application. This is a predominantly residential area and any opportunity to move heavy traffic from this site is to be welcomed. If this site were to be left undeveloped the opportunity would be here for others to create the same type of use as at present to the detriment of local residents. There is considerable merit in this application and I fully support it.

H02/0909/92
Applicants will move from this site to the side of the new development, where the new house will have an agricultural/restricted occupation condition. It seems reasonable in view of the considerable planning gain/advantages, to allow them to retain Mallard House without complying with the restricted occupation conditions. I fully support the application.

County Highways: Request conditions.

Public Comments: From 21 Monks Meadow.
- Concerned about this proposal or land adjoining my property.
- Land recently contained a number of ponds surrounded by willow trees. Trees were wrenched out and ponds used as a land fill site.

Information From Applicant: (summarised)

H02/0908/92
- Site is non productive reclaimed land with existing access from Low Road.
- Intention is to establish the principle of development as a logical extension to the development boundary.
- Site is well screened : hardly visible and offers unique opportunity to provide innovative form of development without impacting on the countryside.
- Will not set a precedent for other sites.
- Existing access has been used by tractors and heavy lorries; the proposal will remove this source of nuisance from existing narrow highway.
- Low density is proposed; to afford opportunity to live in an exclusive cul-de-sac in individually designed properties on generous plots.
- Existing site screening will ensure levels of privacy and remove need for timber fences.
- Self contained scheme with no possible future expansion.
- Significant planning gain will be had by

849. PLANNING APPLICATIONS (Continued)

(c) **Applications Deferred** (Continued)

| Plan No. and Applicant | | Proposal |
|---|---|---|
| H16/1010/92<br>P L Ely (Contractors) | | Link detached three-bedroomed houses with garages on Plots 12 and 13, East: new local distributor road, Holland Park, Spalding. |

(To enable the Plans Sub-Committee to consider the proposal in greater detail in conjunction with application references H16/1007/92, H16/1011/92, and further applications now received in respect of adjoining land.)

| | | |
|---|---|---|
| H16/1011/92<br>P L Ely (Contractors) | | Bungalow and garage on Plot 14, East: new local distributor road, Holland Park, Spalding. |

(To enable the Plans-Sub Committee to consider the proposal in greater detail in conjunction with planning application references H16/1007/92, H16/1010/92, and further applications now received in respect of adjoining land.)

| | | |
|---|---|---|
| H02/0908/92<br>Mr & Mrs P Tansley | O.A. | Residential development at Low Road, Crowland. |

(Pending a site inspection in order to assess the suitability of the site for the proposed development.)

| | | |
|---|---|---|
| H02/0909/92<br>Mr & Mrs P Tansley | | Retain Mallard House, Low Road, Crowland without complying with the restricted occupation condition. |

(Pending a site inspection in order to assess the desirability of removing the condition.)

| | | |
|---|---|---|
| H16/1027/92<br>Fine Art Developments | O.A. | Conversion of existing warehousing to three retail units with car parking and service access at Low Road, Spalding. |

(Pending a site inspection to assess the suitability of the site for the proposed development, and to enable the Director of Planning and Building Control Services to submit a further report to this Committee detailing possible reasons for refusal based on the views expressed at the meeting and at the Plans Sub-Committee, as the Committee is minded to refuse planning permission for the development.)

(d) **Applications Filed Away**

The following applications be filed away, and no further action be taken thereon:-

| Plan No. and Applicant | Proposal |
|---|---|
| H16/0376/89<br>Broadgate Builders | Conversion of warehouse to form eight dwellings at Long's Warehouse, Double Street, Spalding. |
| H16/0377/89<br>Broadgate Builders | Listed Building Consent for conversion to form eight dwellings at Long's Warehouse, Double Street, Spalding. |

removing agricultural sheds for what is now a residential area.
- Acknowledge that site is beyond IBD but individual merits of this case should enable Committee to reach a favourable decision.

H02/0909/92
- Have lived at Low Road for 23 years with Mallard House being the farming operation base.
- Because of residential development nearby, expansion has had to take place elsewhere. As a result the Chase has become the farm base and Mallard House is now redundant.
- House and sheds situated on 3.8 acres of non-productive land.
- No 10 Low Road nearby does not have an agricultural restriction.
- Unlikely that a person who cold comply with the condition could be found; there is no attached agricultural land, and any expansion of activities on site would not be welcomed by other residents.
- Requested that the agricultural restriction be removed due to a significant change in circumstances.
- DoE advice is that dwellings should not be kept vacant because of conditions that have outlived their uses.
- Considered that site should be regarded as being within the village where the Council normally removes restriction.

PLANNING POLICIES/DOE ADVICE

1 Site outside IBD.

2 Section 54A of Planning Act.
"Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicate otherwise."

3 PPG 1 - Where other material considerations exist, the development plan should be taken as a starting point and other material considerations should be weighed in reaching a decision.

