

Applicant	<b>Temple Garth Ltd C/o Agent</b>
Agent	Mrs J Robinson, Robert Doughty Consultancy 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
<b>Proposal</b>	<b>Erection of petrol filling station</b>
<b>Location</b>	<b>Land At, South Road, Bourne</b>
App Type	Outline Planning Consent
Parish(es)	Thurlby
Reason for Referral to Committee	The application is considered to be locally controversial, at the request of a Local Cllr and with the land formerly being owned by South Kesteven District Council.
Recommendation Summary	Grant permission subject to the imposition of conditions

**Key Issues**

- Development of a Greenfield site
- Impacts on the environment e.g. trees and adjacent water courses
- Relevant Core Strategy policies, emerging DPD's and the NPPF
- Highway considerations
- Residential amenity e.g. noise and light issues, and impact on the adjacent SSSI
- Impact on an adjacent Listed milestone

**Technical Documents Submitted with the Application**

- Design and Access Statement
- Tree survey
- Extended Phase 1 Habitat Survey, Riparian Mammal Survey, reptile Survey
- Amended plans showing slight alterations to the highway layout

## **REPORT**

### **The proposal**

The application is for the erection of a petrol filling station on land to the south of Bourne.

### **The application site and surroundings**

The application site is currently vacant with a spur off the adjacent roundabout entering the site. To the front of the site are a number of small trees with a Listed milestone in the grass verge just beyond the application site boundary.

As the site currently stands the petrol filling station would appear detached from the town by a gap of approximately 40m; however, permission was granted for the erection of a public house at the Development Control Committee of 16 March (ref; S11/2957) and would fill this gap.

The larger field in which the petrol filling station would be sited is boarded to the north by a dyke and a number of residential properties, along with an element of planting. The eastern boundary of the field is marked by another dyke with a hedgerow marking the boundary to the south. A public footpath runs on the opposite side of both dykes to the north and east.

Approximately 45m to the south of the application site, but on the opposite side of the A15, is a Site of Special Scientific Interest (SSSI), Math and Elsea Wood.

### **Relevant site history**

S02/0643 - Outline consent was granted for the erection of 'roadside services, filling station, garage and hotel' in April 2004.

S05/1353 – Outline consent was granted for the erection of a 'public house/restaurant and access road' in November 2005.

S06/0155 – Reserved matters approval was granted for the 'construction of link road and access road' in March 2006.

S06/1485 – A full application for the 'erection of petrol filling station, shop and forecourt incorporating a drive through Burger King' was refused permission in December 2006. The application was refused because of highway and archaeological concerns, along with the design of the building being inappropriate. This application was on land to the immediate east of the current application site.

S11/2957 – permission was granted on 20 March 2012 for the 'erection of a public house/restaurant, access, parking and associated works and ancillary accommodation', to the immediate north of the application site.

### **Policy considerations**

South Kesteven Core Strategy

SP1 – Spatial strategy

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the risk of flooding  
E1- Employment Development

Site Allocation and Policies Development Plan Document (October 2011)

East Midlands Regional Plan

Policy 1 Regional Core Objectives  
Policy 2 Promoting better design

National Policy Guidance

National Planning Policy Framework

### **Representations received**

Bourne Town Council does not object to the application

The comments of Thurlby Parish Council are reproduced below;

“The Parish Council have no objections to this plan but would like the following comments and observations to be considered:

1. There is a ancient milestone at the front of the site that should be protected
2. There is concern that Surface Water and Foul sewer might go into the protected Carr Dyke so we would like to see the dyke preserved.
3. The wild animals in Elsea Woods might be attracted to the lights on the site
4. There is likely to be an impact on the housing close to the site.
5. This is not a Brown Field site but a Green Field site.
6. We are looking for some of Section 106 money being used in Thurlby towards road safety particularly the cycle path between Thurlby and Northorpe along A15. A contribution towards a crossing at Northorpe for cyclists and pedestrians crossing the road. Likewise there should be a contribution towards a bridge being erected across Car Dyke at the junction of Footpath No's 12 & 20
7. We would like to see that sufficient signage is in place to alert car drivers to the fact that cyclists will be crossing the entrance to the site as their safety must be paramount.
8. The bushes at the front of the site should be retained as a natural barrier and possible shield from the buildings that would be behind them”.

Lincolnshire Wildlife Trust does not object to the application but request that conditions be added to ensure the recommendations in the phase 1 habitat survey and tree report are adhered to.

Lincolnshire Heritage note that an archaeological evaluation has been completed and that no form of intervention is required. They also highlight that there is a Listed milestone to the front of the site.

The Principal Conservation Officer notes that a Listed milestone is to the front of the site but would not be directly affected by the development and, therefore, raises no objection to the application.

English Heritage note that the application is not one that would normally need to be referred to them.

Natural England note that the Math and Elsea Wood SSSI is only a short distance from the application site and as a result note that lighting in particular has the potential to impact on adjacent woodlands. No information on lighting has been submitted and if approved appropriate conditions would need to be added to ensure that it is controlled. The recommendations contained in the reptile and Riparian Mammal Survey would also need to be conditioned.

The Consultant Arboriculturalist agrees with the content of the submitted tree report and does not raise objection to the application.

Lincolnshire County Council, as Highway authority, does not object to the application subject to the imposition of a number of conditions.

Environmental Health raise concern about possible 24 hour operation of the site and how this would impact on local residents. Feel that appropriate conditions on operating hours should be added.

The full comments of Planning Policy are reproduced below;

“The application site is a Greenfield site which lies to the south of Bourne immediately adjacent to and opposite existing residential development. The site has an existing access point off the roundabout and has previously been considered suitable for roadside uses, with historic planning consent which included a petrol filling station. These consents have since lapsed and the site is not allocated or designated for any specific purpose by the adopted development plan, however the emerging Site Allocation and Policies DPD includes an aspiration to improve the road connection between Cherryholt Road and South Road and allocates land to the east of the application site for employment use (B1b). The application would not prevent the connection of this allocation site through to South Road, and alludes to the retention of an access through the site which could provide the highway connection desired. A representation has been made about the submission version of the Site Allocation and Policies DPD that the site should be allocated for roadside services and other uses in the DPD to reflect the previous history of the site and to allow for the creation of a through road to access site B1b allocated for employment uses in the emerging DPD. This representation (as attached to my response) from the landowner/developer will be considered by the Planning Inspector at Public Examination into the DPD expected later this year.

Policy SP1 of the adopted Core Strategy identifies that new development which helps to maintain and support the role of Bourne as a market town will be allowed. It is considered that this type of development would contribute to maintaining the role of the town which has a growing population. The proposed location is out of the town centre, however the economics behind the development of a petrol filling station requires a prominent location on a main road, such as South Road, I feel the location of the site is therefore justified at this important junction south of the town, where the station would be accessible to a large and growing population.

This proposal will provide a local facility which is suitable and appropriate for a market town such as Bourne where there is an expanding population, it will provide local jobs which will help support the local economy. I therefore conclude that the proposal meets the Core Strategy policy SP1 and do not object on policy grounds to the application”.

Lincolnshire police recommend that lighting should cover all ‘high-risk’ areas and note that CCTV would be a welcome deterrent to crime. Landscaping should not exceed 1m in height and trees 2m to allow views into and out of the site.

## **Representations as a result of publicity**

The application was advertised in accordance with the Council's adopted Statement of Community Involvement with the closing date for representations being 02 March 2012.

At the time of writing 3 letters of representation have been received and all express concern about the application with two objecting to the proposal; a summary of their objections is reproduced below;

- What will happen with the eastern by-pass? It is required to improve vehicle movement around the town;
- The application site falls within the Thurlby Parish and not Bourne;
- Feel that the landscape will be altered by the development which will extend the town south;
- Light spill will be harmful to the character of the area as well as residential amenity and the adjacent Matt and Elsea Wood to the south;
- The development is not allocated for any use in the old Local Plan or emerging DPD documents;
- Feel that the proposal would increase the risk of flooding given the increase in surface water run-off from associated hardstanding;
- There is inadequate space within the site to accommodate the pumps and turning areas required; and
- Noise and light pollution will increase as a result of the proposal.

## **Officer evaluation**

The application site is not allocated for any form of development in the recently adopted Core Strategy. However, it is noted that permission was granted for a similar proposal in 2004 but it was not constructed. A representation to allocate the land for a public house and petrol filling station is due to be considered when the Site allocation and Policies: Development Plan Document is reviewed by a Planning Inspector at a Public Inquiry. Despite not being allocated within the Core Strategy for such a development, and following the grant of permission S11/2957, there is not considered to be any reason to object to the application given broad support for the proposal under Core Strategy policy SP1, which aims to maintain and support Bourne as a market town.

