

AGENDA ITEM

Development Control Committee 9 November 2010

PL1 **S09/2864/OUT**

Target Decision Date: 15-Feb-2010

Applicant	Mr Mark Revill Gordon House Farm, 15, Back Lane, Claypole, Newark, NG235AA
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Erection of two dwellings (Departure from the Development Plan)
Location	Gordon House Farm, 15, Back Lane, Claypole, Newark, NG235AA
App Type	Outline Planning Consent
<u>Parish(es)</u>	Claypole

REPORT

This application was deferred from the Development Control Committee on 14 September 2010 for further advertising and consultation as a Departure from the Core Strategy.

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of a local member for the following reasons:

1. Removal of disused old buildings and corn dryer.
2. Remove traffic (farm) from Back Lane.
3. Stop noise from corn dryer from new development.
4. Site visit?

The Proposal

This is an outline application seeking permission for access and layout, with all other matters reserved, for the erection of two dwellings. Within the supporting statement submitted with the application it is suggested that a two storey development with potential for accommodation in the roofspace is appropriate for the site.

The application site and its surroundings

The application site is located to the rear of a pair of detached houses fronting Back Lane and is accessed via a currently gated farm access to the east side of the site. The site currently contains a selection of farm buildings, brick and tile and blockwork and profile clad, of various heights. The site boundaries are identified by a wall topped with panel fencing to the west, close boarded fencing to the east with no clear identifiable boundary to the south.

To the north are two detached houses both with accommodation in the roofspace, to the west the rear garden to Bow House and to the east a row of terraced houses in a relatively new estate. To the south are fields.

Site History

No relevant history.

Representations Received

Archaeological – no affects on any known sites.

Lincolnshire County Council Highways – No objection subject to suitable turning facilities and surface water run off.

Environmental Protection – No contamination land enquires.

Upper Witham Internal 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.

Environment Agency – No objections.

Comments have been received from Planning Policy who have confirmed the following:

The latest village facilities survey was during 2008, as part of the preparation of the Core Strategy, and specifically to inform Policy SP2 to identify which of the settlements in the District should be identified as Local Service Centres. As part of that process questionnaires were issued to all Parish Councils. The one returned from Claypole Parish Council stated that the village contained the following:

Primary School
Village Hall

Food Shop/Local Shop
Church
Public House
Bus Service operating every 3 hours or less frequent
Recreational open space
Allotments
Children's (equipped) play area
Mobile Library
Pre-school playgroup

The questionnaire contained space for information about local businesses. No details were entered. No other information was provided by the Parish Council about the village.

Facilities were "scored" for each settlement and those with 21 or more points were identified as Local Service Centres. Claypole scored 18 (ie 3 points for each of the following:

Primary School, Food Shop, Village Hall, Church, PH and Recreation/open space. The facilities which Claypole lacks are:

Bus Service to nearest urban area (hourly or more often)
Post Office (full time)
Doctors (full time)

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and one reply has been received.

The points raised in this response can be summarised as follows:

1. Development will overlook the frontage of Bow House and the main garden resulting in a major loss of privacy.
2. Unlikely that current or future tree line could provide adequate screening.
3. Back Lane is narrow with no passing places.
4. Increased risk to pedestrians.
5. There have been recurring problems to the sewage system.
6. Does this development have health and safety implications due to the current/previous use?
7. The current barns contain asbestos.
8. Is this development contrary to the development plan?

Following re-consultation on the revised layout four responses have been received, three in support of the application with one response raising the following additional points to those previously made:

1. Serious objection to any plan for more than two storeys.

Following the latest re-consultation one new response has been received supporting the application.

Planning 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

Core Strategy

SP1 – Spatial Strategy

This is a restrictive policy directing development to the existing towns and Local Service Centres. In all other villages and the countryside development will be restricted. Proposals will only be considered acceptable if they are sites for:

A affordable housing (rural exception or allocated sites);

B agricultural, forestry or equine development;

C rural diversification projects;

D local services and facilities;

E replacement buildings (on a like for like basis); or

F conversion of buildings provided that the existing building(s):

- contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;

- are in sound structural condition; and

- are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

In all cases planning permission will only be granted on a less sustainable site were it has been proven that there are no other more sustainable options available or there are other overriding material considerations.

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

This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 4 and 10 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings and visual intrusion.

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.

Highways.

Officer Evaluation

This is an outline application, seeking permission for the layout and access, for the erection of two dwellings with related garages.

The revised layout shows a better relationship with adjacent dwelling but will still result in the creation of large properties on small plots with limited private amenity space out of character with the surrounding development resulting in overdevelopment of the site.

Since last being considered by Committee the Core Strategy has been adopted. Within the Core Strategy Claypole is not identified as one of the Local Service Centres to which development will be directed so the proposal is contrary to Policy SP1,

Finally, this application does not involve the development of previously developed land, as defined within PPS3 Annex C (Definition of Previously Developed Land), with its current agricultural use.

It is noted that County Council Highways have raised no objection 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.

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

1. In the opinion of the local planning authority it is considered that the proposal for the erection of two dwellings will result in the creation of large properties on small plots with limited private amenity space out of character with the surrounding development resulting in overdevelopment of the site.

Furthermore, the site cannot be classed as 'previously developed land' contrary to PPS3.

2. The proposal is therefore contrary to PPS3 (Housing) and Policy SP1 – Spatial Strategy of the South Kesteven Core Strategy.

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Applicant	Executors of Estate of Mr R H Martin, c/o HSBC Trust Company (UK) Probate Services, PO Box 290, Sheffield, S1 2UJ
Agent	Beacon Planning Ltd 8, Quy Court, Colliers Lane, Stow-cum-Quy, Cambridge, CB25 9AU
Proposal	Erection of two single storey dwellings
Location	6, School Lane, Claypole, Newark, NG235BQ
App Type	Full Planning Permission
Parish(es)	Claypole

REPORT

Members may recall that the application was deferred at the Development Control Committee on the 14th September 2010. This was to allow the application to be advertised as a departure from the adopted Core Strategy.

Application Category

This is a Minor Residential Development

Reasons for Referral to Committee

The proposed development is considered contrary to the adopted Core Strategy.

The Proposal

The application is for the erection of two dwellings on the land to the rear of The Paddocks. The site would be divided into three plots, one retained with the existing property The Paddocks, and two for the proposed dwellings.

The existing site access would be retained for use by The Paddocks. A new vehicular and pedestrian access is proposed to the north with a width of approximately 6 metres.

The plot 3 to the rear of the site would be single storey, as would the proposed garaging. Plot 2 adjacent to The Paddocks would have a bedroom in the roof.

The Application Site and its Surroundings

The application site has an overall area of 0.332 hectares and currently forms the garden area of The Paddocks. The existing property sits at the front of the site and is a listed building. It has an overall ridge height of 7.75m.

The area can be characterised as residential, with the exception of the former school site adjacent. The urban grain can be described as detached properties set within large plots.

Representations Received

Local Highway Authority: No objection subject to conditions ensuring no obstructions on the visibility splay and parking and turning is available within the site.

Internal Drainage Board: The suitability of soakaways should be ascertained in accordance with BRE guidance.

Planning Policy:

The latest village facilities survey was during 2008, as part of the preparation of the Core Strategy, and specifically to inform Policy SP2 to identify which of the settlements in the District should be identified as Local Service Centres. As part of that process questionnaires were issued to all Parish Councils. The one returned from Claypole Parish Council stated that the village contained the following:

- Primary School
- Village Hall
- Food Shop/Local Shop
- Church
- Public House
- Bus Service operating every 3 hours or less frequent
- Recreational open space
- Allotments
- Children's (equipped) play area
- Mobile Library
- Pre-school playgroup

The questionnaire contained space for information about local businesses. No details were entered. No other information was provided by the Parish Council about the village.

Facilities were "scored" for each settlement and those with 21 or more points were identified as Local Service Centres. Claypole scored 18 (ie 3 points for each of the following:

Primary School, Food Shop, Village Hall, Church, PH and Recreation/open space. The facilities which Claypole lacks are:

- Bus Service to nearest urban area (hourly or more often)
- Post Office (full time)
- Doctors (full time)

Parish Council: No objection to the above planning application.

Representations received as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. 3 letters of objection have been received.

A summary of their main concerns are listed below:

1. The land on which it is proposed to build has always been private garden. The government has made a recent positive statement that developing private gardens is no longer to be allowed in terms of granting planning permission.
2. Planning permission has been requested to back fill the site with two single storey dwellings.
3. Both properties are shown to have roof lights. It is my experience that these spaces have, after construction been converted to into living accommodation which would impact on mine and my neighbours privacy.
4. The garage/bike facility would have a big impact on the 'old school' which now has planning permission for residential development.
5. The permission implies that these two properties imply that these two properties are required to enable the owner of the site to make good and improve the Grade II listed cottage that has fallen into disrepair. The only reason the cottage has fallen into disrepair is that they have taken many years to decide what to do with the property.

