

# Development Management Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



Tuesday, 2 April 2019 at 1.00 pm

The Ballroom, The Guildhall Arts Centre, St Peter's Hill,  
Grantham. NG31 6PZ

**Committee** Councillor Martin Wilkins (Chairman)  
**Members:** Councillor Ian Stokes (Vice-Chairman)

Councillor Ashley Baxter, Councillor Phil Dilks, Councillor Mike Exton, Councillor Mrs Rosemary Kaberry-Brown, Councillor Michael King, Councillor Robert Reid, Councillor Jacky Smith, Councillor Mrs Judy Smith, Councillor Judy Stevens, Councillor Adam Stokes, Councillor Brian Sumner, Councillor Mrs Brenda Sumner and Councillor Paul Wood

## Agenda

### 1. Membership

The Committee to be notified 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 5 March 2019

(Pages 5 - 6)

The minutes of the meeting held on 5 March 2019.

### 5. Planning matters

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

*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.*

**a) Application S18/1858**

(Pages 7 - 62)

**Proposal:** Construction of 46 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works

**Location:** Land off Easthorpe Road, Great Gonerby, Grantham, NG31 8LZ

**Case Officer:** Kevin Cartwright

**Recommendation:** To approve the application subject to conditions and completion of a Section 106 Agreement

**b) Application S18/1207**

(Pages 63 - 129)

**Proposal:** Erection of 5 detached houses

**Location:** Land off Kettering Road, Stamford, PE9 2JS

**Case Officer:** Phil Moore

**Recommendation:** To approve the application subject to conditions and completion of a Section 106 Agreement

**c) Application S19/0005**

(Pages 131 - 141)

**Proposal:** Erection of dwelling

**Location:** 2 Drummond Road, Bourne, Lincolnshire, PE10 9JF

**Case Officer:** Jen Wallis

**Recommendation:** To approve the application subject to conditions

**d) Application S18/2378**

(Pages 143 - 151)

**Proposal:** Amendment to S18/0234, single storey side extension and garage to family room

**Location:** 1 Harrowby Mill Lane, Grantham, Lincolnshire, NG31 9EP

**Case Officer:** Peter Lifford

**Recommendation:** To approve the application subject to conditions

**Proposal:** Erection of detached garage

**Location:** 1 Harrowby Mill Lane, Grantham, Lincolnshire, NG31 9EP

**Case Officer:** Peter Lifford

**Recommendation:** To approve the application subject to conditions

**6. 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 2018/19 meetings are:

<b>Meeting Date</b>	<b>Notification Deadline</b>
Tuesday 2 April 2019, 1pm	Monday 1 April 2019, 1pm
Tuesday 23 April 2019, 1pm	Monday 22 April 2019, 1pm

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.

Committee members may only ask questions of the applicant, the applicant's agent or technical experts speaking for or against an application.

The Chairman and Vice-Chairman of the Committee may ask questions of members of the public but only to verify the source of any material facts stated by a public 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

# Minutes

Development Management  
Committee  
Tuesday, 5 March 2019



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

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## Committee members present

Councillor Ashley Baxter  
Councillor Phil Dilks  
Councillor Mike Exton  
Councillor Mrs Rosemary Kaberry-Brown  
Councillor Michael King  
Councillor Robert Reid  
Councillor Jacky Smith

Councillor Mrs Judy Smith  
Councillor Adam Stokes  
Councillor Ian Stokes (Vice-Chairman)  
Councillor Brian Sumner  
Councillor Martin Wilkins (Chairman)  
Councillor Paul Wood

## Officers

Head of Development Management (Sylvia Bland)  
Planning Officer (Phil Jordan)  
Legal Adviser (Colin Meadowcroft)  
Principal Democracy Officer (Jo Toomey)

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### 66. Apologies for absence

Apologies for absence were received from Councillors Judy Stevens and Brenda Sumner.

### 67. Disclosure of interests

No interests were disclosed.

### 68. Minutes of the meeting held on 26 February 2019

The minutes of the meeting held on 26 February 2019 were agreed as a correct record.

### 69. Planning matters

#### (a) Application S18/1858

This application was withdrawn from the agenda and would be considered at the Committee's next meeting on 2 April 2019.

**(b) Application S19/0027**

**Proposal:** Erection of 4 dwellings and associated car parking and external landscaping

**Location:** Land to the south of Earlesfield Lane, Grantham

**Decision:** To approve the application subject to conditions and subject also to receiving no representations that raise additional material planning considerations before the expiration of the consultation period on 8 March 2019

Noting comments made during the public speaking session by:

**Applicant** Harry Rai (Assistant Director, Housing)

Together with:

- No objection from Lincolnshire County Council Highways and SUDS Support
- No representations received as a result of public consultation by the date of the meeting
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report issued on 5 March 2019
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject to the conditions set out on pages 32 and 33 of the case officer's report, and subject also to receiving no representations that raise additional material planning considerations before the expiration of the consultation period on 8 March 2019.

**70. Close of meeting**

The meeting was closed at 13:53.



## S18/1858

**Proposal:** Construction of 46 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works

**Location:** Land off Easthorpe Road, Great Gonerby, Grantham, NG31 8LZ

**Applicant:** Longhurst Group c/o Agent

**Agent:** Mr Robert Love, Bidwells, John Ormond House, 899 Silbury Boulevard, Milton Keynes, MK9 3XJ

**Application type:** Full Planning Permission (Major)

### Reason for referral to Committee:

This application is brought for Committee determination as it relates to a major application for affordable housing without complying with policy on s106 contributions to mitigate the impact of the development.

### Key Issues:

- Principle of Development
- Impact on the character of the area
- Impact on the neighbouring properties
- Highway issues
- Impact on heritage assets
- Developer Contributions
- Open Space
- 

### Technical Documents:

- Design and Access Statement
- Proposed plans and elevations
- Ecology Surveys
- Flood Risk Assessment
- Heritage Statement
- Geo-environmental Report
- Transport Statement
- Planning Statement
- Tree Survey
- Statement of Community Involvement
- Archaeological Assessment
- Geophysical Survey

- Landscape Baseline Report
- Soakaway Infiltration Report

## Report Author

Kevin Cartwright, Principal Planning Officer

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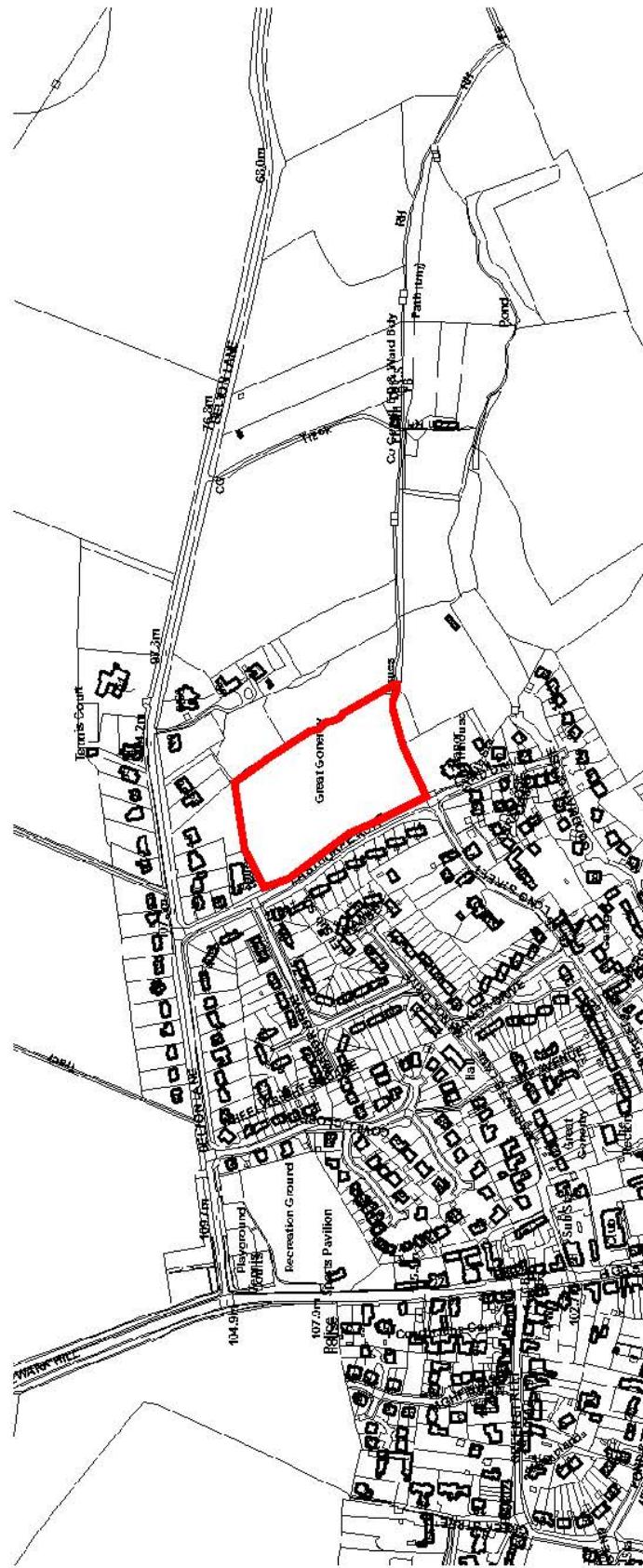
Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Peascliffe & Ridgeway

Reviewed by: Sylvia Bland, Head of Development Management | 19 March 2019

## Recommendation (s) to the decision maker (s)

Recommended decision

That the application is: Approved conditionally subject to the completion of a S106 planning obligation.



Key



## Application Boundary



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## **1 Description of site**

1.1 The application site comprises of a paddock to the east of Easthorpe Road and to the south of Belton Lane on the north-eastern edge of Great Gonerby. This site is currently used for the grazing of horses and comprises of an area of approximately 1.97 hectares. To the north, south and west of the site are residential properties with open countryside to the east and southeast. The site has a public right of way to the south of the site, running west to east adjacent the southern boundary, and a further right of way along the eastern boundary, running north to south. To the south of the site is a Grade II Listed Manor Farm house which is located off Lord Drive.

## **2 Description of proposal**

2.1 This application seeks planning permission for the erection of 46 dwelling, including a mix of two, three and four bedroom properties. The majority of the properties would be two storeys with the exception of four single storey properties. The dwellings are all proposed to be affordable dwellings with a mixed tenure including shared ownership and rented.

2.2 The dwellings are proposed to be accessed from Easthorpe Road with a loop road which serves internal estate roads and car parking. The dwellings would be sited to the north and west of the site with the existing public footpaths to the eastern and southern boundaries being retained. The majority of the dwellings have been designed around the main loop road with some properties to the northeast off private drives.

2.3 An area of public open space is proposed to the south of the site which would incorporate an attenuation pond and serves as a buffer to the Listed Building.

2.4 To the south and east of the site would be an area of open space which includes part of the Sustainable Urban Drainage System.

## **3 Relevant History**

3.1.1 No relevant planning history

## **4 Policy Considerations**

### **4.1 National Planning Policy Framework (NPPF)**

Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

### **4.2 South Kesteven District Council Core Strategy**

Policy EN1 - Protection and Enhancement  
Policy EN2 - Reduce the Risk of Flooding

Policy SP1 - Spatial Strategy  
Policy SP2 - Sustainable Communities  
Policy SP4 - Developer Contributions  
Policy H1 - Residential Development  
Policy H3 - Affordable Housing

#### **4.3 Site Allocation and Policies Development Plan Document**

Policy LSC1 - Housing allocations in the LSC  
Policy SAPH1 - Other housing development  
Policy SAP10 - Open space provision

#### **4.4 Submission Draft Local Plan**

Policy SD1 Presumption in favour of Sustainable Development  
Policy SD2 Principles of Sustainable Development in South Kesteven  
Policy ID2 Transport and Strategic Transport Infrastructure

### **5 SKDC Corporate Priorities**

5.1 Growth – a growing population and a growing economy creates jobs, secures infrastructure and attracts investment

### **6 Representations Received**

#### **6.1 Historic England**

6.1.1 On the basis of the information available we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

#### **6.2 Arboricultural Consultant (SKDC)**

6.2.1 No objection to the principle on this site. Concern with respect of the future relationship between the trees on the road frontage and unit 5, 6, 7, 8 and 10. These units will be in shade from the trees putting pressure on to prune or remove them.

6.2.2 New structures such as hard surfaces are proposed close to the trees at or on the edge of the site. No data has been submitted with respect to how they will be installed without impacting on the trees or vice versa.

6.2.3 The trees around the site would meet the standard for a TPO on the basis of their merit as an amenity.

#### **6.3 The National Trust**

6.3.1 The current proposal to provide much of the housing in pale brick with areas of pale coloured render is inappropriate bearing in mind the rural/historic context and elevated position in the landscape. We consider that dark/recessive materials should be used to minimise the impacts on the setting of Belton and on the wider landscape.

6.3.2 Welcomes the provision/retention of a band of planting to the east of the site and suggests that this should be widened and should incorporate additional native trees that will grow large at maturity. This will assist in meeting the recommendation of South Kesteven's Landscape Character Assessment 2007 to soften harsh urban edges by new woodland planting, and to avoid built development encroaching on the higher scarp slopes, or 'skylining'. It will also help to limit the impact of the scheme on the westerly views from Belton Park and Bellmount Tower.

#### 6.4 **Historic Buildings Advisor (SKDC)**

6.4.1 The application site is currently a green field on the eastern side Easthorpe Road. It is roughly rectangular and slopes relatively steeply from the higher ground at the north down to the lower ground to the south.

6.4.2 Adjacent to the southern site boundary is a Grade II Listed, C19 farmhouse. The proposed development will impact on the setting of this statutorily designated heritage asset and in acknowledgement of this and any possible impact on more distant assets, a rigorous Built Heritage Statement has been undertaken in support of the application.

6.4.3 The proposed development will result in a low level of harm to the significance of the Grade II Listed Manor Farm and that the degree of harm is within the less than substantial test of the NPPF. It is therefore for the decision maker to balance this with the public benefits of the proposed development. Request that conditions are imposed to ensure that the tree and hedgerow planting indicatively shown on the Site Layout is implemented using appropriate native species.

#### 6.5 **Lincolnshire County Council - Footpaths Officers**

6.5.1 It is expected that there will be no encroachment, either permanent or temporary onto the rights of way as a result of the proposal. The construction should not pose any dangers or inconvenience to the public using the rights of way. If any gate or stile is to be modified or if a new gate or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.

#### 6.6 **Affordable Housing Officer (SKDC)**

6.6.1 Approval of this scheme will bring forward a 'housing development' site immediately, which will not only benefit the applicants for affordable housing the local community and whole of the area.

6.6.2 Information from the Housing Register at the 20 September 2017 and identified that from the applicants who registered an interest in affordable housing in Great Gonerby 57 applicants have a direct local connection to Great Gonerby either they currently live in the village, work in the village or have a direct family connection ie parents, brother, sister, son or daughter currently live in the village. From this information, special needs housing was also identified as follows:

- 1 x one bedroom bungalow with level access and floor level shower/wet room
- 3 x two bedroom bungalows with level access and floor level shower/wet room
- 2 x four bedroom houses

6.6.3 The remaining needs are for the majority to be two and three bedroom houses. Further analysis of the Housing Register for the affordable housing units will be carried out at a later date. This application does reflect the affordable housing needs required. The specific requirements for the proposed adapted dwellings will be discussed to ensure that the adaptations are met in the proposed units on site, in the main this will consist of either floor level showers or wet rooms.

## 6.7 **NHS England**

6.7.1 The proposed development would result in an increase in patient population of 110. As such The Welby Practice, St Peter's Hill Surgery, Vine House Surgery, Harrowby Lane Surgery and the Stackyard Surgery. A contribution is sought of £30,360.00.

## 6.8 **Anglian Water Services**

6.8.1 Foul Drainage Disposal - the foul drainage from this development is in the catchment of Marston Water Recycling Centre. that will have available capacity for these flows.

6.8.2 Surface Water Disposal - the submitted FRA and drainage strategy are considered acceptable. We require these documents to be listed as approved plans/documents if permission is granted.

## 6.9 **Education & Cultural Services (LCC)**

6.10 The proposed development would have a direct impact on local schools. A level of contribution is sought in this case to mitigate 6no. Secondary and 1no. Sixth form places. The total level of contribution sought is £120,375 and would be directed towards two additional science classrooms at Walton Academy.