The application is submitted in outline form with only access committed. Therefore the layout as submitted is indicative and final details would need to be approved via a reserved matters application. However, scale parameters for the development have been highlighted in the submitted Design and Access Statement the most pertinent of which is that the overall height of the canopy to the garage forecourt would be a maximum of 5.8m, allowing for a 5m clearance. Initial indications are that there will be a total of 8 petrol pumps with an additional pump specifically for HGV's and a sales kiosk.

The highway authority has not objected to the application following the submission of amended plans and the imposition of pertinent conditions. Permission has been granted for a Public House on land to the immediate north and neither the application under consideration or that for the Public House is considered to compromise a possible future relief road to the east. However, it should be noted that there is no policy document at either a District or County level that protects the route of a possible eastern by-pass, despite there being an aspiration for such a road in the emerging Site Allocation and Policies: Development plan Document (DPD).

It is noted that the application site is within Thurlby Parish Council and not Bourne; however, this is not an overriding consideration in the outcome of the application which needs to be judged on its

individual merits. From its location the site would visually appear as an extension to the town of Bourne.

The application site covers an area of 0.4 hectares. Between the proposed petrol station and nearby residential properties permission has been granted for the erection of a Public House. The distance from the petrol station to nearby residential properties on Tulley Close would be approximately 70m and Elsea Park some 150m, therefore, it is unlikely that during normal operating hours the development would have a detrimental impact on residential amenity through noise or light pollution that may be generated. However, the Public house has a condition restricting opening hours to no later than 23:30. After this time it is not unreasonable for local residents to expect the station to be shut given noise and light pollution that could occur throughout the night. Furthermore, light pollution has also been raised as an issue by Natural England given the close proximity of a SSSI and possible attraction of animals to the lights. For this reason it is recommended that the application be granted permission subject to a condition restricting the opening hours of the station to between 06:00 and 23:30 and that details of all lighting is submitted with a reserved matters application.

It is accepted that the site is Greenfield but there would be no discernable impact on protected species subject to compliance with the recommendations contained in a Reptile, Riparian Mammal and Phase 1 Habitat survey. There is a small group of Elm and Goat Willow within the site which are not worthy of retention and are proposed to be removed. Trees worthy of retention are primarily those along the northern boundary of the larger site close to the approved Public House; a condition about appropriate landscaping is however recommended. In addition it is noted that there is a Listed milestone to the front of the site but the development is not considered to compromise or harm the setting of the structure, which would remain unaffected.

#### Conclusion

The application site is not allocated within the Core Strategy for any use; however, a previous approval on the site indicates broad support for the development. The highway network is acceptable to accommodate possible vehicle movements and would not compromise a possible future development of a southern relief road. Subject to conditions the development would not be harmful to residential amenity or the nearby Matt and Elsea Wood. Nor would the proposal be harmful to the setting of a Listed milestone fronting the A15. The application is therefore deemed to comply with Core Strategy policies SP1 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

#### **SUMMARY OF REASON(S) FOR APPROVAL**

The application site is not allocated within the Core Strategy for any use; however, a previous approval on the site indicates broad support for the development. The highway network is acceptable to accommodate possible vehicle movements and would not compromise a possible future development of a southern relief road. Subject to conditions the development would not be harmful to residential amenity or the nearby Matt and Elsea Wood. Nor would the proposal be harmful to the setting of a Listed milestone fronting the A15. The application is therefore deemed to comply with Core Strategy policies SP1 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

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

- (a) layout;
- (b) scale;
- (c) appearance; and
- (d) landscaping.

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. When an application is submitted for the approval of reserved matters it shall be accompanied with a plan identifying the means of lighting for the development as well as indicate how long the lighting will be turned on.

Reason: To ensure that the amenity of neighbouring properties is not compromised as well as ensure that animals from the adjacent Matt and Elsea wood are not attracted to the site and to comply with policy EN1 of the Core Strategy.

4. The premises shall not be used for the purposes authorised by this permission outside the hours of 06:00 - 11:30.

Reason: Operation of the use outside these hours would result in unacceptable level of noise nuisance and possible light spill to local residents.

5. The recommendations contained in the submitted 'Riparian Mammal Survey', 'Reptile Survey' and 'Extended Phase 1 Habitat Survey' undertaken by delta-simons shall be implemented, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development would not have a detrimental impact on protected species and to comply with guidance contained in the NPPF.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological 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 amenity of these.

7. All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason: To prevent possible pollution to the watercourse.

8. Before development commences on site further details relating to the vehicular access 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 in to use and thereafter retained at all times.

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

9. Before the petrol station is brought in to use the roads and/or footways providing access to the building, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

10. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility splays indicated on drawing number L5/455/21 B dated 12 March 2012 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

11. Before any unit is occupied, all of that part of the estate road and associated footways that forms 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 and approved by the local planning authority.

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

12. When the application is made for approval of 'Reserved Matters' that application shall show details of the arrangements of the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

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

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

L5/455/20 rev A  
L5/455/21 rev B  
L5/455/22 rev B

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

Note(s) to Applicant

1. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m<sup>3</sup> Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
2. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also advised to contact Lincolnshire County Council as the Local Highway Authority for approval of the road construction specification and programme before carrying out any works on site.

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Applicant	<b>Mr S Ballaam, Oak Valley Developments</b> 4, Pottergate Road, Ancaster, Grantham, Lincolnshire, NG32 3QZ
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
<b>Proposal</b>	<b>Erection of three dwellings</b>
<b>Location</b>	<b>The Paddock, 6, School Lane, Claypole, Newark, NG23 5BQ</b>
App Type	Full Planning Permission
Parish(es)	Claypole
Reason for Referral to Committee	This application is contrary to the adopted Development Plan and has been referred to the committee at the request of the Chairman and the Local Ward Member for the following reasons: Traffic impact and overlooking
Recommendation Summary	Refusal

### Key Issues

- The principle of development (sustainability)
- The impact on the form and character of the settlement
- The impact on the setting of the adjacent listed building
- Highway safety/traffic
- Neighbours' residential amenities

### Technical Documents Submitted with the Application

- Design & Access Statement

## **REPORT**

### **The Proposal**

This application seeks full planning permission for the erection of three detached one and a half storey dwellings to be served by a private drive from School Lane.

### **The application site and its surroundings**

The site was formerly part of the garden of the adjacent grade II listed dwelling known as The Paddocks. It has been recently fenced off from The Paddocks and is currently vacant and unused. The site sits within a typical village setting with historic properties interspersed with more modern infill. Most of the properties adjoining the plot are residential (mainly bungalows) with the exception of the Five Bells public house, the beer garden of which extends to the southern boundary. To the north is the vacant C19 former school which has an extant planning permission for residential conversion.

### **Site History**

Permission was granted by committee on 25 May 2010 (S10/1040) for the erection of two dwellings on the site. This permission is still extant and has not been implemented.

Permission was granted in February 2010 (S09/2432) for residential conversion of the adjacent former school to three dwellings. This permission is still extant and has not yet been implemented.

The adjacent grade II listed building (The Paddock) is currently undergoing restoration under various listed building consents.

### **Representations Received**

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

No objection subject to conditions relating to visibility and turning space

Claypole Parish Council: (comments summarised)

Concerns about extra traffic and highway safety

SKDC Projects Officer (Drainage):

Soakaways are not suitable in Claypole and a SUDS drainage system should be provided

Upper Witham Internal Drainage Board:

Soakaways must be proven to work if they are proposed and care should be taken to ensure that drainage routes of adjacent land owners will not be affected

SKDC Environmental Protection:

There are no contaminated land issues

## **Representations as a result of publicity**

The application has been advertised in accordance with the Statement of Community Involvement relevant to this type of planning application. At the time of writing, 4 letters of objection had been received. A summary of the main concerns are listed below:

- Overdevelopment
- Backland development
- Loss of view
- Loss of property value
- Highway safety/traffic issues
- Overshadowing
- Dominant and oppressive environment
- Overlooking/loss of privacy
- Noise/disturbance
- Impact on adjacent listed building and historic character of village
- Potential for complaints due to close proximity to pub beer garden
- Hedge shown on block plan has been removed
- Other proposals that would have a similar impact have been refused in the past

## **Policy Considerations**

National Planning Policy Framework

Paragraphs 6 -17: Achieving Sustainable Development

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27: Regional Priorities for the Historic Environment

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

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

Policy H1: Residential Development

## **Officer Evaluation**

Key Issues

The key issues to be considered in this case are:

- The principle of development (sustainability)
- The impact on the form and character of the settlement
- The impact on the setting of the adjacent listed building
- Highway safety/traffic
- Neighbours' residential amenities

### Sustainability

The thrust of national and regional and local policy is that preference should be given to development on brownfield land in sustainable locations wherever possible. The South Kesteven Core Strategy has a very clear spatial strategy for the location of new development. The majority of new development in the rural area will be focussed on more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). In LSCs a certain amount of infill development and development on allocated sites will be permitted in principle. Other villages (such as Claypole) which have more limited services/amenities are considered to be less sustainable and development will be restricted.