One additional representation has been received as a result of the application being re-advertised as a departure from the development plan. A summary of the main issues raised are listed below:

1. At the previous meeting Councillors applied arguments that had nothing to do with Planning Regulations.
2. The land involved is a paddock upon which houses cannot be built.
3. It is 'Green' land, which is designated as a non-building zone.
4. The village is officially coded as 'unsustainable'
5. It would damage mature trees. For these reasons, planning permission should not be granted.

Supporting Information from the Applicant's Agent

The application has submitted comprehensive documents in support of the application. These include:

Design and Access Statement
Planning Statement
Heritage Statement

Additionally, a letter has been submitted relating to recent changes to policy:

Changes to PPS3

The recent changes to this Guidance Note excludes garden land from being considered as 'brownfield' or previously developed land. This is only seen as being material to the Claypole site if there is seen to be an issue with the loss of the garden land or it conflicts with the Councils housing density policies. The site is not within a Conservation Area. The site has an exceptionally large plot well above average when compared with the surrounding land use pattern. It is argued that the plot can be divided into three as proposed and still maintain good sized gardens for all three units. The subdivision can be carried out without any material harm occurring to the setting of the Listed Building or the locality in general. Similar infill developments have been approved within the village and thus this is seen as following the general pattern of development here. On this basis the issues of use of garden land and the density of the scheme are not seen as the key material issues for the proposals. The changes to PPS3 are not considered to be significant in the consideration of the proposals.

PPS5

The proposals have at no time been tabled as being enabling development. It is not argued that the new build is essential to secure the future of the Listed Building. Nor have the proposals tabled been considered to be contrary to policy to meet the tests on enabling development. In seeking to establish this the pre application discussions with South Kesteven District Council established that the principle of development in the curtilage of the Listed Building could be supported provided any new development was subordinate in form and carefully located and designed to complement the Listed Building.

The circumstances relating to the site ownership meant that enabling development is not appropriate here. The property has been left in a will for the benefit of a number of national charities. Under the provisions of the legislation governing how the charities benefit from the estate, the maximum value for the site has to be sought. Given the sensitivity of the site an initial application was prepared for the repairs and refurbishment of the Listed Building. Having secured a Listed Building Consent for these works, an experienced architectural practice with experience of designing in a historic location were employed to produce a detailed application for the new build units. Whoever purchases the site will therefore have the benefit of the permission for the new units and the Listed Building Consent for the historic building which sets out the required works to stabilise the building and bring it back into habitable use.

Once this application is determined the site can be sold with the benefit of these three respective consents which will secure both the conservation of the Listed Building whilst providing small single storey units within the village providing flexible accommodation for lifetime home requirements. It is therefore argued that the future of the site as a whole has been addressed. The long term future of the Listed Building has been addressed without the new build element being tabled as being enabling development.

The emerging Core Strategy

It is understood that the emerging policy, shortly to be adopted does not identify Claypole as a sustainable location for additional housing development. However this does not change the current situation under the Interim Housing Policy Statement 2005. This has not identified Claypole as a local service centre to allow development to occur here. However, Members have been willing to set aside this policy to allow some small scale housing developments within the village notwithstanding this policy context.

The 2006 South Kesteven Housing Need Study identified a shortfall in owner occupied small (two bed) units. Being two and three bedroom units it is argued the new units will feed into this identified need.

The proposals will be sustainable in terms of the location of the site in terms of the village of Claypole. The site is located centrally within the settlement and well located to the facilities which exist here. It is argued that the proposals are part of the organic development of the village which will maintain the vitality of the existing settlement. The restrictions of the policy are aimed at major development proposals to expand the settlement rather than small scale development of the nature proposed here.

Given that the proposals can be demonstrated not to cause any demonstrable harm the character and appearance of the locality and the housing to be provided caters for an identified local need there is good reason in this instance to allow this development notwithstanding the provisions of the Core Strategy/Housing Strategy.

Additional highway information has also been provided regarding highway matters and visibility splays.

Relevant Site History

S09/0902 – Repairs and alterations to existing building was granted listed building consent on 12/6/2009.

S09/2432 – Planning permission was granted for the conversion of the former school to three residential units on 3/2/2010.

S08/0287 - A single dwelling on land adjacent The Nook, Chapel Lane. Claypole was granted planning permission on 21 May 2008. The summary of the reason for approval are listed below:

“The village of Claypole offers a variety of facilities and in particular, is located within 5 miles of the town of Newark. In those circumstances, the proposal accords with Planning Policy Statement 1 (PPS1)-delivering sustainable development and policies H7 and EN1 of the Saved policies of the South Kesteven Local Plan. Although it would constitute a

departure from the main provisions of the Interim Housing Policy, on this occasion it is considered that any such conflict is not a bar to the development proposed”.

S09/0944 – Outline planning permission was granted for residential development on 25th February 2010. The summary for the reason for approval is listed below:

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 Interim Housing Policy, on this occasion it is considered that any such conflict is not a bar to the development proposed.

Policy Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

This policy is aimed at directing the majority of all new development towards Grantham to support and strengthen its role as a sub-regional centre.

It also looks to direct development to brownfield sites within the built up areas of the identified Local Service Centres. In other villages and the countryside development is to be restricted and only considered acceptable if they are sites for:

- A – affordable housing (rural exception or allocated)
- B – Agriculture, forestry or equine development
- C – Rural diversification projects
- D – Local Services and centres
- E – Replacement buildings (on a like for like basis); or
- F – Conversion of buildings provided that the existing building(s):

contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;
are in sound structural condition; and

are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

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

SP2 – Sustainable Communities

Outside of the main towns, this policy directs development to rural settlements where localised service use is already strong.

H1 – Residential Development

This policy sets out the broad policy framework for the amount and distribution of new homes across the District. This is achieved by setting targets for development in each town, Local Service Centres and the rural areas.

Key Issues

Compliance with Policy

The proposed development would result in the creation of two residential units in a village that is not regarded as a sustainable location by the newly adopted Core Strategy. Policy SP1 clearly identifies which locations residential development should be focused, specifically the three market towns and the local service centres as defined by Policy SP2. Claypole is not a Local Service Centre.

Outside of these settlements, new build market housing is considered to be contrary to the adopted Core Strategy and the thrust of current sustainability guidance. It is accepted that planning permission for residential development in Claypole has been granted contrary to policy in the past. In those instances members of the development control committee have previously attached significant weight to the proximity of Newark to Claypole and the facilities this would provide.

The following paragraph formed part of the Officer report on a recent planning application that was approved for residential development in Claypole:

“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”.

(Planning Ref: S09/0944).

It is considered that the adopted Core Strategy has significant weight in the determination of this application. It is the most up to date policy document and clearly represents the spatial policy framework for the district embracing current government guidance.

The document was the subject of extensive consultation with the local community and other key stakeholders as such it is a vision for the District and sets out how that vision can be achieved through decisions made about different land uses, location and form of development.

Notwithstanding that there have been previous grants of planning permission in Claypole they were prior to the adoption of the Core Strategy. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It is not considered the proximity of Newark to Claypole is sufficient to outweigh the conflict with the Core Strategy.

Additionally, the recent changes to PPS3 have removed garden land from the definition of brownfield land. Whilst it is accepted that, in order to maintain a five year supply of land, there may have to be residential on greenfield sites, these should be in sustainable locations, which Claypole is not considered to be.

Residential Amenity

Whilst the proposed dwelling on plot 2 would have a room in the roof the overall ridge heights of the dwellings are less than 6 metres in height and significantly below that of the existing building located at the front of the site.

The proposed dwellings would be located at sufficient distance from the existing neighbouring properties to ensure that there would not be any significant overlooking and loss of privacy or overshadowing/loss of daylight sunlight that could justify refusal of planning permission on these grounds.

Visual Amenity

The proposed scheme has been designed following extensive consultation with the Councils conservation officer. The proposed dwellings are designed to be subordinate to the existing property as it is a listed building and not have any significant detrimental impact on its setting. Accordingly it is considered that the proposed development would not have any significant detrimental impact on the character and appearance of the street scene or have any detrimental impact on the setting of the adjacent listed building.

Highway Safety

Significant information relating to traffic speeds and achievable visibility splays have been submitted by the applicant in support of the application. The local highway authority has not objected to the proposed development. As such it is considered that the proposed development would not be detrimental to highway safety.

Conclusion

The proposed development would result in a residential development in an unsustainable location. Any future occupiers of the proposed dwellings would be reliant upon the motor vehicle for access to essential facilities to meet daily needs.

Section 106 Heads of Terms

Not applicable in this instance

Crime and Disorder Implications

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

Human Rights Implications

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

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

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

1. The proposed dwellings would be located in a village that does not have access to services and facilities considered to be essential or desirable to meet the daily needs of future occupiers. As such future occupiers would be reliant upon the use of private cars to access these services and facilities resulting in unsustainable travel patterns.

As such the proposed development is considered contrary to Policy SP1, SP2 and H1 of the adopted Core Strategy and the general sustainable objectives as set out in PPS1 Delivering Sustainable Development, PPS3 Housing and PPG13 Transport.

