AGENDA

For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 18 AUGUST 2015
at
1.00 PM
in the
COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL,
GRANTHAM. NG31 6PZ

Beverly Agass, Chief Executive

Committee Members:
Councillor Barry Dobson, Councillor Mike Exton, Councillor Mrs Rosemary Kaberry-Brown, Councillor Michael King, Councillor Charmaine Morgan, Councillor Helen Powell, Councillor Robert Reid, Councillor Nick Robins, Councillor Jacky Smith (Vice-Chairman), Councillor Mrs Judy Smith, Councillor Judy Stevens, Councillor Adam Stokes, Councillor Ian Stokes, Councillor Mrs Brenda Sumner, Councillor Brian Sumner, Councillor Martin Wilkins (Chairman), Councillor Paul Wood and Councillor Rosemary H Woolley

Committee Support Officer: Jo Toomey Tel: 01476 40 60 80 (Ext. 6152) E-mail: democracy@southkesteven.gov.uk

(PLEASE NOTE THAT THERE WILL BE A COMFORT BREAK AT 3.00PM FOR TEN MINUTES)

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1.  MEMBERSHIP

   The Chief Executive to notify the Committee of any substitute members

2.  APOLOGIES FOR ABSENCE
3. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 21 JULY 2015

(Enclosure)

5. PLANNING MATTERS

To consider applications received for the grant of planning permission – reports prepared by the Case Officer. (Enclosure)

The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.

(1) Application Ref: S14/3585/MJRO
Description: Outline application with all matters reserved except for access for proposed employment development (Use Classes B1 and B2), vehicular access, car parking, green infrastructure, foul and surface water drainage and associated development
Location: Land east of Peterborough Road, Market Deeping, Lincs

(2) Application Ref: S15/1544/FULL
Description: Retain and alter an existing unauthorised dwelling including demolition of garage
Location: Land adj. 3 High Street, Pointon

(3) Application Ref: S14/3256/HSH
Description: Single storey detached garage/outbuilding
Location: The Beehive, Main Street, Greatford, Stamford, Lincolnshire, PE9 4QA

(4) Application Ref: S15/1366/FULL
Description: Erection of dwelling
Location: Bracken House, Casthorpe Road, Barrowby, Grantham, Lincolnshire, NG32 1DP

(5) Application Ref: S15/1543/HSH
Description: Single-storey extensions to front and side of dwelling
Location: Rookwood, Main Street, Foston, Grantham, Lincolnshire, NG32 2JU
6. **PROCEDURE FOR RETURNING CONSULTATIONS ON PLANNING APPLICATIONS BEING DETERMINED BY NEIGHBOURING AUTHORITIES AND COUNTY MATTERS BEING DETERMINED BY LINCOLNSHIRE COUNTY COUNCIL**

Report number DM03 of the Business Manager, Development and Implementation. (Enclosure)

**EXCLUSION OF THE PUBLIC**

It is anticipated that, in accordance with Section 100A(4) of the Local Government Act 1972 (as amended) the public may be excluded from the meeting during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraph 6 of Schedule 12A of the Act (as amended) would be disclosed to the public.

7. **POSITION STATEMENT IN RELATION TO THE REPAIR AND RENOVATION OF THE TOLL HOUSE, BOURNE ROAD, FOLKINGHAM**

Report number DM02 of the Business Manager, Development and Implementation. (Enclosure)

This report is exempt because it contains information that reveals the authority proposes to (a) give an under any enactment a notice under or by virtue of which requirements are imposed on a person (b) to make an order or direction under any enactment

8. **ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**
PUBLIC SPEAKING

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2014/15 meetings are:

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<th>Meeting Date</th>
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<td>Tuesday 18 August 2015, 1pm</td>
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If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman’s (or Vice-Chairman’s) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers’ presentations. There is a time limit of 10 minutes for each speaker.

ORDER OF PROCEEDINGS

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
   a. District Councillors who are not Committee members
   b. Representative from town/parish council
   c. Objectors to an application
   d. Supporters of an application
   e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision
13.  APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Adam Stokes.

(13.04pm Cllr Judy Stevens arrived)

14.  DISCLOSURE OF INTERESTS

Councillor Martin Wilkins disclosed an interest in application S14/0927 as the applicant was now one of his clients and he left the meeting during the debate and vote.

Councillor Judy Stevens disclosed an interest in application S15/0432 as she had organised a petition and submitted a letter of support. She spoke on the application as Ward Councillor for the area but did not take part in the vote.
15. MINUTES OF THE MEETING HELD ON 23 JUNE 2015

The minutes of the meeting held on 23rd June were agreed as a correct record of the decisions taken.

16. PLANNING MATTERS

1) APPLICATION REF: S15/1611
DESCRIPTION: (PL/0082/15) FOR THE EXTRACTION OF LIMESTONE AND IMPORTATION OF SUSTAINABLE INERT FILL TO ACHIEVE A BENEFICIAL RESTORATION OF THE SITE
LOCATION: LAND AT GORSE LANE, DENTON

As there were technical problems at the commencement of the meeting the last item on the agenda PL/0082/15 was dealt with first as it did not need the projector.

Decision:

That a letter be sent to Lincolnshire County Council advising them that the following issues needed to be addressed:

1. The Landscape and Visual Impact Assessment (LVIA) concluded that there was no conflict with South Kesteven CS policy EN1. EN1 stated “Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.” Clearly the LVIA conclusion was incorrect as the area is part of the Kesteven Uplands which is described as relatively unspoilt undulating agricultural landscape in the South Kesteven Landscape Character Assessment. There would inevitably be an adverse landscape and visual impact through the nature of the operations, which could never be fully mitigated through landscaping. LCC must give this conflict with policy EN1 due weight in the planning balance and be satisfied that the benefits outweigh the adverse impacts if they were minded to approve.

2. The north western part of the site (which was beyond the historic permission), was very close to Hill Top Farm, which was a former farmstead consisting of a grade II listed farmhouse and a range of associated curtilage listed barns converted to a dwelling, and another barn listed as grade II in its own right which has been converted to 2 x dwellings. There were also a pair of semi detached cottages nearby. Whilst some landscaping (including woodland planting and bunding) is proposed, there would inevitably be some adverse impact (less than substantial harm) on the relatively
unspoilt rural setting of this group of heritage assets. It was considered that the ES understated the potential impact identified above which again conflicted with CS policy EN1. LCC must give this conflict with policy EN1 due weight in the planning balance and in accordance with the NPPF be satisfied that any public benefits outweigh the adverse impacts if they are minded to approve.

3. Whilst it was acknowledged that environmental issues would mostly be regulated by a permit issued by the Environment Agency, in accordance with advice from South Kesteven Environmental Protection Officers, it was recommended that dust monitoring be undertaken at sites approved by the local authority and should be included as a planning condition.

4. It was recommended that the northern boundary of the site be moved back to create a more acceptable separation distance, preferably to correspond to the extant permission.

5. If LCC were minded to approve the application in its current form they must be satisfied that the impacts were within acceptable limits and that all necessary mitigation was in place and that LCC were satisfied that the historic permissions were still actually extant when making their decision.

6. Copies of objection letters received by SKDC were to be forwarded to the County Council and the issues raised endorsed by SKDC.

7. That a traffic impact assessment be carried out especially in connection with the bridge crossing the A1.

8. That all top soil should be stored and then replaced (or replaced with similar) when the quarrying was complete.

The Council had been consulted on a planning application submitted by Lincolnshire County Council, who in their role as the Mineral Planning Authority was the determining authority for the planning application. South Kesteven District Council was a consultee.

The site was mostly agricultural land with an area of approximately 103.9ha wholly within South Kesteven District and Denton Parish. The site was part of an extensive area (approximately 6 square km) which benefited from an extant historic planning permission for quarrying which dated back to 1955 and 1958. This included sensitive areas directly adjacent to Denton and Harlaxton villages. Historic mineral permissions of this type remained “dormant” under the 1995 Environmental Act but could be reactivated at any time on approval of a new scheme of planning conditions accompanied by an environmental statement submitted to the local minerals planning authority.
As part of the approval of the scheme the applicant was proposing entering into a Section 106 Agreement which would permanently rescind the historic permissions currently in place.

If permission for the scheme was not granted then the fallback position (what could be done under existing consents) would mean that a much more extensive and environmentally damaging historic permission would apply and was therefore an important material consideration that had to be taken into account.

SKDC Environmental Protection Services had confirmed that in their opinion there were adequate measures proposed to ensure that noise, disturbance and dust were kept to a minimum. These included air quality, land, water and noise pollution issues which were for the most part regulated by a permit issued by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2010. However officers had identified a number of shortcomings in the submitted details which need to be adequately addressed by LCC. Objections had also been received from Denton Parish Council, GOLAG (local opposition group) and members of the public.

On discussing the application Members raised the issue of LCC having a traffic impact assessment carried out especially in connection with the bridge over the A1, that all top soil that was removed during the quarrying to be stored and replaced on completion and that the points raised by Denton Parish Council should be endorsed by SKDC. It was also stressed that LCC should be satisfied that the historic permissions were actually still extant when making their decision. On being put to the vote it was proposed, seconded and agreed that a letter be sent to LCC outlining the points raised in the officers report together with endorsing the comments raised by Denton Parish Council, that LCC should carry out a traffic impact assessment especially in relation to the bridge over the A1 and that the top soil removed during quarrying should be stored and replaced upon completion. It was also agreed that LCC should be satisfied that the historic permissions are actually extant when making their decision.

It was requested that future applications where SKDC were a consultee should be items on the agenda outside of the main planning matters applications.

2) APPLICATION REF: S14/0927
DESCRIPTION: DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (23XDwellings)
LOCATION: GRIMERS TRANSPORT, WEST ROAD, BILLINGBOROUGH

(13.35pm Cllr Wilkins left the meeting)

As this was a part heard application the Vice-Chairman read out the list of
those Members who had been present when the application had previously been before the Committee. Only those Members voted on the application.

Decision:

That the application be approved subject to the conditions set out in the report and subject to prior completion of a Section 106 agreement to secure the requirements specified in paragraph 7.4. (with the priority of use of the Affordable Housing Contribution being Billingborough, followed by the surrounding villages and then the normal cascade provisions). Provided that if the Section 106 has not been completed within 6 weeks of the date of this meeting and the Business Manager for Development Management and Implementation, after consultation with the Chairman and Vice Chairman of the Development Control Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Business Manager for Development Management and Implementation be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

Noting the original report to the Committee where all issues had been discussed when the original application came before the Committee, only the viability and planning obligations though a section 106 were considered.

A new viability assessment had been undertaken by the Council’s new viability consultant the District Valuer Services (DVS) section of the Valuation Office Agency (VOA). The VOA Service had concluded that whilst not all the S106 requirements could be met, a modest commuted sum towards the upgrade to recreational facilities within Billingborough and/or off site affordable housing could be provided whilst ensuring that the development remained viable.

(1.48pm Cllr Ian Stokes left the meeting)
(1.50pm Cllr Ian Stokes returned to the meeting)

Noting comments made by Members at the meeting on the amount of affordable housing contribution and where the affordable housing contribution should be used and the advice given by the Committee’s Solicitor on the use of claw back clauses it was proposed, seconded and agreed that the application be delegated to the Business Manager for Development Management and Implementation in consultation with Chairman and Vice-Chairman for approval subject to the signing of a Section 106 Agreement in accordance with the conditions and notes set out in the Case Officers report and subject to the affordable housing contribution being allocated firstly in Billingborough, followed by the nearby villages and then the normal cascade provisions.