## 6.11 **Environment Agency**

6.11.1 The Environment Agency does not wish to make any comments on this application

## 6.12 **Heritage Lincolnshire**

6.12.1 Archaeological work undertaken at the site to date has included an earthwork survey and trial trench evaluation (the fieldwork was recently completed at the site). Only limited archaeological evidence was recorded during the trenching investigation and it is unlikely that further mitigation work would be required, or would be limited in nature.

## 6.13 **Natural England**

6.13.1 No comments to make on this application

## 6.14 **Parish Council**

6.14.1 Do not propose to enter any representation with regards to this application.

## 6.15 **LCC Highways & SuDS Support**

6.15.1 No objection subject to a number of conditions in relation to highway design and construction.

## 6.16 **The Gardens Trust**

6.16.1 No comment

## **7 Representations as a Result of Publicity**

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 16 letters of objection have been received, which can be summarised as follows:

7.2 Letters of objection:

1. The site is unallocated greenfield site on the edge of the settlement where policy restricts development
2. The open quality of the site contributes positively to the rural character of the area
3. Impact of traffic on a narrow road, the road network is already congested.
4. Local infrastructure cannot sustain it, schools and doctors are full
5. No local employment or facilities in the village
6. Flooding
7. Impact on ecology
8. Loss of hedgerows and trees
9. Out of character with the settlement
10. Impact on residential amenity, loss of privacy, overlooking, impact on private amenity space
11. Inadequate off road parking
12. Impact of construction traffic on village
13. Development is too dense
14. Loss of open space/green belt

## **8 Evaluation**

### **8.1 Principle of Development**

8.1.1 The relevant polices for this proposal would be Core Strategy policies SP1, SP2, H1, H3 and EN1 as well as Site Allocations and Policies DPD policies LSC1 and SAP H1. Great Gonerby is identified as a Local Service Centre (LSC) in SP1 of the Core Strategy. It is stated that in settlements identified as LSCs, preference will be given to brownfield sites within the built-up part of settlements which do not compromise the nature and character of the village and sites allocated in the site specific Allocations and policies DPD.

8.1.2 Policy H1 of the Core Strategy states that there must be a modest level of development within the more sustainable villages identified as LSC to enable them to continue functioning as sustainable Local Centres.

8.1.3 Policy H3 of the Core Strategy states that all developments comprising of 5 or more dwellings should make appropriate provisions for affordable housing within the development site. Where affordable housing needs to be provided on the site up to 35% of the capacity should be allocated to affordable housing units.

8.1.4 Policy LSC 1 of the DPD allocates site for housing development in the Local Service Centres and should include 35% affordable housing in accordance with H3. Site LSC1d relates to land east of Easthorpe Road, Great Gonerby.

8.1.5 Policy SAP H1 of the DPD allows for development on suitable brownfield redevelopment sites and small infill sites within the built-up part of Local Service Centres, provided that, among other criteria, it will not have a detrimental impact upon the quality of life of adjacent residents and properties and will not compromise the nature and character of the settlement. It also states that new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development.

8.1.6 Policy EN1 of the Core Strategy makes the statement, that development, must be appropriate to the character and significant natural historic and cultural attributes and features of the landscape in which it is situated in order to contribute positively. All development proposals should be assessed against the criteria in EN1, such as the layout and scale of buildings, designated open spaces amongst other matters.

8.1.7 The site which is the subject of this planning application cannot be regarded as either a brownfield or an infill site. Approximately half of the site has been identified within the SAP 2014 as a housing allocation in a Local Service Centre for 30 dwellings. Policy LSC1 identifies that this site is suitable for development and the site should provide opportunity to deliver benefits to the wider community. This should be through the provision of Affordable Housing, open space and play facilities which are all required as part of the development. This proposal is for a larger site than that allocated within the SAP.

8.1.8 Core Strategy policy SP1 does not preclude development on greenfield sites; it merely gives preference to previously developed or brownfield sites. The application engages Policy H1 of the Core Strategy as modest levels of development are needed in Great Gonerby to enable it to continue functioning as an LSC.

8.1.9 Policy SAP H1 is more specific in relation to the types of site that may be appropriate in LSCs and precludes new Greenfield sites on the edges of towns and villages. As a result, the proposed development would not wholly comply with Policy SAP H1.

8.1.10 The last published Housing Land Supply Assessment published by the Council in 2016 indicated that South Kesteven had 5.3 years supply of housing. This assessment was published three years ago and is currently under review. Given the fact that the previously published figures were only marginally above 5 years' supply and the continuing uncertainty over the current figure, significant weight should be given to the greater onus set out in the revised NPPF for local planning authorities to demonstrate housing supply and deliverability and to bring forward suitable windfall sites not identified in the current local plan. This is a material consideration which should be given significant weight in the decision-making process.

8.1.11 In addition, the site has been identified as an allocation within the Council's Submission Draft Local Plan. The allocation covers the full extent of the proposed site. Paragraph 48 of the NPPF, states that more weight may be given to policies that are at an advanced stage and received no significant objections. The site is identified in the emerging plan Policy LV-H11. The Local Plan consultation is at a more advanced stage, and the

allocation has received no objections at the Regulation 19 consultation. Therefore, some weight can be given to the development principles as described in Policy LV-H11 of the Submission Draft Local Plan.

- 8.1.12 The application should also be assessed against the criteria in Core Strategy Policy EN1 and the other Core Strategy policies, to allow for the impact of the development on the surrounding area to be considered. This is considered in the sections of the report below.
- 8.1.13 Notwithstanding that part of the site is not allocated the adopted Core Strategy, taking into account the additional weight that may be given to Submission Draft Local Plan Policy LV-H11 and the greater emphasis on providing sufficient housing land supply in the revised NPPF; these represent important material considerations which should be given some weight in the planning balance which is considered at the end of the report.

## 8.2 **Affordable Housing**

- 8.2.1 Policy H3 of the Core Strategy states that all developments comprising of 5 or more dwellings should make appropriate provisions for affordable housing within the development site. The application proposes a 100% affordable housing scheme and the proposed scheme will bring forward a 'housing development' site immediately, which will benefit the applicants for affordable housing in the local community and the whole of the area. The proposal would exceed the requirements of H3 of the adopted Core Strategy.

## 8.3 **Character and Appearance**

- 8.3.1 The site lies to the north east of Great Gonerby to the east of Easthorpe Road and south of Belton Lane. The site comprises of an area of approximately 1.97 hectares and is used as a paddock for horses. Part of the site is allocated for residential development under the current Development Plan. Surrounded by residential development to the north, east and partially to the south the paddock is bounded by hedgerows and contains a number of trees, particularly along the southern boundary. To the east and south east is open countryside and to the south of the site is a Grade II Listed Building, Manor Farm House. Further to the east lies Belton House, a Grade I Listed Building, the Registered Historic Park and Gardens at Belton (Grade I) and Bellmount Tower (Grade II\*). As the application site sits on higher ground, built development would be visible within the wider landscape when viewed from these designated heritage assets.
- 8.3.2 Although the proposal would erect the housing on undeveloped land; the site is well related to the built form of the village with housing immediately to the north, west and to a certain degree to the south, and whilst there would be encroachment into the countryside to the north east of Great Gonerby this would be viewed against the backdrop of the existing settlement. Its location immediately off of Easthorpe Road with development to the north on Belton Road would not result in any significant encroachment beyond the village boundaries.
- 8.3.3 It is considered the site comprises paddock land of no particular landscape merit and that the proposed housing could be assimilated into the character of the area without undue harm to the visual amenities of the site and surroundings. To the north, the existing

houses are visible and the proposal would extend the built form to the east of Easthorpe Road which has residential development along the western and southern boundaries. As such the visual impact would be limited and the development would be regarded as a logical extension to the village, on part of an allocated site.

- 8.3.4 A condition is proposed to ensure that additional tree planting and enhancement of the existing hedge along the eastern boundary is provided to enhance the function of this area as a buffer to the surrounding countryside and to mitigate the impact of new dwellings on the landscape character of the wider area.
- 8.3.5 The proposed layout includes 46 dwellings at a density of 23 dwellings per hectare. The southern part of the site would be allocated as open space and would include part of the SUDs for the proposal. The public rights of way would be retained along the southern and eastern boundary. The layout proposes houses fronting Easthorpe Road with a loop road into the site with properties facing onto the proposed access road. To the east of the site would be two private drives with properties facing the driveway. Overall, the proposed form of development is in keeping with the existing settlement pattern adjacent to the site.
- 8.3.6 With regard to the impact of the development on the setting of the above mentioned Listed Buildings, there is a special duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings and their setting.
- 8.3.7 In relation to proposals affecting designated heritage assets, para 193 of the NPPF provides that 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.
- 8.3.8 Para 195 of the NPPF provides that:
- 8.3.9 '*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*'
- 8.3.10 However, para 196 of the NPPF provides that:
- 8.3.11 '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'
- 8.3.12 The listed building to the south of the site is separated from the built form of the development by a distance of 64 metres. The development would be separated by the proposed public open space and retained trees along the southern boundary as well as the existing Public Right of Way. Development immediately to the north of the listed building would be predominantly single storey. Taking these factors together, the proposal is considered to cause less than substantial harm to any designated heritage asset. The distribution of materials across the site has been amended to ensure that darker, red brick facing materials would be used to the dwellings to the east of the site. All the dwellings

would have grey roofing materials which are a recessive colour to minimise the impact of the development on the setting of the listed buildings at Belton and the wider landscape. In addition, a landscaped buffer is proposed along the public footpath to the east of the site. When the landscape planting has matured and in conjunction with the materials proposed, this would ensure the development did not cause substantial harm to the setting of these listed buildings. The public benefit resulting from the provision of 46 Affordable Dwellings in a sustainable location would outweigh the less than substantial harm and the proposal would therefore accord with paragraph 196 of the NPPF.

8.3.13 As such the proposal is considered to accord with policy EN1 of the adopted South Kesteven Local Plan and the NPPF.

#### **8.4 Impact on the neighbouring properties**

8.4.1 The existing single storey properties on Easthorpe Road are separated by the highway and are set back by some distance therefore would not be adversely affected by the proposed two storey dwellings fronting Easthorpe Road by way of overmassing or loss of privacy.

8.4.2 Manor Farmhouse, a Grade II Listed Building, would be separated from the nearest proposed dwellings by an area of public open space, retained trees and a distance separation of 64 metres. The dwellings to the south of the development are proposed to be single storey and as such the development would not have any adverse impact on the residential amenities of Manor Farmhouse to the south.

8.4.3 Adjoining the northern boundary of the site is 28 Easthorpe Road and the rear garden to properties fronting Belton Lane. The properties to the north on Belton Lane would be separated by some distance separation and as a result the relationship is considered to be acceptable.

8.4.4 The proposed layout, due to the distance separations involved, design, scale and landscaping, is acceptable in terms of residential amenity and complies with policy EN1 and the NPPF.

#### **8.5 Highway Matters**

8.5.1 The site would be accessed off Easthorpe Road to the west of the site with two access points serving a looped road within the development. Driveways and off street parking is provided for each property within the site. Comments of the Highway Authority indicate that the scheme is acceptable from a highway perspective.

8.5.2 The Highway Authority has confirmed that the required footpath provision to the frontage of the site would be along Easthorpe Road with the northern end extending to the existing vehicle access of 28 Easthorpe Road. A suitable pedestrian crossing point to the footway on the opposite side near to the junction of Manor Drive would also be required.

- 8.5.3 Whilst local residents have raised concerns in relation to the increase in traffic, unsuitability of the highway and insufficient parking the Highway Authority and they have confirmed that the scheme is acceptable.
- 8.5.4 The NPPF states at para 109:
- 8.5.5 "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
- 8.5.6 In this instance there would not be any significant impact on highway safety or any severe impacts on the surrounding road network.

## **8.6 Open Space**

- 8.6.1 Public open space is proposed to the southern and south eastern edge of the site as well as a planting buffer along the eastern edge to the public right of way which is to be retained. This would comprise informal open space and would be privately managed. Policy SAP10 states that new housing development should provide sufficient open space to meet the needs of the development. The open space would consist of approximately one third of the site area and as such the proposal is considered to comply with policy SAP10.

## **8.7 Archaeology**

- 8.7.1 The applicant has undertaken trial trenching across the site to assess whether any archaeological remains are present. The Council's Archaeological advisors have confirmed that on the basis of this work no further investigations are required.
- 8.7.2 As such the proposal is considered to accord with NPPF Section 16 - Conserving and enhancing the historic environment.

## **8.8 Flood Risk**

- 8.8.1 The site lies within Flood Zone 1, an area at low risk of flooding. Surface water drainage would be achieved by a sustainable drainage scheme (SUDs). SUDs schemes are regarded as best practice and the preferred drainage solution. The scheme would control surface water run-off via a number of methods all of which seek to manage surface water on site before it is discharged into the wider network.
- 8.8.2 Both Lincolnshire County Council as Local Lead Flood Authority and Anglian Water are satisfied with the proposed drainage scheme for the site.

## **8.9 Ecology**

- 8.9.1 The application is accompanied by ecological surveys which conclude that there would be no loss of significant habitat area. A bat survey finds that the site is a route and foraging area for two species of bats and makes a recommendation that the southern boundary of

the site is should be protected from any significant disturbance and increase in artificial lighting as well as a pond or wetland feature being created for foraging potential. A reptile survey has also been submitted which concludes that there is no significant evidence of any reptile activity within the site but has recommended that the site be inspected again prior to development commencing. This advice can be attached as conditions of any approval.

## 8.10 **Trees**

8.10.1 There are a number of existing trees on the site. These are mainly categorised as either fair or poor with only one good specimen. Whilst the tree officer has raised no objection to the development of the site, concern has been raised over the siting of dwellings on the road frontage and the potential for overshadowing from the three trees to be retained. The applicant has sought to overcome this issue by setting the dwellings on plots 5-8 back from the two existing trees by a further distance than other properties. The tree to be retained within plot 11 would be located on the road frontage outside the rear garden area. Details of root protection, building and tree protection plans are required by way of a planning condition. Other existing trees to the south of the site would be incorporated in the public open space. These trees are important for ecological reasons as this part of the site forms part of a bat foraging corridor. The trees to be removed to allow for the new site accesses are not of a high standard with many covered by dense ivy.

## 9 **Crime and Disorder**

9.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## 10 **Human Rights Implications**

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

## 11 **Section 106 Developer Requirements**

11.1 Affordable Housing - the current policy target is for 35% of homes to be provided as affordable housing on sites of this size. The proposal is to provide 100% Affordable Housing. The Council's Partnership Project Officer has provided details of the requirements and these can be secured via a S106 agreement.

11.2 A viability assessment has been submitted which demonstrates that the scheme would not be viable if the developer contributions for education (£120,375 - towards the extension of Walton Secondary School to provide two additional science classrooms) and health facilities (£30,360 to local surgeries) are sought. This is due to the nature of the development in providing 100% affordable housing. This assessment has been independently assessed and concludes that the scheme is unable to provide these contributions if it is to remain viable. Members may recall that a similar conclusion was

reached on a recent 100% affordable housing scheme at Hanbury Avenue, Grantham. In a similar manner, a viability appraisal was requested for that scheme and independently assessed by the Council's consultants.