2. The proposed development would result in the construction of two dwellings on garden land which is considered to be a greenfield site as defined by revised PPS3 (June 2010). Whilst it is accepted that in order to maintain a five year supply of housing land there may need to be residential development on green field sites. However, sustainable locations should be considered ahead of unsustainable locations. A grant of planning permission in this instance would undermine the sustainability objectives set out in the adopted Core Strategy policies SP1, SP2 and H1 and would be contrary to revised PPS3 (June 2010).

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Applicant	Mr Trevor Allen, TJ & KG Allen 22, Barnby Lane, Claypole, Newark, NG235BD
Agent	
Proposal	Change of use of agricultural building to house livestock and erection of additional livestock building
Location	Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP
App Type	Full Planning Permission
Parish(es)	Claypole

REPORT**Application Category**

This application is categorised as a minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of a two local members for the following reasons:

Excessive noise and smell nuisance

Visually intrusive to neighbour

Proximity to barn conversion

Retrospective application as one barn already erected and used for livestock.

The Proposal

This is a full application for the change of use of an agricultural building to house livestock and the erection of an additional livestock building.

The application site and its surroundings

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

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

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

Site History

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

In July 2010 a further agricultural determination application was received for a replacement agricultural building. During the consideration of this application it was found that the storage building considered in 2008 above, had been erected in the wrong location and was being used for the housing of livestock.

Representations Received

Claypole Parish Council - This is an application for change of use of agricultural building to house livestock and erection of additional livestock building.

Background : The proposal is described as "Shed 1 with planning for agriculture erected in 2009 10 meters from original site we are applying for change of use to livestock and planning to remain were build. Also we would like to build another shed 2 on the site planned for shed 1 This will be used for cattle"

The original planning application (S10/1233/AG) was passed under agricultural determination and specifically stated that the premises did not include use for cattle. After building, cattle were located in the building. The application also stated that the building would not be within 400 metres from the nearest house excluding the farmhouse. Neither of these two conditions have been complied with.

An additional related aspect is that application S08/0790/21 by the same applicant for conversion of farm building to residential dwelling house and change of use of yard to garden, argued in the submitted consultants report (paragraph 2.7 that " In the yard to the west of the traditional barn, there are two more modern farm buildings ... These two buildings have been used for general storage including wheat, small vehicles and sundry items as well as a few weeks a year for lambing. It is intended to continue to use the buildings for general storage including for a few weeks per year for grain."

This application has generated very significant opposition from the near by residents who purchased redundant farm building from the applicant.

Parish Council comments:

As this is a retrospective planning application, relating to non conformance with an original application is difficult to confine comments solely to the application under discussion i.e. S10/1804/FULL/PC1.

It should also be noted that the applicant is a Parish Councillor. In accordance with standing orders, declared an interest and withdrew from the Parish Council meeting when the application was discussed.

The existing, wrongly sited, barn and the new barn, as proposed, will be within 400 metres of the residential dwellings. This is contrary to planning standards - there must be no development intended for or used by livestock, slurry or sewage sludge housing and within 400m of the curtilage of a dwelling. The curtilage usually means the physical boundary of the land surrounding a dwelling. If the works are within 400m of buildings within an agricultural unit (or a dwelling or other building on another agricultural unit) they are excluded from this restriction. Clearly the residential dwellings are not part of the agricultural unit and the exclusion is in any case principalled to account for isolated farms with the farmer living on the farm i.e. agricultural unit.

The adjacent residents report that there is now "intense" cattle rearing in operation in the barns. It is not clear what the definition of intense is, or if the the farm meets that criteria, but it is recognised that the original agricultural determination clearly stated that no cattle would be located in the barn.

If it is intended to continue cattle farming in these buildings, so close to these dwellings then there will clearly be an impact on the neighbourhood and on the living conditions for neighboring residents.

Claypole is a village in an agricultural area and over time redundant farms and agricultural land on the edges of the village have been re-utilised for residential use. In general the Parish Council fully support such developments and both residents and farmers benefit and successfully co-exist. This application seems to be in non conformance to planning regulations and will likely be a continual source of friction between the residents affected and the applicant. If such cattle farming is to take place it must be in an appropriate place. Close to residential dwellings is not considered appropriate. This is further not appropriate given the farming methods reportedly already adopted on this site. The 400m distance is a key element in the determination.

Archaeological – no affects on any known sites.

Lincolnshire County Council Highways – comments to be reported in late papers.

Environmental Protection – The proposed cattle sheds are located within approx 100m of 2 residential properties located to the East and 350m from another residential property to the north of the site. Environmental Protection have received representations regarding noise, flies and odour from the residents to the East, these are in relation to the shed which is already in use to house cattle, and particularly regarding odour from the cattle and vegetable waste used as feed.

The details provided for the surfacing of the main yard do not show any drainage and state that the surface material will be tarmac chippings. It will be necessary for the surface to be smooth and impervious. Should the application be approved, full drainage details will need to be submitted.

To protect the amenity of nearby residents I would request that should the application be approved, that the following be considered;

The number of beef cattle in the sheds is limited to 190 as per the application details

That no malodour associated with the cattle sheds/feed be apparent beyond the site boundary.

That the applicant plans and implements a pest control programme in respect of rats and flies on the site.

Hours of delivery to the site should be restricted. I would suggest 07:30 to 18:00 Monday to Friday may be appropriate.

Environment Agency – No objections subject to the provision of a suitable method to dispose of surface water.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. At the time of preparing this report one letter together with numerous e-mails have been received and the points raised can be summarised as follows:

1. There will be a significant increase in traffic on Barnby Lane.
2. Smells from the livestock and open storage of food.
3. Insufficient infrastructure to cope with the increased traffic.
4. Noise from increased vehicle movements.

Planning Considerations

National Policy

PPS 7 – Sustainable Development in Rural Areas.

Core Strategy

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

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

Key Issues

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

Impact on site and surroundings.

Highways.

Officer Evaluation

The proposal is to retain the existing building, (12m x 32m) and construct a new building (12m x 36.5m with a food storage area to the western end). The existing and proposed agricultural buildings due to their design, materials and siting will have no detrimental affect upon the site or surroundings being typical, modern farm buildings and relating well to the existing farm structures located to the east of the application site.

The issues regarding noise, smells and traffic are noted, however no objections in principle to the proposal have been received from County Council Highways and Environmental Protection subject to the conditions as recommended.

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.

Conclusion

The development is considered acceptable subject to conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The existing and proposed agricultural buildings are considered to be in keeping with the existing area and not to have any adverse impact on the character and appearance of the surroundings due to their location and relationship with adjacent buildings. Their use for livestock will have no significant adverse affect upon the residential amenities of nearby dwellings having regard to the control measures proposed. The proposal is therefore in accordance with Policy EN1 of the South Kesteven Core Strategy.

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

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

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

2. No more than 190 beef cattle shall be kept in the sheds at any time.

Reason: To ensure the satisfactory development of the site.

3. Deliveries to the site shall only take place between the hours of 07:30 to 18:00 Monday to Friday and at no other times.

Reason: To ensure the satisfactory development of the site.

4. The development hereby approved shall be implemented in accordance with the details relating to odour neutralisation, drainage/storage and disposal of slurry and waste products, fly and rodent management contained within the supporting information dated 4 October 2010 which was submitted with and formed part of the application.

Reason: To ensure the satisfactory development of the site.

5. The development hereby permitted shall not be commenced until a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent the increased risk of pollution of the water environment by ensuring the provision of a satisfactory means of surface water disposal.

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	Mr L Button 99, Harrowby Lane, Grantham, Lincolnshire, NG31 9LN
Agent	Robin James, R J Design 131, Diamond Avenue, Kirkby-in-Ashfield, Nottingham, NG17 7LZ
Proposal	Erection of conservatory
Location	99, Harrowby Lane, Grantham, Lincolnshire, NG31 9LN
App Type	Householder Development
Parish(es)	Grantham

REPORT

Application Category

This is a Householder Application.

Reason for Referral to Committee

The application is being referred to the Development Control Committee because the applicant is a member of staff.

The Proposal

The application is for a conservatory to the rear of the existing semi-detached dwelling. The conservatory will have a width of approximately 3.4m and would project approximately 4.5m beyond the existing rear elevation. The height of the lean-to extension would be 2.1m rising to 3.3m where it will be attached to the existing rear elevation.

The conservatory would have a pitched roof with double glazed patio doors opening onto the rear facing elevation. The brickwork would match the existing dwelling with white UPVC fully glazed framework. It would have a solid side elevation facing No.97 Harrowby Lane Road.

The extension will provide additional living space off the existing dining room .

The Application Site and its Surroundings

The application site is on Harrowby Lane.

The existing property is a two storey brick built semi-detached dwelling.

The immediate area is predominantly residential with neighbouring properties consisting of a two storey property to the east and the other half of the semi to the west.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments was the 1 October 2010.

No letters of objection have been received.

Relevant Site History

None.

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development

Planning Policy Statement 3 (PPS 3): Housing.

Local Development Framework - Core Strategy

EN1 - Protection and Enhancement of the Character of the District

All development proposals and site allocations will be assessed in relation to (in this case):-

- the layout and scale of buildings and designed spaces
- the quality and character of the built fabric and their settings

Key Issues

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

Crime and Disorder Implications

The proposal raises no 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.