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years
from the approval of the last of the reserved matters, whichever is the later.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

(a) layout;
(b) scale;
(c) appearance;
(e) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

4. When application is made for approval of the 'Reserved Matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

5. When application is made for approval of the 'reserved matters', that application shall show details of a surface water and foul water drainage scheme (based on sustainable drainage principles). The approved drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

6. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

(a) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(b) A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the
7. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

(a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;

(b) As built drawings of the implemented scheme;

(c) Photographs of the remediation works in progress; and

(d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

8. Unless otherwise agreed in writing by the local planning authority a fire hydrant shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the occupation of any properties on the site.

9. When application is made for approval of the 'reserved matters', that application shall show details of existing and proposed ground levels and proposed finished floor levels within the site.

The development shall be undertaken in accordance with any such details that are approved.

10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Site Layout Plan
1994 (03) 004 Rev A2 (in respect of the position of the site access only)
both received 07 April 2014

Note(s) to Applicant
11. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
12. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

3) APPLICATION REF: S14/1316
DESCRIPTION: RESIDENTIAL DEVELOPMENT AND USE OF FORMER SCHOOL PLAYING FIELD FOR COMMUNITY USES
LOCATION: FORMER AVELAND HIGH SCHOOL, BIRTHORPE ROAD, BILLINGBOROUGH

(14.11pm Cllr Wilkins returned to the meeting)

Decision:

To defer the application for a discussion to take place between Billingborough Parish Council, Lincolnshire County Council and South Kesteven District Council to include the Executive Manager for Development and Growth to find a solution towards implementation of basic infrastructure requirements for the proposed community facilities.

Noting comments made during the public speaking from:

- Robert Doughty (agent)

Together with:

- 6 representations received as a result of public consultation.
- No objection in principle from Billingborough Parish Council
- No objections from LCC Highways subject to conditions.
- No objection from the Environment Agency.
- No objection from Black Sluice Internal Drainage board
- No objection from SKDC Drainage Officer
- A request from Environmental Protection on conditions to ensure that any contamination of the land is adequately dealt with.
- No contributions required for NHS or Lincolnshire CC Education.
- Comments from South Kesteven DC Open Space Officer on outdoor sports space.
- Comments from the South Kesteven DC Tree Officer suggesting a tree preservation order on the trees along the street frontage and that the horse chestnut within the site could be incorporated within a future layout.
- The additional information report, which reported that it was not possible to include within a Section 106 Agreement payment of a financial contribution towards certain works that were considered necessary to
enable the former playing field to be used as community open space.

- Comments from the South Kesteven DC Affordable Housing Officer that 35% on site affordable housing was required through a section 106 Agreement – A reduced amount would only be acceptable if it could be demonstrated that provision of the full amount would make the development unviable – additional papers reduced to 28%.
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents together with Planning Policy Guidance.

During discussion on the application the affordable housing element and details of the community infrastructure required and future maintenance were debated at length, together with how the site was outlined within the SAP. The case officer stressed that the application was for outline permission; all other details would be contained within an application for reserved matters. Further discussion followed on the costs and specification involved for the community structure aspect of the site and the Business Manager reiterated the reasons contained within the late paper concerning why certain elements could not be contained within a Section 106 Agreement.

A proposal was put forward to approve the application but to amend a condition to include an agreement to contribute to the Parish Council for a basic track, car park, fencing and water provisions for the allotments. The Business Manager informed the Committee that these additional requirements could not be contained within a Section 106 Agreement, as they did not fulfil the statutory test.

(15.35pm Cllr Brian Sumner left the meeting)

Further discussion on the community infrastructure followed and it was suggested that provision for the land for the track access be passed to the Parish Council properly within a proposition. Following more discussion a pragmatic solution was put forward to defer until an agreement had been reached between the Parish Council and Lincolnshire County Council to overcome a very technical legalistic point about what Section 106 Agreements could be used for. Various proposals were then put forward but were not seconded. It was then proposed that the application be deferred for discussions to take place between Billingborough Parish Council, Lincolnshire County Council, South Kesteven District Council including the Executive Manager for Development and Growth to find a solution towards the implementation of a basic infrastructure for the proposed community facilities. This was seconded and on being put to the vote agreed.

(15.43pm Cllr Brian Sumner returned to the meeting)
(15.44pm meeting adjourned)

(16.00pm meeting reconvened)
(16.00pm Cllr Morgan did not return)

As the meeting had been in progress for 3 hours, the Chairman asked for Members’ consent to continue. Members agreed.

(16.02pm Cllr Morgan returned to the meeting)

4) APPLICATION REF: S15/0432
DESCRIPTION: ERECTION OF BUNGALOW WITH GARAGE IN CONNECTION WITH EXISTING LIVERY BUSINESS
LOCATION: FROGNALL LIVERY, VILLAGE STREET, FROGNALL

Decision:

To grant planning permission subject to conditions

Noting comments made during the public speaking session by:

- Councillor Judy Stevens (ward councillor)
- David Kemp (agent)

Together with:

- Objections from Deeping St James Parish Council.
- No objections from LCC Highways Authority.
- No objections in principle from SKDC Drainage Engineer.
- Two representations received as a result of publicity.
- Representation made by the Local Ward Councillor.
- A petition submitted by the Local Ward Councillor.
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents.
- Site visit observations.
- The additional information report, which reported that the final Unilateral Undertaking had been received from the applicant’s agent along with revised plans to address minor boundary errors and changes to condition 2 and 3.

It was proposed, seconded and agreed that the application be approved as per the case officer’s report and the changes to conditions as outlined in the additional information report.

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

2. Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in
accordance with the following list of approved plans/drawings submitted as part of the application:

Drawing No. PA001 Rev A (received on 16 July 2015)
Drawing No. PA002 Rev A (received on 16 July 2015)
Drawing No. PA003 (received on 5 March 2015)
Drawing No. PA004 Rev A (received on 16 July 2015)

3. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the livery stables business at Frognall Livery or any other business that has to be located in the countryside, or a widow or widower of such a person.

4. No works on the construction of the external elevations of the proposed dwelling shall take place on the site until samples of any materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

5. No development shall be commenced until full details relating to the vehicular access to the public highway, including materials, specification of works and construction methods have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site before the new dwelling is first occupied.

6. Before the dwelling hereby approved is first occupied the arrangements for the provision of the parking/turning/manoeuvring of vehicles to serve the new dwelling shall be provided in accordance with the approved details shown on the approved plans listed at condition 2 above. Once provided the approved arrangements for the parking/turning/manoeuvring of vehicles shall thereafter be retained available at all times for the purposes specified.

7. No development shall be commenced on the site until full details of the arrangements for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on the site before the new dwelling is first occupied.

Note(s) to Applicant

8. The application is subject to a Section 106 Unilateral Obligation to provide for the removal of the existing double static caravan and single static caravan at the livery stables site and the cessation of the use of the land for the siting of caravans/mobile homes.
5) APPLICATION REF: S14/1921
DESCRIPTION: ERECTION OF OUTBUILDINGS AND TERRACING OF GARDEN
LOCATION: 33A, NEWTON WAY, WOOLSTHORPE-BY-COLSTHERWORTH

Decision:

To grant planning permission subject to conditions.

Noting comments made during the public speaking session by:

Neil Bennett

Together with:

- Comments from Colsterworth and District Parish Council.
- Six letters of representation received as a result of publicity.
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents.
- The additional information report which corrected content in relation to information contained in the original report circulated with the agenda.

During discussion on the application it was confirmed that it was a retrospective application. The current planning system did allow for applications for planning permission to be determined retrospectively once the work had been commenced. They had to be assessed on their own merits the same as if works had not been commenced. The applicant had been informed that to continue work was at his own risk if planning permission was not granted. No Section 106 was required. The outbuildings and terracing of the garden were considered appropriate in the context of the residential area, with appropriate screening in place to ensure no overlooking of neighbouring private amenity space. It was proposed, seconded and agreed to grant planning permission.

(Cllr Jacky Smith left the meeting at 4.36pm)
(Cllr Rosemary Kaberry-Brown left the meeting at 4.41pm)

6) APPLICATION REF: S14/1592
DESCRIPTION: INSTALLATION OF TWO BIOMASS COMBINED HEAT & POWER UNITS, FEED HOPPERS AND ASSOCIATED ACTIVITIES AND WOODCHIP STORAGE
LOCATION: QUARRY FARM, HOLYWELL ROAD, CLIPSHAM, OAKHAM, LINCOLNSHIRE, LE15 7SQ

Decision:
That the application is deferred to enable an independent expert opinion to be sought on whether the output of electricity produced on site makes the proposal a commercial project as opposed to the submitted household scheme and that if it is so determined, the application is referred back to Rutland County Council.

Noting comments made during the public speaking session by:

- Clifford Bacon (Parish Clerk – Clipsham Parish Meeting)
- Richard Turpin (Parish Clerk – Careby, Holywell and Aunby)
- Tony Dighton

Together with:

- Objections received from Careby, Holywell and Aunby Parish Meeting
- Representations from Clipsham Parish Meeting
- No objections from Lincolnshire County Council Highways
- No objections in principle from Planning Policy
- Comments made by Rutland County Council Highways requesting a lorry routing agreement for the site and keeping a vehicle movement log similar to the adjacent quarry.
- Environmental Protection request for conditions to be attached
- No objections from Rutland County Council Environmental Protection but request for conditions to be imposed.
- 11 Representations received as a result of publicity
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Information contained with the additional information document on operational information and energy output.

The case officer referred to a presentation from Arbor heat and power that had previously been circulated to Members. After discussions with the agent it had been confirmed that the information contained within the document had been compiled in February 2013 and did not reflect the current intentions of the application and had no relevance to the planning application.

Discussion on the application included whether there was sufficient noise attenuation measures in place, the routing of the HGV’s and whether a routing agreement was required, the number of deliveries to the site and the amount of output from the biomass units. During the course of the discussions it became apparent that Members had concerns about the applicant’s affirmation that the application was for domestic use rather than commercial due to the figures that had been submitted and the evidence given by those who had spoken on the application.

It was proposed and seconded that the application be refused, contrary to the
planning officer’s recommendation to approve the application, the reason being that the application was contrary to planning policy EN1. The Business Manager Development Management and Implementation did not accept the reason for refusal as defensible and therefore the proposition was ‘minded to refuse’ and a cooling off period would be invoked to allow members to submit reasons for refusal.

(Cllr Charmaine Morgan left the meeting at 5.46pm)
(Cllr Brenda Sumner left at 5.47pm)
(Cllr Brenda Sumner returned at 5.50pm)

A recorded vote was taken on the proposition ‘minded to refuse’ against the officer recommendation to approve.

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<tr>
<td></td>
<td>Councillor Rosemary Woolley</td>
</tr>
</tbody>
</table>

The proposition was lost.

The Business Manager Development Management and Implementation and the Solicitor to the meeting clarified the position following which a new proposal was put forward that the application be deferred to enable an independent expert opinion to be sought on whether the output of electricity produced on site makes the proposal a commercial project as opposed to the submitted household scheme and that the application be referred back to Rutland County Council for their views if it was found that it was a commercial application rather than domestic. The proposal was seconded and on being put to the vote agreed.

