

Development Control Committee
13 December 2011

PWM1 **S11/2030/MJRO**

Target Decision Date: 19-Dec-2011

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| Applicant | Ropsley Farms Ltd The Quarry site, Grantham Road, Ropsley, Grantham |
| Agent | Mr George Machin, Savills 9, Fletcher Gate, Nottingham, NG1 1QQ |
| Proposal | Residential development - 28 dwellinghouses |
| Location | The Quarry site, Grantham Road, Ropsley, Grantham |
| App Type | Major Outline (Residential) |
| Parish(es) | Ropsley & Humby |

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

This application has been referred to the committee as it is a major development which is considered to be locally controversial, as well as requiring a developer contribution through a section 106 legal agreement.

The Proposal

This application seeks outline planning permission for the erection of 28 dwellings including 8 affordable homes at a disused quarry on the north western edge of Ropsley village . Access is included as a matter for consideration. The main access road to serve the development would be from Grantham Road at a point roughly corresponding with the current entrance gateway to the site. There would also be a number of driveways serving individual dwellings directly off Grantham Road, as well as footpath accesses to the northwest, southeast and south of the site.

The application site and its surroundings

The site is a shallow, partially filled in, former limestone quarry on the far north western edge of Ropsley village. The site is approximately 2.4ha in area and roughly semi circular in shape. It is uncultivated semi wooded/scrubland with a belt of mature trees around the northern perimeter. The built up area to the east and south east consists mainly of late C20 ribbon development and small estate developments interspersed with a small number of older stone built buildings. There is open farmland on all other sides.

Site History

Outline planning permission was refused in 1977 (SK.1094/77) – for a residential development of 36 units as it was considered to be unjustified development of open countryside beyond the curtilage of the village.

Representations Received

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

Further information requested relating to footway provision and carriageway widening. At the time of writing, the requested information had been submitted, but no further comment had been received from the Highways Authority. Any further comments from the Highways Authority will be reported in the late background papers.

Ropsley Parish Council: (comments summarised)

1. Support for affordable housing aspect but reservations about the other aspects.
2. Ropsley is classed as an unsustainable village.
3. Design and access statement inaccurately states that the parish Council supports the development.
4. Inaccurate statistics in design and access statement.
5. Increased flood risk and pressure on sewers and drainage system.
6. Highways/traffic issues.
7. Site is not brownfield (has not been worked since 1940s).

SKDC Projects Officer (Drainage):

Detailed surface water drainage details required with a reserved matters application

SKDC Environmental Protection:

A phase II intrusive investigation will be needed (by condition) as the site has been used for landfill.

SKDC Housing Solutions Officer (Affordable Housing):

The 2009 housing needs survey showed the need for 8 affordable housing units, specifically 8 x 2 bed houses with a maximum of 2 for shared ownership to meet local needs and affordability. The site was identified as the most suitable. However the potential of the site was explored as a rural exception site for affordable homes only.

Ramblers Association:

No public right of way affected by the development

LCC (Footpaths):

The definitive line and customary width of the footpath will not be affected by the development. Users must not be inconvenienced or exposed to hazards from the works.

Environment Agency:

Planning permission should only be granted subject to conditions requiring further details of surface water drainage and measures to deal with contamination.

Lincs Police Crime Prevention Design Advisor:

A condition should be attached to ensure that security and crime prevention measures are incorporated into the development in accordance with the objectives of “Secured by Design”

Lincs Wildlife Trust:

The development would affect part of the Old Somerby to Ropsley Road Verges Local Wildlife Site (LWS). Rearrangement of the accesses is recommended as well as creation of a buffer zone around the LWS. Additional calcareous grassland and other enhancements should be created to encourage biodiversity.

Natural England:

The proposal would not affect any designated sites (SSSIs etc) subject to the proposal being carried out according to the terms and conditions of the application and submitted plans. A formal management plan is recommended for the management of the green space.

SKDC Community Leisure Officer:

A Section 106 contribution of £17,346 is required for offsite childrens play equipment in the village.

LCC (Education):

A Section 106 contribution of £56,382 is required for Ropsley CE Primary School.

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, 19 letters of objection had been received. A summary of the main concerns are listed below:

1. Visually intrusive
2. Out of character with Ropsley and inappropriate for edge of village site
3. Ropsley does not have adequate services
4. Not in accordance with SKDC Core Strategy
5. Not in accordance with the Housing Needs Survey
6. Would increase size of Ropsley by 10%
7. The site is not “brownfield” as it has not been used since the 1940s and is now a wildlife haven
8. Impact on biodiversity and vegetation
9. Loss of view
10. Loss of rural character of the area
11. Highway safety/traffic issues
12. Flooding/drainage/sewer capacity issues
13. No need for more homes
14. Design and Access statement misleading and inaccurate
15. Dominant and oppressive environment
16. Overlooking/loss of privacy
17. Noise/disturbance
18. Only affordable housing needed
19. There should be a higher percentage of affordable homes
20. Potential archaeological site
21. Impact on footpath

Applicant's Submission

The applicant's agent has submitted the following statement in advance of the Committee meeting:

"In advance of the Planning Committee meeting on the 13th December 2011, and following further work I have undertaken, I would hope that within any committee report you include or make reference to the District Council's five year housing land supply.

The most up to date Five Year Housing Land Supply Paper (April 2011 – 2016) for the district recognises that it has just under five years supply of available and deliverable housing land supply. Whilst this situation should be resolved when the DPDs are adopted, this is unlikely to take effect until the end of next year. Therefore SKDC must consider approving applications to meet this shortfall.

Policy SP1 of the Core Strategy identifies preferred locations for housing growth. Previously developed land for example is sequentially preferable to greenfield development. This is a brownfield site in a village well served by local amenities and as such, is in accordance with the objectives of national planning policy, and would be in accordance with the council's own emerging DPD policy. In the light of this, and a lack of a five year housing land supply, I consider that there are robust planning policy reasons for approving this application. I am not aware that there are other substantive material considerations which would lead you to consider that the application site/proposal was unsuitable for housing development.

The proposal will deliver eight affordable homes (phase 1) to meet the identified local affordable housing need in Ropsley. Followed by a further twenty homes for the open market.

This development is fully supported by the local people living within the village and also Ropsley Parish Council. The proposal will also allow for a redundant brownfield site to be brought back into use, whilst providing a large area of public open space for the village.

Given the level of local support for the scheme, the emerging NPPF which identifies a presumption in favour of sustainable development, and the Council's lack of a five year housing land supply, I feel that this proposal should be approved.

I trust you will take the above comments into account when making your recommendation".

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1): Sustainable Development
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Guidance 9 (PPG9): Biodiversity and Geological Conservation

East Midlands Regional Plan (RSS8)

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy SP4: Developer Contributions

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

Policy H1: Residential Development

Policy H3: Affordable Housing

Officer Evaluation

Key Issues

The key issues to be considered in this case are:

- The current status of the Core Strategy
- Whether the land is brownfield or greenfield
- The principle of development (sustainability)
- The impact on the form and character of the settlement
- Highway safety/traffic
- Neighbours' residential amenities

Applicant's Justification

The main arguments put forward by the applicant to justify the principle of the development on this site can be summarised as:

- It is a brownfield site in a sustainable location well served by local amenities
- The Council cannot demonstrate a five year land supply
- The government's Draft National Planning Policy Framework identifies a presumption in favour of sustainable development
- It will deliver affordable housing to Ropsley in accordance with the Housing Needs Survey published by Community Lincs in 2010
- The proposal has local support

Five Year Land Supply

Although the applicant correctly states that the Council cannot currently demonstrate a five year land supply (currently 4 years), the emerging Site Allocations and Policies Development Plan Document (DPD), which will supplement the Core Strategy, is at an advanced stage of preparation having been based on robust evidence and lengthy consultation, and is expected to be adopted early next year. This DPD will allocate sufficient land for housing in the rural area to provide for the next 15 years. The emerging DPD does not propose to allocate any housing land in Ropsley. Allocated land in the rural area will be restricted to a small number of LSCs only.

To support their argument, the applicant refers to paragraph 71 of Planning Policy Statement 3 (Housing) which says:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69”.

This paragraph cannot be read in isolation and must be read together with paragraph 69 which states:

“In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues”.

Clearly this does not allow unrestricted housing developments in the absence of a five year land supply. The Council has a very clear and up to date spatial vision in the adopted Core Strategy which takes full account of wider policy issues, environmental sustainability as well as the need and demand for housing. This is fully consistent with PPS3.

The applicant also refers to the Government’s Draft National Planning Policy Framework (NPPF) and Localism Bill. Key arguments based on these documents, that they have put forward to justify the development, include what they describe as “a new growth orientated and pro development stance”, the “presumption in favour of sustainable development”, “boosting the supply of housing”, “putting the emphasis on demand rather than need” as well as localism itself.