Conclusion

The conservatory would be sited approximately 400 mm off the common side boundary with No. 97 Harrowby Lane. Having regard to the existing boundary treatments, a fence providing substantial screening, and the fact that No. 97 already has a similar conservatory, it is considered that the size, scale and location of the conservatory and the relationship with the neighbouring property, would not have a detrimental or overbearing impact on the occupants of that adjacent property.

There are 2 windows which face No. 101 Harrowby Lane, however these windows would look directly onto the solid side wall of the neighbouring property this would ensure that there would be no significant overlooking or loss of privacy.

It is concluded that the development is acceptable and the application is recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed conservatory to the rear is considered to be inkeeping in terms of design with the host property and does not have a detrimental impact on the appearance of the host property or surrounding area. The proposal is not considered to impact on the residential amenity of occupiers of neighbouring properties due to its height and design. Therefore the proposal accords with Policies EN1 of the saved South Kesteven Core Strategy.

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

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

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

2. The development 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
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 & Mrs I Campbell Heathcote Farm, Main Street, Ingoldsby, Grantham, Lincolnshire, NG33 4ER
Agent	Mr A J Mears 22, Gloucester Road, Grantham, Lincs, NG31 8RJ
Proposal	Erection of garage, store and garden room and porch to dwelling
Location	Heathcote Farm, Main Street, Ingoldsby, Grantham, NG33 4ER
App Type	Householder Development
Parish(es)	Ingoldsby

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Acting Lead Professional.

The Proposal

This is a full application for the erection of a detached garage, store and garden room and a porch to the front of the dwelling.

The application site and its surroundings

The application site is located on the east side of Main Street at the western end of the village of Ingoldsby. Within the site there is a detached stone walled house, with to the north side at the rear a single storey range of outbuildings, there is an existing vehicular access into the site at its north side boundary.

To the north of the application site there is a detached 'L' shaped property, a former barn conversion that previously belonged to the application dwelling. This adjacent property has a wooden shed adjacent to the common side boundary, identified by a metal railed fence and planting, and the area between the boundary and the dwelling used as a vehicle parking area.

Representations Received

Ingoldsby Parish Council:

No problem is found with the addition of a porch to the above dwelling.

However,

It is felt that the 'footprint' of the proposed structure represents an overdevelopment of the site in regard to its position on the plot.

The height of the proposed structure is an issue with a regard to surrounding properties.

The external finish of the proposed structure...wood...is out of keeping with the stone and brick properties surrounding it.

The proximity of the proposed structure will have an adverse impact on the existing properties.

It was felt that there was insufficient information in the plans regarding footings, materials, insulation etc, for a building of this size.

Concern has been expressed regarding drains and sewerage...it appears that foul water drainage is heading towards a neighbouring garden/property.

It is felt that the size of the proposed structure would lend itself to a possible future change of use.

Ingoldsby Parish Council would like this application to be considered by the full planning committee.

Lincolnshire County Council Highways – no observations.

Archaeological – no affects on any known sites.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and three responses have been received. The points raised in these responses can be summarised as follows:

1. Dominant and oppressive environment having an overpowering presence on adjoining properties to the north and east.
2. Design out of keeping with the character of the area with the choice of finishing materials.
3. Visually intrusive due to the size and location of the proposed building.
4. Damage to mature trees.

5. A building closer to the Ancaster style would be more in keeping.
6. Concern regarding the possible future use of the building.

Planning Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1).

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy.

Policy EN1 – Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 4, 5 and 10 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings, the quality and character of the built fabric and visual intrusion.

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

Due to the location of the proposed garage to the rear of the site and its relationship with the main dwelling, the proposal will have no detrimental affect upon the dwelling itself. Furthermore, due to the relationship between the proposed garage and the property to the north and the location of windows on this dwelling, there will be no loss of light or privacy to this property. Being located at the rear of the site, the garage will have little impact on the street scene having minimal visual intrusion. Having regard to the size of the plot the proposed works do not result in overdevelopment of the site. As an outbuilding the use of painted timber walls is acceptable having no detrimental affect upon the overall appearance of the site within the street scene or on adjacent sites.

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.

Conclusion

The development is considered acceptable

SUMMARY OF REASON(S) FOR APPROVAL

The proposals are in accordance with National Policy PPS1 and Policies SP1 and EN1 of the South Kesteven Core Strategy. The issues regarding impact upon the site, the street scene and amenities of neighbouring occupiers were considered as follows:-

The garage is in scale with the existing house and due to its location to the rear of the site will have little adverse impact on the dwelling itself, not resulting in overdevelopment and having little impact on the street scene. Due to the relationship with adjacent dwellings the proposal will have minimal affect upon the residential amenities of the occupiers of these properties regarding loss of light or privacy.

Therefore the proposal is acceptable.

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. This permission relates solely to the application as amended by drawings received on 5 October 2010.

Reason: The earlier submitted drawings were unacceptable because they showed insufficient details.

* * * * *

Applicant	Mr Clive Tyler, Whites Recycling Ltd The Pig Farm, Honeypot Lane, Colsterworth, NG33 5LZ
Agent	
Proposal	Use existing slurry lagoon as waste transfer station (Your ref PL/0194/10)
Location	The Pig Farm, Honeypot Lane, Colsterworth, NG33 5LZ
App Type	County Matter
Parish(es)	Colsterworth

REPORT

Application Category

This application is a county matter.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Vice Chairman.

The Proposal

Application is for the change of use of an existing slurry lagoon as a waste transfer station to bulk organic wastes derived from food and beverage production.

The application site and its surroundings

The lagoon is located to the north of a collection of farm buildings on the north side of Honey Pot Lane, to the east of the A1. To the west, north and east are fields, the nearest domestic properties are located approximately 400 metres to the north west.

Relevant Site History

The lagoon was originally constructed in 1994 for the reception and storage of pig slurry from the adjacent farm.

Representations Received

Colsterworth and District Parish Council - This parish council has concerns with the above planning application and is against granting planning permission on the following grounds.

1) Odour. Waste derived from food and beverage production is particularly foul smelling and we are not convinced that this facility is designed to cope with this. The prevailing winds are south westerly which would carry the odours to neighbouring villages of Swayfield, Castle Bytham and Corby Glen. However during the winter months easterly winds would carry the odours across South Witham , Colsterworth, Woolsthorpe and the National Trust site of Woolsthorpe Manor.

2) Environment. In 2008 an incident regarding slurry leakage originating from The Pig Farm, Honey Pot Lane polluted the River Witham. The Environment Agency prosecuted Woodlark Farming Ltd who operates the Pig Farm. This is an extract from the Environment Agency report in 2009:

More than six kilometers of the River Witham was polluted with pig effluent killing about 450 brown trout and several protected native white-clawed crayfish when slurry backed up in a drainage system and overflowed from a damaged manhole. The pig slurry came from a farm in Honey Pot Lane , Colsterworth, Lincolnshire run by Woodlark Farming Ltd which was sentenced today following a Newton Hearing. The company pleaded guilty at an earlier hearing in February to causing the pollution and was fined £6,400 with £10,039 costs.

Are the proposed changes to the slurry lagoon up to the task and able to retain the quantities of waste envisaged? What precautions have been put in place to ensure incidents like this do not occur? Leakage into the surrounding water courses would be catastrophic as demonstrated in 2008.

3) Future Development. Residential and commercial development at Colsterworth on the east and west side of the A1 is shown on the SKDC Site Allocations and Policies Development Plan (DPD). Development will be close to the Pig Farm and directly affected by the Slurry Lagoon.

We have made neighbouring parish councils aware of this application and no doubt they will contact you directly if they have any issues.

Further comments already forwarded to Lincolnshire County Council:

(1) The precise nature, origin, quantities and timing of any waste needs to be specified. When stored in lagoons some organic waste can produce offensive and potentially toxic materials (e.g. organic sulphides, amines, ammonia, hydrogen sulphide).

(2) A floating butyl membrane will not guarantee to contain any such substances produced.

(3) A south-easterly wind (conveniently not mentioned in the application) would convey any gases directly to Colsterworth.

(4) Leakage sensors under the lagoon lining may detect, but would not prevent any leakage and retention measures would have to be massive to prevent contamination of a watercourse.

(5) Precisely which routes would waste tankers take and what provision is there for cleaning tankers coming off site?

Representations as a result of publicity

None received at the time of drafting this report. Any comments received will be listed in the late items paper or reported verbally on the day of committee.

Planning Considerations

National Policy

PPS 7 – Sustainable Development in Rural Areas.

Key Issues

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

Impact on the character and appearance of the surrounding area / Visual amenity of the street scene,

Officer Evaluation

For the majority of the year the organic waste is landspread to appropriately registered field sites close to the point of production. At certain times during winter it is not possible due to ground/soil conditions so to maintain their service to clients the applicants propose to use the redundant slurry lagoon to store the waste and then landspread when conditions allow. The process will be carried out under the Environmental Permitting Regulations issued by the Environment Agency.