(Cllr King left the meeting at 18.08pm)

7) CLOSE OF MEETING

The meeting closed at 18.10pm.
<table>
<thead>
<tr>
<th>NO</th>
<th>PAGE</th>
<th>PROPOSAL AND LOCATION</th>
</tr>
</thead>
</table>
| JJ1| S14/3585 1 | Outline for proposed employment development  
Land east of Peterborough Road, Market Deeping, Lincs |
| JJ2| S15/1544 16 | Retain and alter an existing unauthorised dwelling  
including demolition of garage  
Land adj. 3 High Street, Pointon |
| AL1| S14/3256 30 | Detached garage/outbuilding  
The Beehive, Main Street, Greatford, Stamford, PE9 4QA |
| NB1| S15/1366 40 | Erection of dwelling  
Bracken House, Casthorpe Road, Barrowby, Grantham, NG32 1DP |
| LDPP1| S15/1543 49 | Single storey extensions to front and side of dwelling  
Rookwood, Main Street, Foston, Grantham, NG32 2JU |
**Agenda Item 5a**

**JJ1 S14/3585/MJRO**

**Target Decision Date:** 24-Mar-2015  
**Committee Date:** 18-Aug-2015

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Larkfleet Homes C/o Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agent</td>
<td>Mr David Bainbridge, Bidwells John Ormond House, 899, Silbury Boulevard, Central Milton Keynes, MK9 3XJ</td>
</tr>
<tr>
<td>Proposal</td>
<td>Outline application with all matters reserved except for access for proposed employment development (Use Classes B1 and B2), vehicular access, car parking, green infrastructure, foul &amp; surface water drainage and associated development</td>
</tr>
<tr>
<td>Location</td>
<td>Land East of Peterborough Road, Market Deeping, Lincolnshire</td>
</tr>
<tr>
<td>App Type</td>
<td>Major Outline (Residential)</td>
</tr>
<tr>
<td>Parish(es)</td>
<td>Market Deeping</td>
</tr>
<tr>
<td>Reason for Referral to Committee</td>
<td>This application has been reported to the Development Control Committee at the request of the Executive Manager Development and Growth</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approved subject to condition(s)</td>
</tr>
</tbody>
</table>

**Key Issues**

- Planning policy
- Highway safety
- Residential amenity
- Visual impact
- Impact on heritage assets
- Impact on wildlife
- Drainage and flood risk
Technical Documents Submitted with the Application

- 4627-L-03 rev G - Employment - framework plan
- Commercial access general arrangement plan
- Illustrative layout plan Rev G
- Illustrative view north along Peterborough Road
- Illustrative view south along Peterborough Road
- Application form
- Arboricultural assessment December 2014
- Archaeological evaluation report May 2013
- Archaeological evaluation report October 2013
- Commercial access general arrangement plan
- Commercial road layout general arrangement plan
- Design and access statement part 1
- Design and access statement part 2
- Desk study, site location and habitat plan phase 1
- Drainage strategy plan
- Ecological appraisal 1 December 2014
- Figure 1 - Location plan
- Figure 2 - aerial photo
- Flood risk assessment December 2014
- Framework plan 03F
- Illustrative layout plan 04F
- Illustrative masterplan 06C
- June dust bat transect figures
- Landscape and visual appraisal October 2014
- Noise and air quality assessment
- Phase 1 environmental risk assessment December 2014
- Planning statement December 2014
- Quotation for archaeological evaluation
- Site location plan rev C
- Statement of community involvement
- Topographical survey plan rev B
- Topographical survey plan
- Topographical survey plan1
- Transport assessment December 2014
- Travel plan December 2014
- Trench location plan
- Utilities report December 2014
REPORT

1.0 Application Category

1.1 This application is categorised as a ‘Major’ application

2.0 Reason for Referral to Committee

2.1 This application has been reported to the Development Control Committee at the request of the Executive Manager Development and Growth.

3.0 The Proposal

3.1 This is an outline planning application, with all matters (internal access, layout, scale, appearance and landscaping) reserved for subsequent approval except the principal means of vehicular access from Peterborough Road. The key aspects of the development are as follows:

- The erection of up to 10,000sq.m of commercial development (Use Class B1- offices and light industrial and B2 - general industrial)
- Vehicular access off Peterborough Road
- Car Parking
- Green infrastructure, including landscaping
- Foul and surface water drainage
- Associated infrastructure

4.0 The Application Site and its Surroundings

4.1 The application site comprises an area of pasture and arable farmland located on the northern edge of Market Deeping. To the west of the site lies an existing commercial development (Spitfire Park). Beyond the commercial development at Spitfire Park the land is under pasture and arable cultivation. Directly to the north of the site between the site and North Field Road there is an area of woodland planting, which has started to mature and provides effective screening of the site from distant views from the north. The boundary to Peterborough Road to the west has open views with no significant screening. The sites southern boundary is formed by existing properties on Towngate East. The properties vary in character and appearance, and include both stone and brick built properties.

4.2 There are a number of heritage assets adjacent to the site including the grade II listed buildings at Corner Farm and Towngate Farm

5.0 Relevant Site History

5.1 SK.96/0497 – In March 1997 outline planning permission was refused on part of the site for the erection of a new food retail unit and associated petrol filling station.

5.2 S02/1690 – In July 2003 planning permission was granted for the formation of an access on to Peterborough Road.

5.3 S03/0320 – In February 2008 an outline application for Industrial development of the site was withdrawn.

5.4 S11/1535 – In September 2011 planning permission was granted for the formation of an access way on to Peterborough Road.
6.0 Policy Considerations

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant national and local policies in respect of the proposed development are as follows:

6.2 National Planning Policy Framework:

6.2.1 1. Building a strong, competitive economy - (paras 18-22) Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it.

6.2.2 3. Supporting a prosperous rural economy - (para 28) Emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

6.2.3 4. Promoting sustainable transport - (paras 29-30, 34-35, 37-39) supports development in sustainable locations which maximises the opportunities for safe access by public transport, walking and cycling, whilst recognising the different solutions that will be necessary in urban and rural areas.

6.2.4 7. Requiring good design - (paras 56, 58, 60, 64) Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it.

6.2.5 8. Promoting healthy communities - (para 69) The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies should promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.

6.2.6 10. Meeting the challenge of climate change, flooding and coastal change - (paras 93) Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

6.2.7 (Para 100) Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

6.2.8 11. Conserving and enhancing the natural environment - (paras 109, 111, 118, 120-121, 123) The planning system should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimise impacts on biodiversity and prevent both existing and new development from contributing to or being put at risk from unacceptable soil, air, water or noise pollution.

6.2.9 12. Conserving and enhancing the historic environment - (paras 128-129, 131-132) Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

6.2.10 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
• the desirability of new development making a positive contribution to local character and distinctiveness.

6.2.11 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.3 South Kesteven District Council Core Strategy 2010:

6.3.1 Policy SP1: Spatial Strategy
6.3.2 Policy SP3: Sustainable integrated transport
6.3.3 Policy EN1: Protection and Enhancement of the Character of the District
6.3.4 Policy EN2: Reducing the Risk of Flooding
6.3.5 Policy EN3: Renewable Energy Generation
6.3.6 Policy EN4: Sustainable construction and design
6.3.7 Policy E1: Employment Development

6.4 South Kesteven District Council Site Allocation and Policies Development Plan Document 2014:

6.4.1 Policy SD1: Presumption in Favour of Sustainable Development
6.4.2 Policy DE2: Employment Allocations in The Deepings
6.4.3 Policy DE3: Mixed Use Urban Development Extension in Market Deeping

7.0 SKDC Corporate Priorities

7.1.1 The Council’s Corporate Priorities are to:

7.2 Grow the economy

• Support & facilitate the growth of business
• Enable delivery of attractive retail & leisure offer
• Easy to do business with – look to say yes
• Promote infrastructure to support growth
• Skills – high value employment
• Attract as a destination for investment

7.2 This current application helps to support the Council’s ‘grow the economy’ priorities.

8.0 Representations Received

8.1 Environment Agency:
No objections subject to conditions being attached to any consent to mitigate any potential contamination and drainage issues.
8.2 **Welland and Deepings IDB:**
No objections

8.3 **Lincolnshire Fire and Rescue:**
Fire hydrants and vehicular access for pump appliances will need to be in accordance with Building Regulations 2010 Approved Document B. LFR also require a minimum carrying capacity for access routes and hardstanding for pump appliances of 15 tonnes.

8.4 **Lincolnshire Police:**
No objections but have provided guidance to forward to the applicant.

8.5 **Local Highway Authority:**
No objection subject to conditions relating to the proposed access arrangements and surface water drainage.

8.6 **Market Deeping Town Council:**
Strongly objects to the proposed employment development at the gateway to the historic town and request that the application is determined in conjunction with applications for development of adjacent sites. The council accepts development on Northfield Road, however, not the suggested siting of commercial buildings.

8.7 **Anglian Water:**
No objections but has requested that notes are attached to any formal consent.

8.8 **Environmental Health:**
No objections

8.9 **Waste & Recycling:**
No comments

8.10 **Heritage Lincolnshire:**
No objections subject to condition requiring archaeological investigation work.

9.0 **Representations as a Result of Publicity**

9.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and 15 letters of representation have been received. The comments made are summarised below:

- Concern about the height of the proposed buildings not being in keeping with adjacent developments
- The application should be considered with other applications on adjacent sites
- Concerns about the impact commercial development on this site will have on the character and appearance of the area and the approach to the town
- Concerns about impact from noise from the proposed industrial uses adversely affecting the amenities of the occupiers of adjacent residential properties
- Concerns about light impact from security lighting
- Suggest that any building within 35m of the southern boundary should be a maximum of 4.5m in height and a max height of 7.5m elsewhere on the site
- Working hours should be restricted on the site
- Conditions limiting noise levels should be imposed on any consent
- There should be no doors or windows on the southern elevation
- Concerns about the proposed design
- Concerns about ability of local infrastructure coping with increase in development in this particular area
- A 3m high acoustic fence should be installed adjacent to the neighbouring residential properties to help mitigate the impacts of the development
- Concerns about impact on setting of adjacent listed buildings
- Market Deeping and Frognall already have industrial areas which have capacity for this development. This development would represent a piece meal development and would not be coherent with the local plan
- The adjacent industrial site which is owned by the applicants could be reclassified as residential and integrated with proposals to develop the land to the east
- Proposals for commercial development on the opposite side of Peterborough Road have previously not been supported,
- Concerns have been raised about the proposed residential layout (not part of this application)
- Concerns about highway safety and traffic congestion on Peterborough Road and Godsey Lane
- Loss of privacy and visual intrusion on neighbouring residential properties
- Concerns about odours from potential land uses

9.2 The following non material planning objections/comments were also received: -

- Loss of views
- The applicants have paid little or no heed to local opinion
- Concerns about lack of representation from Market Deeping Town Council due to elections

10.0 Officer Evaluation

10.1 Policy DE2 of the Site Allocation and Policies DPD sets out the total employment allocation for The Deepings and indicates that 6 hectares should be provided on land between Peterborough Road and Towngate East. This application concerns approximately 1/3rd of the site allocated as a single urban extension in the Site Allocation and Policies DPD (Policy DE3). The allocation is for a mixed use development comprising up to 6ha of employment land (as required by policy DE2) and 200 new homes. Policy DE3 states that consideration will be given to the development of a smaller area of employment land and to other employment generating uses, provided that it is clearly demonstrated that the proposal would generate an equivalent or greater number of jobs than the typical employment gains associated with B1 and B2 uses from the area of land specified.