Core Strategy policy SP1 (Spatial Strategy) states that within the countryside and all villages that are not classed as Local Service Centres (such as Claypole), proposals will only be considered acceptable if they are sites for:

1. Affordable housing (rural exception or allocated sites)
2. Agriculture, forestry or equine development
3. Rural diversification projects
4. Local services & facilities
5. Replacement buildings (on a like for like basis)
6. Conversions of buildings

SP1 also states that in all cases, planning permission will only be granted on a less sustainable site, where it has been proven that there are no other more sustainable options available or there are other overriding material considerations.

Core Strategy policy H1 (Housing) distributes the district housing requirement, establishing a housing target for each of the towns, the Local Services Centres (LSCs) and the rural areas. In establishing the pattern of distribution the policy seeks to direct the majority of new housing towards the towns as well as a modest level of development in LSCs to enable them to continue to function as sustainable local centres. Policy H1 reinforces policy SP1, stating that within the countryside and all villages that are not classed as Local Service Centres (such as Claypole), new housing will be restricted to affordable local need housing, agricultural/forestry workers accommodation or conversions in accordance with policy SP1.

The site already has an extant permission for two dwellings which is a material consideration. On that basis, any new proposal for a maximum of two dwellings would be acceptable in principle. However, this proposal is for three dwellings, and does not fall under any of the categories of development outlined above, and there are no other overriding material considerations relevant to the specific site or the district as a whole which justify the development of an additional dwelling (over and above the number already approved) on this site. Notwithstanding any previous recent approvals of new dwellings elsewhere in Claypole, the proposal is considered to be contrary to national, regional and local policy on the location of sustainable development.

### Impact on Form and Character of the Area

The principle of developing the former garden of The Paddocks has already been established by the extant permission for two dwellings (S10/1040). The proposed dwellings generally reflect the surrounding development in terms of plot size and density, and being low rise one and a half storey dwellings would not be unduly prominent or uncharacteristic. The arrangement is similar to the extant permission which included three buildings in similar positions (two dwellings and a garage block). The proposed dwellings would be well set back from School Lane and would not significantly affect the streetscene. Taking the above into account, (subject to appropriate materials) the proposed development is considered to be of an appropriate scale and appearance as well as being compatible with the form and character of the surrounding area.

#### Impact on the Setting of the Adjacent Listed Building

The proposed dwellings have been designed to be subordinate to the adjacent grade II listed cottage (The Paddocks) with lower eaves and ridge heights in order that they do not undermine its setting or historic significance. The Paddocks itself would retain a substantial area of garden and therefore a good separation distance from the new dwellings. Plots 1 & 2, and in particular, the west elevations, which would be the most visible in the setting of The Paddocks and would have the low key appearance of typical village "background" buildings. The relatively small scale and simple vernacular design ensures that the dwellings would be sympathetic to the setting of The Paddocks rather than attempting to compete with or imitate it. Taking the above into account, it is considered that the proposal would preserve the setting of the adjacent grade II listed building.

#### Neighbours' Amenities

Some concern has been raised about potential overlooking and loss of privacy to neighbouring properties. There are a small number of first floor windows and rooflights on each of the proposed dwellings. However, the majority of these windows do not face directly onto neighbouring residential properties (including the proposed school conversion). The remainder are at an oblique angle to them with adequate separation distances to ensure no direct overlooking. All rooflights are shown as being set relatively high (approx 1.6m) above floor level and would therefore not be easy to look out from. The adjacent former school has an extant permission for residential conversion (S09/2432). Should this conversion go ahead, it is considered that there is adequate separation between first its floor windows and north facing windows of plots 1 & 3 (between 18m -20m) to ensure acceptable levels of privacy for future occupiers of the proposed dwellings.

Taking into account the separation distances involved as well as the relatively low height and small scale, it is not considered that the proposed dwellings would be overbearing or cause overshadowing to neighbouring properties.

Conditions requiring obscure glazing in relevant windows/rooflights as well provision of further landscaping (tree screening and hedgerows) and appropriate boundary treatment would further help to ensure neighbours' amenities are not affected.

Taking the above into account, it is considered that (subject to conditions) the development would not be detrimental to the residential amenities of the occupiers of adjacent properties.

#### Highways/Traffic

Concern has been raised about the ability of the local roads to cope with the extra traffic and other highways issues. However, the submitted plans demonstrate that the required visibility can be achieved and the Highways Authority do not object subject to conditions. On that basis, the proposal is not considered to be detrimental to highway safety or traffic capacity.

#### Drainage

The applicant has proposed soakaways for this development. However, due to the local geology and drainage problems, soakaways are not considered to be suitable in Claypole and hard surfaces should be designed to be porous wherever possible to slow down surface water run off. It is considered that the issue of drainage could be adequately dealt with by conditions requiring a SUDS drainage system and further details of materials to be used for the access road and any hard standings

#### Other Issues

Concerns have been raised that the proposal could result in complaints from future occupiers about noise and disturbance from events held in the adjacent pub's beer garden. Whilst the dwelling on plot 3 would be closer to the boundary than the nearest dwelling approved by the previous permission, the closest part of this dwelling would be the double garage. The nearest living accommodation, and therefore the sensitivity to disturbance, would be approximately the same distance away from the boundary as the previously approved dwelling. Furthermore the beer garden also has a boundary with a number of other existing properties and the pub landlords have a duty to ensure that noise is kept at an acceptable level. Taking the above into account, this is not considered in itself to be sufficient to refusal.

One letter of objection states that the Council advised that a first floor extension would not be acceptable at a neighbouring property and therefore that the current proposal would be equally unacceptable. Each proposal has to be judged on its own merit. It is considered that the individual circumstances and context of the property referred to and the current proposal are significantly different and cannot be easily compared.

The issues of loss of an open view and devaluation of property are not material planning considerations and have not been taken into account when making this recommendation.

#### 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.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. The application site is within Claypole which is not designated as a Local Service Centre in the South Kesteven Core Strategy and is therefore not considered a sustainable location for most new development. It is considered that the proposed development does not fall within any of the categories of development allowed in such a location, and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify a greater number of dwellings over and above those already approved by the extant permission on this site (S10/1040). Taking the above into account, it is considered that the development would be contrary to National Planning Policy Framework (Paragraphs 6 – 17: Achieving Sustainable Development & Section 6: Delivering a wide choice of high

quality homes), Policies 1 & 3 of The East Midlands Regional Plan and Policies SP1 & H1 of The South Kesteven Core Strategy.

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# Site Location Plan

Ref	<b>S12/0050</b>
Proposal	<b>Erection of three dwellings</b>
Location	<b>The Paddock, 6, School Lane, Claypole, Newark, NG23 5BQ</b>



Scale 1:1250  
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Applicant	<b>Mrs A Lea, Larkfleet Homes</b> Larkfleet House, Falcon Way, Bourne, PE10 0FF
Agent	
<b>Proposal</b>	<b>Construction of 18 dwellings</b>
<b>Location</b>	<b>Land north of, Spalding Road, Deeping St. James</b>
App Type	Major Full (Residential)
Parish(es)	Deeping St James
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	That planning permission be granted subject to a Section 106 Agreement.

**Key Issues**

- Flood Risk and Water Cycle Study
- Design and impact on character of area
- Planning history and loss of site to relocate rugby club
- Residential amenity
- Planning policy and 5 year housing land supply

**Technical Documents Submitted with the Application**

- Layout plans and elevation plans
- Design and access statement
- GeoDyne contamination report
- APS Archaeological Report

## **REPORT**

### **The Proposal**

This is a full application for the erection of 18 dwellings on the site with associated landscaping and parking provision. The application originally proposed 19 affordable dwellings but has since been amended to 18 dwellings 35% of which would be affordable.