## 12 Conclusion

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 12.2 As would be expected with a major scheme, there are a number of individual planning policies that apply to the proposed development. The proposals would not wholly be in compliance with the development plan taken as a whole due to the conflict with Policy SAP H1 in respect of the greenfield nature of part of the site on the edge of the settlement.
- 12.3 In accordance with Section 38(6), it is necessary to weigh other material considerations against non-compliance with the development plan in the planning balance. As described in more detail within the main body of the report, the proposal would provide much needed housing on a site capable of accommodating the numbers of dwellings sought and although the proposal is early in terms of the site allocation process through the emerging local plan, it would comply with the general thrust of current local and national policies. The application also proposes 100% affordable housing meeting an identified need within the District.
- 12.4 As mentioned earlier in the report, the Council's Housing Land Supply Assessment is currently under review and there is some uncertainty over whether the Council can provide a 5-year housing land supply. Significant weight should be given to the greater onus in the NPPF for local planning authorities to bring forward suitable sustainable windfall sites. This site is part allocated in the adopted Core Strategy and the whole site is proposed for allocation in the Submission Draft Local Plan policy LV-H11 which has now gained some weight for decision-making purposes.
- 12.5 The site is located within a sustainable settlement. The proposed layout would effectively integrate into the village by continuing the form and character of Easthorpe Road with properties fronting and accessed directly off the highway and with a large expanse of open space to the south and eastern edge forming a transition to the open countryside. Due to the distance separation and design of the development the proposal would result in less than substantial harm to the adjoining heritage asset and more distant heritage assets at Belton which are outweighed by the public benefits of the scheme. As such the proposal would comply with policy EN1 and the requirements of the NPPF.
- 12.6 A satisfactory relationship with neighbouring properties can be achieved and the proposal is served by adequate accesses and is acceptable in terms of flood risk complying with policy EN2.
- 12.7 Overall, it is considered that taken together, the material considerations outlined above which weigh in favour of the application are sufficient to outweigh the conflict with the locational policies of the development plan. The absence of contributions to education

and health facilities is considered to be justified through the viability assessment submitted which demonstrates that the scheme would not be viable otherwise. The provision of affordable housing is considered to outweigh the absence of contributions. The proposed development is acceptable in this and other respects.

## **13 Recommendation**

- 13.1 Approve the application subject to the conditions set out in the report and subject to completion of a S106 planning obligation securing the requirements specified in Section 11 of the report. Where the S106 obligation has not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of that obligation.
- 13.2 In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Head of Development Management, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused planning permission for the appropriate reason(s) on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.
- 13.3 **RECOMMENDATION: that the development is Approved subject to the following conditions**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Proposed Development Plan, drawing No. 17-0676.02 Fig 3 received by the local planning authority on 08/08/18
  - ii. Site Location Plan, drawing No. 41026-003A received by the local planning authority on 08/08/18
  - iii. Site Layout Plan, drawing No. 41026-008F received by the local planning authority on 08/08/18
  - iv. Material Distribution Plan, drawing No. 41026-010 received by the local planning authority on 08/08/18
  - v. Boundary Treatment Plan, drawing No. 41026-011A received by the local planning authority on 08/08/18

- vi. Site Sections, drawing No. 41026-012 received by the local planning authority on 08/08/18
- vii. House Type AA, drawing No. 41026-013 received by the local planning authority on 08/08/18
- viii. House Type AAA, drawing No. 41026-014 received by the local planning authority on 08/08/18
- ix. House Type BB, drawing No. 41026-015 received by the local planning authority on 08/08/18
- x. House Type CC, drawing No. 41026-016 received by the local planning authority on 08/08/18
- xi. House Type CC Plot 29-30 and 45-46, drawing No. 41026-017 received by the local planning authority on 08/08/18
- xii. House Type DD, drawing No. 41026-018 received by the local planning authority on 08/08/18
- xiii. Amended House Type FF Plot 13-14, drawing No. 41026-019A received by the local planning authority on 20/12/18
- xiv. Amended House Type FF Plot 15-16, drawing No. 41026-020A received by the local planning authority on 20/12/18
- xv. House Type LM Plot 1-2, drawing No. 41026-021 received by the local planning authority on 08/08/18
- xvi. House Type LM Plot 11-12, drawing No. 41026-022 received by the local planning authority on 08/08/18
- xvii. House Type LM Plot 27-28, drawing No. 41026-023 received by the local planning authority on 08/08/18
- xviii. House Type LM Plot 41-42, drawing No. 41026-024 received by the local planning authority on 08/08/18
- xix. House Type LM Plot 43-44, drawing No. 41026-025 received by the local planning authority on 08/08/18
- xx. Presentation site layout, drawing No. 41026-026 received by the local planning authority on 08/08/18
- xxi. External Materials, drawing No. 41026-030 received by the local planning authority on 08/08/18
- xxii. Proposed pond sections plans, drawing No. 17-0383-SK170 received by the local planning authority on 20/12/18

Unless otherwise required by another condition of this permission.

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

### **Before the Development is Commenced**

- 3 A 'no dig' construction method shall be used for all parts of the proposed footway, driveways and parking areas that fall within the root protection areas of retained trees shown on the approved site layout plan. No development within these areas shall take place until details of such a construction method have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off-site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5 Before any construction work above dpc level is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- iv. additional tree planting and enhancement of the existing hedge along the eastern boundary of the site.

Reason: Soft landscaping and tree planting make an important contribution to the development, its assimilation with its surroundings and to mitigate the impact on the landscape character of the area in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6 Before the development hereby permitted is commenced, all existing trees shown on the approved plan to be retained shall have been fenced off to the limit of their branch spread in accordance with BS 5837. No works including:

- i. removal of earth,
- ii. storage of materials,
- iii. vehicular movements or
- iv. siting of temporary buildings

shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

## **During Building Works**

7 Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application unless otherwise agreed in writing by the Local Planning Authority.

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

### **Before the Development is Occupied**

8 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

9 All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction.

Reason: In the interests of highway safety.

10 Before any dwelling is occupied, all of that part of the estate road and the associated footways that form the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

11 The development hereby permitted shall not be occupied before a 2.0m wide footway, to connect the north and south of the development site to the existing footway network on Easthorpe Road, has been provided in accordance with details that shall first have been submitted to, and approved in writing, by the Local Planning Authority. The details shall also include arrangements for the management of surface water run-off from the footway and details for the provision of pedestrian crossing points together with the removal of the existing bus stop on Easthorpe Road. The development shall not be occupied until the works have been implemented in accordance with the approved details.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

12 Before any part of the development hereby permitted is occupied/brought into use, the boundary treatment as shown on plan reference 17-0676-011A shall have been completed implemented and remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

13 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

**Standard Note(s) to Applicant:**

1 The following comments in relation to the public rights of way should be taken into consideration;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the rights of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the rights of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.

iv/ The sections of public footpath within the development boundary will require surfacing with stone to a width of 2m. The surfacing specification is to be agreed with the highway authority.

2 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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 paras 38 of the National Planning Policy Framework.

4 The developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments Code) of the Highways Act 1980

5 Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

**Financial Implications reviewed by: Not Applicable**

**Legal Implications reviewed by: Not Applicable**

## Site Layout Plan



## Streetscene



Indicative Visual



Indicative Visual



# Appendix 1A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Appendix 1B

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Appendix 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Development Management Committee

2 April 2019

### S18/1207

**Proposal:** Erection of 5 detached houses  
**Location:** Land Off Kettering Road, Stamford, PE9 2JS  
**Applicant:** Simon Boon Homes Ltd, Shiremoor Mill Lane, Cotterstock, PE8 5HH  
**Agent:** Mr John Trotter, Wythe Holland Limited, 10 Emlyn's Street, Stamford PE9 1QP  
**Application type:** Full Planning Permission

#### Reason for referral to committee:

The proposal involves a financial contribution via a section 106 agreement

#### Key Issues:

- Within the context of previous appeal decision and associated extant permission (S14/3078), the main issues are the effect of the proposal on the character and appearance of the area, having particular regard to the setting of designated and non-designated heritage assets and viability and whether a reduced affordable housing contribution is justified

#### Technical Documents:

- Heritage Impact Assessment
- Design and Access Statement
- Flood Risk Assessment
- Minerals Assessment
- Viability Assessment

#### Report Author

Phil Moore, Principal Planner

01476 406461

p.moore@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Stamford St Mary's

### Recommendation (s) to the decision maker (s)

#### Recommended decision

That the application is; Approved conditionally subject to the completion of a S106 planning obligation.



### Application Boundary



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## **1 The Application Site and its Surroundings**

- 1.1 The application site is approximately 0.9 hectares in size and is located on the edge of the built up area of Stamford in an area where there is a strong contrast between the tightly-knit urban character of the town and the rural landscape surrounding it. Stamford Conservation Area extends across the historic core of the town, with the area known as St Martin's closest to the application site. The application site is not located within the Conservation Area.
- 1.2 The application site comprises a large part of a single grass field located on the southern side of Kettering Road. The land gently falls from south to north across the site. The field is bounded by trees and hedgerows. A public footpath diagonally crosses the application site whilst a second public footpath passes close to the south eastern corner of the site.
- 1.3 Opposite the site on the northern side of Kettering Road is a residential development which is currently under construction. To the east is an open field with the built up area around the Old Great North Road beyond. There are numerous heritage assets to the east of the site including Grade II\* listed Burghley House and Grade II\* listed registered park and garden, Grade II Burghley Lodges and gates which form the principal entrance to the historic park and garden and numerous Grade II and Grade II\* listed buildings along the Old Great North Road. To the south of the application site is the adjacent settlement of Wothorpe, which is in the neighbouring local authority area. The entire village of Wothorpe has been designated as a Special Character Area by Peterborough City Council. To the west of the application site there are sports facilities that belong to the Stamford Endowed Schools. There is a pedestrian crossing that enables pupils to cross Kettering Road just to the west of the application site.
- 1.4 The application site is located close to the administrative boundary with Peterborough City Council.

## **2 The Proposal**

- 2.1 This is a full application for a residential development comprising of 5 dwellings and associated parking spaces and garages together with access and turning facilities and landscaping.
- 2.2 The proposed dwellings are all substantial 5 bedroom properties with large garages, set within generous plots. All would be served by a single private drive from Kettering Road. The diagonal footpath would be incorporated within the site layout with its route unchanged.
- 2.3 The dwellings would be constructed of natural limestone and slate and all have elements of both vernacular and Georgian architecture which is inspired by historic properties located within and around Stamford.

2.4 The proposed development retains the mature trees and hedgerows along the site boundaries wherever possible. Extensive new tree and shrub planting is also proposed in and around the site.

### 3 Relevant History

4	P Reference	Proposal	Decision	Date
	S13/3322	Residential development comprising 48 houses and associated parking spaces and garages together with access road and turning areas, open space and landscaping, foul water pumping station, surface water balancing pond and open space	Refused	30/05/2014
	S14/3078	Residential development comprising 29 houses and associated parking spaces and garages together with access road and turning areas, open space and landscaping, foul water pumping station, surface water balancing pond and open space	Refused	09/02/2017

### Policy Considerations

4.1 **National planning Policy Framework (NPPF)**  
 Section 5 - Delivering a sufficient supply of homes  
 Section 12 - Achieving well-designed places  
 Section 15 - Conserving and enhancing the natural environment  
 Section 16 - Conserving and enhancing the historic environment  
 Section 9 - Promoting sustainable transport

4.2 **South Kesteven Core Strategy**  
 Policy EN1 - Protection and Enhancement  
 Policy H1 - Residential Development  
 Policy H3 - Affordable Housing  
 Policy SP1 - Spatial Strategy  
 Policy SP3 - Sustainable Integrated Transport  
 Policy SP4 - Developer Contributions

4.3 **Other Policies**  
 Policy STM1 - Housing allocations in Stamford

4.4 **Submission Draft Local Plan**  
 Policy SD1 Presumption in favour of Sustainable Development  
 Policy SD2 Principles of Sustainable Development in South Kesteven  
 Policy EN6 The Historic Environment

## 5 SKDC Corporate Priorities

5.1 Growth - a growing population and a growing economy creates jobs, secures infrastructure and attracts investment

## 6 Representations Received

### 6.1 Peterborough City Council

6.1.1 Object on the grounds of impact on heritage assets including Burghley House and Park, and Wothorpe Park as well as concerns about erosion of the open countryside separating Stamford and Wothorpe

### 6.2 Affordable Housing Officer (SKDC)

6.2.1 As the site is >0.5ha, the threshold for the requirement for affordable housing is met. The equivalent of 1.75 affordable dwellings should be provided off site or via a financial contribution of £990,000. a lesser contribution would only be considered if loss of viability can be demonstrated by a robust viability assessment.

### 6.3 Anglian Water Services

6.3.1 No comments as below 10 dwellings

### 6.4 Historic England

6.4.1 No objection to the scheme on heritage grounds. HE recognise that the site lies within the setting of a number of designated heritage assets including Stamford Conservation Area, Burghley House and Park and contributes positively, particularly in the sense of arrival to Stamford from the south and within views from Wothorpe. This was further reinforced by the appeal decision. HE consider that whilst the proposal would have a degree of less than substantial harm, it would be to a much lesser degree than the extant permission. The harm should be weighed against the public benefits in accordance with the NPPF.

### 6.5 Heritage Lincolnshire

6.5.1 Archaeological work was undertaken in 2011 showing limited archaeological remains and therefore no further work is recommended.

### 6.6 Environmental Protection Services (SKDC)

6.6.1 Recommend contaminated land survey and mitigation condition

### 6.7 Stamford Civic Society

6.7.1 Reiterate that they have always opposed development of this site, but following the appeal decision make suggestions about the detailed design and landscaping in order to reduce the impact. Also question what is intended on the adjacent site to the east.

### 6.8 Highways England

6.8.1 No objection

### 6.9 LCC Highways & SuDS Support

6.9.1 No objection subject to condition requiring footway along frontage to connect to existing footway

**6.10 Lincolnshire County Council - Footpaths Officers**

6.10.1 It is expected that there will be no encroachment onto the rights of way. Advice given on additional consents required for new stiles/gates and specification of any new surface.

**6.11 Natural England**

6.11.1 Refer to standing advice

**6.12 The Gardens Trust**

6.12.1 Does not wish to comment

**6.13 Minerals And Waste Planning (LCC)**

6.13.1 The proposal would have a negligible impact on mineral resources and therefore no objections

**6.14 Parish Council**

6.14.1 No objection subject to any affordable housing contribution being used in Stamford

## **7 Representations as a Result of Publicity**

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 28 letters of representation have been received.

7.2 Of the 28 letters, 2 x letters of support were received. The points raised can be summarised as follows:

1. The proposal is preferable to the extant Kier permission
2. Support the proposal but would request conditions

7.3 Of the 28 letters, 26 x letters of objection were received. The points raised can be summarised as follows:

1. Piece meal development contrary to local plan allocation
2. Design and layout not in keeping
3. Density too low
4. Impact on heritage assets - Burghley House and Park, Stamford Conservation Area etc
5. Would compromise the unique and largely unchanged historic southern boundary of Stamford
6. No new development should be allowed to the south of Stamford
7. No need for more housing
8. Could set a precedent for more housing in this part of Stamford
9. Wrong type of housing - does not meet local needs
10. Need for more affordable housing
11. Highways and traffic impact
12. Insufficient space for fire engines to access site
13. Impact on users of PROW
14. Residential amenity issues - overlooking, loss of light, dominant and oppressive
15. Loss of view from domestic properties

16. Loss of wildlife
17. Flood risk and drainage concerns

## **8 Evaluation**

### **8.1 Background**

- 8.1.1 The application site and adjacent field were allocated for residential development in the 2014 Site Allocations and Policies DPD. However this allocation will not be carried forward to the Submission Local Plan which is due to be examined by the Planning Inspectorate in May 2019.
- 8.1.2 Members will recall that the application site, together with the adjacent field have been subject to two previous planning applications for residential development by Kier Homes. The first of these applications (S13/3322) was for 48 dwellings and was refused by the Council in May 2014 and subsequently dismissed at appeal. The appeal was dismissed on the grounds that notwithstanding the site's allocation in the Local Plan, the design and layout would be out of character with the area and harmful to the setting of numerous heritage assets. The inspector did not consider that the harm was outweighed by the public benefits.
- 8.1.3 The second application (S14/3078) was for 39 dwellings, later amended to 29 and was also refused by the Council in February 2017 but was allowed at appeal in March 2018. The Inspector considered that the lower density, improved design and better landscaping were sufficient to mitigate the impact and that this time the limited degree of harm was outweighed by the public benefits. That permission remains extant.
- 8.1.4 Following the appeal decision, Kier Homes made an application to the County Council to divert the PROWS crossing the site, to enable the development to proceed. That application was later withdrawn.
- 8.1.5 The current application has been made by a different developer, Simon Boon Homes, and only includes the western half of the allocated site. The density is much lower and the house types are significantly different.
- 8.1.6 The context for determining this application is the 2018 appeal decision and associated extant permission. These are important material considerations that must be given significant weight.