10.2 The application is supported by an illustrative masterplan for the relevant land allocated under Policy DE3. The illustrative masterplan shows how the proposed development relates to the future residential development on the remainder of the site (not part of this application). The applicants have stated in the supporting documentation that “it was felt that the application site provides the most viable location for employment use and that residential development would be most appropriate on the land bordered by the existing residential properties on Towngate East, The Acorns, Lancaster Way and Wellington Way.”

10.3 The application site is in general conformity with the requirements of Policy SP1 of the Core Strategy. Policy SP1 guides major development to Grantham and supports new development which helps to maintain the three market towns of Stamford, Bourne and the Deepings.

10.4 Policy SP3 of the Core Strategy directs developments to locations which encourage greater use of public transport, walking and cycling to access facilities. This is an outline application for employment development. The application seeks approval for the means of access to the site with all other matters reserved for subsequent approval. The proposed access for the site would be via a centrally located access junction on to Peterborough Road.

10.5 The application is supported by a detailed Transport Assessment which demonstrates that the site has good pedestrian linkages to the town and that the site is well served by a number of bus services which provide access to Peterborough, Bourne, Stamford and Spalding.
10.6 Detailed capacity assessments have been undertaken at three off-site junctions to determine the impact the development has in these locations. The results of the capacity assessments demonstrate that the proposed development would not have a significant impact on the local highway network. The Local Highway Authority has been consulted and has confirmed that they have no objections to the proposed access arrangements for the development.

10.7 Policy EN1 seeks to ensure that developments are appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which they are situated, and contribute to their conservation, enhancement or restoration. The application site is located to the east of Peterborough Road in a prominent location, on one of the main approaches into Market Deeping. The site is well screened when viewed at distance from the north by existing woodland planting located directly to the north of the site. The site is also located directly adjacent to existing industrial development to the east and residential development directly to the south of the site. A number of heritage assets including grade II Listed Buildings are located directly to the south of the site and on the opposite side of Peterborough Road.

10.8 Although this is an outline application with all matters except access reserved for subsequent approval the supporting documentation demonstrates that subject to the submission of reserved matters applications the site can be suitably developed. Significant concern has been raised about the impact the proposed development would have on the approach to the town and on the nearby heritage assets. The applicants have undertaken a landscape and visual appraisal of the site this concludes that overall the site is well contained and already influenced by the urban development that lies to the south and west and that development on the site would have limited impact on the wider landscape character of the area.

10.9 The proposed development would be visible to people travelling along Peterborough Road. At present the views here are of open arable land with industrial development beyond. It is considered that with suitable landscaping including tree and hedge planting an appropriate green frontage could be retained along Peterborough Road. It is envisaged that the built form fronting onto Peterborough Road would be high quality office development. Subject to suitable landscaping and reserved matters details relating to the overall scale and mass of the proposed development it is considered that the proposals would preserve and enhance the character and appearance of the surrounding location and the setting of the adjacent heritage assets.

10.10 Policy EN2 of the Core Strategy directs development away from areas identified in the South Kesteven Strategic Flood Risk Assessment and seeks to ensure that adequate drainage and flood risk mitigation is put in place for new developments. The application is accompanied by a detailed flood risk assessment. The flood zone maps show that the site lies within Flood Zone 1 and is not at risk of fluvial flooding in storm events up to 1 in 1000 years. This means the site is at little or no risk of flooding.

10.11 The Environment Agency, Anglian Water and the Internal Drainage Board have all been consulted in relation to the proposed development and raised no objections subject to conditions. It is therefore considered that the proposed scheme will not result in any significant risk from flooding and that the proposed drainage strategy is acceptable.

10.12 Concern has been raised in relation to the impact of having employment development so close to existing residential properties, in particular from noise, odours and light pollution. The applicants have undertaken a Phase 1 Environmental Risk Assessment and a Noise and Air Quality Assessment as part of the application. The Council’s Environmental Protection Officer has reviewed the information and advised that the proposed development will not result in any significant adverse impacts. It is therefore considered that the proposal complies with the requirements of Policy EN1 of the Core Strategy which relate to protecting the environment and residents from noise, odour and light pollution.
10.13 There are several Sites of Special Scientific Interest (SSSIs) within 2km of the site and a Special Area of Conservation (Sac) at Baston Fen. The application is supported by an Ecological Appraisal which concludes that the site is considered to provide low ecological value. It is considered that the redevelopment of the site will have no significant adverse effect on the nature conservation of the local and wider area, or on any sites within the locality designated for their nature conservation interest. There are a number of trees on the site which are the subject of a Tree Preservation Order. It is however considered that these trees could be retained as part of the overall layout of the proposals.

10.14 Several other concerns have been raised in relation to the scale of the development, the location of windows and boundary treatments all of which would be considered as part of any subsequent reserved matters application.

10.15 The proposed development is on part of an allocated site on the edge of an existing urban area adjacent to an existing employment use. The proposals comply with the relevant parts of the National Planning Policy Framework and Core Strategy Policies as set out above. The proposals are therefore considered to be appropriate for this location. Concerns relating to the appearance of the proposal can be control as part of the consideration of any future reserved matters applications.

11.0 Section 106 Heads of Terms

11.1 The proposed development does not generate the need for any planning obligations.

12.0 Crime and Disorder

12.1. The proposed development raises no significant crime and disorder implications.

13.0 Human Rights Implications

13.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

13.2 It is considered that no relevant Article of that act will be breached.

14.0 SUMMARY OF REASON(S) FOR APPROVAL

14.1 The application site is located to the east of Peterborough Road in a prominent location, on one of the main approaches into Market Deeping. The site is well screened when viewed at distance from the north by existing woodland planting located directly to the north of the site. The site is also located directly adjacent to existing industrial development to the east and residential development directly to the south of the site. A number of heritage assets including grade II Listed Buildings are located directly to the south of the site and on the opposite side of Peterborough Road.

14.2 Although this is an outline application with all matters except access reserved for subsequent approval the supporting documentation demonstrates that subject to the submission of reserved matters applications the site can be suitably developed. Significant concern has been raised about the impact the proposed development would have on the approach to the town and on the nearby heritage assets. The applicants have undertaken a landscape and visual appraisal of the site this concludes that overall the site is well contained and already influenced by the urban development that lies to the south and west and that development on the site would have limited impact on the wider landscape character of the area.
14.3 The proposed development would be visible to people travelling along Peterborough Road. At present the views here are of open arable land with industrial development beyond. It is considered that with suitable landscaping including tree and hedge planting an appropriate green frontage could be retained along Peterborough Road. It is envisaged that the built form fronting onto Peterborough Road would be high quality office development. Subject to suitable landscaping and reserved matters details relating to the overall scale and mass of the proposed development it is considered that the proposals would preserve and enhance the character and appearance of the surrounding location and the setting of the adjacent heritage assets.

14.4 The Local Highway Authority has been consulted and has confirmed that they have no objections to the proposed access arrangements for the development.

14.5 The Environment Agency, Anglian Water and the Internal Drainage Board have all been consulted in relation to the proposed development and raised no objections subject to conditions. It is therefore considered that the proposed scheme will not result in any significant risk from flooding and that the proposed drainage strategy is acceptable.

14.6 The Council's Environmental Protection Officer has reviewed the application and advised that the proposed development will not result in any significant adverse impacts. It is therefore considered that the proposal complies with the requirements of Policy EN1 of the Core Strategy which relate to protecting the environment and residents from noise, odour and light pollution.

14.7 Several other concerns have been raised in relation to the scale of the development, the location of windows and boundary treatments all of which would be considered as part of any subsequent reserved matters application.

14.8 It is considered that the proposals comply with the relevant parts of the National Planning Policy Framework and policies SP1, SP3, EN1, EN2, EN3, EN4 and E1 of the adopted South Kesteven Core Strategy 2010 and policies SD1, DE2 and DE3 of the South Kesteven District Council Site Allocation and Policies Development Plan Document 2014. The proposals are therefore considered to be appropriate for this location.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.
   Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
   (a) layout;
   (b) scale;
   (c) appearance; and
   (d) landscaping.
   Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
   Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written...
approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner to protect controlled waters.

4. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within the proposed phasing of development.

5. Prior to any development commencing on site a detailed phase II ground investigation shall be carried out in accordance with the Recommendations outlined in section 6 of the Phase I Environmental Risk Assessment dated December 2014 Report Ref 20154/12-14/3782 REV A prepared by Mewies Engineering Consultants Ltd. The report shall be submitted to and approved in writing by the local planning authority prior to any development commencing and any mitigation measures recommended shall be implemented prior to the occupation of the buildings hereby approved.

Reason: To ensure that any contamination on the site is suitably mitigate prior to the occupation of the buildings in accordance with the requirements of policy EN1 of the adopted South Kesteven Core Strategy 2010.

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

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. No buildings shall be commenced before the first 20 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 20154_03_003F dated 1 April 2015 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Peterborough Road.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the development has satisfactory drainage provision and does not adversely impact on the existing drainage infrastructure, in accordance with the requirements of policy EN2 of the adopted South Kesteven Core Strategy 2010.

9. 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.

The landscaping details to be submitted shall include provision for the planting of a native hedgerow and native trees along the entire length of the sites western boundary adjacent to Peterborough Road.

Reason: To ensure that the development assimilates in to its surroundings which are on a prominent approach into Market Deeping and in accordance with the requirements of Policy EN1 of the adopted South Kesteven Core Strategy 2010.

10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

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

11. The development hereby approved shall be carried out in accordance with the recommendations for enhancement as specified in the Ecological Appraisal dated 1st December 2014 prepared by FPCR. Details of the proposed siting of bat and bird boxes shall be submitted to any approved in writing by the Local Planning Authority prior to their installation. The development shall be installed prior to the occupation of the buildings hereby approved.

Reason: To ensure the necessary biodiversity enhancements are undertaken in accordance with the requirement of policy EN1 of the Adopted South Kesteven Core Strategy 2010.

Note(s) to Applicant
1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of
the Water Industry Act 1991. or, in case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

3. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

4. The developers attention is drawn to the attached letter from Lincolnshire Police Force Crime Prevention Design Advisor.

Site Framework Plan
Indicative Site Layout Plan
Indicative views along Peterborough Road
Applicant | Mr Matthew Avison The Meers, Meers Lane, Kirton, Boston, Lincolnshire, PE20 1PS
Agent | Mr Adrian Fox, AF Architecture 65, Robin Hood Walk, Boston, Lincolnshire, PE21 9EX
Proposal | Retain & alter an existing unauthorised dwelling including demolition of garage
Location | Land adj. 3 High Street, Pointon
App Type | Full Planning Permission
Parish(es) | Pointon & Sempringham
Reason for Referral to Committee | This application has been reported to the Development Control Committee by the Executive Manager Development and Growth.
Recommendation | Approved subject to condition(s)

Key Issues

- Planning policy
- Planning history
- Highway safety
- Residential amenity
- Scale and design
- Drainage

Technical Documents Submitted with the Application

- Application forms
- Elevation and floor plans
- Design and access statement
REPORT

1.0 Application Category

1.1 This application is categorised as a ‘minor’ development

2.0 Reason for Referral to Committee

2.1 This application has been reported to the Development Control Committee by the Executive Manager Development and Growth.