Both the NPPF and Localism Bill are still in draft form and therefore cannot be given significant weight. However, given that South Kesteven has a recently adopted Core Strategy based on robust evidence, including a clear spatial vision, it cannot be said that an up to date or consistent local plan is absent, or silent or in determinant on the relevant issues. The NPPF is not in its final form and is likely to be subject to revisions. In any case it is considered that the Core Strategy is entirely consistent with the draft NPPF as well as the general thrust of the localism agenda.

Furthermore, it should be noted that a number of recent planning decisions by the Secretary of State (including refusal of housing developments in Winchester, Sandbach and St Austell) have clearly demonstrated that the spatial vision for new development should be determined locally, even in the absence of an up to date local plan, or a local plan/core strategy which is in very early stages of preparation.

The following quotes from three recent decisions by the Secretary of State demonstrate the position very clearly:

Winchester (2000 homes) - “If a decision was taken now to allow such a significant housing scheme, this would be likely to undermine the work currently being carried out in Winchester to establish a new bottom up housing strategy”.

Sandbach (280 homes) - “The development would ‘jump the gun’ before the core strategy had been adopted, thereby prejudicing the fairness and effectiveness of the LDF process”.

St Austell (1,300 homes) - "The grant of planning permission now would inevitably reduce the choices otherwise available to the forthcoming LDF site selection process and could prejudice future decisions".

Taking the above into account, it is considered that arguments put forward by the applicant are not significant material considerations that outweigh the primacy of the Development Plan and little weight can be given to them. This proposal should be therefore be determined in accordance with the current Development Plan (South Kesteven Core Strategy and The East Midlands Regional Plan) and any other relevant material considerations including national policy contained in PPGs and PPSs.

Local Support

The applicant claims that the development "is fully supported by the local people living within the village and the parish council". This appears not to be the case, as the Parish Council have stated that they support the affordable housing aspect (based on the Housing Needs Survey) only, but have broad reservations about the remainder of the scheme. A relatively high number of objections (19) have been received from members of the public as a result of publicity. The applicant refers to pre application advice having been sought. Whilst it is true that advice was sought on affordable housing from the SKDC Affordable Housing Officer, it should be noted that pre application advice has not been sought from SKDC Planning Department.

Brownfield or Greenfield Land

The application refers to the site as having "the characteristics of a brownfield site". Annex B of Planning Policy Statement 3 (Housing) defines brownfield land as:

"Previously developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure".

It then gives specific examples of land which is excluded from this classification including:

"Land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time to the extent that it can reasonably be considered as part of the natural surroundings".

Whilst the land has undoubtedly been used for mineral extraction in the past, local knowledge and evidence from the submitted Contaminated Land Survey shows that this use ceased many years ago sometime between the 1930s and 1950s, and although some landfill from inert waste may have occurred, there are no buildings, fixed structures or surfaces on the site. There is no evidence to suggest more recent use or development of the site which appears to have been left to regenerate itself into its current semi-wooded/scrubland state. Taking the above into account, the site is considered to have blended into the landscape over time to such an extent that it cannot be reasonably described as brownfield land and is therefore greenfield land.

Sustainability

The thrust of national and regional and local policy is that preference should be given to development on brownfield land in sustainable locations wherever possible. The South Kesteven Core Strategy has a very clear spatial strategy for the location of new development. The majority of new development will be focused on Grantham and to a lesser extent, Stamford, The Deepings and Bourne. More sustainable villages with a higher level of local services/amenities have been identified as Local Service Centres (LSCs) where a certain amount of development with preference given to brownfield and allocated sites will be permitted in principle. Other villages (such as

Ropsley) which have more limited services/amenities are considered to be less sustainable and development will be restricted.

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

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

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

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

It is considered that the proposal does not fall under any of categories of development outlined above and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify development of an additional greenfield site for housing in an unsustainable location. It is therefore considered to be contrary to national, regional and local policy on the location of sustainable development.

Affordable Housing

The Housing Needs Survey Report of 2010 identified a need for 8 affordable dwellings in Ropsley. The far southernmost part of the quarry site was informally identified in principle by members of the Parish Council, the Housing Enabler and the SKDC Affordable Housing Officer as the most suitable in the village for a rural exception site to meet this need for affordable housing. This application includes an element of affordable housing (8 dwellings) which roughly corresponds with the identified need and location.

Whilst the development of a rural exception site, exclusively for affordable housing to meet the identified need, may be acceptable on this site in principle, in accordance with Core Strategy policy H3 (Affordable Housing), the current proposal is a much larger development of mostly market housing. The inclusion of an affordable housing element is not sufficient justification the scheme as a whole. Furthermore, policy H3 requires a target of 35% affordable housing for developments of 5 or more dwellings. The current scheme proposes only 25.8% affordable housing. No evidence has been provided by the applicant to demonstrate that 35% would make the development unviable.

Taking the above into account it is considered that the proposal would be contrary to policy H3 of The South Kesteven Core Strategy

Impact on Form and Character of the Area

As this is an outline application, details of appearance, scale, layout and landscaping would be dealt with in a future reserved matters application. However, the indicative layout and elevations generally conform with good urban design principles, taking into account the unique constraints of the site. The road frontage development would be well set back and would form a continuation of the existing development along the north side of Grantham Road. The house types and plot sizes would not in themselves be inappropriate for an infill, redevelopment, or allocated site in a village location. The retention of the tree belt around the perimeter, provision of open space and connections with the existing footpath network are also positive features. However in this case, this is significantly outweighed by the fact that the site as a whole cannot be described as a logical infill site. With the exception of the part of the site earmarked for affordable homes, which would be a "rounding off" of the ribbon development along Grantham Road, the development would extend the village envelope disproportionately to the northwest. The estate would be effectively out on a limb, and not very well integrated with the majority of the village which has a historically nucleated settlement pattern. Furthermore, it would be an encroachment onto open greenfield land which although not cultivated for agricultural purposes, has effectively become part of the surrounding countryside and which contributes positively to the character of this part of the village.

Taking the above into account, it is considered that the proposal would be detrimental to the form and character of this part of the village.

Neighbours' Amenities

The detailed layout, scale and appearance would be determined at reserved matters stage where detailed issues of neighbours' amenities would be assessed. However, it is considered that the site is sufficiently large to accommodate the number of dwellings proposed without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. It is considered that adequate separation distances from adjacent dwellings could be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

Highways/Traffic

Access is included as a matter for consideration as part of this application. Concern has been raised about the ability of the local roads to cope with the extra traffic and other highways issues. At the time of writing, the highways authority was in the process of assessing further information relating to footway provision and carriageway widening submitted by the applicant at their request. The acceptability or otherwise of the access and wider highways issues will be considered following further comments from the Highways Authority, and will be reported in the late background papers.

Drainage and Contamination Issues

Concern has been raised about the ability of the local drainage and sewage systems to cope with the development and the potential for increasing the risk of flooding. Parts of the site are also potentially contaminated with landfill. The Environment Agency, SKDC environmental Protection and SKDC Drainage Officer raise no objection in principle and it is considered that these issues could be adequately addressed through conditions requiring details of surface water drainage and measures to deal with contamination.

Biodiversity

Although the proposal would encroach onto undeveloped land, it is considered that there are sufficient opportunities to retain and enhance the biodiversity of the site, particularly through provision of the open space, retention of the tree belt and new planting. There are no designated/protected areas in the vicinity or exposed rock faces and conditions could ensure appropriate new planting/landscaping and other biodiversity enhancements.

Other Issues

One letter of objection suggested that the site could be a historic iron age structure. There is no evidence to support this theory and the County Archaeologist has stated that no archaeological intervention is required in this case.

The issue of loss of a view is not a material planning consideration and has not been taken into account when making this recommendation.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

1. The application site is greenfield land in the countryside, on the edge of a small village with limited local services or amenities. Ropsley is not designated as a Local Service Centre in the South Kesteven Core Strategy and is therefore not considered a sustainable location for most new development. It is considered that the proposed development of 20 market dwellings and 8 affordable dwellings 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 development of an additional greenfield site for housing. Taking the above into account, it is considered to be an unsustainable site, the development of which would be contrary to national planning policy given in PPS1(Sustainable Development), PPS3(Housing), policies 1 & 3 of The East Midlands Regional Plan and policies SP1 & H1 of The South Kesteven Core Strategy.
2. It is considered that the development would extend the built up area of the village disproportionately to the northwest. The proposal would create an unacceptable pattern of development which would not be well integrated with the majority of the village which has a historically nucleated settlement pattern. Furthermore, it would be an encroachment onto open greenfield land which although not cultivated for agricultural purposes, has effectively

become part of the surrounding countryside and which contributes positively to the established character and appearance of this part of the village. Taking the above into account, it is considered that the proposal would be detrimental to the form and character of the village contrary to PPS1(Sustainable Development), PPS3(Housing), policies 1 & 3 of The East Midlands Regional Plan and Policy EN1 of The South Kesteven Core Strategy.