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

The application site was formally part of an orchard but has recently had outline planning permission (2008) for mixed use housing, nursing home, art centre and rugby clubhouse. The application site is currently vacant and has been cleared by the developer.

The site is located to the north of Spalding Road. There are agricultural fields to the north of the site, new residential development to the east and south of the site and a bowling green and sports pitches to the west. The residential development in the area is predominantly two storeys although there are some three storey dwellings directly adjacent the application sites.

Directly to the south of the site reserved matters approval (application S11/1253) has been granted for the construction of the nursing home element of the outline consent.

### **Relevant Site History**

S08/0747 – in September 2008 outline planning consent was granted for a mixed development comprising art centre, rugby club house, nursing home, day centre and 32 affordable dwellings.

S09/1209 – In August 2009 reserved matters approval was granted for 32 affordable dwellings on land to the east of the application site. The development is almost complete.

S10/2629 – in March 2011 planning permission was granted for the erection of 4 affordable dwellings adjacent to the application site.

S11/1093 – in August 2011 planning permission was granted for the erection of a single affordable dwelling on land adjacent to the application site.

S11/1253 – in August 2011 reserved matters approval was granted for the construction of a nursing home on land directly to the south of the application site.

### **Policy Considerations**

National Planning Policy Framework:

Section 1: Delivering sustainable development

Section 4: Promoting Sustainable Transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

## South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy

Policy SP3 – Sustainable Integrated transport

Policy SP4 – Developer Contributions

Policy EN1 – Protection and Enhancement of the Character of the District

Policy EN2: Reducing the Risk of Flooding

Policy EN4 – Sustainable Construction and Design

Policy H1 – Residential Development

Policy H3 – Affordable Housing

### **Representations Received**

Environment Agency – No objections subject to a condition requiring details of foul water drainage provision being attached to any consent.

Anglian Water - No objections subject to a condition requiring details of foul water drainage provision being attached to any consent. See full comments below:

“We have been working closely with the Environment Agency to explore options to the constraint identified for Deepings Sewage Treatment Works within the South Kesteven Water Cycle Study. I have tried to summarise the discussions to date and provide an updated position on the Deepings catchment.

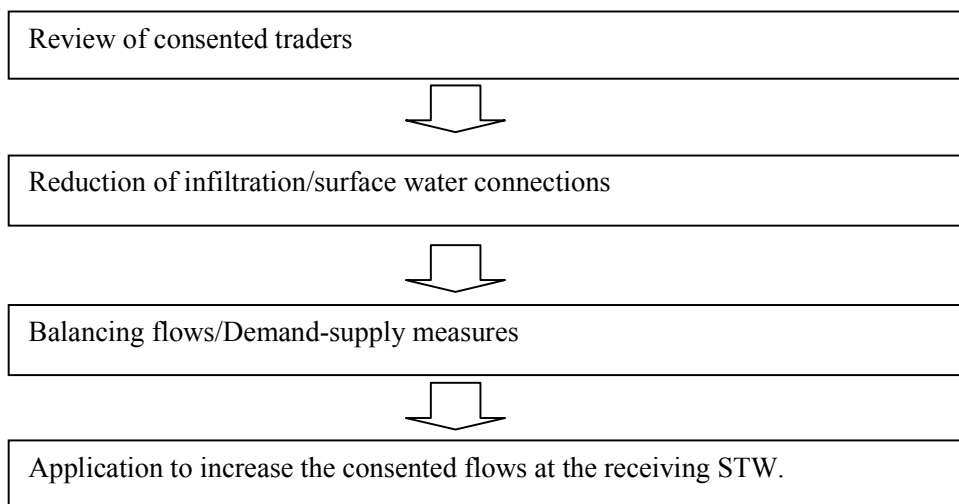
The South Kesteven Water Cycle Study has identified potential constraints to development and demonstrated that these constraints could be overcome with potential phasing implications. We view the role of the Water Cycle Study as a starting point for engagement and a useful tool to highlight potential issues. This should lead to developers engaging with Anglian Water/Environment Agency/South Kesteven District Council to progress the issue. In partnership we may identify solutions to the identified constraint that will allow sites to come ahead of the phasing plan. However, we support the position that until capacity is created, or a solution to create capacity is identified, development is likely to be delayed.

Following on from the WCS and in order to enable development, we have worked with key parties to explore the constraints and, where possible, seek effective resolution. This has resulted in a better understanding of the catchment and the available solutions.

#### Catchment Management Hierarchy

In order to demonstrate there is a feasible solution to serve the proposed development, the WCS has sought to cater for the higher growth scenario or outlines the potential change in discharge consent. The WCS identifies a possible way forward to support the principle of development rather than the most sustainable solution (that often takes more time and a better understanding of the proposed flows).

We follow a hierarchical approach when considering growth within a wastewater catchment considering the following stages before applying to the Environment Agency for a revised discharge consent.



Reducing flows entering our system may reduce water resource requirements and reduce flood and pollution risk. All parties are committed to ensuring we make most efficient use of existing infrastructure before we seek to implement new infrastructure.

#### The Deepings

The WCS identified there was no available capacity for growth until a new discharge consent was sought for the STW. Following the hierarchy for catchment management, we have explored the options with developers and the Environment Agency and consider there is reasonable prospect that a solution, that would not entail a new discharge consent, could provide sufficient capacity to serve the proposed growth.

We have created a programme of works to include auditing the consented traders and surveying (with CCTV) sections of the sewerage network to identify areas of infiltration. This is timetabled for the end of April (subject to the appropriate ground conditions). Given the scale of the catchment and the recorded flows at the works, we consider there to be reasonable prospect that sufficient infiltration will be identified and removed to enable the proposed development.

In light of the options available and the modest development proposed, we consider there to be reasonable prospect that sufficient infiltration will be identified to enable the proposed development. Accordingly, we recommend the following condition is imposed on any subsequent planning permission;

Condition: No building works which comprise the erection of a premise required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved.

Reason: To prevent an increase risk of flooding, pollution and detriment to public amenity through provision of suitable wastewater infrastructure.”

Community Leisure Officer – Requests an off-site contribution of £9,870 towards equipped play space provision in the area.

Heritage Lincolnshire – No objections subject to condition requiring trial trenching to be undertaken prior to any development taking place.

Planning Policy – comments dated 1/12/2011 relating to original scheme for 19 dwellings

“The application proposes 19 houses on a greenfield site which currently has planning consent for the relocation of the Deepings Rugby Club clubhouse. The applicant has stated that the Rugby Club do not need/want the site and can accommodate their clubhouse needs elsewhere in the town. The original proposal was permitted because it would provide a number of valuable community uses which would help support and maintain the role of the Deepings as a market town ( in accordance with the principles of policy SP1 of the Core Strategy). I think it is important in considering this application to get confirmation from the rugby club about their future intentions, in particular, whether they will need or want the site for use either now or in the future.

Policy SP1 of the adopted Core Strategy establishes the spatial strategy for new development across the district to 2026. In respect of the Deepings the strategy supports new development which would maintain and support the role of the market town (Policy SP1). The policy goes on to state that priority will be given to sustainable sites within the built up part of the town, if insufficient land is available within the built up part of the town will “appropriate sites on the edge may also be considered suitable for development”. The emerging Site Allocation and Policies DPD has allocated sufficient land to meet the housing needs of the town for the period to 2026. This site was not considered for allocation and has not therefore been allocated. The DPD also includes a new policy SAP H1 which states that “other than those sites which are allocated, new Greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development”. The DPD has been published for the formal six week representation period prior to being submitted to the Secretary of State for Examination. A Public Examination will be held next year to consider whether the DPD is sound. As part of that Examination the Planning Inspector will consider the merits of this and other competing sites in the town. Consideration of this application at this time is premature to the consideration of the site alongside alternatives and will predetermine the Inspectors conclusions about allocation sites in the Deepings.

Having assessed the supply of deliverable housing land within the district the Five Year Land Supply Paper 2011-2016) concludes that there is a current supply of four years. This is slightly less than the national requirement of five years. In such circumstances the consideration of applications for sites which are not allocated would need to reflect the criteria set out in the Core Strategy policy H1. This site largely meets that criteria, however the very recently finalised detailed Water Cycle Study (Nov 2011) has identified that there is no capacity to treat additional wastewater at the Deepings WwTW. Work to resolve this constraint could take at least five years. This is a significant constraint to any additional development in the Deepings, and it is recommended that no additional development is permitted until this constraint is resolved. Allowing additional development in the knowledge of this constraint could breach the Water Framework Directive and is likely to be objected to by the Environment Agency (EA), it is therefore contrary to criterion 6, 7 and 13 of Core Strategy policy EN1. This constraint and objection by EA may affect the phasing of sites allocated in the DPD.