- Planning...should operate on the basis that applications... should be allowed, having regard to the Development Plan and all other material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance.
- An applicant...who proposes development in conflict with the development plan needs to produce convincing reasons to demonstrate why the plan should not prevail.

4 PPG 3 - Land availability studies should be treated as a material consideration in determining planning applications, where an adequate supply exists they will strengthen the weight of policies.
- Sites should be well related in scale and location for

existing development...important to ensure new developments in rural areas is sensitively related to existing pattern of settlement.
- Development should be directed towards land of lowest possible agricultural clarification.

5 PPG 7 - Provision can be made for modest development without damage to character of the village or to the countryside.
- Minor extensions to groups of dwellings may be acceptable. Much would depend on the character of the surroundings and the number of such groups in the area.
- Applications for removal of conditions should be considered on the basis of realistic assessment of the continuing need for them, bearing in mind that it is the need for a dwelling for someone solely or mainly or last working in agriculture in an area as a whole and not just on a particular holding that is relevant.

6 Structure Plan Policies 5a and 7a.

## TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

| | | |
|---|---|---|
| (i) New Dwellings | ☐ | If so, how many: |
| (ii) Other new building(s) | ☐ | |
| (iii) Alterations or extension | ☐ | |
| (iv) Change of use | ☐ | |

4. A. If building works are proposed, please state extra floor space to be created: sq. metres

B. Please state size of any new structure:- (a) max. height: metres
(b) max. length: metres
(c) max. width: metres

C. Please state type and colour of materials for facing external walls:

D. Please state type and colour of roofing materials.

E. Has a survey of the site been undertaken? State Yes or No ☐

## 5. GENERAL INFORMATION Please complete each section

**EXISTING USES**
Please state existing or, if vacant, the last use(s) of site.

**ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN)** Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road ☐

or

B. There will be a new or altered access to a public road ☐ ➡ If so, name of road:
Will there be—
Individual access(es) ☐
New estate road ☐

C. What provision will be made for garages or parking within the site?

**TREES** Please tick **one** box

A. The proposal does **not** involve the felling of any trees ☐

B. The proposal does involve the felling of one or more trees ☐ ➡ If so, please show details on plans.

**DRAINAGE** Please complete

A. Please state how surface water will be disposed of

B. For estate developments, please state how highway surface water will be disposed of

C. Please state whether a land drain will be affected

the IBD to fulfill the development needs of Crowland.

CONCLUSIONS

1 Both applications have been submitted following the recent approval of H02/0428/92 which granted permission for a new dwelling at the new farm headquarters at The Chase. That application was granted subject to a legal agreement requiring the applicants present dwelling remaining tied to the existing buildings at Low Road. The agreement also required all future expansion to take place at The Chase thereby effectively making the Low Road site redundant.

2 Although the applications raise separate issues they are integrally related and they need therefore to be considered jointly.

3 Turning to the residential development. The issues to be balanced in this case relate to the need to ensure that decisions are made in accordance with the Development Plan; (in this case the Structure Plan and the District Council's Adopted Interim Development Boundary) unless material considerations indicate otherwise, and the applicant produces convincing reasons to demonstrate why the plan should not prevail.

4 Other material considerations in this case are:

- The low density proposed (ie 4 dwellings in large plots) which would not have a significant impact on the countryside given the existence of established boundary screening.
- The existence of redundant farm buildings and the poor agricultural quality of the site.
- The removal of a non confirming use in the form of the farm buildings, which once vacated could be attractive for any number of alternative business uses.
- The fact that the applicant will be relocating the centre of business operations from the application site.
- The associated environmental benefits as a result of reduction in business/agricultural traffic using the residential approach roads to the site.
- Given the unique circumstances relating to this development together with the relationship of the site to the village and existing screening: the development would not establish a precedent for other fringe sites.

5 The question of the filled pits needs to be addressed. Initial information suggests that they were filled with clean top soil, in which case it will be for the future developer to design appropriate foundations for the dwellings. Depending on the Committee's ultimate decision however it may be necessary to ask for further information on this point before a decision is issued.

6 Turning to the application for the removal of the condition. In this case there has been a significant change in farm circumstances, with the main base and dwelling being relocated. Given the location of the site, close to the IBD and the existence of other frontage dwellings in the locality not all of which carry restrictive occupancy conditions, it is considered that the continuance of the condition should not be insisted upon.

7 If permission is granted to lift the condition and the residential application is refused the previous agreement to restrict future occupancy of the dwelling to persons connected to the buildings to the rear still applies. Indeed it was to cover such an eventuality that the agreement was required. If

however both current applications are approved then the legal agreement undertaken in respect of H02/0428/92 will cease to have any effect when the farm buildings are demolished.