3. Core Strategy policy H3 requires residential developments of 5 or more dwellings to make provision for affordable housing. Although the application includes provision for 28.5% affordable housing, no evidence has been provided to demonstrate that provision of the target level of 35% would make the scheme unviable, contrary to Policy H3 of The South Kesteven Core Strategy.

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| Applicant | Mr H S Sunner 1, Fane Close, Stamford, Lincolnshire, PE9 1HG |
| Agent | |
| Proposal | Change of use of premise from office use (Class A2) to cafe use (Class A3), along with provision of associated flue to rear of premises |
| Location | 12A, Green Lane, Stamford, Lincolnshire, PE9 1HE |
| App Type | Full Planning Permission |
| Parish(es) | Stamford |

REPORT

Application Category

This application is categorised as an 'Other' type of application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it is considered controversial locally.

The Proposal

Full planning permission is sought to change the use of the premises to a cafe use (Class A3). The application indicates that the hours of operation of the proposed cafe use are 7.30 am - 6.30 pm Monday to Saturday and 10am - 6.30 pm on Sundays. The conversion works in relation to the proposed cafe use have been undertaken, although the use has not commenced.

Following initial comments from the Council's Environmental Services details of a proposed odour abatement system to serve the cafe have been submitted. These show the system involves the proposed installation of an external flue on the rear elevation of the premises, which would extend one metre above the eaves of the pitched roof.

The application site and its surroundings

No. 12a Green Lane, Stamford is the northern end unit within a small purpose built local shopping parade of 3 No. units with flats above and a parking forecourt area to the front. The attached premises are in use as a hot food takeaway (Eastern Toppings) with a general retail store occupying the other unit in the parade. The Queen Eleanor School is situated to the south of the parade of shops. The application premises are adjoined to the north by residential properties and dwellings are situated opposite the site on the eastern side of Green Lane. A low boundary wall separates the forecourt area of the premises and the adjoining dwelling at No. 14 Green Lane.

Site History

No. 12a Green Lane was most recently used as a Class A2 office use (as a consequence of a permitted change), although prior to that it was occupied by a hot food takeaway following a grant of planning permission in October 1999. A condition of the planning permission (ref: S99/0785)

required that the takeaway use shall only operate between 0900 hours and 2330 hours Monday to Saturday and 0900 hours and 2200 hours on Sundays.

Policy Considerations

PPS1: Delivering Sustainable Development
South Kesteven Core Strategy Policy EN1
South Kesteven Core Strategy Policy E2

Representations Received

Stamford Town Council commented in relation to the original submission that “this is another retrospective application. There is strong objection to the change of use to a café. Having another café facility would not be conducive in this area, which is near two schools. There is already a cafe facility at Teenzone in Green Lane which operates an ‘eat-in’ policy. An additional café would impact on this heavily congested area, in respect of parking, litter, antisocial behaviour and may have a strong influence and encourage bad eating habits especially of the local school children. It is recognised that the District Council is striving to encourage healthy environments and this would compromise this strategy. It is recommended that this decision is deferred to the Development Committee and a site visit is conducted.”

County Highways Authority has no observations as it considers that the proposed development would not be detrimental to highway safety or traffic capacity.

Heritage Trust of Lincolnshire advises that no archaeological intervention is required.

Council’s Environmental Protection in response to the initial submission requested the details of the odour extraction system to serve the café in view of the fact that it abuts onto domestic property. Following the submission of the necessary details, Environmental Protection have no objections to the proposed development. Stamford Town Council, however, reiterated its previous concerns. The Town Council also requests that if the application is to be approved then enforceable conditions should be attached restricting opening times and prohibiting access for children to unsuitable (web)sites.

Representations as a result of publicity

One letter of representation has been received from the adjoining residents raising objections to the proposals for the following reasons summarised below :-

1. The café will add to the existing ‘dominant and oppressive environment’ created by previous planning approvals in the locality.
2. The parking facilities outside the parade of shops would be inadequate to serve the cafe in addition to the existing businesses and flats.
3. The development would exacerbate inappropriate/dangerous parking in the locality whereby the use of parking spaces outside the parade of shops by longer vehicles (e.g. those used for stock delivery) currently force pedestrians into the road. Two youngsters have been knocked down by drivers inappropriately parking and moving off in this school safety zone.

4. The proposed cafe opening hours would conflict with those of the existing takeaway (Eastern Toppings) between 16.00 - 18.30 and therefore would add to the existing traffic chaos problems.
5. Extractor fan noise and odours currently exists between 16.00 and 00.15 and the operation of the cafe will extend this noise and odour generated throughout the day, to start at 07.30am.
6. The cafe use will increase noise, activity, loss of privacy and litter to the detriment of local residents
7. The inappropriate storage and disposal of food and sanitary waste would be detrimental to the amenities of nearby residents and result in blockages in the sewage system.

Key Issues

Highway safety implications
Health matters
Impact on visual amenities
Impact on residential amenities.

Officer Evaluation

HIGHWAY SAFETY IMPLICATIONS

The concerns raised by Stamford Town Council and the local resident in relation to the parking situation and vehicle/pedestrian conflicts are noted. However, the County Highways Authority raises no objections to the application as it considers that the proposed development would not be detrimental to highway safety or traffic capacity.

HEALTH MATTERS

Stamford Town Council raise concerns that the cafe use would encourage bad eating habits especially of the children attending the schools in the locality. The types of food sold by a cafe are, however, outside the control of the planning system and the District Council would not be in a position to sustain a reason for refusal in relation to likely detrimental impacts on health.

IMPACT ON VISUAL AMENITIES

The proposed flue to serve the odour abatement system is proposed to be erected to the rear elevation of the property and adjoins a communal car parking area serving dwellings in the locality. It is therefore considered that it would not have any significant visual impact on the wider streetscape.

IMPACT ON RESIDENTIAL AMENITIES

The local resident raises objections in respect of increased and extended extractor fan noise and increased odours. However, it is noted that the Council's Environmental Protection section have no objections to the application further to the submission of the odour abatement system. The local resident also has concerns that the cafe use will increase noise, activity and a loss of privacy. It is, however, recognised that the cafe use occupies a unit in an established parade of shops; the premises has previously had the benefit of a planning permission for a hot food takeaway use. As

such, it is considered that the cafe use would not result in a significant increase in noise, activity and loss of privacy in this locality over and above that generated by the previous uses of the premises. In relation to the hours of operation, the previous hot takeaway use at the premises was subject to a condition restricting opening to between 0900 hours and 2330 hours Monday to Saturday and 0900 hours and 2200 hours on Sundays. It is considered that it would be unreasonable not to allow the cafe use to potentially operate until the same times at night; albeit the applicants have indicated that it is their intention only to operate until 1830 hours. It is also considered that the use of the cafe from 07.30 hours on Monday-Saturday would be appropriate in such an established parade of retail premises.

With regard to the concerns raised by the local resident in relation to increased litter and the storage and disposal of waste/food, it is considered that it would be appropriate to attach conditions to any grant of planning permission addressing these matters.

OTHER MATTERS

The local resident raises concerns in relation to the inappropriate disposal of sanitary waste, however, this is a matter controlled by other legislation. The request of the Town Council for a condition to restrict access to unsuitable websites could not be reasonably be control under the Planning Acts.

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

Crime and Disorder Implications

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

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed use would be compliant with Employment Policy E2 of the South Kesteven Core Strategy (2010). In respect of the impact on residential amenities, it is considered that the cafe use would not result in a significant increase in noise, activity and loss of privacy in this locality over and above that generated by the previous lawful uses of the premises. The scheme would not be significantly detrimental to the visual amenities of the locality. The County Highways Authority raises no objections to the application as it considers that the proposed development would not be detrimental to highway safety or traffic capacity.

It is therefore considered that the proposal is in accordance with national planning guidance contained in PPS1: Delivering Sustainable Development and Policies E2 and EN1 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.

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

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

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

2. The approved odour abatement system shall be installed and brought into operation before the premises are first brought into use as a cafe and shall thereafter be retained in use at all times during the hours of operation of the premises.

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

3. The use hereby permitted shall not commence at the site until details of a scheme for the means of the collection of litter externally of the premises have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

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

4. The use hereby permitted shall not commence until details of a scheme for the storage of refuse and recycling at the premises have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

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

5. The cafe use shall only operate between 0730 hours and 2330 hours Monday to Saturday and 0900 hours and 2200 hours on Sundays.

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

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

Location plan (Scale 1:1250) received on 25 August 2011.
Ground Floor Plan (Scale 1:100) received on 25 August 2011.
Proposed Odour Abatement System received on 18 October 2011.

