

# Additional Planning Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



---

Thursday, 30 May 2024 at 1.00 pm  
Council Chamber - Council Offices,  
St. Peter's Hill, Grantham. NG31 6PZ

---

**Committee Members:** All Members of Planning Committee

---

## Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

1. **Register of attendance and apologies for absence**

2. **Disclosure of interests**

Members are asked to disclose any interests in matters for consideration at the meeting

**Planning matters**

To consider applications received for the grant of planning permission – reports prepared by the Case Officer.

*The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.*

3. **Application S24/0315**

(Pages 3 - 29)

**Proposal:** Outline application for the erection of up to 6 dwellings with associated access and infrastructure

**Location:** 30 East Street, Rippingale, PE10 0SS

**Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

---

Published and dispatched by [democracy@southkesteven.gov.uk](mailto:democracy@southkesteven.gov.uk) on Tuesday, 21 May 2024.

☎ 01476 406080

**Karen Bradford, Chief Executive**

[www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

4. **Application S24/0092** (Pages 31 - 41)
- Proposal:** Section 73 application to vary condition 4 (Noise Management Plan/No of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40
- Location:** Poplars Farm, High Street, Carlby, PE9 4LX
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.
5. **Application S23/1177** (Pages 43 - 78)
- Proposal:** Construction of a retail foodstore, car parking, access, landscaping and associated engineering works
- Location:** Land North of West Road Bourne Lincolnshire PE10 9PS
- Recommendation:** To authorise the Assistant Director of Planning to APPROVE planning permission subject to the conditions set out in section 8 of this report.
6. **Application S23/2367** (Pages 79 - 104)
- Proposal:** Planning application for the conversion of ground floor retail unit (Use Class E) and first/second floor nightclub (Sui generis) to 7no. residential apartments (Use Class C3).
- Location:** Willoughby's Bar, 42 Broad Street, Stamford, Lincolnshire PE9 2BT
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission
7. **Application S24/0439** (Pages 105 - 113)
- Proposal:** Installation of a pair of metal gates 1.8m high with a gap between posts (opening) of about 3.1m. Additional side panels to be installed (same product and height) to complete the boundary fence. Access will allow storage of a caravan to the side of the property.
- Location:** 39 Lincoln Close, Grantham, Lincolnshire, NG31 8RQ
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

8. **Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

This page is intentionally left blank



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S24/0315

Proposal:	Outline application for the erection of up to 6 dwellings with associated access and infrastructure
Location:	30 East Street, Rippingale, PE10 0SS
Applicant	F and J Giles
Agent	Clive Wicks Associates
Application Type:	Outline Planning Permission (All matters reserved)
Reason for Referral to Committee:	Called in by Ward Member (Councillor Dixon-Warren) due to principle of development being unacceptable
Key Issues:	<ul style="list-style-type: none"><li>• Principle of Development</li></ul>
Technical Documents:	<ul style="list-style-type: none"><li>• Rippingale Housing Needs Assessment</li><li>• Design, Access and Planning Statement</li><li>• Ecological Appraisal</li><li>• Drainage Strategy</li></ul>

### Report Author

Adam Murray – Principal Development Management Planner



01476 406080



[Adam.Murray@southkesteven.gov.uk](mailto:Adam.Murray@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Aveland**

**Reviewed by:**

Phil Jordan, Development Management & Enforcement Manager

8 May 2024

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

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



# 1 Description of the site

- 1.1 The application site comprises an area of approximately 0.45 hectares (1.11 acres) of broadly rectangular land situated to the rear (south) of 30 East Street and to the east (rear) of existing residential properties fronting onto Doctor's Lane, positioned in the south-eastern corner of the main built-up area of Rippingale. The site currently comprises an area of grassland / paddock, which is an extension of the private amenity space associated with the existing 2-storey residential property at 30 East Street; the proposed development is clearly demarcated from the main private amenity space associated with the dwelling.
- 1.2 The site is bound to the north by the existing host dwelling (30 East Street), which fronts onto East Street to the north; and by existing residential properties fronting onto Doctor's Lane to the west. The site is bound to the south and east by undeveloped agricultural land, which marks the surrounding Open Countryside.
- 1.3 The site benefits from clearly defined boundaries on all sides. The south, east and west boundaries are all marked by mature vegetation, which includes an element of sparse tree coverage. The northern boundary of the proposed development site is marked by the primary, domestic garden land associated with 30 East Street, and is defined by a wooden post and rail fencing, with gates. The north-western boundary of the site is marked by close boarded domestic fencing and a mature tree, which aligns with the boundary of the neighbouring residential property. The northern eastern boundary of the application site – forming the boundary of the proposed access point – is defined by the side elevation of the existing host dwelling, as well as low level metal estate railing.
- 1.4 The proposed development site falls within Character Area 2 of the Rippingale Neighbourhood Plan Profile, which identifies the following key characteristics of the existing urban form within the area:
- *East Street is a tarmac road with a downward gradient from west to east, providing extensive views across the Fens. The road is a single carriage with two lanes – narrow in places, especially at the eastern end. The southern side is bordered by grass verges, whilst the northern side has 1m wide pavements to the end of the houses. The eastern end of the road is bordered by grass verges on both sides.*
  - *East Street is mainly residential with several small businesses, all but two operating from private houses. The exceptions are a small wooden shop specialising in renovated furniture, and a large farm, both of which are at the western end of East Street.*
  - *There is a mixture of old and new properties; the older properties being on the northern side of the road, most being pre-1950 with one of two very old properties such as the old saw mill. Many of these have large back gardens which border the southern side of Jubilee Playing Field.*
  - *All of the houses have front gardens bordered by hedges or fences, some of which are Ancaster railings, which is a historical feature to be found throughout the village.*
  - *Modern houses are mainly on the southern side of the road with large gardens, and includes several council older persons bungalows.*
  - *The older houses are mainly red brick or rendered, but some of the more recent properties have lighter coloured bricks. Roofs of mainly pantiles with some slate.*
- 1.5 The site is not subject to any identified planning policy designations.

1.6 It is appreciated that the application site has been the subject of two recent planning applications for a development of the same description as the current application scheme. The most recent application (Ref: S23/0507) was refused in May 2023 for the following reason(s):

***(1) The application scheme proposes residential development in an edge of settlement location. The application does not benefit from clear evidence of substantial community support, and also does not demonstrate an identified local need for housing within Rippingale. The application is therefore contrary to Local Plan Policy SP4(a)(e) and Rippingale Neighbourhood Plan Policy HD2. The material considerations in this case, including the provision of additional housing, are not considered to outweigh the identified conflict, and therefore, the application proposals are unacceptable in principle.***

## **2 Description of the proposal**

- 2.1 The current application seeks outline planning permission with all matters reserved for a development comprising of the erection of up to 6 dwellings with associated access and infrastructure. The application has sought to address the reason(s) for refusal from the previous planning application, in particular the current application has been accompanied by a Housing Needs Assessment (CNB Housing) (July 2023) in support of the application.
- 2.2 The Design, Access and Planning Statement (Clive Wicks Associates) which accompanies the application indicates that the proposed development would comprise of 6(no) bungalows, which would be built to Category M4(2) standards to provide suitable accommodation for elderly occupants and others with reduced mobility.
- 2.3 In relation to the above, the application submission has been accompanied by an Indicative Site Layout, which is for illustrative purposes only at this stage. However, the submitted Layout indicates that access to the site would be via an extension of the existing private drive access serving the host dwelling (30 East Street), which runs along the north western boundary of the site. The proposed access would be widened at the entrance from East Street and would be extended along the western boundary of the application site, with the proposed dwellings fronting onto the drive on the eastern and southern side.
- 2.4 The Drainage Strategy which accompanies the application indicates that surface water drainage would be attenuated in an underground attenuation chamber before outfalling to the local watercourse at a controlled rate. Foul water drainage is to be discharged to a combined pump at the south of the site, which will subsequently pump foul water into the existing Anglian Water network within East Street.