### **8.2 Principle of development**

- 8.2.1 The application site and adjacent field are allocated for residential development in the 2014 Site Allocations and Policies DPD which is still in force although this allocation will not be carried forward in the Submission Local Plan. The relevant policies for the location of new housing on unallocated sites in the Submission Local Plan can at this point be given some weight.

8.2.2 As there is an extant implementable planning permission for residential development on the site, the principle of development has already been established. This fall-back position is a material consideration that should be given significant weight in determining the application.

8.2.3 Taking the above into account, and notwithstanding potential conflict with the spatial policies of the Submission Draft Local Plan, the principle of development of this site is already established in accordance with CS policy SP1 and SAP policy STM1a and NPPF Section 5 and is therefore acceptable. Specific environmental and technical issues, which support this conclusion, are discussed in detail in the following sections below.

### **8.3 Impact on the character of the area and the setting of heritage assets**

8.3.1 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas.

8.3.2 Case law has established that considerable importance and weight must be attached by the decision maker to the desirability of preserving the setting of heritage assets when balancing harm against public benefits.

8.3.3 CS Policy EN1 requires that development must be appropriate to the character and significant historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

8.3.4 NPPF section 11 requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

8.3.5 Equally the NPPF is very clear that great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. If harm is identified, there are two policy tests in the NPPF:

- i. Proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm.
- ii. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

8.3.6 Although substantial and less than substantial harm are a matter of judgement the NPPG advises that substantial harm is a high test and is most likely to be applicable where a fundamental element of a heritage asset's special interest is seriously compromised.

8.3.7 The NPPF also states that the impact on non-designated heritage assets should be taken into account.

8.3.8 The 2018 appeal decision has established that development of this site has the potential to affect the settings of the following heritage assets:

- i. Stamford Conservation Area and the listed buildings which make up the skyline within it including various Grade I listed churches
- ii. Grade II listed Fryer's Callis Almshouses
- iii. Grade I listed Burghley House and its Grade II\* Registered Park and Gardens
- iv. Grade II listed Burghley House Bottle Lodges
- v. Wothorpe Special Character Area (undesignated heritage asset) and within it, the Grade II listed building, The Elms

8.4 The appeal decision concluded that the significance of Fryers Callis Almshouses is largely derived from its historic and architectural features rather than any long distance views or countryside setting. However it was established that the rural countryside forms part of, and contributes positively to the setting of all the other heritage assets mentioned above.

8.5 The appeal decision concluded that the appeal proposal would result in less than substantial harm, but at the lower end of less than substantial. In other words, a very low degree of harm to the rural setting of the heritage assets mentioned above.

8.6 The current proposal involves development of only the western half of the SAP allocation and is much less intensive form of development with plot sizes similar to those found nearby on Pinfold Lane and at Wothorpe. This part of the allocation is less sensitive than the eastern half being largely screened by trees and hedgerows. In views from the higher ground to the south, including the approach to Stamford on the Old Great North Road and First Drift, Wothorpe, only the top of the buildings would be visible and the proposal would appear as a loose collection of vernacular buildings, with chimneys, dormers and pitched roofs, interspersed with trees, more akin to a farmstead than a suburban estate.

8.7 As is demonstrated in the submitted photomontages, the proposal would actually soften the impact of the sports pitches and recently completed 3 storey town houses on the north side of Kettering Road at Cecil Place, which are currently quite prominent in views across the town. However, the abrupt transition from countryside to historic townscape which is evident in views from the south would inevitably be eroded to some extent.

8.8 Kettering Road has less of a dramatic change from rural countryside to historic townscape, with a more gradual transition as a result of the Stamford Endowed School buildings and facilities and some more modern C20 housing, together with the new Cecil Place development. The design, scale and setback of the proposed dwellings facing Kettering Road is appropriate, would help to maintain a sense of local distinctiveness, and again would help to lessen the impact of the 3 storey townhouses opposite.

8.9 Users of the public right of way which crosses the site would inevitably experience a change of character through the site itself. However, this is a relatively short section and the overall experience of this footpath would not change significantly.

8.10 Significant landscaping and tree planting is proposed, together with the retention of existing trees and hedges. However, not all details of new planting have been submitted

and some further planting would be necessary to mitigate the impact, therefore a condition has been added to that effect.

- 8.11 The reduced site area and less intensive nature of the proposal would result in significantly less impact and therefore less harm to the setting of heritage assets than the approved scheme. The approved scheme was deemed in the appeal decision to result in harm that would be at the lower end of less than substantial. Therefore it follows that any harm from the current scheme would be very low. It is noted that neither Historic England or the Council's Conservation Officer object to the proposals and both agree with this conclusion on the likely scale of harm.
- 8.12 Taking the above into account, there would be some very limited conflict with CS policy EN1 and SAP policy SMT1a. Whether there are any material considerations that outweigh the conflict with policy is discussed in the Planning Balance and Conclusion section of this report.

### **8.13 Affordable Housing**

- 8.13.1 CS Policy H3 (read in conjunction with the National Planning Practice Guidance and South Kesteven Planning Obligations DPD) requires developments of 10 or more dwellings or site area of >0.5ha to provide 35% affordable housing. In this case the site is 0.9ha and therefore meets the threshold for provision of affordable housing.
- 8.13.2 Affordable housing would in most cases be expected to be provided on site. However Policy H3 also states that on smaller developments of between 5 -15 dwellings, provision may be made off site or as a commuted sum in lieu of provision. In this case a commuted sum is the preferred option, given the nature of the development.
- 8.13.3 In this case, 35% affordable housing would be 1.75 dwellings. Using the formula set out in the South Kesteven Planning Obligations SPD, this equates to a commuted sum of £990,000.
- 8.13.4 Policy H3 allows some flexibility in the overall percentage of affordable housing and states "In negotiating the level of affordable housing, the Council will have regard to the overall viability of individual development schemes". In other words, a reduced level would be accepted if it can be demonstrated through a viability assessment that the full 35% would make the development unviable.
- 8.13.5 The applicants have asserted that the proposal would not be viable with the full £990,000 financial contribution and have submitted a viability appraisal to back this up. They have also provided evidence of previously agreed option for sale of the land, based on the extant planning permission.
- 8.13.6 The NPPF read together with the National Planning Practice Guidance (NPPG) has very clear guidance on assessing viability. Part of the viability assessment involves establishing a benchmark land value. Normally this would be based on existing use value plus a premium to provide a reasonable incentive for the land owner to bring forward land for development (EUV+). The NPPG also states that an alternative use value (AUV) can be

used as a benchmark land value in circumstances where there is an extant implementable permission.

- 8.13.7 Only when the residual land value, that is, gross development value minus gross development costs (including developer profit) is less than the benchmark land value should a lower level of planning obligations such as affordable housing be considered.
- 8.13.8 The applicant's viability appraisal has been assessed by the District Valuer Services of the Valuation Office Agency (VOA), who consider that the appraisal is generally robust, and that sufficient evidence has been produced to establish an AUV ie the value of the land, should the extant permission be implemented. If the full £990,000 affordable housing contribution was paid, the land value would be significantly less than the AUV and therefore the proposal would not be viable.
- 8.13.9 The VOA have questioned some of the applicant's figures and conclude that the development can afford £363,128 which is slightly more than the £310,000 figure in the applicant's appraisal. The applicant has accepted the VOA's conclusion. It should also be noted that the land value given in the applicant's appraisal is actually less than the AUV. In other words, the land owner is willing to settle for slightly less than they would have got through implementing the extant permission.
- 8.13.10 Taking the above into account, in this respect the proposal accords with CS Policies SP4 and H3, the South Kesteven Planning Obligations SPD, the NPPF (Section 5: Delivering a sufficient supply of homes) and the NPPG.

#### **8.14 Impact on residential amenity**

- 8.14.1 Taking into account the scale and nature of the proposal, and adequate separation distances from the nearest properties, there would be no unacceptable adverse impact on the residential amenities of future occupiers or the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy EN1 of the South Kesteven Core Strategy.

#### **8.15 Highway issues**

- 8.15.1 Concerns raised about highway safety and increased traffic are noted. However, subject to conditions requiring provision of a new footpath along the frontage to link with the existing footpath, neither LCC Highways or Highways England have objected. Furthermore, LCC Highways have stated that the proposal would not prevent development of the eastern half of the allocated site as a second access from Kettering Road could be provided without unacceptable highway safety implications. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with CS policy SP3 and the NPPF Section 9.

#### **8.16 Ecology**

- 8.16.1 CS policy EN1 together with NPPF section 15 require developments to contribute towards conservation and enhancement of biodiversity and avoid and/or mitigate any adverse impacts.
- 8.16.2 Concerns have been raised in relation to the impact of the development on local wildlife and ecology. A Phase 1 Habitat Survey was originally undertaken in 2013 and with an update of undertaken in 2016 in relation to the extant permission. That Phase 1 Habitat Survey indicates that the development will not have any significant adverse impact on any protected species, although it does recommend some mitigation measures including providing additional bat and bird boxes as part of the development. It is recommended that a condition requiring the proposed mitigation measures be attached to any consent. Natural England has raised no objections to the proposed development.
- 8.16.3 In this respect the proposal is acceptable and in accordance with the NPPF (Section 15: Conserving and enhancing the natural environment) and CS policy EN1.

#### **8.17 Drainage**

- 8.17.1 CS policy EN2 together with NPPF Section 14 seeks to direct development to areas with the least probability of flooding, together with implementation of SuDS drainage where possible, in order to minimise surface water runoff.
- 8.17.2 The site is in EA flood risk zone 1 which means it is at low risk of flooding. The submitted flood risk assessment concludes that the site is suitable for residential development subject to finished floor levels being high enough to minimise risk of flood from the stream which runs along the western boundary. The Local Lead Flood Authority have raised no objections.
- 8.17.3 In this respect the proposal is in accordance with the NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change) and CS policy EN2.

#### **8.18 Other issues**

- 8.18.1 The loss of an unobstructed view from a domestic property across open fields is not a material planning consideration and has not been taken into account.

### **9 Section 106 Heads of Terms**

- 9.1 The proposed development would necessitate financial contributions via a section 106 agreement. The requirements include:
  - i. Financial contribution of £363,128 towards off site affordable housing
- 9.2 This contribution will ensure an appropriate contribution towards local affordable housing need. This requirement would be compliant with the statutory tests of the CIL regulations as well as South Kesteven Core Strategy Policies H3 and SP4, as well as the South Kesteven Planning Obligations SPD and the NPPF.

## **10 Crime and Disorder**

10.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **11 Human Rights Implications**

11.1 Articles 6 (Rights 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. It is considered that no relevant Article of that act will be breached.

## **12 Conclusion and Planning Balance**

12.1 Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal conflicts with CS policies EN1, and SAP Policy SMT1a as a result of less than substantial harm to the setting of heritage assets. However, in this case there are a number of factors which weigh in favour of the proposal. It is therefore necessary to carry out a balancing exercise to determine whether such material considerations outweigh the identified conflicts with the development plan.

12.2 NPPF para. 196 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"

12.3 The level of harm would be significantly less than that of the extant permission which was itself deemed by the inspector to be at the lower end of the scale of "less than substantial harm". The public benefits of the scheme, from provision of new housing (including affordable housing) in a sustainable location to meet local needs and resultant economic benefits to local services and during construction, would also be reduced as the number of dwellings proposed on the application site has been reduced from 12 to 5. However, it is considered that these public benefits are sufficient to outweigh the very low level of identified harm.

12.4 In the overall planning balance, there would be limited conflict with the development plan, inasmuch as there would be some very limited harm to the character and appearance of the area, related mainly to the less than substantial harm to the significance of the heritage assets. In such circumstances permission should be refused unless material considerations indicate otherwise. In this case the benefits outlined above combined with the fact that this is an allocated housing site which Policy STM1 of the DPD anticipated as delivering up to 50 dwellings on the site are material considerations, the totality of which are sufficient, in this instance, to outweigh the limited identified harm and the proposed development is acceptable in this and all other respects.

## **13 Recommendation**

- 13.1 Approve the application subject to the conditions set out in the report and subject to completion of a S106 planning obligation securing the requirements specified in Section 9 of the report. Where the S106 obligation has not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of that obligation.
- 13.2 In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Head of Development Management, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused planning permission for the appropriate reason(s) on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.
- 13.3 **RECOMMENDATION: that the development is Approved/Allowed subject to the following conditions**

#### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **Approved Plans**

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:  
01; 02; 03A; 04; 05A; 06; 07; 08; 09A; 10; 11; 12; 13A, 14A; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34

Unless otherwise required by another condition of this permission.

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

#### **During Building Works**

- 3 Before completion of any of the dwellings, details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
  - i. proposed finished levels and contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);

- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- viii. retained historic landscape features and proposals for restoration, where relevant.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

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

5 The trees on site shall be protected in accordance with the protection measures specified in the submitted arboricultural report.

Reason: To protect the trees from unnecessary damage during construction.

6 Notwithstanding the submitted plans, prior to the completion of any of the dwellings, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

### **Before the Development is Occupied**

7 Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details.

Reason: Hard landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8 Prior to completion of any of the dwellings, a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed prior to occupation and retained thereafter.

Reason: To preserve and enhance local wildlife.

9 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.

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

10 The development hereby permitted shall not be occupied before a 1.8 metre footway to connect the development to the existing pedestrian crossing point has been provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The works shall also include appropriate arrangements for the management of surface water run off from the highway.

Reason: To ensure safe access for pedestrians to the development site without increasing flood risk to the highway and surrounding area.

11 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

### **Ongoing Conditions**

12 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

### **Standard Note(s) to Applicant:**

1 The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highways Authority

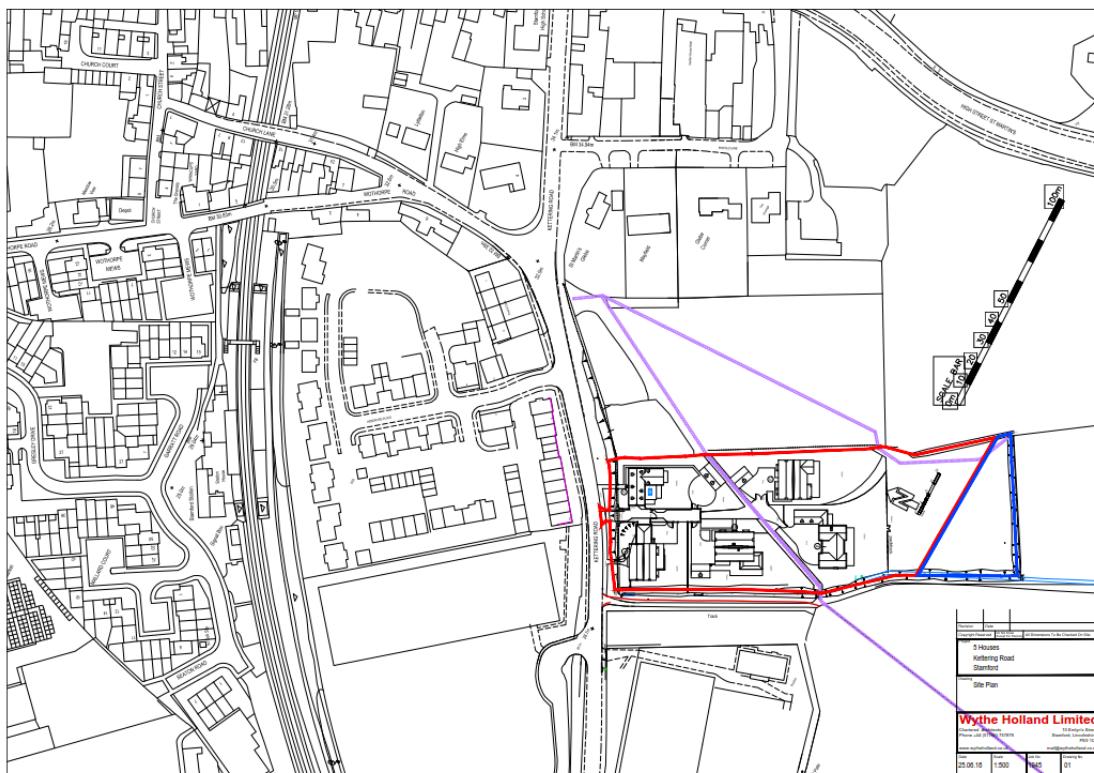
in accordance with the authority's specification that is current at the time of construction. For further information, contact 01522782070.