Having regard to the previous use of the lagoon and that it is not a year round use, there is no objection in principle to the proposed change.

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.

Conclusion

The development is considered acceptable.

RECOMMENDATION: That the County Council be advised that this Council has no objection in principle to the proposal and in determining the application the views of the Parish Council be taken into consideration.

* * * * *

Applicant	Mr J Bosworth Bracken House, Casthorpe Road, Barrowby, Grantham, Lincolnshire, NG32 1DP
Agent	Riverside Design 88, Belton Grove, Grantham, NG31 9HH
Proposal	Conversion of first floor playroom over garage to flat
Location	Bracken House, Casthorpe Road, Barrowby, Grantham, Lincolnshire, NG32 1DP
App Type	Full Planning Permission
Parish(es)	Barrowby

REPORT

Application Category

This application is categorised as a minor application for planning permission.

Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional as the applicant's wife is an SKDC employee and his mother is an elected member of SKDC.

The Proposal

The proposal involves the conversion of a first floor games room above a triple garage to an independent one bedroom flat. The existing open external staircase would be enclosed and a small area of amenity space would be provided. Access would be via the shared driveway and turning space at Bracken House and a dedicated parking space would be provided.

The application site and its surroundings

The site consists of a large detached dwelling with detached triple garage set at right angles to the main house. The dwelling is set within a substantial plot and is entirely surrounded by large dwellings on similar sized plots. The site is within Barrowby Conservation Area.

Site History

The existing dwelling and garage was approved in 2000 (S00/0588).

Representations Received

Community Archaeologist: Advises that the proposed development does not affect any known archaeological sites.

The Highways Authority: does not object but requests a condition requiring the access, parking and turning space be available for that use thereafter.

Conservation Officer: The development will not affect the character of the conservation area.

Barrowby Parish Council: No objection.

SK Environmental Protection: Concerns about the limited living space, fire protection and possible noise from the garage below.

Representations as a result of publicity

None.

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1) – Sustainable Development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 5 (PPS5) – Historic Environment

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy

Policy SP2 – Sustainable Communities

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

Policy H1 – Residential Development

Officer Evaluation

Key Issues

The key issues to be considered in this case are sustainability i.e. the location and suitability of the site, impact on the form and character of the surrounding area and the impact on future occupiers and occupiers of Bracken House.

Sustainability

The application involves the conversion of an existing building location within a village defined in the SK Core Strategy as a Local Service Centre. Therefore the location of the proposal is broadly in accordance with the sustainability aims of national, regional and local policy.

Impact on – form and character of surrounding area

Notwithstanding the above, the proposal would introduce a cramped form of residential development which would be inappropriate to its context of low density large detached dwellings set within spacious plots. Whilst conversion to an annexe may be acceptable, an independent flat with a very limited curtilage and shared access, parking and turning space would have an awkward relationship with the adjacent dwelling in particular due to its close proximity to The Brackens. A different view may be taken for residential conversions of historic buildings which contribute to the character of the area where this would be an appropriate way to ensure their future preservation. In this case, this is not a consideration as the building proposed to be converted is a modern garage block of no historic value.

Visual Impact

It is considered that the physical changes to the building, including enclosure of the staircase would be relatively minor and would not be detrimental to the character and appearance of the conservation area.

Neighbours' Amenities

Although the windows in each property would not directly face each other, by virtue of the close proximity it is considered that there would be a sense of overlooking and loss of privacy for occupiers of both properties. Furthermore, vehicular movements including movements into and out of the garage are also likely to have an adverse impact through noise and disturbance. Taking the above into account, it is considered that the proposed development would lead to a reduction of current levels of privacy and tranquility that can reasonably be expected in a low density village context, detrimental to the residential amenities of the occupiers of both the proposed flat and adjacent properties, in particular Bracken House.

Highways/Traffic

The highways authority does not object subject to conditions and although there would be an increase in noise and disturbance, it is not considered that the proposal would be detrimental to highway safety.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

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

1. It is considered that the proposal would introduce a cramped form of residential development which would be inappropriate to its context of low density large detached dwellings set within spacious plots. An independent flat with a very limited curtilage and shared access, parking and turning space would have an awkward relationship with the adjacent dwellings, in particular due to its close proximity to The Brackens. Taking the above into account it is considered that the proposal would not be in keeping with the form and character of the conservation area contrary to national planning policy given in PPS1 (Sustainable Development), PPS3 (Housing), PPS5 (Historic Environment) and policies SP1, SP2 and EN1 of The South Kesteven Core Strategy.
2. It is considered that the proposed development would lead to a reduction of current levels of privacy and tranquillity that can reasonably be expected in a low density village context, detrimental to the residential amenities of the occupiers of both the proposed flat and adjacent properties, in particular Bracken House, contrary to national policy given in PPS1 (Sustainable Development) and policy EN1 of The South Kesteven Core Strategy.

* * * * *

Applicant	Helen Broadhurst, David Wilson Homes North Midlands Limited Wilson House, 2, Orchard Place, Nottingham Business Park, Nottingham, Notts, NG8 6PX
Agent	
Proposal	Application for approval of reserved matters for residential development comprising 118 no with associated infrastructure open space and landscaping (Zone 4 Area 2)
Location	Land Between West Road And, South Road, Bourne
App Type	Major RM (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is for major development and the Council's Acting Lead Professional has requested that the application be referred to the Development Control Committee.

The Proposal

This is a reserved matters application for the erection of 118 dwellings on zone 4 area 2 of the Elsea Park development. The application has been amended to make minor changes for the estate road and individual garden areas. This report relates to the amended scheme.

The development proposes a mixture of 2 storey and 2.5 storey dwellings in line with the existing character of Elsea Park.

The proposed dwellings predominantly front onto a proposed estate road which will run through this phase of the development. The proposed dwellings along the southern edge of the site will back onto the earth mound which forms the boundary to Bourne's Southern Relief Road.

A 400sq m LEAP (Local Equipped Area for Play) is to be provided towards the western edge of this phase.

The application site and its surroundings

The application site is located towards the southern boundary of the Elsea Park Development. The site occupies a total area of approximately 3.6 hectares (8.9 acres) and is currently undeveloped agricultural land.

Access to the development is via The Gables which joins the Raymond Mays Way Bourne Southern Relief Road. To the north of the site lies open agricultural land which is allocated for further residential development and Wherry's Spinney. To the east of the site lies residential development (The Riddings and Zone 4 area 1 of the Elsea park development). To the west of the site lies further agricultural land.

Site History

SK.94/0124 - In June 2001 outline planning permission was granted for residential development of the site (now known as Elsea Park).

Representations Received

Bourne Town Council: No objections

Lincolnshire County Council (Highways) – No objections subject to conditions.

Lincolnshire Wildlife Trust:

We can not find any details relating to the outline planning application and so do not know whether ecological surveys have been carried out on the site. If not, we would strongly recommend that walk over surveys are carried out by an ecologist at the appropriate time of year to determine the presence, or potential presence, of protected species or habitats.

Through PPS9 we would expect a development such as this to contribute to a net gain in biodiversity on the site. We have not seen a landscaping plan, however, we would strongly recommend the use primarily of native species, preferably of local provenance. Other means of increasing biodiversity on the site should also be considered. For example, use of native wildflower seed mixes on verges rather than turf. The incorporation of features for bats and birds within the development should also be considered within a development of this size. Roosting spaces for bats and nesting sites for birds such as swifts can easily be built into the design of buildings or alternatively boxes can be fitted externally.

Partnership and Project Officer (affordable housing): "I note from the submitted documentation that this particular phase of development (Zone 4 area 2) on Elsea Park has been sold to Taylor Wimpy without the need to develop affordable housing. The S.106 requires 0.61 hectares (1.5 acres) of affordable housing land to be provided on Zone 4, but there is no restriction to the provision of affordable housing on individual areas within the Zone. Therefore, as per the application there is no affordable housing requirement on the application area.

An area of land has already been identified for affordable housing on Zone 4, however, I have been given no indication of when this area of land is likely to be handed over to one of the Council's preferred affordable housing development partners. I would therefore suggest that the 'trigger points' with regards to the affordable housing provision are monitored."

Natural England: No objections subject to details of an ecological assessment been submitted in accordance with the condition on the outline consent prior to any development commencing on site.

Leisure Officer: No objections but advise that a NEAP will be required on the remaining part of Zone 4.

Community Archaeologist (Heritage Lincolnshire): No objections

Environment Agency: No objections

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. No letters have been received at the time of writing this report.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPS5 – Planning Historic Environment

PPG13 – Transport

PPG17 - Planning for Open Space, Sport and Recreation

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Saved Policies of South Kesteven Local Plan

Policy H3: Housing (15)

Officer Evaluation

Scale / Layout

As stated above this is a reserved matters application for the erection of 118 dwellings and associated open space. The application site is allocated in the Saved policies of the adopted local plan for residential development under policy H3. The principle of residential development of the site is therefore considered acceptable. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

The development comprises a mix of two and two and a half storey detached, semi-detached and terraced properties. The proposed design and layout is similar to the designs used in zones 1, 2 and 3 of the Elsea Park development and is considered to be appropriate.

