

PL1 **S12/2310/MJNF**

Target Decision Date: 18-Dec-2012
Committee Date: 04-Dec-2012

Applicant	Tesco Stores Ltd C/o Agent
Agent	Rachel Edwards, DPP One Ltd Abbey Business Centre, 53, Fountain Street, Manchester, M2 2AN
Proposal	Removal of Condition 12 of p/p S10/0069 to allow 24 hour deliveries
Location	Tesco land off, South Road, Bourne, Lincs
App Type	Major Full (Non-residential)
Parish(es)	Bourne
Reason for Referral to Committee	The application has been referred to the Development Control Committee at the request of the Development Management Service Manager.
Recommendation Summary	<p>The proposal seeks to to have 24 hour deliveries to the store.</p> <p>It is considered that the proposed new delivery hours will not adversely impact the private amenities, by way of noise and disturbance, of occupiers of nearby residential dwellings.</p> <p>It is therefore considered that the proposal is in accordance with National Planning Policy Framework and policies EN1 of the South Kesteven Core Strategy (2010).</p>

Key Issues

- Noise

Technical Documents Submitted with the Application

- Noise Assessment

REPORT

Application Category

This application is categorised as a major.

Reason for Referral to Committee

The application has been referred to the Development Control Committee because the application is for major development and the previous application was determined by the committee

The Proposal

This is an application under section 73 of the Town and County Planning Act 1990 to remove condition 12 of application S10/0069 which states:

"The loading/unloading of delivery vehicles within the application site shall only be carried out between the following times - 0600 and 2330 - Monday to Saturday and 0830 and 2000 on Sunday.

Reason: To protect the amenity of the residents of adjacent properties, and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan."

The applicants wish to have 24 hour deliveries to the store and have submitted a Noise Assessment in support of the application.

In support of the application the following has been submitted by the agents:

- The additional delivery hours would enhance the operation of the store by ensuring the continued availability of fresh produce throughout the week. During the week, additional delivery hours in the evenings would provide greater flexibility and improved operation, and would ease the current concentration of deliveries in the morning.
- The timing of deliveries is important to ensure that the movement of goods, staff and customers through the store are optimised. This approach can seek to ensure that stock levels are replenished effectively, and in a manner which allows the customer experience to be maximised.
- The variation of delivery hours would enhance customer satisfaction, due to less congestion on the shop floor, as the shelves can be stacked throughout the day, which would help reduce the risk of slip or trip hazards.
- Having regard to the above, it is considered that the existing condition relating to deliveries is unduly restrictive. It places an unnecessary constraint on the operation and management of the store, which hinders the ability to serve local residents.
- No building work was proposed as part of the application. The existing access to the site will be retained as the proposed development does not require any modification of the access arrangements.

- The Sharps Redmore Environment Noise Assessment has demonstrated the proposed hours will not affect residential amenity. Additional safeguards are suggested to ensure that there would be no material adverse impacts upon residential amenity are proposed.
- The additional deliveries would improve the operation of the store, whilst the technical assessments prepared by Sharps Redmore Partnership, clearly demonstrate that no demonstrable harm would arise. This conclusion has previously been supported by the Council's EHO officer subject to the following conditions;
 1. At no time during the night shall any delivery vehicle remain stationary with its engine idling whilst waiting to undertake a delivery or whilst its delivery is being offloaded.
 2. No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00pm and 7:00am.
 3. Reversing alarms to delivery vehicles operating during the night shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.

Furthermore, if felt necessary, my client is willing to accept a twelve month trial period in order to assess the impact of the variation of the delivery hours on residential amenity. This trial period provides a further planning control measure which provides the Council the opportunity to ensure that the prospect of material adverse impacts is effectively eliminated.

Suggested wording;

"This permission is valid for a limited time only, expiring (twelve months) on or before this date, the use hereby permitted shall cease unless a further planning application with regard to the use has been submitted to and approved by the local Planning authority".

Also, please find attached an example of a Service Yard Management Plan that could also be conditioned.

Suggested wording;

"Prior to the implementation of the approved variation of delivery hours, a servicing management plan shall be submitted to and approved by the local Planning authority, as to ensure that nearby residential areas are protected from noise related to the delivery movements".

The application site and its surroundings

The application site is located at the junction of South Road and Cherry Holt Road, approximately 1km to the south of Bourne town centre. The site measures approximately two hectares (five acres).

Residential properties are located to the north and west of the site on the opposite side of Cherry Holt Road and South Road, with to the south a medical centre and key workers accommodation. The Car Dyke (a historic roman canal) runs north south along the sites eastern boundary. Beyond the Car Dyke lies Victor Way Industrial Estate.

Site History

Relevant Planning History

S03/0384 – Change of use from light industry to retail (B1 to A1). This application was withdrawn.

S05/1078 – Demolition of factory and construction of food store, 4 non-food store retail units, A3 takeaway and ancillary works. This application was withdrawn.

S06/0756 – Demolition of existing factory unit and erection of 1 foodstore, 4 non-food retail units with service yard and associated car parking. The Development Control Committee considered the application on the 14 November 2006 where the decision was deferred to the Chairman and Vice Chairman subject to referral of the application to the Secretary of State. Following confirmation from the Government Office that the Secretary of State did not want to call-in the application and following the completion of a Section 106 Agreement the application was approved on 17 April 2008.

S08/0443 – Erection of a food store, 3 non-food stores, garden centre, car park, vehicular access and associated development. The Development Control Committee considered the application on the 1 July 2008 but the decision was deferred to the Chairman and Vice Chairman subject to referral of the application to the Secretary of State. Following confirmation from the Government Office that the Secretary of State did not want to call-in the application and following the completion of a Section 106 Agreement the application was approved on 11 August 2008.

S10/0069 - Erection of foodstore with car parking and associated works. This development was approved in June 2010.

Representations Received

Bourne Town Council:

Bourne Town Council objects to this proposal as it is felt that 24 hour deliveries may cause excessive noise nuisance. The council upholds the reason given for condition 12 of S10/0069 which was "To protect the amenity of the residents of adjacent properties, and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan

Environmental Protection Services:

Following a site visit and review of the documents submitted with the application Environmental Protection would like to make the following comments and recommendations.

1. At no time during the night shall any delivery vehicle remain stationary with its engine idling whilst waiting to undertake a delivery or whilst its delivery is being offloaded.
2. No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00pm and 7:00am.
3. Reversing alarms to delivery vehicles operating during the night shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.

Lincolnshire County Council Highways:

Aware that in the past there has been an issue with local disturbance with refrigerated lorries waiting outside the gates either side of the stated delivery times and either with the refrigeration running, or engines or both.

In purely highway terms, there will be no extra demand on the highway network and provided there is instant access to their delivery area, no problem with parking and consequent issues in terms of highway safety and convenience. It is more a noise and disturbance matter.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. At the time of writing this report 17 letters of objection have been received from local residents and the comments raised are summarised below:

- Don't need any additional increase in delivery time.
- increase noise and disturbance detrimental to residential amenity
- Increase in traffic movements
- Later deliveries will stop people from being able to open windows on hot summer nights.
- Vehicles will park on Cherry Holt Road and cause further disruption and noise.
- increase noise and pollution from HGV's
- Deliveries should be restricted to current store opening times, 6am to midnight.
- Happy for 24h deliveries, will ease congestion during working hours.
- Traffic impact on South Fen Road.
- Risk assessment required for the bridge over river Glen.
- Main cause of noise is the 'reverse beeping' of lorries.
- If Tesco deliver at night it would greatly impact on my family and my right to a peaceful life.
- Shelves are always well stocked; see no need for increased delivery hours.
- Tescos already do not abide by the delivery times with vehicles waiting outside the store.
- Our initial objections to the noise issues have not gone away.
- Nothing has changes since previous decision on extending the delivery hours.

Policy Considerations

Policy EN1: Protection and Enhancement of the Environment

This policy seeks generally to protect the visual quality and amenity of the built and countryside environments. The policy lists seven points which development proposals should comply with and point seven deals with noise issues:

Avoid pollution of their surroundings by noise, toxic or offensive odour or by release of waste products.

Key Issues

The main key issues to be considered in the determination of this application can be summarised as follows:

Impact on residential amenity – does the development impact on the residential amenity of the occupiers of nearby properties and does the development result in any potential noise and disturbance issues?

Evaluation

Noise and disturbance

The previously approved application (S10/0069) had approval for 24 hour trading from the application site and a condition restricting deliveries to between 0600 and 2330 - Monday to Saturday and 0830 and 2000 on Sunday.

