

Applicant	Sarah Patton, Grantham Tennis Club Grantham Tennis Club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU
Agent	Mr Lee Sowerby, BSA Design Bridge Farm, Besthorpe Road, North Scarle, Lincolnshire, LN6 9EZ
Proposal	Redevelopment of existing tennis club to include the erection of building to incorporate 4 indoor tennis courts, with associated changing, cafe, bar studios, education room and gym together with 13 outdoor tennis courts, formation of new access, car parking and landscaping
Location	Grantham Tennis Club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU
App Type	Major Full (Non-residential)
Parish(es)	Grantham
Reason for Referral to Committee	Considered to be locally controversial and at the request of the Development Control Committee Chairman.
Recommendation Summary	Approve subject to conditions

Key Issues

- Provision of enhanced sports facility
- Loss of open space
- Scale of design of buildings
- Visual impact
- Impact upon amenities of neighbours
- Parking and access

Technical Documents Submitted with the Application

- Design and Access Statement
- Transport Statement
- Green Travel Plan (revised statement)
- Flood Risk Assessment and Drainage Strategy
- Drainage Strategy
- Ecology and Protected Species Survey (plus further survey work)
- Lighting Design

REPORT

The Proposal

The proposal is for the re-development and expansion of Grantham Tennis Club to provide 4 indoor tennis courts with associated changing, cafe, bar, studios, education room and gym together with 13 outdoor tennis courts, formation of new access and car parking.

The application proposes the erection of a 3,538 sq.m building providing facilities over two floors. The buildings footprint measures 64m wide by 47m deep and will reach a maximum height of 13.5m. Set around the building will be 4 no. Artificial grass courts, 5 no. Synthetic clay courts and 4 no. Mini red courts.

The building will incorporate an asymmetric roof form with a reverse lean to detail on its southern side. The larger section of the building will incorporate solar panels on the south facing roof slope.

The building will be largely finished in grey panel sheeting, with dark grey trim, grey profiled sheet roofing and red brickwork.

Car parking is to be provided along the western edge of the site. Additional car parking is proposed between the indoor court building and the bowling greens to the north. Approximately 100 car parking spaces are to be provided together with 38 cycle parking spaces.

The development will be accessed via Gonerby Road. An existing pedestrian access will be widened to form a vehicular access with a segregated pedestrian footway retained. A one-way traffic flow arrangement is proposed, in via one access point and existing via the other.

The new facility is expected to employ 10 people, including a manager, club coaches, cafe and bar staff and cleaners.

It is proposed that the club will operate between 0700 -2200 Monday to Friday and 0700 - 2100 at weekends. The cafe will be open to non-members and the bar and gym will be limited to members only.

The application site and its surroundings

The application site comprises of the existing Tennis Club and the open recreational area of the Arnoldfield playing field on Gonerby Road, Grantham.

The existing tennis club consists of a club house and 7 all weather tennis courts enclosed by chain link fencing. A number of storage containers are set to the east of the tennis courts where a large Horse Chestnut tree is sited. This tree is to be removed as part of the proposal in accordance with the arboricultural report.

To the northern end of the site is a pond.

To the east of the site is the railway line and directly opposite to the west are Moy Park factory buildings. To the north-west of the recreation ground is Arnoldfield Court which consists of a sheltered housing complex and Arnoldfield House. Directly to the north is the bowls club, with the Hazelwood Drive / Rowanwood Drive residential development set behind this.

Site History

There is no recent planning history to the site.

Policy Considerations

Core Strategy policy EN1

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 13: Transport

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Guidance 24: Planning and Noise

Representations Received

Planning Policy

The application proposes increased and improved tennis court and club house facilities at the current tennis club site at the Arnoldfield playing fields within Grantham. This site is also an area of public open space and as such consideration must be given to the potential impact the proposal may have on open space provision in this location.

Over the next 20 years Grantham is expected to grow and develop considerably with proposals for over 7000 new homes, a significant increase in employment development and improvements to the retail offer within the town centre. With such high levels of development it will also be important that appropriate provision is made for leisure, open space and recreational activities within the town. This proposal by the Grantham Tennis Club seeks to ensure that tennis facilities for the town match these other growth aspirations. As such the principle of expanding and improving the existing club facilities is supported and would accord with the vision and objectives of both the adopted Core Strategy and the emerging Grantham Area Action Plan (GAAP). In particular the proposal satisfies Core Strategy policies SP1 - to focus new development in Grantham where it will support and strengthen its role as a sub-regional centre.) and E1 which also seeks to focus economic activity (which includes leisure and recreational activities) in Grantham.

The tennis club is located on existing public playing fields at Arnoldfield. The wider playing field site also includes a bowls club and a newly installed children's play area. These uses are specifically excluded from the application site. Consideration must therefore be given to the potential loss of open space in this area (in accordance with PPG17 and local policies EN1 of the Core Strategy and OSS2 of the emerging GAAP. The applicant has demonstrated that the proposal will increase and improve the existing formal recreation and open space provision on this site, so that whilst there will be a loss of some informal open space on site, this will be offset by the wider benefits of the proposal, specifically increased and improved tennis court provision, of which there is an recognised need within the town. I understand that Sport England have supported the proposal and are not concerned about any loss of open space in this instance. As such I conclude that there will be no net loss of recreational value of the site, in fact the recreational use and value of the site could be significantly improved. Taken together with the children's play facility and the provision of footpaths through the site the proposals should result in a good balance of formal and informal recreation space.

Policy OSS2 of the emerging Grantham Area Action Plan provides criteria against which proposals for existing open spaces should be assessed. Policy OSS2 states that "development

proposals on existing open spaces will only be permitted where it is demonstrated that: i) the proposals will provide increased or improved open space/recreation facilities” I consider that the application has fully addressed this issue and does demonstrate that there will be both improved and increased recreation provision in this location and for this specific type of formal recreation space.

As such I confirm that the proposal is in conformity with the adopted national and local planning policy of PPG17 and the Core Strategy and the emerging policy framework for the town provided by the GAAP.

Lincolnshire Heritage notes that no recognised archaeological features of interest would be affected by the proposed development.

South Kesteven Arboriculturalist commented as follows:

“This proposal involves the loss of a lime tree (no 1 in the accompanying report). The horse chestnut (no 15 in the accompanying report), sycamore (no 7 in the accompanying report) & a small hawthorn (no 16 in the accompanying report) are sensibly recommended for removal as a result of their poor condition.

The lime tree 1 is described in the accompanying report as being in a reasonable condition & I believe that it makes a positive contribution to the visual amenity of only the immediate locality. The loss of tree 1 is therefore unfortunate, but in my view tolerable when balanced against its limited contribution to the wider landscape & the obvious benefits of the proposed new tennis courts to the general public; subject to mitigating planting.

If this proposal is to go ahead in its current format then a condition will be required ensuring the protection during construction of all the retained trees as described in the accompanying report & tree protection plan. Further conditions should also accompany any consent that require the use of a sympathetic no-dig type hard surface inside the root protection areas of retained trees & a landscape plan including replacement tree planting & maintenance.”

Lincolnshire County Council, as Highway Authority, does not object to the application, subject to conditions. This is on the basis of the submitted Travel Plan and content therein.

Sport England has assessed the application in the light of Sport England’s Land Use Planning Policy Statement Planning Policies for Sport. They comment:

“The proposed development will provide excellent new facilities to support the increased demand for tennis resulting from the expansion of the club’s membership. The provision of 4 indoor courts and ancillary facilities will provide an excellent all year round new facility for the club and local community.

The application details advise that the other sports activity in this area, use of the open area adjacent to the railway line by the archery club, has been satisfactorily accommodated elsewhere in the town.

Sport England considers that this proposal will result in a major improvement in facilities available for playing tennis in the town and wishes to offer its full support to this application.

This project has been identified as a priority and gap in provision for the Lawn Tennis Association (LTA). The LTA is therefore fully supportive of the development, which has received LTA Funding Committee Stage 1 approval for their funding application and the LTA is looking to invest a significant amount of funding in to the project.”

