

**Development Control Committee
23 February 2010**

NB1 S09/2409/FULL

Target Decision Date: 10-Dec-2009

Applicant	Mr T Robinson, G S Robinson (Builders) Ltd 68A, Horsegate, Deeping St James, PETERBOROUGH, PE6 8EW
Agent	Mr T Robinson, G S Robinson (Builders) Ltd 68A, Horsegate, Deeping St James, PETERBOROUGH, PE6 8EW
Proposal	Residential development (7 dwellings)
Location	Land Off, Stephens Way, Deeping St. James
App Type	Full Planning Permission
<u>Parish(es)</u>	Deeping St James

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 because it is considered to be locally controversial, an earlier application on this site was determined by the Committee.

The Proposal

The proposal is to erect seven dwellings and provide associated parking in-lieu of existing spaces that would be lost.

The application site and its surroundings

The application site lies to the east of Stephens Way, a cul-de-sac of residential properties accessed off Eastgate. Part of the land is currently used as parking for existing dwellings on Stephens Way with planting beyond.

Site History

The original permission for the existing dwellings on Stephens Way was granted in 1990 (ref; SK.25/1632/89).

A recent application for 11 affordable bungalows, made under the exceptions policy and secured as affordable via a Section 106 Legal Agreement, was granted permission in November 2007 (ref; S06/1493/25). These would be accessed off Stephens Way also.

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 As a result the appeal was withdrawn to allow the submission of a more appropriate application.

Application S08/0780 for the erection of 14 dwellings and associated parking was determined at the Development Control Committee and was subject to a resolution to grant planning permission subject to the signing of a Section 106 Legal Agreement. However, the S106 has not been signed and no planning permission issued.

Representations Received

Planning Policy note that the site is allocated for residential development, as described in policy H4:6, the principle of development is therefore supported. However, it is noted that this application should not preclude the development of the larger allocated site to the south.

Heritage Lincolnshire Archaeology notes that the proposed development would not affect any known sites of interest.

Deeping St James Parish Council object to the application as they consider that the proposal would be intrusive to open countryside as well as lead to development on part of the paddock associated with the 'Tall Trees' equestrian centre. Consider parking provision substandard with the recently granted permission for 11 affordable dwellings exacerbating the situation. Note that the land is allocated in the saved policies of the Local Plan; however, it considers that the proposal is no longer in accordance with regional and national policy guidance. On the amended plans note that the pastoral nature of the area would be lost as well as serve very little purpose.

Lincolnshire County Council would require financial contributions toward school places.

A response from the Lincolnshire Primary Care Trust is pending.

Lincolnshire County Council as Highway Authority does not object to the application subject to appropriate conditions and note that the amended plan is likely to ensure the larger allocated would not be precluded from development.

A financial contribution in lieu of open space provision is required.

Peterborough City Council (as neighbouring local planning authority) makes no observations on the application.

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 11th November 2009.

Three letters of objection have been received. The reasons for objection is summarised below:

1. Highway safety/traffic impact; the road is narrow and causes parking problems as well as turning issues for emergency/refuse vehicles. The visibility splay at the junction of Stephens Way and Eastgate is not good and the extra vehicles would exacerbate existing problems.
2. Consider that the replacement parking provided would be inadequate to replace those lost and that information submitted in support of the application is misleading.
3. Consider that the development would be detrimental to the green character of the area and result in the loss of a number of mature trees.
4. Believe that the proposal would preclude the development of the larger allocated site.

On the amended plans one response has been received. It comments that the number of dwellings served off the private drive would be over and that normally allowed by the County Council and that whilst it may be physically possible to build a road through to access the remainder of the allocated site it would not be practical with land likely to be passed to various owners effectively ruling out the possibility of providing an adopted road.

Policy Considerations

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG13: Transport

East Midlands Regional Plan – policies 1, 2, 3, 4, 13A

Saved policies of the South Kesteven Local Plan (1995)

Key Issues

The key issues are whether or not the proposal respects the character of the area without being detrimental to the amenity of neighbouring properties through a dominating impact or overlooking impact; highway safety issues and parking provision. Furthermore, whether or not the 'principle' of residential development is acceptable and it would not preclude the comprehensive development of the larger allocated site.

Officer Evaluation

The land is allocated for residential development. The principle of residential development on this site is therefore supported and complies with saved policy H4:6 of the South Kesteven Local Plan. As such, planning permission would normally be granted for residential development that respects the character of the area, highway considerations and residential amenity; unless material planning considerations indicate otherwise.

An important consideration for this application is to also not preclude the development of land to the south, also allocated for residential development and with a resolution to grant permission on it, subject to the signing of a S106 agreement (ref; S08/0780). To this end the length of road proposed in this application is acceptable to serve the number of homes applied for, with the majority accessed off the shared parking area. However, it would be over and above what could reasonably be expected as part of this application to build an adopted highway to access the larger allocated site. Provision would however be required to ensure that it could be added at a later date if required. Amended plans have been received that confirm an adopted highway can be built to access the larger allocated site and the Highway Authority is content that this is possible without being detrimental to highway safety.

It should be noted that under normal circumstances financial contributions would not be sought for a minor application with the proposal for seven dwellings. However, as the application forms part of a larger allocation it would not be acceptable to allow it to be developed in a piecemeal way to circumvent the thresholds for financial contributions. To this end payment toward the Education Authority and in-lieu of on-site public open space would be required. At the time of writing a response from the Primary Care Trust is pending.

None of the trees to be removed are considered to be of such value or maturity to be the subject of a tree preservation order. A landscaping condition is also recommended.

In terms of design the proposed dwellings would assimilate with existing properties on Stephens Way by virtue of ridge heights and garden sizes. Materials used would also be similar, and secured via condition. Having regard to the size of the proposed gardens and distance between dwellings it is not considered that the proposal would result in a dominating or overbearing impact. The relationships would be similar to those currently enjoyed by existing properties on Stephens Way and both Back Lane and East Gate. The layout is broadly along the parameters of the earlier scheme (S08/0780).

In terms of parking provision the replacement of spaces lost would primarily be to the front of proposed dwellings and to the side of 60 Stephens Way. This type of provision is

common on the street and would reflect the character of the area. Five of the seven dwellings would also have a garage with a parking space in front. The number of replacement spaces is considered adequate to replace those lost as well as to serve proposed dwellings.

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.

Conclusion

The principle of development is considered acceptable in that the land is allocated for residential development in the saved policies of the South Kesteven Local Plan. The design of the development is also considered to respect the character of the area assimilating with neighbouring dwellings and, subject to appropriate conditions, not being detrimental to highway safety or creating parking problems. Financial contributions would also ensure that local services would not be unduly affected. Furthermore, having regard to planning application S08/0780 which indicates broad support for a similar application as well as not precluding future development of larger allocated site H4:6. The proposal is therefore deemed to comply with saved policies H4 and EN1 of the South Kesteven Local Plan along with Policy 4 of the East Midlands Regional Plan; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The principle of development is considered acceptable in that the land is allocated for residential development in the saved policies of the South Kesteven Local Plan. The design of the development is also considered to respect the character of the area assimilating with neighbouring dwellings and, subject to appropriate conditions, not being detrimental to highway safety or creating parking problems. Financial contributions would also ensure that local services would not be unduly affected. Furthermore, having regard to planning application S08/0780 which indicates broad support for a similar application as well as not precluding future development of larger allocated site H4:6. The proposal is therefore deemed to comply with saved policies H4 and EN1 of the South Kesteven Local Plan along with Policy 4 of the East Midlands Regional Plan; with no other material planning considerations to indicate that the application should be determined otherwise.