When application S10/0069 was determined the Council's Environmental Protection Officer (EHO) advised that screening/attenuation in the form of an acoustic wall / fence was required around the delivery/service yard. This has now been constructed. The EHO also advised that it is unlikely that the barrier would provide sufficient protection for nearby residents during night time deliveries. The EHO therefore advised that if permission was to be granted for unrestricted deliveries a condition requiring a delivery management plan should be attached and this should provide details of how deliveries will be managed to ensure that the predicted noise levels are achieved.

At that time a condition restricting the delivery hours was imposed that the applicants are now seeking to remove to enable them to have 24 hour deliveries.

The Council's Environmental Protection Officer has raised no objection to the current proposal subject to the comments detailed in their response above that can be included within a Service Yard Management Plan as suggested by the applicants. Although this is finely balanced the applicants have shown in the noise report that subject to conditions the development would fall within the required noise limits. On this basis and given that the development would be very close to the acceptable limits it is recommended that a temporary consent is granted for a period of one year which will enable the Council to monitor the effects of 24 hour deliveries.

Crime and Disorder Implications

It is considered that the proposed development will not result in any 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.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal seeks to amend the hours of delivery for the Tesco supermarket from 0600 hours – 2330 hours (Monday – Saturday) and 0830 – 2000 (Sunday) to 24 hour deliveries by removing condition 12 of S10/0069.

In the opinion of the local planning authority it is considered that the proposed new delivery hours will not have a significant adverse impact on the private amenities, by way of noise and disturbance, of occupiers of nearby residential dwellings.

It is therefore considered that the proposal is in accordance with National Planning Policy Framework and policies EN1 of the South Kesteven Core Strategy (2010).

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

1. The delivery hours hereby permitted shall be discontinued and the store shall revert back to the delivery hours approved under application S10/0069 on or before 4 December 2013.

Reason: The Council wish to monitor the extended opening hours for a one year period in order to assess potential impact on the residential amenity of the occupiers of adjacent properties.

2. The arrangements shown on the approved plan 6514/P02 Rev C received 14 January 2010 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 South Road/Cherry Holt Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

3. The development shall operate in accordance with the Travel Plan submitted to and approved in writing by the local planning authority on 12 January 2011 under planning permission S10/2544. An annual 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: A Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

4. Within seven days of the new access being brought into use, the existing access onto the A151 Cherry Holt Road shall be permanently closed in accordance with a scheme to be agreed in writing 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.

5. Prior to occupation of the hereto permitted development being brought into use, the works to improve the public highway indicatively identified on drawing 6512/P02 Rev C 14 January 2010 (by means of widening with a Ghost Island Right Turn Lane on Cherry Holt Road together with all ancillary works) shall be completed to the satisfaction of 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.

6. The surface water drainage scheme shall be implemented in accordance with the details approved on 23 September 2010 under planning permission S10/1761.

Reason: To ensure that there is no increase in the risk of flooding, both at the site and to third parties, as a result of the proposed development.

7. The development hereby approved shall be carried out in strict accordance with the amended lighting plan LS182 11/1 dated 10 March 2010.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with saved policy EN1 of the South Kesteven Local Plan.

8. The acoustic fence/wall as agreed on 23 september 2010 under planning permission S10/1761 shall be maintained in perpetuity.

Reason: To protect the residential amenity of the occupiers of adjacent properties in

accordance with Saved Policy EN1 of the South Kesteven Local Plan.

9. Prior to the implementation of the approved variation of delivery hours, a servicing management plan shall be submitted to and approved by the local Planning authority, as to ensure that nearby residential areas are protected from noise related to the delivery movements.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

10. The development hereby approved shall only be carried out in strict accordance with the conclusions and recommendations of the Contaminated Land Report submitted by Delta Simons reference 09-3121.03 received on 13 January 2010 and in accordance with the approved ground gas remediation scheme details agreed on 23 September 2010 under planning permission S10/1761.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

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

Reason: To ensure that any unexpected contamination encountered during development is dealt with appropriately.

12. The development shall be constructed to accord with the finished floor levels indicated on plan ref. 6514/P06 received 14 January 2010.

Reason: To ensure that the development is built in accordance with the approved plans and to accord with PPS25.

13. The development shall be constructed from the materials indicated on drawing number 6514/P03 Rev C unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory development of the site.

14. No more than 2,814 sq.m. of floor area shall be used for direct retail sales.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

15. There shall be no variation of the internal subdivision of the retail units without prior written approval from the district planning authority.

Reason: To ensure that the size and type of any future retail operation on the site would not adversely affect the vitality and viability of the town centre.

16. No more than 2,129 square metres of the net sales floorspace shall be used for the sale of convenience shopping goods including everyday essentials including food, drinks, newspapers, magazines and confectionary. The remaining 684 square metres of net sales floorspace shall only be used for the sale of comparison shopping goods including clothing,

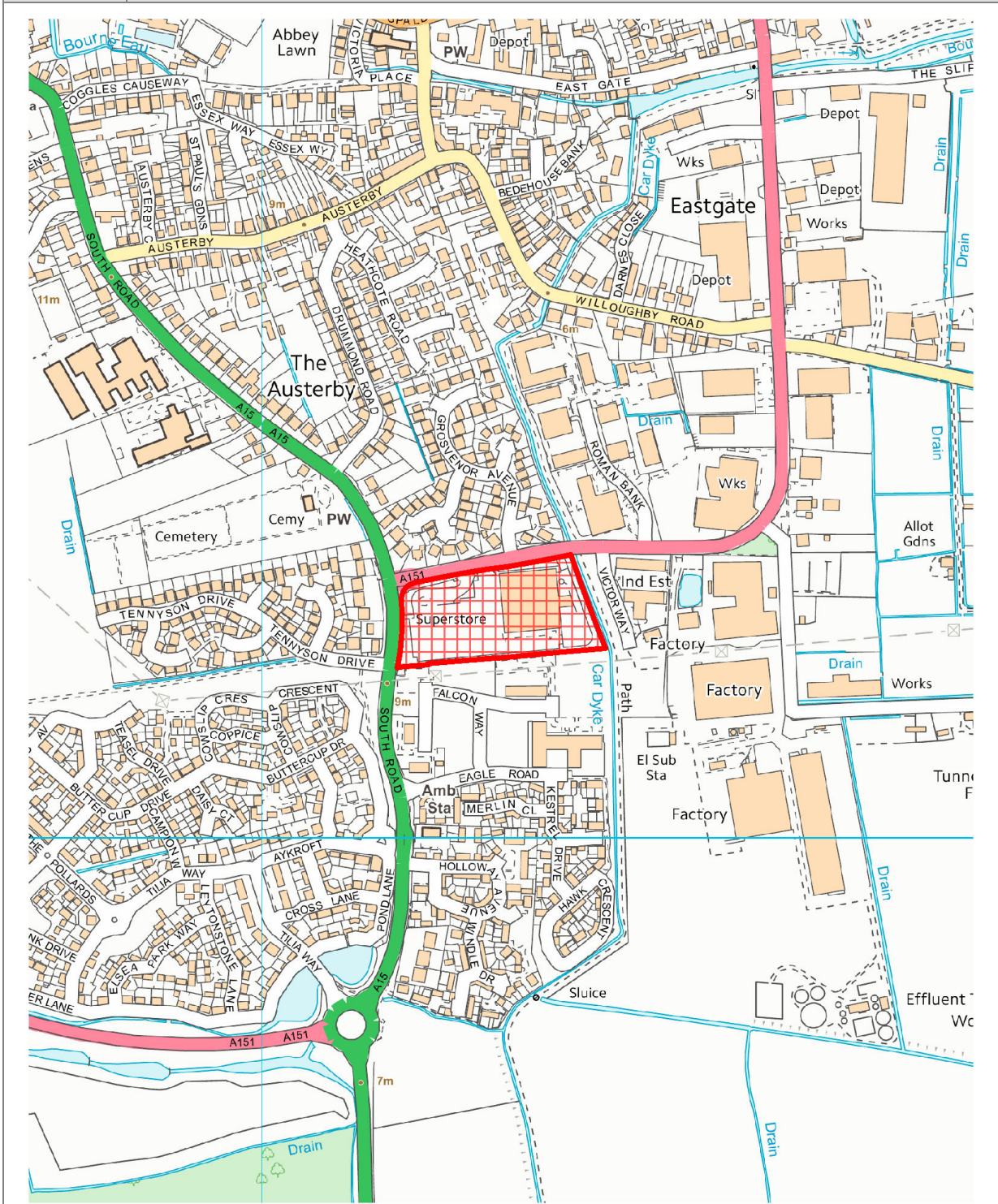
electrical goods, books, toys, entertainment media, kitchenware and hardware.

Reason: To protect the viability and vitality of the nearby shopping centre.