3.0 The Proposal

3.1 The proposed development seeks approval for the sensitive alterations of the existing unauthorised dwelling on the site. The proposed site area remains the same as the existing at 645m² and this application now seeks to significantly reduce the overall size of the existing dwelling.

3.2 The existing footprint would be reduced by 44m² by removing the garage. This would have a significant impact on the overall scale of the building but also increase the separation distance between the dwelling and the adjacent property to the north to approximately 4.6m.

3.3 It is also proposed to reduce the overall height of the dwelling by 1.2m by completely replacing the existing roof structure, lowering the wall plate by 800mm and using a lower roof pitch. The alterations to the roof would be accompanied by the introduction of dormer windows to the front and rear elevations. A further change would also replace the roof over the front projection to a central gable which would help to rebalance the overall scale and appearance of the proposed building.

4.0 The Application Site and its Surroundings

4.1 The site is located on the western side of the B1177, High Street which runs north to south through Pointon village. Access to the site is off the B1177 High Street and parking is located to the front of the dwelling. This is a similar arrangement to other properties in the area.

4.2 The application site is in an established residential area surrounded by a mix of single and two storey properties. Materials in the area include facing brick and render, pantile or concrete tiled roofs and UPVC fenestration.

5.0 Relevant Site History

5.1 The application site has been subject to a complex history, previous refusals and appeals, the most recent being S11/1898/FULL. S01/1047 – Application for the erection of dwelling adj 3 High Street Pointon was refused on 30th August 2001 for the following reason:

“The proposed development, by virtue of its large scale and form is considered to visually impose into the street scene to an unacceptable degree. The proposed dwelling will extend across the majority of the width of the site and be of a substantial two storey design. It is considered that such a development will be unacceptably visually intrusive in the street scene and be out of context with the prevailing more spacious character of the locality.”

5.2 The application was allowed on appeal under reference APP/E2530/A/02/1094826/P4 with the inspector concluding that the development would not materially harm the character or appearance of the surrounding area.
5.3 Following the granting of planning permission construction work commenced on the dwelling. However that construction work took some considerable time and in the early part of 2011 it became evident that the dwelling was not being constructed in accordance with the approved plans. The applicant submitted an application in August 2011 to retain the dwelling as built under application S11/1898/FULL. The application was subsequently refused on 06 December 2011 for the following reasons;

“The proposed dwelling is deemed out of character, by virtue of its siting, scale, design and height, with the properties that surround it, which are primarily bungalows and two storey dwellings. Furthermore, the plot is small compared to others in the locality and would result in a cramped form of development that would be out of character within the area. The proposal is therefore deemed contrary to core strategy policy EN1.

The scale, siting and layout of the dwelling would result in an overbearing and overlooking impact that would be detrimental to the amenity of neighbouring properties through a dominating and overlooking impact. The proposal is therefore deemed contrary to guidance contained within PPS1”.

5.4 The applicant appealed that refusal and the related appeal was dismissed on 17 September 2012 reasons being;

- Effect on character and appearance
- No other houses with 3 floors of accommodation
- The northern gable end now physically touches a lean-to side extension at no.3. This gives a cramped appearance to the development which is not compensated for by the southern end being further from the other side boundary of the site
- Of greater significance still is the increased heights of the roofs, comparison of the approved and proposed drawings indicate that the changes are significant. They materially increase the height and mass of the roof in relation to the rest of the building, and increase the bulk of the upper part of the building for its full width
- The house is an unduly large addition to the street scene
- The appeal site is the main road through a village characterised by houses and bungalows of modest proportions, usually with clear physical spaces between buildings
- The appeal building is significantly larger in scale than its neighbours, more cramped on its plot and more prominent in the street scene

5.5 The inspector concluded that the proposal as built would materially harm the character and appearance of the area. This would be contrary to the purposes of policy EN1 in the South Kesteven Core Strategy, which states that development should be appropriate to and protect or enhance the character of the district. In particular the Inspector considered that the proposal fell short with respect to local distinctiveness and sense of place, the layout and scale of buildings and the quality and character of the built fabric and their settings. The proposal also fell short with respect to the high standards of design sought by the National Planning Policy Framework.

5.6 On 30th October 2012 the Local Authority served an Enforcement Notice requiring the removal of the unauthorised dwelling at the site. The then applicant appealed to the Secretary of State the Council’s decision to take enforcement action. The subsequent appeal was dismissed and the Enforcement Notice was upheld subject to the Time for Compliance being increased from 3 months to 9 months.

5.7 S14/0839 on the 3rd April 2014 the authority subsequently declined to determine a further application for the retention of the unauthorised dwelling.

5.8 Subsequent to a change in ownership the Council entered into negotiations with that new owner in order to determine if an appropriately amended proposal, readily implemented, could overcome the previously stated concerns regarding the design and form of the unauthorised dwelling.
5.9 For the avoidance of any doubt the enforcement notice remains extant and failure, on the applicant’s part, to readily comply with the requirements of this proposal would result in the requirements of that notice being enforced by the Council?

6.0 Policy Considerations

6.1 National Planning Policy Framework:

6.2 Building a strong, competitive economy – (paras 18 -22) Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it.

6.3 3. Supporting a prosperous rural economy – (para 28) Emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agriculture and other rural businesses as well as promoting the retention and development of local services and community facilities in villages.

6.4 4. Promoting sustainable transport – (paras 29-30, 34-35, 37-39) Supports development in sustainable locations which maximises the opportunities for safe access by public transport, walking and cycling, whilst recognising the different solutions that will be necessary in urban and rural areas.

6.5 6. Delivering a wide choice of high quality homes – (paras 47 – 50) Makes clear that LPAs should significantly boost the supply of housing by identifying the full objectively assessed housing needs of the district and ensuring provision through suitable allocated sites and windfall sites in their local plan. LPAs should have a 5 year supply of housing land with a 5% buffer. LPAs are also encouraged to set out their own approach to density to reflect local circumstances.

6.6 7. Requiring good design – (paras 56, 58, 60, 64) Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

6.7 8. Promoting healthy communities – (para 69) The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies should promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.

6.8 10. Meeting the challenge of climate change, flooding and coastal change – (para 93) Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

6.9 (Para 100) – Advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

6.10 11. Conserving and enhancing the natural environment – (paras 109, 111, 118, 120-121, 123) The planning system should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimise impacts on biodiversity and prevent both existing and
new development from contributing to or being put at risk from unacceptable soil, air, water or noise pollution.

6.11 12. Conserving and enhancing the historic environment – (paras 128-129, 131-132) Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

6.2 South Kesteven District Council Core Strategy 2010:

6.2.1 Policy SP1: Spatial Strategy
6.2.2 Policy SP2: Sustainable Communities
6.2.3 Policy SP3: Sustainable integrated transport
6.2.4 Policy EN1: Protection and Enhancement of the Character of the District
6.2.5 Policy EN2: Reducing the Risk of Flooding
6.2.6 Policy H1: Residential Development

7.0 SKDC Corporate Priorities

7.1 The Council's Corporate Priorities are to:

7.2 Grow the economy

• Support & facilitate the growth of business
• Enable delivery of attractive retail & leisure offer
• Easy to do business with – look to say yes
• Promote infrastructure to support growth
• Skills – high value employment
• Attract as a destination for investment

7.3 Support good housing for all

• Ensure the right mix of housing meets local needs
• Enlarge the development of lifetime homes
• Support the creation of neighbourhoods
• Reduce fuel poverty

7.4 This proposal complies with the Council's ‘Grow the Economy’ and ‘Support good housing for all’ priorities.

8.0 Representations Received

8.1 Local Highway Authority:
No objections subject to conditions requiring access and turning facilities to be provided on site.

8.2. Pointon & Sempringham Parish Council:
The Parish Council has supported this amended proposal and suggested that conditions relating to the following should be included on any decision:

• That the development should start within one year from approval
• That permitted development rights are restricted
- That at least three parking spaces and turning facilities are provided on the plans
- That an S106 agreement and conditions be put in place to ensure that the developer follows the approved plans
- That remedial works to the satisfaction of all concerned, take place to adjoining properties

8.3. **Heritage Lincolnshire:**
The proposals do not affect any known archaeological sites.

8.4. **Project Officer (Land Drainage & Flood Prevention):**
No objections

9.0 **Representations as a Result of Publicity**

9.1 This application has been advertised in accordance with the Council’s Statement of Community Involvement and 5 letters of representation have been received. The comments made are summarised below:

- There is ongoing enforcement action on the site relating to the existing dwelling
- Concerns raised about possible links between the old owner and the new owners
- A deadline for completion should be attached if planning permission is granted
- Permitted development rights should be removed if consent is granted to ensure the garage is not replaced
- Concerns about foul and surface water drainage provision at the site
- The Council should not consider a further planning application in relation to this property
- The ridge line should be reduced to the same height as 3 High Street
- The end gable will need to be finished with appropriate materials once the garage is removed as it is constructed from breeze blocks
- Even with all the amendments the house will still look asymmetrical
- Concerns about land ownership and the front section of boundary wall being built on the neighbours property
- When the garage was built the neighbours south facing porch window was removed without their consent. They have requested that it is replaced as part of this development
- Concerns about the overall height of the proposed dwelling still being higher than adjacent properties
- The plans show a bay window for the kitchen on the front elevation, but it is missing from the north elevation. Is it to be retained?
- The position of the north boundary wall has been wrongly drawn on the street scene elevation, and will need to be re-built on the correct line
- The proposed porch increases the size of the building rather than reduce its overall appearance

10 **Officer Evaluation**

10.1 Paragraph 207 of the NPPF states

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control."

10.2 With regard to the above guidance the Council has previously sought to negotiate significant alterations to reduce the size of the unauthorised dwelling in order to satisfactorily resolve the breach of planning control in accordance with national guidance. Unfortunately in this instance negotiations with the previous owners of the site have proved unsuccessful and the Council was unable to support their proposals to reduce the size of the dwelling, as it was considered that the alterations did not go far enough to resolving concerns about the overall size and scale of the dwelling and its impact on the amenities of the occupiers of adjacent properties. This
subsequently led to an Enforcement Notice being served requiring the demolition of the unauthorised dwelling.

10.3 Since the Enforcement Notice was served the application site has been sold to a new owner. This current application seeks to significantly reduce the overall size of the building in order to retain a dwelling on the site and address the concerns about the overall height and scale of the existing property and its impact on neighbouring residential amenity.

10.4 The dwelling approved under the 2002 permission had a ridge height of 8.50m. The unauthorised building currently has a ridge height of 9.05m. It is therefore proposed to replace the roof structure and significantly reduce the overall ridge height of the proposed dwelling to 7.85m (1.20m lower than the existing dwelling on the site and importantly it would also be 0.65m lower than the 2002 approved scheme.)

10.5 The dwelling as approved in 2002 would have had an overall width of 18.40m. The unauthorised building currently has a width of 19.00m. It is proposed to demolish the existing garage and reduce the overall width of the dwelling to 14.40m. This would be 4.60m smaller than the existing dwelling on the site. The removal of the garage will significantly improve the overall appearance of the dwelling in the street scene creating more space between the properties and significantly reduce the impact of the development on the adjacent property at 3 High Street.

10.6 It is considered that the proposed significant reductions in the overall size and scale of the proposed building would result in a dwelling which would not significantly impact on the residential amenities of the occupiers of adjacent properties or appear out of scale and character in the street scene. In fact the proposed building would be smaller than the dwelling allowed on appeal back in 2002.