The application proposes 19 “affordable homes” I understand from my colleague, Mandy Gee, that there is some uncertainty about the status of the proposal as genuine affordable homes. If it is confirmed that the proposal does not fall within the definition of affordable homes the proposal should be considered as a market housing scheme and will therefore be expected to provide 6-7 genuinely affordable homes within the site to meet the requirements of policy H3 of the Adopted Core Strategy.

The proposal is for a Greenfield site on the edge of the built up part of the town, whilst I acknowledge that the principle of the development of the site has, in the past been accepted

by virtue of the current consent – this is a consent for a community facility and would represent a much less intensive development form than 19 homes. The current application should therefore be assessed as a housing proposal on an unallocated greenfield site, and as such I considered it is contrary to policy SP1 of the adopted Core Strategy and to policy SAP H1 of the emerging DPD. The Adopted Core Strategy identifies that land should be identified in the Deepings to maintain a supply of housing across the plan period. The most recent Five Year Housing Land Supply paper reveals that there is not a five year supply of housing land within the district, although there is actually a good supply in the Deepings. In addition the evidence of the Water Cycle Study reveals that there is a significant infrastructure constraint to development in the Deepings which could adversely affect the water quality of receiving watercourses. In this respect the application is contrary to criterion 6, 7 and 13 of Core Strategy policy EN1, and as a result the site does not satisfy all of the criteria listed in the Core Strategy for the consideration of potential housing sites at this point in time. I therefore object to the application as being contrary to adopted Core Strategy policies SP1 and EN1 and to SAP H1 of the emerging DPD. If the affordable housing issue remains unresolved the proposal is also contrary to policy H3 of the Core Strategy regarding the provision of affordable housing on site.”

Lincolnshire County Council Children’s Services – Requests a S106 contribution towards education facilities of approximately £56,000.

Highway Authority – No objections subject to conditions requiring off-street parking and turning facilities to be provided as part of the development.

Parish Council –

“This is a major variance to the original application. There is disappointment that there will be the loss of an expected community facility especially as the rugby club is still looking for a permanent site.

Additionally there had originally been allocated a large parking area at the rugby club site which could be shared with the Arts Centre and visitors to the Nursing Home – this will be lost. There should now be a public open space with Larkfleet responsible for maintenance as part of a Section 106 Agreement.

The existing Section 106 agreement should now be reviewed due to the loss of the community facility which is a major variation to that originally outlined. Additionally the Parish Council should be consulted on any new Section 106 agreements.

The need for affordable housing is recognised but not in this location.

Provision could also be made for access to a potential cycle way / footpath access to Linchfield Road and public footpaths to north of the development.”

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

The application has been advertised in accordance with the Council’s Statement of Community Involvement and 3 letters of objection have been received. The following comments have been made:

- Why are more houses proposed when permission was granted for a club house for the rugby club?

- Will the whole of this area be given over to housing contrary to the original planning permission for a club house, nursing home and arts centre?
- Object to the proposals as facilities for DSJ was the overriding element in the first place. Not an excuse to build all over green belt land and no facilities.

## **Officer Evaluation**

This is a full application for the erection of 18 dwellings on land to north of Spalding Road Deeping St James. The proposed development is located on a site which has previously been granted outline planning consent for community facilities including affordable housing, a nursing home, arts centre and club house for the local rugby club under application S08/0747.

Reserved matters applications have been received for the affordable housing element and the nursing home. The affordable housing element of the 2008 scheme has almost been completed on the site. The agents have indicated in the design and access statement supporting the application that the new club house facility for the rugby club is no longer required as the club has secured the use of their current site and they no longer need to find new accommodation. The rugby club have not provided any formal objection to this application despite been contacted by officers. In view of the lack of any objection from the rugby club it is considered that the site is no longer required to provide a future alternative location for the club.

The Council's Planning Policy Team has raised objections to the development suggesting that the proposals would be contrary to policy SP1 and EN1 of the adopted core strategy and SAP H1 of the emerging DPD. The recently published NPPF requires local planning authorities at paragraph 47 to identify and maintain a 5 year housing supply within the district. In view of the fact that the Council cannot demonstrate a 5 year housing supply the NPPF suggest that there should be a presumption in favour of housing developments especially where they are in sustainable locations.

It is considered that the site is within a sustainable settlement and has good access to local facilities and is within easy walking distance of the local centres of Deeping St James and Market Deeping. Although Policy SP1 of the Core Strategy gives priority to brownfield sites within the built up part of the Deepings the policy does not exclude suitably located greenfield sites on the edge of the built framework.

The proposed amended development layout is considered to be in scale and character with the surrounding built form. The proposed layout ensures that the existing and proposed dwellings would have sufficient amenity space and ensure that there was no adverse impact on residential amenity.

Concern has been raised in relation to the Water Cycle Study which revealed that there is a significant infrastructure constraint to development in the Deepings and that this issue could adversely affect the water quality of receiving watercourses. This issue has however been extensively looked at by the developers, the Environment Agency and Anglian Water and it has been confirmed that the existing system has capacity to accommodate this development.

It is considered, that as no compelling evidence has been provided to demonstrate that the local rugby club still require the site in order to facilitate their relocation, that there is no justification for the ongoing protection of the site for that purpose. It is therefore considered that subject to the applicant being willing to enter into the necessary S106 Agreement to provide contributions towards local facilities to mitigate the impacts of the development the proposals can be considered acceptable.

## **Section 106 Heads of Terms**

35% Affordable housing on site

A contribution towards education facilities approximately £56,000 precise figure to be confirmed.

A contribution of £9,870 towards off-site open space provision in the local area.

## **Crime and Disorder**

The proposed development does not raise any significant crime and disorder implications for the local area.

## **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 1:**

That planning permission be granted subject to a Section 106 Agreement which should be delegated to the Development Management Service Manager in consultation with the Chairman/Vice Chairman and subject to the following conditions.

## **Recommendation 2:**

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman/Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

## **SUMMARY OF REASON(S) FOR APPROVAL**

The proposed development of 18 dwellings on the site would not appear out of character with the surrounding area and would not be detrimental to residential amenity. The local highway authority has raised no objections to the proposed access arrangements. Subject to conditions relating to foul water drainage details being approved the Environment Agency and Anglian Water have confirmed that they have no objections to the development.

Concern has been raised in relation to the site having approval for the redevelopment and relocation of the local rugby clubs club house. There has however not been any compelling evidence provided to demonstrate that the site is still required for this use. The proposed development is considered to be in accordance with the policies contained in the National Planning Policy Framework and Policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the South Kesteven

Core Strategy.

**RECOMMENDATION:** That planning permission be granted subject to a Section 106 Agreement relating to developer contributions which are referred to in the report above.

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 commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

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

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

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

4. The arrangements shown on the approved plan PL-03 dated 02/03/2012 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

5. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a \*specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

\*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

6. 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

7. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms 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 by the Local Planning Authority.

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

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and 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).

10. No building works which comprise the erection of a premises required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved.

Reason: To prevent an increase risk of flooding, pollution and detriment to public amenity through provision of suitable wastewater infrastructure and to ensure compliance with paragraph 11 'Conserving and enhancing the natural environment' of the National Planning Policy Framework, March 2011.