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Site Location Plan

Ref	S12/2310
Proposal	Removal of Condition 12 of p/p S10/0069 to allow 24 hour deliveries
Location	Tesco land off, South Road, Bourne, Lincs



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Applicant	Mrs 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	Previous scheme on the site had been approved by the Development Control Committee.
Recommendation Summary	Approve subject to conditions

Key Issues

- Planning History
- Accordance with policy
- Impact on highway safety
- Impact on neighbouring residential amenity
- Visual amenity
- Landscape impact
- Drainage
- Wildlife and Biodiversity

Technical Documents Submitted with the Application

- Site Plan
- Elevational Drawings
- Floor plans
- Scheme overlays
- Design and Access Statement
- Ecology Report
- Bat Survey
- Transport Statement
- Green Travel Plan
- Lighting survey
- Tree Report
- Drainage Details

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it considered to be locally controversial and at the request of the Development Control Committee Chairman.

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.

This is a revised application following an earlier grant of planning permission under planning reference S12/0070 in April 2010. The overall layout and configuration of the buildings and courts has had to be revised to take into account of the actual position of utilities. Furthermore the building has been amended to reflect applicant requirements. The building and courts have been moved slightly westwards and southwards resulting in minor changes to the car parking arrangement to the west. Relative to the existing approval 1 less car parking space is proposed.

The application proposes the erection of a 3,302 sq.m building (compared to 3538 sq. m previously) providing facilities over two floors. The buildings footprint measures 64m wide by 47m deep and will reach a maximum height of 11.2m (As opposed to the previous scheme reaching 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 pitch roof form. 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 proposal includes 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) and a small hawthorn (no 16 in the accompanying report) are to be removed as a result of their poor condition.

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 13 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 - 2200 at weekends. The cafe will be open to non-members and the bar and gym will be limited to members only.

Summary of Main Changes to Site Plan from Previous Planning Approval Ref: S12/0070:

- Building moved 2m South, 2.8m West to avoid Anglian Water easement.
- Courts 5-8 moved 1.5m South, 2.8m West to reduce conflict with Anglian Water easement.
- Courts 9-11 moved 0.45m South, 1.5m West to reduce conflict with Anglian Water easement.
- Courts 12-17 moved 0.5m North, 1.5m West due to building move.
- General alterations to car parking, paths and additional tree removed due to building and courts moving. Additional new tree added.
- Sub Station added.

Summary of Main Changes to Building Elevations from Previous Planning Approval Ref: S12/0070:

- First floor generally removed.
- First floor external viewing removed
- Roof double pitch valley removed and amended to standard 15 degree pitch
- Roof ridge height lowered by 2.1m from 13.31m to 11.21m
- Roof front eaves height lowered by 5.8m from 8.9m to 3.1m
- Horizontal flat cladding removed.
- Windows removed to right elevation.
- Solar panels generally removed.

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

S12/0070 – Redevelopment of tennis club – Approved April 2012.

Policy Considerations

South Kesteven Core Strategy

Policy EN1
Policy E1
Policy SP1

National Planning Policy Framework

Section 1 (Building a strong, competitive economy)
Section 4 (Promoting sustainable transport)
Section 7 (Requiring good design)
Section 8 (Promoting healthy communities)
Section 11 (Conserving and enhancing the natural environment)

Representations Received

Planning Policy

I understand that the new application makes some changes to the layout and design of the facilities proposed but as it doesn't fundamentally change the principle of the proposal for a major new indoor and outdoor tennis club on the site of the existing club within a public open space, I believe my comments to the previous application (ref S12/0070 dated 13th March 2012) are still relevant.

I would like to update those comments in respect of the publication of the National Planning Policy Framework (NPPF) published at the end of March 2012 and which replaced all PPGs and PPSs including PPG17 to which I had previously referred. Paragraphs 73 and 74 of NPPF are most applicable to this application and largely reflect the earlier guidance included in PPG17 which is to protect existing open space and sport and recreation provision, and to support increased and improved facilities.

I conclude therefore that in my opinion the proposal is in conformity with the adopted national and local planning policy of the NPPF 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 appears directly 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.

I note that a new hard surface is proposed inside the root protection area of the retained lime & sycamore trees (no's 9 & 14 in the accompanying survey) by the way of a sympathetic permeable design that will not require significant excavation. I believe that this is quite practical in arboricultural terms, but not ideal. I am concerned that the inevitable autumn leaf drop, sap exuding from the leaves (honey dew) & the dropping of general debris twigs etc onto the new playing surface will result in pressure to remove or prune the prominent lime tree 9 in particular, which is I believe in the ownership of SKDC. It might therefore be prudent to consider an alteration to the site layout where practical, particularly in proximity to the lime tree 9?

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.

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 consulted the Lawn Tennis Association (LTA) on this proposal. It has advised that this is a key tennis place to play in the Midlands region. This would become a key indoor venue in this part of the Midlands region and would complement what is currently taking place elsewhere in the County and the great work that the Club are doing on their existing facilities. An application for funding has been submitted by the Club to the LTA. This is going for discussion at the LTA Funding Committee meeting later this month.

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."

Network Rail As a result of the submitted layout 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 subject to conditions.

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 No objection. The authority should consider requesting enhancements in relation to bats and great crested newts. For the latter, this may be in the form of new water bodies and suitable terrestrial habitat.

Lincolnshire Wildlife Trust has no objections.

Environment Agency 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 21st September 2012. As a result of the consultation 1 letter of objection were received. A summary of the objections received is reproduced below.

- Will force people to use an area of land behind my garden
- Will encourage anti-social behaviour
- Will encourage people to play in the pond area
- Requires security to avoid antisocial behaviour

Following the submission of comparative illustrations showing the difference between the previous scheme and this one 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 26th September 2012.

In order to protect a mature Lime Tree, three of the courts were turned to move them further away from the root protection area. This resulted in amended plans and a further public consultation period which expires on 21st November. At the time of writing this report the consultation period had not expired. Should any further representations be received they will be included in a late paper on the day of the committee.

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 has already been accepted as a result of the approval of the previous application 12/0070. This application is a result of the development having to be moved to accommodate existing utility pipework which runs through the site.

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 a substantial distance 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 turning of the courts in order to protect a mature Lime tree did result in the loss of an overflow parking area.

The Highway Department did request that the developer pay the Local Planning Authority the sum of £3500 to be utilised by the Local Highway Authority for all works associated with alteration/introduction of a Traffic Regulation Order for the implementation of Parking restrictions fronting the site.

It is considered that this is an unreasonable request at this stage of the application process and one that would compromise the timescales for development to take place due to the associated legal agreement that would have to be drawn up to accommodate it.

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 Sections 1, 4, 7, 8 and 11 of the National Planning Policy Framework and policies EN1, E1 and SP1 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 development hereby approved shall be constructed from the materials shown on drawing number GTC 343 - A524 dated 5th November 2012. .

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 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.

4. The arrangements shown on the approved plan GTC 343 - A510 Rev G dated 05-11-2012 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 residents of this site.

6. 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: A Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

7. Before development commences 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. 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).

8. 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).

9. The hard and soft landscaping for the development hereby approved shall be carried out in accordance with the submitted drawing number GTC 343 - A110 Rev J - dated 5th November 2012.

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

10. The development hereby approved shall be carried out in accordance with the Tree Planting Scheme and Specification by Michael J Summer dated 5th November 2012.

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

11. 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.

12. No development shall take place on any part of the land to which the permission relates, until the applicant has submitted a Management Plan which is to include, a SUDS overview, a management statement which is to also include how the SUDs will perform and develop over time, specification of works, maintenance schedule and detail the responsibility for the management and maintenance of each element of the SUDS scheme. This is to be approved by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and to ensure future maintenance of the surface water drainage (SUDS) system.

13. 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.

14. 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.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Report 10571 dated 12th October 2012 by William Saunders.

Reason: To prevent the increased risk of flooding, both on and off site.

16. 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 31st July 2012 and the Bat Method Statement within the Further Bat Survey dated 31st July 2012.

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

17. 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. 05 J2/04040 Sheet 1 and 05 J2/04040 Sheet 2 dated 31st July 2012.

Reason: For the avoidance of doubt.

18. The lighting in relation to the development hereby approved shall be carried out in accordance with the amended External lighting plan by Abacus dated 8th November 2012.

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

19. The opening hours for the development hereby approved shall be in accordance with those stated within the submitted application form dated 31st July 2012.