Network Rail requested that the original scheme be amended to allow for a buffer zone between the development and railway land. As a result of the amended payout Network Rail do not object to the proposal subject to criteria set out within correspondence that will be set out in a note to applicant.

Lincolnshire Police have no objection to the proposal.

Open Space Officer supports the proposal for the extension to the existing tennis club facilities commenting:

“Although there is a reduction in informal open space, the proposed nature of the development also enhances the formal recreation provision on the site.

Although the club is membership based, having read the design and access statement I am happy that informal access to the facilities will be available to members of the public. Access to the site via Hazelwood and Rowanwood Drive has been maintained and opportunities around the periphery of the site for dog walking etc. remain. The inclusion of a picnic area enhances the amenity value of this aspect of the site.

The proposal would mean that use of the site for existing provision of archery would no longer be possible. The impact of this on the archery club needs to be considered, but I believe an alternative location has been sought for the club. Provision for other sports other than purely tennis would be desirable and possibly be of interest to the sustainability of the facility in the longer term.”

Environmental Health has no objections subject to conditions.

Natural England requested additional information regarding protection for bats and Great Crested Newts. As a result of the additional information Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and Great Crested Newts and therefore avoid affecting favourable conservation status.

Lincolnshire Wildlife Trust has no objections subject to further Bat survey work, the replacement of removed trees with native species and the development being carried out in accordance with the recommendations of the Protected Species Report being followed.

Environment Agency originally objected to the proposal requesting additional information within a Flood Risk Assessment. As a result of the additional information the Environment Agency has no objections subject to a condition.

Upper Witham Drainage Board has no objections subject to conditions.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 17th February 2012. As a result of the consultation 7 letters of objection were received. A summary of the objections received is reproduced below.

- Too large in height and size
- What is the justification for this many courts?
- Object to loss of open space
- Noise from comings and goings will be intrusive

- May lead to increased levels of anti-social behaviour
- Deep pond may be a safety risk to children
- Building will be very dominant and oppressive
- Visually intrusive
- People will park on nearby roads when car park is full
- Proposal may impact on walkway from Rowanwood Drive
- Greater traffic through Rowanwood will impact on privacy
- Design is out of character
- Increased levels of traffic
- Concerns about conflicts between vehicles, cyclists and pedestrians
- Concern about proximity to bus stop
- All trees should be retained
- Building works will impact on neighbours
- Site will need security

Following the submission of an amended Travel Plan and Flood Risk Assessment, at the request of the Local Highway Authority and Environment Agency, a further consultation was undertaken. All local residents who responded to the initial consultation were informed of the additional information. A further two weeks was allowed for the submission of observations; the closing date for representations being 16th February.

Additional consultation was undertaken following submission of an amended layout at the request of Network Rail. All local residents who responded to the initial consultation were informed of the additional information, along with the Town Council. A further two weeks was allowed for the submission of observations; the closing date for representations being 22nd February.

Applicant's submission

The project, which is part-funded by the LTA and part funded by a private investor will substantially enhance the tennis facilities that are presently available at the site. Whilst primarily a membership based club facility, informal access to the sports facilities will also be available. The loss of open space arising from the development is substantially offset by wider recreational benefits that flow from the development.

Officer Evaluation

The principle of development, which would enhance existing on-site sport provision, is supported, with PPG17, subject to certain criteria, encouraging such development.

Although an area of open space is to be lost, the Arnoldfield site is recognised in the South Kesteven District Council Open Space Study as a site for outdoor sports. The proposal will create a single centre of excellence for sport on a site where there is an established tennis club and infrastructure in place.

Running along the length of the eastern boundary, an area of land has been left open and accessible to members of the public to carry out activities such as dog walking which leads to a larger open area to the southern tip of the site offering picnic tables for recreational purposes.

With regard to scale of the building it is considered appropriate in that it would be similar to those sited across from the site within Moy Park. The design of the building would be relatively modern in terms of materials and elevation treatment. Whilst the design of the building would be relatively

modern it would utilise materials to assimilate it with the factory buildings to the south and residential properties to the north e.g. coloured cladding and red brick.

The height of the building is mainly dictated by the sporting requirements of the indoor tennis use. The building has been set back within the site so not to dominate the street scene and has maintained a substantial distance of separation from Arnoldfield House. Any potential impact is further reduced by the screening of trees within the Arnoldfield House site.

Sited some 90m from the nearest property curtilage it is not considered that the proposal would raise any significant overlooking or overbearing issues. There will be an outdoor viewing area but this is sited to the south of the building and does not offer direct views over nearby properties. The distance to residential properties should ensure that privacy will not be compromised.

Communal areas are proposed to be lit by low level, low energy lighting, operated on a time-switch. Court lighting will only be utilized whilst the courts are in use. Concern has been expressed about noise and light that may be generated from the building; however, having regard to the distance to neighbouring properties and the findings of the submitted lighting report, this is not considered to be an overriding issue.

The primary issue with the application is considered to be highway considerations. Club membership is currently 500 with the business plan setting out a predicted growth to 800 members by 2018. A Transport Statement and Green Travel Plan have been submitted and conclude that the development to increase the courts from 7 to 13 can be adequately accommodated without adverse or detrimental impact on the local highway network. The site access arrangements provide for acceptable visibility at the site entrance / exit. Adequate provision is made within the site for vehicle parking. Based on the information submitted it is therefore considered that the proposal would not have a detrimental impact on highway safety or congestion.

It is noted that concern has been expressed about construction traffic and building works and the resulting disturbance to local residents. However, this is considered to be a regular feature of all building works and only temporary.

The application should be considered accordingly in that the building would enhance on-site provision without, subject to conditions, being detrimental to residential amenity or highway safety. Despite wishes to maintain the open space for the wider community use this is not considered to justify a refusal of permission. As a result, it is recommended that the application be granted permission subject to appropriate conditions.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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.

Summary of Reason(s) for Approval

The principle of the development, which would enhance on-site sport provision, is supported. It is not considered that the proposal would raise any significant issues with regard to residential amenity through a dominating or overlooking impact. Having regard to the distance to residential properties it is not considered that the development would raise any significant issues with regard to noise or light pollution. The scale, design and siting of the building is considered appropriate utilising modern materials, making a contribution to the character of the area in its own right. Subject to conditions the proposal would not be detrimental to highway safety. The proposal is, therefore, deemed to comply with guidance contained in PPS1, PPG13, PPG17 and PPG24 along with core strategy policy EN1.

SUMMARY OF REASON(S) FOR APPROVAL

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

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

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

2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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).

3. Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times. Submission of details to include the proposals for managing the proposed 'In' and 'Out' procedure.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

4. The arrangements shown on the approved plan GTC343 - A206 Rev B dated 13th January 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Gonerby Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

5. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the occupants/residents/users of the site

6. The development hereby approved shall be carried out and operate in accordance with the Amended Green Travel Plan dated 1st February 2012.

Reason: In the interests of highway safety and sustainability.

7. Within 6 months of the development being occupied, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. Thereafter annually a staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.

Reason: In order that the local planning authority conforms to the requirements of PPG13 Transport, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

8. A landscape management plan, including replacement tree planting, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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).

9. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or 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).

10. The hard and soft landscaping for the development hereby approved shall be carried out in accordance with the submitted drawing number GTC 343 - A110revB - dated 3rd February 2012.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

11. The development hereby approved shall be carried out in accordance with the Tree Report by Michael J Summer dated 13th January 2012.

Reason: In the interests of the protection of existing trees.

12. Within the root protection areas of all retained trees within the site a no-dig type hard surface only shall be used.

Reason: In the interests of the protection of all retained trees.

13. Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

14. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

15. A strip of land 6 metres wide adjacent to the top of the west bank of the Running Furrows Drain should be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

16. The development hereby approved shall be carried out in accordance with the amended Flood Risk and Drainage Strategy by G30 Consulting dated 9th February 2012.