## **3 Relevant History**

<b>Application Ref</b>	<b>Description of Development</b>	<b>Decision</b>
S22/2273	Outline application for the erection of up to 6 bungalows and associated access and infrastructure	Withdrawn 05/01/2023
S23/0507	Outline application for up to 6 dwellings and associated access and infrastructure (Re-submission of S22/2273)	Refused 31/05/2023

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP4 – Development on the Edge of Settlements

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN4 – Pollution Control

Policy EN5 – Water Environment and Flood Risk Management

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 Rippingale Neighbourhood Development Plan 2023-2036 (Made May 2023)**

Policy HD2 – Developments on the edge of Rippingale Village

Policy HD5 – Housing Density

Policy DM1 – Development Guidance

Policy IV1 – Important Views

Policy FR1 – Flood Risk

### **4.3 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**

### **4.4 National Planning Policy Framework (NPPF) (Published December 2023)**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 5 – Providing a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places.

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

Section 15 – Conserving and enhancing the natural environment

### **4.5 South Kesteven Local Plan Review 2021 – 2041 (Regulation 18 Draft)**

## **5 Representations Received**

### **5.1 Anglian Water**

5.1.1 No comments to make.

### **5.2 Black Sluice Internal Drainage Board**

5.2.1 No objections.

5.2.2 The board notes the proposed surface water scheme and is satisfied in principle with the details. It will be the applicant's responsibility to ensure that any discharge can flow to the nearest available maintained watercourse, and should consider whether any additional off-

site works or additional maintenance may be required to ensure the security of the future flows for the lifetime of the development.

5.2.3 If there is to be any works to any watercourse, whether open or piped, crossing or bounding the site, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required.

5.2.4 The applicant is reminded of their common law riparian ownership and maintenance responsibility for any watercourse bounding or crossing the site, particularly the open watercourse on the southern boundary into which the surface water from the development is to be discharged.

### 5.3 **Heritage Lincolnshire**

5.3.1 No objection subject to conditions

5.3.2 The proposed development site lies in an area of archaeological interest. The Historic Environment Record (HER) refers to a charter which may indicate that Rippingale has origins in the seventh century. The settlement is certainly listed in the Domesday Survey of 1086 when six landowners were listed in Rippingale and the now deserted village of Ringstone.

5.3.3 The proposed development is located within the historic core of the village, being close to the site of the medieval village cross, which marks the junction between High Street and East Street. Slightly further west in St. Andrew's Church, a medieval building dating from the 13<sup>th</sup> century. In 2002, archaeological monitoring during development in East Street found structure remains of a medieval building, along with reused masonry dating from the medieval period (found in an 18<sup>th</sup> century context), suggesting the presence of a religious building, possibly the 14<sup>th</sup> century (Holy Chapel of the Cros".

5.3.4 It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. It is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits at the site.

### 5.4 **Lincolnshire County Council (Highways & SuDS)**

5.4.1 No objection subject to conditions.

5.4.2 The proposal is for an outline application for the erection of up to 6 dwellings and associated access and infrastructure (All matters reserved), previously submitted under S23/0507. The principle of the development is acceptable. As this is an outline application with all matters reserved access and layout have not been considered.

5.4.3 The suggested vehicular access to the site meets the visibility guidelines set out in Manual for Streets. The car parking indicated is in line with the guidance set out in Lincolnshire County Council's Design Approach document, and turning space has been provided within the limits of the site to all vehicles to enter and leave in a forward gear. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

### 5.5 **Rippingale Parish Council**

5.5.1 Objection.

- 5.5.2 The applicant's consultant contends that this bid for an edge of village development is required in Rippingale to support the maintenance of the village and District's anticipated future demographics. This, the Parish Council contends, is at variance with Local Plan Policy SP1 (Spatial Strategy) which already takes account of such requirements.
- 5.5.3 Previous objections to a similar application (S23/0507) are seen, by the applicant, to be overcome by providing what is viewed as a positive Ecological Appraisal and meeting rainwater, but not foul water concerns, with a new drainage plan. However, as far as can be seen, there has been no consultation with the village's residents on the new planning application. Therefore, this lack of consultation is still critical to the rejection of this planning application.
- 5.5.4 It is maintained that the application scheme is contrary to Local Plan Policies SP1 (Spatial Strategy), SP2 (Settlement Hierarchy) and SP4 (Development on the Edge of Settlements).

#### Local Support

- 5.5.5 There has been no consultation with village residents and so the requirements of Policy SP4 has not been met.

#### Proven Need

- 5.5.6 There is an increasing ageing population and there may therefore be need to provide housing for older people across the UK, and indeed within South Kesteven, but there is no objective evidence in the Housing Needs Assessment (HNA) that there is such a need within Rippingale or its immediate surroundings. Indeed, the HNA admits much of its evidence is subjective.
- 5.5.7 The HNA contends that Rippingale's requirement is for small affordable homes to meet demographic need. As a rational housing need, it seems unclear where the demand for such housing has come from. Although there is a fair percentage of 65+ residents, the vast majority of residents are in family groups. Rippingale already has a balanced housing stock projected for the future, with a preponderance of bungalows. The HNA does not take account that there is currently planning permission for 14 new properties (5 bungalows) in the Parish and an additional 4 barn conversions. So, it is contended that the village will meet its future local needs with a balanced housing stock.

#### Impact on character and amenity

- 5.5.8 The new site will still spoil the amenity of residents of Doctor's Lane, with an intrusive housing view, adversely affecting the form of the village, and will have undesirable ramifications for wildlife even though some mitigation has been proposed, and place more strain on an already fragile foul water system.
- 5.5.9 The development would extend the development outside the existing built form of the village, and would not be enclosed on its eastern and southern boundaries, does not have a physical feature to act as a barrier to further growth and will visually extend into open countryside.
- 5.5.10 The proposed development would impinge on the village's important views, as detailed in the Rippingale Neighbourhood Plan, extent it obtrusively into the open countryside. The development would be out of keeping with the character of the area due to the density of development.

## 5.6 **SKDC Environmental Protection**

5.6.1 No objection subject to conditions.

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

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and representations have been received from 12 interested parties, all of whom have raised formal objections. The material considerations raised in the representations can be summarised as follows:

### (1) Principle of Development

- Rippingale doesn't have the infrastructure to support additional development.
- The application does not comply with the Rippingale Neighbourhood Plan (namely paragraph 7.22)
- There is insufficient evidence of a need for housing.
- The scheme does not benefit from local community support.
- Objection to the loss of agricultural land

### (2) Impact on the character and appearance of the area

- The scheme would have an adverse impact on the character of the village due to its density, design and location.
- The development would impact on views into the village.