Reason: For the avoidance of doubt.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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 - A500 Rev E dated 31st July 2012
GTC 343 - A107 Rev L - dated 5th November 2012
GTC 343 - A110 Rev J - dated 5th November 2012
GTC 343 - A113 Rev D - dated 5th November 2012
GTC 343 - A510 Rev G - dated 5th November 2012
GTC 343 - A511 Rev F - dated 5th November 2012
GTC 343 - A520 Rev A - dated 5th November 2012
GTC 343 - A530 Rev A - dated 5th November 2012
GTC 343 - A502 Rev F - dated 5th November 2012
GTC 343 - A503 Rev E - dated 5th November 2012
GTC 343 - A524 - dated 5th November 2012

Drainage Plan Drawing Number (9) 2000 by William Saunders dated 6th November 2012
External Floodlighting plan dated 8th November 2012
Tree Planting Scheme and Specification by Michael J Sumner dated 5th Novemebr 2012

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

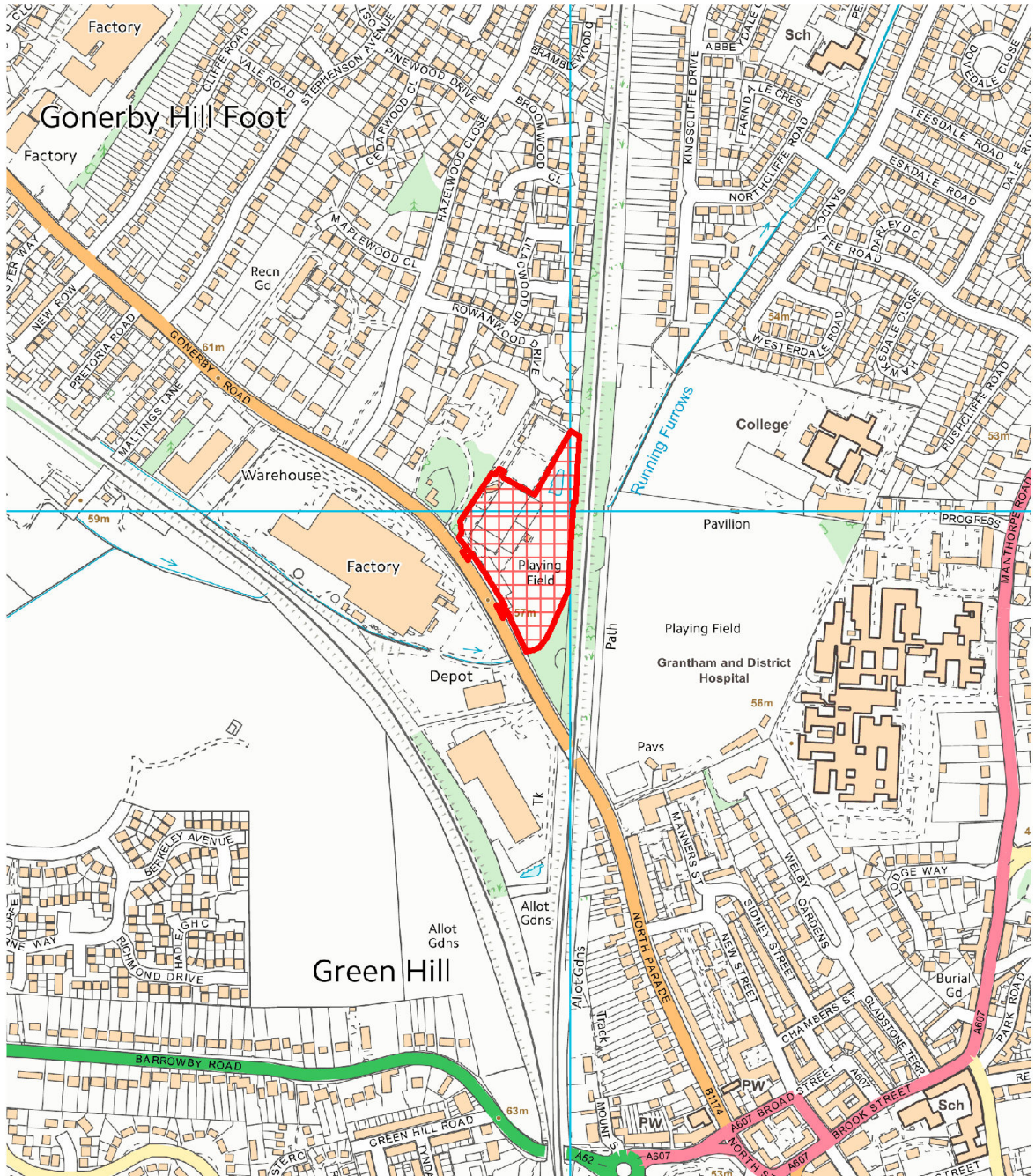
Note(s) to Applicant

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 5th September 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.

* * * *

Site Location Plan

Ref	S12/1919
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



Applicant	Mrs Laila Podro The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX
Agent	Tracey Dorling, Windcrop Ltd The Granary, Honingham Thorpe, Colton, Norwich, Norfolk, NR9 5BZ
Proposal	2 x 15 metre high wind turbines
Location	The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX
App Type	Full Planning Permission
Parish(es)	Dowsby
Reason for Referral to Committee	Requested by the local ward member
Recommendation Summary	<p>It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.</p> <p>For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.</p>

Key Issues

- Government Policy
- Landscape Impact
- Cumulative Impact
- Visual Amenity
- Heritage Impact
- Noise/Shadow Flicker
- Health and Safety
- Wildlife and Biodiversity
- Air Traffic and Radar
- Highway Matters

Technical Documents Submitted with the Application

- Biodiversity Checklist
- Details of delivery vehicles
- Design and Access Statement
- Distance calculations to nearest neighbours
- Flood Risk Assessment
- Desktop Noise Assessment

REPORT

Application Category

The application is categorised as a minor application for planning permission

Reason for Referral to Committee

The application has been referred to Committee at the request of the Local Ward Member

The Proposal

The proposal is for the installation of 2 x small scale wind turbines - hub height 15m, blade diameter 5.6m and total height to blade tip of 17.77m

The application site and its surroundings

Single dwelling and associated field/paddock set in intensively farmed open fenland. There are several scattered dwellings between 300 and 600m to the west and other isolated farmsteads further afield.

Site History

There have been no previous planning applications on this site.

Representations Received

The Senior Historic Environment Officer (Environment):

The proposed development does not affect any known archaeological sites.

The Highways Authority:

The proposed development will not be detrimental to highway safety and traffic capacity.

Natural England

Natural England do not normally give specific comments on most planning applications and refer to their standing advice. They have however welcomed the 50m buffer from potential bat roosts and 85m buffer from hedgerows and linear features.

Lincs Wildlife Trust:

No comments received

MOD:

No objection, subject to the developer notifying them of the height of any construction equipment etc before and after completion so the turbines can be plotted on flying charts and aircraft can avoid the area.

NATS:

No objection

LCC Footpaths:
No comments

SKDC Environmental Protection:
No objection subject to standard condition

Environment Agency: No objection

Anglian Water:
No objections from a groundwater perspective

Dowsby Parish Council:
No objection

Rippingale Parish Council:
Concern at the number of apparently randomly sited wind turbine developments in the area and a request that the application be deferred until the South Kesteven Wind Turbine SPD is adopted.

South Holland District Council:
No observations

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, 3 letters of objection had been received. One objection is 62 pages in length and includes numerous research papers, many of which are not relevant. A summary of the main concerns are listed below:

- Will not fit in with surrounding area
- Detrimental to surrounding countryside
- Will compromise my views
- Intended purely to make profit
- Solar panels would be better
- Impact on health
- Safety
- No public benefit
- Legal issues
- Noise/disturbance
- Impact on biodiversity
- General arguments about the fundamental need/desirability or otherwise of wind turbines

Policy Considerations

National Policy Statements

Overarching National Policy Statement for Energy (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Planning Policy Framework

NPPF Section 3 Supporting a prosperous rural economy

NPPF Section 11 Conserving and enhancing the natural environment
NPPF Section 10 Meeting the challenge of climate change and flooding
NPPF Section 7 Requiring good design

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment
Policy 31: Priorities for Management and Enhancement of the Region's Landscape
Policy 40: Regional Priorities for Low Carbon Energy Generation

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy EN3: Renewable Energy

Other Relevant Documents

South Kesteven Landscape Character Assessment (January 2007)
Companion Guide to PPS22 (Planning for Renewable Energy). NB. Although PPS22 itself has been superseded by the NPPF, the companion guide remains in force.
Emerging South Kesteven Supplementary Planning Document (SPD) on Wind Energy

Officer Evaluation

KEY ISSUES

Government planning policy (through the NPPF, read in conjunction with National Policy Statements EN-1 & EN-3) encourages renewable energy development, including wind energy. Paragraph 98 of the NPPF states that:

When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

On that basis, members should be aware that the need for renewable energy should be balanced against the potential environmental impact.

Taking the above into account, in this case the key issues that need to be considered are:

- The Government Position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

GOVERNMENT POSITION ON RENEWABLE ENERGY

National planning policy given in the Nation Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure promotes the development of renewable energy resources and stresses the need to reduce carbon dioxide emissions which are considered to be contributing to climate change.