Reason: To prevent the increased risk of flooding and to ensure the provision of a satisfactory means of surface water disposal.

17. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Ecology and Protected Species Survey by Scarborough Nixon Associates dated 13th January 2012 and the Further Bat Survey dated 21st February 2012.

Reason: In the interests of Protected Species and their habitats.

18. Further bat survey work shall be carried out between and including the months of May and August 2012 and in accordance with the details set out within the letter from Scarborough Nixon Associates dated 13th March 2012. This survey work and associated recommendations and conclusions should be submitted to the local authority for final approval.

Reason: In the interests of the protection of bats.

19. The fencing to be erected in relation to the development hereby approved shall be in accordance with the submitted fence details shown on drawing Nos. 98 J2/01031, 05 J2/04040 Sheet 1, 05 J2/04040 Sheet 2 and 05 J2/04040 Sheet 3 dated 13th January 2012.

Reason: For the avoidance of doubt.

20. The lighting in relation to the development hereby approved shall be carried out in accordance with the Amended Lighting Design by Luminance Pro dated 15th February 2012.

Reason: To reduce the risk of light pollution in the interests of the amenities of local residents.

21. The opening hours for the development hereby approved shall be in accordance with those stated within the submitted application form dated 13th January 2012.

Reason: For the avoidance of doubt.

22. No musical entertainment to take place in the external areas of the premises

Reason: To prevent disturbance to the amenities of residents living in the locality.

23. All doors and windows in areas where musical entertainment is taking place will be kept closed (save for access and egress) during any musical entertainment.

Reason: To prevent disturbance to the amenities of residents living in the locality.

24. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the District Planning Authority

Reason: To prevent an odour nuisance to residents living in the locality.

25. Before the development hereby commences details of the existing (including land immediately adjacent the application site) and proposed ground levels (Ordnance Datum) and the proposed floor and ridge levels should be submitted to the local authority for final approval. The drawings must include Spot Levels in addition to cross sections.

Reason: In the interests of visual amenity.

26. This permission relates solely to the application as amended by plans received on 3rd February 2012.

Reason: The earlier submitted drawings were unacceptable because of concerns raised by Network Rail.

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

GTC 343 - A212revA - dated 13th January 2012
GTC 343 - A213revA - dated 13th January 2012
GTC 343 - A214revA - dated 13th January 2012
GTC 343 - A100revB - dated 3rd February 2012

GTC 343 - A104revM - dated 3rd February 2012
GTC 343 - A107revE - dated 3rd February 2012
GTC 343 - A110revB - dated 3rd February 2012
GTC 343 - A111revB - dated 3rd February 2012
GTC 343 - A113revA - dated 3rd February 2012
GTC 343 - A206revB - dated 3rd February 2012
GTC 343 - A207revD - dated 3rd February 2012

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

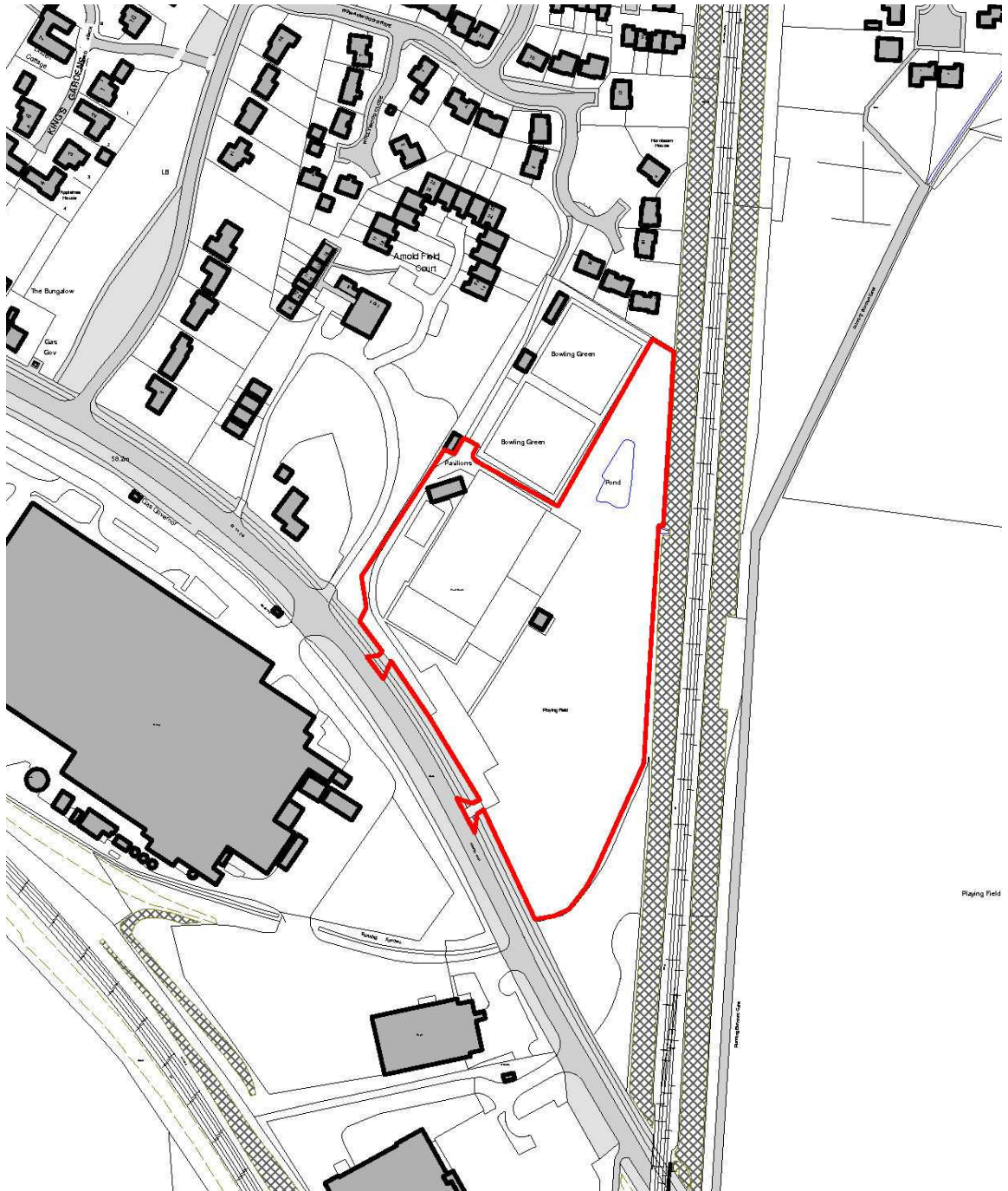
Note(s) to Applicant

1. When carrying out the development hereby approved the developers attention should be drawn to the comments of Peter Gravells of Lincolnshire Police within the submitted letter dated 13th January 2012.
2. Surface water off private drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the highway shall have drainage channels at the interface.
3. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
4. The applicants attention should be drawn to the comments of Network Rail contained within the e-mail to South Kesteven District Council dated 26th January 2012.

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Site Location Plan

Ref	S12/0070
Proposal	Four indoor and 13 outdoor court tennis club with associated cafe, studios & gym
Location	Grantham Tennis Club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU



Scale 1:1250
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Applicant	Mr G Bremner Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX
Agent	
Proposal	Use of land as grass airstrip and erection of building for storage of aircraft and agricultural machinery
Location	Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX
App Type	Full Planning Permission
Parish(es)	Braceborough & Wilsthorpe
Reason for Referral to Committee	The application has been referred to the Development Control Committee at the request of the local ward councillor
Recommendation Summary	Approve subject to conditions

Key Issues

- Planning Policy
- Highway Safety
- Air Safety
- Impact upon visual amenity
- Impact upon residential amenity

Technical Documents Submitted with the Application

- Design and Access Statement
- Noise Assessment Report

REPORT

The Proposal

This application for full planning permission seeks to change the use of part of the lands at Manor Farm, Braceborough for use as an air strip along with the erection of a building for aircraft/agricultural storage.