RECOMMENDATION: Grant permission, deferred for determination by the Acting Lead Professional, in consultation with the Chairman and Vice-Chairman, subject to the following conditions and the signing of a Section 106 Legal Agreement:

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

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

3. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
6. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

Reason: In the interests of visual amenity and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan and PPG25: Development and Flood Risk.

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

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

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

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

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

9. This consent relates to the application as amended by plans received on 7 and 27 January 2010.

Reason: For the avoidance of doubt and to ensure that the proposal would not preclude future development of the larger allocated site and to provide adequate parking provision to comply with saved policies H4 and EN1 of the saved policies of the South Kesteven Local Plan.

Note(s) to Applicant

1. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

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Applicant	Mr G Ghasemi 9, Abbey Road, Bourne, PE109EF
Agent	Mark Scotney, Double & Megson Solicitors 11, Market Place, Market Deeping, Peterborough, PE6 8EA
Proposal	Change of use from financial services (A2) to takeaway (A5)
Location	9, Abbey Road, Bourne, Lincolnshire, PE10 9EF
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT**Application Category**

This application is categorised as an other application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee at the request of the Local Councillor.

The Proposal

The proposal is to change the use of 9 Abbey Road from a financial service operator (A2) to a takeaway (A5).

The application site and its surroundings

The application site falls within Bourne Conservation Area and the 'Existing Town Centre Shopping Area'. It is a small unit between a shoe shop and "Time for Tea", close to the main junction in central Bourne.

Site History

None.

Representations Received

Heritage Lincolnshire Archaeology raises no objection to the application.

Bourne Town Council objects to the application on the grounds that it will cause a smell and nuisance to the neighboring properties.

The Highway Authority does not wish to restrict the grant of planning permission.

Environmental Protection has indicated that they do not object in principle subject to clarification on the means of odour arrestment.

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 December 2009.

Three letters of objection have been received and raise concern about;

- a) whether there is a need for another take-away within the town as there are a number locally
- b) noise and smell that would be generated from the use would be excessive and detrimental to residential amenity
- c) the hours of proposed operation are longer than is common for the area and may generate noise/social problems
- d) legal issues with regard to access through a passageway shared with the adjoining property
- e) disposal of waste and storage of bins
- f) there is a lack of parking in the area with double yellow lines to the front of the building which could result in illegal parking to the detriment of highway safety

Policy Considerations

National Planning Policy Guidance

PPS1: Delivering Sustainable Development
PPS6: Planning for Town Centres
PPG15: Planning and the Historic Environment

PPS23: Planning and Pollution Control

East Midlands Regional Plan

Policies 1, 2, 22 & 27

Saved policies of the South Kesteven Local Plan (1995)

Policies EN1, S1

Key Issues

The key issues are impact on the character of the Conservation Area and the amenity of adjacent units through possible noise, smell and waste that would be generated. Furthermore, impact on viability of the town centre.

Officer Evaluation

It should be noted that the applicant has indicated that there would be no external alteration to the building as a result of the proposal. With there being no alteration to the external appearance of the building the proposal would not impact on the character of the Conservation Area.

The application site falls within the town centre shopping area where the Council has policies to maintain or enhance the retail and commercial role. The unit is currently empty with the proposal, as a result, likely to enhance the viability of the town centre. The principle of the change of use is therefore supported subject to the use not being detrimental to the amenity of adjacent units.

Following concerns raised by Environmental Protection additional information has been submitted by the agent which indicates that waste will be stored in the rear courtyard and collected by a private firm. The courtyard is accessed by a hall that is residential in scale and it would not be possible for commercial sized bins to access the enclosed rear courtyard. Environmental Protection raises no objection to this aspect of the proposal subject to the waste being appropriately stored.

Clarification from the agent has been sought with regard to odour control and this should be reported to Committee. However, until such time as the information is received Environmental Protection request that a condition be added requiring the approval of appropriate equipment.

Concern has been expressed about use of the hall and a shared access to the rear courtyard; however, these are civil legal matters between relevant parties and not considered to be an overriding consideration in the determination of this application.

Therefore having regard to the above it is not considered that the proposal would be detrimental to the amenity of neighbouring properties through noise generation with there being a number of other such uses in the immediate area. Appropriate conditions would also ensure that smell and possible generation of waste would not be detrimental to the amenity of neighbouring uses.

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 proposed change of use would consolidate the retail and commercial use of the Town Shopping Centre Area and, subject to appropriate conditions, not have a detrimental impact on the amenity of neighbouring properties through noise, odour or waste. The application is therefore deemed to comply with Saved Policies EN1 (vi) and (vii) and S1 of the South Kesteven Local Plan, along with guidance contained in PPS6 and PPS23; 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. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the district planning authority.

Reason: In order to protect the occupiers of nearby properties from the smells of food preparation and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

3. The bins shall be secure in nature and stored in the enclosed courtyard to the property rear (except on collection day).

Reason: In order to protect the area from potential waste as well as respect the character of the area and to comply with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

Note(s) to Applicant

1. This grant of planning permission does not authorise the external alteration of the building which, if material, is likely to require planning permission and/or advertisement consent.

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Applicant	Mrs D Streets Fern Cottage, Main Street, Fenton, Newark, NG235DE
Agent	JHG Planning Consultancy Orchard House, Main Road, Welbourn, Lincoln, LN5 0PA
Proposal	Residential development (outline) with all matters reserved
Location	Fairfield House, Main Street, Claypole, Newark, Notts, NG23 5BA
App Type	Outline Planning Consent
Parish(es)	Claypole

REPORT**Application Category**

This application is categorised as a minor application.

Reason for Referral to Committee

The application is before the development control committee at the request of the Lead Professional. The application has previously been to Committee and deferred due to concerns about the discharge of surface water and number of dwellings.

The Proposal

This is an outline application for residential development with all matters reserved for further consideration. An indicative layout (amended via the earlier report to Committee) has been submitted showing five detached dwellings served off a private drive and offering off street parking for residents. Scale parameters have been indicated, showing a dwelling to be a maximum height of 7.2m to ridge and 4.85m to eaves.

The application site and its surroundings

The site is situated centrally within the village of Claypole and is surrounded predominantly by residential development. As well as the residential properties sited along Main Street, there are further residential properties to the west along Chapel Lane and to the east along Barnby Lane.

The application site currently forms the garden area of Fairfield House. The land is mainly laid with grass and vegetation which has recently been cleared with the exception of fruit trees located close to the boundaries.

There is an existing access to the site which comes off Main Street which served Fairfield House and a previous shop/bakehouse.

Representations Received

Local Highway Authority: The Highway Authority has no objection and requests that any permission granted shall include conditions in relation to the removal of all obstacles at the point of access above 0.6m in height to allow acceptable visibility and the completion of the private drive in accordance with the submitted details.

Planning Policy: Comments were received from the Planning Policy section as follows:

As this application involves the proposed development of market housing outside one of the District's four urban areas, it should be considered against the adopted Interim Housing Policy (IHP). In summary, the IHP enables market housing developments to come forward within those settlements identified as Local Service Centres where they involve the development of previously developed land.

Whilst the application involves the development of previously developed land, Claypole is not one of the identified Local Service Centres and, therefore, the proposal is contrary to the adopted IHP.