Paragraph 97 of the NPPF states:

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The applicant would benefit from reduced energy costs, and any excess would be returned to the national grid. The government's view is that the wider positive benefits of small scale schemes such as this are through a reduction in demand for energy that would otherwise be produced from fossil fuel sources. The government, through the NPPF considers that this represents a benefit to society as a whole and an indirect benefit, (albeit smallscale) to the local community. Although it may be a relatively modest contribution, the NPPF is supportive of small scale schemes stating in paragraph 98 that:

When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

The Development Plan i.e. The East Midlands Regional Plan (RSS8) and The South Kesteven Core Strategy sets out policies on wind energy at the regional and local level and is fully in accordance with national policy (NPPF) in its approach to wind energy development. RSS8 states that consideration should be given to the contribution of wind generation projects to regional renewable targets and national and international objectives on climate change. The South Kesteven Core Strategy (policy EN3) is generally supportive of renewable energy schemes as long as they accord with other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

LANDSCAPE IMPACT

The general thrust of policy is to restrict development in the open countryside. However there are some exceptions to this general rule including rural diversification projects and development which requires a location away from built up areas. Wind turbines are one type of development that requires such a location.

Wind turbines are tall structures which by their nature, stand out to some degree and cannot be easily hidden or disguised in any landscape. The key issue here is not whether they would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

Core Strategy policy EN1 requires development to be assessed against a number of criteria. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy and identifies the general characteristics of seven landscape areas, each of which displays distinct characteristics of topography, agricultural usage, field systems and settlement patterns as well as historic building styles. The site lies within "The Fens" character area the predominant

characteristics of which are low flat terrain, level horizons and large skies, sparse trees and woodland cover and little settlement. In this part of the fens, all the fen margin villages on the edge of the higher ground to the west have long mostly straight fen roads extending as far as the South Forty Foot Drain with rectangular open fields divided by drainage ditches on either side. The church towers of the villages and the higher ground are visible in the distance across the landscape.

In terms of landscape sensitivity of the immediate and wider area around the application site, there are considered to be few landscape features of intrinsic sensitivity. However it is acknowledged that by virtue of the open character of the landscape, with long views in all directions, tall structures such as wind turbines can be visible from some distance. For this reason, it is considered desirable for wind energy proposals in this area to be located away from existing larger settlements and if possible close to existing man-made structures such as modern farm buildings or power lines.

The proposed turbines would be relatively small in scale and would have much less visual impact than large scale windfarms such as those at Bicker Fen and Deeping St Nicholas which can be seen from considerable distances. Within the immediate landscape, the turbines would appear from some angles as isolated features within a wide and fairly featureless landscape of intensively cultivated arable farmland. The impact would be softened somewhat by a number of individual clumps of trees and farmsteads surrounded by trees. From longer range vantage points including the fen edge villages and the higher ground beyond, the distances involved and the relatively small scale of the structures proposed would mean that they would appear as insignificant and low key features in the landscape.

As with all wind energy proposals, the turbines will have an impact on the landscape to some degree. However, taking into account the modest height of the turbines and wide open nature of the landscape, it is considered that the turbines would not be unduly prominent to such an extent as to dominate the landscape. For this reason it is considered that the immediate and wider landscape would not be unduly harmed.

CUMULATIVE IMPACT

National policy states that the cumulative impact of wind energy developments in the area should be taken into account.

The nearest wind energy developments in the area are large scale wind farms at Bicker Fen to the north east and Deeping St Nicholas to the south. Although visible on the horizon from this part of the fens, these windfarms are some distance away and have limited impact on this area. By virtue of the relatively small scale of the proposal and the considerable separation distances between it and the existing windfarms at Bicker Fen and Deeping St Nicholas, it is not considered that the proposal would result in an unacceptable dominance of the landscape through cumulative impact

VISUAL AMENITY OF NEAREST RECEPTORS

There is no statutory minimum distance that turbines have to be sited from dwellings so each case has to be assessed according to its individual circumstances. The closest property to the site includes the applicant's dwelling at 50m and another dwelling around 280m to the west with some other scattered dwellings and isolated farmsteads beyond. The turbines would be apparent in the landscape when viewed from these distances and would impact to some degree on the outlook from some of these dwellings and their domestic curtilages. However, most of these dwellings are separated to some degree by belts of trees and other structures. It is considered that the relatively small scale of the turbines combined with the separation distances and individual circumstance of each dwelling ensures that they would not result in an unacceptable dominance of outlook or undermine the living conditions of the occupants from visual harm.

HERITAGE IMPACT

The proposed turbines would not be located close to any heritage assets. The closest to the application site are some 4km to the east in the nearest village of Dowsby. There is no statutory definition of the extent of a heritage asset's setting. This will depend on the type and scale of the asset as well as the context. It is considered that the nearest heritage assets are too far away for their settings to be detrimentally affected by the turbines and most will not be affected at all. In respect of any listed buildings within the nearest villages, the setting can be reasonably described as their immediate village context and in some cases such as churches, more distant views beyond the villages. The turbines may be visible as very distant features to some extent within the settings of some of these buildings and from some viewpoints the heritage assets and turbine may be visible together. However, any impact is considered to be minimal.

NOISE & AMENITY ISSUES

The closest property to the site is Poplar Cottage at some 280m to the west.

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up in respect of large scale windfarms by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

ETSU is generally considered to be applicable to large/medium scale turbines and windfarms. However, government guidance is less clear on small wind turbines. It is now becoming generally accepted that a more appropriate method for establishing acceptable noise limits for small turbines i.e. 50kw or less, is by using the standards set by BWEA (British Wind Energy Association). This is a tighter standard than ETSU. ETSU allows a higher noise level at the nearest receptor as this is considered to be offset by the large output of large wind turbines and windfarms. The BWEA standard recognises that the lower output from small wind turbines cannot justify this more relaxed noise limit and thus sets the acceptable limit at the nearest receptor much lower.

The Council's Environmental Protection officers have again been asked to assess the noise level using the relevant guidance. They have in turn commissioned an expert noise consultant (MAS Environmental) who consider that the distances involved will ensure that noise will be well within the limits of acceptability. They have recommended a standard condition.

Shadow flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 5.6m, that would mean there would be no shadow flicker beyond 56m. It also states that shadow flicker only occurs inside buildings through narrow window openings during very limited periods throughout the year. As the nearest residential property is approximately 280m away, there would be no detrimental impact on domestic properties from shadow flicker.

Taking the above into account it is considered that the proposal would not be detrimental to the residential amenities of the occupiers of nearby properties through noise and disturbance.

SAFETY

The companion guide to PPS22 states that "the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of blade or, in exceptional circumstances, of the whole blade". There would be no impact on public safety as the turbine would be located approximately 37m from the closest road, well beyond the recommended fall over distance of

height + 10% and the reach of any ice thrown off. N.B. There is no statutory minimum distance of the siting of a turbine from a public right of way.

HEALTH

Some concerns have been raised about potential health implications. It is stated in the Companion Guide to PPS22 that there is no evidence of any damage to public health from wind turbines either from low frequency noise or vibration, and that electromagnetic radiation emissions from wind turbines create no greater risk to human health than most domestic electrical appliances.

WILDLIFE & BIODIVERSITY

In respect of bats, the turbines would be located >50m from any hedgerows and linear features where bats are likely to commute, forage and roost, in accordance with Natural England's guidance. Whilst there are some hedgerows and trees nearby the landscape is generally characterised by a lack of such features. Furthermore there are no buildings (such as vacant historic barns) or features in the immediate vicinity that are potential bat or barn owl habitats. It is acknowledged that the fens as a whole supports a wide variety of wildlife including protected species. However the proposal has been assessed in accordance with Natural England's standing advice, and it is considered that the specific characteristics of the site and surrounding area are such that there is a low probability of protected species being present or a detrimental impact on biodiversity occurring. As such in this case it is not considered necessary or appropriate to request an on site ecology survey.

Taking the above into account, it is considered that the proposal would not have an unacceptable detrimental impact on wildlife and biodiversity.

AIR TRAFFIC & RADAR

NATS and MOD have raised no safeguarding objection to the proposal.

HIGHWAY ISSUES

The County Highways Authority have raised no objection in terms of highway safety from the operation of the turbines or delivery of components. The companion guide to PPS22 states that "wind turbines should not be treated any differently to any other distraction a driver might face and should not be considered particularly hazardous." Taking the above into account, it is considered that the turbines would not be detrimental to highway safety, either during delivery and construction or during normal operation.