10.7 Concern has been raised about the proposed parking and turning arrangements for the development. The local highway authority has been consulted and raised no objections to the provision which includes turning facilities to allow cars to enter and leave the site in a forward gear and provision for off-street parking.

10.8 Concern has also been raised in relation to foul and surface water drainage. The Council’s Project Officer (Land Drainage & Flood Prevention) has raised no objections to the proposals. However, in view of previous drainage issues at the site it is considered appropriate to attach a condition to any consent requiring precise details of the proposed surface and foul water drainage to be provided within 1 month of the decision being issued.

10.9 It is also recommended that conditions are attached which remove permitted development rights for windows and extension and outbuildings to ensure that any proposals for additions are subject to planning control. It is also recommended that conditions requiring details of the proposed timetable for the works, including details of the removal of the garage and finishes for exposed walls are also attached.

10.10 It is also recommended that as the application is linked to an enforcement case that conditions requiring the garage to be removed within 2 months and the remaining works completed within 10 months of the date of the garage demolition are also imposed for the completion of the works to ensure that the development is completed in a reasonable time period. In addition to this it is reiterated that the existing Enforcement Notice would also remain in force until the development is completed. This would ensure that the Council has sufficient controls with regard to ensuring a satisfactory resolution to the existing breach of planning control on the site.

10.11 Taking all of the above in to account it is considered that on balance the retention of a significantly reduced building on the site would ensure that it does not appear out of character with the surrounding area.

10.12 Concern has been raised in relation to the position of a boundary wall and land ownership. This is a civil matter between the two land owners and as such is not considered to be material to the determination of this application.
10.13 It is therefore considered that the proposed scheme complies with the requirements of policy EN1 of the South Kesteven Core Strategy and the relevant sections of the National Planning Policy Framework as detailed above.

11.0 Section 106 Heads of Terms

11.1 A Section 106 Agreement is not required in this instance.

12.0 Crime and Disorder

12.1 The proposed development raises no significant crime and disorder implications.

13.0 Human Rights Implications

13.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

13.0 It is considered that no relevant Article of that act will be breached.

14.0 SUMMARY OF REASON(S) FOR APPROVAL

14.1 It is considered that the proposed significant reductions in the overall size and scale of the proposed building would result in a dwelling which would not significantly impact on the residential amenities of the occupiers of adjacent properties or appear out of scale and character in the street scene. In fact the proposed building would be smaller than the dwelling allowed on appeal back in 2002. Subject to restrictions on the time limits for completing the development the proposed scheme is considered to satisfactorily resolve the breach of planning control at the site.

14.2 Concern has been raised about the proposed parking and turning arrangements for the development. The local highway authority has been consulted and raised no objections to the provision which includes turning facilities to allow cars to enter and leave the site in a forward gear and provision for off-street parking.

14.3 Concerns have also been raised in relation to restrictions on permitted development rights and site drainage. Conditions have been attached which satisfactorily resolve the concerns raised.

14.4 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration including any alterations to the roof of the building shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

3. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall include the final finish for the northern gable wall which will be exposed when the garage is demolished. Only the agreed materials shall be used in the development.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. Notwithstanding the submitted plans 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. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 15/125/pr-03 dated 08/06/2015, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

6. Within 1 month of the date of this permission a scheme for the provision of surface and foul water drainage shall be submitted to the Local Planning Authority for approval. The drainage works shall be completed in accordance with the details and timetable as maybe agreed in writing by the Local Planning Authority and in any case prior to the occupation of the dwelling hereby approved.

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

7. The existing garage shall be demolished within 3 months of the date of this permission.

Reason: The dwelling in its current form is unauthorised and has a detrimental impact on the street scene and on the amenities of the adjacent property. The removal of the garage was a significant consideration in the determination of this application and it is essential that this is undertaken in order to minimise the overall impacts of the development on the visual amenity of the area and on the residential amenities of the occupiers of the adjacent property.

8. The development hereby permitted shall be completed within 12 months of the date of this permission.

Reason: Planning permission has been granted in order to resolve an ongoing breach of planning control at the site and the Local Planning Authority wishes to ensure that the breach is remedied within a reasonable time period.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no garages or other outbuildings shall be erected other than those expressly
authorised by this permission.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10. Within 1 month of the date of this permission a detailed timetable of works shall be submitted to the Local Planning Authority for approval. The timetable shall include details of each stage of the proposed development including, the demolition of the existing garage, removal of the existing roof structure, construction and completion of the revised roof structure and completion of the development. The development shall be carried out in strict accordance with the detail as agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is completed in a timely manner and to enable the local authority to monitor the relevant stages of the development to ensure that the necessary works are completed appropriately.

Note(s) to Applicant
1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

Existing Elevations
Existing Floor Plans
Proposed Elevations
Proposed Floor Plans
### Key Issues
- Potential impacts on residential amenities
- Potential impacts on the character and appearance of the wider area
- Traffic Issues

### Technical Documents Submitted with the Application
- Heritage Statement.
1.0 Application Category

1.1 This application is categorised as a Householder Application

2.0 Reason for Referral to Committee

2.1 At the request of the local member for reasons relating to impact on the character of the Conservation Area and visual amenity.

3.0 The Proposal

3.1 The proposal relates to the erection of a new single storey detached garage/outbuilding.

The outbuilding would be sited forward of the existing dwelling, at the north western corner of the site. The building would be comprised of two sections, a garage and a summer room. The former section will cover an area of approx. 8m x 5m while the summer room will cover an area of approx. 6.7m x 5m. The proposed design will feature a roofline that stepped down with the highest ridge being approx. 4.5m and the lowest being approx. 3.8m.

In terms of materials, the outbuilding would be constructed of natural stone with Collyweston roof slates laid in diminishing courses and oak framed windows and doors. Four conservation type velux windows will be inserted on the eastern roof slopes.

4.0 The Application Site and its Surroundings

4.1 The site is located at The Beehive, Main Street, Greatford, Stamford, Lincolnshire. The site is located within the Greatford Conservation Area, on the eastern edge and is set back from the edge of the public road. The Beehive is a traditional semi detached two storey dwelling.

4.2 The general area is characterised by predominantly detached dwellings on large plots. However, there are some semi detached houses further east of the site. A number of houses within the immediate vicinity of the site already have outbuildings/garages built forward of the principal elevations of the houses. A more modern dwelling adjoins the application site to its northern boundary.

5.0 Relevant Site History

5.1 Recent relevant planning history on the site include:
S09/0935 – Permission refused for first floor rear extension and roof alterations on 02/07/2009.
S12/2506 – Permission granted for alterations to roof including insertion of dormer windows on 23/11/2012.
S13/2240 – Approval granted for a revised scheme for S12/2506 relating to alterations to roof on 26/09/2013.

6.0 Policy Considerations

6.1 National Planning Policy Framework:

6.1.1 7. Requiring good design

6.1.2 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available
opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

6.1.3 Further on design, paragraph 17 provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.1.4 12. Conserving and enhancing the historic environment

6.1.5 (paras 128-129, 131-132) – Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. In the case of substantial harm, the tests include a demonstration that the substantial harm is necessary to achieve a substantial public benefits that outweigh the harm or a proof that the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset could be found in the medium term, conservation by grant-funding or some form of charitable or public ownership is not possible and the harm is outweighed by the benefit of bringing the site back into use.

6.1.6 (para 134) - Where the proposal would lead to a less than substantial harm, the harm should be weighed against the public benefits of the proposal.

6.1.7 The desirability of development providing an enhancement to the historic environment is also emphasised.

6.2 South Kesteven District Council Core Strategy 2010:

6.2.1 Policy EN1: Protection and Enhancement of the Character of the District

6.2.2 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

7.0 SKDC Corporate Priorities

7.1 The proposal would align with the Council’s Corporate Priority to support good housing for all.

8.0 Representations Received

8.1 Letter of objection from the Parish Council on the grounds of adverse impact on the character of the area and overbearing impact on the adjoining dwelling.

8.2 The Local Highways Authority raised no objection to the proposal.

9.0 Representations as a Result of Publicity

9.1 Four representations were received during the period of public consultation, all objecting to the proposal. A summary of the main concerns raised in the objections include:

- overbearing impact, impact on street scene and character of the area
- over-development of the site
- potential traffic hazards and
- (IV) possible conversion of the outbuilding to a separate dwelling
9.2 Other issues which have been raised include boundary lines appearing to encroach on adjoining properties and wrong information relating to building size and features on site.

10.0 Officer Evaluation

10.1 The proposal is for an outbuilding to be erected at the north western corner of the site. Having regard to the nature of the development and the site context, the major issues to consider are the impact on neighbouring residential amenities, impacts on the character and appearance of the area and highway safety.

10.2 Residential Amenities:

10.2.1 With regard to any potential impacts on residential amenities, it is considered that having regard to the scale and design of the outbuilding, as well as its setback from adjoining properties, there would be no significant overshadowing or overlooking impacts. The outbuilding would directly adjoin a drive-way and would be set back approx 6m from the front elevation of the adjoining property to the north and accordingly, it is considered that there would be no significant overshadowing of the adjoining property. The windows would all overlook the dwelling on site and therefore, there would be no overlooking of adjoining properties.

10.2.2 With regards to any specific potential overbearing impacts on the property to the north, it is noted that there is an upper level window on the south elevation of that property which would directly overlook the proposed outbuilding. However the proposed building would be approx. 6m from this window. There is a ground floor window on the same elevation, but with the approx. 2m timber fence on site, there is currently no appreciable view towards the subject site from the ground floor window.

10.2.3 The proposal as originally designed was to have a single continuous ridgeline of approx. 4.5m. However, the scheme has been, following negotiation with Officers, amended so that the ridge closest to the adjoining property to the north reduced in height to approx. 3.8m. This section of the outbuilding would be 6m from the south elevation of the property to the north. Furthermore, the roof would be hipped and therefore, the ridge would be located further away from the upper level south elevation window of the adjoining property. Whilst it is noted that there would be some visual impact, it is considered that having regard to the amendments to the scheme, the amended proposal would, on balance, not generate any significantly adverse overbearing impacts on the neighbouring property to the north.

10.2.4 Having regard to the design, it is considered that the development would be compliant with relevant provisions of Section 7 of the National Planning Policy Framework in that it would be appropriate for the character of the area and would not compromise the standard of amenity for all existing and future occupants of land and buildings as required under para. 17 of the Framework.

10.2.5 Similarly, as required under Core Strategy Policy EN1, it is considered that, having regard to its scale and design, the development would be appropriate to the character of the area and would not be detrimental to its conservation, enhancement or restoration neither would it impact adversely on the amenities of existing and future residents.

10.3 Character and Appearance of the area

10.3.1 It is noted that there are a number of dwellings in the immediate vicinity with outbuildings and garages already located forward of their principal elevations, some of which are very visible from the public road. In this regard, it is considered that the development would not be out of character with the established pattern of development in the area. Whilst it is noted that many of the dwellings with such outbuildings/garages beyond their front elevations sit on larger plots than the
subject site, it is considered that the location of the subject site well away from the main road will help to reduce any adverse impact on the street scene.

10.3.2 As set out in Core Strategy Policy EN1, the Local Planning Authority requires that development proposals should preserve or enhance the appearance of the area, including Conservation Areas. In this regard, it is noted that the development would be constructed of traditional materials that are in keeping with those commonly found in the Conservation Area. Furthermore, having regard to its location, it is considered that the development would not significantly detract from the area’s visual amenity. Accordingly, the development would preserve the character and appearance of the area.

