

Applicant	Mr P Burke 23, Horsegate, Deeping St James, Peterborough, Lincolnshire, PE6 8EN
Agent	Paul Sharman Architecture 7, Still Close, Market Deeping, Peterborough, Lincolnshire, PE6 8JZ
Proposal	Demolition of existing builders office/yard and erection of 4 No. detached dwellings and associated garaging and new double garage with room over to No. 19 Horsegate
Location	23, Horsegate, Deeping St James, Peterborough, Lincolnshire, PE6 8EN
App Type	Full Planning Permission
<u>Parish(es)</u>	Deeping St James
<u>Reason for Referral to Committee</u>	This application has been referred to Committee at the request of the local member as being one of local interest.
<u>Recommendation Summary</u>	<p>The proposed development would in principle be in line with the aims of Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010) and Policy SAP H1 of the Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012). The residential development scheme also provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy.</p> <p>The proposed development by reason of its scale and design would be sufficiently in keeping with the character of the locality and would not have a sufficiently overbearing, overshadowing or overlooking impact on adjoining properties and their associated garden areas to warrant a refusal of planning permission. The development would not be detrimental to highway safety or be significantly detrimental to the natural and water environment, heritage assets or archaeological interests. It is considered that the levels of traffic likely to be generated by the proposed development and the use of garages to serve the proposed dwellings would not give rise to levels of noise, disturbance and light pollution that would be significantly detrimental to the residential amenities of existing surrounding properties. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010).</p>

Key Issues

- The planning policy implications of the scheme;
- Highway considerations;
- Impact on the visual amenities of the area;
- Whether the development is acceptable with regard to residential amenity;
- Water/drainage/land contamination issues;
- Impacts on the natural and historic environments.

Technical Documents Submitted with the Application

- Planning Application Forms and Supporting Correspondence
- Site Survey and Proposed Housing Layout Plans
- Elevation drawings and associated technical documentation.
- Design and Access Statement (including Planning Statement).
- Drainage Strategy and Tree Survey/Assessment.

REPORT

Application Category

This application is categorised as a 'minor' application.

Reason for Referral to Committee

This application has been referred to Committee at the request of the local member as being one of local interest.

The Proposal

This application for full planning permission relates to the proposed erection of 4 No. two storey dwellings with associated garaging and parking provision served by a private shared surface access drive off Horsegate, Deeping St James along with the provision of a new double garage to the rear garden area of the existing dwelling at No. 19 Horsegate. The proposed 'executive style' detached properties are of 4 and 5 bedrooms and are proposed to incorporate sustainable construction and design measures. The proposed dwellings are each provided with two No. parking spaces and 2 No. garage spaces. In terms of the proposed layout, the proposed tarmac surfaced access drive from Horsegate runs alongside the eastern boundary of the site (adjacent to No. 25 Horsegate) and one dwelling (on Plot 4) - with a detached garage in its rear garden area - is proposed to the Horsegate frontage of the site. The other three plots are grouped around a paved courtyard area towards the rear of the site. The northernmost dwellings (on Plots 1 and 2) each have detached double garages, adjacent to the rear boundary of the site. The dwelling on Plot 3 has an integral double garage and is situated immediately to the south of Plot 2.

The application as originally submitted was accompanied by a Design and Access Statement (including a planning statement), a drainage strategy report and a tree survey and assessment.

Further to the submission of the original scheme officers have engaged in substantive negotiations with the applicants agents to secure revisions to the scheme in relation to seeking to address highway safety matters, concerns in respect of the impact of the scheme on the residential amenities of surrounding properties and concerns in respect of the potential loss of a mature Ash tree (which the Council's Consultant Arboriculturalist considered was worthy of retention). The revised plans received as a consequence of the negotiations between officers and the applicants agents provides for the following final amendments :-

- The re-siting of the proposed detached garages to the dwellings on Plots 1 and 2 further away from the boundary of the site with dwellings on Swift Close to achieve a minimum separation distance of 0.6 metres (the original plans having showed a minimum distance of 0.35 metres).
- The proposed dwelling on Plot 2 has been redesigned to have a building element of a single storey scale where the proposed property adjoins the boundary with dwellings on Swift Close with the principal two storey element of the building set some 5.0 metres away from the boundary (the original plans showed the two storey dwelling to be some 1.8 metres from the boundary).
- The retention of the Ash tree in front of the proposed dwelling on Plot 2 (the original scheme having proposed its removal).

- The first floor element of the two storey/single storey outshot extension to the rear of the dwelling on Plot 3 has been reduced in depth by 1.5 metres so that it is now a minimum distance of 9.1 metres from the north-eastern boundary; with the single storey element being 7.6 m from the boundary. It is also proposed that the first floor window to the rear elevation of the outshot be reduced in size, and have fixed (non-opening) lights and be obscure glazing and that a new similar window - but with opening lights and clear glazing - be installed to the adjacent (northern) external wall to the bedroom.

The revised plans also show that the canopy over the front door to the dwelling on Plot 4 has been redesigned.

The final plans for the relocation of the dwelling on Plot 2 (further) away from the retained Ash tree and for amendments to the dwelling on Plot 3 were accompanied by a tree root protection area plan and a cross-section plan to show the relationship between the proposed detached garage on Plots 1 and the rear of the dwelling at No. 129 Swift Close (i.e. Daylight Factors) and by supporting correspondence from the applicants agent which advises inter alia that:-

- As a final effort to appease all concerned the dwelling on Plot 2 has been moved a further 0.8 m to the east of the Ash tree and that this now results in a loss of root area to the Ash tree of 3.23% of its whole. Thus to actually only remove 3.2% in this instance - together with the aerating of the soil around it and generally improving the trees living conditions - will not harm the tree.
- The Council are reminded of the comments of the applicants Consultant Arboriculturalist (in the report to accompany the application submission) that the "(Ash) is considered to be categorised as grade C3, it is over-mature, has been infested with heavy ivy cover for a number of years, and its form reflects this. With the current climate of tree diseases and in particular Chalara ash dieback, safe life expectancy is predicted at a further 10 years only. Removal and replacement with a suitable alternative is recommended to ensure future tree cover on the site."
- The applicants feel they have now done more than is required in this situation and would ask that this is all seen as a most positive action and that with respects to the tree a positive recommendation for approval is put to the planning committee members.
- In respect of the amendments to Plot 3, whilst the applicant is of the opinion that these are rather excessive and bearing in mind the other local examples of an adjacent property (elsewhere) being in a worse situation the applicants do not want the application refused or deferred and as such ask as for the tree that they feel that they have now done more than is required in this situation and would ask that this is all seen as a most positive action and that a positive recommendation for approval is put to the planning committee members.

The Application Site and its Surroundings

The application site, which is roughly 'T-shaped' in its overall form and occupies a land area of some 3,180 square metres, is located off the northern side of Horsegate, Deeping St James. The application site, which is relatively flat, presently comprises a building company business with its associated storage yard area along with part of the rear garden area to the existing dwelling at No. 19 Horsegate.

The north-western boundary of the application site is adjoined by the rear garden areas of the two storey dwellings fronting onto Swift Close and the southern boundaries are adjoined by the (longer)

rear gardens to the dwellings at Nos. 11-19 Horsegate and No. 25 Horsegate respectively. The site is adjoined to the south-west by the rear garden area to No. 9 Horsegate and to the north-east by the rear garden area to No. 33A Horsegate. The site boundaries comprise a mix of approx. 1.8 - 2.0 metre high fencing and mature trees and shrubs. There are number of trees within the rear area of the site, including a mature Ash tree.

Site History

None relevant to the proposed residential development of the application site at No. 23 Horsegate, although the property at No. 19 Horsegate already has the benefit of a full planning permission for the erection of a detached double. The approved scheme shows a new garage to be sited some 3 metres away from the proposal which forms part of the current application

Policy Considerations

National Planning Policy Framework.

- 1- Building a strong, competitive economy
- 4 - Promoting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 10 - Meeting the challenge of climate change, flooding and coastal change
- 11 - Conserving and enhancing the natural environment
- 12 - Conserving and enhancing the historic environment

South Kesteven Core Strategy

- Policy SP1 - Spatial Strategy
- Policy SP4 - Developer Contributions
- Policy EN1 - Protection and Enhancement of the character of the District.
- Policy EN4 - Sustainable Construction and Design
- Policy H1 - Residential Development

Site Allocation and Policies Development Plan Document

Policy SAP H1 in relation to 'Other Housing Development' indicates that:-

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

Other than those sites which are allocated, new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development.

Planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites provided that the development:

- i) can be satisfactorily accommodated by:
 - the existing local highway network,
 - the waste water treatment and transmission network,
 - the local education and health provision.

- ii) will not have a detrimental impact upon the quality of life of adjacent residents and properties.
- iii) will not compromise the nature and character of the settlement.
- iv) is in accordance with the criteria of Policies EN1, EN2, and EN4 of the Core Strategy.”

Representations Received

The following comments were received in relation to the application as originally submitted.

Deeping St James Parish Council: comments that there are no objections to the number or size of the houses but request that consideration be given to re-arranging the layout of the site, for example, re-locating the garage of No. 19 (Horsegate) so that the overbearing impact of the house on Plot 2, and nearby garages, is minimised on the neighbouring properties in Swift Close.

Peterborough City Council: has no comments on the application.

Lincolnshire County Council Highways: raises no objections subject to conditions.

Council's Environmental Protection Section advises that in the light of the fact that the existing site and building have a commercial use that as a precautionary approach a condition of any approval should require that measures be put in place to deal with any land contamination that may be discovered as the development of the site is progressed.

The Environmental Protection Section: also suggest that in order to mitigate impacts of noise during building works on to surrounding dwellings that construction works shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday and at no time on Sundays or Public Holidays.

Heritage Trust of Lincolnshire: comments that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Council's Consultant Arboriculturist: commented that the supporting arboricultural survey rated all the trees at the site as a Low (C) in terms of the BS5837 (2012) guidelines and these conclusions were agreed with in all cases with the exception of an Ash Tree in close proximity to Plot 2. The Consultant Arboriculturist commented that this Ash - whilst presently covered in ivy - appeared to have a full vigorous crown and was not, in his view, exhibiting symptoms of decline and as such it was considered that the tree is worthy of a Moderate (B) Category designation in terms of the guidelines in the BS5837 Table 1

Consequently, it was the Council's Consultant Arboriculturist recommendation that the current site layout be re-considered with a view to retaining the Ash tree 1 (subject to the removal of the ivy and a further assessment) as its loss would detract from an area which has an inherent shortage of established trees. The Consultant Arboriculturist also commented that the remaining trees at the site are much smaller and are not considered to contribute to any great extent to the visual amenity of the area and as such there are no great reservations with regard to the loss of these trees. The Consultant Arboriculturist also indicates that a landscape condition should be attached to any approval and this should include mitigating tree planting.