OTHER MATTERS

Lincolnshire County Council has recently issued a Position Statement on wind turbines. It should be noted, for the avoidance of doubt, that this does not form part of planning policy, nor are LCC a statutory consultee for this type of application. Their statement is merely an indication of the position that they will take if they are consulted on wind energy proposals so carries little or no weight.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. As the document is in draft form it can only be given very limited weight and in any case would not fundamentally alter the assessment of this proposal.

Some issues raised by objectors are not material planning considerations and have not been taken into account when making this recommendation. These include the loss of a view, fundamental

arguments about the desirability or otherwise of wind energy and reference to various legal cases relating to negligence, public safety etc.

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

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

It has been recognised in this assessment that this proposal would have a limited degree of impact on the landscape character of the immediate and wider area. However in this case, on balance the various impacts are not considered to be substantial and therefore do not carry sufficient weight to warrant refusal.

In the circumstances, it is considered that the proposal should be approved in accordance with paragraph 98 of the NPPF.

OFFICER RECOMMENDATION: That the development be approved subject to the following conditions:

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of

the South Kesteven Core Strategy and that there are no material considerations that 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. The development shall not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

Reason: To minimise the impact on the landscape in accordance with the National Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

3. In the event that the wind turbines are no longer used for the generation of electricity, they shall be removed as soon as practicably possible, and the land restored to its original condition.

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

4. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms⁻¹ over the measurement interval.

The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29th February 2008. The time period 'T' of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and

disturbance.

5. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.

Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

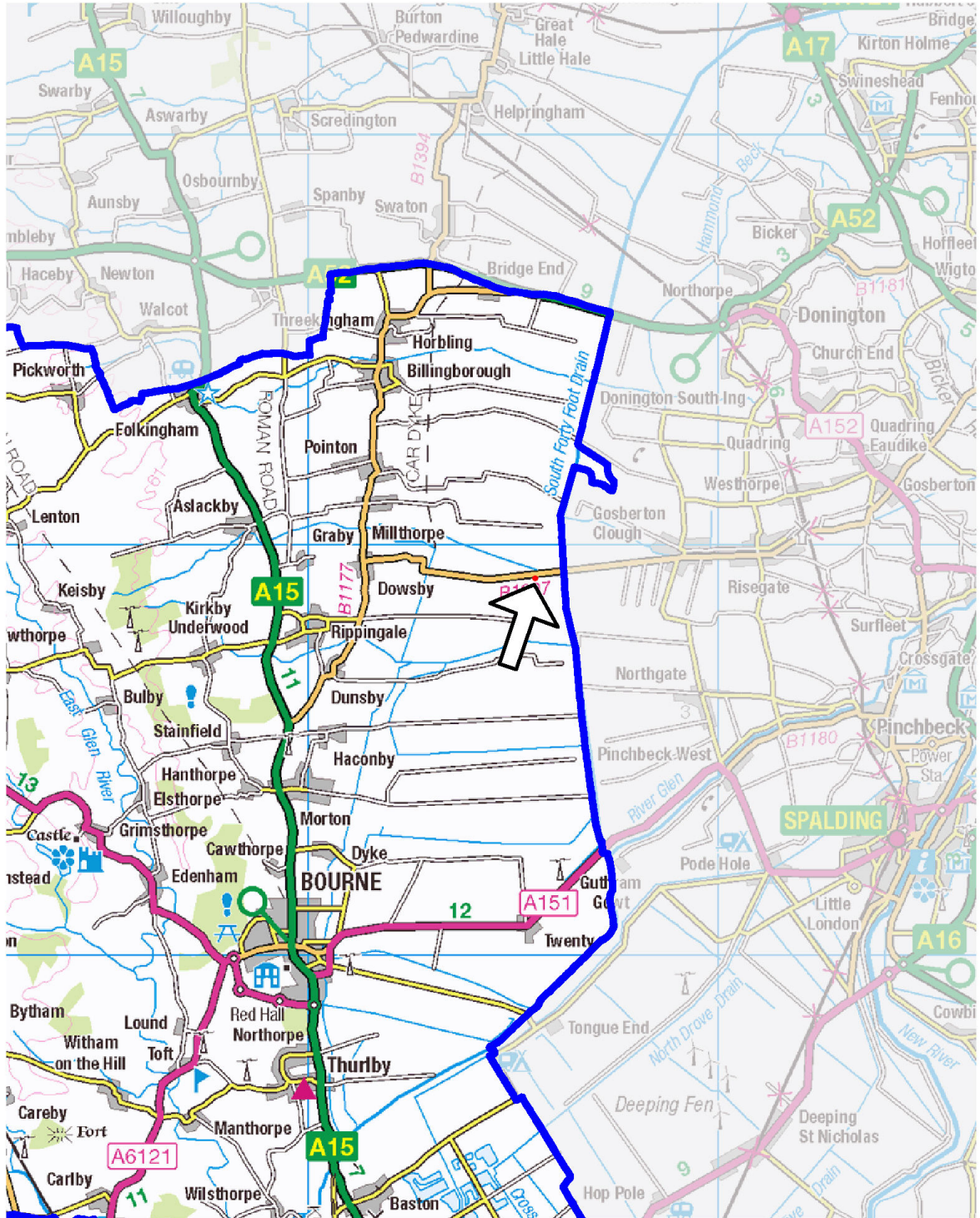
6. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 1:500 Block Plan and ATC10070-1000 (Tripod Assy, HY5) both received 29 August 2012

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

* * * * *

Site Location Plan

Ref	S12/2170
Proposal	2 x 15 metre high wind turbines
Location	The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX



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Applicant	Mr L Goodale, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	Mr N Connett, Wm Saunders Partnership Sheppard Lockton House, Cafferata Way, Newark, NG24 2TN
Proposal	Approval of details relating to Condition 11 (landscaping) for application S11/2953
Location	Land off, Burghley Street, Bourne
App Type	Discharge of Condition(s)
Parish(es)	Bourne
Reason for Referral to Committee	South Kesteven District Council application
Recommendation Summary	The submitted landscaping details are considered acceptable in relation to condition 11 of planning permission S11/2953. (Landscaping).

Key Issues

- Acceptability of the submitted landscaping details

Technical Documents Submitted with the Application

- Site plan incorporating landscaping details

REPORT

Application Category

This application is an application for the approval of details relating to conditions.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the Chairman as the application is for South Kesteven District Council.

The Proposal

This is an application for discharge of condition 11 of application S11/2953. Condition 11 requires landscaping details to be submitted and approved by the local planning authority.

Application S11/2953 relates to the Bourne Core Area redevelopment scheme which comprises of five main elements:

1. The demolition and removal of existing buildings,
2. The conversion of Wherry's Mill to apartments,
3. The development of 7 retail units with apartments above along Wherry's Lane,
4. Alterations to the car parking layout of Burghley Street car park,
5. The landscaping of an area of land to the north of the proposed development which could form Phase 2 of the development at some point in the future.

The Application Site and its Surroundings

Bourne Core Area comprises an area of land between North Street and Burghley Street measuring approximately 2 hectares. The application site is a linear strip of land on an east west axis located towards the southern end of the Bourne Core Area and measures approximately 0.68 hectares.

The application site is comprised of a number of smaller sites including Herewards Freemasons Lodge, 15A Burghley Street, Freemans Cars and Commercials 17A Burghley Street and the adjacent Burghley Street car park. The site also includes the Wherry's Mill Building.

The surrounding area is characterised by strong retail frontages to North Street and West Street with many listed buildings and other buildings of architectural interest. The southern part of the site including part of the car park, Wherry's Mill and the Freemasons Lodge are also located within Bourne Conservation Area.

Burghley Street provides rear access to North Street and some of the West Street businesses. The land to the north and west of Burghley Street is predominantly residential in character, comprising a mix of terraced, semi-detached and detached properties.

A number of the buildings proposed to be demolished have now gone including the commercial buildings to the north of Wherry's Mill and the rear industrial extension to the old mill.

Relevant Site History

The following site history is relevant to this particular application:

SK.12/2066/88 – In February 1989 planning permission was granted for the change of use of 14A Burghley Street to shops and offices.

SK.12/1274/89 – In September 1989 outline planning permission was granted for residential development of land to the south of Burghley Street Bourne.

SK.12/1593/89 – In January 1990 outline planning permission was granted for residential development of warehouse, Burghley Street Bourne.

SK.98/0512/12 – In October 2002 this application which was for the demolition and replacement residential development on the Wherry's Mill site was deemed to be withdrawn. The Council at the time had concerns with regards to the loss of the Mill which was considered to be a heritage asset at that time. An associated application for Conservation Area Consent for demolition of the warehouse was also deemed withdrawn (SK.98/CA/5142/12).

S99/0138/12 – In May 1999 planning permission was granted for the conversion of workshop and office to day nursery at 14 A Burghley Street Bourne.