10.3.3 Section 12 of the National Planning Policy Framework requires that in assessing development proposals, local planning authorities should take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. In this instance, having regard to the proposed scale and materials, it is considered that the development would not lead to loss or harm to the area’s heritage assets.

10.3.4 In conclusion, it is considered that having regard to the proposed use of traditional materials, design and scale, the development would not adversely impact on the character and appearance of the Conservation Area.

10.4 Highway Safety

10.4.1 Entrance and exit of vehicles from the development has been discussed with the Local Highways Authority and they are satisfied that the proposal would not be detrimental to highways safety. The National Planning Policy Framework requires that safe and suitable access to a site can be achieved for all people (para. 32). The Local Highways Authority has confirmed that the proposal would not be detrimental to highway safety or traffic capacity.

10.5 Conclusion.

10.5.1 The issues raised in the various objections relate to impact of the development on adjoining occupiers and the character of the area. These issues have been discussed above and in conclusion, it is considered that the amended proposals would not lead to a significant adverse impact on residential amenities or the character and appearance of the wider area. With regard to likely traffic hazards, the local Highways Authority has reviewed the scheme and raised no objections.

10.5.2 Therefore the amended scheme is considered to have taken into consideration the requirements of Core Strategy Policy EN1 (Protection of the character of the district) as well as Sections 4, 7 and 12 of the National Planning Policy Framework (Promoting sustainable transport; Requiring good design; and Conserving the historic environment) by ensuring that the design would not impact on highway safety, adjoining amenities and the character of the Conservation Area.

11.0 Section 106 Heads of Terms

11.1 None Required.

12.0 Crime and Disorder

12.1 The proposed development raises no significant crime and disorder implications.

13.0 Human Rights Implications
13.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

13.2 It is considered that no relevant Article of that act will be breached.

14.0 SUMMARY OF REASON(S) FOR APPROVAL/REFUSAL

14.1 It is considered that, having regard to the scale, siting, amended design and materials of the proposed single storey outbuilding, the proposal will not significantly detract from the general character of the area and will not adversely impact on adjoining amenities. It is considered that the proposal complies with Core Strategy Policy EN1 and the provisions of paragraphs 17, 32, 56, 58, 60, 64, 128, 129, 131, 132 and 134 of the National Planning Policy Framework.

14.2 Whilst concerns have been raised in relation to impact on the character and appearance of the area and residential amenity they are not considered to outweigh the policies referred to above.

14.3 In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such, it is considered that the decision is in accordance with paragraphs 186 - 187 of the National Planning Policy Framework.

15.0 RECOMMENDATION:

15.1 It is recommended that permission be granted, subject to the conditions attached.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
   
   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
   
   Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:
   - Drawing No. 2014/38 - 2A (Block Plan) received 22/06/2015
   - Drawing No. 2014/38 - 3A (Site Plan) received 18/06/2015
   - Drawing No. 2014/38 - 4C (Proposed Floor Plan) received 18/06/2015
   - Drawing No. 2014/38 - 5D (Proposed Elevations and Sections) received 22/06/2015
   
   Reason: To define the permission and for the avoidance of doubt.

4. The garage hereby permitted shall only be used for domestic purposes incidental to the dwelling on site and shall not be used for any ancillary or commercial purposes.
   
   Reason: In order to protect the character and amenities of the area.
Plan 2: Block Plan
Plan 3: Proposed Elevations

Plan 4: Proposed Floor Plan.
Plan 5: Site Plan
<table>
<thead>
<tr>
<th><strong>Applicant</strong></th>
<th>Mr Mike Sibthorp, Mike Sibthorp Planning Logan House, Lime Grove, Grantham, Lincolnshire, NG31 9JD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agent</strong></td>
<td>Mr Mike Sibthorp, Mike Sibthorp Planning Logan House, Lime Grove, Grantham, Lincolnshire, NG31 9JD</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>Erection of dwelling</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>Bracken House, Casthorpe Road, Barrowby, Grantham, Lincolnshire, NG32 1DP</td>
</tr>
<tr>
<td><strong>App Type</strong></td>
<td>Full Planning Permission</td>
</tr>
<tr>
<td><strong>Parish(es)</strong></td>
<td>Barrowby</td>
</tr>
<tr>
<td><strong>Reason for Referral to Committee</strong></td>
<td>The site owner is employed by South Kesteven District Council in Revenues and Benefits.</td>
</tr>
<tr>
<td><strong>Recommendation</strong></td>
<td>Approved subject to condition(s)</td>
</tr>
</tbody>
</table>

Key Issues

- Impact on the character of the area
- Impact on residential amenity
- Highway safety

Technical Documents Submitted with the Application

- Location plan and block plan
- Floor plan and elevations
- Design and Access Statement
REPORT

1.0 Application Category

1.1 This application is categorised as a minor.

2.0 Reason for Referral to Committee

2.1 The site owner is employed by South Kesteven District Council in Revenues and Benefits.

3.0 The Proposal

3.1 The application is for the erection of a dwelling on land to the rear of Bracken House. It would be accessed off a private drive shared with Thornbury House and Windygates. The proposed dwelling would be two-storey with the first floor accommodated in the roof space. It would have an eave and ridge height of 3m and 8m respectively with an attached double garage and a sun room to the rear.

4.0 The Application Site and its Surroundings

4.1 The host dwelling is a relatively large detached property with a treble garage, which has accommodation above, to the front. Vehicular access to the property is off a private drive with the rear garden adjacent to Old Hall Lane, a private drive leading to Church Lane. In the immediate area there is a mixture of properties including conventional two-storey dwellings and dormer style dwellings similar to that proposed.

5.0 Relevant Site History

5.1 None.

6.0 Policy Framework

6.1 National Planning Policy Framework:

6.1.1 1. Building a strong, competitive economy

6.1.2 (paras 18 -22) – Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it. Local planning authorities should plan proactively to meet the development needs of business and business investment should not be overburdened by planning policy expectations.

6.1.3 6. Delivering a wide choice of high quality homes

6.1.4 (paras 47 – 50) – Makes clear that LPAs should significantly boost the supply of housing by identifying the full objectively assessed housing needs of the district and ensuring provision through suitable allocated sites and windfall sites in their local plan. LPAs should have a 5 year supply of housing land with a 5% buffer. LPAs are also encouraged to set out their own approach to density to reflect local circumstances. There is also a broad assumption in favour of sustainable residential development.

6.1.5 7. Requiring good design

6.1.6 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available
opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

6.1.7 11. Conserving and enhancing the natural environment

6.1.8 (paras 109, 111, 118, 120-121, 123) – The planning system should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimise impacts on biodiversity and prevent both existing and new development from contributing to or being put at risk from unacceptable soil, air, water or noise pollution.

6.1.9 12. Conserving and enhancing the historic environment

6.1.10 (paras 128-129, 131-132) – Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

6.2 South Kesteven District Council Core Strategy 2010:

6.2.1 Policy SP2: Sustainable Communities

6.2.2 This policy defines the local service centres (LSC’s) and directs development to LSCs where localised service use is already strong

6.2.3 Policy EN1: Protection and Enhancement of the Character of the District

6.2.4 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

7.0 SKDC Corporate Priorities

7.1 The proposal would align with the Councils corporate priority to support good housing for all.

8.0 Representations Received

8.1 Lincolnshire County Council (Highway Authority):
Does not object subject to the parking and turning areas being retained as such.

8.2 Land Drainage and Flood Prevention:
requests that details of how surface water is to be disposed of, based around sustainable drainage systems, is conditioned.

8.3 Heritage Lincolnshire:
The application would not affect any known sites of archaeological interest.

9.0 Representations as a Result of Publicity

9.1 The application has been advertised in accordance with the Councils adopted Statement of Community Involvement, with the closing date for representations being the 3rd July. As a result
of consultation undertaken three responses have been received, a summary of their observations is drafted below:

- Mature trees that were to the rear property boundary have been removed;
- The dwelling would overlook properties on the opposite side of Old Hall Lane;
- There is no mention of a drainage ditch between Old Hall Lane and the application site;
- The dwelling would be visually intrusive and result in an urbanising of the area;
- Such in-fill developments are not encouraged in the Barrowby Conservation Area.

10.0 Evaluation

10.1 The main issues with the application are considered to be the impact on the character of the area and residential amenity.

10.2 Principle of development - Barrowby is a Local Service Centre whereby subject to certain criteria, notably identified in policy EN1 of the Core Strategy, the principle of infill development is supported. The host dwelling has a relatively large rear garden and vehicular access to the proposed dwelling would be off a private drive and pass between Bracken and Thornbury House. There are first floor and ground floor windows in the side elevations of these properties but they are secondary and any impacts on the amenity of occupiers from the drive would be negligible. As a result the application is deemed to comply with Core Strategy policy SP2 and guidance contained in chapter 6 of the NPPF.

10.3 Residential amenity - With regard to residential amenity a rear garden depth of 10m and 12m between the proposed and existing dwelling is acceptable to ensure that amenity would not be compromised. Views from the front elevation would be toward properties on the opposite side of Old Hall Lane and not overlook private amenity space, rather the front of the properties. This coupled with a separation distance of 20m between the front elevation of the proposed dwelling and Lennoxbrae would ensure there would be no significant overlooking or loss of privacy. No windows are proposed in the first floor side elevations of the property and given that accommodation at the first floor would be in the roof space, and taking into account the large gardens of properties to the immediate north and south, it is not considered that resultant overbearing impacts would justify a refusal of permission. The application is, therefore, deemed to comply with Core Strategy policy EN1 and point 4 of paragraph 17 of the NPPF.

10.4 Character of the area - A rear garden depth of 10m would be retained for the host dwelling and the proposed dwelling would have a rear garden depth of 12m. The dwelling would be orientated toward Old Hall Lane and be 4.4m from the private drive, reducing to 3.1m. There are a number of properties that front the Old Hall Lane and the siting of the dwelling is considered appropriate in this context. Furthermore, the design and scale of the dwelling is acceptable having regard to the built form that surrounds it and materials proposed e.g. red brick and pantile. For clarification, the application site is not within Barrowby Conservation Area but in close proximity to it. It is not considered that the setting of the Conservation Area would be undermined with the development respecting the character of the area. As a result the application is deemed to comply with Core Strategy policy EN1 and guidance contained in the NPPF (notably chapter 6 and the core planning principles).

10.5 Other matters - It should be noted that there were a number of semi-mature trees at the foot of the garden adjacent to Old Hall Lane; however, they were damaged in advance of the current application being submitted. Furthermore, highway safety would not be compromised with the dwelling utilising an existing access and vehicles able to enter and leave the site in a forward gear. The application is, therefore, deemed to comply with chapter 4 of the NPPF.

11.0 Section 106 Heads of Terms

11.1 A section 106 legal agreement is not required in support of this application.
12.0 Crime and Disorder

12.1 The proposed development raises no significant crime and disorder implications.

13.0 Human Rights Implications

13.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

13.2 It is considered that no relevant Article of that act will be breached.

14.0 SUMMARY OF REASON(S) FOR APPROVAL

14.1 The dwelling would, by virtue of its scale, materials, design and siting, respect the character of the area without detrimentally affecting the setting of Barrowby Conservation Area. Having regard to the scale of development and relationship with neighbouring properties it is not considered that residential amenity would be compromised so as to justify a refusal of permission. Furthermore, subject to conditions, highway safety would not be compromised. The application is, therefore, deemed to comply with Core Strategy policies EN1 and SP2 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determine otherwise.