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

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| Applicant | Mr C Pye High Bank, Little Casterton Road, Stamford, Lincolnshire, PE9 1BB |
| Agent | Mr James Richardson 5, Albert Road, Stamford, PE9 2EA |
| Proposal | Single storey extension to side elevation of existing bungalow and associated works |
| Location | High Bank, Little Casterton Road, Stamford, Lincolnshire, PE9 1BB |
| App Type | Householder Development |
| Parish(es) | Stamford |

REPORT

Application Category

This application is categorised as a 'Minor' type of application.

Reason for Referral to Committee

The application has been referred to the Committee at the request of the Principal Planning Officer.

The Proposal

This application for full planning permission relates to the proposed erection of a flat roofed single storey extension along the full depth of the northern side elevation of High Bank. The extension, which incorporates a raised roof light, has a maximum width of 2.9 metres and a height of approximately 2.7 metres. The extension is to have a rendered finish; which is also to be applied to the exterior of the existing property. A new guarding wall to the front boundary wall, with circular openings, is similarly to have a rendered finish.

The scheme also involves other external works including re-fenestration works to the front, rear and southern side elevations and alterations to the front garden to create a patio area.

The application as originally submitted proposed a parapet to the single storey extension. The removal of the parapet reduced the height of the extension from 3 metres to the height now being proposed.

The application site and its surroundings

High Bank is the middle one of a group of three No. similar single storey dwellings located on the eastern side of Little Casterton Road, which are located above the road level and therefore have retaining walls to their front gardens. The land levels also fall southwards - towards the junction of Little Casterton Road with Casterton Road - and therefore the application property is situated at a higher level than the adjoining dwelling to the south (Stone Cottage). In turn, the adjoining property to the north (Winchendon) is at a higher level than High Bank; with the properties having a 1.8 metre high fence along their common side boundary. Winchendon has a small glazed extension/sun room to its southern elevation along with fenestration to the property's living room and a bedroom. The property's living room and bedroom are also served by fenestration to the front and rear elevations respectively.

Site History

There is no planning history relevant to this application

Policy Considerations

Policy EN1 of the South Kesteven Core Strategy (2010)

Representations Received

Stamford Town Council commented in respect of the originally submitted scheme that “a neighbouring resident on the North elevation of the development site has raised serious concern over the proposed extension. Following a site visit by the Town Council Planning Committee’s Chairman, concern was raised over the height of the proposed extension as it will compromise the amenities of this neighbouring property at Winchendon and have a profound impact on the neighbouring environment. In particular concern is raised over the permanent shadow cast over the entire south side of the neighbours’ property (no sunshine). This will have a serious impact on this resident’s health as she suffers from severe claustrophobia. Stamford Planning Committee recommends that any decision is deferred to the SKDC Development Control Committee and a site visit recommended together with the Environmental Health Officer. In conflict with (Policy) EN1 - sense of space and visual intrusion.”

Following a re-consultation on the revised plans, Stamford Town Council comment that they still have some concerns about the proposed height of the development as they feel it may affect the neighbours’ amenities and that (Policy) EN1 still applies.

Heritage Trust of Lincolnshire comments that no archaeological intervention is required.

Representations as a result of publicity

A letter of representation was received from the occupant of the adjoining property (Winchendon) objecting to the application as originally submitted as the development would create a dominant and oppressive environment. Also it would be visually intrusive stopping light and sunlight; the dwelling’s sun room and bedroom being 5.5 feet (approx. 1.68 m) and 7.0 feet (approx 2.13 m) respectively from the 12 foot (approx 3.66 m) high wall of the proposed extension.

Following re-consultation on the revised submission, a further letter of objection was received from the occupant of the adjoining property (Winchendon) in relation to the revised scheme stating that the resident stands by their original comments objecting to any wall being 5.5 feet (approx. 1.68 m) from their sun room. The development would be dominant and oppressive, overlooking, visually intrusive and would block light and sun.

It is also pointed out that at the request of the occupant of Winchendon the site of the proposed development has been viewed by the planning case officer from the interior and garden area of that property (in addition to an application site inspection being undertaken).

Another letter of representation has been received from a nearby local resident indicating that there are no comments regarding the impact of the extension but requesting that building works be restricted to working hours on weekdays only and construction vehicles be prevented from parking outside their property as they have no other parking space.

Key Issues

Impact on Visual Amenities
Impact on Residential Amenities

Officer Evaluation

IMPACT ON VISUAL AMENITIES

It is considered that the proposed extension would visually be sufficiently in keeping with surrounding development in terms of its scale and design. Further, the proposed rendering of the extension and the existing dwelling will ensure a consistency in external appearance. The other works, including re-fenestration works to the front, rear and southern side elevations and alterations to the front garden to create a patio area, would also be sympathetic to the character of the host property and the wider locality.

IMPACT ON RESIDENTIAL AMENITIES

Insofar as the re-fenestration works to the southern side elevation are concerned, it is considered that these will not give rise to any significant change in the relationship between the application property and 'Stone Cottage.' As such no overlooking concerns arise in respect of this element of the scheme.

With regard to the proposed extension to the northern side elevation, it is considered that the proposed development would not give rise to any significant overlooking impacts given the effective screening provided by the existing boundary fence between the application property and the adjoining dwelling at Winchendon. However, in terms of the physical impact of the proposed extension on the amenities of the resident of Winchendon, the concerns raised by the Town Council and the resident themselves are shared. Whilst the proposed extension is relatively modest in scale when viewed from the streetscape along Little Casterton Road, it is considered that the proposed development would have a sufficiently oppressive impact on the amenities of the adjoining resident to warrant a refusal of planning permission given that there are windows to the habitable accommodation to Winchenden on its northern elevation. A major contributor to this impact is fact that the built form of the dwelling at High Bank is being moved towards the common boundary. As a result it is considered that the proposed extension would have overbearing and overshadowing impact on the adjoining property to the severe detriment of the amenities of the resident of Winchenden. Accordingly, the application is recommended for refusal.

Crime and Disorder Implications

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

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

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

1. Having regard to its relationship with the adjoining property at Winchenden the proposed extension would by reason of its siting and scale have an overbearing and overshadowing impact to the severe detriment of the residential amenities of the occupant of Winchenden. As a result the application is considered to be contrary to Policy EN1 of the South Kesteven Core Strategy.

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| Applicant | TJ & KG Allen 22, Barnby Lane, Claypole, Newark, Lincolnshire, NG23 5BD |
| Agent | Mr Ben Wills, Brown & Co The Old Bakery, 3, Norman Way, Melton Mowbray, LE13 1JE |
| Proposal | Retention of general purpose agricultural building |
| Location | Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP |
| App Type | Full Planning Permission |
| Parish(es) | Claypole |

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the Chairman having regard to the site history.

The Proposal

This is a full application for the retention of an agricultural storage building.

The application site and its surroundings

The application site is located to the north side of a track to the west of Holme Lane, approximately 1500metres to the north of the village of Claypole. The barn has already been erected to the north side of the track and is currently vacant having previously been used to house livestock, with the surrounding land currently in use for agriculture.

To the east of the application site located on the inside of a bend in Holme Lane are further agricultural buildings associated with the existing farming business, a recently built replacement dwelling for the former farmhouse and a redundant barn, currently being converted to a dwelling under a planning permission granted in 2008.

To the north of the application site there are a further two dwellings, approximately 350 metres away that are accessed off Holme Lane.

Relevant Planning History

In November 2008 an agricultural determination application for the erection of an agricultural storage building was determined by the Council as not requiring a planning application.

In July 2010 a further agricultural determination application was received for a replacement agricultural building. During the consideration of this application it was found that the storage

building considered in 2008 above, had been erected in the wrong location and was being used for the housing of livestock.

In March 2011 full planning permission was refused for the retention of the agricultural building (subject of this application) and its change of use to house livestock and the erection of an additional livestock building and food storage areas.

In September 2011 an appeal against the above refusal was dismissed.

Regarding the adjacent land, in September 2007 planning permission was granted for the replacement of the former farmhouse. This has been completed and is occupied.

In August 2008 planning permission was granted for the conversion of a redundant agricultural barn to a dwelling. Work is currently in progress on the conversion.

Representations Received

Claypole Parish Council – No objections.

Archaeological – No affects on any known sites.

Lincolnshire County Council Highways – Proposed development will not be detrimental to highway safety or traffic capacity.

Environmental Protection – No comments to make.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement.

At the time of preparing the committee report, no representations had been received.

Planning Considerations

National Policy

PPS 7 – Sustainable Development in Rural Areas.

Core Strategy

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

This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 4, 9 and 11 refer in this case relating to, the layout and scale of buildings, remoteness and tranquility and noise and light pollution.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings

Officer Evaluation

The proposal is to retain the existing building, (13.7m x 32m with a ridge height of 6.7m) to be used for agricultural storage.