S11/2953 – In March 2012 planning permission was granted for the redevelopment of the Bourne Core Area (Phase 1). The scheme involves the renovation of Wherry's Mill and its conversion for apartments including the demolition of the industrial extension to the old mill and the creation of a modern link to the proposed retail and residential development to the rear of the mill.

S12/1076/DC – In June 2012 approval was given for the details submitted in relation to conditions 2 and 22 (surface water drainage), 4 (materials), 5 and 6 (contamination), 11 (landscaping), 14 (method statement for construction/demolition) and 23 (method statement for protection of bats) of planning application S11/2953

Policy Considerations

National Planning Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

East Midlands Regional Plan 2009:

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 4 – Development in the Eastern Sub-area
Policy 13a – Regional Housing Provision

Policy 14 – Regional Priorities for Affordable Housing
Policy 18 – Regional Priorities for the Economy
Policy 22 – Regional Priorities for Town Centres and Retail Development
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 48 – Regional Car Parking Standards

South Kesteven Core Strategy:

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
EN3 – Renewable Energy Generation
EN4 – Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing
E1 – Employment Development
E2 – Town Centre and Retail Development

Supplementary Planning Guidance:

Bourne Town Centre Redevelopment SPG revised June 2009

Representations Received

None

Representations as a Result of Publicity

No comments received

Officer Evaluation

In June 2012 approval was given for the details of the proposed landscaping scheme submitted in relation to condition 11 of application S11/2953. The approved landscaping scheme showed three trees which are to be removed to be retained until phase 2 of the scheme is implemented.

This current application, for approval of the landscaping details, proposes to remove these trees as part of the phase 1 development. As the proposed trees were always shown to be removed as part of the development it is considered acceptable for them to be removed as part of phase 1.

Section 106 Heads of Terms

Not applicable to discharge of condition applications.

Crime and Disorder

The proposed landscaping details raise no 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

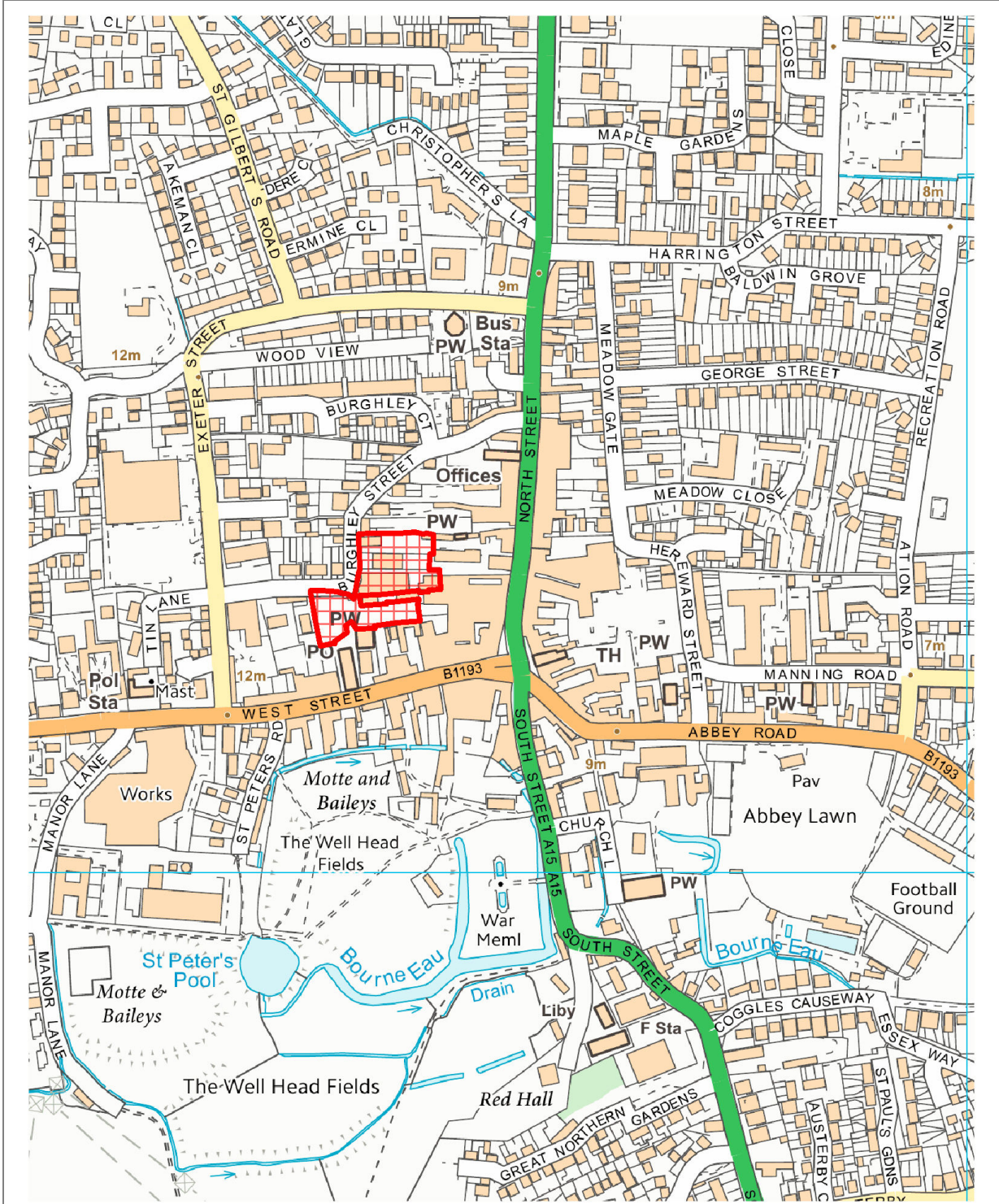
The proposed landscaping scheme is considered to be acceptable and complies with the original documentation submitted in support of the substantive full application S11/2953 for the Bourne Core Area redevelopment.

RECOMMENDATION: That the development be Approved (without conditions)

* * * * *

Site Location Plan

Ref	S12/2555
Proposal	Approval of details relating to Condition 11 (landscaping) for application S11/2953
Location	Land off, Burghley Street, Bourne



Applicant	Mr & Mrs T Digan 67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED
Agent	
Proposal	Drop kerb and create parking area
Location	67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application is considered to be locally controversial
Recommendation Summary	That the development be approved subject to conditions

Key Issues

- Loss of Off Road Parking
- Impact on potential Conservation status

Technical Documents Submitted with the Application

- Proposed Layout Plan

REPORT

Proposal:

Drop kerb and create parking area.

Location:

67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED

Background

This application was reported to the 16 October 2012 meeting of this committee with a recommendation that planning permission should be granted (The original report is appended). The proposition that planning permission should be granted was lost. It was then proposed and seconded that that the application be refused, as it would result in the loss of communal highway amenity.

The Development Management Service Manager confirmed that he did not accept the reason given at the meeting for the purposes of the procedure set out in the Constitution, and there was no reason to refuse on highway grounds. Members were reminded by the Solicitor of the procedure that needed to be followed, as set out in the Constitution, where the Committee proposed to take a decision against clear advice from the Development Management Service Manager. The Constitution provided for a recorded vote on the first and subsequent hearings of an application in this category. Members were reminded that on this first vote they would be minded to refuse.

The proposition that members were minded to refuse permission was carried by a recorded vote of 10-4.

Reasons for refusing planning permission

Seven committee members submitted proposed reasons for refusing planning permission which can be summarised as follows:

1. The new access would encourage vehicles to enter and leave the highway not in a forward gear to the detriment of highway safety and safety of pedestrians, including children
2. The proposal would result in the loss of on-street parking, to the detriment of the amenity of neighbours who use these spaces, including local shift workers. Must consider cumulative effect of loss of on-street parking.
3. The scheme only provides some benefits for the applicant, to the detriment of neighbours and would create parking problems elsewhere
4. The design of the proposal and the loss of the wall is out of keeping with the character of the area, which is in a proposed conservation area
5. Property already has dropped kerb and parking. Refusal of permission would not prevent them using the current access and adequate parking.
6. Road is sufficiently wide to accommodate on-street parking

7. Similar parking spaces approved elsewhere should not be a precedent; each application should be determined on its merits. Granting permission would force others to apply for dropped kerbs to provide or protect their own on-street spaces
8. Highways concerns – Highway Authority has recently cancelled St Annes School safety zone and zebra crossing projects because of loss of on-street parking in the area.
9. Economic impact – Local church and hall are dependent upon on-street parking
10. Crime – competition for limited parking spaces has created local tension and arguments
11. Previous refusal – Permission refused elsewhere because of loss of wall.