8 Although it is considered that both applications may be granted in view of the unique circumstances it is recommended that the sites be inspected by the Sub-Committee prior to determination.

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**RECOMMENDATION** -

(A) That the site of both applications be inspected by the Plans Sub-Committee.

(B) That subject to the recommendations of the Sub-Committee the following recommendations be approved.

H02/0908/92 - That the Director of Planning and Building Control Services be authorised to grant permission subject to appropriate conditions and subject to being satisfied that:-

(i) The former pits on the site have been filled with materials which are non-injurious to health; or

(ii) That details of a scheme to render the site suitable for future development is submitted, agreed and subsequently implemented if injurious materials are found.

H02/0909/92 - That permission be granted.

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planning permission for the above development, in accordance with his recommendation subject to a note to the applicant that the future development of the site should accord with the details indicated on the submitted plans.

H02/0909/92
Mr & Mrs P Tansley

Retention of Mallard House, Low Road, Crowland without complying with the restricted occupation condition.

RESOLVED: Planning permission be granted in accordance with the recommendation of the Director of Planning and Building Control Services.

H16/1027/92
*Fine Art Developments*

O.A. Conversion of existing warehousing to three *retail units with car parking and service access at* Low Road, Spalding.

RESOLVED: (a) The Planning Committee be recommended to refuse planning permission contrary to the recommendation of the Director of Planning and Building Control Services on the grounds that (i) notwithstanding the existing permitted use rights for the site and the details submitted the development now proposed is considered to be more harmful to the residential amenities of the occupiers of ( ) Low Road, Spalding (ii) the proposal would have an adverse impact upon the viability of Spalding town centre and (iii) there is no overriding need for the proposed scale of development in the immediate locality; and (b) The Director of Planning and Building Control Services report further to the Planning Committee on the above matters.

which numbers?

(Councillor J.A. Dobney entered the meeting during consideration of the above application.)

PLANNING APPLICATIONS

The following applications were determined as indicated:-

FILE NOTE

APPLICATION H02/0908/92
PROPOSED RESIDENTIAL DEVELOPMENT AT LOW ROAD, CROWLAND.

1. Section 54A is relevant. Structure Plan policy 4A identifies Crowland as a location for new residential development. This policy is supported by our own non-statutory IBD, the purpose of which is to identify the land within which land may be found to fulfil policy 4A. Although the IBD does not carry the same weight as statutory planning policy, the same type of analysis must apply. (I note that we have not advertised this application as a departure from policy - are we not applying the departure principles to IBDs or is this an oversight?).

2. No case has been put forward by the applicant for allowing this proposal contrary to policy, save for the inferences contained in the statement accompanying application H02/0909/92 in relation to lifting the agricultural habitation condition.

3. Although the IBD has remained unchanged for some years, its position in this part of Crowland is not questionable on grounds of a need to include more land for housing development, nor the detailed circumstances in the locality.

4. We must therefore consider matters which may or may not justify *granting a permission as a departure from policy.*

5. Need for housing land. Although this small number of dwellings would not itself make any great difference to the housing land provision, it is nevertheless a fact that there is ample land with planning permission in Crowland to meet anticipated needs.

6. Agricultural circumstances. I believe that planning permission was granted for the establishment of the new farm headquarters and dwelling at The Chase, because it was accepted that this location was not appropriate for the expansion of a farming headquarters at this location at Low Road. My recollection does not match that of Councillor Cowan in his notes on the application, and indeed the Committee's decision regarding the Section 106 Obligation will also suggest that the Committee was not anxious to see the Low Road site taken out of business use. We are frequently concerned that whilst residential opportunities are plentiful, the opportunities for small business development are more rare, and, therefore, business premises should only be lost to residential use when the circumstances of any particular case justify that action.

7. Arguments have been put forward that there would be an environmental gain to existing residents as a result of allowing planning permission for the development proposed. I do not know what permissions or rights of use exist in relation to land to the west of this site. Are there any commercial uses which could cause detriment to the amenities of the residents of the proposed development, i.e. are we merely transferring a potential problem from one site to another?

cont/d...2/.

8. How unique is the proposal? I note the details shown on the plan and the case officer's notes regarding the enclosure of the site and the fact that its development would only be harmful to policy outside IBDs to a very limited extent. However, I do believe that it is difficult to claim that any site is literally unique and to grant planning permission for this development could lead to an accumulative effect both in this particular part of Crowland (i.e. along Low Road), elsewhere on the fringes of Crowland and also throughout the District.

APPLICATION H02/0909/92

1. This application and the accompanying one for residential development appear to be in direct conflict with the Section 106 Obligation entered into by the applicants.

2. It would appear to be premature to grant planning permission without first testing the market in the approved fashion.

3. Does the pattern of land use and planning decisions made in this part of Low Road (which I recall having a rural character), indicate that normal policy and practice should not prevail?