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

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

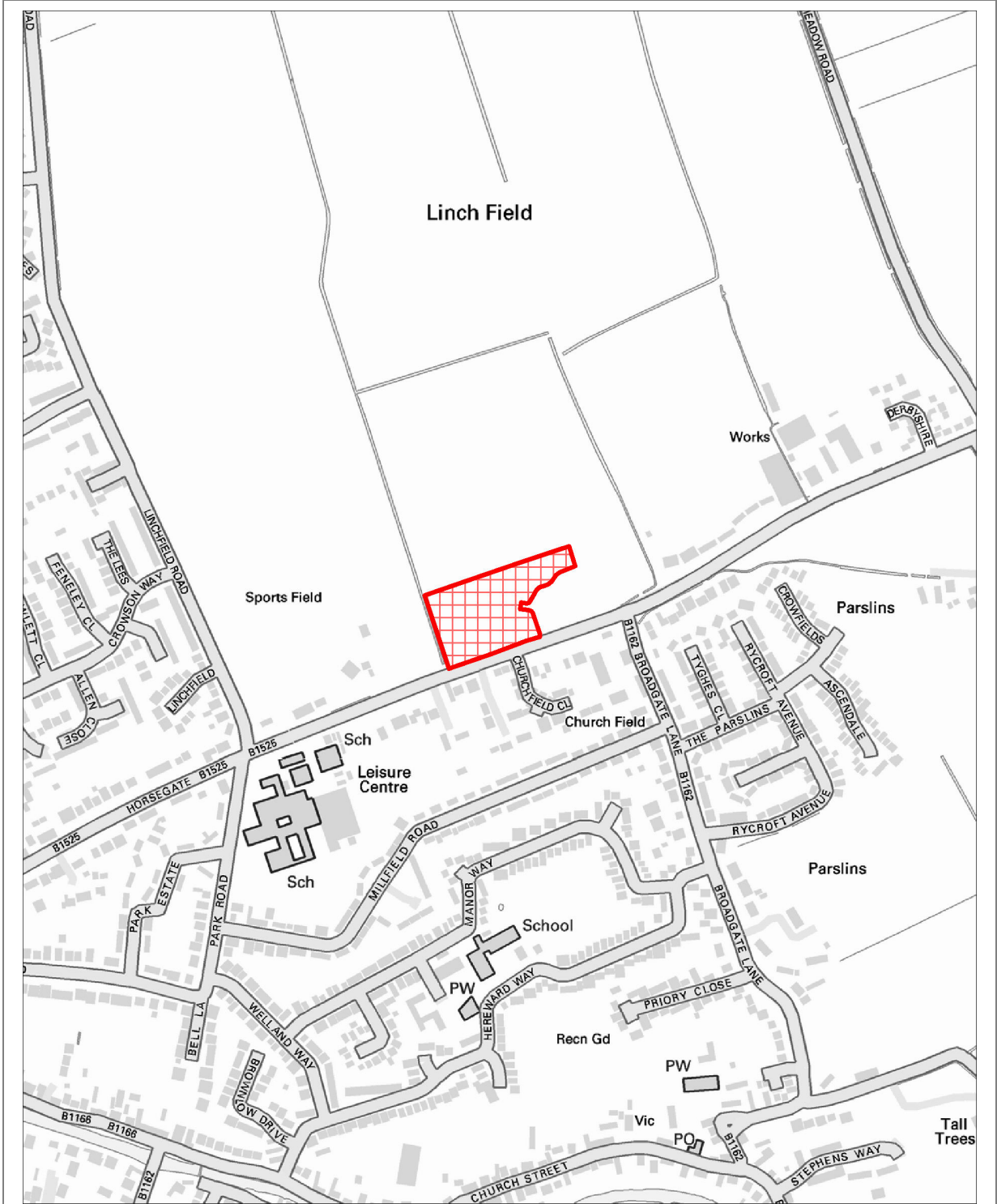
Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
2. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

\* \* \* \* \*

## Site Location Plan

Ref	<b>S11/2050</b>
Proposal	<b>Construction of 18 dwellings</b>
Location	<b>Land north of, Spalding Road, Deeping St. James</b>



Scale 1:7500

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Applicant	<b>Dr M Kebbeh</b> 10, The Pollards, Bourne, Lincolnshire, PE10 0QB
Agent	
<b>Proposal</b>	<b>Erection of fence and gates</b>
<b>Location</b>	<b>10, The Pollards, Bourne, Lincolnshire, PE10 0QB</b>
App Type	Householder Development
Parish(es)	Bourne
Reason for Referral to Committee	At the request of the local Councillor for the following reasons: dominant, oppressive and visually intrusive.
Recommendation Summary	The development be approved subject to conditions

**Key Issues**

- Impact on surroundings
- Appearance

**Technical Documents Submitted with the Application**

- None

## **REPORT**

### **The Proposal**

This is a full application seeking consent for the erection of a fence and gates to the front of 10 The Pollards, Bourne. A fence has already been erected but not in the position as shown on the submitted drawings.

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

The application site is located in a comprehensively developed residential area and is on the north side of the Pollards. No. 10 does not front onto The Pollards, it faces a grassed, landscaped area which in the original layout was shown as a drainage ditch. This drainage ditch was not used as part of the overall development and was filled in April 2011. The applicant purchased the application site, as outlined on the site plan, in November 2011.

During the last few years the applicant has suffered from anti social behaviour with attacks on both his property and family from persons using the grassed area to the front of the property. They were advised by the Police and the crime reduction officer to secure the property and to do this they purchased the land to the front of the house and erected the fence subject of this application.

To the south of the application site there is a vehicular access and turning area providing access to 2 garages belonging to the first two dwellings to the south.

### **Relevant Site History**

None.

### **Policy Considerations**

South Kesteven District Council Core Strategy:

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

### **Representations Received**

Bourne Town Council: Objects to the proposal as a high fence in this area will be out of keeping with the character of the area and will be visually intrusive.

Lincolnshire County Council Highways – Does not wish to restrict the grant of permission.

Archaeological – no affect upon any known sites.

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

The application has been advertised in accordance with the Council's Statement of Community Involvement and two letters of objection have been received from local residents. The comments can be summarised as follows:

1. Fence restricts visibility when driving out of my house.
2. It has degraded the road.
3. It is an eyesore.
4. Risk of graffiti.
5. Agree in principle but the fence is too high, out of character with the open plan feel of the area.
6. Would look better with black railings.

### **Officer Evaluation**

This is a full application for the erection of a 1.8 metre high fence. Under permitted development rights a fence can be erected up to 1 metre high next to a highway without requiring planning permission. If the fence were erected 2 metres away from the highway it can be up to 2 metres high without requiring planning permission.

Having regard to the size and location of the proposed fence together with other similar fencing erected around the estate, the proposal will have no adverse affect upon the overall appearance of the development and have no direct impact on the residential amenities of surrounding residential properties causing no loss of light or privacy.

As currently erected the fence does not meet the required pedestrian visibility splays for Lincolnshire County Council Highways. The submitted drawings show these splays to be provided and subject to a condition requiring these to be provided the scheme is considered acceptable.

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

Not required.

### **Crime and Disorder**

The proposed development raises not significant 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.

### **Conclusion**

The proposed development will have no adverse affect upon the adjacent development or the area as a whole.

### **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 will provide satisfactory

pedestrian visibility splays and is compliant with South Kesteven Core Strategy Policy EN1 (Protection and Enhancement of the Character of the District).