The submitted details show that the proposed grassed air strip would be located to the north of the main farm complex and would extend to some 650 metres in length and be some 24 metres in width,. The submissions indicate that the remaining area of the field would remain in use for agricultural use.

The proposed storage building is to be situated immediately to the north of the existing complex of buildings at the farm. The building, which has an overall height of 4.8 metres, is to be constructed of dark green coated box profile steel.

The application submitted was accompanied by a design and access statement and a noise assessment report. In response to requests from the Council's Environmental Protection, the applicants also provided the following additional information:-

- The number of take-offs and landings would be approximately two a week with less opportunity to fly in the winter months.
- The airstrip could be used on any day but is very dependent on the weather which will need to be dry and calm. In no instances will there be any flying in the dark or dusk.
- There will only ever be three different aircraft using the strip, two of which are vintage aircraft and can only be flown in very clam weather. Each of these aircraft has a maximum of two seats and will only be used for private flying for pleasure as the pilot does not hold a commercial pilot's license. None of these planes are aerobatic aircraft.
- The three aircraft are privately owned by one individual who is a long standing friend of the applicant and who is leaving his current farm at Ingthorpe upon which he presently has an airstrip and storage building. The aircraft will only be used one at a time.

Subsequently, the applicants submitted a letter from the owner of a farm at Haddon (Near Peterborough) whom advises that he has a runway with a paddock at the end of it within which two ponies are kept and they do not take notice of the flying activity. The letter also points out that Sibson Airfield, near Peterborough has many horses in paddocks alongside, including thoroughbred racehorses.

Letters have also been forwarded by the pilot/light aircraft owner, who would be using the airstrip, indicating that he would give an undertaking not fly over Spa House should planning permission be granted and stating that in the 22 years he has been flying from Ingthorpe Farm that he has not had any complaint even though horses are closer than would be the case at Manor Farm. It is also pointed out (in response to the representations submitted to the Council) that the only flights that have taken place to date from the Manor Farm were 'test flights'; one for the noise measuring exercise and one to test the suitability of the airstrip for a vintage aircraft.

Immediately prior to the preparation of this report the applicants also supplied supplementary noise data; these being noise readings taken close to Spa House.

The application site and its surroundings

Manor Farm is located within an area of relatively flat and open agricultural lands to the north-east of Braceborough and to the north-west of Wilsthorpe. The farmhouse and its associated agricultural buildings are served by a vehicular access off Wilsthorpe Lane and this will be used to access the proposed development. The dwelling at Spa House is situated approximately 500 metres to the north-west of the proposed airstrip. The owners of Spa House have horse training facilities at the site including a large indoor riding school, a mechanical horse walker, a sand paddock and a large outdoor ménage. Wilsthorpe Waterworks and the residential properties at Waterworks Cottage, Fallowfields and Waterworks Farm lie to the north-east. Coombe Farm is situated to the east.

Site History

No relevant planning history

Policy Considerations

PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPG24: Planning and Noise
South Kesteven Core Strategy Policy SP1
South Kesteven Core Strategy Policy EN1

Representations Received

Braceborough and Wilsthorpe Parish Council comment that the councillors do not propose to enter any representation with regard to the application

The Council's Environmental Protection indicated that if the application was to be successful that:-

- A maximum number of take-off/landing cycles should be specified based on the applicants submissions; either on an annual, monthly or weekly basis.
- The hours of use are conditioned to daytime only, for example between the hours of 8am to 8pm.
- There is a condition which restricts use to prevent any future commercial use of the airstrip.

Further to the applicant's submissions and the representations received from interested parties (summarised below), officers commissioned an assessment from an independent environmental consultancy. Having reviewed the various submissions, the consultancy advised that that proposed development of an airstrip at Manor Farm, Braceborough is not considered likely to generate an adverse noise impact. The detailed conclusions and recommendations made by the consultancy are outlined and considered in the 'Officer Evaluation' section of this report below.

County Highway Authority raises no objections on highway safety grounds subject to the proposals remaining private to the applicant.

Civil Aviation Authority advises that it has no issues associated with the use of local airspace.

Ministry of Defence has advised it has no safeguarding objection.

Representations as a result of publicity

In respect of the application as originally submitted, representations were received from, or on behalf of, six parties raising objections/concerns on the following grounds summarised below :-

- Planes taking off and landing at the proposed airstrip would lead to excessive noise to the detriment of local residents and domestic pets.
- The increased aircraft activity at low levels close to nearby residents would increase exposure to damage in the event of an air accident.
- There would be increased vehicular traffic on the surrounding very narrow and winding local roads giving rise to conflicts with other road users.
- There would be negative environmental/pollution effects on residents in the locality.
- The application would have a negative impact on property values
- The development would be out of keeping with the character of this rural/agricultural locality
- The proposed general purpose building would be visually intrusive and would result in a destruction of views.
- The use has already commenced prior to the application being determined.
- Horse riders using the tracks and fields below or close to the flight paths of the aircraft using the airstrip would be at risk of injury, or even, fatality, as a consequence of the noise that would be generated by aircraft.
- The properties at Spa Farm and Willow Farm (in Wilsthorpe) are used in relation to specialised equine hobby activities; with riders competing up to national/international level in dressage and show jumping respectively. The noise generated by the proposed aircraft flying would be disruptive to riders practice and could result in injuries or fatalities to riders/horses. Statistics from the British Horse Society indicate that since 2000 there have been 76 serious injuries to riders associated with low-flying incidents, including two fatalities.
- The generation of aircraft noise could give rise to the unnerving/'spooking' of horses so as they would no longer be fit for competition. In addition to the possibility of injuries being caused, this could have substantial financial implications for the horse owners.
- It is considered that the noise assessment report submitted to accompany the application is inadequate because of the failure to undertake noise readings at Spa Farm, the lack of clarity in relation to collection and verification of results and the failure to take into account different aircraft types, varying flight paths and types of aircraft manoeuvres (e.g. banking). Any such noise readings taken at Spa House would be higher than those provided by the applicants given that the readings would be taken closer to the proposed airstrip.
- The proposed development would cause demonstrable harm to the human rights of residents in the locality given the incompatibility of the proposal with existing uses and activities.

- The lifestyle and existing activities of the occupants at Spa House is fundamental to the consideration of the impact of the development; this being a factor which is well-recognised under planning legislation.

Two letters of representation were received in support of the scheme; one from a local resident, and one from the occupants of Ingthorpe House, Great Casterton who indicate that for the past 18 years they have lived next door to the facility which this present application seeks to replace. The occupants of Ingthorpe House state inter alia that “never, in all those years have they, or their horses, whom they regularly ride along the bridleway beside the runway, been caused any inconvenience by the comings and goings of the planes.”

Following the receipt of the independent environmental consultants report and the applicant's additional submissions in relation to the proposed operation of aircraft from the airstrip, local residents were re-consulted on the scheme. One further letter of representation was received on behalf of the occupants of Spa House stating that the additional submissions affirm the unsuitability of the proposed flying activity in close proximity to a site with a large number of highly trained horses given that there are no planning controls that could be used to restrict the overflying of Spa House; that it would be unreasonable to restrict the use of the airstrip to one named person; that it would be inappropriate to confine consideration to an individual user and individual aircraft or the preferences of an individual user; and that the suggestion that horses and aircraft can happily co-exist is unsupported by the data of the British Horse Society. It is also pointed that the previously identified failings of the noise data in relation to the impact of the use on Spa House have not been addressed. It is also stated that it is certainly the case that the owners of Spa House will be seeking damages on an indemnity basis for any injuries to horses and humans, which in reality could amount to anything between £300,000 - £500,000.

With the subsequent submission by the applicants of the additional noise data taken near Spa House, the residents of that property have been re-consulted again. Any submissions that are received will be reported and considered on the late items report.