Overlooking / loss of privacy

It is considered that given the proposed site layout and orientation of the proposed dwellings and the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties.

Loss of light / overshadowing

The proposed site layout and separation distances between existing and proposed dwellings will ensure that the development will not have any significant or detrimental impact on the residential amenity of adjacent properties by way of causing loss of light or overshadowing.

Traffic Generation / Parking

The local highway authority has been committed and raised no objections to the proposed development. It is therefore considered that the proposed access and parking arrangements are acceptable and will not be detrimental to highway safety.

Ecology

Lincolnshire Wildlife Trust has raised some concerns about the proposed development. Conditions 11 & 12 of the outline consent require an 'ecological management plan' to be submitted in relation to each individual phase of the Elsea Park development. It is considered that these conditions will ensure that suitable mitigation measures are put in place. Details of these conditions have been passed on to Natural England for future reference.

Open Space Provision

The Open Space Officer has advised that the proposed open space provision will be acceptable and complies with the requirements of the S106 Agreement relating to the substantive outline consent.

Crime and Disorder Implications

The proposed development will not result in any significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The proposed development accords with all relevant national and local development plan policies and is accordingly recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

The application site is allocated for residential development and the proposed development is considered to reflect the scale and character of the surrounding development. The proposed development in accordance with national and local policies as set out in Planning Policy Statements PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment, PPS9 - Biodiversity and Geological Conservation, PPG13 - Transport and PPG17 - Planning for Open Space, Sport and Recreation, Policies 1, 2, 26 and 48 of the East Midlands Regional Plan 2009; Policies SP1, SP3, EN1 and EN2 of the South Kesteven Core Strategy and Policy H3 in the Saved Policies of the South Kesteven Local Plan. In relation to issues relating to design, scale, density, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and is therefore considered to comply with the requirements of the above policies.

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

1. This permission relates solely to the application as amended by:

Drawing No. 10-026/02 Rev C received 25 October 2010.
Drawing No. 10-026/24 Rev A received 25 October 2010.
Drawing No. 10-026/11-02 Rev A received 29 July 2010.
Drawing No. 10-026/13-05 received 29 July 2010.
Drawing No. 10-026/09 received 14 July 2010.
Drawing No. 10-026/23 Rev A received 29 July 2010.
Drawing No. 10-026/20-01 Rev B received 29 July 2010.
Drawing No. 10-026/13-04 received 29 July 2010.
Drawing No. 10-026/13-03 Rev A received 29 July 2010.
Drawing No. 10-026/13-02 Rev A received 29 July 2010.
Drawing No. 10-026/13-01 Rev A received 29 July 2010.
Drawing No. 10-026/12-02 received 29 July 2010.
Drawing No. 10-026/12-01 received 29 July 2010.
Drawing No. 10-026/11-03 received 29 July 2010.
Drawing No. 10-026/07-01 Rev A received 29 July 2010.
Drawing No. 10-026/07-03 received 29 July 2010.
Drawing No. 10-026/10-02 received 29 July 2010.
Drawing No. 10-026/10-01 received 29 July 2010.
Drawing No. 10-026/11-01 Rev A received 29 July 2010.
Drawing No. 10-026/06-03 received 29 July 2010.
Drawing No. 10-026/06-02 Rev A received 29 July 2010.
Drawing No. 10-026/06-01 Rev A received 29 July 2010.

2. Notwithstanding the submitted plans, 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. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.] 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; implementation programme]

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and the submitted details need to be amended to reflect the amendments made to the overall site layout.

3. Before each dwelling 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 Highway 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.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

4. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site.

5. Prior to the development taking place, details of the lighting scheme for the car parking and other public areas shall be submitted to and agreed in writing by the local planning authority. The development shall only take place in accordance with the approved details.

Reason: To protect the residential amenities of the occupiers of the proposed apartments and in order to help to protect against crime and disorder.

6. The development shall be built in accordance with the materials detailed on the submitted application plan 10-026 / 24 Rev A 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 10-026/02 Rev C dated 25 October 2010, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

2. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

3. 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.

4. The applicant is reminded of the need to comply with the requirements of the substantive outline consent (SK.94/0125) and its accompanying S106 agreement.

* * * * *

Applicant	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Agent	
Proposal	Demolition of existing dwelling and erection of two 2 1/2 storey dwellings
Location	6, Fox Dale, Stamford, Lincolnshire, PE9 2UZ
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

Application Type

The application falls within the category 'Minor Development'.

Reason for Referral to Committee

Councillor M Jalili has requested that this application be referred to Committee for the following reasons:

The local interest generated by a previous application
 Given the effect this would have on surrounding properties
 Possible overbearing nature of proposal

The application site and its surroundings

The application site fronts the south side of Casterton Road (B1081) and has an overall area of 0.08 ha.

Fox Dale is a cul-de-sac comprising residential properties, the majority of which were erected in the 1960's. They are built in what was once a quarry, hence they are at a significantly lower level than the surroundings. The 1960's houses on the northern side of Fox Dale, fronting onto Casterton Road, are split-level, in order to take advantage of the abrupt change in level. Whilst they have pedestrian access from Casterton road, their vehicular access is at the rear, off Fox Dale. The houses on the southern side are conventional linked detached houses.

Adjoining the site on its western side is one of the split-level houses, no. 8 Fox Dale, within whose grounds is a group of Pine trees protected by a Preservation Order. On the eastern side is another property with a pair of late C19 semi-detached villas beyond.

Directly opposite the site on the south side of Fox Dale is a row of 10 garages that apparently belong to residents of Fox Dale, although some appear to be being used for storage purposes by small businesses.

On the north side of Casterton Road are a mixture of detached and semi-detached, largely inter-war houses.

The detached house currently occupying the application site dates from the 1980's and is also set at a lower level than Casterton Road, with only the upper part readily visible to view from Casterton Road. It therefore does not have a significant presence in the street scene. The dwelling has a garage at the rear, with access off Fox Dale. In the grass verge on the Casterton Road frontage there are a couple of mature trees.

The immediate area comprises an eclectic mix of house types dating from different periods.

The Proposal

Full planning permission is sought for the demolition of one detached house (6 Fox Dale) and its replacement with two, two and a half storey detached dwellings.

The proposed houses would be set back from the Casterton Road frontage with the eastern dwelling set back 7.5m, in line with the adjacent houses to the east, the and the dwelling on the western side of the site set back 8.5m. The split-level house to the west is set back 8m.

The westernmost house would be positioned 1.6m from the boundary with no. 8, which has a flat roofed garage and carport on the side adjoining the application site. The easternmost house would be positioned 1m from the boundary on its side.

The proposed 4 bedroom houses would have accommodation on three floors with the top floor in the roofspace. Light to the accommodation in the roof would be provided by a dormer window to the front roofslope and windows in the rear elevation.

Because of the difference in levels, the houses would appear two-storey from Casterton Road and three-storey from Fox Dale.

Materials are indicatively identified to be brick with decorative banding, similar to that of the existing dwellings nos. 69 and 71. The roof covering would be slate.

Access to the proposed houses would be as for the existing dwelling, off Fox Dale. As at present, there would only be pedestrian access off Casterton Road.

Site History

As stated above, the application site and Fox Dale as a whole was formerly a quarry.

The application site was until the mid-1980's when the two dwellings currently occupying the site were erected, domestic garden land.

The only application relevant to the determination of this current proposal is S08/1206 for the demolition of No's 4 & 6 Fox Dale and the erection of 7 dwelling. The application was refused in December 2008 for the following reason:

"It is considered that the development would, by reason of the height and mass of the proposed dwellings in relation to existing dwellings to either side of no 71 Casterton Road and 8 Foxdale, have an excessively overbearing impact on those properties, to the detriment of the amenities of the occupiers and would also constitute over development of the site and be of a design that does not reflect the general character of the area. The proposal would, therefore, be contrary to Central Government Planning Policy Guidance contained in PPS1 and Policies H6 and EN1 (iii) in the Saved Policies of the South Kesteven Local Plan."

Representations received

Local Highway Authority: No objections subject to conditions.

Arboricultural Officer: No objections

Stamford Town Council: Strong objection to the application as the proposed design is out of keeping with the character of the street scene particularly to numbers 4 & 8 adjacent to the proposed development plot. It was also considered that the proposal is overdevelopment of the site.

Heritage Lincolnshire: No objections

Representations received as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement, the closing date for representations being 5 December 2008. At the time of writing a total of 11 representations have been received raising the following issues:

1. Concern about the height and mass of the proposed dwellings.
2. Impact on existing T.P.O trees.
3. Concerns about increase in traffic and impact on access to existing garages.
4. That approval will set a precedent .
5. Concerns about accuracy of the Design and Access Statement.
6. Loss of light.
7. Overlooking / loss of privacy.
8. Concerns about amount of parking.
9. Concerns about the accuracy of the plans and landownership.
10. Cut of scale and character with surrounding development.
11. Contrary to PPS3 as this is now classified as 'greenfield land'.
12. Loss of perfectly serviceable dwelling.
13. Overbearing impact.