However, it is acknowledged that the approval of a previous planning application for residential development in Claypole is a material planning consideration and it will therefore, need to be determined what weight to give this previous decision compared to the adopted IHP.

Should it be considered that the previous decision should be given greater weight than the adopted IHP, then the criteria of saved Local Plan Policy EN1 will need to be satisfied, in particular criteria (i), (ii) and (vi).

Parish Council: The Parish Council has concerns about the safety and visibility of vehicles accessing / egressing the site onto Main Street which is on a sharp bend and adjacent the local shop.

Upper Witham Drainage Board:

The applicant suggests that the surface water is to be discharged to a soakaway.

The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the approving authority in conjunction with the Local Planning Authority.

If the suitability is not proven the applicant should be required to re-submit amended proposals showing how the site is to be drained without increasing flood risk elsewhere.

Anglian Water: No objections

“Now that it has been clarified that soakaways are not a viable option, Anglian Water are pleased to confirm that a surface water flow of 20 litres per second can discharge into the public surface water sewer at Manhole 8251 at the junction of Barnby Lane and Swallow Drive as per drawing 421/1 revision 0.”

Arboriculturalist:

The site plan on drawing no. F1929-01-E shows that the position of the tree, included in the TPO, has been taken into account and has influenced the proposed layout.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 11th December 2009.

Representations have been received raising the following issues:

1. Concerned about the land drainage
2. Sewage pipe already at capacity
3. Dangerous access
4. Will give rise to traffic problems and compromise highway safety.
5. Noise and disturbance
6. Will create a dominant and oppressive environment
7. Overlooking and loss of privacy
8. Size and shape of plots not in keeping
9. Loss of green land
10. Serious consideration should be given to number and type of properties.

Site History

- S06/1118- Conversion of shop / bakehouse to form 2no. dwellings – Approved October 11th 2006.
- S09/0026- Residential Development with all matters reserved – Withdrawn 4th February 2009.
- S09/0954- Conversion of former shop / bakehouse to 2no. dwellings – Current application

Policy Considerations

National Policy

PPS 1 –Delivering Sustainable Development

PPS 3 - Housing

PPS 7 – Sustainable Development in Rural Areas.

PPG 13 – Transport

PPS 25- Development & Flood risk

Saved Policies of South Kesteven Local Plan

Policy H6

In determining proposals for such development, consideration will be given to;

- i) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.
- iii) The provision of satisfactory access.

Policy EN 1

The visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. Development proposals should (amongst other matters);

- iii) In respect of buildings, reflect the general character of the area through layout, siting, design and materials.
- vi) Be located where the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated or incorporate suitable proposals for all necessary improvements.

The Adopted Interim Housing Policy

Key Issues

History
Sustainability
Layout
Highway safety
Drainage

Conclusion

History

The access to this site also forms the access to an existing permission to convert the shop / bakehouse to two dwellings (S06/1118). A current application (S09/0954) is being considered which seeks to amend that permission. The main change is the removal of a section of the building to its front elevation. The removal of this section of the building will improve the visibility at the point of access to accord with highway requirements.

Sustainability

Claypole is not one of the identified Local Service Centres and, therefore, any development which proposes the erection of market housing is considered contrary to the adopted Interim Housing Policy.

However, the approval of a previous planning application for residential development in Claypole is a material planning consideration. Planning application S08/0287 proposed the erection of a single dwelling on land adjacent The Nook, Chapel Lane, Claypole. Although there was conflict with the Interim Housing Policy, Members considered that the facilities were adequate, particularly due to Claypole being located within 5 miles of the town of Newark, and the application was approved subject to various conditions.

Scale / Layout

As stated this is an outline application for residential development with all matters being reserved for further consideration. The application site constitutes a previously developed site as defined by PPS 3. Scale is not a consideration at this stage though scale parameters have been indicated which reflect the scale of existing dwellings in the vicinity.

Having regard to the layout as shown on the submitted drawing, it is considered that the siting of the proposed dwellings and the relationship with adjacent development is acceptable and there is unlikely to be any adverse impact on the residential amenities of surrounding properties in terms of overlooking, loss of light or the creation of a dominant and oppressive environment. These issues can be further considered, along with the reduction of noise and disturbance, at the detailed (reserved matters) application. It is considered that the layout submitted conforms with the surrounding development containing detached dwellings, whilst maintaining an acceptable level of separation from neighbouring properties.

The superseded plans that previously went before the Committee indicated seven dwellings. Due to concerns that were raised regarding density the amended plans have removed two dwellings and a condition has been attached which limits the numbers of dwellings that can be built on the site to a maximum of five.

Impacts on Highway Safety

Concern has been raised about the formation of an access point adjacent to an existing shop where parking problems currently exist. Comments have also been received expressing concerns over available visibility for vehicles accessing and egressing onto Main Street.

The Local Highway Authority has been consulted about the proposed development and raised no objection. It is therefore considered that the proposed development will not be detrimental to highway safety.

Drainage

The applicant had originally maintained that the use of soakaways would be a satisfactory form of drainage for the development. The Upper Witham Drainage Board asked for the suitability of soakaways to be proven before development commenced. At the time the application went before the Development Control Committee on 23rd June 2009 the authority, in conjunction with the Building Regulations Department, were awaiting further information of the design of the soakaways together with soakage graphs and soil infiltration rates.

Members considered that this issue could not be dealt with by the attachment of a suitable condition requiring the submission of a scheme of drainage to the satisfaction of the authority before development was commenced.

As result a report has been produced following consultation with Anglian Water demonstrating that surface water from the application site can be satisfactorily discharged to the public surface water sewer.

Other Issues

Comments have been received that a previous refusal to the rear of 37 Main Street, Claypole has set a precedent. However each planning application has to be considered on its own merits and there will be differing site constraints.

The applications differed mainly in that there were dual access points for application S05/0370 and the development was considered to extend into the open countryside. This current application has only one access point and is wholly within the existing built form of the village.

Crime and Disorder Implications

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

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS7 - Sustainable Development in Rural Areas, PPG13 - Transport, PPS25 - Development and Flood Risk and Policies H6 (i) and EN1 (iii) and (vi) of the Saved Policies of the South Kesteven Local Plan. The issues relating to scale, layout, loss of privacy, sustainability, flood risk, access and highway safety are material planning considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above. Although it would constitute a departure from the main provisions of the Council's Adopted Interim Housing Policy, on this occasion it is considered that any such conflict is not a bar to the development proposed.

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

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

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

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

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

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

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

3. The number of dwelling units authorised by this planning permission shall not exceed five in total.

Reason: The construction of a greater number of dwellings on the site may impact adversely on the form and character of the area and neighbouring private residential amenity.

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

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

5. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted report by R M Associates and drawing No. 421/1 Rev 0 dated 17 November 2009.

Reason: To prevent flooding.

6. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to the first occupation of any part and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

7. Before development is commenced details of the existing (including land immediately adjacent the application site) and proposed ground levels (Ordnance Datum) shall be submitted to the local planning authority for approval. The submitted details shall include spot levels in addition to cross sections. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.

8. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility splays indicated on drawing number F1929-01-F dated 17 November 2009. Thereafter the visibility splays shall be kept free of all obstacles exceeding 0.6 metres in height.
9. Prior to any of the dwellings being occupied, the private drive shall be completed in accordance with the details shown on drawing number F1929-01-F dated 17 November 2009.