Key Issues

Planning Policy Implications
 Highway Safety Implications
 Air safety implications
 Impact on visual amenities
 Impact on residential amenities/Impact upon Equine activities/pursuits

Officer Evaluation

Planning Policy Implications

The application site is located in the open countryside whereby Policy SP1 of the adopted South Kesteven Core Strategy restricts development to certain defined categories. These categories include agricultural development and, therefore, the construction of a building for the storage of agricultural machinery would in principle in policy terms, constitute appropriate development.

With the regard to the proposed airstrip and aircraft storage, these activities do not fall within one of the categories of development outlined in Policy SP1. Nevertheless, on the basis that such a use could not be accommodated within an urban environment and that any approval for the grassed air strip use could be restricted to the level of private use envisaged by the application submission, it is considered that the development proposed would not undermine the overall strategic aims of Policy

SP1. Indeed, in respect of such a 'private use' restriction it is considered that in this instance a grant of a personal permission in relation of the proposed user of the air strip would be justified. In this respect, due regard has been given to government advice contained in Circular 11/95: Use of Conditions in Planning Permissions which suggests that a personal permission should not normally be given whereby a scheme involves permanent built development. Nevertheless, given that in this case the storage building could be reasonably put to solely agricultural use upon any cessation of the use of the air strip there would be no conflict with the aims of the advice. The grassed airstrip itself could be readily returned to agricultural use upon the cessation of flying activities.

The implications of Policy EN1 of Core Strategy in respect of environment impacts on the locality are considered below in relation to the impacts on visual amenities and the effect on residential amenities/equine activities and pursuits.

Highway Safety Impacts

Concerns have been raised that there would be increased vehicular traffic on surrounding roads to Manor Farm giving rise to conflicts with other road users. The County Highway Authority, however, raises no objections on highway safety grounds subject to the proposals remaining private to the applicant. As indicated above, it is considered that such 'private' use could in this instance be controlled by a grant of a personal permission insofar as the use of the air strip is concerned.

Air Safety implications

The Ministry of Defence and the Civil Aviation Authority raise no objections on aviation safety grounds.

Impact on Visual Amenities

With regard to visual amenities, it is considered that the siting of the proposed building immediately to the north of the existing buildings at Manor Farm would ensure that the structure would appear visually integral to the farm complex. As such it is considered that the proposed structure would not detract from the character of this rural locality. Furthermore, the grass landing strip, by its nature, would not detract significant from the visual amenities of the locality given the absence of any hardsurfacing. The visual impact will be further mitigated by the fact that the surrounding lands will remain in agricultural use.

Impact on Residential Amenities/Impact upon Equine activities/pursuits

Objections to the proposed air strip use have been raised both in terms of its likely negative impact on residential amenities and a detrimental effect on existing equine pursuits/activities. Submissions made on behalf of the applicants and other representations have, however, expressed a contrary view by suggesting that there can be compatibility in terms of the relationship between such airstrips and nearby residential and equine uses. Given these clearly differing standpoints, officers commissioned independent environmental consultants to review both the applicant's submissions and those of interested parties. In overall terms, the consultants concluded that "the proposed development of an airstrip at Manor Farm, Braceborough is not considered likely to generate (an) adverse noise impact. As such, planning permission should not be refused on grounds of noise impact. Noise levels are considered substantially below those where noise would become a material ground for objection."

With specific regard to impacts on equine activities, the consultants comment:-

"With reference to the incidents list (of the British Horse Society as supplied on behalf of the occupants of Spa House), the majority of incidents are associated with helicopters or jet planes.

Very few incidents are reported from light aircraft such as those intended for use at the proposed airstrip. Although horses are highly sensitive to noise and can become easily spooked by loud or sudden noises, the character of the noise associated with the airstrip is not considered to be of a similar onset / decay time and amplitude as aircraft which have previously been found to cause distress to animals. There is much anecdotal evidence to suggest that serious incidents involving horses and aircraft are caused by low flying military aircraft and helicopters. There is also anecdotal evidence to suggest that horses may over time become accustomed to the noise associated with aircraft movements.”

Therefore, given the consultants overall conclusion, along with their comments on the impacts on equine activities/pursuits, it is considered that there would be no justification for a refusal of planning permission based on noise impact grounds.

Notwithstanding this overall conclusion, however, the environmental consultancy suggested consideration of the following potential control measures and practices:-

- Restrictions of up to 20 movements per week from the air strip, where one movement includes a take-off or landing, with no more than 4 movements within one day.
- That at least one weekend per month be maintained for local residents when there would be no movements from the proposed airstrip.
- The use of controls to prevent the use of the airfield for pilot training, aerobatics, parachute schools/activity and circuit work.
- Once the airstrip is in use an initial period could be set whereby local residents are informed of the date and timings of aircraft movements.
- The flying of a flag at a location visible to nearby residences to increase awareness of flying activities.

Having regard to these above suggested controls, it is considered reasonable to restrict by condition the aircraft movements as per those recommended by the environmental consultants; albeit with the additional restriction that there be a maximum number of 100 movements a year to reflect the overall flying activity levels envisaged by the proposed user of the air strip. Monitoring of movements by means of requiring the applicant/pilot to keep a log could also be secured by condition. Furthermore, and in line with decisions of other local planning authorities in relation to such a use, it is suggested that to ensure that noise emissions from aircraft movements are in line with the data submitted on behalf of the applicants that a condition be attached to provide controls over future noise levels.

In terms of hours of operation it is agreed with the Council’s Environmental Protection that a restriction on the use of the air strip between 8am to 8pm on any day would be reasonable, albeit subject to the consultants suggested additional constraint that at least one weekend in every four be kept free from flying activities. In terms of the types of flying activities being undertaken from the air strip, it is considered that conditions should be attached preventing any commercial use of the site or training as well as other activities such as circuit flying, touch and go flying, aerobatics or parachute activity. It is noted that the pilot/light aircraft owner, who would be using the airstrip, has also indicated that he would give an undertaking not to fly over Spa House should planning permission be granted. Having regard to the government advice set out in Circular 11/95: Use of Conditions in Planning Permissions, however, it would not be possible to restrict flight paths as this is matter for other legislation.

With regard to other practices, it is agreed with the environmental consultants that the flying of a flag(s)/windsocks at the site on days of operation would be beneficial in increasing public awareness of the activity and this again can be secured by condition. It is not, however, considered reasonable to require that local residents are informed of the future date and timings of air craft movements; not least because any flying activity would be dependent on weather conditions on any given day.

Given the level of flying activity that will be associated with the proposal, it is also considered that there would not be a significant increase in environment pollution in the locality as a result of the proposed development.

Other Matters

Concerns have also been raised in relation to the scheme being likely to have a negative impact on property values and having an adverse effect on views. These matters are, however, not relevant considerations in the determination of a planning application.

Concerns were also raised that the use of the site had commenced before the application has been determined. Notwithstanding the applicants explanation that the flights undertaken were 'test flights' in terms of noise data collection and testing the adequacy of the airstrip itself, it is pointed that the Town and Country Planning (General Permitted Development) Order effectively allows the temporary use of land, such as that at Manor Farm, for up to 28 days in any calendar year. As such no breach of planning legislation has occurred.

Accordingly, for the reasons set out above the application is recommended for approval.

Crime and Disorder Implications

It is considered that the application does give rise to any concerns relating to crime and disorder.

Human Rights Implications

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.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that subject to a grant of a personal permission for the use of the airstrip for the flying of light aircraft the proposed development would not undermine the overall strategic aims of Policy SP1 of the South Kesteven Core Strategy. It is also considered that the proposed use would not have a sufficiently detrimental impact upon residential amenities or equine activities/pursuits in relation to noise and disturbance to warrant a refusal of planning permission.

It is considered that the proposed storage building and grassed airstrip facility would not be significantly detrimental to the visual amenities of the locality. The proposed structure would not impact on any residential amenities. The development would not be detrimental to highway safety.