- 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 paras 38 of the National Planning Policy Framework.
- 3 The road serving the permitted development is approved as a private road which will not be adopted as a highway maintainable at the public expense (under Highways Act 1980). as such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
- 4 Please contact Lincolnshire County Council Streetworks and Permitting Team on 01522782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- 5 The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council as local highway authority

**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**

## Proposed Site Location Plan



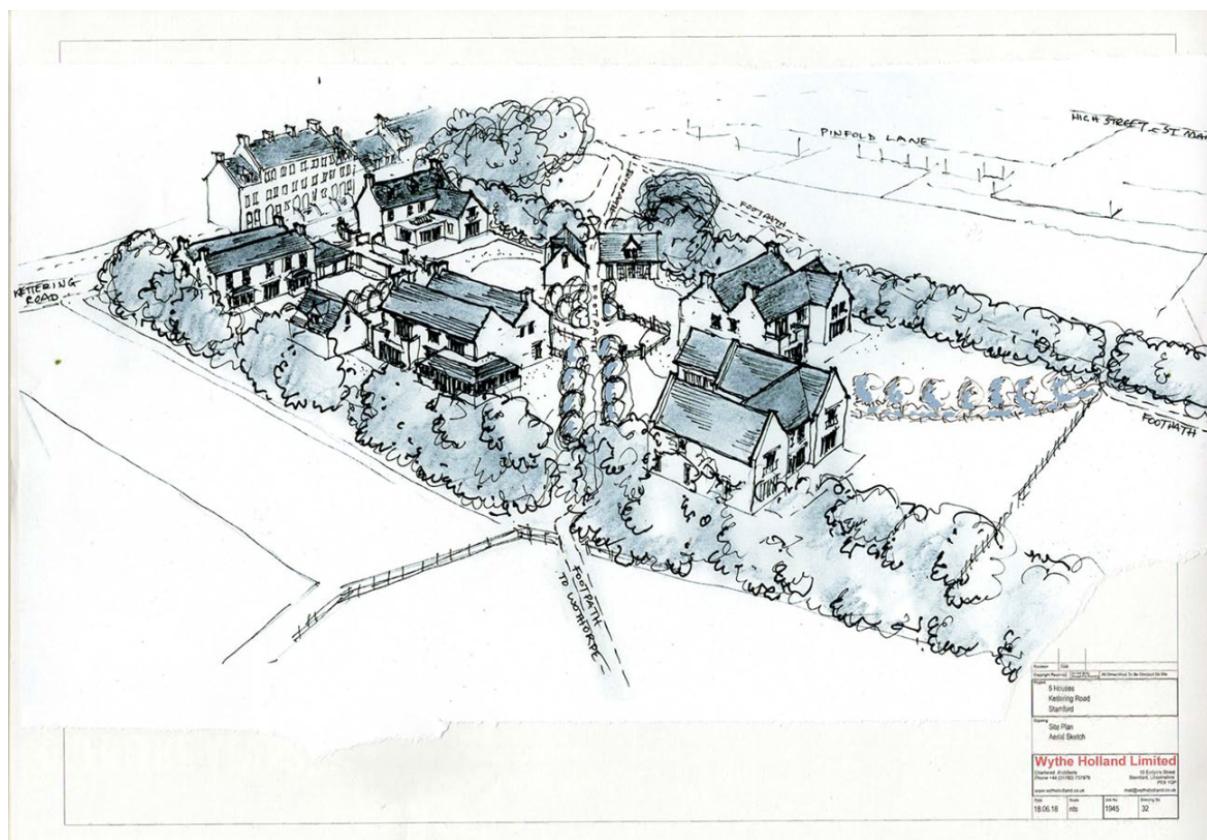
## Proposed Block Plan



## Site Section



## Aerial Sketch



## Plot 1 Elevations



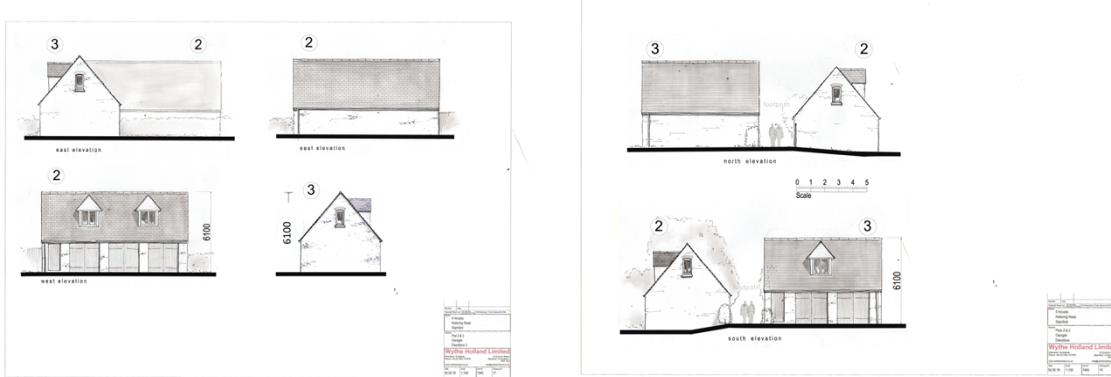
## Plot 2 Elevations



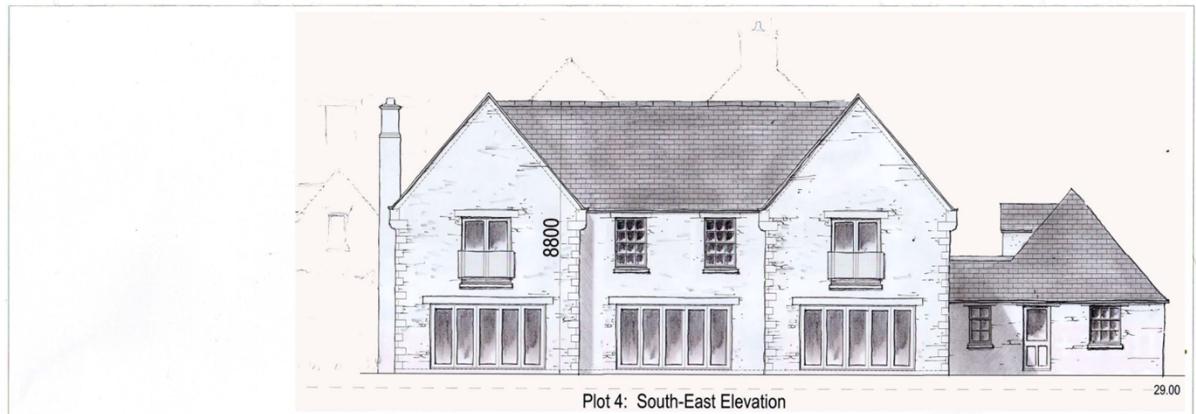
## Plot 3 Elevations



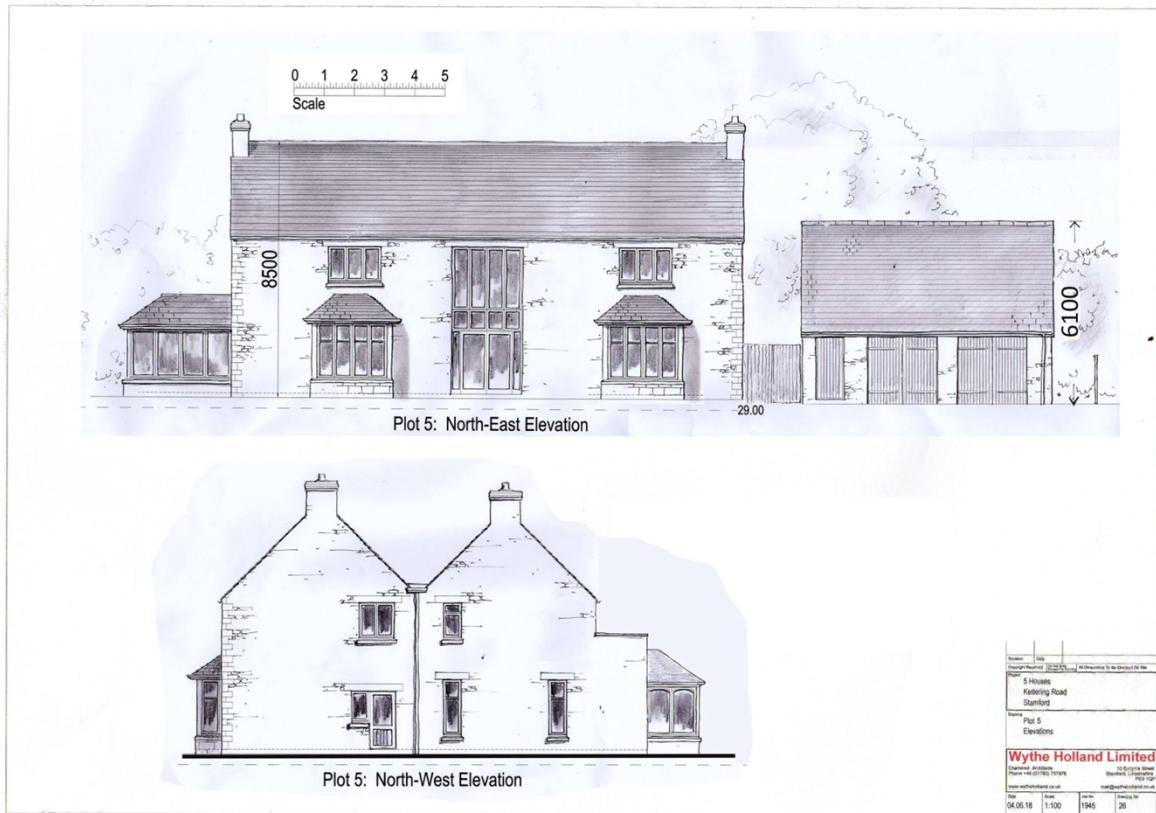
## Plots 2 and 3 garages



## Plot 4 Elevations



## Plot 5 Elevations



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# Appendix 1A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Appendix 1B

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of the Local Government Act 1972.

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# Appendix 1E

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of the Local Government Act 1972.

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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## S19/0005

Proposal: Erection of dwelling  
Location: 2 Drummond Road, Bourne, Lincolnshire, PE10 9JF  
Applicant: Mr And Mrs Tom Byrne, 2 Drummond Road, Bourne, Lincolnshire, PE10 9JF  
Agent: Le Sage Associates, 40 Bridge Street, Deeping St James, Lincolnshire PE6 8HA  
Application type: Full Planning Permission

**Reason for referral to committee:**

Request by Cllr Baxter on the grounds of highway and visual amenity contrary to policy EN1.

**Key Issues:**

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

**Report Author**

Jen Wallis, Development Management Planner

01476 406080

jennifer.wallis@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Bourne Austerby

Reviewed by: Sylvia Bland, Head of Development Management | 19 March 2019

**Recommendation (s) to the decision maker (s)**

Recommended decision

That the application is: Approved conditionally



## Application Boundary



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## **1 Description of site**

1.1 The site subject to this application is land at 2 Drummond Road, Bourne. The site lies to the south of No. 2 on the corner of Drummond Road and the A15, South Road. No. 2 Drummond Road is a detached two storey dwelling with a rear and side amenity area. The site is surrounded by residential properties to the north, east and west with the highway junction with the A15 to the south and beyond that a cemetery.

## **2 Description of proposal**

2.1 This application seeks to erect one dwelling on land that currently forms part of the garden at no. 2 Drummond Road.

2.2 The proposal seeks to erect a single-storey three bedroom dwelling with the access leading off Drummond Road by sitting alongside the existing access that serves no. 2.

2.3 The dwelling would cover an area of 12.5m by 8.5m with a ridge height of 5.5m and a projecting gable with a ridge height of 4.3m.

## **3 Relevant History**

3.1 No relevant planning history

## **4 Policy Considerations**

### **4.1 National planning Policy Framework (NPPF)**

Section 9 - Promoting sustainable transport  
Section 5 - Delivering a sufficient supply of homes  
Section 12 - Achieving well-designed places

### **4.2 South Kesteven Core Strategy**

Policy EN1 - Protection and Enhancement  
Policy H1 - Residential Development  
Policy SP1 - Spatial Strategy

### **4.3 Other Policies**

Policy SAPH1 - Other housing development

## **5 SKDC Corporate Priorities**

5.1 Growth – a growing population and a growing economy creates jobs, secures infrastructure and attracts investment

## **6 Representations Received**

### **6.1 Welland & Deeping Internal Drainage Board**

6.1.1 No comments

6.2 **LCC Highways & SuDS Support**  
6.2.1 No objections (informative provided)

6.3 **Environmental Protection Services (SKDC)**  
6.3.1 No comments

6.4 **Historic Buildings Advisor (SKDC)**  
6.4.1 The application site is on the opposite side of the road to Bourne cemetery and its Grade II Listed Chapel of Rest. The proposed development will not impact on the setting of that heritage asset. No objection to the proposal.

6.5 **Lincolnshire County Council - Footpaths Officers**  
6.5.1 No comments

## **7 Representations as a Result of Publicity**

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 2 letters of representation have been received. The points raised can be summarised as follows:

1. Concerns regarding traffic safety due to bringing the access closer to the junction with South Road
2. Impact of vehicles parking along the road
3. Concerns of impact of traffic/parking during construction
4. Concern regarding building materials
5. Concerns regarding impact on watercourse/concern over flood risk
6. Over development

## **8 Evaluation**

8.1 Core Strategy Policy SP1 (Spatial Strategy) sets out a framework guiding the location of new development within the District and provides that majority of new development shall be focussed on Grantham and the market towns of Stamford, Bourne and the Deepings. Policy SAP H1 (Other Housing development) of the Site Allocation and Policies - Development Plan Document (2014) states that:

8.2 In accordance with Policy SP1 of the Core Strategy new housing development will also be provided in Bourne, Stamford, Market Deeping, Deeping St James and the 16 Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built up parts of these settlements.

8.3 Whilst Core Strategy Policy H1 (Residential Development) provides that development in Bourne should be restricted to that already committed via planning approval of the date of the adopted Core Strategy, this position has been superseded by the provisions of Policy SAP H1 (Other housing development) of the Site and Allocation and Policies - Development Plan Document (2014) which allows small scale housing development within the built up part of Bourne.

8.4 Section 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 59 states that to support the Government's objective of significantly boosting the supply of

homes, it is important that a sufficient amount and variety of land can come forward where it is needed. It goes on to state, in Paragraph 68, that local authorities should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements.

8.5 Having regard to the nature of the proposal, its scale and location within the built up part of the town, it is considered that the proposal would be in accordance with the above national and local policies. Its impact on the character of the area as well as on the amenities of the occupiers of neighbouring properties are evaluated in the following sections of the report.

## 8.6 **Impact on the character of the area**

8.6.1 Core Strategy Policy EN1 (Protection and enhancement of the character of the district) provides 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 contributes to its conservation, enhancement or restoration.”

8.6.2 Section 12 of the NPPF sets out the importance of achieving well-designed places to ensure that proposals are only approved when proposals address the need to improve the character and quality of an area.

8.6.3 Para 127 provides that planning policies and decisions should ensure that a development will function well and add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while nor preventing or discouraging appropriate innovation or change.

8.6.4 This application seeks to construct a single storey dwelling to the south of No. 2 Drummond Road on land which currently forms part of the residential curtilage to this property. No. 2 is a two storey detached dwelling and forms part of a row of detached properties to the east of Drummond Road. To the rear of the site is a detached dwelling which fronts South Street and there are detached bungalows opposite the site. The creation of a detached single storey dwelling would be in keeping with the general character of this part of Drummond Road and South Street.

8.6.5 Sited to the south of the host property, the proposed dwelling would be built respecting the building line on Drummond Road and would not be out of character with the layout of existing dwellings on South Road. The dwelling would occupy part of the garden to No. 2, however, ample rear amenity space would be retained to the host property as well as adequate garden for the proposed dwelling. Therefore, the proposed dwelling would not appear cramped or overdeveloped within the plot, retaining adequate amenity area for both the host property and proposed dwelling.

8.6.6 The proposed bungalow is to be constructed from a buff facing brick with red concrete tiles. Whilst the host property, No. 2, is constructed in red brick the proposed buff brick would be in keeping with other properties on Drummond Road and South Street and would respect the character and appearance of the area.