Reason: To ensure a satisfactory standard of development and in the interests of highway safety.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
3. Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

* * * * *

Applicant	Mrs D Streets Fern Cottage, Main Street, Fenton, Newark, NG235DE
Agent	JHG Planning Consultancy Orchard House, Main Road, Welbourn, Lincoln, LN5 0PA
Proposal	Conversion of former shop to two dwellings
Location	Adjacent Fairfield House, Main Street, Claypole
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 is before the development control committee at the request of the Lead Professional. The application has previously been to Committee and deferred due to concerns about the discharge of surface water.

The Proposal

This is a full application for the conversion of a former shop / bakehouse to form two dwellings upon land adjacent to Fairfield House, Main Street. Claypole.

This application is an amended scheme from one that was previously approved under S06/1118. The alteration involves the demolition and reconstruction of the southern gable to the main facade of the building.

The proposal seeks the reduction of the existing gable by 1.0m to allow for an improved level of visibility for access to the site and the rear parking area and a site which is currently being considered for residential development under application S09/0944 (also on this agenda).

The scheme has an identical internal layout to the extant permission, with each unit having three bedrooms and an open plan living / kitchen area to ground floor.

It is proposed that a 1.8m high brick wall will extend a short distance from the rear elevation before merging into a Beech Hedgerow, the combination of which will serve to form two private garden areas.

A parking area will be formed adjacent to the site's northern boundary.

The application site and its surroundings

The site is situated centrally within the village of Claypole and is surrounded predominantly by residential development. As well as the residential properties sited along Main Street, there are further residential properties to the west along Chapel Lane and to the east along Barnby Lane. Directly opposite the site is an existing village store.

The site was formerly a shop / bakehouse and comprises a two storey red brick and slate roof building set against the highway. The building has remained vacant for many years and is in need of repair.

Access to the site is via a private driveway that runs adjacent to the western boundary to an area of garden.

A mature hedgerow delineates the eastern boundary and acts to screen the site from Fairfield House. The western boundary comprises a mixture of brick wall, hedgerow and fencing.

Representations Received

Local Highway Authority: The Highway Authority has no objection and requests that any permission granted shall include conditions in relation to the access, turning space and parking being retained and available at all times in accordance with the submitted details.

Planning Policy: Comments were received from the Planning Policy section as follows:

“The conversion of buildings to residential use in non Service Centre Villages is permitted by the adopted Interim Housing Policy provided certain criteria are met.

As planning permission was granted in October 2006 for conversion of this building to two dwellings, I assume it was considered that the proposal adequately met the IHP conversion criteria.

Subject to the modification to the front elevation gable being considered acceptable against policy EN1 (iii), there is no planning policy objection”

Parish Council: The Parish Council is concerned about the front elevation of the house which is considered to have architectural merit.

Anglian Water: No objections

“Now that it has been clarified that soakaways are not a viable option, Anglian Water are pleased to confirm that a surface water flow of 20 litres per second can discharge into the public surface water sewer at Manhole 8251 at the junction of Barnby Lane and Swallow Drive as per drawing 421/1 revision 0.”

Arboriculturalist:

The proposed Beech hedges at the rear of the development will define the boundaries and give privacy to the gardens.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 4th December 2009.

Representations have been received raising the following issues:

1. Existing permission for conversion is to be commended.
2. Unlikely that the building can be re-constructed as it stands.
3. Un-matching mortar and bonding styles will destroy character of the building.
4. Overhead mains electricity line within half a metre of the façade.
4. Will create a risk for vehicles and people

Site History

S06/1118- Conversion of shop / bakehouse to form 2no. dwellings – Approved October 11th 2006.

S09/0026- Residential Development with all matters reserved – Withdrawn 4th February 2009.

S09/0944- Residential Development with all matters reserved – Current application

Policy Considerations

National Policy

PPS 1 –Delivering Sustainable Development

PPS 3 - Housing

PPS 7 – Sustainable Development in Rural Areas.

PPG 13 – Transport

PPS 25 – Development & Floodrisk

Saved Policies of South Kesteven Local Plan

Policy H6

In determining proposals for such development, consideration will be given to;

The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.
The provision of satisfactory access.

Policy EN 1

The visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. Development proposals should (amongst other matters);
iii) In respect of buildings, reflect the general character of the area through layout, siting, design and materials.

vi) Be located where the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated or incorporate suitable proposals for all necessary improvements.

Applicants Submission

Though Claypole is not identified as a Local Service Centre by the Interim Housing Policy, by virtue of the range of available services, the Council have recently granted planning permission for residential development within the village. This precedent would suggest that Claypole is deemed to be of service village status. Regardless, the Interim Housing Policy states that the conversion of buildings to form new dwellings is strategically acceptable subject to a proposal satisfactorily addressing five criteria. These are discussed below:

The former shop / bakehouse is considered to be of some architectural and historic merit. The building occupies a prominent position within the street scene and arguably makes a positive contribution to the character and appearance of the area. However, it is readily apparent that the building has been vacant for some time. The proposed conversion will put it back to beneficial use and serve to dispel the current image of decline exhibited by the structure.

The building is structurally sound.

As detailed on the proposed drawings, the building is readily capable of conversion without significant alterations. As noted before, in order to improve visibility at the access's point of juncture with Main Street, a section of the front gable will need to be demolished, truncated and reconstructed.

The works necessary to achieve the change of use will not significantly alter the character or appearance of the building.

The shop / bakehouse has been vacant for many years because it proved to be commercially unviable. It can be noted that a general store is located directly opposite the application site. The strategic acceptability of the building's residential use has already been affirmed through extant planning consent S06/1118.

Key Issues

History
Sustainability
Impact on the character of the building
Highway safety
Drainage

Conclusion

History

There is an existing permission to convert the shop / bakehouse to two dwellings (S06/1118). This current application amends this permission with the main change being the removal of a section of the building to its front elevation. The removal of this section of the building will improve the visibility at the point of access for an additional application that is being considered on land to the rear of Fairfield House for residential development (S09/0954) to accord with highway requirements.

Sustainability

Claypole is not one of the identified Local Service Centres and, therefore, any development which proposes the erection of marketable housing is considered contrary to the adopted Interim Housing Policy.

However, the approval of a previous planning application for residential development on the site is a material planning consideration. Planning application S06/1118 proposed the conversion of the former shop / bakehouse to 2 dwellings on at land adjacent Fairfield House. Main Street. Claypole. It was considered that the scheme met the conversion criteria as set out within the Interim Housing Policy and the application was approved subject to various conditions. Due to only minor alterations to this scheme it is still considered that the proposal accords with the conversion criteria as set out in the Interim Housing Policy.

Impact on the character of the building

Comments have been received expressing concerns over how the alteration to the façade will impact on the character of the building. The design incorporates windows, ornamental brickwork and dimensions which replicate the existing structure. These factors, together with suitable conditions requiring the final submission of joinery details and the reconstruction work having matching brick bonding and mortar, will lead to the character of the existing building being maintained

Impacts on Highway Safety

Concern has been raised with regard to the creation of a dangerous access point. The Local Highway Authority has been consulted about the proposed development and raised

no objection. It is therefore considered that the proposed development will not be detrimental to highway safety.

Drainage

The application was considered by the planning committee on 23rd June 2009, being deferred pending further details relating to surface water drainage. A report has been produced following consultation with Anglian Water demonstrating that surface water from the application site can be satisfactorily discharged to existing surface water sewer.