**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.

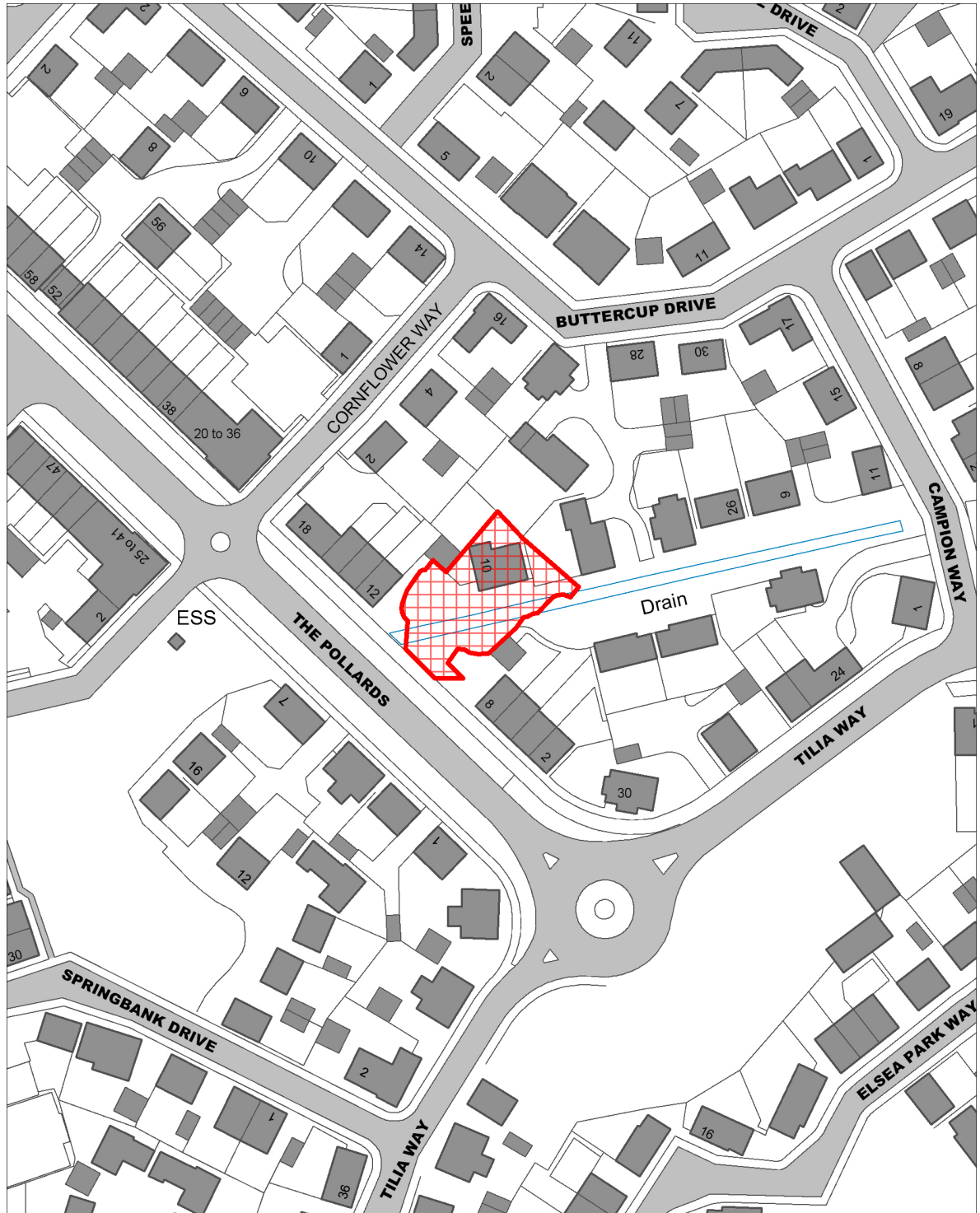
2. Within 2 months from the date of this permission the pedestrian visibility splays as shown on the drawing received 7 March 2012 shall be provided and retained at all times.

Reason: In the interest of pedestrian and highway safety.

\* \* \* \* \*

# Site Location Plan

Ref	<b>S12/0496</b>
Proposal	<b>Erection of fence and gates</b>
Location	<b>10, The Pollards, Bourne, Lincolnshire, PE10 0QB</b>



Scale 1:1250  
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Applicant	<b>Mr Andrew Green</b> 63, Princess Drive, Grantham, Lincolnshire, NG31 9QA
Agent	Mr Brian Johnson 18, Tanners Lane, Corby Glen, Grantham, NG334NA
<b>Proposal</b>	<b>Ground floor extension to rear of dwelling</b>
<b>Location</b>	<b>63, Princess Drive, Grantham, Lincolnshire, NG31 9QA</b>
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	Applicant is related to a member of staff.
Recommendation Summary	Approve

**Key Issues**

- Impact on the character and appearance of the area
- Impact on the Character and appearance of the host dwelling.
- Impact on neighbouring residential amenity

**Technical Documents Submitted with the Application**

N/A

## **REPORT**

### **The Proposal**

The application is for a single storey rear extension to the existing semi-detached dwelling. The single storey extension will have a width of 4.28m and a maximum length of 3.36m.

The extension will have a mono-pitched roof with a roof height below the level of the first floor windows. Externally, the extension will have glazed double opening doors to the rear facing elevation together with a single window.

Internally the extension will provide accommodation for a day room.

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

The application site is located to the north side of Princess Drive.

The existing property is a two storey red brick semi-detached dwelling.

There is a brick outbuilding to the rear immediately adjacent to the proposed extension.

The immediate area is predominantly residential with neighbouring properties consisting of two storey dwellings of a matching design to the applicant's property.

### **Site History**

There is no history of previous planning applications on the site.

### **Policy Considerations**

National Planning Policy Framework

- Section 1 Building a Strong, Competitive Economy
- Section 7 Requiring Good Design
- Section 11 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Policies of South Kesteven Core Strategy

Policy EN1

### **Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments was the 4th April 2012.

No letters of objection have been received.

## **Key Issues**

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

## **Crime and Disorder Implications**

The proposal raises no significant crime and disorder implications

## **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 single storey element of the rear extension is in proximity to the rear of No. 61, Princess Drive. However, having regard to boundary treatments, the scale of the extension and the relationship with the neighbouring property the proposal is considered acceptable in that it would not have a detrimental or overbearing impact on the occupants of that adjacent property.

Due to there being no openings facing either neighbouring property and the retention of the existing fence it is considered the proposal would not have an overlooking impact.

The extension has a suitable level of separation to No. 65 and due to the small volume of build that will be higher than the existing boundary treatment adjacent to No. 61, it is considered that the existing levels of light which these neighbouring properties currently enjoy will not be materially affected.

It is concluded that the development is acceptable and the application is recommended for approval.

## **SUMMARY OF REASON(S) FOR APPROVAL**

The proposals, by virtue of their scale, design, materials and siting are acceptable in accordance with national and local policies as set out in the National Planning Policy Framework Sections 1, 7 and 11 and Policy EN1 of the South Kesteven Core Strategy.

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

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

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

2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development 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).

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

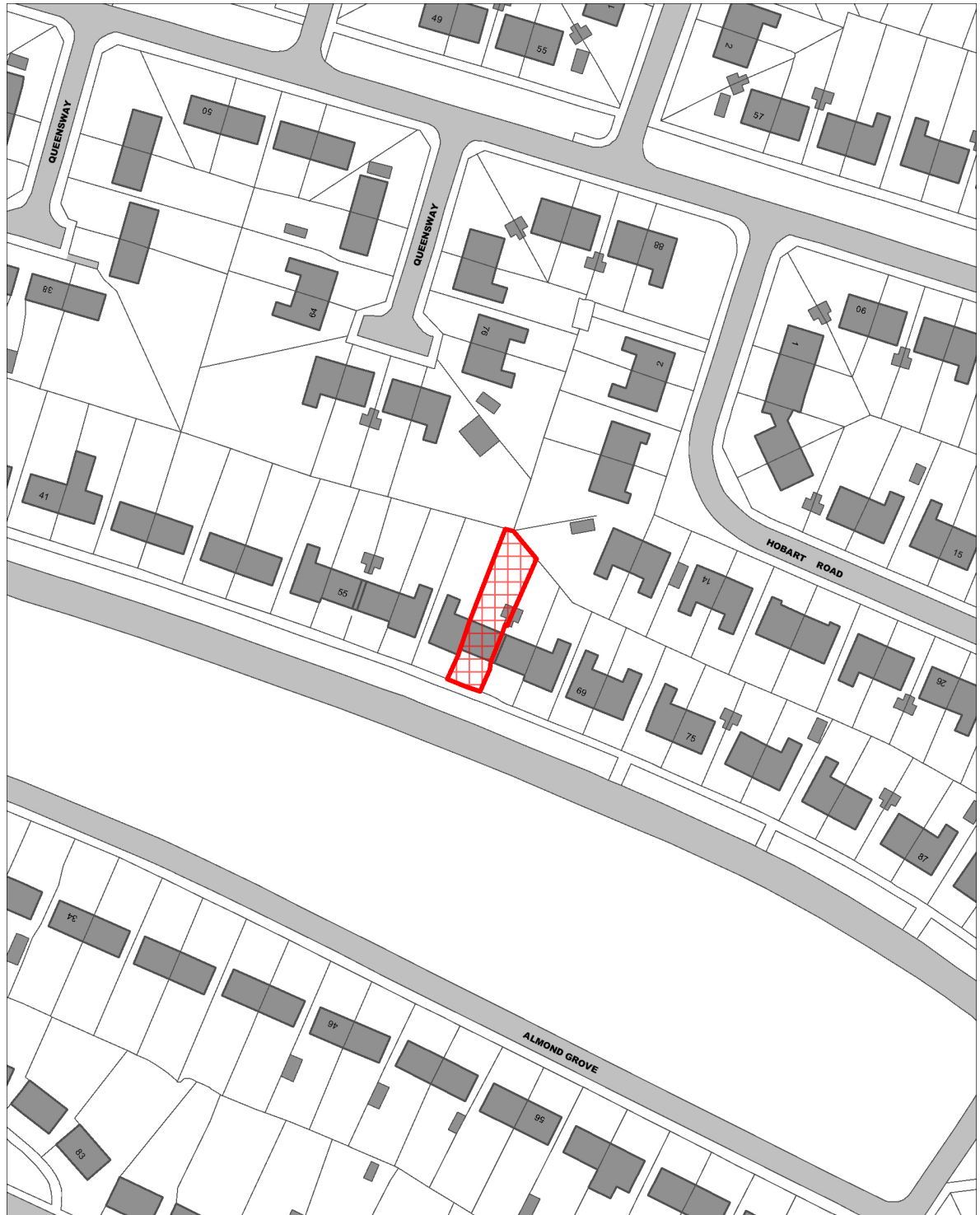
Drawing Number BJ/AG/12/1 dated 29th February 2012