### (3) Impact on residential amenity

- The development will create a loss of amenity for neighbouring properties as a result of noise and light pollution, and loss of outlook and privacy.
- The development would result in an increased risk of crime.

### (4) Access & Highways

- The access would be unsuitable.

### (5) Flood Risk & Drainage

- The development would exacerbate existing issues with surface and foul water drainage.

### (6) Ecology & Biodiversity

- The development would have an adverse impact on local habitats and protected species.

6.2 It is noted that a number of representations have also indicated that they were not notified of the planning application. In this respect, Officers' have reviewed the file and this has demonstrated that formal notification letters were printed and sent to all neighbouring properties, and representors from the previous applications, on 28<sup>th</sup> March 2024. As such, Officers' are satisfied that the application has been advertised in accordance with the statutory requirements, and the requirements of the Council's Statement of Community Involvement.

## 7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:
- South Kesteven Local Plan 2011-2036 (Adopted January 2020); and
  - Rippingale Neighbourhood Development Plan 2023-2036 (Made May 2023).
- 7.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of all planning applications.
- 7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.
- 7.4 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. A Regulation 18 consultation on the draft Plan commenced on 29<sup>th</sup> February 2024. At this stage, the policies contained within the draft Plan Review can be attributed very little weight in the determination of planning applications. However, the updated evidence base which accompanies the ongoing Plan Review is also a material consideration and this must be attributed weight in the consideration of applications.
- 7.5 Furthermore, as referenced above, the current application is a revised submission of the previously refused planning application for a development of the same description (Ref: S23/0507), which was refused by the Local Planning Authority in May 2023. The previous application was refused for a single reason, which related to the absence of community support for the scheme and evidence of a local housing need. The LPA’s assessment of the previous planning history of the site remains a relevant material consideration in the determination of the current application.
- 7.6 **Principle of Development**
- 7.6.1 Local Plan Policy SP1 (Spatial Strategy) identifies that the focus for the majority of growth within the District during the plan period is in and around the four market towns, with Grantham being a particular focal point for development. Decisions about the location and scale of new development are to be taken on the basis of the settlement hierarchy in Policy SP2.
- 7.6.2 Policy SP2 (Settlement Hierarchy) identifies Rippingale as a Smaller Village where “*Development will be supported in accordance with Policy SP3, SP4 and all other relevant policies where the development will not compromise the village’s nature and character*”.
- 7.6.3 In this respect, it is appreciated that representations received from members of the public have objected to the principle of the development on the site, and in particular have stated that Rippingale does not have the facilities required to support additional residential development of the quantum proposed. In addition, Rippingale Parish Council have stated that the proposed development would be contrary to the overall spatial strategy indicated by Policy SP1 and SP2 of the Local Plan.
- 7.6.4 It is appreciated that Policy SP2 does not provide a specific limit on the quantum of development deemed to be acceptable with the Smaller Villages, such as Rippingale.

However, Paragraph 2.12 of the Local Plan Supporting Text does provide further guidance in relation to the quantum of development likely to be deemed appropriate at this level of the settlement hierarchy. It states, “in the Smaller Villages (as listed in Policy SP2) there is limited capacity to accommodate new development, and whilst previous planning policies strictly limited development in these locations, it is the intention of the Local Plan to allow small, sensitive developments (generally expected to be no more than 3 dwellings) so that these settlements can positively respond to the housing needs of their people and fulfil their role as sustainable communities”.

- 7.6.5 In view of the above, Smaller Villages such as Rippingale, are identified as being capable of supporting small-scale residential developments. Whilst the current application seeks outline planning permission for up to 6 dwellings, which would exceed the indicative limit of 3 dwellings referred to in the Local Plan supporting text, it is Officers assessment that this scale of development would not undermine the principles of the spatial strategy, which seeks to direct the majority of development towards the higher order settlements. In addition, development of the proposed scale may be considered acceptable in principle, where it is required to meet an identified local housing need for the village; this is discussed in further detail below.
- 7.6.6 Whilst the current application has been submitted in outline – with all matters, including access, reserved for future determination – it is acknowledged that access to the site would necessarily be taken via an extension of the existing access serving the host dwelling within the main built-up frontage of East Street. However, the proposed built-form would be situated to the rear of the host dwelling, and would also be to the rear of properties fronting onto Doctor’s Lane to the west, and would be viewed in the context of the Open Countryside to the south and east.
- 7.6.7 As such, the proposed development would be viewed as being situated to the south-eastern edge of the village and, therefore, Local Plan Policy SP4 (Development on the Edge of Settlements) and Neighbourhood Plan Policy HD2 (Developments on the edge of Rippingale Village) are relevant to the principle of development on the site.
- 7.6.8 Local Plan Policy SP4 states that proposals for development on the edge of a settlement, which is in accordance with all other relevant Local Plan policies, will be supported provided that essential criteria (a) – (f) are met. This requires the proposal to:
- (a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council, or Neighbourhood Plan Group or Forum, based upon material planning considerations.
  - (b) Be well designed and appropriate in size / scale, layout and character to the setting and the area.
  - (c) Be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the Development Plan.
  - (d) Not extend obtrusively into the open countryside, and be appropriate to the landscape, environmental, and heritage characteristics of the area.
  - (e) In the case of housing development, meet a proven local need for housing and seek to address a specific targeted need for local market housing; and

- (f) Enable the delivery of essential infrastructure to support growth proposals.
- 7.6.9 Similarly, Neighbourhood Plan Policy HD2 echoes the support for development on the edge of Rippingale, where it meets the aforementioned essential criteria.
- 7.6.10 However, it is noted that Neighbourhood Plan Policy HD2 adopts a more permissive approach than Local Plan Policy SP4, insofar as it requires applications to demonstrate:
- (a) Clear evidence of substantial support from the local community through an appropriate, thorough or proportionate pre-application community consultation exercise; or [emphasis added]
  - (b) The proposed development meets a proven local need for a particular type of housing, based on an up-to-date housing need assessment or assessment of the type and number of housing able to promote the longer-term sustainability of the village.
- 7.6.11 As such, Policy HD2 of the Rippingale Neighbourhood Plan requires applications to demonstrate evidence of either support from the local community or evidence of an identified housing need, whereas the adopted Local Plan requires development proposals to demonstrate compliance with both criteria.
- 7.6.12 In circumstances where there is a conflict between policies in the development plan, Section 38(5) of the Planning and Compulsory Purchase Act 2004 is clear that the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case, the Neighbourhood Plan was made after the Local Plan was adopted, and therefore, the conflict must be resolved in favour of Policy HD2 of the made Rippingale Neighbourhood Plan. As such, a development proposals is required to demonstrate evidence of community support or evidence of a local housing need, in order to be considered acceptable in principle.
- 7.6.13 In the context of the above, no evidence has been provided as part of the application submission to demonstrate that the proposed development benefits from substantial community support. However, it is noted that during the lifetime of the application, letters of representations received from members of the public have unanimously objected to the application scheme, and in addition, Rippingale Parish Council have submitted a formal objection to the application proposals.
- 7.6.14 Taking the above into account, the application does not benefit from clear evidence of substantial support from the local community, and therefore, fails to meet the requirements of Local Plan Policy SP4(a) and Neighbourhood Plan Policy HD2(a).
- 7.6.15 With regards to meeting a proven local need for housing, it is noted that representations received from the Parish Council and members of the public have indicated that there is insufficient evidence to demonstrate that there is a need for the type of housing proposed by the development. Furthermore, the Parish Council have stated that the submitted evidence does not take into account extant planning permissions granted within Rippingale.
- 7.6.16 In this context, the application has been accompanied by a Rippingale Housing Needs Assessment (CNB Housing) (July2023), which assesses the need for additional housing in Rippingale. The submitted assessment identifies the following key conclusions:
- It is clear from profiling information that Rippingale has a higher proportion of older people than the District. Much of the existing housing in the Parish is particularly unsuitable for elderly people, and high house prices are a barrier to younger family

members being able to relocate to the Parish to support them. This situation will intensify over time with population projections showing that the population of older people will grow consistently by 52% to the year 2043.