Crime and Disorder Implications

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

Human Rights Implications

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

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

Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPS 1: Delivering Sustainable Development, PPS 3: Housing, PPS 7: Sustainable Development in Rural Areas, PPG 13: Transport, PPS 25: Development and Flood risk and policies H6 (i) and EN1 (iii) & (vi) of the saved policies of the South Kesteven Local Plan and the Council's Adopted Interim Housing Policy. The issues relating to impact on the character of the building, sustainability, access and highway safety are material planning considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

3. The gable which is to be rebuilt to the front elevation shall be reconstructed with brick bonding and mortar to match that of the original building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

4. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted report by R M Associates and drawing No. 421/1 Rev 0 dated 17 November 2009.

Reason: To prevent flooding.

5. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted the condition is imposed to ensure the satisfactory preservation of the building.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

8. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number F1588-03-C dated 5 May 2009, and retained for that use thereafter.
9. The arrangements shown on the approved plan F1588-03-C dated 5 May 2009 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 Main Street and to

allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Applicant	Mr Paul Rogers 19, Medina Drive, Towerton, Notts, NG12
Agent	Mrs Tracy Longworth, Longworth Associates Ltd The Coach HUse, Cotgrave Lane, Tollerton, Nottinghamshire, NG12 4FX
Proposal	Erection of dwelling with attached double garage
Location	Plot 4, Adj The Nurseries, Bottesford Road, Allington, Grantham, Lincs
App Type	Full Planning Permission
Parish(es)	Allington

REPORT**Application Category**

This is a minor application.

Reason for Referral to Committee

The application is before The Committee at the request of the Lead Professional.

The application site and its surroundings

The site is on Berts Way, which is a private housing development accessed from Bottesford Road, Allington.

The surrounding area consists of mainly large detached properties with affordable housing units sited directly to the east.

Allington Hall is to the north of the development and further residential properties are sited to the south off West Meadows.

The site is currently an undeveloped plot, one of the last to be built on the original development.

The Proposal

This full application involves the erection of a 6-bedroomed dwelling and attached garage. The site was originally part of a larger application for residential development (S04/0642). A dwelling was approved on this plot under application S07/1273.

The amended house type is sited in a similar position as the previously approved dwelling and provides additional en-suite accommodation in the roof space of the garage including the insertion of two dormer windows to the front and rear roof slopes. Other alterations include various changes in openings and the inclusion of an external chimney.

The length of the dwelling has been reduced from 19.5m to 19.2m.

Representations Received

Lincolnshire County Highways: No objection.

Heritage Lincolnshire: The proposed development does not affect any known archaeological sites.

Environmental Protection: No objections:

Allington Parish Council: Object as follows:

- a) House will encroach onto the footpath
- b) House is cramped within the plot
- c) Not in keeping
- d) House too close to boundaries
- e) There is no precedent for dormer windows in the village
- f) Roof line not in keeping with rest of development
- g) Overbearing on low cost housing

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the consultation period not expiring until 26th January 2010.

Letters of objection have been received raising the following points:

- 1. Plot over developed
- 2. House too big for plot
- 3. House too close to road and footpath
- 4. Building will be visually intrusive
- 5. House would dominate the street scene
- 6. Will be dominant and oppressive
- 7. Garage roof overhangs wall
- 8. Two car parking spaces not sufficient
- 9. Cars will have to reverse onto highway
- 10. Dormer windows will overlook neighbours
- 11. Overlooked from two obscure glazed side windows.
- 12. Will dominate view
- 13. Garage siting will be hazardous to pedestrians
- 14. Balcony will overlook neighbouring properties
- 15. Size will affect natural light
- 16. Will create problems for access to side of property

Site History

S04/0642 – Residential Development – Permitted 25th May 2005.

S07/1273 – Erection of detached dwelling – Approved 4th February 2008.

Policy Considerations

National Policy

PPS 3 – Housing. The development would be in accordance with this national planning guidance, as it would form a suitable brownfield development within a Local Service Centre.

Saved Policies of South Kesteven Local Plan

Policy H7 – Allows for development that (inter alia) does not adversely impact upon the form, character and appearance of the settlement.

Policy EN 1 – Allows for development which reflects the general character of the area through layout, siting, design and materials.

Interim Housing Policy 2005 – Identifies Allington village as a ‘Local Service Centre’ where new residential proposals are only permitted where they are proposed on a previously developed (brownfield) site.

Key Issues

Site History

Design

Residential amenity

Crime and Disorder Implications

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

Human Rights Implications

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

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

Key Issues

Site History

As already indicated a dwelling was approved on the site under application S07/1273. When the applicant commenced works on the site, including setting out, it was discovered that the dwelling did not fit onto the plot as detailed within the approved plans and in fact encroached into the adjacent footpath.

The original planning application had a Section 38 Agreement between the developer and Lincolnshire Highway Department which included a plan of the road and a footpath that would serve the overall development. Following investigations involving the District Council and the Highway Authority it was concluded that the original developers of the site had built the road and pathway incorrectly and not in accordance with the Section 38 Agreement.

It is understood that Lincolnshire Highway Department are currently taking steps to make the original developers and owners of the site re-construct the road and footpath in accordance with the original plans and agreement.

The submitted drawings included within this application show the correct position of the road and footpath and their position in relation to the proposed new dwelling.

Design

The size of the dwelling reflects the general massing of other dwellings within the same development. An amended plan has been submitted reducing the overhang of the garage roof in relation to the boundary wall sited adjacent to the affordable housing development.

The design of the dwelling does differ from others on the development but this contrast in design is a feature of the site in general and many different house types can be found. Final details of materials and drainage will be submitted to the authority for consideration as part of the requirement to discharge the recommended planning conditions.

Impacts on neighbouring properties

Impacts on neighbouring residential amenity were considered during the previously approved planning application. The authority has to determine what additional adverse impacts will result from this amended application.

Two dormer windows have been added to the attached garage serving an en-suite. The rear dormer is to be fitted with obscure glazing. The front dormer is sited in line with the building line of the housing development to the east and will not directly overlook any neighbouring properties.

A condition is recommended which requires obscure glazing and the fixing shut of the side first floor window to bedroom three which looks directly to the east. All windows to the western side elevation are to be obscurely glazed.

A Juliet balcony has been added to the rear elevation but the line of sight from an opening of this nature is not dissimilar to a window opening.

Due to these reasons it is not considered that the amended house type will create unacceptable levels of overlooking and loss of privacy to that already deemed acceptable under the extant permission.

The previous plans indicated that the dwelling would not encroach past a line drawn 45 degrees from a neighbouring window to the west on Plot 5. The amended house type does encroach past this line by 300mm but it is considered that this will not result in unacceptable levels of overshadowing or loss of light to this property.

Conclusion

The proposed dwelling is to be sited on a brownfield site that has an existing permission, conforming to the residential uses that exist in the vicinity.

The design of the dwelling is considered to assimilate with its surroundings and not impact adversely on the character of the area.

Due to the design and the positioning of fenestration it is not considered that an unacceptable level of overlooking or loss of privacy will be created as a result of the development.

The mass and form of the revised dwelling is not considerably different to the approved dwelling and will not lead to the creation of a dominant or oppressive environment or loss of light to neighbouring properties.

No objection has been received from the highway department leading the authority to conclude that the proposals will not impact adversely on highway safety.