4. Regarding Councillor Cowan's notes, I do not believe that his views on the reasons why Mr. and Mrs. Tansley were granted permission at The Chase were actually those of the Committee in arriving at its decision.

From my reading of the files and draft reports I tend to the view that we should not be recommending a grant of planning permission for either of these applications. However, I believe that some further fact finding and analysis is required before a recommendation can be finally drafted.

R. J. Smith
Deputy Director of Planning
and Building Control Services.

7.10.92
JH/Corr/DC/DDPO

# FILE NOTE

NRM/JJ
H02/ October 1992

H02/0909/92

MR TANSLEY, MALLARD HOUSE, LOW ROAD, CROWLAND.

Following instructions by DPBCS to make a report on the Mochan affair at Fleet Hargate an absolute priority. DJR advised me that he would not be able to consider RJS's memo and annual report for 27th October Committee.

Advised RJS of situation and that with my own commitments I also could not deal with it, and it was agreed that the application would have to be deferred to the next Committee.

N Midlen
Principal Planning Officer

H2/0909/92.

Memo for file

Following instruction by D.P.O to make a report on the Moccan affair at Flood Harquet an absolute priority, D.B.R. advised me that he would not be able to consider R35 memo to annual report for 27 Oct. etc.

Advised R35 of situation & will use my own judgement. I also could not deal with it, & am agreed that the application would have to be dropped & the work etc.

FILE NOTE

APPLICATION H02/0908/92
PROPOSED RESIDENTIAL DEVELOPMENT AT LOW ROAD, CROWLAND.

1. Section 54A is relevant. Structure Plan policy 4A identifies Crowland as a location for new residential development. This policy is supported by our own non-statutory IBD, the purpose of which is to identify the land within which land may be found to fulfil policy 4A. Although the IBD does not carry the same weight as statutory planning policy, the same type of analysis must apply. (I note that we have not advertised this application as a departure from policy - are we not applying the departure principles to IBDs or is this an oversight?).

2. No case has been put forward by the applicant for allowing this proposal contrary to policy, save for the inferences contained in the statement accompanying application H02/0909/92 in relation to lifting the agricultural habitation condition.

3. Although the IBD has remained unchanged for some years, its position in this part of Crowland is not questionable on grounds of a need to include more land for housing development, nor the detailed circumstances in the locality.

4. We must therefore consider matters which may or may not justify granting a permission as a departure from policy.

5. Need for housing land. Although this small number of dwellings would not itself make any great difference to the housing land provision, it is nevertheless a fact that there is ample land with planning permission in Crowland to meet anticipated needs.

6. Agricultural circumstances. I believe that planning permission was granted for the establishment of the new farm headquarters and dwelling at The Chase, because it was accepted that this location was not appropriate for the expansion of a farming headquarters at this location at Low Road. My recollection does not match that of Councillor Cowan in his notes on the application, and indeed the Committee's decision regarding the Section 106 Obligation will also suggest that the Committee was not anxious to see the Low Road site taken out of business use. We are frequently concerned that whilst residential opportunities are plentiful, the opportunities for small business development are more rare, and, therefore, business premises should only be lost to residential use when the circumstances of any particular case justify that action.

7. Arguments have been put forward that there would be an environmental gain to existing residents as a result of allowing planning permission for the development proposed. I do not know what permissions or rights of use exist in relation to land to the west of this site. Are there any commercial uses which could cause detriment to the amenities of the residents of the proposed development, i.e. are we merely transferring a potential problem from one site to another?

cont/d...2/.

8. How unique is the proposal? I note the details shown on the plan and the case officer's notes regarding the enclosure of the site and the fact that its development would only be harmful to policy outside IBDs to a very limited extent. However, I do believe that it is difficult to claim that any site is literally unique and to grant planning permission for this development could lead to an accumulative effect both in this particular part of Crowland (i.e. along Low Road), elsewhere on the fringes of Crowland and also throughout the District.

APPLICATION H02/0909/92

1. This application and the accompanying one for residential development appear to be in direct conflict with the Section 106 Obligation entered into by the applicants.

2. It would appear to be premature to grant planning permission without first testing the market in the approved fashion.

3. Does the pattern of land use and planning decisions made in this part of Low Road (which I recall having a rural character), indicate that normal policy and practice should not prevail?

4. Regarding Councillor Cowan's notes, I do not believe that his views on the reasons why Mr. and Mrs. Tansley were granted permission at The Chase were actually those of the Committee in arriving at its decision.

From my reading of the files and draft reports I tend to the view that we should not be recommending a grant of planning permission for either of these applications. However, I believe that some further fact finding and analysis is required before a recommendation can be finally drafted.

R. J. Smith
Deputy Director of Planning
and Building Control Services.

7.10.92
JH/Corr/DC/DDPO

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 SEP 1992
DR
Action by .....
Discuss with .....
Copy to .....