Impact on Site and Surroundings

In September 2011 an appeal decision was dismissed for the retention of the agricultural building and its use for housing livestock. In dismissing the appeal the Inspector concluded that the main issue the proposal would have would be an unacceptable detrimental effect on the living conditions of neighbouring properties in terms of odour. They considered that there was insufficient evidence to indicate that noise and disturbance associated with the use of the building for livestock would be sufficient to dismiss the appeal and made no reference to the size, appearance or location of the building itself being unacceptable.

The existing agricultural building due to its design, materials and siting will have no detrimental effect upon the site or surroundings being a typical, modern farm building and relating well to the existing farm structures located to the east of the application site. Due to its location and the relationship with the nearest residential properties to the east, the building will have no adverse affect upon these properties in terms of loss of visual amenity.

Crime and Disorder Implications

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

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that by virtue of the location, scale, design and materials to be used the proposed agricultural building would have minimal visual impact and would be well integrated into the rural context. There would be no detrimental impact on the residential amenities of the occupiers of nearby dwellings or highway safety.

It is therefore considered that the proposal is in accordance with policy EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

2. The agricultural building hereby permitted shall only be used for the purposes of, and in conjunction with, land farmed by the applicants and shall not be used to house livestock.

Reason: In the rural areas of the district it is the policy of the District Planning Authority not to permit development unless it is required in connection with the agricultural use of the land and in the interest of residential amenities.

3. Within two months from the date of this permission a scheme of planting for the hedge boundary, using native species, to the south side of the application site, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in the next available planting season. Any hedging removed, dying, becoming seriously damaged or diseased within 5 years of planting shall be replaced by hedging of similar size and species to that originally planted.

Reason: To ensure the satisfactory development of the site.

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| Applicant | Mr Darren Elmes, The New Window Co Ltd The Old Barn, Elms Farm, Frieston Heath Lane, Caythorpe, Grantham, NG32 3HD |
| Agent | |
| Proposal | Change of use from D1 use to storage and display of double glazing products and ancillary offices |
| Location | The Old Barn, Elms Farm, Frieston Heath Lane, Caythorpe, Grantham, NG32 3HD |
| App Type | Full Planning Permission |
| Parish(es) | Caythorpe |

REPORT**Application Category**

This is a Minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee because of the need for a Section 106 Agreement.

The Proposal

The proposed development is for the change of use of barn from D1 to the storage and display of double glazing products with ancillary offices.

The business has begun trading from the premises since the application was submitted.

To the ground floor is a frame and glass storage area, sales office and toilets. To the first floor there are two separate sample display areas. There has been no external changes to the previously converted barn.

There are four full time members of staff and 2 part time. Operating hours are 8 till 5 Monday to Friday and 9 till 1 on a Saturday.

The application site and its surroundings

The application site which comprises of a barn which was previously converted when in ownership of Caythorpe Agricultural College and was used for classrooms and offices.

The front of the building is laid to grass with four Silver Birch Trees.

The site is in close proximity to an equestrian business and agricultural uses.

Site History

S00/0463 – Change of Use of land and buildings to Equestrian Centre – Approved 17th January 2001.

S00/0464 – Change of Use of Office to Residential – Approved 5th June 2000

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 4 – Planning for Sustainable Economic Growth

PPG13 – Transport

South Kesteven Core Strategy

EN1 – Protection and Enhancement of the Character of the District

Representations Received

Local Highway Authority: No objections subject to condition and Section 106 securing routing agreement.

Local Plans (Policy):

My comments on 26 January 2011 outlined the policy considerations for economic development in locations such as this which are in the open countryside outside of Local Service Centres. The applicant draws attention to the provisions of Policy EC6 of PPS4, in particular part (c) which states that Local Planning Authorities should:

- "support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development."

Policy EC6 includes other provisions, the most relevant of which are:

- "strictly control economic development in open countryside away from existing settlements"[EC6 (a)]
- locate development "in or on the edge" of identified Local Service Centres [EC6(b)]
- set criteria and support diversification for "businesses that are consistent in their scale and environmental impact with their rural location" [EC6(f)].

Some of these provisions appear to be contradictory [eg parts (a) and (c)] and it is a question of balancing the circumstances relating to each individual application. The main consideration here is whether this building is "appropriately located". The comments from the Highway Authority will be particularly relevant here.

My previous advice was that the location of the application site, some distance outside the village of Caythorpe, in open countryside and across a main highway, means it cannot be regarded as being part of the Local Service Centre. The site is clearly not adjacent to Caythorpe, although the links with the former Agricultural College (now PGL residential activity centre) and Elms Farm, may allow for it to be considered have a "relationship" with the village.

The applicant draws attention to policy EC2 of PPS4 and its support for vacant buildings. This policy states that Local Planning Authorities should ensure that the "development plan" fulfils various criteria, one of which is to "encourage(s) new uses for vacant or derelict buildings, including historic buildings". The Council's policies in the Core Strategy and emerging policies in the Site Allocations and Policies DPD are intended to support the rural economy and the re-use of existing buildings. However, all development proposals must also satisfy the conditions of other policies.

When determining applications for economic development in rural areas PPS4 policy EC12, in particular parts (b) and (d), will be relevant. Policy EC12 offers support for "small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport" [part (b)]. It also allows for approval in certain circumstances where the benefits outweigh the harm [part (d)].

As I noted in my earlier response, the levels and especially type of vehicular movements will be of paramount importance in assessing this application. Any application should be assessed having regard to the opinion of the Highway Authority and with reference to the policies outlined above.

The main issue here is the balancing of seemingly contradictory issues (see para 2 above). Now that the business has been operating from the premises for a few months, it should be possible to judge its impacts.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement. No letters of objection have been received.

Officer Evaluation

The main issues for consideration in relation to this application are highways and compliance with national policy.

With regard to residential amenity, it is considered that there is sufficient separation between the proposed business and the any residential properties to ensure that there would be no significant loss amenity from loss of privacy or noise nuisance

The local highway authority raise no objection to the development, subject to appropriate conditions and the securing of a routing agreement and whilst it is considered that the proposed development would be likely to increase the number of vehicle movements along Frieston Heath Lane this in itself would not result in any significant loss of residential amenity to existing occupiers that could justify refusal on these grounds.

The location of the application site being a suitable distance from the main A607 would mean that the business would be not be readily visible from many public vantage points. The proposal by not including any external changes would help to lessen any visual intrusion of the proposed development and aid its assimilation with the existing settlement.

In addition, the proposal maintains the vernacular characteristics of the traditional building ensuring that the proposed development will not have a detrimental impact upon the character or appearance of the area nor will it impact on the surrounding open countryside.

The application site is a brownfield site, though not in a prominent location in open countryside. It is in close proximity the village, immediately adjacent to existing business uses and a short distance from the main road, the A607. It is, therefore, well located for village facilities and the main road network.

As a proposal involving the development of land closely related to a village defined as a 'local service centre' the proposal is in general conformity with strategic and locational criteria within the policies set out above.

Section 106 Heads of Terms

The Section 106 requirements for this development are as follows:

All vehicles over 3.5 tonnes, entering and leaving the application site shall do so via the C326 Caythorpe Heath Lane and then on to Frieston Heath Lane. (From A607).

A Section 106 Agreement has been requested to be undertaken in relation to the vehicle routing agreement. The agreement had not been finalised at the time of writing the report.

Crime and Disorder Implications

It is not considered that the proposed development raises any significant crime and disorder issues

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

This is a full application for the change of use of barn from D1 to the storage and display of double glazing products with ancillary offices. The site is located in proximity to a 'local service centre' and is considered to be strategically well located in relation to the local facilities and the road network. It is therefore considered that the proposed site is appropriate subject to conditions and the signing of a Section 106 Agreement.

It is considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPG13 (Transport) and PPS4 (Planning for Sustainable Economic Growth) and Core Strategy policy EN1. It is considered that the site is suitable for the business use and that this would not appear out of character with the local area or be detrimental to character of the area or the open countryside.

Recommendation 1

That the Committee resolve to approve the application and delegate authority to Development Management Service Manager in consultation with the Chairman and Vice Chairman to issue a planning permission subject to the signing of a Section 106 Obligation to ensure the route taken by vehicles and subject to the conditions set out below;

Recommendation 2

Where the agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period and where in the opinion of the Lead Professional acting in consultation with the 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 (routing) criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

1. The arrangements shown on the approved Block Plan dated 19th August 2011 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

2. The premises shall be used for the purpose hereby permitted and for no other purpose.

Reason: Alternative uses would be unacceptable because.....

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

Site location plan dated 19th August 2011
Block Plan dated 19th August 2011
Existing Elevations dated 19th August 2011
Proposed Ground Floor Plan dated 19th August 2011
Proposed First Floor Plan dated 19th August 2011

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

Note(s) to Applicant

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

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| Applicant | Graham Hedley, Stamford Bridge Club 14, Foundry Road, Ryhall, Stamford, PE9 4JA |
| Agent | Peter Wilmot, Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN |
| Proposal | Erection of club house (amendments to permission S10/2619) |
| Location | Stamford & District Indoor Bowling Club Ltd, Exeter Gardens, Stamford, Lincolnshire, PE9 2SA |
| App Type | Full Planning Permission |
| Parish(es) | Stamford |

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it being on land owned by South Kesteven District Council.