It is therefore considered that the proposal is in accordance with national planning guidance in PPS7 and PPG24 and Policies SP1 and EN1 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.

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

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

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

2. Except in an emergency, the air strip hereby permitted shall only be used by light aircraft with a maximum take off weight of up to 954 kilogrammes.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

3. This permission insofar as it relates to the use of part of the agricultural lands at Manor Farm as an air strip shall operate solely for the benefit of Mr Philip Shotbolt (Pilot licence No. UK/PP/253327H/A) as the sole pilot of the light aircraft and shall not run with the land comprising the application site. Upon the cessation of the airstrip use by Mr Philip Shotbolt (Pilot licence No. UK/PP/253327H/A), the land shall be returned to agricultural use and the storage building hereby permitted shall thereafter solely be used for agricultural storage purposes in association with Manor Farm.

Reason: Because an unrestricted use of the land for purpose of an airstrip use and aircraft storage would be contrary to Policy SP1 of the South Kesteven Core Strategy; in the interests of highway safety.

4. The air strip hereby permitted shall be used for the taking off and landing of light aircraft purposes only and no business or commercial uses or training activities shall be carried out from the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of highway safety.

5. The air strip hereby permitted shall not be used by light aircraft for the purposes of aerobatics or parachute activity.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

6. There shall be no circuit flying or touch and go flying at any time and there shall be no light aircraft testing or taxiing on the airstrip at any time unless it is in association with take off or landing movements.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

7. The use of the airstrip for the taking off and landing of light aircraft shall be in accordance with the following requirements :-

(a) There shall be a maximum total of one hundred (100) take-offs and one hundred (100) landings on the airstrip in any calendar year, of which no more than a maximum total of twenty (20) take-offs and twenty (20) landings on the airstrip shall be undertaken within a single week period.

(b) There shall be no take-offs and landings on the airstrip on at least one weekend in every period of four weekends.

(c) There shall be a maximum total of four (4) take-offs and four (4) landings on the airstrip on any day

For the purposes of this condition the 'calendar year' (referred to at paragraph (a)) shall run from 1 January - 31 December, a 'single week period' (referred to at paragraph (a)) shall run from Monday to Sunday, a 'weekend' (referred to at paragraph (b)) shall comprise Saturday and Sunday only and the first 'period of four weekends' (referred to at paragraph (c)) shall commence on the first Saturday following the first bringing into use of the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

8. All light aircraft movements from the air strip shall be kept in a 'movement log' which shall be made available for inspection by the Local Planning Authority within 14 days of a written request by the Authority.

Reason: In the interests of the residential amenities of the locality.

9. There shall be no take-offs and landings on the airstrip outside the hours of 08:00 to 20:00 on any day except in an emergency.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

10. Auxiliary power units shall not be used at the site at any time.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

11. Noise emitted from the light aircraft in relation to take off and landing on the air strip shall not exceed 57 dBA expressed as a 15 minute/hour equivalent continuous level (LAeq) as measured at points 1-5 inclusive as identified on the attached Plan ref: SKDC/1.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

12. The proposed storage building shall have a dark green finish to its external elevations as per the details set out on the submitted application forms.

Reason: In the interests of the visual amenities of the locality.

13. Posts with warning flags/windsocks shall be provided within the lands at Manor Farm to the north and south of the proposed air strip in accordance with a scheme that has been first submitted to, and approved in writing by, the Local Planning Authority before the airstrip hereby permitted is first brought into use. The scheme shall be implemented in strict accordance with the agreed details and the posts retained available for use at all times. The

approved warning flags/windsocks shall be flown from the posts continuously on all days of operation from before the first aircraft movement to/from the airstrip until the completion of the final aircraft movement to/from the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of equine pursuits.

14. There shall be no storage of aircraft or associated equipment outside the storage building hereby permitted at any time.

Reason: In the interests of the visual amenities of the locality.

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

Site Plan (Scale 1:1250) received on 25 October 2011

Proposed Building Drawing (Scale: 1:100) received 31 October 2011

Site Plan of Proposed Air Strip and Building (Scale 1: 2500) received on 15 November 2011

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

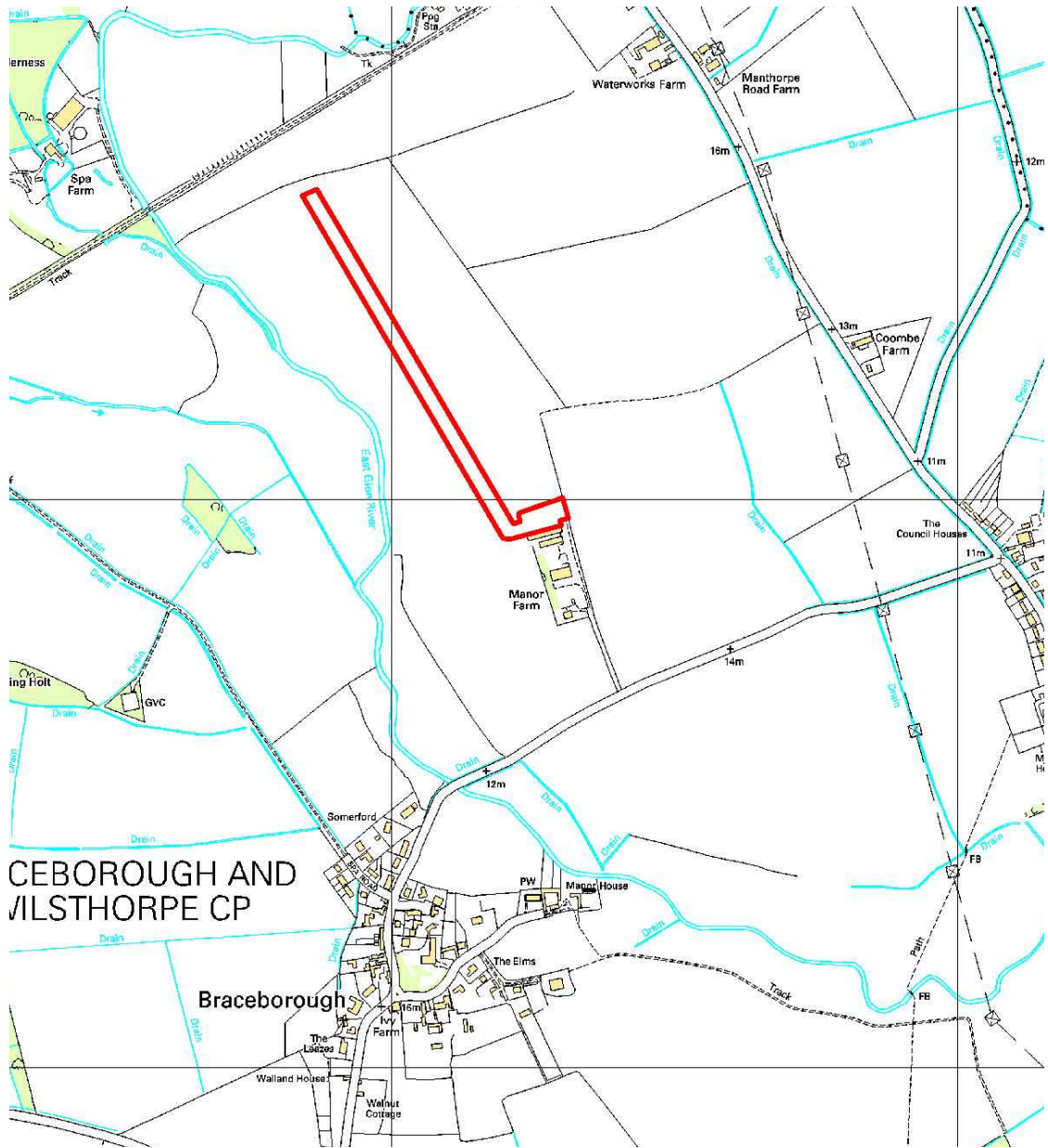
Note(s) to Applicant

1. Your attention is drawn to the attached comments of the Civil Aviation Authority and the Ministry of Defence.

* * * * *

Site Location Plan

Ref	S11/2619
Proposal	Use of land as grass airstrip & erect of building for aircraft/agric machinery
Location	Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX



Scale 1:12000
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Applicant	Mr J Wherry, J Wherry Discretionary Settlement Mill House, 27, Stamford Road, Market Deeping, Peterborough, Lincolnshire, PE6 8AB
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Erection of two two storey dwellings (outline)
Location	Land at, Willoughby Road, Bourne
App Type	Outline Planning Consent
Parish(es)	Bourne
Reason for Referral to Committee	Request of the District Councillor due to the proposal not being within the development plan
Recommendation Summary	Refuse

Key Issues

- Proximity of development to adjacent industrial unit and associated noise nuisance

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

The Proposal

The proposal is for the erection of two 2 storey dwellings. The proposal involves development that does not accord with the provisions of the development plan and has been advertised as such. The scheme will have a visual impact on the area but in terms of the use of this vacant plot of land it will be compatible with the residential development to the west. The access to each plot has provision for turning within the plot to ensure vehicles can enter and leave the highway in a forward direction.

The application site and its surroundings

The site is to the north side of Willoughby Road and is an existing vacant plot of overgrown land between the existing industrial development to the north and east of the site and residential development to the west. The site has a 29 metre frontage to Willoughby Road which tapers to a 20 metre width at the rear. The overall depth of the plots is 33.5 metres. There is residential property opposite the site to the south and the employment industrial area of Cherry Holt Road is approximately 65 metres to the east of the site where Willoughby Road has its junction with Cherry Holt Road.

Site History

SK.96/0923 – This was an outline application for the erection of two dwellings on a similar plot to the present proposal which was granted consent on the 10th December 1996. (Was not implemented before time expired)

S10/1528/OUT – This was an outline application for the erection of two dwellings on a plot slightly deeper than the original 1996 proposal and this was refused on the 7th September 2010 on the grounds of the close proximity to the adjacent industrial unit would create a further source of noise nuisance complaints which had been generated from this area in the past.

Planning Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development. (PPS1)

Planning Policy Statement 3: Housing. (PPS3)

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy H1 - Residential Development. This policy states at the present time that development in Bourne should be restricted to that already committed via planning approval at the date of adoption of the Core Strategy (05.07.10). This policy is subject to some discretion where the development only relates to minor infill plots of one or two dwellings which would not affect the overall strategy for the area but each has to be treated on its individual merits and subject to justification for departure from the Development Plan.

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of

the built and countryside environments and criteria 2, 4, 5, 10 and 11 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings, the quality and character of the built fabric, visual intrusion and noise and light pollution..

Representations Received

District Councillor has requested Committee consideration due to the development not being within the Development Plan.

Archaeology – No known affect.

Environmental Protection Officer has requested refusal.

Lincolnshire County Council Highways Division - Does not wish to restrict the grant of permission subject to standard conditions being imposed.

Town Council – Has objected to this application and reaffirms the reason for refusal of the original application S10/1528/OUT.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement to which one response has been received raising no objections in principle provided there is no overlooking, the soakaway serving the existing dwellings is on this plot at present so provision needs to be made for this and that the boundary proposals are clarified..

Officer Evaluation

The main issue regarding this proposal is regarding proximity to the adjacent industrial units and the Environmental Protection Officer has indicated no mitigating noise measures have been submitted to overcome the potential nuisance to the proposed dwellings and that refusal as in accordance with the wording of the previous application S10/1528/OUT is requested.

It was felt that the erection of two further dwellings closer to the industrial unit than the existing residential units would only exacerbate this situation. Since this date further discussions have taken place and it has been indicated that as the industrial unit in question is owned by the applicants it may be possible to limit the use to B1/B8 Use which would overcome any potential noise nuisance. However this enquiry was based on the erection of one dwelling and it was indicated restricting the use of building already approved for general industrial use may prove difficult. The Environmental Protection Officer has indicated that the application has not identified any noise mitigating measures and given the close proximity to the existing industrial unit noise complaints can be envisaged. The acoustic fence indicated will not overcome this, likewise the reduced plot giving greater distance to the unit and limiting the industrial unit to B1 and B8 could still have a noise impact on the proposed dwellings at this proximity.

There are no policy or technical objections to the scheme which are addressed in more detail as follows. With regard to the impact on the character of the area the development of the site in principle is acceptable as Bourne is identified as a main town. Two storey development would be in keeping with the character of the existing residential development to the west of the site and the existing building line in this part of the street scene is not compromised so the appearance of the area is being maintained. The impact on the amenities of neighbouring residential occupiers should

be safeguarded in terms of overlooking, overshadowing or overbearing when the detailed submission of dwelling types is submitted. With regard to the departure from the Development Plan it is felt that taking into account the location of the site and the minor nature of the development (i.e. only two dwellings) the individual merits of this application will not have any major impact on the ethos and requirements of the Development Plan. In relation to road safety and traffic movements the Lincolnshire County Council Highways Division have indicated that subject to conditions being imposed they have no objections.

In conclusion the Environmental Protection Officer has indicated that no noise mitigating measures have been indentified to overcome the original refusal under application S10/1528/OUT and therefore it is recommended that permission should be refused.

Crime and Disorder Implications

It is considered that the proposed development will not have any significant or detrimental crime and disorder implications.

Human Rights Implications

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.

RECOMMENDATION: That the development be refused for the following reason:-

1. The proposed dwellings are deemed to result in a development which by virtue of their close proximity to the adjacent industrial buildings on Cherry Holt Road would create a further source of noise nuisance complaints which have been generated from this area in the past. It is felt that the erection of two further residential units would lead to an exacerbation of the situation. As a result the application is considered contrary to the Policies SP1 And EN1 of the South Kesteven Core Strategy, the latter of which states that all development proposals and site allocations will be assessed in relation to, local distinctiveness and sense of place, the layout and the scale of buildings and designed spaces, the quality and character of the built fabric and their settings and visual intrusion and any noise or light issues.

* * * * *

Site Location Plan

Ref	S12/0338
Proposal	Erection of two two storey dwellings (outline)
Location	Land at, Willoughby Road, Bourne



Scale 1:1250
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Applicant	Mr K R Thorold Glen House, School Lane, Old Somerby, Grantham, Lincolnshire, NG33 4AQ
Agent	
Proposal	Retrospective permission for a garden shed
Location	Glen House, School Lane, Old Somerby, Grantham, NG33 4AQ
App Type	Householder Development
Parish(es)	Old Somerby
Reason for Referral to Committee	Request by Councillor Peter Stephens
Recommendation Summary	Approve subject to conditions

Key Issues

- Impact upon visual amenities and privacy of neighbours

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

Application Category

The application is categorised as an 'OTHER' type of application

Reason for Referral to Committee

The application has been referred to Committee following a request by Councillor Peter Stephens.

The Proposal

The proposal is for retrospective planning permission for a large garden shed constructed in steel and located at the bottom of the rear garden. The shed is for private use, restoring and storing the owner's classic motor cycles. The shed measures 4.5 metres in width and 5.0 metres in depth. It has a mono-pitched roof with a height of 2.75 at its highest point and 2.4 metres at its lowest. The shed is sited 0.7 metres from the common boundary with the neighbouring dwelling to the west, Rhencullen. The shed would not have required planning permission if its height at the boundary with Rhencullen did not exceed 2.5 metres. Alternately, permission will not be required if the shed was moved away from the curtilage boundary by 2.0 metres.

The application site and its surroundings

The application property is a detached dwelling facing School Lane, set in a row of similar dwellings with large rear gardens which back onto open fields. Most of the gardens have existing large garden sheds. The rear garden of the application site measures some 18 metres in width and 28 metres in depth.

Representations Received

The Ward Councillor has requested that the application is referred to Committee on the grounds of visual impact and excessive size.