District Council's Drainage Section: have no comments on the submissions.

Anglian Water: advises that they have no comment to make on this occasion.

Welland and Deepings Internal Drainage Board: note the drainage strategy provides for the surface water from the site to be attenuated to current run-off rates and therefore have no comments to make.

Further to the receipt of the revised plans, the County Highway Authority, the Council's Consultant Arboriculturist and Deeping St James Parish Council were re-consulted.

The County Highway Authority: has re-iterated that they have no objections to the scheme in principle.

The Council's Consultant Arboriculturist: comments that the revised site layout goes some way to mitigating my concerns relating to the potential for above ground conflict between the new dwelling (on Plot 2) the canopy of ash tree 1. There appears to be more room for new growth.

Accordingly, if planning permission is granted for the development then it should be subject to a condition/s requiring sympathetic techniques for the construction of the driveway and the new house. To meet with the guidelines for best practice it is recommend that the applicant seek specialist arboricultural advice and that the construction design for the house and driveway should be pile & beam (or similar) and no dig respectively.

Consultant Arboriculturist also recommends that a further detailed tree protection plan and method statement should be required by condition. Site specific detail including timings of work, erection of scaffolding inside RPA, temporary ground protection, protective barriers, new landscaping (if any) inside the RPA should be supplied.

Any further comments received from Parish Council will be reported to the Committee on the late items sheet.

Representations as a Result of Publicity

Letters of representation were received from and on behalf of the owner/occupiers of eight existing adjoining residential properties on Swift Close and Horsegate raising objections/concerns to the proposed development as originally submitted for the reasons summarised as follows :-

There will be overlooking from the new dwellings on the proposed development towards the existing dwellings and their garden areas on Swift Close and on Horsegate with a resultant loss of privacy to residents.

The proposed dwellings on Plots 1 and 2 are close to the boundaries with the south facing and short rear garden areas of the dwellings on Swift Close and to the garden areas of properties fronting onto Horsegate. The proposed dwellings would have an overbearing and overshadowing impact on the adjoining dwellings and their garden areas resulting in a loss of light/sunlight to the residents concerned.

The proposed dwellings on Plots 1 and 2 would give rise to overlooking towards surrounding properties and their garden areas with a resultant loss of privacy to the residents concerned.

The proposed garages on Plots 1 and 2 are situated on the common boundary with the rear gardens of the dwellings on Swift Close and would have an overbearing and overshadowing impact on these adjoining dwellings and their garden areas.

The surrounding properties have established Rights to Light under the relevant Act given and it is considered that any application should be subject to detailed report in relation to impacts on the light presently enjoyed by existing properties.

The proposed dwelling on Plot 3 would have a two storey rear outshot with a window unit to its rear elevation which would be close to the boundaries with the rear garden area of the dwelling at No. 33A Horsegate. This would result in the proposed dwelling having an overbearing, overshadowing and overlooking impact on the adjoining dwelling and its garden area. The development would also further compound the negative impacts on the adjoining dwelling at No. 33A Horsegate of another recent housing development scheme.

There are insufficient details provided of proposed boundary treatments which means that there could also be overlooking impacts from the ground floor windows of dwellings towards adjoining dwellings.

The proposed dwellings are larger in scale than existing surrounding properties and would be prominent and visually dominant in this locality.

It is considered that the application should be judged and refused as the per the recent application for the erection of a single storey dwelling to the rear of No. 33a Horsegate (the application being refused planning permission inter alia in relation to having an unacceptable relationship dwellings on Swift Close, representing an overdevelopment of the site and not having sufficient amenity space).

It is considered that the use of the access road and garages to the proposed properties would give rise to levels of noise and activity that would be likely to be detrimental to the residential amenities of the existing surrounding properties.

The headlights from cars using garages on the application site are likely to be detrimental to residents on Swift Close.

There will be a loss of mature trees on the site, which are used by birds for nesting and which together with trees in surrounding gardens provide a habitat for bats.

The development will be detrimental to the values of surrounding properties and will make it difficult for existing residents to sell their properties.

Residents point out that they moved to Swift Close to get away from a situation whereby their property was overlooked and are thus aggrieved that a similar situation will now arise should this proposed development proceed

The existing views of the natural environment from properties on Swift Close will be lost.

Works on the application site in relation to construction works are likely to result in damage to/loss of trees from the garden areas of adjoining properties.

The proposed development would be too dominating and visual intrusively in terms of its impact on the locality and the closeness of the proposed dwellings to the garden areas of surrounding properties is not in keeping with the locality.

The scheme will result in the loss of number of trees on the site and the impartiality and standard of the applicant's consultants tree survey is questioned. Accordingly, it is requested that this tree survey report be independently assessed.

Concerns are expressed that given the height of the proposed dwellings that in the future the occupiers will convert the roof areas to habitable accommodation – with associated new windows and rooflights – leading to greater overlooking impacts on surrounding properties.

Some of the letters of representation indicated that residents would not raise objections in principle to the redevelopment of the site, but variously considered that any development should be in the form of bungalows, that Plot 2 should be deleted from the scheme, that the dwellings and garages should be moved further away from the boundaries with existing properties, that the heights of dwellings and garages be reduced, that substantial planting be proposed/retained to boundaries/within the garden to No. 19 Horsegate and that the developers be requested to sell areas of the site to adjoining residents in order to enable them to undertake tree planting to provide screening to any new development. There were also requests from a number of residents in the correspondence received that the development site be viewed from dwellings on Swift Close and it is pointed out that officers have viewed the site from the rear garden area of No. 121 Swift Close and that the members of the Committee on their site visit viewed the site from No. 125 Swift Close. Officers have, of course, also undertaken the necessary detailed inspection of the application site itself.

Members are advised that the local residents have also been re-consulted on the revised scheme and any comments received will be reported on the late items sheet.

Officer Evaluation

The main issues for consideration in relation to the proposed development are the planning policy implications, highway safety implications, impacts on residential amenity and visual amenities, water/drainage/land contamination issues and the impacts on the natural and historic environments.

Planning Policy Implications

The overarching locational policies for new development within the Core Strategy relevant to this proposal are Policy SP1 (Spatial Strategy) and Policy H1 (Residential Development) and these policies in principle provide for new residential development to be directed towards the built up area of Deeping St James.

To supplement these Core Strategy policies the emerging Site Allocations and Policies Development Policy Document has been produced and because is in the examination stage little weight can, therefore, be given to emerging policies within it. Policy SAP H1 allows for development on suitable brownfield redevelopment sites and small infill sites within the built-up part of settlements. It is considered that the development of this site would in principle meet the locational criteria set out in Policy SAP H1 (although the visual and residential impacts of the scheme are considered in full below).

The scheme provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy.

Highway Safety Implications

The proposed development of four No. dwellings is proposed to be served by a 4.2 metre wide private shared access drive from Horsegate, which is a similar arrangement to that which serves the relatively recently completed residential infill scheme to the north-east of the application site at

Horsegate Farm. The County Highway Authority raises no objections in principle to the scheme subject to conditions. .

Water/Drainage/Land Contamination Issues

The proposed foul water will be connected to the mains sewer and Anglian Water advise that they have no comment to make on this occasion. The Welland and Deepings Internal Drainage Board have no comments to make on the drainage strategy given that it provides for the surface water from the site to be attenuated to current run-off rates. The District Council's Drainage Section also have no objections to the scheme and the application site does not fall within any flood zone.

The District Council's Environmental Protection Section do not raise any objections to the scheme, but advise that given that the existing site and building have a commercial use that as a precautionary approach a condition of any approval should require that measures be put in place to deal with any land contamination that may be discovered as the development is progressed.

Impacts on Visual and Residential Amenities

With regard to the proposed dwellings on Plots 1, 2 and 3 it is noted that there were substantive objections to the proposals from local residents on the original submissions in terms of overlooking, overbearing and overshadowing impacts. Deeping St James Parish Council also requested that consideration be given to re-arranging the layout of the site so that the overbearing impact of the house on Plot 2, and nearby garages, is minimised on the neighbouring properties in Swift Close. The concerns raised in respect of the originally submitted scheme in relation to relationship with adjoining dwellings were also shared by officers in relation to Plots 2 and 3 and as outlined in this report changes to the scheme have been secured by officers. The impacts on residential amenities of the scheme as now revised are thus considered in respect of the each dwelling on the development site in turn.

The proposed dwelling on Plot 1, which occupies the south-western part of the roughly 'T-shaped' site, remains as originally proposed and has a maximum height to its roof ridge of approx. 9.0 metres above ground level. Given that the proposed dwelling would be situated a minimum distance of 17 metres from the nearest dwelling, would have a rear garden area with a minimum depth of 15 metres and that the proposed dwelling would essentially be situated at right angles to existing dwellings on Swift Close and on Horsegate, the proposed dwelling would in principle have a satisfactory relationship with existing properties. It is also noted that given the proposed first floor window units to the southern side elevation - to serve the stair/landing area and a bedroom - face directly onto the turning area to the proposed double garage to serve No. 19 Horsegate that there would be no significant overlooking of the private amenity space to No. 19 or towards the rear garden areas of the dwellings at Nos. 15 and 17 Horsegate.

The proposed dwelling on Plot 2, which has a maximum height to its roof ridge of approx. 9 metres above ground level, occupies the north-eastern part of the site. The dwelling was revised during the course of the application process so that it now has a building element of a single storey scale where the proposed property adjoins the boundary with properties on Swift Close. Consequently the principal two storey element of the proposed building is now set some 5.0 metres away from the rear boundary of the site so that the proposed dwelling would be situated a minimum distance of 19.7 metres from the two storey element of the adjoining dwelling at No. 125 Swift Close and some 15 metres away from the nearest point of the dwelling at No. 121 Swift Close. Given this proposed physical separation the proposed dwelling on Plot 2 would not have a sufficiently overbearing or overshadowing impact on the adjoining and nearby properties on Swift Close to warrant a refusal of planning permission. Furthermore, given the minimum 11 metres depth of the rear garden area to the proposed dwelling on Plot 2 - in relation to the rear garden area to No. 33A Horsegate - and the angle of any views from habitable windows to the proposed property in terms of the relationship

with the existing dwelling at No. 121 Swift Close and its garden area, it is also noted that the proposed dwelling would not in principle have a sufficiently overlooking impact on adjoining properties so as to warrant a refusal of planning permission. Any approval should be subject to a condition requiring that the proposed rooflights to the north-western side elevation of the single storey scale element - serving a bathroom and a dressing room to the first floor accommodation - be obscured glazed and have fixed (i.e. non-opening) lights.