8.6.7 By virtue of the design, scale and materials to be used, the proposal is considered to be in keeping with the streetscene and surrounding context in accordance with the NPPF Section 12, and Policy EN1 of the South Kesteven Core Strategy.

## 8.7 **Impact on the neighbours' residential amenities**

8.7.1 The proposed dwelling is to be sited to the southwest of the host property, No. 2 Drummond Road. The dwelling is to be single storey and would be separated from the shared boundary with No. 2 by 1 metre. A small bathroom and secondary living room window are proposed on the east elevation which will be screened by a 1.8m close boarded fence. The proposal would not have any adverse impact on the residential amenities of the host property.

8.7.2 To the north and east properties are sufficient distance and screening from the proposed single storey dwelling so as not to be adversely affected and there is a highway junction to the southwest.

8.7.3 Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of the nearest property to the west and is therefore in accordance with the NPPF Section 12, and Policy EN1 of the South Kesteven Core Strategy.

## 8.8 **Highway issues**

8.8.1 Access to the property is proposed to the west off Drummond Road with a driveway to the north of the site providing parking for one vehicle. Concern has been expressed with regards to the proposal being close to a busy junction, congestion and inadequate parking. The access would be to the north of the site set back from the junction with South Street, the A15, and off street parking is provided to the frontage of the property, albeit for one vehicle. The Highway Authority have been consulted on the proposal and have raised no objection to the access or parking in terms of highway safety.

8.8.2 The proposal would result in adequate access and parking facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9. Furthermore, LCC Highways and SuDs have raised no objections to the proposal.

## 8.9 **Flood Risk**

8.9.1 Concern has been expressed with regards to the impact on a watercourse/pipe in the vicinity of the site and historic surface water flooding. The application site forms part of the garden/amenity area to No. 2 Drummond Road. Both the Drainage Board and LCC SuDs have raised no objection to the proposal. It is considered that the proposal would not have any adverse impact on any watercourse or increased flood risk in the area subject to suitable on site drainage which can be imposed by means of a condition.

## 9 **Crime and Disorder**

9.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **10 Human Rights Implications**

- 10.1 Articles 6 (Rights 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.
- 10.2 It is considered that no relevant Article of that act will be breached.

## **11 Conclusion**

- 11.1 Having regard to the scale, design of the development, as well as the pattern of development in the area, it is considered that the proposal would not lead to any significant adverse impact on the amenities of the occupiers of neighbouring properties, would not lead to a significant adverse impact on the character of the area or impact on the surrounding highway network. Accordingly, it is considered that the proposal would be in accordance with Core Strategy Policy EN1 and therefore, it is recommended that permission be granted, subject to conditions.

## **12 Recommendation**

- 12.1 **RECOMMENDATION: that the development is Approved/Allowed subject to the following conditions**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Location and Block Plan, 1975-01, received 31 December 2018
  - ii. Proposed Floor Plan, 1975-02 Rev A, received 31 December 2018
  - iii. Proposed Elevations, 1975-03, received 31 December 2018

Unless otherwise required by another condition of this permission.

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

### **Before the Development is Commenced**

- 3 Before the development hereby permitted is commenced, plans showing the existing and proposed land and floor levels of the development including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4 Before the development hereby permitted is commenced, a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

### **During Building Works**

5 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

6 Before any dwelling hereby permitted is occupied/ brought into use, the finished floor levels for that building shall have been constructed in accordance with the approved land levels details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments as shown on plan reference 1975/02 Rev A, shall have been completed.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8 Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

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

### **Ongoing Conditions**

9 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be

constructed within the curtilage of the bungalow without Planning Permission first having been granted by 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).

10 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the bungalow other than those expressly authorised by this permission shall be carried out without Planning Permission first having been granted by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and in order to protect the character of the area.

**Standard Note(s) to Applicant:**

- 1 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- 2 The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
- 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 paras 38 of the National Planning Policy Framework.

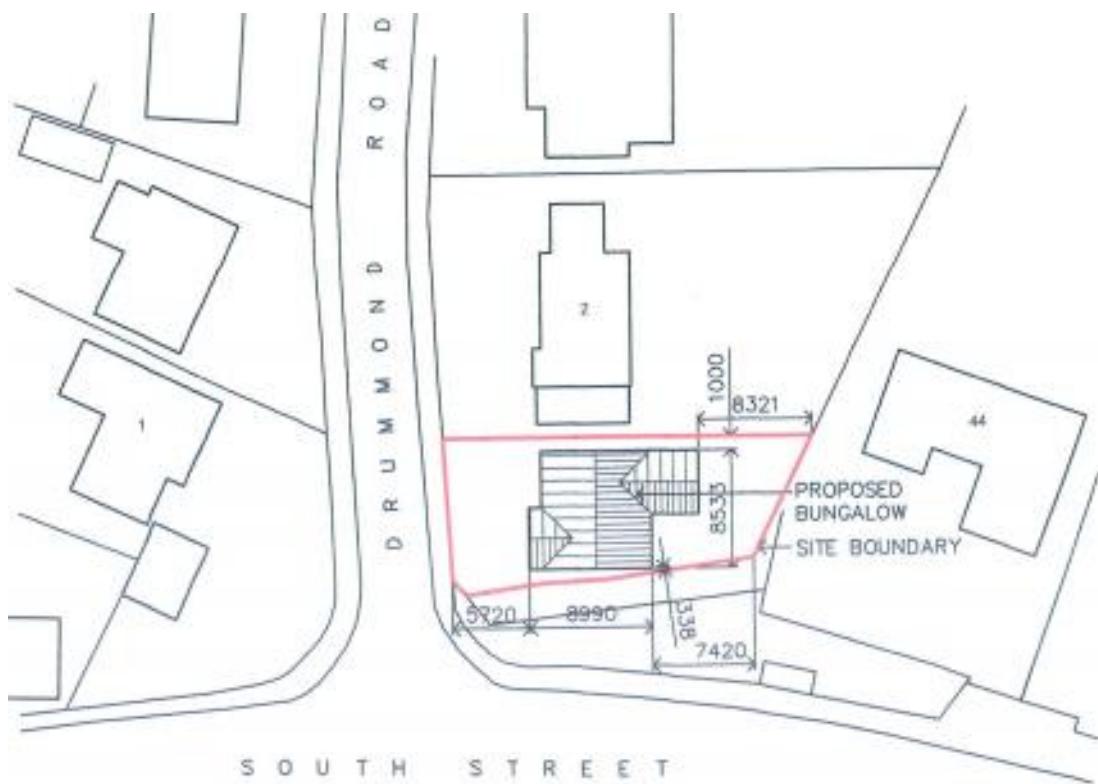
**Financial Implications reviewed by: Not Applicable**

**Legal Implications reviewed by: Not Applicable**

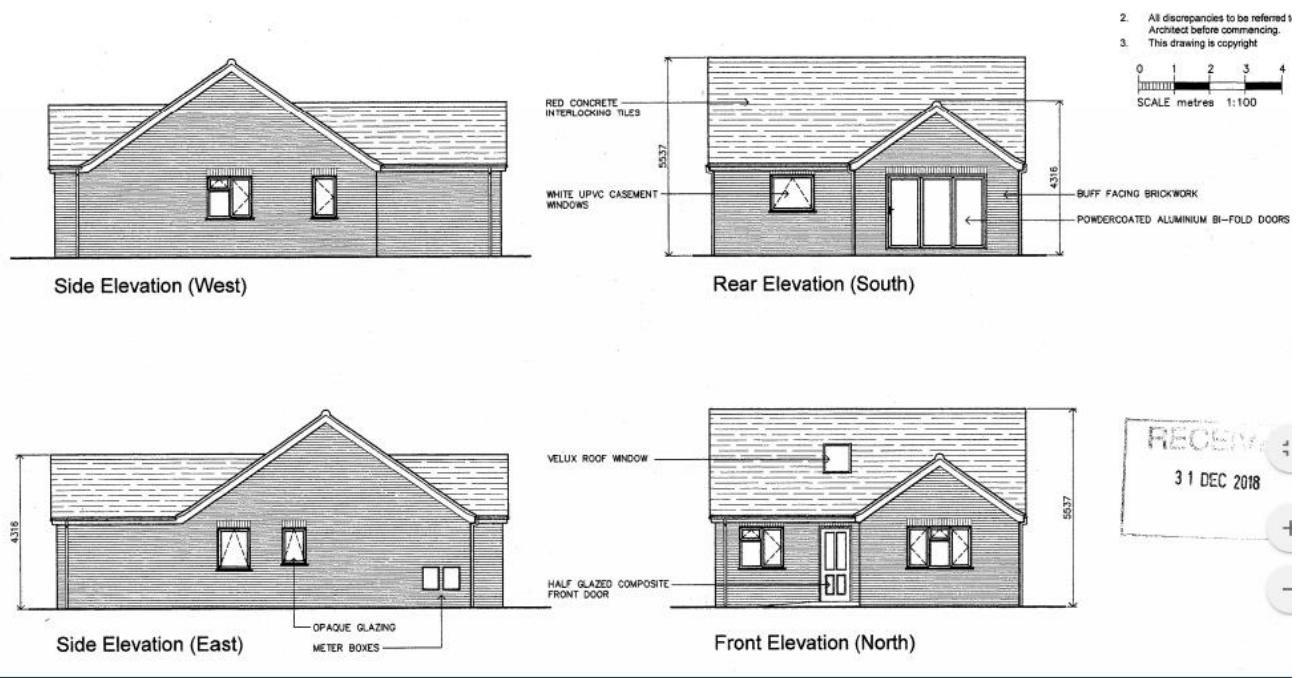
## Location Plan



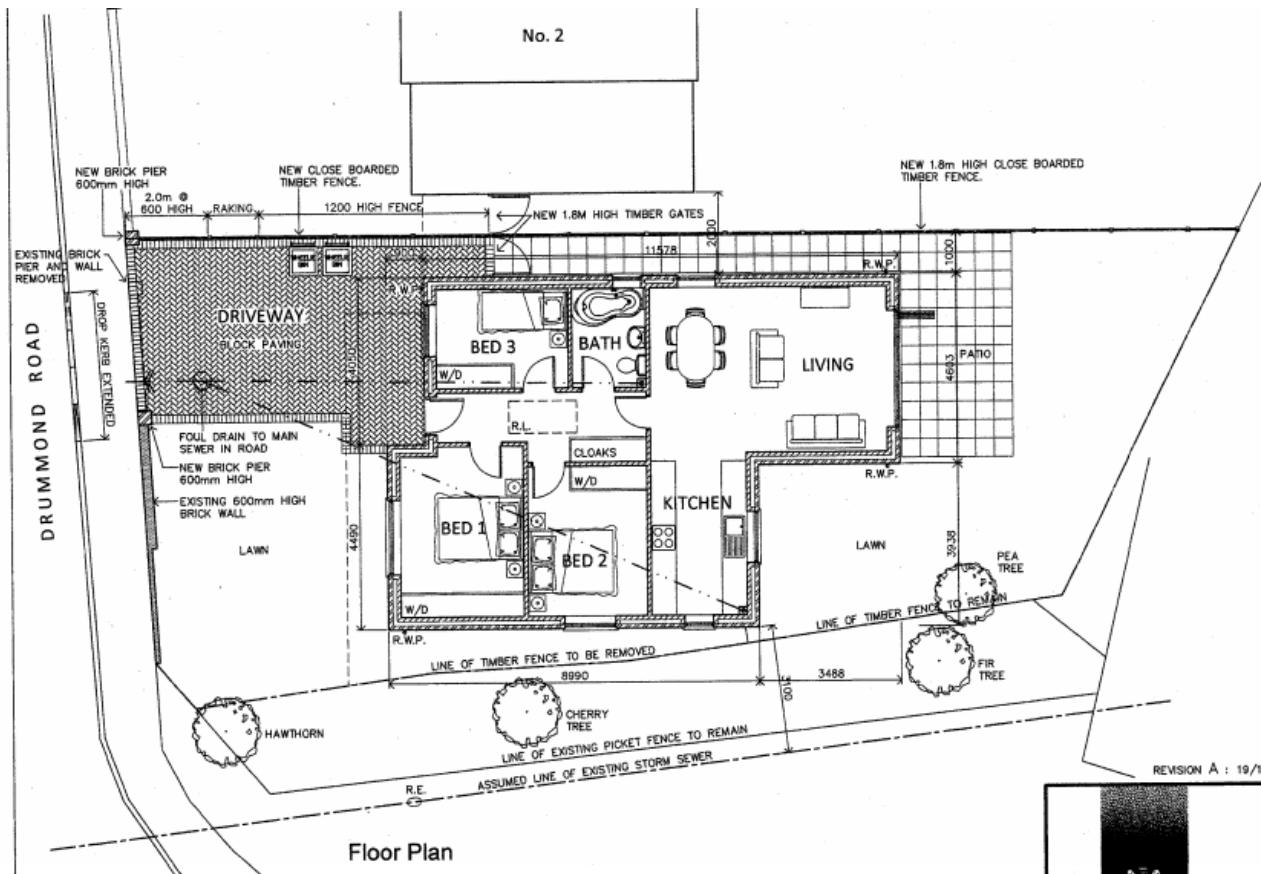
## Block Plan



## Elevations



## Floor Plan



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## Development Management Committee

2 April 2019

### S18/2378

**Proposal:** Amendment to S18/0234, single storey side extension and garage to family room.  
**Location:** 1 Harrowby Mill Lane Grantham Lincolnshire NG31 9EP  
**Applicant:** Manthorpe Construction, 1 Waterside Drive, Grantham, Lincolnshire, NG31 9FA  
**Application type:** Full Planning Permission

#### Reason for referral to committee:

Request by Cllr Selby on the grounds of negative heritage impact on the Listed Building, Harrowby Mill.

#### Key Issues:

- Impact on setting of Listed Building

#### Report Author

Peter Lifford, Development Management Planner

01476 406391

p.lifford@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Harrowby

**Reviewed by:** Sylvia Bland, Head of Development Management | **18 March 2019**

#### Recommendation (s) to the decision maker (s)

Recommended decision

That the application is: Approved conditionally



## Application Boundary



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## 1 Description of site and application

- 1.1 The application site is located within Grantham and is located to the north east of the town centre off Belton Lane within an established residential area. To the north west of the site is the River Witham with a Grade II Listed Building, Harrowby Mill, adjoining the site to the north east. To the north, south and east of the site are the rear gardens to properties fronting Belton Lane, Granta Crescent and Mill Close. The site formed part of the garden area to Harrowby Mill but has been separated off as a building plot. The site is accessed via Harrowby Mill Lane, a private drive, which leads of Belton Lane.
- 1.2 The application seeks planning permission for single storey side extension, 2.04 metres wide, 3.34 metres long with a mono pitch roof on the southern side of the dwelling to provide a boiler room. Also sought is permission to use the integral garage as a family room and the fitting of bi-folding doors to replace the garage doors.
- 1.3 The dwelling is currently under construction.

## 2 Relevant History

Reference	Proposal	Decision	Date
S19/0094	Erection of detached garage	Pending Decision	
S18/0234	Erection of a two storey detached dwelling	Approved Conditionally	03/04/2018

## 3 Policy Considerations

- 3.1 **National Planning Policy Framework (NPPF)**  
Section 12 - Achieving well-designed places
- 3.2 **South Kesteven District Council Core Strategy**  
Policy EN1 - Protection and Enhancement
- 3.3 **Submission Draft Local Plan**  
Policy SD1 Presumption in favour of Sustainable Development  
Policy SD2 Principles of Sustainable Development in South Kesteven  
Policy EN6 The Historic Environment

## 4 SKDC Corporate Priorities

- 4.1 Growth – a growing population and a growing economy creates jobs, secures infrastructure and attracts investment

## 5 Representations Received

### 5.1 LCC Highways & SuDS Support

5.1.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

### 5.2 Historic Buildings Advisor (SKDC)

5.2.1 No objection from a conservation point of view.

## 6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and four representations have been received from two addresses. The points raised can be summarised as follows:

1. Object to this application as it leads to the creation of another building and degrades the character of this site between the Listed Building of Harrowby Mill and other neighbouring residences.
2. The conversion should only be granted if there is a caveat that no further buildings can be constructed on the site or within the original grounds of the Listed Building.