The Proposal

The application is for the erection of a single storey building, the main hall of which, excluding the kitchen and toilets etc, would have a floor area of 10.7m by 19m, for use by Stamford Bridge Club.

The application site and its surroundings

The application site comprises land to the east of Stamford and District Indoor Bowls Club. The land was formerly vacant with part of it tarmaced, although not marked out for parking. A number of scrub and more mature trees/bushes were on the site but have now primarily been removed.

Vehicular access to the site is via Exeter Gardens with a mixture of boarded fencing and planting, typically no smaller than 1.8m tall, marking the boundary with adjacent residential properties. To the front of the bowls centre is a number of parking spaces.

However, it should be noted that the building is now largely complete and this application is made to regularise the situation with there being an error on the approved drawings with regard to the eave height of the main hall. The error was that one drawing showed the main hall with an eave height of 2.3m with another indicating 3m; the building has been constructed with an eave height of 3m.

Site History

There is no pertinent planning history to the application site

Policy Considerations

PPS 1: Delivering Sustainable Development

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPG24: Planning and noise

East Midlands Regional Plan – policies 1, 2, 28, 41

Core Strategy – EN1

Representations Received

Lincolnshire Heritage raises no concern to the application with regard to possible archaeology in the area.

Lincolnshire County Council, as highway authority, does not object to the application subject to same conditions attached to permission S10/2619/FULL.

Stamford Town Council expresses concern about the retrospective nature of the application given that building work is almost complete.

Planning Policy raise no objection to the application.

Sport England does not object to the application with the bridge club to be located on an unused corner of the site which would not have a detrimental impact on sport provision.

Representations as a result of publicity

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being the 18 August 2011.

Three letters of objection have been received and express concern about the proposal on the following grounds;

1. The combined number of members for both the bridge and bowls club will be too high resulting in noise and disturbance to local residents.
2. Vehicle movements will increase to the detriment of highway safety with the width of the access too narrow.
3. Proposed parking provision, for a total of 27 vehicles, is insufficient for the number of Members.
4. The scale of development and close relationship with neighbouring properties would result in an overbearing impact.
5. Would result in a cramped form of development in the corner of the plot.
6. Question whether the boundary line shown on the location plan is correct.

7. Suggested hours of opening for the building, 11:00-23:00, is too long and will be harmful to the amenity of neighbouring properties.
8. The retrospective nature of the application is a concern and it should be refused permission.
9. Note that the application for the bowls club went to the High Court and feel that this is relevant to the current application.
10. The building is 2.5m, and not 3.6m, from the boundary of properties that front Exeter Gardens.

Officer Evaluation

As noted above the application is submitted with there being a discrepancy on the previously submitted drawings; one showed the eave height of the main building to be 2.3m whilst another showed it at 3m.

Having measured the structure 'as-built' it measures 3.1m on the corner nearest to the drive. This is 0.1m taller than identified on the submitted drawing but within acceptable tolerances, particularly noting that the ground level is hard to define with building works not yet finished. The distance measured between the boarded fence of 9 Exeter Gardens and the building is 3.5m.

The broad principles of the development have not changed from that granted permission under S10/2619 in that the proposal will make use of a formerly redundant part of the site and provide adequate parking provision. Therefore the only aspect under consideration is the fact that the eave height will be 3m and not 2.3m as originally shown on one of the elevations.

The building would still be a long distance from residential properties and it is not considered that the proposal would have an overbearing impact. Windows in the rear elevation would be high up the facing wall and overlooking is not an issue. As a result the principle of development and regularisation of the as built development is acceptable, despite concerns from local residents about overbearing impacts.

It is noted that a number of conditions attached to the original permission are now no longer needed and have been discharged. Therefore the only conditions that are now pertinent relate to the retention of parking spaces, list of approved plans and implementation of landscaping details.

Section 106 Heads of Terms

No section 106 is required for this application.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

The principle of the development, on an underused part of the site which would enhance facilities available to the wider community and not be detrimental to existing sports provision, is supported. The design of the building is appropriate given its proposed use and would not be out of character with the area. Furthermore, it is not considered that the building would be detrimental to residential amenity through a dominating, overlooking impact or noise that may be generated, nor would it be detrimental to highway safety or trees that are worthy of retention. In addition, taking into account permission S10/2619, which is for a similar form of development. The application is therefore deemed to comply with core strategy policy EN1 along with guidance contained in PPS1, PPG13, PPG17, & PPS24; 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 arrangements shown on the approved plan 2010/20-01d, dated 19 July 2011, for the parking/turning of vehicles shall be available at all times when the premises are in use.

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

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

2010/20 - 01d

2010/20 - 02h

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

3. All hard and soft landscape works, including a replacement tree and grassed areas (drawing number 2010/20 02h), shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season 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).

Note(s) to Applicant

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

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| Applicant | Mrs J Wall, Limes Farm Renewables The Limes Farm, 32, Spalding Road, Bourne, Lincolnshire, PE10 0AU |
| Agent | Philip Brashaw, LDA Design 17, Minster Precincts, Peterborough, PE1 1XX |
| Proposal | Application under Section 73 of the Town & Country Planning Act for variation of conditions 3 (ecology), 4 (site clearance), 6 (fencing), 8 (construction method statement) & 11 (landscaping) of permission S11/0431; for the erection of a solar farm including 2.2m high boundary fence and associated equipment |
| Location | The Limes Farm, 32, Spalding Road, Bourne, Lincolnshire, PE10 0AU |
| App Type | Major Full (Non-residential) |
| Parish(es) | Bourne |

REPORT

Application Category

The application is categorised as a major application.

Reason for Referral to Committee

A previous application on the site, S11/0431 'for the erection of a solar farm including 2.2m high boundary fence and associated equipment' was determined at the Development Control Committee.

The proposal

The proposal is to vary a number of conditions attached to permission S11/0431. This is as a result of the applicants wanting to implement the permission in two phases, the first of which has been built.

The original description of development in committee report S11/0431 is in italics below;

The proposal is to create a solar farm on land to the east of Bourne, adjacent to Spalding Road. It would be capable of generating 4.6MW of energy, enough to power approximately 1000 homes. As a result of the proposal building works would include;

1. The installation of solar panels and associated frames. The frames would be 2.3m tall
2. An inverter house, to make the electricity usable within the wider network
3. Substation
4. Fencing
5. Security cameras

Access to the site would be direct from Spalding Road. It is anticipated that if permission is granted it would take up to 16 weeks to construct the solar farm and is likely to be operational for a minimum of 25-30 years. Connection to the main network is likely to be via underground cable to a substation in Bourne.

The application site and its surroundings

The application site is a flat arable field on the north side of the A151. A number of solar panels have been erected in the southeast corner of the field and boundary fencing erected.

Ditches border the larger site on all its boundaries with the one between the A151 and application site managed by the Black Sluice Internal Drainage Board; the others are in private ownership. The land is between 1.5 and 2m lower than the adjacent A151. There are no footpaths in the immediate locality, the nearest being some 2.5 miles away

To the immediate east of the application site is Bourne Tractors Ltd, at Lodge Farm, with a line of tall leylandii marking part of the boundary between the two sites. On the opposite side of the A151 to the application site there is also a single dwelling, 30A Spalding Road.

Besides the above the application site and its immediate environs is void of any significant features given the Fenland nature of the landscape.

Site History

Planning permission (ref; S11/0431) was granted on 17 October 2011 'for the erection of a solar farm including 2.2m high boundary fence and associated equipment'.

Policy considerations

National policy guidance

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 - Transport
PPS22 – Renewable Energy
PPS25 – Development and Flood Risk

East Midlands Regional Plan

1 – Regional Core Objectives
31 – Priorities for the management and enhancement of the regions Landscape
39 – Regional priorities for Energy reduction and efficiency
40 - Regional priorities for low carbon energy generation

Core Strategy

SP1 – Spatial Strategies
EN1 - Protection and Enhancement of the Character of the District
EN3 – Renewable Energy
Landscape Character Assessment (LCA)

Representations received

Bourne Town Council object to the retrospective nature of the application, which is in breach of various conditions and should be enforced against

Lincolnshire County Council, as highway authority, does not object to the application subject to the approval of a construction method statement for Phase II of the development

Heritage Lincolnshire makes no observations on the application from an archaeology perspective

Natural England raises no objection to the proposal

The Environment Agency makes no observations on the application

Planning policy make no observations other than those made on the previous application

The Black Sluice Internal Drainage Board note that no development would be allowed within 9m of their watercourse without first gaining their consent; request that the applicant be informed of this.

Representations as a result of publicity

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 02 September 2011.