The proposed dwelling on Plot 3 lies immediately to the south of Plot 2 and is adjoined to the north-east by the rear garden area to the dwelling at No. 33A Horsegate and to the south-east by the rear garden area of No. 25 Horsegate. The proposed dwelling on Plot 3, which has a maximum height to its roof ridge of approx. 9.2 metres above ground level, also has a proposed two storey/single storey outshot to the rear of the dwelling. The two storey element of the proposed outshot is now proposed to be a minimum distance of 9.1 metres from the boundary with No. 33A Horsegate; with the single storey element being 7.6 m from the boundary. It is also proposed that the first floor window to the rear elevation of the outshot have fixed (i.e. non-opening) lights and obscure glazed; with a similar window - but with opening lights and clear glazed - to the adjacent (northern) external wall to serve the first floor bedroom.

In terms of its physical impact, the development as now proposed for Plot 3, would not have a sufficiently overbearing, overshadowing impact on the adjoining dwelling at No. 33A Horsegate and its associated garden area so as to justify a reason for refusal provided a condition of any approval requires that the proposed obscure glazed/fixed light first floor window to the rear elevation of the outshot are secured in perpetuity. The proposed dwelling on Plot 3 would not give rise to any significant overbearing, overshadowing or overlooking impacts on the existing adjoining dwelling to the south-east (No. 25 Horsegate) and its garden area.

With regard to the proposed dwelling to Plot 4, this would occupy a position on the road frontage to Horsegate and having regard to its scale, siting and the fenestration treatments being proposed the new dwelling would have an acceptable relationship with the existing adjoining and surrounding properties. The dwelling remains as originally proposed and has a maximum height to its roof ridge of approx. 9.6 metres above ground level.

With regard to the proposed garages on Plots 1 and 2, which have a maximum height to their roof ridge of 5.7 metres, having regard to the scale of the proposed garages, the fact the roofs slope away from the adjoining dwellings on Swift Close and the separation distances involved, that the proposed structures would not have a significantly overbearing or overshadowing impact on the dwellings on Swift Close. The proposed new double garages to serve Plot 4 and existing property at No. 19 Horsegate would not give rise to any significant physical impacts on the adjoining properties.

Insofar as future potential alterations to dwellings and their associated garages are concerned, it is agreed with local residents that any conversion of roof areas to habitable accommodation – possibly with associated new windows and rooflights – could give rise to overlooking impacts on surrounding properties. Consequently, it is recommended that conditions of any approval for the development site should provide for future controls on works that would be otherwise be permitted development where such development would be above ground floor level. In relation to the currently proposed scheme a boundary treatment provision condition could mitigate any potential overlooking impacts from ground floor windows proposed to the new dwellings on the development. It would be unreasonable to seek to restrict permitted development rights for future alterations and extension at ground floor level given the relationship between the proposed development and surrounding existing dwellings.

With regard to the wider impact of the scheme on the visual amenities of the area, whilst in their overall scale the proposed dwellings will exceed the height of the surrounding existing dwellings,

the proposed development will be sufficiently in keeping with the character of the predominantly modern residential development in the locality.

The use of the access road or garages to dwellings to serve the proposed scheme would not give rise to levels of noise and activity that would be likely to be detrimental to the residential amenities of the adjoining and nearby dwellings. It is also considered that any impacts of car lights can be adequately addressed by the boundary treatment condition referred to above.

In relation to the impact of construction works as the development is undertaken on the site, in line with the comments of the Council's Environmental Protection Section it is recommended any approval be subject to a condition requiring the building works shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday and at no time on Sundays or Public Holidays. This would mitigate impacts of noise to the residents of surrounding dwellings.

Impacts on the Natural and Historic Environment

Having regard to the existing natural environment, the site contains a number of trees one of which - an Ash tree - is now proposed for retention as part of the scheme. This retention was secured in line with the recommendations of the Council's Consultant Arboriculturist who considered that the tree contributes to the visual amenities of the locality. The Council's Consultant Arboriculturist also seeks by means of planning conditions the provision of adequate protection for the tree during the construction works at the site.

It is noted that residents have also raised objections to the loss of other trees within the site in terms of its impact on the visual amenities of the locality. The Council's Consultant Arboriculturist, however, comments that the remaining trees at the site are much smaller and are not considered to contribute to any great extent to the visual amenity of the area and as such there are no great reservations with regard to the loss of these trees. The Consultant Arboriculturist nevertheless indicates that a landscaping condition should be attached to any approval and this should include mitigating tree planting.

It is also recognised that objections/concerns have been raised by local residents that with the loss of existing trees there will be a resultant loss of habitat for birds and bats. In the long term the planting of new trees as part of any approved detailed landscaping scheme will provide mitigation. It is nevertheless, recognised that it will take time for such new planting to become established and to mature and such it in the short term any potential impacts on roosting bats and nesting birds in the locality could be successfully mitigated by a condition of any planning permission requiring the provision of bat roosts and bird boxes. A condition would also provide controls on vegetation clearance in relation to impacts on nesting birds. These mitigation measures are altogether considered to represent opportunities to provide biodiversity enhancements as part of the scheme.

The proposed residential scheme will have no impact on the setting of any heritage assets and the Heritage Trust of Lincolnshire advises that the application scheme does not affect any known archaeological sites and therefore no archaeological intervention is required.

Other Matters

It is noted that residents have raised objections to the scheme on the loss of value to surrounding properties and loss of views, however, these are not relevant planning considerations. Rights of light falls out with the planning act and thus subject to other legislation. The issue of any works on the application site giving rise to potential damage to/loss of trees in the garden areas of adjoining properties is a private legal matter between the parties concerned.

Furthermore, and notwithstanding the references made by local residents to other nearby developments and the suggestions for other changes to be made to the submitted scheme, it is also pointed that any development proposal needs to be considered on its own relevant merits and having due regard to the planning considerations set out in this report this application is recommended for approval subject to conditions.

Crime and Disorder

It is considered that the proposals would 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.

Conclusion

Accordingly, having due regard to all the relevant planning considerations set out in this application is recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development would in principle be in line with the aims of Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010) and Policy SAP H1 of the Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012). The residential development scheme also provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy.

The proposed development by reason of its scale and design would be sufficiently in keeping with the character of the locality and would not have a sufficiently overbearing, overshadowing or overlooking impact on adjoining properties and their associated garden areas to warrant a refusal of planning permission. The development would not be detrimental to highway safety or be significantly detrimental to the natural and water environment, heritage assets or archaeological interests. It is considered that the levels of traffic likely to be generated by the proposed development and the use of garages to serve the proposed dwellings would not give rise to levels of noise, disturbance and light pollution that would be significantly detrimental to the residential amenities of existing surrounding properties. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010) and that there are no material considerations which indicate otherwise although conditions have been attached.

In reaching this decision the Local Planning Authority has worked with the applicants at the pre-application stage and the formal application stage in relation to addressing issues in respect of impacts on residential and visual amenities and in relation to highway safety. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

Recommendation

That planning permission be granted subject to the attached conditions.

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

Drawing No. PB/02/B (Site Location Plan) received on 29 May 2013

Drawing No. PB/04/A (Site Survey) received on 26 April 2013

Drawing No. PB/SK/04 Revision P received on 11 July 2013

Drawing No. PB/SK/10D received on 13 May 2013

Drawing No. PB/SK/11C received on 26 April 2013

Drawing No. PB/SK/12B received on 2 July 2013

Drawing No. PB/SK/13C received on 2 July 2013

Drawing No. PB/SK/14D received on 11 July 2013

Drawing No. PB/SK/15E received on 11 July 2013

Drawing No. PB/SK/16A received on 26 April 2013

Drawing No. PB/SK/17B received on 8 July 2013

Drawing No. PB/SK/18C received on 13 May 2013

Drawing No. PB/SK/19C received on 13 May 2013

Drawing No. PB/SK/20C received on 29 May 2013

Drawing No. PB/SK/21A received on 13 May 2013

Drawing No. Stafford IE - 8670-107B received on 19 July 2013

Drawing No. Stafford IE - 8670-109B received on 19 July 2013

Reason: To define the permission and for the avoidance of doubt; the original submissions having been considered to have been likely to have had a detrimental impact on residential and visual amenities.

3. No development shall commence on the site until a schedule of materials to be used to the external elevations of the proposed development are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

4. No development shall commence on the site until details of the proposed finished floor levels of the proposed dwellings and proposed finished ground levels within the site (in comparison to a fixed datum point and the existing ground levels) are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

5. Notwithstanding the details shown on the submitted plans no development shall be commenced on the site until details of hard and soft landscape works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also identify all trees and shrubs to be retained on the site as part of the development. The landscaping scheme shall be implemented in accordance with the approved details and the approved programme of implementation. Any trees that die, are removed or become seriously damaged or diseased within a period of five years from the date of the completion of the scheme shall be replaced in the next available planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenities of the locality; to enhance the biodiversity of the development site.

6. Notwithstanding the submitted details no development shall commence on the site until details of a tree protection plan/method statement in respect of activities during the building works in relation to the Ash tree/other trees and shrubs to be retained as part of the development are submitted to and approved in writing by the Local Planning Authority. The details shall include timings of work, the erection of scaffolding inside the Root Protection Area (RPA), temporary ground protection and protective barriers. The protection scheme shall be implemented in accordance with the approved details and shall be retained in situ until the development is completed.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010); having due regard to the requirements of the BS5837 (2012) guidelines.

7. No development shall commence on the site until a plan(s) indicating the positions, design, materials (including finishes) and type of boundary treatments (including plot boundaries) to be erected, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme should also identify any existing boundary treatments to be retained to serve the development. The scheme shall be implemented in strict accordance with the agreed details.

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

8. No development shall commence on the site until a programme of works (including a timetable for those works) for the removal of trees and other vegetation on the site taking into account the presence of nesting birds is submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

9. No development shall commence on the site until details of a scheme for the provision of bat roosts and bird boxes within the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of maintaining/enhancing the biodiversity of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

10. No development shall commence on the site before the detailed design of the arrangements for foul water drainage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented in strict accordance with the agreed details and no dwelling shall be occupied before it is first connected to the agreed drainage system(s).

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; to ensure satisfactory foul water drainage provision.

11. No development shall commence on the site until details of any street lighting/lighting to be provided on the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of residential amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

12. If, as result of excavation and construction works during the course of the development hereby permitted, contamination is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with, together with a programme of implementation. Any agreed remediation strategy shall be implemented in accordance with the approved details and the approved programme.

Reason: In the interests of the amenities of future residents of the site and the adjoining existing residents having regard to the use of the site as a builder's yard.

13. No construction works in relation to the development hereby permitted shall be undertaken outside the hours of between 07:30 to 18:00 Monday to Friday and between 09:00 to 13:00 on a Saturday. No construction work shall be carried out on Sundays or Public Holidays. Construction works shall include the use of mobile and fixed plant/machinery, (e.g. generators) and the delivery of construction materials.

Reason: In the interests of the residential amenities of surrounding residents.

14. No dwelling on the development hereby permitted shall be first occupied until such time as the visibility splays to the new shared access drive from its junction with the public highway on Horsegate have been completed. The visibility splays shall have an 'x' distance of 2.4 metres and a 'y' distance of 43 metres in the north-eastward and south-westward directions along Horsegate as shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013.

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

15. Before the new shared access drive is first brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility splays indicated on drawing number PB/SK/04 Revision P received on 11 July 2013 and

thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height 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.

16. The approved parking and garaging facilities to each dwelling shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013 shall be provided before the relevant dwelling is first occupied and shall thereafter be retained as being available for the parking of vehicles at all times.

Reason: In the interests of highway safety and to ensure adequate off-street car parking are retained to dwellings.

17. The approved arrangements for the turning/manoeuvring of vehicles as shown on Drawing PB/SK/04 Revision P shall be provided before any dwelling is first occupied and shall thereafter be retained as being available for the turning/manoeuvring of vehicles at all times.

Reason: In the interests of highway safety.

18. The construction and surfacing of the private shared access drive as shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013 shall be undertaken in accordance with a phased programme of works to be first agreed in writing with the Local Planning Authority prior to the commencement of works on the site. The construction and surfacing works shall be undertaken on the site in accordance with the agreed phasing programme (unless otherwise agreed in writing with 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.

19. Obscure glazing to level 3 and fixed lights (i.e. non-opening window units) shall be installed to the proposed roof lights to the north-western side elevation of the proposed dwelling on Plot 2 (as identified on Drawing No. PB/SK/04 Revision P received on 11 July 2013 and Drawing Nos. PB/12/B and PB/13/C received on 2 July 2013) before the dwelling is first occupied and shall thereafter be permanently retained as such at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and in accordance with national guidance contained in National Planning Policy Framework.

20. Obscure glazing to level 3 and fixed lights (i.e. non-opening window units) shall be installed to the proposed first floor window unit to the north-eastern (rear) elevation of the two storey/single story outshot to the proposed dwelling on Plot 3 (as identified on Drawing No. PB/SK/04 Revision P received on 11 July 2013 and Drawing Nos. PB/14/D and PB/15/E received on 11 July 2013) before the dwelling is first occupied and shall thereafter be permanently retained as such at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and in accordance with national guidance contained in National Planning Policy Framework.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration (including the conversion of any roof spaces into habitable accommodation) shall be carried out above ground floor level to any of the dwellings or their associated garages on Plots 1, 2, 3 and 4 inclusive as identified

on Drawing No. PB/SK/04 Revision P received on 11 July 2013 without Planning Permission having been first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development above ground floor level (including the insertion of additional windows and rooflights, conversion of roof spaces to habitable accommodation etc.) could potentially cause detriment to the amenities of the occupiers of nearby properties, and for this reason would wish to control any future development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. The County Highway Authority advises that where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. The County Highway Authority advise that 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.
3. The County Highway Authority advises that the access should be undertaken under a Section 184 Agreement with the local highways authority and the footway construction to full specification.
4. The District Council's Consultant Arboriculturalist indicates that in relation to the condition above providing for a tree protection plan and method statement during the building works in relation to the Ash tree that sympathetic techniques are proposed for the construction of the driveway and the new dwelling on Plot 2 and recommends that to meet with the guidelines for best practice the applicant seeks specialist arboricultural advice and that the construction design for the house and driveway should be pile and beam (or similar) and no dig respectively.
5. The District Council's Environmental Services recommends that the applicant shall take all necessary steps to minimise dust emissions during site preparation works and construction.

* * * * *

Applicant	Mr S Turner, Grantham Roofing Services Ltd Withambrook Park, Alma Park, Grantham, NG31 9ST
Agent	Richard Diggle 194, Broad Gate, Weston Hills, Spalding, Lincs, PE12 6DQ
Proposal	Residential Development for the creation of nine flats including demolition of the existing building
Location	20b, Swinegate, Grantham, NG316RJ
App Type	Full Planning Permission
<u>Parish(es)</u>	Grantham
<u>Reason for Referral to Committee</u>	This application has been referred to committee because the scheme may require a Section 106 legal agreement.
<u>Recommendation Summary</u>	It is considered that the scale, design and layout proposed is acceptable and would respect the character of the area, the conservation area and setting of adjacent listed buildings. Whilst concern has been raised in relation to overlooking and loss of privacy, given the relationship between the proposed and existing residential properties in the locality it is considered that the development would not be harmful to the residential amenity through a dominating, overlooking or overshadowing. The application is therefore deemed to comply with policies EN1, H1, SP1 and SP4 of the Core Strategy and sections 1, 3, 4, 6,7 and 11 of the National Planning Policy Framework; there are no other material planning considerations to indicate that the application should be determined otherwise.

Key Issues

- Residential Amenity
- Impact on Heritage Assets
- Parking Provision

Technical Documents Submitted with the Application

- Design and Access Statement
- Heritage Impact Assessment

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to committee because the scheme potentially requires a Section 106 legal agreement subject to viability.

The Proposal

This application is for full planning permission for the construction of 9 flats in two 3 storey blocks. Access to the site would be via a covered access off Swinegate and the retention of the existing access onto the adjacent public car park. There would be no vehicular access and the scheme does not propose any on site car parking as a town centre location.

The block fronting Swinegate would contain a one bedroom flat at ground floor and a two bedroom flat at first and second floor (three). The rear block would contain 2 two bedroom flats at ground, first and second floor, (six), giving a total of nine units.

Windows to the main habitable rooms would face east, south and west towards Swinegate, the adjacent car park and Watergate.

There would be a paved courtyard area, cycle shelter and bin storage.

The scheme would require the demolition of the existing commercial garage and car repair business. Conservation area consent has already been granted for the demolition of the existing building (Planning Ref: S09/0923).

The application site and its surroundings

The application site is approximately 0.05 hectares and is located off Swinegate adjacent to the Watergate Public Car Park approximately 30 metres from the junction of Swinegate and Brooks Street. The site is level and is currently occupied by a commercial garage which ceased operation a number of years ago.

There are a number of properties to the north, east and west of the site. These are a mix of commercial and residential premises.

Directly to the north of the site is 21 Swinegate, a listed building. There are a number of listed buildings to the south of the site along Swinegate and Watergate. The site is located within the Grantham conservation area.

The site has been advertised as affecting the setting of a listed building and the conservation area.

Site History

SK 1043/88 – Outline planning permission was granted for a mixed use development of public house, restaurant, flats, shops and offices on 13th September 1988.

SK 97/1074 – Planning permission was granted for a change of use of garage to timber retailing 19th March 1998.

S09/0923 – Conservation area consent was granted for the demolition of the existing building on 8th June 2009.

Policy Considerations

National Planning Policy framework

- 1 – Building a strong and competitive economy
- 4 - Promoting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 11 - Conserving and enhancing the natural environment
- 12 – Conserving and enhancing the historic environment

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy

Policy SP4 – Developer Contributions

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

Policy EN4 – Sustainable Construction and Design

Policy H1 – Residential Development

Policy H3 – Affordable Housing

Representations Received

Conservation Officer

Comments in full:

“The site lies adjacent to a grade II listed building and within Grantham Conservation Area which has been identified by English Heritage as a Conservation Area at Risk.

Swinegate is characterised by a mix of two and a half and three storey buildings constructed of red brick which date from the 18th century which are interspersed with 17th and early 18th century stone buildings. Clay pantiles, chimneys and sliding sash windows are key features of the street. Post war developments are relatively plain in design and are built to a similar scale as the traditional buildings although the use of UPVC windows and doors are inconsistent features which detract from the quality of the street.

The application proposes a three storey development fronting Swinegate with two three storey blocks to the rear arranged on an inverted L shaped plan. There is a degree of separation from the proposed development and the adjacent listed building for access, whilst the mass of the rear blocks is broken up by the flat roofed stairwell which partially reduces the bulk of the rearward projection. Therefore the development will not overly dominate the setting of the listed

building. The rear blocks will not obscure any important views within the conservation area as the northern view is restricted by the rear elevations of the three storey buildings which front Brook Street. Likewise the view from Watergate is partially obscured by the outbuilding to No. 43 Watergate with only the roofs of the buildings along Swinegate visible.

The design incorporates some of the features present on the traditional buildings such as the dormer windows and arched brick lintels above the windows.

There is an issue over the proposed use of materials. The use of concrete interlocking concrete pantiles for the roof and UPVC windows and doors is not in keeping with the character of Swinegate and would cause further harm to the overall character of the conservation area.

Timber sliding sash windows and timber doors should be used together with red/orange clay pantiles for the roof in the interest of the visual amenity and character of the conservation area. Profiles and further details of the windows and joinery are requested prior to the commencement of work on site.

As chimneys are an important feature of Swinegate, the front elevation would benefit from the provision of a chimney, possibly at the gable adjacent to the listed building. Whilst it is acknowledged that this would be a mock feature, it is important to maintain the interest of the roofscape along the street.

It is noted that it is intended to build a new brick boundary wall with railings to the car park although this has not been illustrated on the plans and further details are requested.

A heritage impact assessment has been undertaken and it meets the requirements of relevant government guidance.”

Community Archaeology

A condition should be attached to any grant of planning permission requiring the following submission of a scheme of investigation.

Partnerships and Project Officer (Affordable Housing)

There is a requirement for the provision of 35% affordable housing. (3.15 units). Due to the size and layout of the development in this instance it would appear more appropriate for the units to be provided 'off site' through an agreed commuted sum.

Local Highway Authority

The local highway authority does not wish to restrict the grant of planning permission. It is considered that the proposed development will not be detrimental to highway safety or traffic capacity, due to its town centre location and such close proximity to public car parks.

Representations as a result of publicity

The application has been advertised in accordance with the adopted statement of community involvement. One letter of objection has been received. A summary of the main concerns are:

- I am the owner of the property next door and I object on the grounds that my property would be overlooked by the proposed development and would result in a huge loss of privacy.

- I also object to the development due to the height of the proposed buildings. At present the existing building is one storey tall and the proposal is for a building that would be three storeys which would result in a loss of light and a feeling of overcrowding of my property.

Supporting information from the Applicant

The applicant has submitted a letter to demonstrate why there is no requirement for any on site parking provision. A summary of the main points are listed below:

- the location of the site in close proximity to the Swinegate traffic lights is not ideally suited to a development requiring vehicular access.
- the location of the site, and the types of units proposed are such that the occupiers are unlikely to be car owners or car users. Purchasers/tenants would occupy knowing that there is no onsite parking.
- Swinegate has limited on-street car parking with yellow line restrictions elsewhere. The existing road side parking is generally at capacity for the majority of the day. The development in such circumstances will not affect traffic flow or parking levels from their present situation.
- the site immediately adjoins a public car park.
- within 300 metres of the application site there are 3 car parks offering annual or 6 month season tickets for long-term car parking (Conduit Lane, Conservative Club (Castlegate) and Elm House (Elmer Street). These are available and accessible from the site. Season tickets are also available at Welham Street (500m).
- LCC parking standards make clear that in the town centres of the large urban areas in the county, where there is good access to public transport, good facilities for walking and cycling and existing public car parking facilities a below standard level of provision may be appropriate.
- there are numerous examples of car free development permitted in and around the town centre. The development proposed in this case is broadly similar to those approvals (in terms of scale and relationship to town centre).
- a partial level of provision (i.e. less than one space per dwelling) could cause traffic congestion and circulation difficulties and unsatisfactory reversing manoeuvres onto Swinegate.

Examples of no parking Schemes

- S07/0454 – Norton Street – Outline planning permission granted for 6 flats on a former garage site. No car parking.
- S07/0070 – 105 - 107 Norton Street. Four residential units. No car parking.
- S06/0983 – 32 Grantley Street. 2 Flats. No parking.
- S09/2102 – Former Churchills Public House (corner Wharf Road and Grantley Street. Six flats and one bedsit. No parking.
- S08/0493 – 27 Commercial Road, Grantham. 4 flats, no car parking.

Officer Evaluation

The main issues for consideration in relation to the proposed development are residential amenity, impact on heritage assets and parking provision.

Residential Amenity – Overshadowing and loss of daylight sunlight

The proposed redevelopment would remove the existing commercial building from the site and replace it with a residential scheme for nine flats. Whilst the built form on the site would increase in that the single storey building would be demolished and replaced by a three storey building the

location of the building in relation to the existing properties would ensure that there would not be any significant overshadowing/loss of daylight/sunlight.

Specifically, in relation to 21 Swinegate, the built form would be located to the south of the existing rear elevation and whilst giving a sense of increased enclosure than currently experienced, the rear elevation of the property and associated garden would not be significantly overshadowed to the detriment of reasonable residential amenity and the neighbouring property would still receive a reasonable degree of daylight/ sunlight because of its south-westerly orientation.

In relation to 20 Swinegate, in its current format, the proposed development would have some degree of impact on the rear elevation. The property is currently occupied by a tattooist shop with a flat above. A dormer window to the rear elevation provides light to the flat.

The additional built form to the rear of 20, Swinegate would reduce the amount of daylight and sunlight reaching the rear elevation. However, the dormer window is located at an elevated position in relation to the proposed development and would still receive a reasonable level of daylight and sunlight because of its orientation and design of the scheme.

As such that there would be no justification to refuse planning permission on grounds of overshadowing, loss of daylight/sunlight.

Residential Amenity – Overlooking/loss of privacy

The internal layout of the proposed building has been designed to ensure that the primary living accommodation would be located on the western and southern elevations looking out from the site. Whilst there would be a number of windows on the elevations overlooking the proposed courtyard towards the neighbouring properties, these windows would predominantly serve bathroom/en-suite and kitchens.

The proposed windows closest to 21, Swinegate would serve landing/hall/bathroom accommodation. As such overlooking from these rooms would be unlikely to be significant. The bedroom accommodation immediately adjacent to 21, Swinegate at first and second floors, would only afford a limited view over part of the neighbouring rear garden area at an oblique angle. This is unlikely to result in any significant loss of privacy.

The kitchen windows at first and second floor northern elevation are approximately 9 metres away from the neighbouring rear elevation at its closet point. This coupled with the orientation of the proposed building would ensure that there would be no significant overlooking/loss of privacy.

There would be no windows facing the rear elevation of 20 Swinegate.

Residential Amenity – Noise and disturbance

Due to the close proximity of residential properties it is appropriate to require a method statement controlling means of demolition and construction in order to protect the amenity of neighbouring occupiers from significant noise, disturbance, dust vibration etc.

Impact on Heritage Assets

The existing building is a negative feature in the street scene. The single storey modern structure is out of scale and design with the neighbouring properties.

The replacement building has been designed to fulfil the following key design considerations: Maintenance of a strong frontage form, a building of a minimum of two storeys in height, red brick

and pantile roof to match adjoining and nearby properties, and locally referenced architectural detailing including sash style windows, brick arch detailing to windows and pitched dormer detailing.

It is difficult to disagree with the applicant's assertion that taking into account the negative aspects of the existing building, the proposed development would materially enhance the character and appearance of the conservation area.

In relation to the adjacent listed building. The proposed development would improve its setting by removing the existing building and replacing it with building that reinforces the street scene with a building a sympathetic design, scale and materials.

Whilst the proposed development would be three storeys, it would not dominate the adjacent listed building or adversely affect any important views into the conservation area because of the disposition of the surrounding building would significantly screen the scheme.

Notwithstanding the submitted details, a condition requiring clay pantiles as an alternative to interlocking concrete tiles and timber windows and doors as an alternative to UPVC would ensure that there would be no significant harm to the overall character of the conservation area.

Parking Provision

Concern was initially raised by the local highway authority regarding the lack of on-site parking. The scheme reflects the nature of development that the authority has approved in similar town centre location where public nodes of transport are readily available and in close proximity. For example, most recently planning permission S12/2286 – 6 apartments, 87 Norton Street, Grantham was granted planning permission on 6th February 2013. This scheme had no car parking provision.

This town centre location is an entirely sustainable location. It is within walking distance of the town centre and associated facilities and public transport. The national planning policy framework promotes sustainable development and alternatives to the motor vehicle. This scheme accords with this guidance.

Provision would be made for the provision of a cycle shelter.

Additional Matters

It is accepted that the existing garage/repairs business has not operated for a number of years. However, it remains the authorised use for the site. As such a new occupier could commence such as use without the need for planning permission. It is likely that such a use could result in noise and disturbance to the occupiers of nearby residential properties. This redevelopment of the site would remove this potential and provides for a positive redevelopment of the site.

Section 106 Heads of Terms

The threshold for affordable housing provision is 5 units. As this scheme proposes 9 there is technically a requirement for up to 35% provision. As set out earlier in this report this should be in the form of a commuted sum for off site provision.

At the time of writing this report, there is an indication that with the imposition of a commuted sum payment the scheme would not be viable. On this basis, a S.106 would not be appropriate. Further discussions are being held on this issue and will be reported to Members at their meeting.

Crime and Disorder

The development raises 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.

No relevant Article of that Act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the scale, design and layout proposed is acceptable and would respect the character of the area, the conservation area and setting of adjacent listed buildings. Whilst concern has been raised in relation to overlooking and loss of privacy, given the relationship between the proposed and existing residential properties in the locality it is considered that the development would not be harmful to the residential amenity through a dominating, overlooking or overshadowing. The application is therefore deemed to comply with policies EN1, H1, SP1 and SP4 of the Core Strategy and sections 1, 3, 4, 6,7 and 11 of the National Planning Policy Framework; there are no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modifications), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Floor Plans, Elevations Drawing No. 1099-01 A
Street Scene Elevations, Roof, Block Plan and location plan Drawing No. 1099-03
Elevations, Location Plan Drawing No. 1099-02
Elevations, Location Plan Drawing No. 1099-02 A

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

5. Notwithstanding the submitted details, before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

Reason: In the interests of visual amenity, and ensure that the development preserves or enhances the Grantham conservation area.

6. Notwithstanding the submitted details. All windows and doors shall be of timber construction in accordance with large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.

Reason: To ensure a satisfactory form of development and to preserve and enhance the Grantham conservation area.

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

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

8. Prior to the commencement of work on the site a method statement regarding the proposed demolition and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:
 - a) Hours of operation
 - b) Types of machinery and equipment to be used on site; and
 - c) Details of how noise, vibration and dust are to be controlled, using best practicable means.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that the demolition and construction of the development is carried out according to best practice to minimise disruption to neighbouring occupiers.

Note(s) to Applicant

1. The applicant is advised that clay pantiles shall be used.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
3. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
4. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

5. Please note that this grant of planning permission does not override any civil legal matters relating to the Party Wall etc Act or legal covenants, issues on which you should seek independent legal advice.

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Applicant	Mr A Copland 19, Vicarage Close, Cowbit, Spalding, PE12 6XW
Agent	Mr S Whight, Scott Whight Architect 46, Elm Crescent, Glington, Peterborough, PE6 7LE
Proposal	Erection of 4 dwellings
Location	Land off, Stephens Way, Deeping St James
App Type	Full Planning Permission
<u>Parish(es)</u>	Deeping St James
<u>Reason for Referral to Committee</u>	Financial contributions are sought in support of the application and a Section 106 Legal Agreement required.
<u>Recommendation Summary</u>	<p>The land is allocated for development under saved policy H4 of the South Kesteven Local Plan. The principle of the application is therefore supported.</p> <p>The scale, design, and siting of the dwellings is considered to be acceptable with regard to impact on residential amenity in that the development would not lead to an unacceptable relationship between existing and proposed dwellings through a dominating or overlooking impact.</p> <p>The Highway Authority does not object to the application with adequate parking provision provided and vehicles able to enter and leave in a forward gear.</p> <p>Monies would be paid to make the development acceptable with regard to Public Open Space, the Local Education Authority and affordable housing. Nor would there be a significant detrimental impact on the environment through the development.</p> <p>The application is therefore deemed to comply with saved Policy H4 of the Local Plan; policies EN1, H1, H3 SP1 and SP4 of the Core Strategy and guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.</p>

Key Issues

- The land is allocated for residential development;
- Impact on the character of the area;
- Whether the development is acceptable with regard to residential amenity;
- Highway considerations

Technical Documents Submitted with the Application

- Draft heads of terms for the Section 106 Legal Agreement
- Layout
- Elevation drawings
- Design and Access Statement

REPORT

Application category

The application is categorised as a minor application.

Reason for referral to committee

Financial contributions are sought in support of the application and a Section 106 Legal Agreement required.

The proposal

The application is for the erection of four dwellings on land to the south of Stephens Way, Deeping St James. The development would compromise a larger detached dwelling to the east of the site and a terrace of three properties that run to the rear of 50 - 60 Stephens Way. The detached dwelling would be two-storey with a ridge height of 8.68m whilst the terrace of three properties would have an identical ridge height and accommodation in the roofspace.

Vehicular access would be through Stephens Way and pass through land currently being developed for 7 dwellings under permission S09/2409/FULL.

The application site and its surroundings

The site is currently vacant although it is understood to have formed the extended garden of a property that fronted Eastgate. An element of residential development has occurred off Stephens Way in the recent past including the erection of 11 affordable bungalows and the 7 dwellings previously mentioned.

There are some semi-mature trees toward the periphery of the site, besides which the site is empty.

Site History

On the application site there have two previous planning applications.

Application S08/0780 - which included the application site plus some additional land - for the erection of 14 dwellings and associated parking was determined at the Development Control Committee and subject of a resolution to grant planning permission subject to the signing of a Section 106 Legal Agreement. However, the S106 was not signed and application withdrawn.

Application S12/2213 for the erection of 4 dwelling was determined at the Development Control Committee of February 2013 and was resolved to grant permission subject to grant planning permission subject to the signing of a Section 106 Legal Agreement. However, the S106 was not signed within appropriate time frames and the application refused permission. That application is currently subject of an appeal.

Within the immediate environs of Stephens Way there is also an element of planning history;

Permission for the majority of existing dwellings on Stephens Way was granted in 1990 under reference SK.25/1632/89.

An application for 11 affordable bungalows, made under the exceptions policy and secured as affordable via a Section 106 Legal Agreement, was granted permission in November 2007 (ref; S06/1493/25). These dwellings have been constructed and are to the north of the application site.

An application for a single dwelling on land to the east of Stephens Way was refused permission (ref; S07/0066/25) on the grounds that it would result in residential development in open countryside. An appeal against the application was lodged. Subsequently; however, it came to light that the land was allocated for residential development in the Local Plan. As a result the appeal was withdrawn to allow the submission of a more appropriate application.

Application S09/2409, for the erection of 7 dwellings on part of the land allocated for residential development was granted on the 18 January 2012. The application was subject of a Section 106 Legal Agreement with contributions sought for Public Open Space, the Local Education Authority and Primary Care Trust.

Policy considerations

Saved policy H4 of the South Kesteven Local Plan

South Kesteven Core Strategy

EN1 – Protection and enhancement of the character of the District

H1 – Residential Development

SP1 – Spatial Strategy

SP4 – Developer contributions

National Planning Policy Framework

1 – Building a strong, competitive economy

6 – Delivering a wide choice of high quality homes

7 – Requiring good design

11 – Conserving and enhancing the natural environment

Representations received

Lincolnshire County Council as Highway Authority: does not object to the application, subject to the imposition of conditions.

The Communities Leisure Officer: requests a payment of £5,400 in lieu of on-site public open space, as was done under applications S09/2409, S12/2213 and S13/0942.

The Local Education Authority: request a contribution of £28,268 toward education provision given that both primary and secondary schools in the locality are full to capacity.

The Primary Care Trust: have not responded to their consultation on the application.

The Drainage Project Officer: requests that details of drainage be approved prior to the commencement of development and, where possible, a sustainable form of drainage should be used.

Heritage Lincolnshire: note that the application would not affect any known sites of archaeological interest.

The Partnership Project Officer: notes that the application site forms part of a larger site allocated for residential development and given the cumulative size of the various applications to build out the remainder of the allocated site request a contribution of onsite affordable dwellings.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being the 08 August 2013. One letter of objection has been received. A summary of the points raised is reproduced below;

- Parking provision for the site is inadequate and emergency vehicles will find it difficult to pass along the road;
- How will bins be stored and refuse vehicles gain access?

Officer evaluation

The principle of development is supported with the land allocated for residential development by saved policy H4 of the old Local Plan. Therefore the primary issues are considered to be impact on the character of the area, residential amenity and highway considerations.

It should also be noted that when application S12/2213 was refused permission because the Section 106 legal Agreement had not been signed it also came to light that the site formed part of a larger site allocated for residential development. The total number of dwellings to be constructed on the allocated land would be 8 and, therefore, in addition to the previously requested contributions one of the dwellings would also need to be affordable e.g. under the control of a Registered Social Landlord.

Impact on character of the area and residential amenity

The design of dwellings is considered acceptable and would assimilate with existing properties on Stephens Way. A reduction in ridge height of the properties means that the overall height of the properties are commensurate with dwellings approved on the adjacent site under permission S09/2409. Plot 1, the detached dwelling, would be larger than is common on the street but given that the design of the dwelling is acceptable and fact that a good mix of housing would be provided, this is considered appropriate. Furthermore, whilst the terrace properties would have accommodation in the roof space this is considered acceptable with the scale of the properties similar to others on Stephens Way.

In terms of overlooking and overbearing impacts the dwellings, as previously noted, would be similar in scale and design to others in Stephens Way. Rear garden depths would be 10m for the terraced properties and slightly below this for the detached dwelling; this would be similar to others in the locality with garden depths which vary from approximately 14m to 9.5m.

Highway considerations

When application S09/2409 was granted permission there was a need to ensure that development of the site would not preclude the residential development of land subject of this application. To do

this it was demonstrated that a highway to an adoptable standard could pass through the adjacent site.

As part of this application it is proposed to make the access road up to an adoptable standard as far as the front of plot 3. This is acceptable to ensure that an appropriate number of dwellings are accessed off the private drive and the Highway Authority does not object to the application. Appropriate parking provision would be provided within the site and it would not impact on spaces granted under permission S09/2409. A condition about materials for surfacing would also be required.

Other considerations

There is an element of planting toward the periphery of the site and this is primarily intended to be retained and form the boundary treatment to the site. A willow tree close to the rear of 60 Stephens Way is to be removed and this is required for the erection of a garage approved under permission S09/2409.

Section 106 Heads of Terms

The erection of 4 dwellings would normally fall below the threshold whereby contributions are sought. However, the land forms part of a larger parcel of land allocated for residential development and, therefore, contributions are required. A previous application for seven dwellings on the same parcel of allocated land (ref; S09/2409) also required contributions, as did applications S13/0942 and S12/2213. The contributions sought for this application are outlined below;

Public Open Space (in-lieu of on-site provision) - £5,400
Local Education Authority - £28,268
Primary Care Trust – no request received
On-site affordable housing provision – one dwelling

Crime and Disorder

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

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 land is allocated for residential development under saved policy H4 of the South Kesteven Local Plan. The scale, design and layout proposed is acceptable and would respect the character of the area, in particular Stephens Way, through which the development is accessed. Given the relationship between the proposed and existing dwellings in the locality it is not considered that the development would be harmful to residential amenity through a dominating or overlooking impact. Contributions have been sought to make the development acceptable with regard to Open Space

Provision, the Local Education Authority and affordable housing. Furthermore, subject to appropriate conditions the Local Highway Authority does not object to the application. Nor would there be a significant detrimental impact on the environment through the development. Furthermore, having regard to application S12/2213. The application is therefore deemed to comply with saved Policy H4 of the Local Plan; policies EN1, H1, SP1 and SP4 of the Core Strategy and guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

Recommendation

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

SUMMARY OF REASON(S) FOR APPROVAL

The land is allocated for residential development under saved policy H4 of the South Kesteven Local Plan. The scale, design and layout proposed is acceptable and would respect the character of the area, in particular Stephens Way, through which the development is accessed. Given the relationship between the proposed and existing dwellings in the locality it is not considered that the development would be harmful to residential amenity through a dominating or overlooking impact. Contributions have been sought to make the development acceptable with regard to Open Space Provision, the Local Education Authority and affordable housing. Furthermore, subject to appropriate conditions the Local Highway Authority does not object to the application. Nor would there be a significant detrimental impact on the environment through the development. Furthermore, having regard to application S12/2213. The application is therefore deemed to comply with saved Policy H4 of the Local Plan; policies EN1, H1, SP1 and SP4 of the Core Strategy and guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

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

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
4. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

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

5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 187/01 Rev B dated 03/12/12 and retained for that use thereafter.

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

6. No dwelling shall be occupied before works to bring the adjoining road and footways up to full adoptable standard to enable their adoption by the local highway authority up to the interface of the Private Drive have been certified complete 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.

7. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 187/01 Rev B dated 03/12/12.

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

8. Before development commences on site further details relating to the parking and carriageway areas to the public highway, including materials, specification of works and construction method shall be submitted to the local planning authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter maintained.

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

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

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).

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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).

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

187 B (location plan)
187 01 rev B
187 02 rev -
187 04 rev A
187 05 rev A
187 06 rev A
187 07 rev -
187 08 rev -
187 09 rev B
187 10 rev B
187 12 rev -

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

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

* * * * *

Applicant	Mr Joe Ward Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ
Agent	Louise Theobald, Acorus Rural Property Services Old Market Office, 10, Risbygate Street, Bury St Edmunds, IP33 3AA
Proposal	Single Storey Agricultural Dwelling (For Occupation in Connection with Adjacent Poultry Farm Granted Under S12/2038)
Location	Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ
App Type	Full Planning Permission
<u>Parish(es)</u>	Caythorpe
<u>Reason for Referral to Committee</u>	This application has been referred to committee due to national and local policy considerations
<u>Recommendation Summary</u>	Refuse

Key Issues

- Sustainability – is there an essential need for a new agricultural dwelling?
- Visual Impact

Technical Documents Submitted with the Application

- Design and Access Statement
- Planning Statement
- Agricultural Appraisal

REPORT

Application Category

This application is categorised as a minor application for residential development.

Reason for Referral to Committee

This application has been referred to committee due to national and local policy considerations

The Proposal

This application seeks full planning permission for the erection of a 3 bedroomed, detached bungalow, to be occupied by an assistant manager of an adjacent poultry broiler unit, recently approved under planning permission S13/2038 (but not yet completed).

This application is one of two related applications for dwellings to serve the poultry unit. The other application (S13/1351) is for a much larger 4 bed, 2 storey dwelling to provide accommodation for the manager.

The application site and its surroundings

The application site is adjacent to a large farmyard owned by the applicants, GR Ward & Co. The buildings include large grain and potato stores. The poultry broiler unit approved under planning permission S13/2038 would be directly adjacent to the existing collection of buildings. The farmyard is set within gently undulating open countryside.

Site History

There have been a number of previous permissions on the wider farmyard site including storage silos, farm and grain storage buildings and a grain/potato store extension.

The poultry broiler unit was approved under planning permission S13/2038 but has not yet been completed. That application originally included the two dwellings proposed by this application and S13/1351, but these were withdrawn from the scheme prior to determination.

Representations Received

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

No objection subject to conditions

Caythorpe Parish Council:

No objection

Fulbeck Parish Council:

No objection

South Kesteven Agricultural Consultant:
Views set out in full below

I refer to your letter dated 30th May 2013 together with enclosures and your request to undertake a desktop agricultural appraisal of the two above applications. I now comment on these applications after studying the supporting information as follows:-

- 1. The applications are for two new agricultural dwellings at Mill Farm, to house a Poultry Unit Manager, and an Assistant Manager, who are to work at the proposed broiler unit which will house up to 350,000 broilers, in eight new sheds approved under application number S12/2038/EIAFP. The proposed dwellings are approximately 60 metres and 160 metres respectively away from the nearest broiler sheds. The broiler unit is to be sited adjacent to the existing farm buildings at Mill Farm, Caythorpe.*
- 2. Mill Farm is part of a 1500 hectare (3,700 acre) arable farm farmed by the applicant company, G R Ward & Co. The 1500 hectares of arable land is cropped with cereals, sugar beet and potatoes.*
- 3. As stated in my letter dated 28th November 2012, I consider there will be a functional/essential need for one person to live close to the proposed unit. There are currently three dwellings at Mill Farm, Mill Farmhouse which is occupied by the Farm Manager, and 2 No. Mill Farm Cottages which are currently occupied by an arable farm worker, and a lorry driver. -All three of these existing dwellings are closer to the proposed broiler unit than the two proposed new dwellings. In addition, there are other dwellings on the holding close by; two at Robinsons Yard approximately 600 metres away from the site, and two at Bleak Cottages approximately 1500 metres from the site. I consider all of these dwellings are close enough to the unit to provide the essential/functional needs of the unit.*
- 4. The report from Ian Pick Associates Limited states that "The advice from Sanham Agricultural Planning Limited dated 28th November, 2012 suggests that with a modern alarm system, there is no functional need for a worker to reside on the site." This is incorrect, I stated in paragraph 5 of my letter of 28th November, 2012 that there is a need for a person to live close to the unit. However, I consider that there are sufficient existing dwellings on the holding i.e. a total of 13 and in particular the three at Mill Farm, or seven if those at Robinsons Yard and Bleak Cottages are taken into account, to provide the necessary accommodation for the worker(s) needed to manage this unit. At least three of these dwellings are suitable, and one or two of these dwellings could be made available to house the Manager and/or Assistant Manager. This could easily be achieved by providing alternative accommodation for the arable worker or the lorry driver, in another dwelling on the holding, or in a nearby village or town as there is no functional need for either of these workers to live on the holding. I do not accept that regaining possession is not guaranteed.*
- 5. I consider that as the unit has not yet been built, let alone been established for three years, that when the broiler sheds have been constructed and are ready for stocking, the Manager and Assistant Manager could be housed in the cottages at Mill Farm, or in a temporary dwelling/mobile home whilst possession of the two dwellings is achieved. This would enable the functional/essential needs of the unit to be fulfilled until possession is obtained of the cottages, and therefore comply with the guidance in Annex A to PPS? which is still accepted as relevant guidance in assessing agricultural planning applications.*

In conclusion, I ADVISE that there is no agricultural support for the two proposed new dwellings as the unit has not been established for three years, or been profitable for one of them, and there are currently sufficient existing dwellings on the holding which are suitable, and could be made available to house the proposed workers.

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, no letters of objection had been received.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraphs 6 -17: Achieving Sustainable Development
Section 3: Supporting a prosperous rural economy
Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy H1: Residential Development
Policy EN1: Protection and Enhancement of the Character of the District

Officer Evaluation

Key Issues

The key issues to be considered in this case are:

- Sustainability – is there an essential need for a new agricultural dwelling?
- Visual Impact

Sustainability

The thrust of national and local planning policy is that new residential development should be located in sustainable locations wherever possible, although there are some exceptions to this rule including agricultural dwellings where there is an essential need.

Paragraph 55 of the NPPF states that:

“local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside”

The South Kesteven Core Strategy has a very clear spatial strategy for the location of new development, set out in policies SP1 and H1. The majority of new development in the rural area

will be focussed on more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). Within the countryside and all villages that are not classed as LSCs, proposals for new dwellings are only be considered acceptable if they are sites for:

1. Affordable housing (to meet a proven local need)
2. Agricultural or forestry workers' dwellings (to meet a proven local need)
3. Replacement dwellings
4. Conversions of barns and other historic/traditional buildings

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

This applicant argues that this proposal (together with the manager's dwelling proposed by S13/1351) is essential for the operation of the proposed poultry broiler unit approved under S12/2038.

Establishing Essential Need

The planning policies outlined are clearly supportive in principle of agricultural workers dwellings in the countryside where there is an essential requirement and in circumstances where there are no more sustainable alternatives available. It is therefore important to establish whether a compelling case has been put forward for "essential need".

Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas (PPS7) sets out comprehensive tests for establishing whether there is an essential need for agricultural dwellings. PPS7, including Annex A was superseded by the NPPF in 2012. The NPPF, whilst continuing to restrict agricultural dwellings to "essential need" does not define essential need or contain guidance on how local planning authorities should assess whether an essential need exists.

However a number of recent appeal decisions have confirmed that this tried and tested method of assessing the need for agricultural dwellings on the basis of financial and functional tests is still relevant and that in the absence of any new national guidance to replace it, decision makers can have regard to this as a material consideration. This is acknowledged in the report by Acorus Rural Property Services submitted with the application, in which Annex A of PPS7 is described as "best practice" and is said to form the basis of their assessment.

On the basis of the above, and in the absence of any other national guidance, officers have used the approach advocated by Annex A of PPS7 to assess whether there is an essential need for a new agricultural worker's dwelling at the site. The key tests are as follows:

1. there must be a clearly established existing functional need;
2. the need must relate to a full-time worker, or one who is primarily employed in agriculture and must not relate to a part-time requirement;
3. the unit and the agricultural activity concerned must have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so
4. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
5. other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Functional Need – the Council’s agricultural advisor considers that there would be functional/essential need for one person to live close to the proposed broiler unit, although not necessarily directly adjacent to the site.

Viability – although the farm business as a whole is clearly well established, the broiler units are a new venture and have not yet been completed. Given the significant investment involved, the completion of the poultry units could at that time be considered good evidence that the business is financially viable. Notwithstanding the planning approval and the substantial investment that the applicant would commit, at this point it cannot be guaranteed that the broiler units would be completed.

Other Options – A compelling case has not been demonstrated that there is no more sustainable alternative available to accommodate a worker on or near the site. There are a number of dwellings on or near the site, owned by the applicant, some of which are closer to the proposed broiler units than the proposed new agricultural dwellings. The Council’s consultant is of the view that none of the present tenants have a functional need to live at the site and could easily be accommodated elsewhere. The applicant states that the submitted property search from “Rightmove” does not show any potential dwellings available to cover the necessary level of cover but fails to elaborate on the reasons why. This search shows a number of properties available in Caythorpe ranging from £99,950 - £160,000. Further searches by officers reveal a much larger range of properties for sale and rent in Caythorpe and other nearby villages. As demonstrated by these property searches, there is a good range of alternative accommodation available nearby for the current tenants. It is understandable that the applicant would prefer not to make these dwellings available, but no evidence or exceptional circumstances have been put forward to show that this is not achievable. Furthermore, there are a number of historic barns close to the site that appear to be suitable for conversion to multiple dwellings which would be supported by relevant planning policies. The applicant states that barn conversions would be uneconomic but offers no evidence to back this up whilst at the same time proposing a substantial 4 bed dwelling which arguably goes way beyond satisfying a purely functional need for accommodation. Whilst it is acknowledged that the existing farm dwellings cannot be made available immediately and that barn conversions would take some time to achieve, one option that has not been explored by the applicant is for a temporary dwelling (mobile home) which would satisfy the functional need for a worker to live close to the site, whilst allowing sufficient time either for residential conversion of the barn(s) or for possession of one of the existing dwellings at the site to be obtained.

Taking the above into account the proposal does not comply with the relevant tests and that it has not been demonstrated that there are no other more sustainable options available or any overriding material considerations that justify a new dwelling.

Visual Impact

The dwelling would be a significant distance from public vantage points and would be seen from most angles against the backdrop of the buildings and structures that form the existing farmyard. It would therefore not appear prominent or as an isolated feature in the open countryside. The design and appearance is considered compatible with its context. Taking the above into account, the development (either on its own or in combination with the bungalow proposed by S13/1351) would be in keeping with its surroundings and would have minimal visual impact.

Neighbours’ Amenities

Taking into account the separation distances involved, the proposed dwelling (either on its own or in combination with the bungalow proposed by S13/1351) would not be detrimental to the residential amenities of the occupiers of adjacent properties.

Highways/Traffic

There is sufficient parking and turning space on site and the extra traffic likely to be generated is relatively insignificant in the context of the farmyard as a whole. The Highways Authority do not object subject to conditions. On that basis, the proposal (either on its own or in combination with the bungalow proposed by S13/1351) is not considered to be detrimental to highway safety or traffic capacity.

Other Issues

The submitted decision notice for an agricultural dwelling allowed by North Norfolk District Council in 2003 has little relevance. It is impossible to make a direct comparison with this case, firstly because it gives no indication as to the circumstances of the case or how it was assessed, secondly because it was determined 10 years ago when both national and local planning policy was different.

Conclusion

The proposal would be acceptable in terms of its visual, highways and amenity impacts. However, whilst it is acknowledged that there is a functional need for one person to live at or close to the site, the proposal does not comply with the relevant tests and that it has not been demonstrated that there is an essential need for any new dwellings at the site and that no other more sustainable options are available. Therefore, in this case there is no agricultural justification for the proposal.

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. No relevant Article of that act will be breached.

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

The application site is within open countryside beyond the confines of any existing settlement and is therefore not considered a sustainable location for most new development. It is considered that the proposed development does not fall within any of the categories of development allowed in such a location, and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify a new dwelling on this site. Taking the above into account, it is considered that the development would be contrary to National :Planning Policy Framework (Paragraphs 6 – 17: Achieving Sustainable Development, Section 4: Promoting Sustainable Transport and Section 6: Delivery a wide choice of high quality homes), and polices SP1 and H1 of The South Kesteven Core Strategy.

* * * * *

Applicant	Mr Joe Ward Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ
Agent	Louise Theobald, Acorus Rural Property Services Old Market Office, 10, Risbygate Street, Bury St Edmunds, IP33 3AA
Proposal	Two storey agricultural dwelling (for occupation in connection with adjacent poultry farm granted under S12/2038)
Location	Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ
App Type	Full Planning Permission
<u>Parish(es)</u>	Caythorpe
<u>Reason for Referral to Committee</u>	This application has been referred to committee due to national and local policy considerations
<u>Recommendation Summary</u>	Refuse

Key Issues

- Sustainability – is there an essential need for a new agricultural dwelling?
- Visual Impact

Technical Documents Submitted with the Application

- Design and Access Statement
- Planning Statement
- Agricultural Appraisal

REPORT

Application Category

This application is categorised as a minor application for residential development.

Reason for Referral to Committee

This application has been referred to committee due to national and local policy considerations

The Proposal

This application seeks full planning permission for the erection of a 4 bedroomed, 2 storey detached dwelling, to be occupied by a manager of an adjacent poultry broiler unit, recently approved under planning permission S13/2038 (but not yet completed).

This application is one of two related applications for dwellings to serve the poultry unit. The other application (S13/1286) is for a more modest bungalow to provide accommodation for an assistant manager.

The application site and its surroundings

The application site is adjacent to a large farmyard owned by the applicants, GR Ward & Co. The buildings include large grain and potato stores. The poultry broiler unit approved under planning permission S13/2038 would be directly adjacent to the existing collection of buildings. The farmyard is set within gently undulating open countryside.