- It is likely that there will be an increase in the number of households containing people aged 65 and over living alone, bringing Rippingale close to the district and national averages, which could result in an increase of households looking to move to more manageable properties.
- Market housing which is suitable for the elderly will need to be provided to fulfil the needs within Rippingale, who would be looking to move to more manageable properties but also wanting to remain on their existing tenure. This is particularly pressing for Rippingale, with around 80% of over 65s in Rippingale being homeowners, and an estimated 93% of those homeowners wanting to remain in that tenure.
- There is a minimum unmet affordable need of 13-dwellings per annum equivalent to 65 dwellings over the next five years. This takes into account an estimate of affordable vacancies, and any first lettings and sales of new build housing being allocated to Parish residents.
- A detailed examination of the housing register data supplied by the Council shows that 1, 2 and 3-bedroom affordable units are mostly needed. A smaller number of 4 and 5-bed affordable rented dwellings are needed, and these are likely to be urgently needed due to low levels of these types in the current housing stock.

7.6.17 In light of the above, it is Officers' assessment that there is a clear evidence of housing need within Rippingale, as demonstrated by the submitted housing needs assessment. The submitted evidence specifically highlights a need for 65 dwellings over the next 5 years, which takes into account the existing planning permissions within the village. The proposed development would provide single storey dwellings suitable for older residents to downsize within the village, and therefore, release currently occupied properties to the market, which would provide further opportunities for young families to purchase a property within the village.

7.6.18 Furthermore, the Council's Planning Policy Officer – Affordable Housing has confirmed that the Council's Housing Register demonstrates an identified need for bungalows within Rippingale.

7.6.19 As such, on the basis of the evidence provided by the Council's Housing Register, and supplemented by the Council's Housing Needs Assessment, it is Officers' assessment that the application scheme would meet an identified need for housing, and therefore, would meet the requirements of Policy SP4(e) and Neighbourhood Plan Policy HD2(b). Conditions are proposed to be included to restrict the proposed development to single storey dwellings, and to ensure that they are delivered to the standards required by Part M4(2), to ensure that the scheme meets the identified need to justify the development.

7.6.20 In respect of Local Plan Policy SP4(c)(d) and Neighbourhood Plan Policy HD2 (ii)(iii), in view of the site's locational characteristics and the existing boundary treatments, the application proposals would be immediately adjacent to the existing pattern of development and would not extend obtrusively into the open countryside. In this case, it is Officers' assessment that the mature boundary hedgerow which marks the eastern and southern boundary of the site provides a substantial level of enclosure to the site, and visually represents a clear

distinction between the site and the surrounding open countryside. Furthermore, Officers' consider that it is possible for the layout of any future reserved matters application to achieve an arrangement, which would further provide a defensible boundary to the site, and preclude any additional development.

- 7.6.21 In respect of the remaining criteria of Policy SP4 and Neighbourhood Plan Policy HD2, these matters fall to be assessed against the relevant design material considerations outlined below.
- 7.6.22 Furthermore, it is noted that representations received from members of the public have objected on the basis that the proposed development would result in the loss of agricultural land. In this respect, the site is currently used as private amenity grassland / paddock land, which forms part of the land associated with an existing residential dwelling, and therefore, is not currently in agricultural use. Notwithstanding the above, the Provisional Agricultural Land Classification Maps indicates that the site is identified as Grade 3, with all areas of land within and neighbouring the existing village limits falling within either Grade 2 or Grade 3 land quality. Therefore, in assessing the scheme against the requirements of Policy SP1, it is Officers' judgement that there are unlikely to be any sequentially preferable sites of lower agricultural land value, in order to meet the identified housing need. Therefore, the application scheme would accord with the requirements of Policy SP1 on the use of agricultural land.
- 7.6.23 Taking all of the above into account, it is Officers' assessment that the proposed development does not benefit from clear evidence of substantial support from the local community and, therefore, are contrary to the requirements of Policy SP4 of the adopted Local Plan. Notwithstanding this, the application proposals would meet an identified local need for housing as required by Policy SP4(e) and Neighbourhood Plan Policy HD2(b). In this case, Neighbourhood Plan Policy HD2 requires development proposals to demonstrate that a scheme benefits from local community support or meets a proven local need for housing. Primary legislation directs that conflicts between policies within the adopted development Plan are required to be resolved in favour of the last document to be adopted, which in this case is the Neighbourhood Plan. As such, the conflict with Policy SP4(a) is outweighed by the compliance with the requirements Policy HD2, and as such, the proposed development scheme is acceptable in principle, subject to material considerations.

## 7.7 **Impact on the character and appearance of the area**

- 7.7.1 It is appreciated that public representations have raised objections on the basis that the proposed development would have an adverse impact on the character of the village due to its design, density and location. In addition, public representations and Rippingale Parish Council have objected on the basis that the development would have an adverse impact on long-range views into the village.
- 7.7.2 In relation to the above, it is noted that the previous application did not include any reasons for refusal relating to the impact of the development on the character and appearance of the area, and it is Officers' assessment that there have been no material changes in the intervening period, which would justify reaching a different conclusion on these matters.
- 7.7.3 Notwithstanding the above, the application has been submitted in outline with all matters reserved for future determination. As such, whilst the Applicant has submitted an Indicative Site Layout Plan demonstrating how the site could accommodate a scheme of up to 6 dwellings, this plan does not form part of the consideration of the current application and the

concerns raised in relation to the layout would be assessed as part of any future reserved matters submissions.

- 7.7.4 However, as a matter of principle, it is Officers' assessment that the site would be capable of accommodating 6 appropriately designed and scaled dwellings. The density of the development (at approximately 13 dwellings per hectare) is deemed to be appropriate for a site on the edge of a rural settlement.
- 7.7.5 It is noted that the application site forms part of an identified Important View looking north from Doctor's Lane on the southern approach into Rippingale, as designed by Policy IV1 (Important Views) of the made Neighbourhood Plan. In addition, the Neighbourhood Plan supporting text indicates that any development of the land to the south of properties on High Street or East Street would detract from the important view of the village and would result in an urbanisation of the village.
- 7.7.6 In this respect, it is Officers' assessment that, as a matter of principle, the application site would be capable of accommodating 6 (no) appropriately designed dwellings in a manner, which would preserve the significance of the identified important view. In this respect, whilst landscaping would form a matter for consideration as part of a future reserved matters application, it is Officers' assessment that the retention and enhancement of the existing boundary treatments would assist in visually softening any development on the site, and would ensure that residential development would be viewed in the context of the existing properties on East Street and Doctor's Lane and would not detract from the identified views.
- 7.7.7 Taking the above into account, as a matter of principle, residential development of the site for 6 (no) dwellings would be appropriate for the site's rural village context, and would not detract from the overall character and appearance of the area. As such, the application proposals would accord with Local Plan Policy SP2, SP4, DE1 and EN1, Neighbourhood Plan Policies HD2, IV1 and DM1, and the adopted Design Guidelines SPD, and Section 12 of the Framework in this regard.