14. Proposal should be considered on its own merits and not compared to the previously refused scheme.
15. Detail of bin storage.
16. Poor access for service and emergency vehicles.
17. Concerns about increase in roof of proposed dwellings.
18. Concerns about excavations and impact on adjacent dwellings.
19. Loss of property value.

Policy Considerations

Central Government Policy Guidance

PPS1 – Delivering Sustainable Development

PPS 3 - Housing

PPG 13 – Transport

Safer Places – The Planning System and Crime Prevention

South Kesteven Core Strategy

Policy SP1 : Spatial Strategy

Policy SP3 : Sustainable Integrated Transport

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

Policy EN4 Sustainable Construction and Design

Key Issues

Officer Evaluation

The proposed development would inevitably have a greater impact on the streetscene than the existing dwelling which, due to the abrupt difference in levels, are largely unseen from Casterton Road.

However, it is considered the impact of the proposed houses would not be negative and the design is appropriate for the context. As mentioned above, the area is one of an eclectic mix of house types, although modern non-descript inter-war and late 20C semis and detached houses predominate.

The existing houses immediately adjoining the site will be affected by the proposed development, and there will be some increased overshadowing and a degree of overlooking of rear gardens but it is considered that this would be a relatively minor increase and not sufficient to warrant a refusal of this application.

A Tree Survey has been submitted and the Council's Consultant Arboriculturalist has confirmed that the development would not have a detrimental impact on the T.P.O trees in the front garden of 8 Fox Dale.

Elevations showing the proposed houses in relation to those on either side have been provided in order to show the difference in height between the proposed dwellings and the adjacent properties. The plans show that the proposed dwellings would have a similar ridge height to No. 71 Casterton Road and would be approximately 1.8m higher than the immediately adjacent dwellings. It is therefore considered that the development would not appear out scale and character or have a detrimental overbearing impact.

The local highway authority has been consulted and raised no objections to the proposed access arrangements. It is therefore considered that the development would not be detrimental to highway safety.

Concerns raised about excavation works and foundations would be control under the Building Regulations Legislation. Issues relating to loss of property value are not material planning considerations and cannot be used as a reason for refusal.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is in accordance with national and local policies as set out in Planning Policy PPS1 - Delivering Sustainable Development, PPS 3 - Housing, PPG 13 - Transport and policies SP1, SP3, EN1 and EN4 of the South Kesteven Core Strategy. Although concerns have been raised in relation to the design, scale, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and is therefore considered to comply with the requirements of the above policies.

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. 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, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. 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 and in accordance with the guidance contained in national Planning Policy Statement PPS1.

4. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

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

5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 2010-02 03 dated 11 October 2010, and retained for that use thereafter.
6. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
7. 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. A site specific Method Statement and Tree Protection Plan showing details how the trees on neighbouring public (highway) and Private land will be protected shall be provided in accordance with the guidelines in Section 7 of BS5837 (2005) and submitted to and approved in writing by the Local Planning Authority. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

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

9. This permission relates solely to the application as amended by 2010-02 03 received on 11 October 2010

Reason: The earlier submitted drawings were unacceptable because they showed land that was outside the control of the applicant.

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. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

* * * * *

Applicant	Persimmon Homes Persimmon House, Peterborough Business Park, 19, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Agent	Tim Slater, 3D Planning Limited 27, Svesnskaby, Peterborough, PE2 6YZ
Proposal	Reserved matters application for residential development incorporating access and landscaping
Location	Former Raymond Mays Garage, Spalding Road, Bourne, Lincs
App Type	Major RM (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it a reserved matters application relating to a major development, which has previously been debated by the Committee.

The Proposal

This is a reserved matters application for the erection of 25 dwellings on the Raymond Mays Garage site, Bourne. This application in conjunction with application S10/1645 on the adjoining Rainbow Store site, Manning Road seeks permission for the erection of a development with a combined total of 108 dwellings and associated works and landscaping.

A further application will need to be submitted in relation to plots 23 and 49 as these straddle the application site boundaries and cannot therefore be fully approved by either this application or application S10/1645.

The Application Site and its Surroundings

The application site is located on the A151 Spalding Road, approximately 500m to the east of Bourne Town Centre. The site occupies a total area of approximately 0.47 hectares (1.16 acres) and is currently occupied by a vacant garage that has facilities for car sales, servicing and petrol sales. These facilities are contained in two main buildings one situated along the western site boundary and one located centrally within the site. The site also has two existing access point on to Spalding Road one at each end of the frontage.

To the north of the site there is an area of scrub land beyond which lies the Rainbow Co-op store. To the east of the site is the recently constructed Delaines Close Development. The residential properties along Wendover Mews back on to the western boundary of the site. Delaines Bus depot is located on the opposite side of Spalding Road directly adjacent to the site.

Relevant Site History

The development site consists of a garage and service area constructed in the 1970's. There have been a number of advertisement consents and permissions related to the existing garage use. However the planning history most relevant to this particular application is as follows:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

Also relevant to this current application are two applications on the adjacent Rainbow Store site which form part of the wider development:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

S10/1645 – which relates to a reserved matters application which is also considered within this agenda.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

LCC Education – The Section 106 requirements were considered at the outline application stage. No further comments.

Bourne Town Council – No objections.

Heritage Lincolnshire (Archaeology) – No objections (condition on outline application)

Local Highway Authority – No objections subject to conditions.

Environment Agency – Further details required before condition 13 of the outline consent can be discharged.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and two letters of objection have been received. The points raised can be summarised as follows:

1. Concerns about planting of silver birch, alternative should be planted.
2. Concerns about overlooking/loss of privacy.
3. Concerns about impact plot 39 will have on 23 Spalding Road as the windows of 23 Spalding Rd will face directly on to the side gable of plot 29.
4. Concerns about impact on existing tree roots.
5. Concerns about noise and disturbance to proposed dwellings from adjacent bus depot.

Officer Evaluation

Scale / Layout

As stated above this is a reserved matters application for the erection of 25 dwellings and associated works. The application site benefits from outline planning consent under application S08/0286. The principle of residential development of the site is therefore considered acceptable. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

The development comprises a mix of two storey detached, semi-detached and terraced properties. The proposed design and layout is considered to be appropriate and will assimilate well with the adjacent development on Delaines Close.

Concerns have been raised about the changes to the proposed development. The changes relate to the reduction in the size and removal of some of the parking areas. These changes were done at the request of officers as it was considered that the large car parking areas would encourage crime and disorder, result in additional noise and disturbance and have a detrimental impact on the streetscene.

Overlooking / loss of privacy

It is considered that given the proposed site layout and orientation of the proposed dwellings and the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties.

Concern has been raised about the impact that the development would have on 23 Spalding Road, in particular plot 39. Given the separation distance from 23 Spalding Road (15m from the original part of the dwelling) it is considered that the development will not appear overbearing or result in any significant impact on the outlook from the existing dwelling.

Loss of light / overshadowing

The proposed site layout and separation distances between existing and proposed dwellings will ensure that the development will not have any significant or detrimental impact on the residential amenity of adjacent properties by way of causing loss of light or overshadowing.

Traffic Generation / Parking

The local highway authority has been consulted and raised no objections to the proposed development. It is therefore considered that the proposed access and parking arrangements are acceptable and will not be detrimental to highway safety.

Ecology/Landscaping

Concern has been raised in relation to the loss of trees on the site. It is considered that the trees to be removed are not worthy of a tree preservation order and that this should not be considered as a reason for refusal of the application.

Concern has also been raised in relation to the planting of Silver Birch trees on the site. This is considered appropriate and would not have any significant adverse impact on adjacent residential properties.

Concern has also been raised in relation to the impact on wildlife. As this is a reserved matters application the principle of the development has already been accepted. However if any protected species are found on the site during the development the developer would

have a duty to contact the relevant statutory body (Natural England) in order to ensure that suitable mitigation was undertaken.

Section 106 Heads of Terms

The S106 requirements were dealt with at the outline application stage. The following contributions were required:

31% Affordable Housing
£15,000 off-site contribution towards open space provision
Education contributions
PCT health contributions up to a maximum of £15,000

Crime and Disorder

The proposed development raises no 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 proposed development in accordance with national and local policies as set out in Planning Policy Statements PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPS23 - Planning and Pollution Control and PPS25 - Development and Flood Risk and Policies SP1, SP3, EN1, EN2 EN4 and H1 of the South Kesteven Core Strategy. Although concerns have been raised in relation to the design, scale, density, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and is therefore considered to comply with the requirements of the above policies.

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

1. The development shall be built in accordance with the materials detailed on the submitted drawing 101 Rev C 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

2. Prior to the occupation of any dwellings within the site, the footway at the access point onto the A151 Spalding Road shall be constructed to the rear of the visibility splay.

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

3. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 100 Rev J dated 28 September 2010, and retained for that use thereafter.
4. 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.