Comments of Highway Authority

Following the committee meeting the Highway Authority were reconsulted and stated that their original recommendation was made following a site visit and detailed consideration of the relevant issues, which was whether the drive could safely accommodate a second vehicle and visibility for drivers of vehicles entering and leaving the access. If they had not been satisfied that a vehicle could park on the property frontage, without overhanging the highway (as would occur with other smaller frontages in Harrowby Road), then they would have recommended that planning should be refused. This recently occurred where they recommended that permission should be refused for an access at 144 Harrowby Road because of inadequate space to park a car clear of the highway. Permission was refused on 17 September 2012 (S12/1759/HSB).

They have concluded that “On balance and bearing in mind the evidence of existing similar arrangements at several properties along Harrowby Road, and no overriding accident data to suggest that reversing into or off the highway is causing collisions to occur, a request for refusal could not most likely be held up in an Appeal situation”.

Assessment of proposed reasons for refusal

1. This is a relevant planning matter. However, there is no evidence that the additional movements generated by this access would have a quantifiable or material adverse impact upon highway safety.

2 & 3. One on-street parking space would be lost and it is noted that members had concerns that the new access was only being constructed to provide a protected on-street space that only the applicant could use. There is no evidence to support this assertion and there is no good reason to refuse planning permission on this basis.

Residents of older properties with limited or no off-street parking have to accept that it may sometimes be difficult to find a parking space.

4. The proposal involves the loss of a short section of brick wall which could be removed at any time without consent. The site is not in a conservation area.

5 & 6. Statements of fact which are not disputed; but not reasons for refusing planning permission.

7. Planning permissions for similar proposals have been granted elsewhere on Harrowby Road and it is accepted that any future applications would be considered on their own merits. However, would reiterate that no good reason to refuse the current application.

8 &9. On-street parking is a locally sensitive issue, but no evidence that loss of one space in this case could be justified as a reason for refusing planning permission.

Again, like local residents, adequate on-street parking may not always be available to serve community facilities in older buildings in residential areas.

10. Noted, but while crime and disorder is a material planning matter, there is no evidence to that the loss of one space would have such a significant impact that planning permission should be refused.

11. Planning permission was refused on 17 September 2012 for a new access at 144 Harrowby Road (S12/1759/HSH) because of the loss of all of a wall, but the principle reason was the inadequacy of the frontage to accommodate a vehicle clear of the highway.

Conclusion

Several of the comments which were submitted after the committee meeting do refer to relevant material planning issues. However, none of them are sufficiently robust or are supported with the necessary evidence to provide a reason for refusing planning permission. Consequently, it is considered that an appeal against a refusal of planning permission for the reasons proposed would probably succeed.

It is recommended that permission should be granted in accordance with the original report.

Report to 2 October 2012 Development Control Committee

Application Category

This application is categorised as a full application.

Reason for Referral to Committee

The application is considered to be locally controversial.

The Proposal

The application is a full application to drop kerb and creating parking area to the front of 67 Harrowby Road, Grantham

The Application Site and its Surroundings

The application site is located in a residential area of Harrowby Road, 67 Harrowby Road is a semi detached dwelling with a standard sized front garden. The property has an existing driveway and dropped kerb. A number of the surrounding properties have an element of off-road parking including the neighbouring dwelling.

Relevant Site History

S12/0596 single storey side and rear extensions to dwelling approved 26 April 2012.

Policy Considerations

National Policy

NPPF – Section 7 Requiring good design.

South Kesteven Core Strategy

EN1 – Protection and Enhance of the Character of the District.

Representations Received

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

Archaeological – no affect upon any known site.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 6 letters of objection have been received. The comments made are summarised below.

1. Loss of Off Road Parking
2. Impact on potential conservation status

Officer Evaluation

This proposal is for a dropped kerb and creation of parking area on Harrowby road, the application site is a brick built semi detached dwelling, the application site already benefits from off road parking to the side of the dwelling and a shorter dropped kerb to the front of this existing driveway. The existing drop kerb is approximately 2.7 metres in width, this is proposed to be extended by 4 metres taking the dropped kerb to approximately 6.7 metres in width to the front of the dwelling.

As part of the proposal the front dwarf wall would be removed, issue has been raised in reference this having a negative impact on the potential conservation area status, as the Conservation Area has not yet been designated this application can only be determined on visual amenity and highway safety.

It is considered that the visual impact of the development would be acceptable within the street scene and similar vehicular accesses and parking in front gardens exist in the vicinity of the application site.

The Local Highway Authority was consulted on the application and do not wish to restrict the grant of permission, they considered that the proposed development would not be determined to highway safety or traffic capacity.

Crime and Disorder

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

Human Right 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 proposals do not introduce any unacceptable highway safety issues and is not detrimental to neighbouring occupiers' residential amenities or the character of the area and complies with Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework requiring Good Design.

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

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

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

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

Existing and proposed layout received 11 July 2012.

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

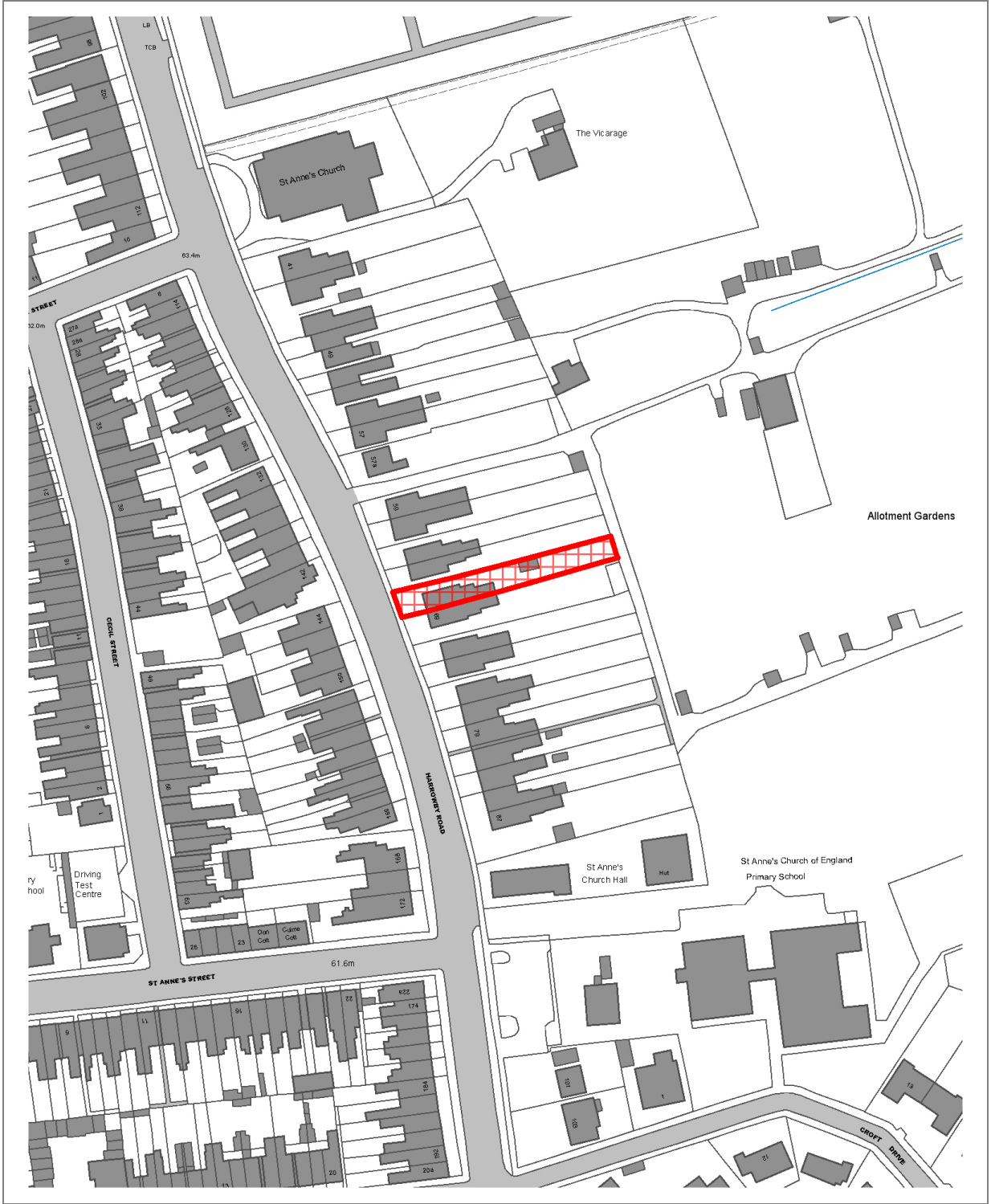
3. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.

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

* * * *

Site Location Plan

Ref	S12/1692
Proposal	Drop kerb and create parking area
Location	67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED



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