## 7.8 **Impact on neighbouring amenity**

- 7.8.1 It is noted that representations received from members of the public and Rippingale Parish Council have raised objections in relation to the impact of the development on the residential amenity of existing properties to the west of the site, fronting onto Doctor's Lane. In particular, it has been stated that the application proposals would result in an unacceptable loss of light and outlook, and would also be detrimental to the privacy and security of these properties.
- 7.8.2 In this respect, it is noted that public representations have also raised objections on the basis on the impact of the development on views from existing properties. Case law has clearly established that the loss of a private view is not a material planning consideration and, therefore, is not relevant to the determination of the current application.
- 7.8.3 As referenced above, the current application has been submitted in outline with all matters reserved for future determination. As such, the Indicative Layout Plan submitted with the application is for illustrative purposes only, and the exact layout and property designs would be subject of a future reserved matters application. Any consideration of that future application would require an assessment of the proposals against the Council's adopted Design Guidelines SPD, which sets out the relevant standards for assessing the provision of an appropriate standard of amenity.

- 7.8.4 However, as a matter of principle, it is Officers' assessment that the application site is sufficiently large and located in a manner which would enable the delivery of 6 well designed and positioned dwellings that would meet the required amenity standards contained within the adopted Design Guidelines SPD. In addition, the proposed dwellings are to be single storey only, and this is to be controlled via planning condition; this restriction would further limit the potential for loss of light and privacy for the neighbouring properties.
- 7.8.5 With regards to the concerns raised about the potential noise impacts associated with residential development on the site, it is noted that the application site is bound to the north and west by existing residential properties fronting onto East Street and Doctor's Lane, respectively. As such, residential development of the site would be compatible with the surrounding land uses and would not generate any alternative noise impacts when compared to the existing residential context of the site.
- 7.8.6 Furthermore, the Council's Environmental Protection Team have been consulted on the application proposals and have not raised any concerns that the proposed development would lead to any statutory noise issues. However, they have recommended the imposition of conditions requiring the submission of a Construction Management Plan to mitigate the potential short-term impacts associated with construction of the development, on the amenity of neighbouring properties. As such, it is proposed to include this request as a pre-commencement condition.
- 7.8.7 In relation to the concerns raised regarding the impact of the development on the security of the neighbouring dwellings, it is Officers' assessment that the proposed development scheme could be laid out and orientated in a manner which appropriately reduces the potential for crime occurring. For example, Building for Healthy Life encourages the use of a perimeter block layout, with properties arranged back-to-back with existing dwellings, in order to reduce the potential for crime to occur.
- 7.8.8 Taking the above into account, subject to the imposition of conditions, as a matter of principle, the application proposals would not give rise to any unacceptable adverse impacts on the residential amenity of neighbouring properties or future occupiers of the proposed development. As such, the application proposals would accord with Local Plan Policy DE1 and EN4, the adopted Design Guidelines SPD, and Section 12 of the National Planning Policy Framework.

## 7.9 **Access, Highways and Parking Impacts**

- 7.9.1 It is acknowledged that representations received from members of the public have raised concerns about the suitability of the highways network within the village to accommodate a development of this scale, and have also raised concerns about the safety of the access from East Street.
- 7.9.2 In this respect, it is noted that the previous application did not include any reasons for refusal relating to highways safety and capacity, and it is Officers' assessment that there have been no material changes, which would justify reaching an alternative conclusion on these issues.
- 7.9.3 As indicated above, the application has been submitted in outline with all matters (including access) reserved for future determination. Notwithstanding the above, the application has been accompanied by an Indicative Site Layout, which indicates that the proposed development would be served by an upgrading of the existing private access to 30 East Street. The Indicative Layout identifies that this access route would be widened to 4.1m for the first 10 metres from East Street.

- 7.9.4 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections to the scheme, subject to the imposition of conditions relating to the provision of a Construction Management Plan; this is to be secured as a pre-commencement condition, as detailed above.
- 7.9.5 Whilst the application is submitted in outline with all matters reserved, given that there is only one point of potential access to the site, the Local Highways Authority have previously assessed the suitability of this point of access from East Street, and they have confirmed that the visibility splays indicated and the proposed access width would be in accordance with the relevant highways design guidance.
- 7.9.6 Similarly, the LHA have confirmed that the application proposals would not give rise to any unacceptable adverse impacts on the surrounding public highway network.
- 7.9.7 Consequently, it is Officers' assessment that the application proposals would not give rise to any unacceptable adverse impacts on highways safety or highways capacity. Whilst matters of access would be formally assessed as part of any reserved matters application, there is only one available access point for the site, and the Local Highways Authority have confirmed that this access would meet all relevant highways design guidance. As such, the application proposals are assessed as being in accordance with Policy ID2 of the adopted South Kesteven Local Plan and Section 9 of the National Planning Policy Framework.
- 7.10 **Flood Risk and Drainage**
- 7.10.1 In respect of matters relating to flood risk and drainage, it is appreciated that representations received from members of the public have raised objection to the application proposals as a result of concerns about the adequacy of the existing foul drainage network to accommodate additional development. In addition, concerns have been raised that development of the site would exacerbate issues of surface water flooding.
- 7.10.2 The application site is located within Flood Zone 1 of the Flood Map for Planning, and is similarly identified as being at very low risk of surface water flooding. As such, the application site is concluded to present an overall low risk of flooding.
- 7.10.3 The submitted drainage strategy indicates that surface water would be managed in a subsurface attenuation chamber before being discharged to the local water network at a controlled rate. Foul water is proposed to be discharged into the existing mains sewer network in East Street, operated by Anglian Water.
- 7.10.4 In this respect, Anglian Water have been consulted on the application but have declined to provide any comments. Nonetheless, it is noted that the statutory drainage undertaker is obligated to accept foul water flows from developments with the benefit of planning permission and, therefore, in the event that planning permission were to be granted, they would be required to take any necessary steps to ensure that there is sufficient capacity to accommodate the scheme. In the event that substantive works were required to accommodate the development, it is anticipated that Anglian Water would have requested the imposition of planning conditions as part of their consultation response.
- 7.10.5 In relation to surface water drainage, the Local Planning Authority have consulted Lincolnshire County Council (as Lead Local Flood Authority); however, they are not required to provide comments on minor planning applications and, therefore, they have declined to comment.

7.10.6 Notwithstanding the above, whilst it is accepted that the application proposals would increase the extent of impermeable surfacing on the site, further details for the proposed drainage arrangements would be addressed through Building Regulations; this requires development to be carried out in accordance with Approved Document H; which sets out the acceptable standards for dealing with foul and surface water drainage from properties.

7.10.7 Taking the above into account, it is Officers' assessment that the application proposals would not give rise to any unacceptable adverse risks of flooding, and therefore, would accord with Policy EN5 of the adopted Local Plan, Policy FR1 of the made Rippingale Neighbourhood Plan, and Section 14 of the Framework.

#### 7.11 **Impact on biodiversity and ecology**

7.11.1 It is noted that public representations have raised concerns about the impact of the proposed development on local habitats and protected species.