From: Councillor RCP Cowan

For: Director of Planning (Attention DJ Roberts Esq).

6 September 1992.

Re: Planning applications Mr & Mrs PJ Tansley
H02/0908/92
H02/0909/92

H02/0908/92 - Plans were recently passed for the Agricultural development on this site to move to The Chase, Crowland. One of the principal considerations was that the heavy traffic, associated with this business, would be taken from this quiet area of Crowland to a more appropriate site.

Considerable Planning gain is associated with this application. This is predominantly a residential area and any opportunity to move heavy traffic from this site is to be welcomed. If this site were to be left undeveloped the opportunity would be there for others to create the same type of use as at present, to the detriment of the local residents.

There is considerable merit in this application and I fully support it.

H02/0909/92 - Mr & Mrs Tansley will move from this site to the site of the new development, where the new house will have an agricultural/restricted occupation condition. It seems reasonable, in view of the considerable Planning gain/advantage, to allow them to retain Mallard House without complying with the restricted occupation condition. I fully support the application.

RCP Cowan
Councillor, Crowland Ward.

AN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H02/0909/92

Applicant: Mr and Mrs P Tansley
Mallard House
Low Road
Crowland
Peterborough

Agent: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills Spalding

Description: Retain Mallard House, Low Rd, Crowland without complying with the restricted occupation condition

Location: Mallard House Low Road
Crowland

Type: SECTION 63

Date received: 21-AUG-92

27-AUG-92

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 11-SEP-92. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is D J ROBERTS

Yours faithfully
B SMITH
Director of Planning and Building Control Services

DR

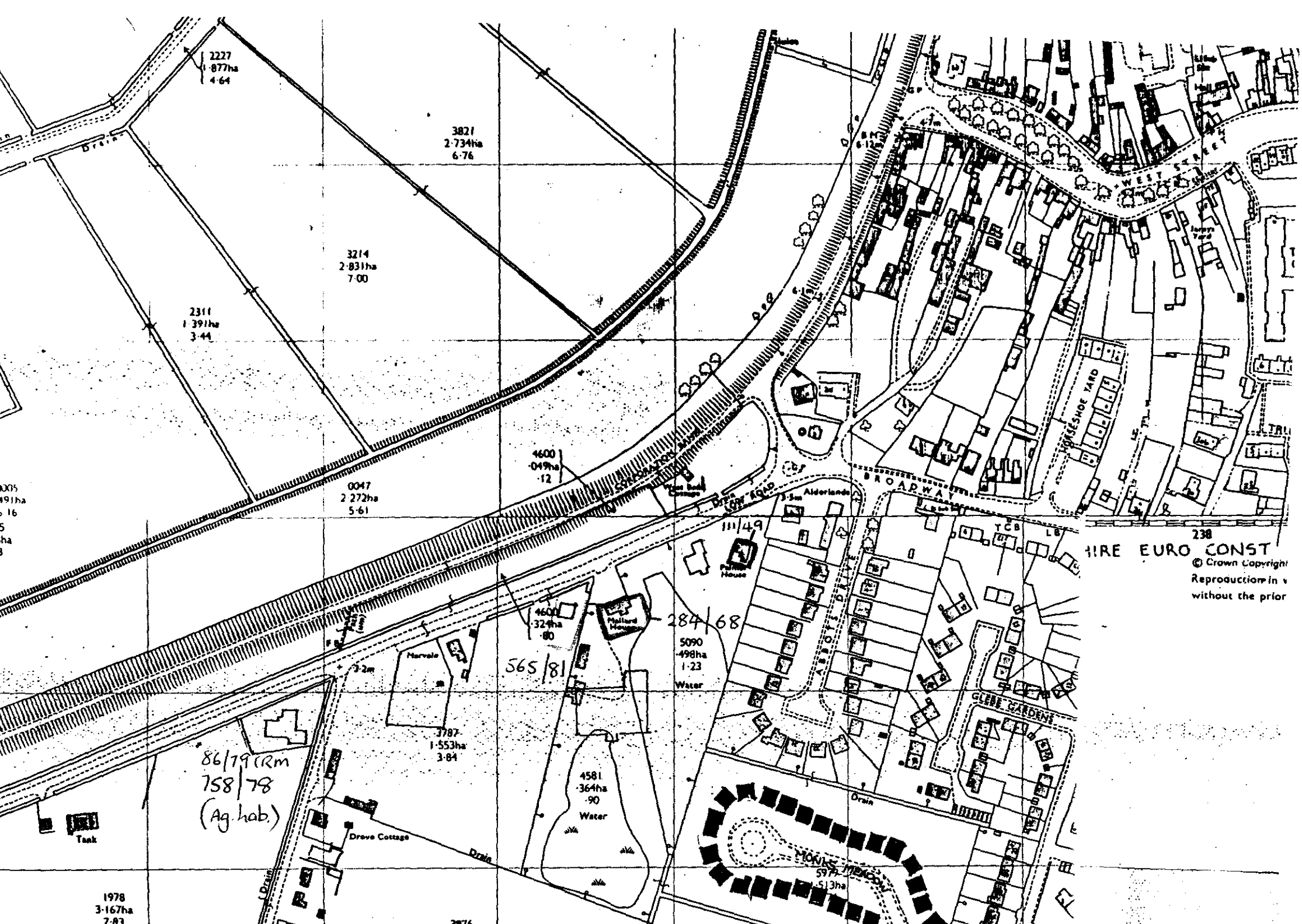
Clerk to Crowland PC
10 Beccelm Drive
Crowland
Peterborough
PE6 0AG