It is considered therefore that the proposals comply with National and Local Planning Policy and it is recommended therefore that planning permission be granted.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies set out in Planning Policy Statement PPS3, Policies H7 (i) and EN1 (iii) of the Saved Policies of the South Kesteven Local Plan and the Interim Housing Policy. The issues relating to design, residential amenity, impact on the character of the area and impacts on highway safety are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

RECOMMENDATION: That subject to the authority not receiving any additional material planning considerations, the development be Approved subject to condition(s):

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

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

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

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

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

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

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

7. This permission relates solely to the application as amended by Drawing No. 2009-261 dated 8 January 2010.

Reason: For the avoidance of doubt.

8. The first floor side window to bedroom three shall be fixed and obscure glazed and shall remain as such unless otherwise agreed in writing with the local planning authority.

Reason: To prevent overlooking and to protect the residential amenity of neighbouring properties.

9. The windows to the western side elevation shall be fixed and obscure glazed and shall remain as such unless otherwise agreed in writing with the local planning authority.

Reason: To prevent overlooking and to protect the residential amenity of neighbouring properties.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for application, specification and construction information.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Applicant	Mr J Harding Cafe Black, 21, High Street, Stamford, PE9 2AL
Agent	Mr J Harding
Proposal	Change of use from highway land to a mixed use of highway land and outdoor seating area ancillary to the existing A3 use and external canopy to the front
Location	Cafe Black, 21, High Street, Stamford, PE9 2AL
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

The Proposal

The proposal is for planning consent for the provision of an external canopy to the front elevation of a Grade II* listed building and the change-of-use of highway land to a mixed use of highway land and area for outdoor seating ancillary to the existing takeaway unit.

An application for Listed Building Consent for the canopy runs concurrently with this application.

The application site and its surroundings

The building, which is a fine Grade II* Georgian property, is constructed of stone with a traditional shopfront. It is located in the heart of the town centre and within the Stamford Conservation Area.

The building, which has had large areas of the shopfront painted black, is located in a highly prominent position on the corner of High St. and Ironmonger St.

Reason for Referral to Committee

The application has been referred to Committee due to the matters raised being in the wider public interest and concerns raised by the case officer.

Representations Received

Stamford Town Council: Object as canopy is considered too large for the site although do not oppose the seating area

Planning Archaeologist: No known sites affected

Local Highways Authority: Request refusal of the proposed canopy but do not oppose the outdoor seating.

Stamford Civic Society: Object to the canopy as little regard has been given to the canopy architecturally and the fixing details are unsympathetic to the building. No objections raised for the outdoor seating area.

English Heritage: Object as the proposal would damage the architectural and historic interest of the building through harm caused to the architectural importance of the upper storeys, the typical strong architectural division between the upper storeys and the shopfront, and the traditional shop front design

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 25 December 2009

Three representations were received, two in support and one objecting to the canopy that forms part of the application. A summary of the material planning considerations raised in the objections are;

1. Harm caused to the integrity of the building
2. Disfigurement of historic fabric
3. Fixings to canopy harm the Ashlar stone

Site History

S09/0423 – Approval for the change-of-use from A1 (retail) to A5 (hot food takeaway)

S09/1193 – Approval for internal alterations and signage

S09/1195 – Approval for fascia signage

Policy Considerations

National Policy

PPG 15 – ‘Planning and the Historic Environment’

Regional Plan Policy

Policy 27 – Historic Environment

Key Issues

EN1 (iii) – Protection and Enhancement of the Environment

Impact on the Grade II* Listed Building and the Conservation Area

The proposal seeks retrospective consent for the erection of a canopy (coloured black) with a canopy box installed above the shopfront on the High Street elevation.

The canopy box is fixed by metal plates with bolts directly into the ashlar stone. The fixings for the canopy box are considered to be unsympathetic to the building and they cause physical harm to this area of the primary shopfront.

The canopy, which is retractable, provides a covered area for the outdoor seating area. Whilst the High Street has varying forms of signage and other external shop fittings there is little evidence of any canopies of this size. It is considered that the design and size is visually intrusive and architecturally inconsistent with the surrounding shopfronts and is incongruous within the streetscene. Furthermore, its appearance is both detrimental in form to the principal elevation of the listed building and to this part of the Stamford Conservation Area.

It is further considered that acceptance of this proposal is likely to set an unwelcome precedent for similar proposals within the High Street and/or the surrounding area.

Outdoor seating area and its impact on the streetscene

The outdoor seating area, which seeks retrospective consent, will provide outdoor seating facilities for ancillary use to the existing takeaway.

The High Street forms part of the shopping centre core for Stamford. There are a number of outdoor seating areas within the town centre that contribute towards the vitality and vibrancy of the area.

It is considered that the area of outdoor seating that is the subject of this application will also contribute towards vibrancy, and, is a use that should be seen to be of benefit to the shoppers of Stamford.

The applicants also require a "pavement licence" from Lincolnshire County Council.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

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

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

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

1. In the opinion of the local planning authority, the canopy, is visually intrusive and architecturally out of place, and thereby detrimental to the character and appearance of the listed building, this part of the Stamford Conservation Area and the streetscene in general.

Furthermore, the large box that houses the retracted canopy also appears incongruous within its setting and unsympathetic to the existing attractive shopfront.

The application is therefore considered to be contrary to Planning Policy Guidance Note 15 (PPG15), Policy 27 of the Regional Plan (2009) and Saved Policy EN1 (iii) of the South Kesteven Local Plan.

* * * * *

Applicant	Mr J Harding Cafe Black, 21, High Street, Stamford, PE9 2AL
Agent	
Proposal	External canopy to front
Location	Cafe Black, 21, High Street, Stamford, PE9 2AL
App Type	Listed Building Consent
Parish(es)	Stamford

REPORT

The Proposal

The proposal is for Listed Building Consent for the provision of an external canopy to the front elevation of a Grade II* listed building

A planning application for the canopy and the change-of-use of highway land to an ancillary outdoor seating area for the café premises runs concurrently with this application.

The application site and its surroundings

The building, which is a fine Grade II* Georgian property, is constructed of stone with a traditional shopfront. It is located in the heart of the town centre and within the Stamford Conservation Area.

The building, which has had large areas of the shopfront painted black, is located in a highly prominent position on the corner of High Street and Ironmonger Street.

Reason for Referral to Committee

The application has been referred to Committee due to the matters raised being in the wider public interest and concerns raised by the case officer.

Representations Received

Stamford Town Council: Object as canopy is considered too large for the site.

Historic Buildings Advisor: Object as the proposal is visually intrusive and architecturally out of place thereby detrimental to the character and appearance of the building and the streetscene

Planning Archaeologist: No known sites affected

Local Highways Authority: Request refusal of the proposal as proposal has not been justified to overhang the highway to such an extent

Stamford Civic Society: Object to the canopy as little regard has been given to the canopy architecturally and the fixing details are unsympathetic to the building.

English Heritage: Object as the proposal would damage the architectural and historic interest of the building through harm caused to the architectural importance of the upper storeys, the typical strong architectural division between the upper storeys and the shopfront, and the traditional shop front design

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 8 January 2010.

Two representations were received, one in support and one objecting to the application. A summary of the material planning considerations raised in the objections are;

1. Harm caused to the integrity of the building
2. Disfigurement of historic fabric
3. Fixings to canopy harm the Ashlar stone

Site History

S09/0423 – Approval for the change-of-use from A1 (retail) to A5 (hot food takeaway)

S09/1193 – Approval for internal alterations and signage

S09/1195 – Approval for fascia signage

Policy Considerations

National Policy

PPG 15 – ‘Planning and the Historic Environment’

Regional Plan Policy

Policy 27 – Historic Environment

Key Issues

Impact to the Grade II* Listed Building and the Conservation Area

The proposal seeks retrospective consent for the works of fixing a black canopy with a canopy box above the shopfront on the High Street elevation.