7.11.2 In this respect, the application has been accompanied by an Ecological Appraisal (Rachel Hacking Ecology) (February 2024) and associated Biodiversity Net Gain Metric, which has identified the following:

- Protection of ecological features (habitats and species) during the construction phase, and mitigation measures to protect, maintain and enhance ecological features during the operational phase of the development would be described in a Biodiversity Management Plan, which will be provided as a planning condition in advance of the commencement of development.
- Hedgerows TN1 and TN2 will be retained and managed to create an intact, dense structure with bramble replaced by Hawthorne or other larger shrubs. Planting native hedgerows on the north boundary and / or parts of the western boundary will increase the overall length of hedgerow habitat and provide a linear habitat gain.
- The development provides opportunities for enhancing bat roosting opportunities including: three Schwegler bat boxes attached to a mature tree trunk at least 4m above ground, and single integrated bat boxes to be attached to three buildings.
- The development provides opportunities for enhancing nest birds including: 6 nesting boxes attached to mature trees and 3 nesting bricks installed in gable ends away from windows and doors or on garages.
- Implementation of the proposed measures will reduce the BNG deficit for area habitats and remove the linear habitats deficit. Grassland verges, additional tree planting, a scrub buffer zone and new hedgerow plant will have a positive impact, but the extent of such measures would not eradicate the area units deficit.

7.11.3 In the context of the above, it should be noted that the application proposals were submitted in advance of the statutory obligation for minor planning applications to achieve a 10% net gain in biodiversity. As such, whilst the proposed development falls to be assessed against Policy EN2 of the adopted Local Plan, which seeks to achieve a net gain where possible, there is no policy requirement for a development to achieve a minimum 10% net gain.

7.11.4 Taking the above into account, it is Officers' assessment that the submitted information demonstrates that the proposed development would seek to protect and enhance local ecological features, and this would be further evidenced through the submission of any future reserved matters relating to landscaping. Conditions are proposed to require the

submission of a Biodiversity Management Plan prior to the commencement of development and to ensure compliance with the recommendations of the Ecological Appraisal.

7.11.5 Consequently, subject to the imposition of conditions and the submission of reserved matters relating to landscaping, it is Officers' assessment that the application proposals would be in accordance with Policy EN2 of the adopted Local Plan, and Section 14 of the Framework.

## 7.12 **Climate Change**

7.12.1 It is appreciated that the current application is in outline only – with all matters reserved for future determination – and as such, matters relating to layout and design of the proposed dwellings do not form consideration as part of the current application. However, the application has been accompanied by a Design, Access and Planning Statement (Clive Wicks Associates), which outlines the following comments in relation to compliance with Policy SB1:

- The development will meet the latest building regulations requirements as a minimum.
- The development will have air source heat pumps for heating and hot water, and these will comply with the “microgeneration certification scheme planning standard” or equivalent as may be revised.
- The proposed development will achieve the minimum 110l/p/d restriction on water used.
- Each dwelling will have at least 1 car charging point.

7.12.2 Whilst the above measures are indicative with the overall principles of sustainable development, it is not possible as part of this outline planning application to confirm that the detailed development proposals would meet the full requirements of Local Plan Policy SB1. However, this could be appropriately addressed through the imposition of conditions requiring the submission of further details of sustainable building measures as part of any future reserved matters application.

7.12.3 Therefore, subject to the imposition of conditions, the proposal would represent sustainable development, and would accord with the requirements of Policy SB1 and SD1 of the adopted Local Plan.

## 7.13 **Ground Conditions**

7.13.1 As identified above, it is appreciated that the application site comprises undeveloped grassland, which forms part of the extended garden areas associated with 30 East Street. As such, the likelihood of ground contamination is low.

7.13.2 Notwithstanding the above, the Council's Environmental Protection Team have been consulted on the application proposals and have confirmed that they have no objections, subject to the imposition of conditions requiring the submission of a Phase 1 Ground Investigation and, where necessary, subsequent remediation of the site.

7.13.3 As such, subject to the imposition of conditions, the proposed development would be in accordance with Policy EN4 of the adopted South Kesteven Local Plan and Section 15 of the National Planning Policy Framework.

## 7.14 **Other Matters**

- 7.14.1 Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the application proposals and have confirmed that the application site lies within an area of archaeological interest, where previous archaeological investigations have found structural remains of a medieval building together with reused masonry dating from the medieval period, which suggested the presence of a religious building. In view of the above, they have recommended that further investigations should be undertaken, which should include a programme of trial trenching. It is proposed that this scheme of additional investigation could be secured via a pre-commencement condition.
- 7.14.2 Subject to the imposition of this condition, the proposal would be in accordance with Local Plan Policy EN6 and Section 16 of the National Planning Policy Framework on these matters.

## **8 Crime and Disorder**

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

## **9 Human Rights Implications**

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

## **10 Planning Balance and Conclusions**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, it is appreciated that the current application is a revised submission of S23/0507, which was refused by the Local Planning Authority in May 2023 for reasons relating to the absence of community support for the scheme and insufficient evidence of a local housing need.
- 10.2 The current application has sought to address the previous reason for refusal by providing further evidence in relation to a proven local need for housing in Rippingale. In this case, it is Officers' assessment that the Council's Housing Register coupled with the submitted Housing Needs Assessment provides evidence of a local need for bungalows, and therefore, the proposed development would comply with the requirements of Policy HD2 of the made Neighbourhood Plan.
- 10.3 In this respect, it is noted that Policy HD2 of the Neighbourhood Plan adopts a more permissive approach to development proposals on the edge of the village, insofar as it requires applications to demonstrate evidence of local community support or an identified need for housing.
- 10.4 In this context, whilst the application scheme does not benefit from substantial community support, and therefore, is contrary to the requirements of Local Plan Policy SP4(a), Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires the conflict between Policy SP4 and Policy HD2 to be resolved in favour of the policy in the plan that was most recently adopted. In this case, the Neighbourhood Plan was made after the Local Plan was adopted, and therefore, the conflict falls to be resolved in favour of the Neighbourhood Plan policy.

- 10.5 Consequently, it is Officers' assessment that the conflict with Policy SP4 of the adopted Local Plan is outweighed by the provisions of Policy HD2 of the Neighbourhood Plan and, therefore, the principle of development is acceptable, subject to material considerations.
- 10.6 In this respect, as a matter of principle, the application scheme would accord with the adopted development plan in respect of all relevant material considerations.
- 10.7 Taking the above into account, it is Officers' assessment that the application proposals would be in accordance with the adopted Development Plan when taken as a whole, and the material considerations in this case would also justify granting planning permission.

## **11 Recommendation**

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, and subject to the proposed schedule of conditions outlined below.

## **Schedule of Condition(s)**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended)

### **Time Limit for Reserved Matters**

- 2) Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - i. Access
  - ii. Appearance
  - iii. Landscaping
  - iv. Layout
  - v. Scale

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

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - a. Site Location Plan (Ref: 22-2581-LP/Rev A)

Unless otherwise required by another condition of this permission.

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

### **Before Development is Commenced**

#### **Written Scheme of Investigation**

- 4) Before the development hereby permitted is commenced, a written scheme of archaeological evaluation shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved Written Scheme of Investigation.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

### Biodiversity Management Plan

- 5) Before the development hereby permitted is commenced, a Biodiversity Management Plan setting out a scheme of measures to manage and mitigate the impacts of the development on ecological features, and deliver a biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The submitted Management Plan shall be in broad accordance with the measures set out within the Ecological Appraisal (Rachel Hacking Ecology) (February 2024).