14.2 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

15.0 RECOMMENDATION: Grant permission subject to the following conditions:-

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

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   1:500 block plan
   Elevation drawings
   Floor plans

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

3. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

   Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

5. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved 1:500 block plan dated 26 May 2015, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Note(s) to Applicant

1. Please note that this grant of planning permission does not override any right of access or requirements to receive permission from other landowners that may be affected by the development.
EXTERIOR MATERIALS:

Facade: Red Facing Brickwork as "Brick-End House"

Roof Tiles: Natural Red Clay Pantiles as "Brick-End House"

Windows and Doors: White PVC double glazing with pine frame (into)

Rainwater Goods: Brown plastic

Guttering/Downpipe: White plastic

Soffit, Fascias: White plastic

Corner Checks: White plastic

Leadsheet: White plastic

Scale: 1:100

This drawing is approved for use by the South Kesteven District Council Development Control Department.

Date: 29-5-2015
### Applicant
Mr Nigel Smith  
Rookwood, Main Street, Foston, Grantham, Lincolnshire, NG32 2JU

### Proposal
Single storey extensions to front and side of dwelling

### Location
Rookwood, Main Street, Foston, Grantham, Lincolnshire, NG32 2JU

### App Type
Householder Development

### Parish(es)
Foston

### Reason for Referral to Committee
The applicant is related to a member of staff within the Property and Facilities department.

### Recommendation
Approved subject to condition(s)

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### Key Issues
- Impact on character and appearance of street scene
- Impact on the neighbour’s residential amenities.

### Technical Documents Submitted with the Application
- Proposed site plan
- Proposed elevation plan
- Proposed floor plan.
REPORT

1.0 Application Category

1.1 This application is categorised as a Householder Development application.

2.0 Reason for Referral to Committee

2.1 The applicant is related to a member of staff within the Property and Facilities department.

3.0 The Proposal

3.1 The proposal is for a single storey front and side extension to a dwelling. To the front elevation the proposal will provide an entrance lobby and a larger living room with a utility area created to the north side elevation of the dwelling.

3.2 The proposals are to be rendered an Ivy colour with roof tiles to match those of the host dwelling.

3.3 The proposal measures a total of 11.7 metres to the side, 8.4 metres of this is the front Living room extension with the remaining making up a proposed utility area, and spans 8.9 metres in width.

4 The Application Site and its Surroundings

4.1 The application site is located within the built up residential part of Foston, the site is a large plot with garden and off road parking to the front and additional garden area to the rear.

4.2 The host dwelling is a modest sized brick built detached bungalow, which already has render to the rear, which has both single and two storey neighbours. The street scene varies in size and design of dwellings with brick and render being a common feature of the area.

5 Relevant Site History

5.1 There is no relevant planning history to this site.

6 Policy Framework

6.1 National Planning Policy Framework:

6.1.1 Section 7. Requiring good design

6.1.2 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

6.2 South Kesteven District Council Core Strategy 2010:

6.2.1 Policy EN1: Protection and Enhancement of the Character of the District
6.2.2 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

7 **SKDC Corporate Priorities**

7.1 It is considered that the proposal supports the Council’s Corporate Priority good housing for all.

8 **Representations Received**

8.1 No representations received.

9.0 **Representations as a Result of Publicity**

9.1 The application was advertised in accordance with the Council’s Adopted Statement of Community Involvement relevant to this type of planning application.

9.2 Neighbours have been notified of the application and a site notice posted. The latest period for the receipt of comments expired on 30 June 2015.

9.3 No letters of representation have been received from local residents.

10.0 **Evaluation**

10.1 The dwelling is set on a modest sized plot, once developed there would still remain in excess of 13 metres separation distance from the front elevation of the extension to the boundary, ensuring the proposal would not be dominant within the street scene.

10.1 It is acknowledged that the proposal brings the dwelling 1.4 metres closer to the neighbouring dwelling on the north side. On visiting the site, it was found that there are obscurely glazed windows to this neighbouring elevation which hosts a non habitable utility room.

10.2 There would remain approximately 1.4 metres separation distance from the neighbouring dwelling to the north side, with no windows proposed on this elevation of the development, housing the proposed utility area, ensuring there is no significant loss of light or overlooking to the occupants of the neighbouring dwelling.

10.3 The design of the proposal meets with the sustainable development pursuit of the National Planning Policy Framework by seeking improvements in the quality of the built environment as well as in people’s quality of life, and also the aims of Policy EN1 of the adopted South Kesteven Core Strategy being of an acceptable layout and scale and not being visually intrusive.

11.0 **Section 106 Heads of Terms**

11.1 A Section 106 Agreement is not required in this instance.

12.0 **Crime and Disorder**

12.1 The proposed development raises no significant crime and disorder implications.
13.0 Human Rights Implications

13.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

13.2 It is considered that no relevant Article of that act will be breached.

14.0 SUMMARY OF REASONS FOR APPROVAL

14.1 It is considered that due to the form and location of the proposal, the extensions will respect the host property, without having a detrimental impact on residential amenity through an overbearing or overlooking impact or impact adversely upon the character of the area.

14.2 It is further considered that the proposal complies with Core Strategy Policy EN1 and relevant guidance contained within the National Planning Policy Framework and there are no material considerations to indicate that the application should be determined otherwise.

14.3 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay, as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   Drawing Number 3 received 03-06-2015
   Drawing Number 5 received 03-06-2015
   Drawing Number 7 received 03-06-2015

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

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

   Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.
Proposed site plan

Proposed elevation plan
REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF: Dylan Jones – Business Manager for Development and Implementation

REPORT NO: DM03

DATE: 18 August 2015

TITLE: Procedure for returning consultations on planning applications affecting the residents of SKDC that are being determined by neighbouring Councils and on County Matter applications determined by Lincolnshire County Council

KEY DECISION OR POLICY FRAMEWORK PROPOSAL: This is not a key decision or a policy framework proposal.

PORTFOLIO HOLDER: NAME AND DESIGNATION: Not applicable in this instance

CONTACT OFFICER: Dylan Jones
Business Manager, Development & Implementation
Tel: 01476 40 60 80 (6548)
E-mail: d.jones@southkesteven.gov.uk

INITIAL IMPACT ANALYSIS:
Equality and Diversity
Carried out and Referred to in paragraph (7) below
Not applicable

Full impact assessment Required:
Not applicable

FREEDOM OF INFORMATION ACT: This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk

1. RECOMMENDATIONS

To agree the procedure as outlined, for the handling of and responding to consultation responses received from Lincolnshire County Council on County Matter type applications, and on any consultations received from a neighbouring authority where the residents of SKDC would be impacted by the scheme.

2. PURPOSE OF THE REPORT

The purpose of the report is to agree a procedure for how SKDC will deal with and return our consultation responses on planning applications that affect our residents but are either within the boundaries of a neighbouring authority, and being dealt with by that particular Council, or are County Matters applications (schools, County Council owned buildings, minerals and waste proposals) where Lincolnshire County Council is the determining planning authority for the application.

3. DETAILS OF REPORT

SKDC receives approximately 20 county matters applications per year and approximately 20 applications from our neighbouring authorities.

For the 2014/15 financial year, the majority of the LCC county matters applications related to school proposals with the remainder being relatively equally split between waste applications and applications relating to quarrying proposals.

In terms of neighbouring authority applications, over half of the twenty came from Newark and Sherwood District Council with the remainder relatively equally split between Rutland and South Holland DC. These applications ranged through renewable energy schemes, to major urban extension proposals and associated screening and scoping opinions under the Environmental Impact Assessment Regulations.

The Town and Country Planning (Development Management) Order 2010 provides procedures on the publicity that is required for all types of planning applications. Part 13 of the regulations makes it clear that the authority that receives the planning application must consult as specified in the subsequent parts of the order. Where the application is dealt with by a neighbouring authority, or by the County Council, SKDC will be a consultee on the application. As a consultee, SKDC does not have any greater authority or standing in the planning process than any other consultee or any member of the public that comments on the application to the determining authority.

However, it is clear that SKDC does need a clear process to follow where such applications are submitted, so that the Council can present a holistic view of the comments of the residents of the district back to the determining authority. This system should not mirror the consultation/notification process for a planning application as this is the function of the determining authority (LCC or a neighbouring authority), and SKDC like all other consultees is only given 21 days to respond back. Also, mirroring the same process can cause confusion for members of the public in that the process can give the impression that
SKDC is the determining authority and there will be no need for them to correspond directly with the determining authority over the scheme to get their viewpoints heard.

The following process is suggested as being appropriate to address the issues referred to above:

1. District Council members should review the weekly lists and contact the Business Manager for Development and Implementation to ask for the consultation to be heard at the next available committee. The request should be supported by material planning grounds.

2. If the 21 day consultation given by the neighbouring authority allows this, then the application will be entered for debate at the next available planning committee meeting.

3. If not, then our case officer will seek an extension of time from the determining authority. If one is agreed, then the item can be programmed in to the next committee.

4. If the extension is not granted, the case officer contacts the relevant parish council for their opinion on the scheme and incorporates this into a draft consultation response for discussion with the chair/vice chair and the member who called the application in prior to sending it out to the determining authority.

5. For committee, the SKDC case officer will again contact the relevant parish council and find their opinion on the scheme and then draft a short report giving a brief synopsis of the case, the viewpoint of the local community as fed back from the Parish Council and any planning issues which SKDC think the determining authority should be made aware of when making their decision on the case. The content of any letter as received during the consultation period will also be considered and included in the report and passed onto the determining authority for its consideration.

6. During the meeting, the committee's views and the comments generated as part of the debate will be recorded and then passed back to LCC/the neighbouring authority as our response to the case.

7. Consultations that have not been requested by members under part 1 above to be heard by the Development Control Committee will be considered by officers following discussion with the relevant parish council. This is to ascertain if there are any local views on the scheme which need to be passed onto the determining authority for consideration as well as the planning merits of the case.

The process as outlined above is considered to strike a good balance between the need to provide a meaningful consultation response to the determining authority, which incorporates local views, and does not create an unwieldy and time consuming process which in effect, duplicates what the determining authority should be doing in their consideration and determination of these planning applications.
4. OTHER OPTIONS CONSIDERED

Not to have a process.

The Planning team deal with approximately 3000 pieces of work every year and the consultations on applications received from LCC and from the neighbouring Councils amount to approximately 40 cases per year. It could be argued that the numbers involved are so low that it does not warrant a process to be put in place.

However, this ignores the fact that a number of these consultations tend to be on large schemes where there is some impact on the residents of SKDC. By not having a process, the views of the public may not be considered by SKDC when considering and putting forward its recommendations in the consultation responses to these applications.

5. RESOURCE IMPLICATIONS

Officer time to follow the procedure. However, as this will only be in relation to approximately 40 cases per year out of the 3000 pieces of work that the team deal with, then this will be minimal.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

None Identified

7. ISSUES ARISING FROM IMPACT ANALYSIS

None

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF FINANCIAL SERVICES

None

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

None

11. COMMENTS OF OTHER RELEVANT SERVICES

None required.

12. APPENDICES:

None
Agenda Item 7

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted