



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

14 April 2021



## S21/0021

**Proposal:** Creation of tracks / internal access roads to serve dwelling and paddocks. Surfacing of existing tracks. Lighting. Formation of new access onto Spa Road.

**Location:** Spa House, Spa Road, Braceborough, PE9 4NS

**Applicant:** Mr D Ivtsan

**Agent:** Mr Mike Sibthorp

**Application Type:** Full Planning Permission

**Reason for Referral to Committee:**

**Key Issues:** Residential amenity  
Potential light pollution  
Character and appearance of the area  
Potential impacts on wildlife

**Technical Documents:** Supporting statement

### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Dole Wood**

**Reviewed by:**

Phil Jordan, Principal Planning Officer

29 March 2021

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

**Approved conditionally**



## **1 Description of Site**

- 1.1 The site is located in the open countryside, approximately 1.2km north-west of the village of Braceborough. The site is reached via Spa Road - a narrow public highway running from the north-western edge of the village and terminating at the western edge of the site. The current vehicle access from Spa Road lies to the north of the dwelling known as Spa Holt and runs close to the northern boundary of this property.
- 1.2 The site comprises a complex of buildings, including Spa House itself and domestic equestrian buildings, plus paddock land and an area of woodland (identified as "The Wilderness" on OS maps), and located towards the middle of the site.

## **2 Description of proposal**

- 2.1 This amended application proposes the construction of a number of new tracks around the site, the resurfacing of some existing tracks, and the construction of a new vehicle access on the southern side of Spa Holt. The tracks would be surfaced using permeable tarmac, with a loose chip surface dressing. There would be low-level lighting along some parts of the track.
- 2.2 The proposal under consideration is an amended version of the one originally submitted, with changes made to the lighting scheme in response to the concerns of officers regarding its potential impact on the character and appearance of the surrounding area.

## **3 Relevant History**

- 3.1 No relevant planning history

## **4 Policy Considerations**

### **4.1 SKDC Local Plan 2011 - 2036**

Policy DE1 - Promoting Good Quality Design

Policy EN4 - Pollution Control

Policy EN5 - Water Environment and Flood Risk Management

Policy ID2 - Transport and Strategic Transport Infrastructure

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

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

## **5 Representations Received**

### **5.1 LCC Highways & SuDS Support**

5.1.1 With reference to the above application received 11 January 2021 Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority does not wish to restrict the grant of permission.

5.1.2 This proposal does not adversely impact the public highway, the creation of internal site roads will not materially affect the existing surface water regime.

### **5.2 Environment Agency**

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

### **5.3 Environmental Protection Services (SKDC)**

5.3.1 Reference your memorandum dated 11th January 2021, Environmental Protection has reviewed the documents in respect of the above application and has no comments to make.

### **5.4 Cadent Gas Limited**

5.4.1 National Grid has no objection to the above proposal.

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

5.5.1 The site falls outside of the Boards area, but falls within the extended area. Upon viewing the drawings there does not appear to be any water courses being altered, culverted etc. and therefore have no comments to make.

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

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 1 letter of representation has been received. The points raised can be summarised as follows:

1. Harm to residential amenity through loss of privacy.
2. Harm to residential amenity as a result of light pollution.

## **7 Evaluation**

### **7.1 Principle of development**

7.1.1 Although the site is located in the open countryside, the proposal is for private roads (plus associated lighting) to service an existing dwelling and existing private domestic equestrian buildings. It would not result in a material intensification of the use of the site and the principle of development is therefore acceptable.

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

7.2.1 Local Plan Policy DE1 requires development to make a positive contribution to the character of the area. This is consistent with NPPF Section 12 (Achieving well-designed

places) which amongst other things states that developments should be visually attractive as a result of good architecture, layout and effective landscaping.

- 7.2.2 Local Plan Policy EN4 states that development resulting in significant pollution (including light pollution) will not be permitted unless the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. This is consistent with section 15 of the NPPF, which states that planning decisions should ensure that development is appropriate for its location, limiting the impact of light pollution from artificial light on local amenity and nature conservation.
- 7.2.3 Although a substantial part of the site is relatively remote, and set well back from any public vantage point, the western end of the proposed scheme meets with the public highway of Spa Road, and would be clearly seen from public vantage points along this.
- 7.2.4 The proposal would result in the removal of a number of (non-protected trees), and some of this work has already been carried out. However, a condition has been recommended requiring approval of a landscaping scheme for the area around the junction with the public highway of Spa Road. This is considered sufficient to avoid harm to the character and appearance of the area and mitigate and loss of habitat through the removal of trees in accordance with policy DE1.
- 7.2.5 The location of the site is relatively remote - it is set in the open countryside, and more than 1km away from all of the nearby villages with their associated street lighting. Given this, the absence of artificial lighting and the relative darkness after sunset are considered to form a significant part of the character of the area. It is noted that the proposed scheme involves low-level lighting, sited close to the ground rather than typical street lighting or floodlighting, which is located high up, so as to maximise the area of ground which is illuminated.
- 7.2.6 Although the site is relatively remote, it is not located in an area which receives special protection because of its dark skies (such as a National Park for example). Because of this, and the nature of the proposed lighting, it is not considered that the proposal would cause sufficient light pollution to have a significantly harmful impact through its contribution to the background "skyglow".
- 7.2.7 The initially-submitted proposal has been amended, with much of the lighting removed, including from the area closest to the public highway of Spa Road. Although it has been retained along the line of the former railway tracks, this part of the track sits at a lower level than the surrounding land and would be less prominent. In addition, a condition has been attached requiring approval of the details of the lighting prior to implementation. With this condition in place, it is considered that sufficient controls are in place to control the impacts of the lighting scheme, and it is not therefore considered that the proposal would cause harm to the character and appearance of the area through light pollution.
- 7.2.8 The proposal would therefore be in keeping with the surrounding context in accordance with Local Plan Policies DE1 and EN4 and NPPF (sections 12 and 15).

### 7.3 **Impact on residential amenity (of neighbours)**

- 7.3.1 Local Plan policy DE1 requires all development proposals to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light. This is consistent with the NPPF (section 12) (Achieving well-designed places) which amongst other things states that development should create places with a high standard of amenity for existing and future users.
- 7.3.2 Although the proposal would result in the construction of a private road close to the boundary with Spa Holt, it is noted that vehicles moving to and from Spa Farm already move along a track adjacent to the northern boundary with this property. There would therefore be no further harm to the residential amenity of this property through noise beyond the existing situation. A condition has been recommended requiring agreement of a landscaping scheme prior to first use of the road. The implementation of a suitable boundary treatment is considered to be sufficient to prevent harm to the privacy afforded to this neighbouring property. The proposed lighting scheme involves illumination located close to the ground, limiting the area which would be lit up. Together with amendments which have removed the proposed lighting from the area around Spa Holt, this is considered to be sufficient to ensure that the lighting scheme would not be harmful to the residential amenity of this neighbouring property.
- 7.3.3 Given the location in the open countryside, the proposal would be set sufficiently far away from all other nearby properties such that it would not harm their residential amenity through noise, loss of privacy or light pollution either.
- 7.3.4 Taking into account the scale and nature of the proposal, and adequate separation distances, there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Local Plan Policy DE1 and the NPPF (section 12).

### 7.4 **Highway issues**

- 7.4.1 Local Plan Policy ID2 deals with transport issues, requiring that new developments should not severely impact on the safety and movement of traffic on the highway network. This policy is consistent with the NPPF (section 9) (Promoting Sustainable Transport) which amongst other things states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.4.2 It is noted that Lincolnshire County Council (as Local Highway Authority) have no objections to the proposal. In view of this, it is considered that the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan policy ID2 and the NPPF (section 9).

## 7.5 **Ecology**

- 7.5.1 Local Plan policy EN2 together with NPPF (section 15) require developments to contribute towards conservation and enhancement of biodiversity and avoid and/or mitigate any adverse impacts.
- 7.5.2 Although the proposal is located in the open countryside, it is not close to any area given special protection by reasons of ecology (for example a SSSI). The proposal involves a lighting scheme, however this is to be located close to the ground, avoiding the issues seen with street lighting where bats avoid flying underneath the lighting. Further, the landscaping scheme would ensure any loss of habitat through the removal of trees could be sufficiently mitigated through replacement planting.
- 7.5.3 In this respect the proposal is acceptable and in accordance with Local Plan policy EN2 and the NPPF (section 15).

## 7.6 **Drainage and Flooding**

- 7.6.1 Local Plan policy EN5 together with NPPF (section 14) seeks to direct development to areas with the least probability of flooding, together with implementation of SuDS drainage where possible, in order to minimise surface water runoff.
- 7.6.2 Although parts of the site are located in Flood Zone 3, it would not result in the introduction of a dwelling or a more vulnerable land use to the site. Further, the track is proposed to be constructed of a permeable material and would therefore not result in any additional surface water run-off. It is noted that Lincolnshire County Council as Lead Local Flood Authority have raised no objections to the proposal.
- 7.6.3 In summary, the proposal is in accordance with Local Plan policy EN5 and the NPPF (section 14: Meeting the challenge of climate change, flooding and coastal change).

## 7.7 **Crime and Disorder**

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

## 7.8 **Human Rights Implications**

- 7.8.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## 7.9 **Conclusion and Planning Balance**

- 7.9.1 The proposal is in accordance with Local Plan policies DE1, EN2, EN4, EN5 and the NPPF (sections 9, 12, 14 and 15) and there are no material considerations that indicate otherwise, and the proposal is therefore acceptable.

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

**Time Limit for Commencement**

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

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

**Approved Plans**

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Drawing No. MSP.239/002A received on 29th March 2021

Unless otherwise required by another condition of this permission.

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

**Before the Development is Brought into Use**

- 3 Before the new vehicle access is brought into use, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
  - i. planting plans;
  - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
  - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

- 4 No lighting for the access tracks/roads hereby approved shall be brought into use without the specification (including lux levels) of the lighting being first submitted and approved in writing by the Local Planning Authority. The lighting scheme shall then be implemented in accordance with the agreed details.

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

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

## Ongoing Conditions

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

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

- 1 This site has been identified as being at risk from contaminated land. Please contact Environmental Protection Services on 01476 406300 for further information.
- 2 The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

# Location Plan



Block Plan