Thereafter, the measures contained within the approved Biodiversity Management Plan shall be completed prior to first occupation of the development.

Reason: In order to deliver an ecological enhancement as required by Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the National Planning Policy Framework.

### Construction Management Plan

- 6) Before the development hereby permitted is commenced, a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impact of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:
- a. The phasing of the development to include access construction;
  - b. The on-site parking of all vehicles of site operatives and visitors;
  - c. The onsite loading and unloading of all plant and materials;
  - d. The onsite storage of all plant and materials to be used in constructing the development;
  - e. Wheel washing facilities;
  - f. The routes of construction traffic to and from the site including and off-site routes for the disposal of excavated material; and
  - g. A strategy stating how surface water runoff on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction, and to ensure that suitable traffic routes are agreed.

### Sustainable Building

- 7) As part of any reserved matters application(s) for the site, details demonstrating how the proposed dwellings would comply with the requirements of the Local Plan Policy SB1 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

be in broad accordance with the details contained within the Design, Access and Planning Statement (Clive Wicks Associates) (received 26 February 2024), and shall demonstrate how carbon dioxide emissions would be minimised through the design and construction of the development, details of water efficiency, and the provision of electric car charging points for each dwelling.

The approved sustainable building measures shall be completed in full for each dwelling in accordance with the agreed scheme, prior to first occupation of each dwelling hereby permitted.

Reason: To ensure that development mitigates and adapts to climate change.

### Phase I Ground Investigation

- 8) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing :
- a. A desk top study documenting all the previous and existing land uses of the site and adjacent land (Phase 1);

Should the Phase 1 study identify potentially contaminative uses, the Applicant shall proceed to a Phase 2 site investigation detailed below:

- b. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and if required.
- c. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in the NPPF.

### Materials details

- 9) As part of any reserved matters application(s) relating to appearance, details of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

## **During Building Works**

### Ecological Appraisal Compliance

10) All works on site shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Rachel Hacking Ecology) (Dated February 2024).

Reason: To provide ecological enhancement and to comply with Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the NPPF.

### Contamination Verification

11) The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall include unless otherwise agreed in writing:

- a. A complete record of remediation activities and data collected, as required in the remediation scheme to support compliance with the agreed remediation objectives
- b. As built drawings of the implemented scheme
- c. Photographs of the remediation works in progress; and
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination.

Thereafter, the scheme shall be monitored and maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused or had the potential to cause land contamination, and to ensure that the proposed remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted South Kesteven Local Plan and national guidance contained in the National Planning Policy Framework.

### Construction Hours

12) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term "construction work" shall include all mobile and fixed plant and machinery, radios and the delivery of materials.

Reason: To minimise noise impacts on adjacent residential dwellings.

## **Ongoing**

### Number of Dwellings

13) The total number of dwellings to be constructed on the application site shall not exceed 6 in total.

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

### Local Housing Need

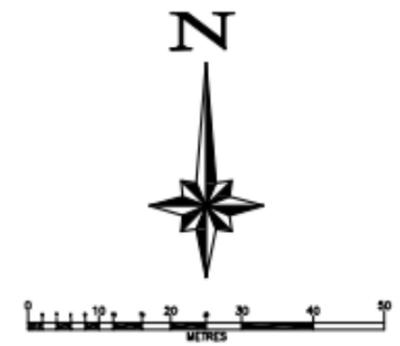
- 14) All dwellings on site shall be strictly single storey only and shall be designed to comply with the requirements of Part M4(2) of the Building Regulations.

Reason: To ensure that the proposed development meets the identified local housing need as required by Policy HD2 of the made Rippingale Neighbourhood Plan.

### Standard Note(s) to Applicant

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (December 2023).
- 2) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- 3) The permitted development requires the formation of a new / amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with the current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost of the applicant, and must be agreed prior to a vehicle access application.
- 4) The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
- 5) Please contact the Lincolnshire County Council Streetworks and Permitting Team to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timing of these works.

**Site Location Plan**



A	Amend red and blue lines	19-2-24
Rev.	Details	Date

© This drawing is copyright  
 Contractors must check all dimensions on Site. Only figured dimensions are to be worked from. Any foundation depths indicated are indicative only and must be in accordance with the consulting engineers design and/or agreed on site with the local authority during excavations. Any discrepancies in the information contained herein must be reported to the Architect before work proceeds.  
 Drawings to be read with Engineers calculations / report where applicable.  
 Note: If drawing details existing structures, we have not inspected woodwork or other parts of the structure which are covered, unexposed or inaccessible and we are therefore unable to report that any such part of the property is free from defect.

Project	<b>Proposed Residential Development off East St. Rippingale Bourne PE10 OSS</b>	
Drwg.	<b>LOCATION PLAN</b>	
Scale	<b>1:1250 @ A4</b>	Date <b>Oct.'22</b>
Drwg No.	<b>22-2581-LP</b>	Rev. <b>A</b>

**architects • designers • planning consultants**  
 Old School House • 36 Boston Road • Sleaford  
 Lincolnshire • NG34 7EZ • Tel: 01529 414141  
 Fax : 01529 415757

1 : 1250 LOCATION PLAN



30

**Indicative Site Layout**

Survey (c) Crown Copyright 2022. All rights reserved. Licence number 100022432



This page is intentionally left blank



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S24/0092

**Proposal:** Section 73 application to vary condition 4 (Noise Management Plan/No of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40

**Location:** Poplars Farm, High Street, Carlby, PE9 4LX

**Applicant:** Mr Andrew Woolley

**Agent:** J J and J Hartley

**Application Type:** Full Planning Permission (Major)

**Reason for Referral to Committee:** Member Call-In Request

**Key Issues:** Neighbours Residential Amenities (Noise and Disturbance)

### Report Author

Miranda Beavers, Development Management Planner



01476 406080



[Miranda.beavers@southkesteven.gov.uk](mailto:Miranda.beavers@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Glen**