The canopy box is fixed by metal plates with bolts directly into the ashlar stone. The fixings for the canopy box are considered unsympathetic to the building and cause physical harm to this area of the primary shopfront.

The canopy, which is retractable, provides a covered area for the outdoor seating area (under consideration in the accompanying planning application). Whilst the High Street has varying forms of signage and other external shop fittings there is little evidence of any canopies of this size. It is considered that the design and size is visually intrusive and architecturally inconsistent with the surrounding shopfronts and is incongruous within the streetscene. Furthermore, its appearance is both detrimental in form to the principal elevation of the listed building and to this part of the Stamford Conservation Area.

It is further considered that acceptance of this proposal is likely to set an unwelcome precedent for similar proposals within the High Street and/or the surrounding area.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

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

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

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

1. In the opinion of the local planning authority the canopy, is visually intrusive and architecturally out of place, and thereby detrimental to the character and appearance of the listed building, this part of the Stamford Conservation Area and the streetscene in general.

Furthermore, the large box that houses the retraced canopy also appears incongruous within its setting and unsympathetic to the existing attractive shopfront.

The application is therefore considered to be contrary to Planning Policy Guidance Note 15 (PPG15) and Policy 27 of the Regional Plan (2009).

* * * * *

Applicant	Morris Vermaport Ltd C/o Agent
Agent	Henry Mein Partnership 12, Clarendon Street, Nottingham, NG1 5HQ
Proposal	New lift shaft to existing care home
Location	126-186, Essex Road, Stamford
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

Reason for Referral to Committee

The application is referred to Committee as South Kesteven District Council has an interest in the land.

The Proposal

The proposal is for full planning permission for the erection of a new lift shaft to an existing care home.

The application site and its surroundings

The application site is an established residential care home consisting of 40 flats on Essex Road Stamford

The building is of standard brick and concrete tile construction with large areas of the elevations rendered. The complex has areas of public open space to the west

Local authority housing is situated to the north, south and west of the complex with a more traditional form of terraced housing on the opposite side of Kings Road to the east.

Representations Received

Community Archaeologist - No archaeological intervention required.

Stamford Town Council: No objections to the proposal

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 22 January 2010.

No third party representations were received.

Site History

There is no relevant site history.

Policy Considerations

National Policy

Saved Policies of South Kesteven Local Plan

Policy H6 (d,i)

Policy EN1 (iii)

Key Issues

Siting, Design and Visual Impact

The proposed lift shaft is mostly housed internally within the building with only the top element of the shaft protruding above the existing roof slope. This element will be set lower than the existing ridge height of the building protruding between 0.4m and 1.5m on the western facing roofslope

The design is simple in form with a brick finish to match the existing brickwork with a concealed felt roof.

The visible part of the lift shaft will be seen from certain public vantage points; however it is considered that the streetscene will not be adversely affected.

Noise and Disturbance

The lift shaft is to be situated against the stairwell and an internal store and it is not likely to adversely impact on existing residents in terms of excessive noise or disturbance.

It should be noted that within the applicant's Design and Access Statement they make reference to the need for a new lift shaft in order to provide lift facilities for a wheelchair and helper, which the existing lift facilities cannot provide. The new lift will also allow wheelchair users to turn within the lift rather than have to reverse out of the lift into the corridor. The lifts would be considered beneficial to all residents within the complex.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be in scale and character with the host building and would not have any adverse impact on the visual amenity of the street scene as a whole. It is considered that the proposed lift would not result in such significant noise and disturbance to have an adverse impact on the residential amenity of the occupiers of adjoining flats. Furthermore the lift is required in order to provide access for wheelchair users and allow them to turn within the lift which they cannot do in the existing facilities. The proposal complies with the requirements of Policies H6 and EN1 of the Saved Policies of the South Kesteven Local Plan and is accordingly considered to be an acceptable form of development.

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

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

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

2. The external finishes of the development hereby approved shall proceed fully in accordance with material details provided within the submitted Design and Access Statement dated 19 November 2009.

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.

* * * * *

Applicant	Morris Vermaport Ltd C/o Agent
Agent	Henry Mein Partnership 12, Clarendon Street, Nottingham, NG1 5HQ
Proposal	New lift shaft to existing care home
Location	Meadow Close, Bourne
App Type	Full Planning Permission
<u>Parish(es)</u>	Bourne

REPORT**Reason for Referral to Committee**

The application is referred to Committee as South Kesteven District Council has an interest in the land.

The Proposal

The proposal is for full planning permission for the erection of a new lift shaft to an existing care home.

The application site and its surroundings

The application site is an established residential care home consisting of 22 flats on Meadow Close Bourne

The building is constructed of red brick with concrete tiles with provision made for parking at the front (west) of the care home

Residential properties surround the site with Meadow Close located directly South of the building.

The site is situated to the northwest of Bourne town centre.

Representations Received

Community Archaeologist - No archaeological intervention required.

Bourne Parish Council: No objections to the proposal

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 6 January 2010.

As a result of the consultation period seven representations were received. A summary of the material planning considerations raised in the objections were;

Noise and disruption
Impact on health of nearby residents

Site History

There is no relevant site history

Policy Considerations

National Policy

Saved Policies of South Kesteven Local Plan

Policy H6 (d,i)

Policy EN1 (iii)

Key Issues

Siting, Design and Visual Impact

The proposed lift shaft, which will have a footprint of 2.4m by 2.2m, is to be positioned towards the southeastern corner of the care home.

The design is simple in form with a solid brick finish and a small mono-pitched roof that matches the same pitch as the existing building.

The new lift shaft will be in full view from the roadside; however, it will appear relatively discreet due to it harmonising well with the built form of the care home to the rear. It is considered that there will not be any resulting dominance or visual intrusion from the proposal.

It is further considered that the streetscene is neither enhanced nor adversely impacted upon by this proposal.

Noise and Disturbance

The lift shaft is to be situated against the kitchen area of the common room to the west and adjacent to an internal corridor to the north. It marginally overlaps the internal room to one of the ground floor flats.

Concern has been raised regarding the noise and disturbance that may arise as a result of the proposal. The objections centre primarily on the concerns of the occupants of the two flats located nearest to the proposed lift shaft.

It should be noted that within the applicant's Design and Access Statement they make reference to the need for a new lift shaft in order to provide lift facilities for a wheelchair and helper, which the existing lift facilities cannot provide. The new lift will also allow wheelchair users to turn within the lift rather than have to reverse out of the lift into the corridor. The lifts would be considered beneficial to all residents within the complex.

Furthermore, the use of the lift is likely to be used primarily for residents of the care home at hours during the day or early evening with little activity envisaged during the night time. It is considered unlikely that the resulting noise and disturbance of a 'modern style' lift with daytime /evening use would be detrimental to the living conditions of any of the occupants of the flats within this development.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be in scale and character with the host building and would not have any adverse impact on the visual amenity of the street scene as a whole. Although concerns have been raised in relation to noise and disturbance from the proposed lift it is considered that the proposed lift would not result in such significant noise and disturbance to have an adverse impact on the residential amenity of occupiers of adjoining flats. Furthermore the lift is required in order to provide access for wheelchair users and allow them to turn within the lift which they cannot do in the existing facilities. The proposal complies with the requirements of Policies H6 and EN1 of the Saved Policies of the South Kesteven Local Plan and is accordingly considered to be an acceptable form of development.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.