The Parish Council has objected to the application on grounds of visual impact, dominance, intrusion and potential noise arising from storing and maintaining motorcycles. The Parish Council has requested that the application is referred to the Committee, and Members carry out a site visit.

The District Archaeologist has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Representations were received from and the occupiers of Rhencullen, Rosetta, Ellesmere, Blakeney, all on School Lane. The objections can be summarised as follows:

- Dominance.
- Out of Character.
- Visual intrusion.

- Noise and smell arising from maintaining and storing motorcycles.

In response to the complaints the applicant has stated that:

- Planning permission will not be required if the shed were to be repositioned 1.3 m further away from the boundary.
- The shed will be used in connection to a hobby.
- The shed will be clad in timber and the roof painted in green.
- Planting will be provided to screen the development.

A letter in support of the application has been received. In summary, this letter states that there will be little adverse visual impact, or disturbance through noise arising from the development.

Site History

None relevant.

Policy Considerations

National Policy

PPS1: Delivering Sustainable Development.

PPS 3: Housing.

East Midlands Regional Policy

Policy 1: Regional Core Objectives.

Local Policy

Policy SP1 (Spatial Strategy) of the South Kesteven Core Strategy (2010).

Policy EN1 (Protection and Enhancement) of the South Kesteven Core Strategy (2010).

Key Issues

The main issues in the consideration of this application are the impact of the proposal on the visual amenities and privacy of the occupiers of neighbouring dwellings, these are considered below.

The application has been submitted to regularise the development following investigation ensuing from a complaint. The shed has been put up and is to be used for storing and restoring classic motorcycles owned by the applicant. The use is associated with the applicant's hobby, and does not involve the repair/storage of motor cycles owned by others or for commercial purposes. As such, use of the shed would be incidental to the enjoyment of the dwelling and would not require permission in itself. The potential of any arising noise or smell is not considered to be significant, and in any case would be matters dealt with by separate regulatory powers.

The shed requires permission by reason of its height (2.75 metres) near the common boundary with the dwelling to the west, Rhencullen. If the shed was sited 2 metres or more away from the boundary permission would not be required, nor would it be required if the height of the structure

did not exceed 2.5 meters at the boundary. The issue at consideration is whether this infringement is such, in terms of adverse impact on neighbours and the surrounding areas, as to warrant refusal, and if the grounds of refusal would stand up at appeal.

The shed is large and does have a visual impact. Having said this, a slightly smaller shed, or the current one differently positioned, would not require permission. The applicant intends to clad the structure in timber, and provide planting for screening to mitigate against visual impact. In the circumstances where there are large existing garden sheds in the area, and large structures that can be put up under permitted development rights it is considered that there are no reasons which would warrant refusal and that retrospective permission should be granted subject to conditions requiring use of the shed to be ancillary to the dwelling, and cladding and screen planting to be provided within three months of the consent.

Other Matters

There were no other relevant matters at the time of writing.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

Conclusion

The proposal relates to an application for retrospective permission for a garden shed, to be used for ancillary purposes.

It is considered that the proposal will not cause undue harm to the surrounding area nor will it adversely impact upon the amenities of occupiers of neighbouring buildings.

It is therefore considered that the proposal is in accordance with national and local planning policy and guidance.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal by reason of its size, siting and design will not impact upon the amenities of the occupiers of neighbouring properties or the character of the area, and is compliant with Core Strategy Policy EN1 (Protection and Enhancement of the Character of the District) and National Planning Policy Guidance Notes PPS1 (Delivering Sustainable Growth) and PPS3 (Housing).

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

1. Within three months of the date of this permission the garden shed hereby approved shall be clad in timber and screened by planting, details of which shall be submitted to and approved by the local planning authority, the timber cladding and screen planting shall thereafter be retained in accordance with the approved details.

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

2. The garage/outbuilding hereby permitted shall be used solely for domestic purposes and shall not be used for any trade or business use whatsoever..

Reason: To protect the amenities of adjacent occupiers in accordance with policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

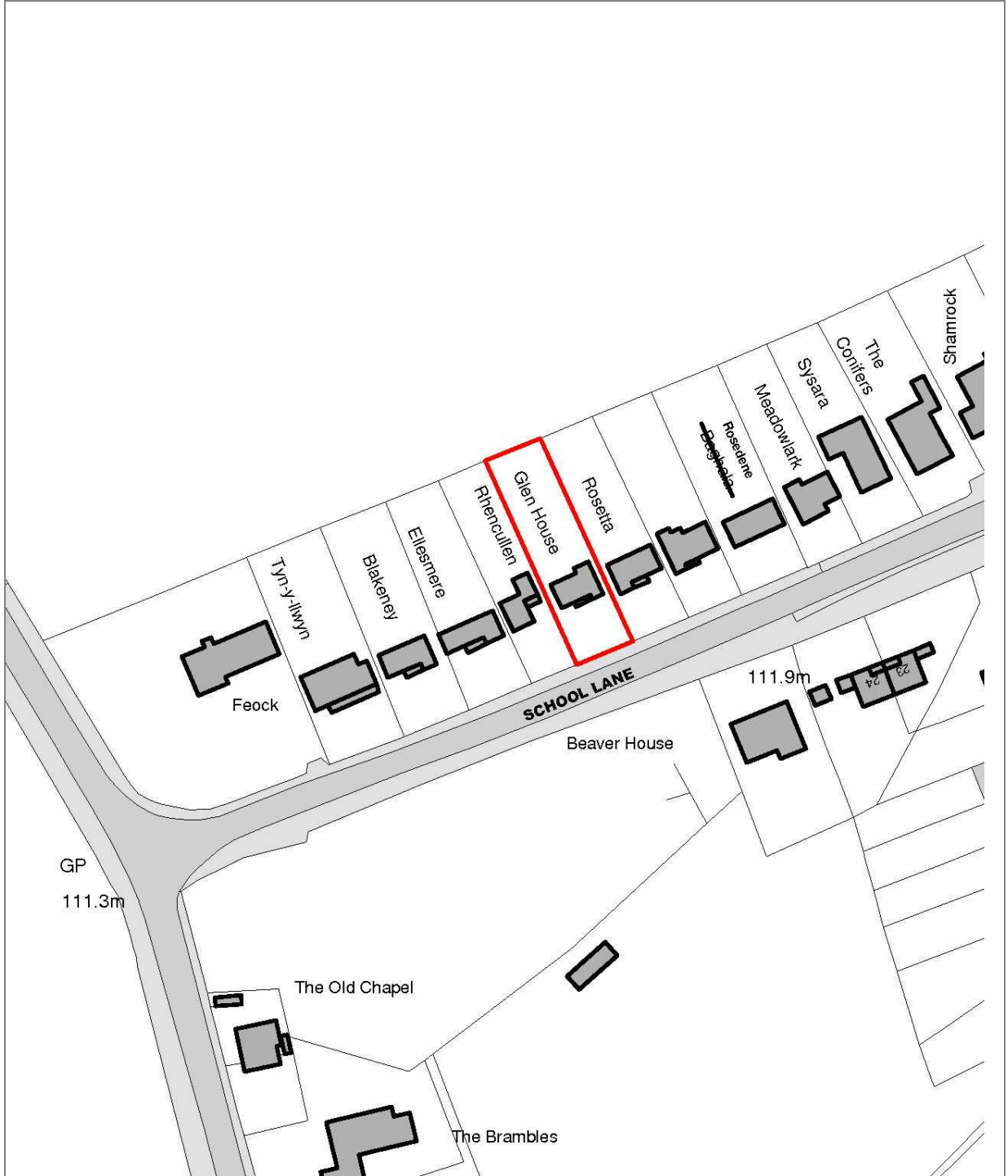
Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan

Ref	S12/0109
Proposal	Retrospective permission for a garden shed
Location	Glen House, School Lane, Old Somerby, Grantham, NG33 4AQ



Scale 1:1250
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