Site History

There have been a number of previous permissions on the wider farmyard site including storage silos, farm and grain storage buildings and a grain/potato store extension.

The poultry broiler unit was approved under planning permission S13/2038 but has not yet been completed. That application originally included the two dwellings proposed by this application and S12/1286, but these were withdrawn from the scheme prior to determination.

Representations Received

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

No objection subject to conditions

Caythorpe Parish Council:

No objection

Fulbeck Parish Council:

No objection

South Kesteven Agricultural Consultant:
Views set out in full below

I refer to your letter dated 30th May 2013 together with enclosures and your request to undertake a desktop agricultural appraisal of the two above applications. I now comment on these applications after studying the supporting information as follows:-

- 1. The applications are for two new agricultural dwellings at Mill Farm, to house a Poultry Unit Manager, and an Assistant Manager, who are to work at the proposed broiler unit which will house up to 350,000 broilers, in eight new sheds approved under application number S12/2038/EIAFP. The proposed dwellings are approximately 60 metres and 160 metres respectively away from the nearest broiler sheds. The broiler unit is to be sited adjacent to the existing farm buildings at Mill Farm, Caythorpe.*
- 2. Mill Farm is part of a 1500 hectare (3,700 acre) arable farm farmed by the applicant company, G R Ward & Co. The 1500 hectares of arable land is cropped with cereals, sugar beet and potatoes.*
- 3. As stated in my letter dated 28th November 2012, I consider there will be a functional/essential need for one person to live close to the proposed unit. There are currently three dwellings at Mill Farm, Mill Farmhouse which is occupied by the Farm Manager, and 2 No. Mill Farm Cottages which are currently occupied by an arable farm worker, and a lorry driver. -All three of these existing dwellings are closer to the proposed broiler unit than the two proposed new dwellings. In addition, there are other dwellings on the holding close by; two at Robinsons Yard approximately 600 metres away from the site, and two at Bleak Cottages approximately 1500 metres from the site. I consider all of these dwellings are close enough to the unit to provide the essential/functional needs of the unit.*
- 4. The report from Ian Pick Associates Limited states that "The advice from Sanham Agricultural Planning Limited dated 28th November, 2012 suggests that with a modern alarm system, there is no functional need for a worker to reside on the site." This is incorrect, I stated in paragraph 5 of my letter of 28th November, 2012 that there is a need for a person to live close to the unit. However, I consider that there are sufficient existing dwellings on the holding i.e. a total of 13 and in particular the three at Mill Farm, or seven if those at Robinsons Yard and Bleak Cottages are taken into account, to provide the necessary accommodation for the worker(s) needed to manage this unit. At least three of these dwellings are suitable, and one or two of these dwellings could be made available to house the Manager and/or Assistant Manager. This could easily be achieved by providing alternative accommodation for the arable worker or the lorry driver, in another dwelling on the holding, or in a nearby village or town as there is no functional need for either of these workers to live on the holding. I do not accept that regaining possession is not guaranteed.*
- 5. I consider that as the unit has not yet been built, let alone been established for three years, that when the broiler sheds have been constructed and are ready for stocking, the Manager and Assistant Manager could be housed in the cottages at Mill Farm, or in a temporary dwelling/mobile home whilst possession of the two dwellings is achieved. This would enable the functional/essential needs of the unit to be fulfilled until possession is obtained of the cottages, and therefore comply with the guidance in Annex A to PPS? which is still accepted as relevant guidance in assessing agricultural planning applications.*

In conclusion, I ADVISE that there is no agricultural support for the two proposed new dwellings as the unit has not been established for three years, or been profitable for one of them, and there are currently sufficient existing dwellings on the holding which are suitable, and could be made available to house the proposed workers.

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, no letters of objection had been received.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraphs 6 -17: Achieving Sustainable Development
Section 3: Supporting a prosperous rural economy
Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy H1: Residential Development
Policy EN1: Protection and Enhancement of the Character of the District

Officer Evaluation

Key Issues

The key issues to be considered in this case are:

- Sustainability – is there an essential need for a new agricultural dwelling?
- Visual Impact

Sustainability

The thrust of national and local planning policy is that new residential development should be located in sustainable locations wherever possible, although there are some exceptions to this rule including agricultural dwellings where there is an essential need.

Paragraph 55 of the NPPF states that:

“local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside”

The South Kesteven Core Strategy has a very clear spatial strategy for the location of new development, set out in policies SP1 and H1. The majority of new development in the rural area will

be focussed on more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). Within the countryside and all villages that are not classed as LSCs, proposals for new dwellings are only be considered acceptable if they are sites for:

5. Affordable housing (to meet a proven local need)
6. Agricultural or forestry workers' dwellings (to meet a proven local need)
7. Replacement dwellings
8. Conversions of barns and other historic/traditional buildings

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

This applicant argues that this proposal (together with the assistant manager's dwelling proposed by S13/1286) is essential for the operation of the proposed poultry broiler unit approved under S12/2038.

Establishing Essential Need

The planning policies outlined are clearly supportive in principle of agricultural workers dwellings in the countryside where there is an essential requirement and in circumstances where there are no more sustainable alternatives available. It is therefore important to establish whether a compelling case has been put forward for "essential need".

Annex A of Planning Policy Statement 7- Sustainable Development in Rural Areas (PPS7) sets out comprehensive tests for establishing whether there is an essential need for agricultural dwellings. PPS7, including Annex A was superseded by the NPPF in 2012. The NPPF, whilst continuing to restrict agricultural dwellings to "essential need" does not define essential need or contain guidance on how local planning authorities should assess whether an essential need exists.

However a number of recent appeal decisions have confirmed that this tried and tested method of assessing the need for agricultural dwellings on the basis of financial and functional tests is still relevant and that in the absence of any new national guidance to replace it, decision makers can have regard to this as a material consideration. This is acknowledged in the report by Acorus Rural Property Services submitted with the application, in which Annex A of PPS7 is described as "best practice" and is said to form the basis of their assessment.

On the basis of the above, and in the absence of any other national guidance, officers have used the approach advocated by Annex A of PPS7 to assess whether there is an essential need for a new agricultural worker's dwelling at the site. The key tests are as follows:

6. there must be a clearly established existing functional need;
7. the need must relate to a full-time worker, or one who is primarily employed in agriculture and must not relate to a part-time requirement;
8. the unit and the agricultural activity concerned must have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so
9. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
10. other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Functional Need – the Council’s agricultural advisor considers that there would be functional/essential need for one person to live close to the proposed broiler unit, although not necessarily directly adjacent to the site.

Viability – although the farm business as a whole is clearly well established, the broiler units are a new venture and have not yet been completed. Given the significant investment involved, the completion of the poultry units could at that time be considered good evidence that the business is financially viable. Notwithstanding the planning approval and the substantial investment that the applicant would commit, at this point it cannot be guaranteed that the broiler units would be completed.

Other Options – A compelling case has not been demonstrated that there is no more sustainable alternative available to accommodate a worker on or near the site. There are a number of dwellings on or near the site, owned by the applicant, some of which are closer to the proposed broiler units than the proposed new agricultural dwellings. The Council’s consultant is of the view that none of the present tenants have a functional need to live at the site and could easily be accommodated elsewhere. The applicant states that the submitted property search from “Rightmove” does not show any potential dwellings available to cover the necessary level of cover but fails to elaborate on the reasons why. This search shows a number of properties available in Caythorpe ranging from £99,950 - £160,000. Further searches by officers reveal a much larger range of properties for sale and rent in Caythorpe and other nearby villages. As demonstrated by these property searches, there is a good range of alternative accommodation available nearby for the current tenants. It is understandable that the applicant would prefer not to make these dwellings available, but no evidence or exceptional circumstances have been put forward to show that this is not achievable. Furthermore, there are a number of historic barns close to the site that appear to be suitable for conversion to multiple dwellings which would be supported by relevant planning policies. The applicant states that barn conversions would be uneconomic but offers no evidence to back this up whilst at the same time proposing a substantial 4 bed dwelling which arguably goes way beyond satisfying a purely functional need for accommodation. Whilst it is acknowledged that the existing farm dwellings cannot be made available immediately and that barn conversions would take some time to achieve, one option that has not been explored by the applicant is for a temporary dwelling (mobile home) which would satisfy the functional need for a worker to live close to the site, whilst allowing sufficient time either for residential conversion of the barn(s) or for possession of one of the existing dwellings at the site to be obtained.

Taking the above into account, the proposal does not comply with the relevant tests and that it has not been demonstrated that there are no other more sustainable options available or any overriding material considerations that justify a new dwelling.

Visual Impact

The dwelling would be a significant distance from public vantage points and would be seen from most angles against the backdrop of the buildings and structures that form the existing farmyard. It would therefore not appear prominent or as an isolated feature in the open countryside. The design and appearance is considered compatible with its context. Taking the above into account, the development (either on its own or in combination with the bungalow proposed by S13/1286) would be in keeping with its surroundings and would have minimal visual impact.

Neighbours’ Amenities

Taking into account the separation distances involved, the proposed dwelling (either on its own or in combination with the bungalow proposed by S13/1286) would not be detrimental to the residential amenities of the occupiers of adjacent properties.

Highways/Traffic

There is sufficient parking and turning space on site and the extra traffic likely to be generated is relatively insignificant in the context of the farmyard as a whole. The Highways Authority do not object subject to conditions. On that basis, the proposal (either on its own or in combination with the bungalow proposed by S13/1286) is not considered to be detrimental to highway safety or traffic capacity.

Other Issues

The submitted decision notice for an agricultural dwelling allowed by North Norfolk District Council in 2003 has little relevance. It is impossible to make a direct comparison with this case, firstly because it gives no indication as to the circumstances of the case or how it was assessed, secondly because it was determined 10 years ago when both national and local planning policy was different.

Conclusion

The proposal would be acceptable in terms of its visual, highways and amenity impacts. However, whilst it is acknowledged that there is a functional need for one person to live at or close to the site, the proposal does not comply with the relevant tests and that it has not been demonstrated that there is an essential need for a new dwelling at the site and that no other more sustainable options are available. Therefore, in this case there is no agricultural justification for the proposal.

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. No relevant Article of that act will be breached.

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

The application site is within open countryside beyond the confines of any existing settlement and is therefore not considered a sustainable location for most new development. It is considered that the proposed development does not fall within any of the categories of development allowed in such a location, and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify a new dwelling on this site. Taking the above into account, it is considered that the development would be contrary to National Planning Policy Framework (Paragraphs 6 – 17: Achieving Sustainable Development, Section 4: Promoting sustainable transport, and Section 6: Delivering a wide choice of high quality homes), and policies SP1 & H1 of The South Kesteven Core Strategy.

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