One letter of objection has been received and expresses concern about the disruption that has been caused so far from the construction of phase 1 through vehicle movements, security vans etc.

Officer evaluation

This application is made following the partial implementation of the original permission for a solar farm (ref; S11/0431). A small section of the farm, approximately 1%, has been erected in the southeast corner. However, it is not the applicants intention to build the remainder of the solar farm for some time.

As a result a number of the conditions will need amending to ensure that, amongst other things, appropriate landscaping can be implemented. To this end a plan has been submitted in support of the application (3039_08) identifying the two phases. It should also be noted that conditions 2 (archaeology), 5 (landscaping) and 6 (fencing) of permission S11/0431 have been discharged under application S11/1724.

The principle of the development has not altered and, as a result, there is not considered to be any reason to object to the application in principle. Nor is a phasing of the development considered to be inappropriate.

On permission S11/0431 a total of 11 conditions were added; these are addressed in turn below;

1. Implement the application within 5 years - work has commenced and the condition need not be replicated.
2. Archaeology – condition discharged under S11/1724, although a note will note adding to the decision notice.

3. Impact on badgers – the condition needs to be amended to take account of the phasing and approval of a new report prior to phase II construction commencing.
4. Removal of vegetation – request that the condition be amended to allow removal of farm crops.
5. Landscaping – condition discharged under S11/1724.
6. Fencing detail – the condition was discharged under S11/1724; however, it will need amending on the permission to ensure that all fencing around the site is a green colour.
7. Lighting – condition will need replicating.
8. Construction Method Statement – Amended to reflect the phasing of the development.
9. Flood Risk Assessment (FRA) – A restrictive condition about levels, this would need replicating.
10. Removal of panels once obsolete – condition will need replicating.
11. Implementation of landscaping – condition will need to be slightly amended to reflect phasing.

Taking into account the planning history attached to the site it is recommended that the application be granted permission subject to the imposition of pertinent and amended conditions.

SUMMARY OF REASON(S) FOR APPROVAL

At certain vantage points the proposal would be detrimental to the character of the landscape but for the most part any impacts can, subject to conditions, be mitigated against. There is also likely to be less intensive use of the grade 2 agricultural land. However, renewable energy would be created as well as benefits to the environment through buffer strips around the periphery of the site. In addition, taking into account permission S11/0431 and the need for a phasing of the development. It is therefore considered that there may be an element of conflict with guidance contained in PPS7 and Core Strategy policies SP1 & EN1; however, the creation of renewable energy is supported and, notwithstanding the above, outweigh negative factors with the application deemed to comply with guidance contained in PPS1, PPS9, PPS22 & PPS25 along with core strategy policy EN3.

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

1. Before development commences on phase II, as defined in drawing 3039 08, a working design, methods statement and timetable of works to mitigate any adverse impacts to badgers shall be submitted to and agreed in writing with the Local Planning Authority.

Reason – To ensure that the development would not harmful to protected animals and to comply with guidance contained in PPS9.

2. Site clearance operations that involve the destruction and removal of vegetations on site, except for the removal of agricultural crops, shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

Reason - To ensure that the development would not be harmful to nesting birds and to comply with guidance contained in PPS9.

3. No permanent lighting shall be erected on the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development assimilates with the environment and to comply with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. The fencing surrounding the site, including phase I, as defined in drawing 3039 08, shall be painted a green colour, the detail of which shall be submitted to and agreed in writing with the Local Planning Authority. The colour as approved shall be utilised on the fencing

Reason: To ensure that the development assimilates with the environment and to comply with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. No development shall take place in phase II, as defined in drawing 3039 08, including site clearing or preparation, until a detailed Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout and the detailed report shall provide for:

- i. Delivery details including proposed numbers and types of vehicles to the site.

- ii. Access arrangements, including temporary or proposed and details of how any vehicle will turn within the site.

- iii. Details of any junction improvements or widening required at the A151.

- iv. Details of edge protection or strengthening works to accommodate such proposals.

Reason: To ensure that the proposal would not be detrimental to highway safety and to comply with guidance contained in PPG13.

6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment undertaken by HSP Consulting (Rev. B) and dated January 2011. In particular, the finished floor levels of the inverter houses shall be set no lower than 0.822 metres above Ordnance Datum. The applicant shall confirm in writing to the Local Planning Authority that this has taken place within one month of completion.

Reason: To reduce the impact of flooding on the development and to comply with guidance contained in PPS25.

7. In the event that the solar panels are no longer used for the generation of electricity all structures associated with the solar farm shall be removed and the land restored to its original condition within six months.

Reason: To ensure that the land is being used productively should the panels no longer be required for electricity generation and to comply with policy EN3 of the Core Strategy.

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out during the first planting season after the completion of each phase and any plants or shrubs that die within the first five years shall be replaced, unless otherwise agreed in writing 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).

Note(s) to Applicant

1. Please note that condition 2 of permission S11/0431/MJNF, relating to archaeology, has been partially discharged under S11/1724/DC, but there would still be a requirement for the remainder of the site e.g. phase 2, to be appropriately investigated for potential archaeological remains.

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| Applicant | Mr A Wood The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR |
| Agent | Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN |
| Proposal | Demolition of timber buildings in Conservation Area |
| Location | The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR |
| App Type | Conservation Area Consent |
| Parish(es) | Greatford |

REPORT**Application Category**

The application is for Conservation Area Consent.

Reason for referral to Committee

A previous application on the site was also determined at the Development Control Committee.

The proposal

The application is for the demolition of a number of timber outbuildings to the south of the applicants' property. They include a stable and storage buildings.

The application site and surroundings

Vehicular access to the site is currently from Carlby Road along a track that passes through a copse and over a dyke. The actual buildings are well screened from public view due to a line of conifers that mark the boundary with Carlby Road, with the copse beyond. There is a distance of approximately 35m between Carlby Road and the nearest structure to be removed.

Relevant site history

Planning application S10/1876 for the 'erection of classic car unit for car storage unit domestic use' was refused permission at the Development Control in April 2011. It was refused permission for the following reasons;

1. In the opinion of the local planning authority the size and scale of the proposed building, which is to house 36 vehicles for the occupiers of the dwelling known as 'The Rectory', is considered to be of excessive size and scale more akin to a commercial structure rather than being of domestic proportions and its use is likely to be beyond that which could be considered to be ancillary to the enjoyment of the occupiers of the main dwellinghouse.

2. The allowance of a building of this size and scale is likely to have a detrimental visual impact on both the setting of the listed building and this part of the Greatford Conservation Area.

The large outbuilding would have been on land to the northwest of the drive and located on the paddock.

Application S11/0979/Full, for a 'new drive to residential property' is also under consideration at this Development Control Committee.

Policy Considerations

National Policy Guidance

PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation

East Midlands Regional Plan

Policy 1
Policy 26
Policy 27

SKDC Core Strategy

EN1- Protection and Enhancement of the Character of the District

Representations received

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

Greatford Parish Council does not object to the demolition of the buildings subject to there being no protected species within them. However, they question whether or not this application is a precursor to a revised application being submitted for the large garage that was refused permission earlier in the year. In addition they emphasise that no objection to this application should not be viewed as support for the previous proposal; indeed, they question whether the application should be determined prior to a revised application for the garage being submitted.

Natural England note it is not an application that they would normally be consulted on but ask that consideration be had to protected species, Local Wildlife Sites and Biodiversity Enhancement.

The Environment Agency raises no objection to the application.

Lincolnshire Wildlife Trust raises no objection to the application.

Representations as a result of publicity

The application has been advertised in accordance with the Council's statement of Community Involvement, with the closing date for representations being 15 July 2011. It should be noted that additional consultation was undertaken following the submission of amended plans.

Two letters of objection have been received and many of the observations relate to possible future applications for a garage on the site or the driveway application currently under consideration. Whilst not objecting in principle to the demolition of the buildings it is requested that consideration be had to possible impacts on the environment and protected species.

Officer evaluation

The timber buildings are of no great antiquity and some are in a relatively poor state of repair. All of the buildings are well screened by existing vegetation and make no contribution to the character of the Conservation Area. As a result there is not considered to be any reason to object to the application in principle.

A protected species survey has been submitted in support of the application and concludes that there is a low probability of the buildings housing bats, with no recorded evidence of the structures being used as a roost. In addition there was no evidence of barn owls, badgers or reptiles.

Therefore, subject to appropriate conditions, including the protection of existing trees, it is recommended that the application be granted consent.

SUMMARY OF REASON(S) FOR APPROVAL

The buildings are of no great antiquity nor make any contribution to the character of the Conservation Area. Furthermore, there is no evidence that the structures are home to protected species. The proposal is therefore deemed to comply with guidance contained in PPS1, PPS5 and PPS9 along with Core Strategy policy EN1; 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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

2011/08 02b

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

3. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. Should protected species be found on site during the demolition of the structures work would need to cease immediately and contact be made with appropriate authorities or qualified individuals who have the authority to handle such animals.