FOR PARISH COUNCIL USE ONLY

Comments:

Signed: Paul C Smith

We support the application as we consider the agricultural restriction is inappropriate and not in line with the ~~ap~~ permission already given to the the house further down (10) low Rd.


2227
1·877ha
4·64
3821
2·734ha
6·76
3214
2·831ha
7·00
2311
1·391ha
3·44
0047
2·272ha
5·61
4600
·049ha
·12
4600
·324ha
·80
5090
·498ha
1·23
Water
3787
1·553ha
3·84
4581
·364ha
·90
Water
1978
3·167ha
2·83
Tank
Drove Cottage
Drain
Drain
Drain
Mallard House
Marvale
Pump House
Alderlands
BROADWAY
WEST STREET
HORSESHOE YARD
ABBOTS AVENUE
GLEBE GARDENS
MONKS MEADOW
111/49
284/68
565/81
86/79(RM
758/78
(Ag. hab.)
238
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TOWN AND COUNTRY PLANNING ACT, 1962

# REGISTER OF DECISIONS ON APPLICATIONS FOR DEVELOPMENT

| Number of Application | Date of Application | NAME AND ADDRESS OF APPLICANT | O.S. No. | SITUATION OF DEVELOPMENT | PARTICULARS OF DEVELOPMENT | DATE OF DECISION | DECISION | CONDITIONS OF CONSENT | Date and Decision of Minister either on appeal or Reference under Section 22 |
|---|---|---|---|---|---|---|---|---|---|
| SR280/68 | 24.9.68 | Messrs.H. Moore & Son, High Street, Gosberton. | CXXVI.9 Pt.378 | Churchfleet Lane, Gosberton. | Outline application. Residential development. | 7.11.68 | Consent | 1. Standard outline condition.<br>2. The north-west corner of the site shall be set back and any new means of demarkation be on a line twenty four feet from the northern channel or edge of the metalled carriageway of Churchfleet Lane, as shown on the Holland County Council Highways Department Drawing No. A.847(a copy of which is attached to this permission).<br>3. The roadside dyke alongside the north-western boundary of the site between the letters A and C on Drawing No. A.847 shall be filled in and replaced by an adequate sized piped surface water drain with the necessary inspection chambers to the satisfaction of the local planning authority. The piped and filled in dyke referred to shall be extended in a similar manner in a south-westerly direction along the roadside frontage to point D as indicated on Drawing No. A.847 and returned to meet the existing dyke at point E. The existing dyke shall be properly filled in and consolidated to the satisfaction of the local planning authority.<br>4.No building shall be erected nor any access to Churchfleet Lane formed north-east of the line marked A - B on Drawing No. A.847.<br>5. Four feet condition.<br>6. No building shall take place on this site until the works detailed in Condition No. 3 have been completed.<br>7. All development on this site shall be connected to the public sewer. | |
| SR281/68 | 26.9.68 | Mr. A. Harrison, Milestone Lane, Pinchbeck. | CXXXIV.6 Pt.446 | Milestone Lane, Pinchbeck. | Garage. | 7.11.68 | Consent | | |
| SR282/68 | 2.10.68 | Mr. A. Van der Voet, Newlands Road, Surfleet. | | Newlands Road, Surfleet. | Garage and provision of vehicular access. | 7.11.68 | Consent | 1. Adequate reversing bay.<br>2. Standard highway condition.<br>3. Standard dyke condition. | |
| SR283/68 | 2.10.68 | Mr. F. Cray, 15, Wardentree Lane, Pinchbeck. | | 15,Wardentree Lane Pinchbeck. | Garage and provision of vehicular access. | 7.11.68 | Consent | 1. The garage shall be sited immediately adjoining the existing shed.<br>2. Standard highway condition. | |
| SR284/68 | 5.10.68 | Mr. P.J. Tansley, Broadway, Crowland. | | Long Drove, Crowland. | House and garage. | 7.11.68 | Consent | Agricultural habitation condition. | |