5. No dwellings (or other development as specified) shall be commenced before the first 40 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 100 Rev J dated 29 September 2010 has been completed.
6. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
7. This permission relates solely to the application as amended by

Drawing No 100 Rev J received on 28 September 2010

Drawing No 100 800-101 received on 21 July 2010

Drawing No 71 FOG received on 21 July 2010

Drawing No 626-101 received on 21 July 2010

Drawing No 800-109 received on 21 July 2010

Drawing No 800-108 received on 21 July 2010

Drawing No 1024G-101 received on 21 July 2010

Drawing No 1024G-107 received on 21 July 2010

Drawing No 978-101 received on 21 July 2010

Drawing No 978-107 received on 21 July 2010

Drawing No 1234-101 received on 21 July 2010

Drawing No 1234-108 received on 21 July 2010
Drawing No CO OP 71 FOG 102 received on 30 September 2010
Drawing No 71FOG 107 received on 21 July 2010
Drawing No 102-1 Rev C
Drawing No 102-2 Rev C
Drawing No 102-3 Rev C

Reason: The earlier submitted drawings were unacceptable because they had a detrimental impact on residential amenity.

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. 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.

* * * * *

Applicant	Persimmon Homes (EM) Ltd Persimmon House, Peterborough Business Park, 19, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Agent	Tim Slater, 3D Planning Limited 27, Svesnskaby, Peterborough, PE2 6YZ
Proposal	Reserved matters application for residential development
Location	Rainbow Superstore, Manning Road, Bourne, Lincolnshire, PE10 9HW
App Type	Major RM (Residential)
<u>Parish(es)</u>	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it a reserved matters application relating to a major development, which has previously been debated by the Committee.

The Proposal

This is a reserved matters application for the erection of 81 dwellings on the site of the Rainbow Store, Manning Road, Bourne. This application in conjunction with application S10/1650 on the adjoining Raymond Mays Garage site seeks permission for the erection of a development with a combined total of 108 dwellings and associated works and landscaping.

A further application will need to be submitted in relation to plots 23 and 49 as these straddle the application site boundaries and cannot therefore be fully approved by either this application or application S10/1650.

The Application Site and its Surroundings

The application site is located to the east of Bourne town centre. The site measures 1.63 hectares and comprises the Co-op Rainbow store and its associated car parking. Access to the site is via Manning Road and is located towards the western end of the site.

The site is located in an area characterised by a mixture of uses. Although the majority of Manning Road has a residential frontage, warehousing and service units also feature towards the eastern end of the road. The residential development in the surrounding street network has a variety of densities and house types consisting of bungalows, semi-detached properties, and terraces as well as large detached dwellings.

Relevant Site History

The development site consists of a supermarket constructed in the 1970's together with a car park. There have been a number of advertisement consents and permissions related to the existing retail use. However the planning history most relevant to this particular application is as follows:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

Also relevant to this current application are two applications on the adjacent Raymond Mays Garage site which form part of the wider development:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

S10/1650 – This is a reserved matters application and is considered separately within this agenda. The scheme forms part of the development of both the Raymond Mays garage site and the former Rainbow Store site.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPS23 – Planning and pollution Control

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

Bourne Town Council – No objections, although concerns were expressed regarding the proximity to an industrial unit with regard to noise from the site and vehicle movement.

Heritage Lincolnshire (Archaeology) – No objections (condition on outline application)

Environmental Protection – The noise mitigation measures contained in chapter 5 of the Noise Assessment Report should be made a requirement of a condition.

Local Highway Authority – No objections subject to conditions.

Environment Agency – Further details required before condition 8 of the outline consent can be discharged.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and three letters of objection have been received. The points raised can be summarised as follows:

1. Concerns about removal of trees.
2. Concerns about impact on local wildlife including bats.
3. Concerns about maintenance of boundary fence.
4. Concerns about overlooking/loss of privacy.
5. Concerns about increase noise disturbance, especially during construction.
6. Concerns that amended plans will have increased impact. The most recent changes to the proposed site layout now indicate that a terraced residential property will be backing on to Delaines Close. The latest amendment replaces the previously proposed layout which indicated that a gated garage block would have backed on to Delaines Close.
7. We feel that the gated garage block would not have so compromised our privacy, being single storey structures.

Officer Evaluation

Scale / Layout

As stated above this is a reserved matters application for the erection of 81 dwellings and associated works. The application site benefits from outline planning consent under application S06/1388. The principle of residential development of the site is therefore considered acceptable. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

The development comprises a mix of two storey detached, semi-detached and terraced properties. The proposed design and layout is considered to be appropriate and will assimilate well with the adjacent development on Delaines Close.

Concerns have been raised about the changes to the proposed development. The changes relate to the reduction in the size and removal of some of the parking areas. These changes were done at the request of officers as it was considered that the large car parking areas would encourage crime and disorder, result in additional noise and disturbance and have a detrimental impact on the streetscene.

Overlooking / loss of privacy

It is considered that given the proposed site layout and orientation of the proposed dwellings and the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties. Plots 21 and 51 have been re-designed in order to minimise the impact on the adjacent properties on Wendover Mews and Delaines Close. There are a number of windows on the rear elevations of these dwellings which are garages with a dwelling above. The rear facing windows to the en-suite bathroom are to be obscure glazed and a kitchen window and landing window have been omitted to further reduce any potential overlooking. There will however be a remaining kitchen window in the rear elevation which has the potential to cause some loss of privacy to the properties on Delaines Close. It is therefore recommended that a condition be attached in relation to Plot 51 requiring the kitchen window to have a top opening pane and the bottom section of the window to be obscure glazed. This will ensure that the privacy of the occupiers of the properties on Delaines Close is maintained.

Loss of light / overshadowing

The proposed site layout and separation distances between existing and proposed dwellings will ensure that the development will not have any significant or detrimental impact on the residential amenity of adjacent properties by way of causing loss of light or overshadowing.

Noise

A noise assessment has been submitted with the application due to concerns about the adjacent Carlsberg depot. The Council's Environmental Protection Officer has considered the noise assessment and has raised no objections to the proposal subject to a condition requiring the suggested mitigation measures in the report to be undertaken.

Traffic Generation / Parking

The local highway authority has been consulted and raised no objections to the proposed development. It is therefore considered that the proposed access and parking arrangements are acceptable and will not be detrimental to highway safety.

Ecology/Landscaping

Concern has been raised in relation to the loss of trees on the site. It is considered that the trees to be removed are not worthy of a tree preservation order and that this should not be considered as a reason for refusal of the application.

Concern has also been raised in relation to the impact on wildlife. As this is a reserved matters application the principle of the development has already been accepted. However if any protected species are found on the site during the development the developer would have a duty to contact the relevant statutory body (Natural England) in order to ensure that suitable mitigation was undertaken.

Section 106 Heads of Terms

The S106 requirements were dealt with at the outline application stage. The following contributions were required:

Affordable Housing

£52,000 off-site contribution towards open space provision

Education contributions

PCT health contributions up to a maximum of £31,000

£60,000 towards highway improvements

Crime and Disorder

The proposed development raises no 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 proposed development in accordance with national and local policies as set out in Planning Policy Statements PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPS23 - Planning and Pollution Control and PPS25 - Development and Flood Risk and Policies SP1, SP3, EN1, EN2 EN4 and H1 of the South Kesteven Core Strategy. Although concerns have been raised in relation to the design, scale, density, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and is therefore considered to comply with the requirements of the above policies.

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

1. The development shall be built in accordance with the materials detailed on the submitted drawing 101 Rev C 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

2. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 100 Rev J dated 28 September 2010, and retained for that use thereafter.
3. 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.

4. No dwellings (or other development as specified) shall be commenced before the first 40 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 100 Rev J dated 29 September 2010 has been completed.
5. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed

within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

6. The rear kitchen window to plot 51 shall have a top opening light only and the bottom half of the window shall be fixed and obscure glazed. Precise details of the window shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To ensure that the residential amenities of the occupiers of adjacent properties is protected.

7. The development shall only be carried out in accordance with the noise mitigation measures included in Chapter 5 of the Noise Assessment Report by AcousticAir, Dated March 2010.

Reason: To ensure that the occupiers of the new properties are protected against potential noise pollution from adjacent sites.

8. This permission relates solely to the application as amended by

Drawing No 100 Rev J received on 28 September 2010
Drawing No 100 800-101 received on 21 July 2010
Drawing No 71 FOG received on 21 July 2010
Drawing No 626-101 received on 21 July 2010
Drawing No 800-109 received on 21 July 2010
Drawing No 800-108 received on 21 July 2010
Drawing No 1024G-101 received on 21 July 2010
Drawing No 1024G-107 received on 21 July 2010
Drawing No 978-101 received on 21 July 2010
Drawing No 978-107 received on 21 July 2010
Drawing No 1234-101 received on 21 July 2010
Drawing No 1234-108 received on 21 July 2010
Drawing No CO OP 71 FOG 102 received on 30 September 2010
Drawing No 71FOG 107 received on 21 July 2010
Drawing No 102-1 Rev C
Drawing No 102-2 Rev C
Drawing No 102-3 Rev C

Reason: The earlier submitted drawings were unacceptable because they had a detrimental impact on residential amenity.

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.