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| Applicant | . Andrew Wood The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR |
| Agent | Peter Abell, Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN |
| Proposal | New driveway to residential property |
| Location | The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR |
| App Type | Full Planning Permission |
| Parish(es) | Greatford |

REPORT

Application Category

The application is categorised as a full planning application.

Reason for Referral to Committee

A previous application on the site was also determined at the Development Control Committee.

The proposal

The application is for the creation of drive to access The Old Rectory. The new drive would cross a paddock to the south of the property and be approximately 140m in length.

The application site and surroundings

The Old Rectory is a Grade II Listed building set within large grounds and is on the northern most edge of the village. To the south of the dwelling is a paddock and it is across this land that the applicants propose to create a drive. Across the land runs a drain which links to the West Glen River, this is currently culverted and it is proposed to put a new culvert across the drain.

An existing gate provides access to the paddock from Carlby Road. There are a number of mature trees in the immediate locality of the proposed drive although none is specifically covered by a Tree Preservation Order (TPO) although the trees are protected by virtue of their location within the Greatford Conservation Area. Conifers mark the boundary between the application site and roadside so views across the paddock are restricted, save through the gate.

Relevant Site History

Planning application S10/1876 for the 'erection of classic car unit for car storage unit domestic use' was refused permission at the Development Control in April 2011. It was refused for the following reasons;

1. In the opinion of the local planning authority the size and scale of the proposed building, which is to house 36 vehicles for the occupiers of the dwelling known as 'The Rectory', is considered to be of excessive size and scale more akin to a commercial structure rather than being of domestic proportions and its use is likely to be beyond that which could be considered to be ancillary to the enjoyment of the occupiers of the main dwellinghouse.
2. The allowance of a building of this size and scale is likely to have a detrimental visual impact on both the setting of the listed building and this part of the Greatford Conservation Area.

The large outbuilding would have been on land to the northwest of the drive and located on the paddock.

Application S11/1384/CAC, for the 'demolition of timber buildings in Conservation Area' is also under consideration and due to be determined at this development Control Committee.

Policy Considerations

Central Government Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPS25 – Development and Flood Risk

East Midlands Regional Plan (2009)

Policy 1 – regional Core Objectives
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment

SKDC Core Strategy (2010)

EN1 – Protection and Enhancement of the Character of the District

Representations received

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

Greatford Parish Council noted on the amended plans that they would not object to the application subject to the proposal not increasing the risk of flooding nor allowing an increase in size of the drive, and subject to the following conditions;

That notwithstanding the re-labelling of the old access to the property as exit driveway, two-way traffic along this driveway will continue at least as far as from the Carlby Road to the entrance to The Brimbles (which has been omitted from the drawing); (to avoid adversely affecting the rights of access of the neighbours to their property);

That no trees which are subject to the protections afforded by the provisions of the Greatford Conservation Area may be felled, and that the route of the new entrance driveway shall be set to avoid affecting the root systems of any such trees; (to protect the environment of the area in accordance with SKDC policy EN1);

That the widening of the bridge over the drain uses materials which (while ensuring the bridge is strong enough for vehicles calling at the dwelling) are in keeping with the location within the curtilage of the listed building; (to protect the quality and character of the built fabric and their settings in accordance with SKDC policy EN1)

That any gates at the Carlby Road end of the new entrance driveway shall be set back sufficiently from the road to enable calling vehicles to wait clear of the carriageway; (in the interests of highway safety); the Council considers that it would be perverse not to impose a condition similar to that imposed on application S09/0362 – where the carriageway is wider than that of Carlby Road.

Lincolnshire Heritage note that there are no archaeological features of interest that would be affected by the proposed development

Natural England note that it is not an application that they would normally be consulted upon but ask that consideration be had to protected species, local wildlife sites and biodiversity enhancements.

The Environment Agency does not object to the application but request that a note be added to the decision notice.

Lincolnshire Wildlife Trust has concerns about bats and note that some of the trees have potential for roosts and advise that further information may be required to ensure protected species are not affected.

The consultant Arboriculturalist broadly agrees with the consent of the tree report but requires the imposition of a number of conditions relating to protection during construction, a no dig drive and replacement trees, where required.

Property and facilities of SKDC raise no objection to the re-culverting of the drain with the pipe having a diameter no smaller than the existing.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement, with the closing date for representations being the 10 June 2011. It should be noted that additional consultation was undertaken following the submission of amended plans.

Two letters of objection have been received and express concern about the application on the following grounds;

1. Feel that this piecemeal development prior to re-submitting an application for the large garage previously refused permission
2. Note that the protected species survey has little regard for great crested newts and feel that a more detailed survey may identify bat roosts in the locality.
3. Question whether the bridge to go over the dyke is appropriate structurally and may lead to flooding further upstream if it fails.

Officer evaluation

The drive would be across a paddock to the south of the property but visually, subject to conditions, the proposal would not be prominent or out of character with the area. That said, a note would need to be added to the decision notice to ensure that additional buildings/hardstanding cannot be erected without the benefit of planning permission, the cumulative impact of which would need to be assessed. In addition it is noted that the primary frontage of The Old Rectory is south facing and the creation of the drive would allow views of this attractive facade. There is, therefore, not considered to be any reason to object to the principal of the development.

A ditch crosses the site with a small bridge across it. The application proposes to replace this with a new structure which would have a pipe width no smaller than the existing, this is acceptable.

In terms of impact on highway safety the Highway Authority raise no objection to the application subject to any gates on the Carby Road entrance being set 5m back from the nearside edge of the carriageway. It is noted that the gates currently in situ are set to the back edge of the footpath but given that the use of the access is likely to increase significantly over and above how it is used currently, the condition is considered to be reasonable and necessary.

A primary issue with the application is impact on a number of trees within a copse that the drive would have to pass through. None of the trees are covered by a TPO; however, they are protected by virtue of being within Greatford Conservation Area. The submitted tree report identifies a total of 34 specimens and of these four are proposed to be removed. One of the trees to be removed is a large Ash to the front of the site, it is not directly affected by the drive but would need to be removed as it is currently unsafe. A Cherry tree identified to be removed is dead. Two Silver Birch are also to be removed, both of which are in poor health and one is proposed to be replaced. The Councils Arboricultural Consultant agrees with the content of the tree report and notes that a track currently passes through the site to access existing stables, which are proposed to be removed. As a result there is not considered to be any reason to object to the proposal subject to the imposition of conditions relating to protection of trees, a no-dig style drive and replacement trees, where appropriate. Other works to existing trees are proposed but these primarily cover removal of dead wood and works of maintenance, not affecting their longevity. However, Lincolnshire Wildlife Trust note some trees may have areas suitable for roosting bats and clarification on this issue is being sought and will be reported to Members.

Concern has been expressed about whether or not other protected species may be on-site e.g. Great Crested Newts; however, a protected species survey has been completed and concludes that there is no evidence of such animals. Furthermore, observations have been made about piecemeal development and whether or not this proposal is a pre-cursor to a further application; the Local Planning Authority can only consider the application before them and not applications in the future, which may or may not be forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

The creation of the proposed drive would, subject to conditions, not be unduly prominent within the landscape nor raise issues with regard to residential amenity. Nor would the proposal be detrimental to highway safety or trees within the Conservation Area. The risk of flooding would not increase as a result of the proposal or be harmful to protected species. The proposal is therefore deemed to comply with national policy guidance PPS1, PPS3, PPS5, PPS7, PPS9, PPG13 and PPS25 along with Core Strategy policy EN1; 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. Any gates to the vehicular access shall be set back a minimum of 5.0 metres from the nearside edge of the carriageway of Carlby Road and shall not open over the highway.

Reason: To enable calling vehicles to wait clear of the carriageway of Carlby Road, in the interests of vehicular safety and to comply with PPG13.

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

2011/08-01G
11016/S/G22/030

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

4. As identified in the submitted tree survey, the drive shall be constructed using no dig construction techniques and a plan showing a section through the drive shall be submitted to and approved in writing by the Local Planning Authority. The drive shall be constructed in accordance with the details as approved.

Reason: To ensure that trees adjacent to the proposed drive will not be unduly affected by the development and to comply with Core Strategy Policy EN1.

5. A sample of materials to be used for the drive shall be submitted to and approved in writing. The details as approved shall be used in construction of the drive.

Reason: To ensure that the development assimilates with the environment and to comply with Core Strategy Policy EN1.

6. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. No development shall take place until full details of 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 a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: 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).

Note(s) to Applicant

1. Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.
2. Please note that this grant of planning permission does not authorise the change of use of the paddock to residential curtilage and any future developments on this land are likely to require the submission of a planning application.
3. Should any protected species be found during the construction of the drive work should cease and contact be made with appropriate organisations to ensure that identified species are not harmed.

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