SOUTH HOLLAND D.C.
PLAN DEPT.
21 AUG 1992
REF 0909/92

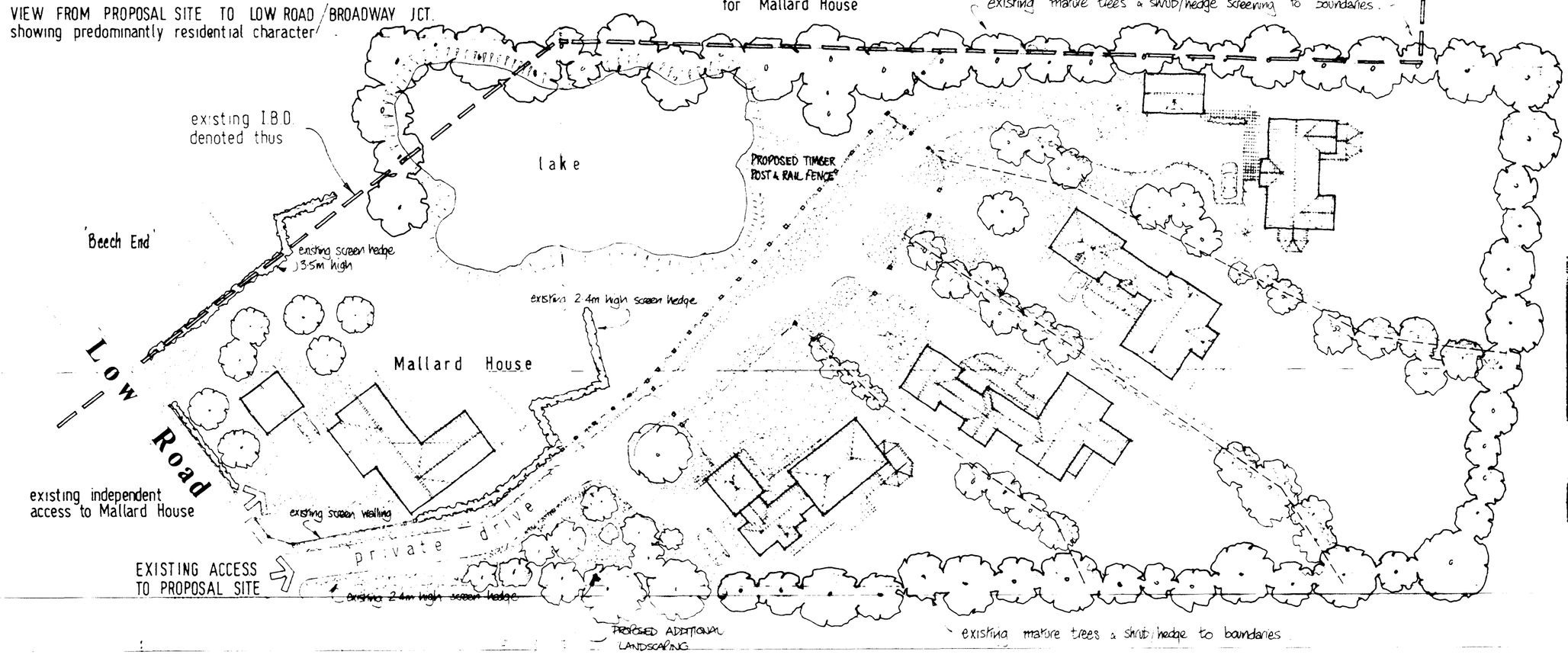
SOUTH HOLLAND DISTRICT COUNCIL
PLAN DEPT.
21 AUG 1992
REF ..... 0909/92

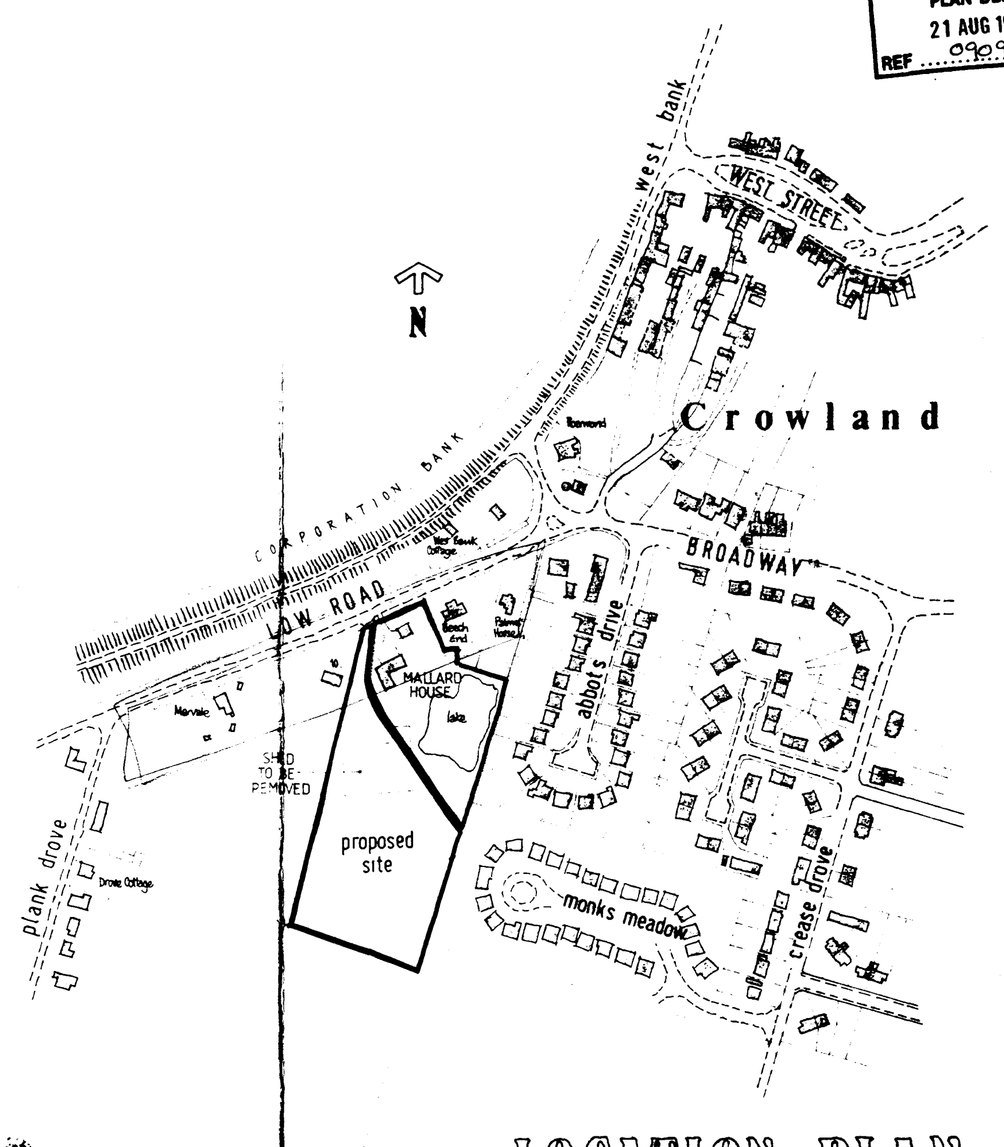


VIEW FROM PROPOSAL SITE TO LOW ROAD / BROADWAY JCT.
showing predominantly residential character



VIEW ONTO LAKE FROM MALLARD HOUSE
sketch proposal provides for visual amenity of this feature to plots whilst maintaining privacy for Mallard House

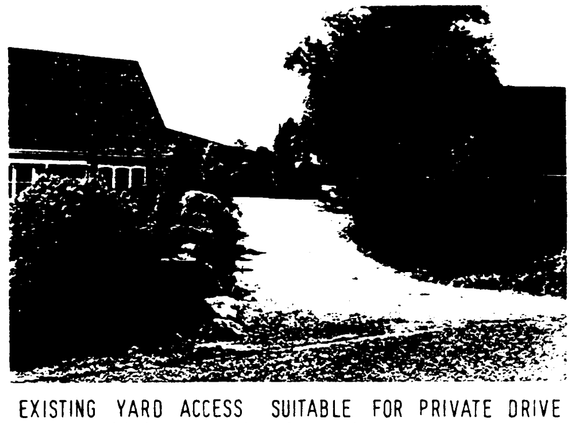



LOCATION PLAN



TYPICAL MATURE SCREENING TO ENTIRE SITE PERIMETER providing natural enclosure to development with negligible impact on open countryside and adjacent development.



EXISTING YARD ACCESS SUITABLE FOR PRIVATE DRIVE with established screening from adjacent Mallard House & No.10 Low Road

# sketch layout

THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION FROM BROADGATE BUILDERS (SPALDING) LTD.

Broadgate Builders

**Broadgate Builders (Spalding) Limited**
Broadgate House, Weston Hills, Spalding, Lincolnshire, PE12 6DB.
Telephone: Holbeach (0406) 380532.

TITLE
MALLARD HOUSE
LOW ROAD, CROWLAND.

for Mr. & Mrs. P. TANSLEY

| | | | |
|---|---|---|---|
| DATE | 07/92 | DRAWN | a.j.f |
| DRWG. No. | 92030/sk1 | SCALE | 1:500 1:2500 |

| REVISIONS | DES. | DATE | SIGN |
|---|---|---|---|
| | | | |

PLANNING | BUILDING REGS.
CHECK BY

2055-2887