* * * * *

Applicant	Mr Mark Sweet 18, Peacocks Launde, Claypole, Newark, Lincolnshire, NG23 5FS
Agent	
Proposal	Ground floor extension & additional first floor accommodation to existing bungalow
Location	138, Main Street, Claypole, Newark, NG235BJ
App Type	Householder Development
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 as there has been significant local interest.

The Proposal

This is a full application for the erection of front and rear extensions and the raising of the roof to provide accommodation in the roofspace, resulting in a revised internal layout and the provision of one additional bedroom and an en-suite bathroom.

The application site and its surroundings

The application site is located on the south side of Main Street, to the east of the junction with Tinsley Close within the village of Claypole. The existing property is a detached two bedroomed bungalow at the end of a row of similar properties to the east. There is an existing shared vehicular access to the eastern side of the building leading to a detached garage to the rear.

To the west and east of the application site there are detached bungalows with houses to the rear in Tinsley Close.

Site History

No relevant history.

Representations Received

Claypole Parish Council:

"The Parish Council has considered this application together with residents' letters of objection. It has no objections to improving and enlarging a small property on the size of the plot it stands on. The property needed modernising and the PC did not consider it to be classed as low-cost housing having been on the market recently for approx £135,000."

Re the amended plans for 139 Main Street Claypole. The PC is concerned about the use of soakaways and in particular water butts in Claypole to cope with surface water. It comments:

"Soakaways are not successful in Claypole due to the depth of clay and water butts are not a satisfactory answer. Where will they be emptied and who wants lots of water butts round their home anyway? After 15mm of rain on 31st October this property had standing water round it which took more than 24 hours to 'drain away'. The actual width of the driveway is not according to the plans and will not at the moment accommodate two cars side by side. There is concern that a property on Tinsley Close will be overlooked and have its privacy reduced although it is noted that the roof windows are now to the front of the dwelling rather than the rear. The PC hopes that the District Council will seek expert advice on the drainage issue (which occur in other parts of the village- notably the site of the old shop on Main Street which has been earmarked for development). The drainage problems cannot be ignored to the detriment of existing residents and because of this the PC notes the concerns from neighbours to this property about its development."

Lincolnshire Heritage Archaeology: No affects on any known sites.

Anglian Water: There is currently sufficient capacity within the supply and treatment systems accommodate this proposal.

Environment Agency: No comments to make on the application.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and eight replies have been received from six properties.

The points raised in the responses can be summarised as follows:

1. It is important to retain some smaller more affordable properties.
2. The property on a main road with a small garden will not be a safe environment for children.

3. Increasing the roof height will overshadow my bungalow and reduce the light to my west facing windows.
4. Have experienced problems with main sewer and flooding.
5. The fact that one of the bungalows was built with a higher roof should not set a precedent.
6. Proposal will impact on our outlook.
7. If allowed the continuity of this part of Main Street will be lost forever.
8. Do not object to single storey additions.
9. Reduction in dwelling type choice and level of affordable housing.
10. Adverse impact on local infrastructure.
11. Lack of privacy from first floor windows.
12. Only being developed for profit.
13. Development out of character.
14. Surface water drainage problems in Claypole.

Planning Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development.

East Midlands Regional Plan (adopted March 2008)

Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment.

The visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. Development proposals should (amongst other matters);

iii) In respect of buildings, reflect the general character of the area through layout, siting, design and materials.

Policy H6 – Residential Development.

In determining proposals for such development, consideration will be given to;

ii) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment.

iv) The provision of satisfactory access.

The adopted South Kesteven Interim Housing Policy.

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

This is a full application for the erection of two single storey front extensions and one single storey rear extension together with the raising of the roof to provide accommodation in the roofspace. The raising of the roof will take the ridge height to the same as the adjacent property to the west.

Having regard to the size, location and relationship of the proposed extensions with the adjacent properties, the orientation and positioning of fenestration together with the separation distances between properties, the proposed works will not have any significant impact on the amenities of neighbouring properties.

Having regard to the resultant size of dwelling proposed together with the associated curtilage the proposal will not result in overdevelopment of the plot.

Regarding the concerns raised regarding drainage and flooding issues, neither Anglian Water nor the Environment Agency have raised any objections to the proposal.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 - Delivering Sustainable Development, PPS3 - Housing and the Policies H6 (i) and (iii) and EN1 (iii) and (vi) of the Saved Policies of the South Kesteven Local Plan. The issues relating to impacts on residential and visual amenity are material considerations

but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

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

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

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

Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development in accordance with Saved Policies EN1 and H6 of the adopted South Kesteven Local Plan.

3. This permission relates solely to the application as amended by drawings received on 21 October 2009.

Reason: The earlier submitted drawings were considered to be unacceptable.

4. Before the extensions and alterations hereby approved are first brought into use the works to the driveway as shown on the approved drawings shall be completed to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.

* * * * *

Applicant	Mr G Chivers 129, Fifth Avenue, Grantham, NG319TH
Agent	Mr Luke Adams, Anglian Home Improvements Conservatory Admin Dept, PO Box 65, Norwich, NR6 6EJ
Proposal	Erection of conservatory to rear
Location	129, Fifth Avenue, Grantham, NG319TH
App Type	Householder Development
Parish(es)	Londonthorpe & Harrowby Without

REPORT

Application Category

This application is categorised as a householder application.

Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional, as the applicant is a member of the Council.

The Proposal

The proposal involves the erection of a conservatory (length 4.75m, width 2.16m) to the rear of a semi detached dwelling.

The application site and its surroundings

The application site is a semi detached dwelling built in the 1970s within a fairly large, low density housing estate. The rear garden slopes fairly steeply upwards towards the rear boundary. Immediately adjacent to the rear of the dwelling there is a level patio with a concrete block retaining wall behind.

Site History

SK.611/88 – Erection of extension and carport, approved 13/05/88

Representations Received

Heritage Lincolnshire Archaeology: The site does not affect any known archaeological sites and therefore no intervention is required.

Representations as a result of publicity

None at the time of writing

Policy Considerations

Saved Policies of the South Kesteven Local Plan

Policy EN1 - (iii)- Protection and Enhancement of the Environment

Policy H6,d – (i) –Improvement and Extension of Existing Dwelling

Key Issues

Visual Impact on host dwelling and surrounding area

Impact on neighbours' residential amenities

Officer Evaluation

The proposal involves the erection of a modest conservatory of typical design to the rear of the dwelling. The side of the conservatory would be adjoined to an existing rear extension. It should be noted that the proposal projects only 1.75m further than what could be built under permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (As Amended)

Visual Impact

It is considered that the proposal is appropriate for its context and would have minimal impact. It is considered that by virtue of the design, scale and materials to be used, the proposal would be in keeping with both the local area and the existing dwelling.

Impact on Neighbours' Amenities

It is considered that by virtue of the modest size and good boundary treatment, there would be no adverse impact on the residential amenities of the occupiers of adjacent properties.

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

It is considered that by virtue of the design, scale and materials to be used, the proposal is in keeping with both the surrounding area and the existing dwelling and there would be no adverse impact on the amenities of the occupiers of adjacent properties.

It is therefore considered that the proposal is in accordance with policies H6 (criterion i) and EN1 (criterion iii) in the Saved Policies of the South Kesteven Local Plan and that there are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

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

Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development in accordance with Saved Policies EN1 and H6 of the adopted South Kesteven Local Plan.

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.

* * * * *