## 7 Evaluation

### 7.1 Principle of the use

7.1.1 The dwelling house on the site has planning permission and is currently under construction. The proposed works are related to the dwelling so the principle is acceptable within this wholly residential area.

### 7.2 Impact of the use on the character of the area

7.2.1 Policy EN1 of the Adopted Core Strategy states that development must be assessed in relation to local distinctiveness and sense of place, the layout and scale and the character of the local area. Paragraph 64 of the NPPF states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of the area.

7.2.2 To the north west of the site is a Grade II Listed Building, Harrowby Mill. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

7.2.3 The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF advises that the significance of

designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Local Planning Authorities should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

- 7.2.4 The small extension to the south east side of the dwelling will not be visible from the adjacent Listed Building and having regard to the separation between them would ensure that the proposal would not harm the setting of the Listed Building.
- 7.2.5 The application also proposed an alteration to the integral garage, changing its use to a family room and the fitting of bi-folding doors. this change and alteration will not have any adverse impact on the character of the area.
- 7.2.6 It is therefore considered that the appearance, layout and scale of the proposal would be acceptable and would not have a detrimental impact on the character and appearance of the area and street scene or the setting of the adjoining Grade II Listed Building and would comply with the NPPF and Policy EN1 of the CS.

### **7.3 Impact on the neighbouring properties**

- 7.3.1 Due to the location and size of the extension, this will have no detrimental impact on the residential amenities of adjacent dwellings, causing no loss of light or privacy. Similarly, the use of the garage as a family room and the introduction of bi-folding doors will have no impact on adjacent residential amenity, it is within the existing structure and due to the relationship with adjacent dwellings and land levels there will be no overlooking or loss of privacy.

### **7.4 Highway issues**

- 7.4.1 The highway authority have raised no objection to the proposal, although the garage space is being lost through this proposal there will remain adequate parking/turning and access being provided within the site.
- 7.4.2 Therefore, it is considered that the development would not lead to any adverse impact on highway safety or capacity.

## **8 Crime and Disorder**

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

- 9.1 Articles 6 (Rights 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.
- 9.2 It is considered that no relevant Article of that act will be breached.

## **10 Conclusion**

10.1 The proposed works have no adverse impact on the dwelling itself, the street scene or character of the area. There will be no adverse loss of residential amenity and the proposal is also considered acceptable in terms of highway safety. The proposal is therefore considered be appropriate for its context and is in accordance with policies EN1 of the South Kesteven Core Strategy and the NPPF section 12.

## **11 Recommendation**

**RECOMMENDATION: that the development is Approved subject to the following conditions**

### **Approved Plans**

1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. RD2017:020-01 Rev B received 20 December 2018
- ii. Ground and first floor plan received 24 December 2018
- iii. Block and location plan received 25 February 2019

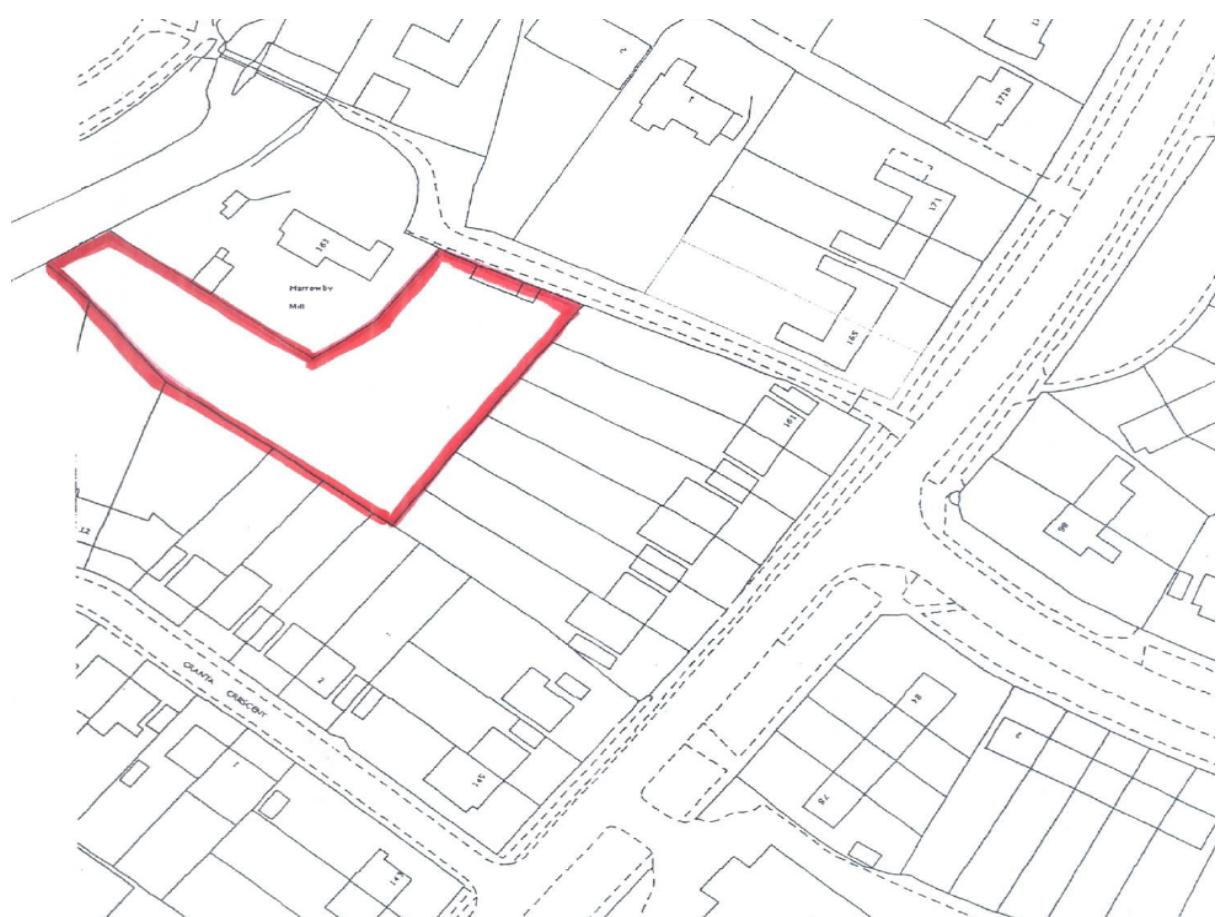
Unless otherwise required by another condition of this permission.

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

**Financial Implications reviewed by: Not Applicable**

**Legal Implications reviewed by: Not Applicable**

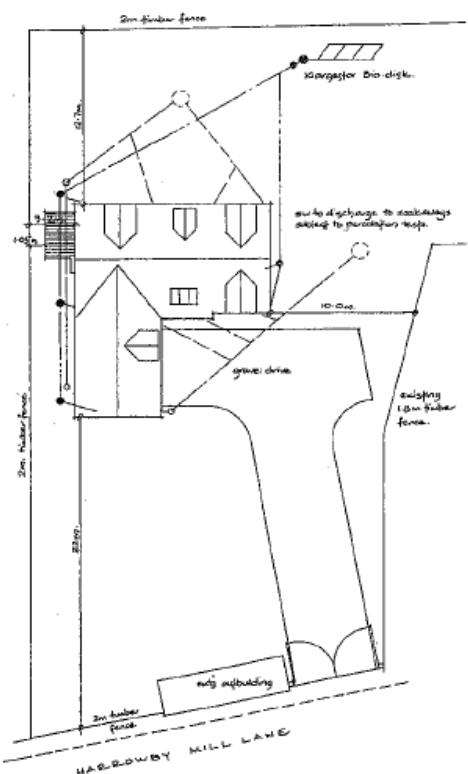
Site Location Plan



1-578

RECEIVED

20 DEC 2018



BLOCK PLAN  
1:500

PLAN NO: RD 2017:020 - 01 Rev. B.

PROPOSED DWELLING at  
No. 1 HARROWBY MILL LANE, GRANTHAM.

## Proposed Elevations

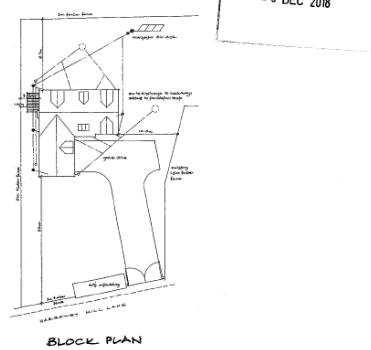


SIDE east

S 18/2378

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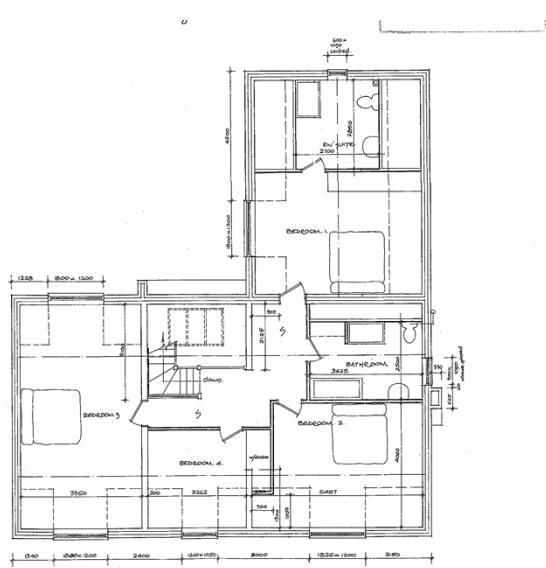
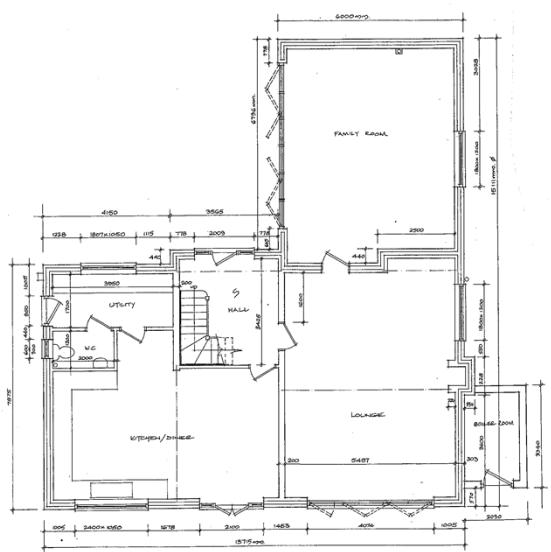
20 DEC 2018



BLOCK PLAN  
1:500

PLAN NO: RD-2017-020 - 01 Rev. B.  
PROPOSED DWELLING AT  
6G.1 HARROBY MILL LANE, GRANTHAM.

## Proposed Floor Plans



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## Development Management Committee

2 April 2019

### S19/0094

**Proposal:** Erection of detached garage

**Location:** 1 Harrowby Mill Lane, Grantham, Lincolnshire, NG31 9EP

**Applicant:** Manthorpe Construction, 1 Waterside Drive, Off Belton Lane, Grantham, NG31 9FA

**Application type:** Full Planning Permission

#### **Reason for referral to committee:**

Request by Cllr Selby on the grounds of negative heritage impact on the Listed Building, Harrowby Mill.

#### **Key Issues:**

- Impact on setting of Listed Building

#### **Report Author**

Peter Lifford, Development Management Planner

01476 406391

p.lifford@southkesteven.gov.uk

#### **Corporate Priority:**

Growth

#### **Decision type:**

Regulatory

#### **Wards:**

Grantham Harrowby

#### **Reviewed by:**

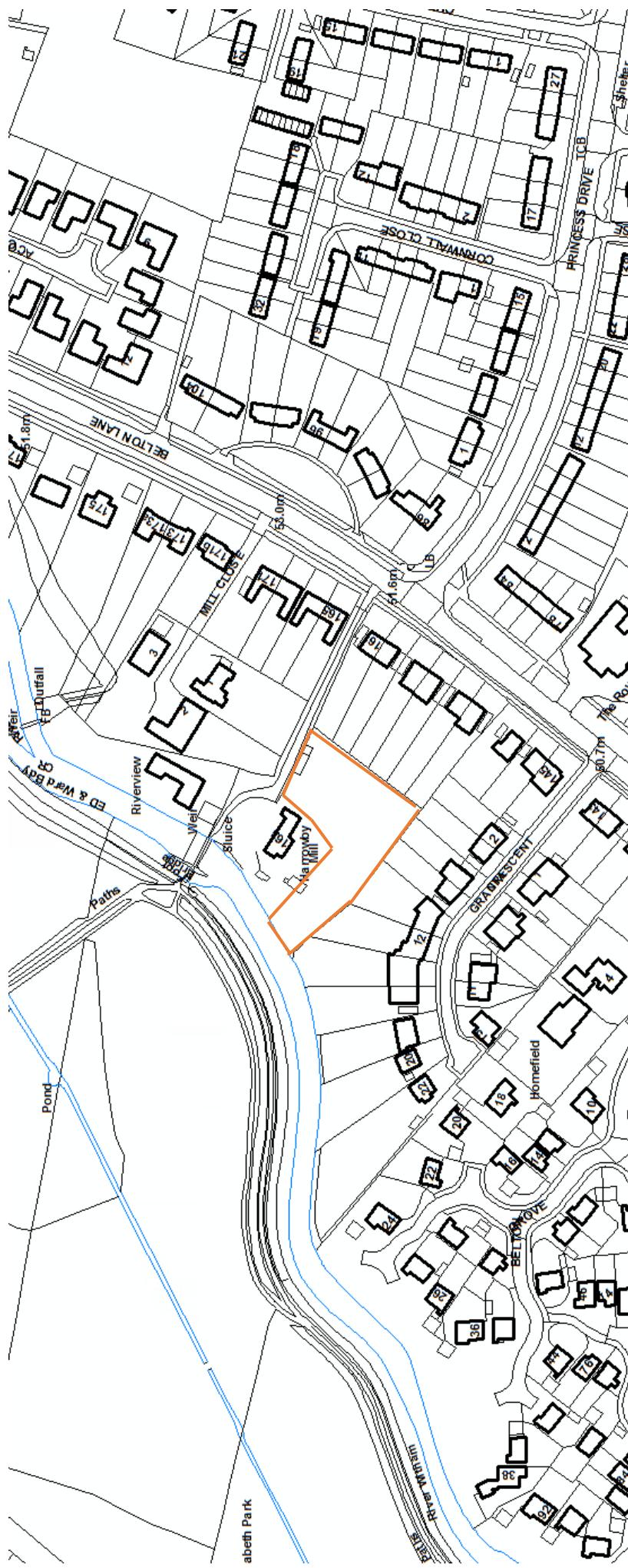
Sylvia Bland, Head of Development Management

19 March 2019

#### **Recommendation (s) to the decision maker (s)**

Recommended decision

That the application is:- Approved conditionally



## Application Boundary



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## 1 Description of site and application

1.1 The application site is located within Grantham and is located to the north east of the town centre off Belton Lane within an established residential area. To the north west of the site is the River Witham with a Grade II Listed Building, Harrowby Mill, adjoining the site to the north east. To the north, south and east of the site are the rear gardens to properties fronting Belton Lane, Granta Crescent and Mill Close. The site formed part of the garden area to Harrowby Mill but has been separated off as a building plot. Although now a separate plot, the site would still fall within the curtilage of the Listed Building as shown when it was Listed in 1972. The site is accessed via Harrowby Mill Lane, a private drive, which leads of Belton Lane.

1.2 The application seeks planning permission for a detached garage, measuring 11 wide, 7.3m deep with a ridge height of 4.29m. It is to be finished in softwood weatherboarded walls with a clay tile roof. It provides parking for three vehicles, one enclosed garage and two open fronted parking bays. It is located to the west of the house currently under construction and will be 2m away from the common south east site boundary and 7m from the common boundary with the Listed building to the north east.