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

\* \* \* \* \*

# Site Location Plan

Ref	<b>S12/0526</b>
Proposal	<b>Ground floor extension to rear of dwelling</b>
Location	<b>63, Princess Drive, Grantham, Lincolnshire, NG31 9QA</b>



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Applicant	<b>Mr &amp; Mrs D Spencer</b> 3, Granta Crescent, Grantham, Lincolnshire, NG31 9PJ
Agent	Mr Bruce Watt, Hilltop Planning & Design Services Hill Top, Harrowby Lane, Harrowby, Grantham, NG31 9HB
<b>Proposal</b>	<b>Single storey side and rear extensions to dwelling and widening of driveway</b>
<b>Location</b>	<b>3, Granta Crescent, Grantham, Lincolnshire, NG31 9PJ</b>
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	Applicant is related to a member of staff
Recommendation Summary	Approve

**Key Issues**

- Impact on the character and appearance of the area
- Impact on the Character and appearance of the host dwelling.
- Impact on neighbouring residential amenity

**Technical Documents Submitted with the Application**

N/A

## **REPORT**

### **The Proposal**

The application is for single storey side and rear extensions to the existing semi-detached dwelling. The side extension will wrap round the building leading to a larger extended element to the rear.

The extension will have a mono-pitched roof to the side, expanding to a larger gable end to the rear. Coming off this and spreading across the whole of the rear elevation will be a further mono-pitch roof section.

Externally, the extension will have a garage door to the front elevation with a single door and small window to the side. The gable end will have a large window and access can be gained from the rear elevation through glazed double doors. High level roof lights are positioned in both the side and rear slopes of the roof.

Internally the extension will provide accommodation for a garage, utility room, kitchen and dining room.

The existing driveway will be extended and laid with brick paving to match the existing.

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

The application site is located to the west side of Granta Crescent.

The existing property is a two storey red brick semi-detached dwelling.

The immediate area is predominantly residential with neighbouring properties consisting of two storey dwellings of a similar design to the applicant's property.

### **Site History**

There is no history of previous planning applications on the site.

### **Policy Considerations**

National Planning Policy Framework

Section 1 Building a Strong, Competitive Economy  
Section 7 Requiring Good Design  
Section 11 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Policies of South Kesteven Core Strategy

Policy EN1

### **Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments was the 12 April 2012.

No letters of objection have been received.

### **Key Issues**

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

### **Crime and Disorder Implications**

The proposal raises no significant crime and disorder implications

### **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 single storey element of the rear extension is in proximity to the rear of No.1, Granta Crescent. However, having regard to boundary treatments, the scale of the extension and the relationship with the neighbouring property the proposal is considered acceptable in that it would not have a detrimental or overbearing impact on the occupants of that adjacent property.

There are openings facing the neighbouring property to the west but these are on the ground floor and together with the retention of the existing fence it is considered the proposal would not have an overlooking impact. Two roof lights are proposed but these are high level and do not allow direct overlooking.

The extension has a suitable level of separation to No.5 and due to the extension only encroaching a little past the building line of the rear of No.1, it is considered that the existing levels of light which these neighbouring properties currently enjoy will not be materially affected.

It is concluded that the development is acceptable and the application is recommended for approval.

### **SUMMARY OF REASON(S) FOR APPROVAL**

The proposals, by virtue of their scale, design, materials and siting are acceptable in accordance with national and local policies as set out in the National Planning Policy Framework Sections 1, 7 and 11 and Policy EN1 of the South Kesteven Core Strategy.

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

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

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

2. The external finishes of the development hereby permitted shall be in accordance with those listed on Drawing sheet Number 2 dated 8th March 2012.

Reason: To ensure a satisfactory appearance to the development 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).

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

Drawing Sheet Number 1 dated 8th March 2012  
Drawing Sheet Number 2 dated 8th March 2012

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

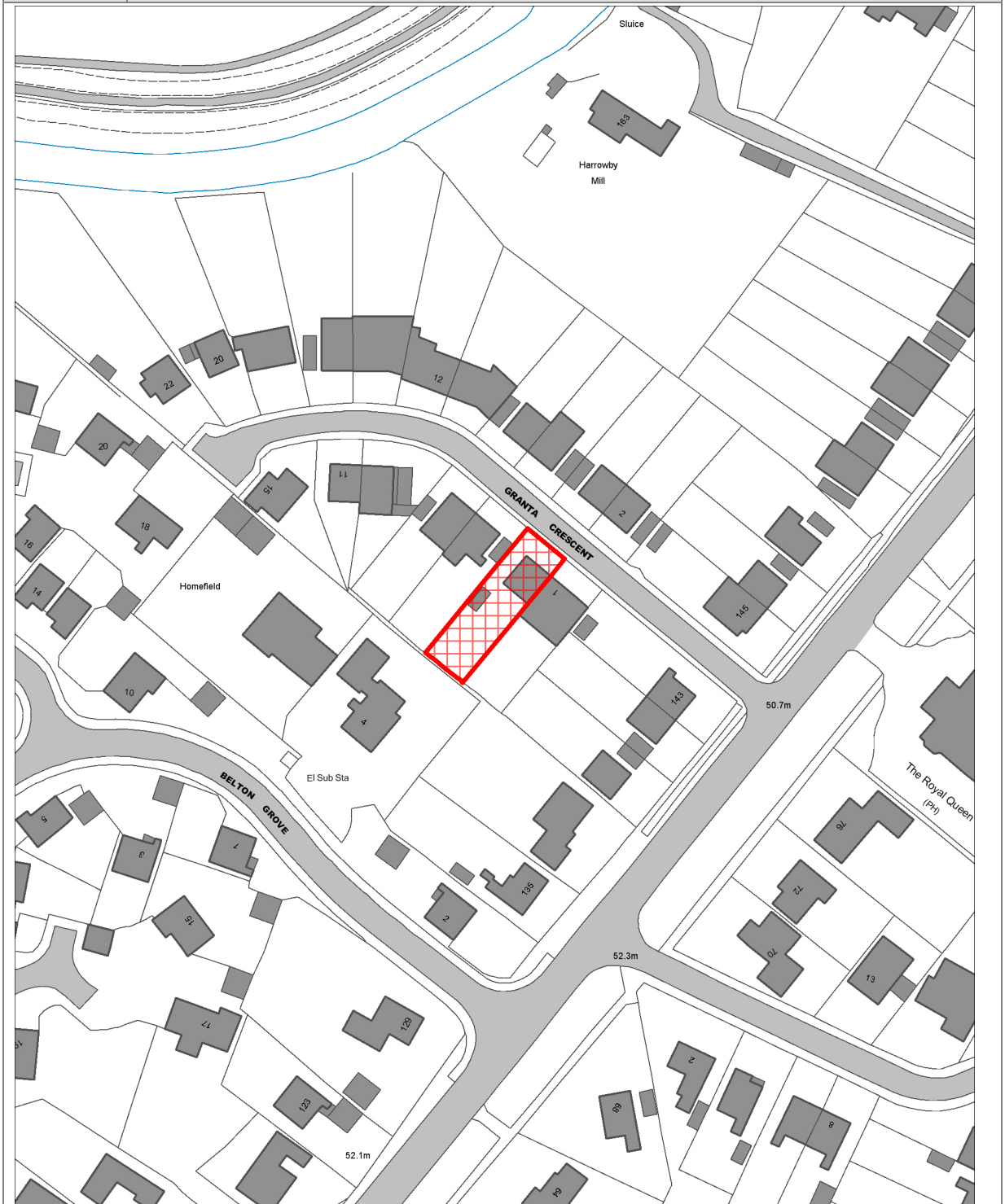
Note(s) to Applicant

1. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/0597</b>
Proposal	<b>Single storey side and rear extensions to dwelling and widening of driveway</b>
Location	<b>3, Granta Crescent, Grantham, Lincolnshire, NG31 9PJ</b>



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