## 2 Relevant History

Reference	Proposal	Decision	Date
S07/1640	Erection of one detached dwelling	Approved Conditionally	24/01/2008
S02/1093	Erection of double garage/garden store	Approved Conditionally	24/09/2002
S18/2378	Amendment to S18/0234, single storey side extension and garage to family room.	Pending Decision	
S10/0304	Erection of outbuilding	Approved Conditionally	08/06/2010
S18/0234	Erection of a two storey detached dwelling	Approved Conditionally	03/04/2018
S18/1953	Erection of detached garage	Withdrawn	06/12/2018

## 3 Policy Considerations

### 3.1 National Planning Policy Framework (NPPF)

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

### 3.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement

### 3.3 Submission Draft Local Plan

- Policy SD1 Presumption in favour of Sustainable Development
- Policy SD2 Principles of Sustainable Development in South Kesteven
- Policy EN6 The Historic Environment

## 4 SKDC Corporate Priorities

- 4.1 Growth – a growing population and a growing economy creates jobs, secures infrastructure and attracts investment

## 5 Representations Received

### 5.1 Historic Buildings Advisor (SKDC)

- 5.1.1 Harrowby Mill was built in 1702 and although the actual Mill no longer survives the house associated with it does, although the exterior was plastered, bow windows inserted and quirky clad in mock half-timbering in 1898. Internally it retains some original features. Its historic interest derives from its association with the former mill. It once stood in isolated location but has now been surrounded by predominantly mid to late twentieth century housing.
- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authorities to have special regard to the desirability of preserving listed buildings and their setting. The aim being to cause no harm. Policy EN1 (Protection and enhancement of the character of the District) of the South Kesteven Core Strategy is consistent with this requirement as it requires development proposals to be assessed in terms of their impact on the quality and character of the built fabric and their settings.
- 5.1.3 As the NPPF (February 2019) states, that great weight should be given to a heritage assets conservation and explains that the historic significance of a heritage asset can be harmed by development within its setting. The more important that asset the greater the weight should be. If harm is deemed to be 'substantial', permission should be refused and where it is considered 'less than substantial' then the harm has to be weighed against any public benefits resulting from the development.
- 5.1.4 A garage in the location and of the design proposed will not harm the setting of the nearby Listed building. The development accords therefore with the requirements of the 1990 Act, the NPPF and Policy EN1 of the Core Strategy.
- 5.1.5 As the land on which the garage is proposed was within the curtilage of the Mill when it was Listed in 1972, development within its curtilage that would otherwise be 'permitted development' would require planning permission. This includes works within the now separate plot on which a dwelling has been erected and the garage subject of this application has been proposed.
- 5.1.6 It is noted that in 2007 planning permission was granted (S07/1640) for a double garage in much closer proximity to the Listed former Mill than the garage subject of the current

application and that in 2002 permission was granted (S02/1093) and again in 2010 (S10/0304) for a garage close to the front of Harrowby Mill.

## 5.2 LCC Highways & SuDS Support

5.2.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

## 5.3 Environment Agency

5.3.1 The Environment Agency has inspected the application, and has no comments to make in respect of the proposed development, as submitted.

## 5.4 Lincolnshire County Council - Footpaths Officers

5.4.1 Grantham Public Footpath No. 2 is in the vicinity of the proposed development site although it does not appear to be affected.

# 6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and four representations have been received. The points raised can be summarised as follows:

1. Garage could be converted to a dwelling in the future.
2. Its future change of use would increase traffic on the public right of way.
3. Detrimental impact upon the character of the area around the Listed Building of Harrowby Mill for neighbouring households and users of the adjacent footpath and lane.
4. Due to its location noise and disturbance to surroundings.

# 7 Evaluation

## 7.1 Principle of the use

7.1.1 The site is located within Grantham surrounded by existing development, which is residential in character.

7.1.2 Planning permission has previously been granted on the site for a detached garage in 2007 (S07/1640) as part of a consent for a detached dwelling. Therefore the principle of the development has already been established.

## 7.2 Impact of the use on the character of the area

7.2.1 This application proposes the erection of a detached garage to the north west of the dwelling currently under construction, located 2m away from the common south west boundary with the rear gardens to the properties in Granta Crescent.

7.2.2 Policy EN1 of the Adopted Core Strategy states that development must be assessed in relation to local distinctiveness and sense of place, the layout and scale and the character of the local area. Paragraph 64 of the NPPF states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of the area.

7.2.3 To the north west of the site is a Grade II Listed Building, Harrowby Mill. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

7.2.4 Curtilage and setting are separate concepts, curtilage describes an area around a building and for those that are Listed consideration is taken of ownership both past and present. Although now in separate ownership, when the adjacent Listed Building was listed the application site formed the curtilage of the Listed Building and is still considered as the original curtilage of the Listed Building. Setting is the surroundings in which a heritage asset is experienced, its extent is not fixed and may change as the asset and its surroundings evolve.

7.2.5 The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Local Planning Authorities should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

7.2.6 Previously consent has been granted on the plot for a detached garage significantly closer to the adjacent Listed building than the current proposal. Due to the size of the proposed garage and the proposed materials to be used in its construction it is not considered that the garage would harm the character of the area. The proposed garage is to be sited adjacent to the south west boundary, away from the shared boundary with the Grade II Listed Mill. The proposed scale of the garage and the separation between them would ensure that the proposal would not have a detrimental impact on the setting of the Listed Building and would not result in harm to the significance of the Listed Building.

7.2.7 It is therefore considered that the appearance, layout and scale of the proposal would be acceptable and would not have a detrimental impact on the character and appearance of the area and street scene or the setting of the adjoining Grade II Listed Building and would comply with the NPPF and Policy EN1 of the CS.

### 7.3 Impact on the neighbouring properties

7.3.1 The garage is proposed 2m away from the common south west boundary with the rear gardens to the properties in Granta Crescent and 7m to the common boundary with the Listed building to the north east. Having regard to the distances between the garage and

the adjacent dwellings, the position of openings in the garage and its overall size and height any resulting impacts on these existing properties to the west and east in terms of loss of privacy, light levels and outlook are not considered significant to warrant refusing the development on grounds of loss of residential amenity. Concern has been raised regarding noise from the use of the vehicular access drive to the garage. The extension of the drive to the garage is not significantly more than the drive already agreed under the earlier permission in 2018 (S18/0234) and increase in noise levels would not be significant to warrant refusing the development on these grounds.

7.3.2 Taking into account the nature of the proposal, layout and adequate separation distances, it is considered that there would be no significant unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 7, and Policy EN1 of the South Kesteven Core Strategy.

#### **7.4 Highway issues**

7.4.1 Lincolnshire County Council have raised no objection to the proposal. The proposed garage will utilise the approved vehicular access off Harrowby Mill Lane and will replace the integral garage in the dwelling that is proposed to be used as a family room. There will be no increase in the number of vehicular movements to and from the site than those normally associated with a single family dwelling house.

7.4.2 Therefore, it is considered that the development would not lead to any adverse impact on highway safety or capacity.

#### **7.5 Future alterations and use of garage**

7.5.1 Concern has been expressed by local residents regarding the possible future use of the garage. The Council cannot second guess the intentions of any occupier/owner may propose on their site. However, in this instance any physical changes to the garage that would normally be allowed by Class E of the General Permitted Development Order that amount to development, including works to convert it to another purpose for example an annexe or dwelling, would require planning permission as the garage is within the curtilage of a Listed Building and such works are not permitted by part E.1(g). If changes were proposed and an application submitted local residents would be able to submit their comments and the application considered by the Council in the normal manner.

### **8 Crime and Disorder**

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

### **9 Human Rights Implications**

9.1 Articles 6 (Rights 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.

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

## **10 Conclusion**

10.1 Overall it is considered the garage will not have a detrimental impact to the setting of the adjoining Listed Building, street scene and character of the area. There will be no adverse loss of residential amenity and the proposal is also considered acceptable in terms of highway safety. The proposal is therefore considered to accord with relevant local and national planning policies

## **11 Recommendation**

11.1 **RECOMMENDATION: that the development is Approved subject to the following conditions**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. 5280 Rev B received 16 January 2019
- ii. Block and location plan received 25 February 2019

Unless otherwise required by another condition of this permission.

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

### **Before the Development is Occupied**

3 Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

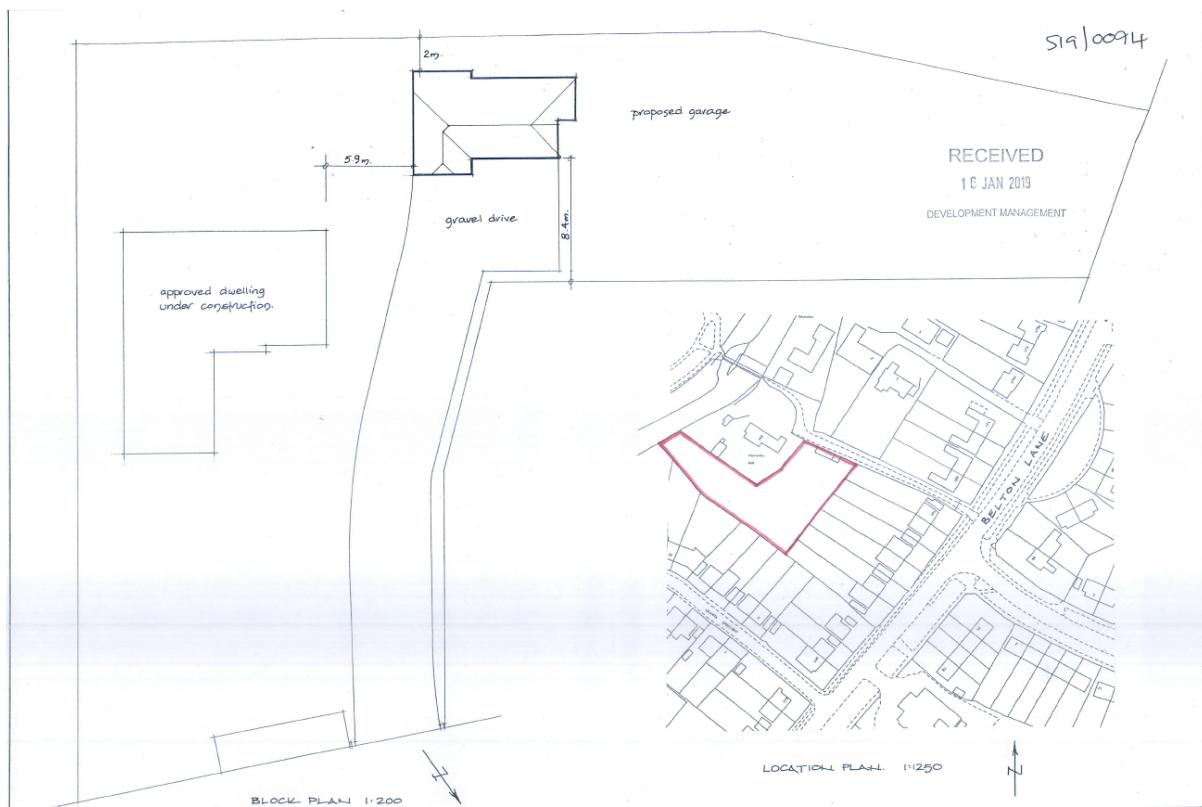
Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Financial Implications reviewed by: Not applicable

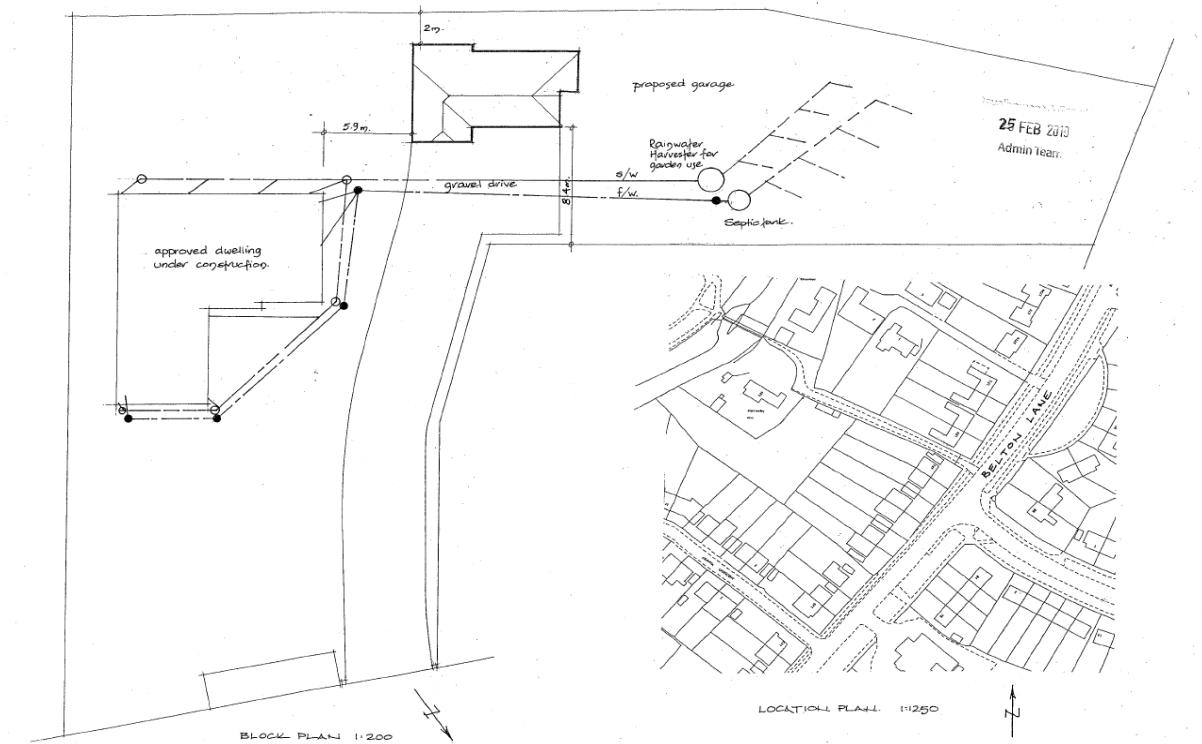
**Legal Implications reviewed by: Not applicable**



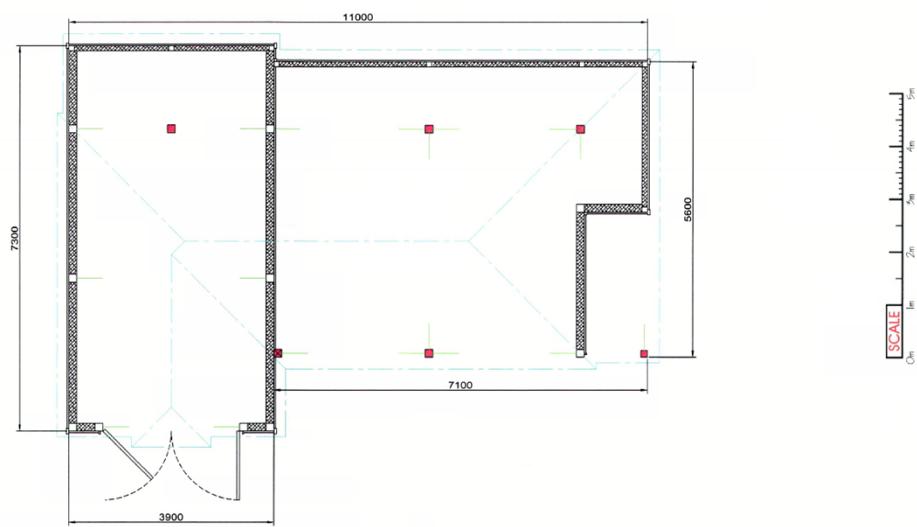
Site Location Plan



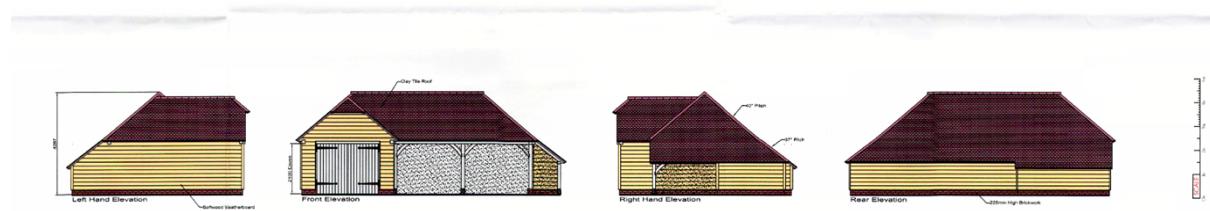
Proposed Block Plan



## Proposed Floor Plans



## Proposed Elevations



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