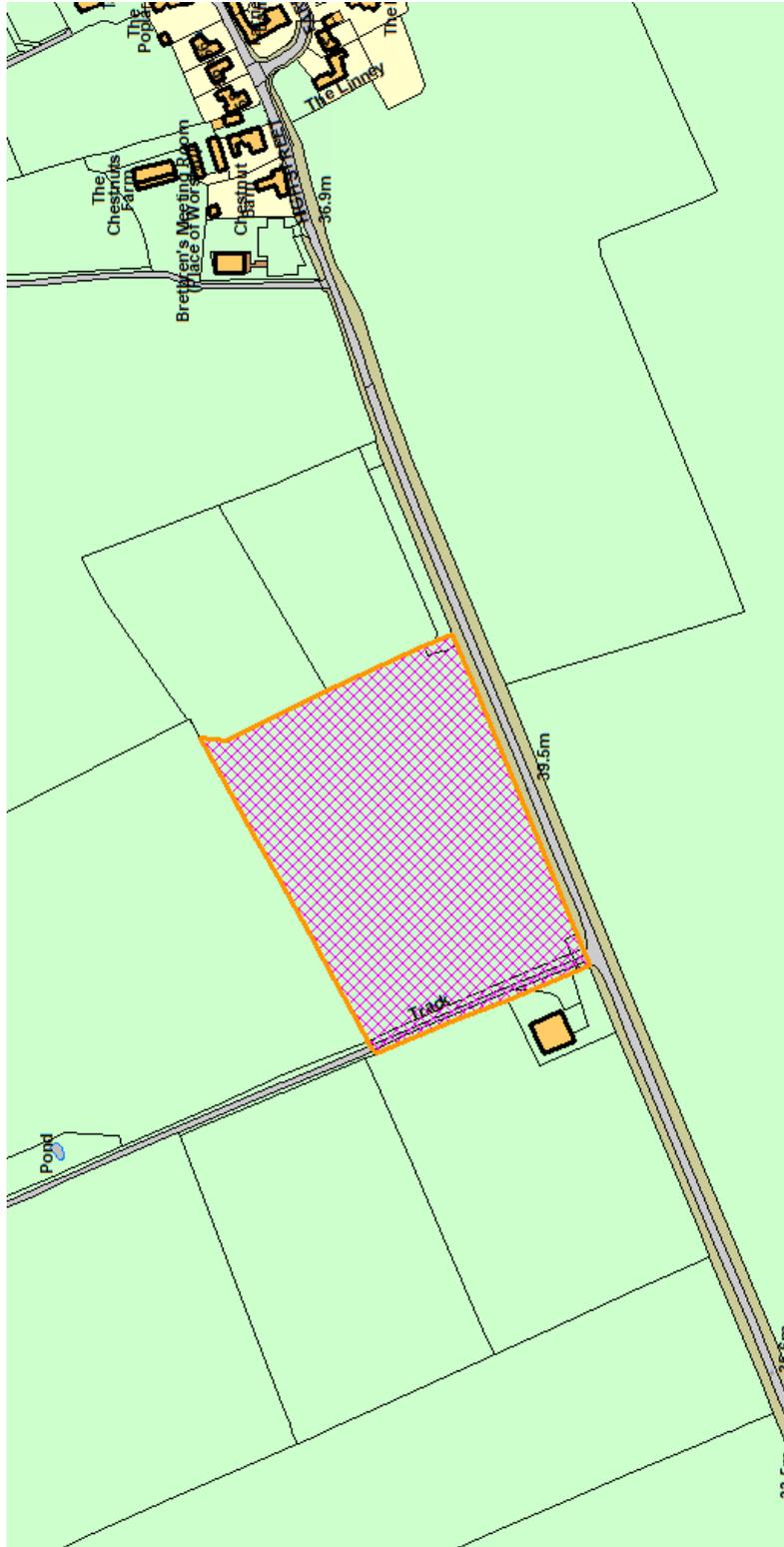
**Reviewed by:**

Kevin Cartwright, Senior Planning Officer

8 May 2024

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

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



**Key**



**Application  
Boundary**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1 Description of Site**

- 1.1.1 The application site is located on north side of High Street approximately 230m to the west of the limits of Carlby village. The site was formerly agricultural land and is currently in use as a day care centre for dogs, the site entrance is from High Street. The site contains one purpose built 'doggy day care' detached building, centrally located within the field, and set back from the main road, measuring approximately 24.4m long and 9.15m wide with a ridge height of 4.6m. The site is separated into two halves (fields), either side of the access road, to provide areas for controlled exercise and entertainment of the dogs whilst on the premises. 1.8m high mesh fencing on wooden posts provide security around the site for the safety of dogs. The business is open from 6:30am to 7pm (at the latest). Dogs are not exercised off site. The site is surrounded by agricultural fields.

## **2 Description of the Proposal**

- 2.1 This application is a section 73 application to vary conditions 4 (Noise Management Plan) of application S20/0479 which granted approval on 11 August 2020 for the proposed change of use land from an agricultural field to a 'doggy daycare' land use (Sui Generis) with associated building, driveway and hardstanding areas.
- 2.2 Condition No.4 states that the development hereby permitted shall be carried out in accordance with the Noise Management Plan (NMP) received on 8 May 2020. The Condition and details contained within the Noise Management Plan effectively controls the number of dogs that are permitted to be cared for at any one time at the premises. The purpose of this application is to amend the wording contained within Section 2.0: Operational Overview of the NMP:
- Existing wording: The facility has been designed in two separate sections, each catering for up to ten dogs.
  - Proposed wording: The facility has been designed in two separate sections, each catering for up to twenty dogs.
- 2.3 The change in the wording would result in the number of dogs being permitted at any one time to increase from twenty to forty in total.

## **3 Relevant History**

- 3.1 S20/0479 - Proposed change of use land from an agricultural field to a 'doggy daycare'. Land use (SU Generis) with associated buildings, driveway and hardstanding areas) – Approved 11 August 2020
- 3.2 S23/0922 - Change of use of agricultural land to use as extended provision (dog walking only) of the doggy day care centre as approved under S20/0479  
Approved 13 October 2022

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

Policy SD1: The Principles of Sustainable Development in South Kesteven  
Policy DE1 Promoting Good Quality Design  
Policy EN4 Pollution Control  
Policy E5 Expansion of an Existing Business

#### 4.2 **National Planning Policy Framework (NPPF) (Published December 2023)**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 12 – Achieving well-designed places.

### **5 Representations Received**

#### 5.1 **Carlby Parish Council**

5.1.1 While the Parish Council recognises the importance of supporting local businesses, there is a concern about the potential noise disruption for the prevailing western side of the village, especially considering the recent expansion of the centre. With the current increase in dog numbers occurring post summer season 2023, there is a natural hesitancy of support at this moment.

5.1.2 Following the experience of more than 20 dogs on site, the current condition. The Parish Council would like to express its reservation about the application in its current form and object to the application at this time, and there has been an opportunity to assess the impact of the recent increase in dog numbers on the village. We believe that a post-summer evaluation would provide a more accurate understanding of the centre's ability to manage the expanded operations without causing undue disruption to the community. This approach aligns with our commitment to fair consideration and balanced decision-making.

#### 5.2 **Lincolnshire County Councils (Highways and SuDS)**

5.2.1 The proposals are for an expansion to the existing facility, and a suitable access from the public highway was installed as part of the previous application, the majority of dogs visiting the site are collected by the company, it is unlikely that the proposals will increase the need for additional parking. It is therefore concluded that the proposals will not result in an unacceptable impact on the highway.

#### 5.3 **SKDC Environmental Protection Officer**

5.3.1 We have reviewed the noise management plan and accept that this is appropriate for the increased number of dogs from 20 to 40. The noise management plan should be adhered to and updated as necessary to ensure that noise does not impact amenity of nearby residents.

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

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 51 letters of representation have been received, comprising.

1no. Letter of objection and the points raised can be summarised as follows:

- Concern about progressive increase in noise as a result of nuisance barking (experienced summer 2022 and 2023), although this has lessened since noise mitigation measures contained with NMP have been enforced.
- Concern about cumulative increase in the number of dogs at Maggie's Mates Doggy Day Care combined with Maggie's Mates Dog Walking facility (field to the rear of Maggie's mates S23/0922, Approved 09.10.2023).

50no. Letters of support and the points raised can be summarised as follows:-

- Support for economic growth of local business in a rural location.
- Existing business provides a valued quality service that is vital to some in the local community and is essential in enabling them to go out to work.
- Existing business is very well run, dogs are well cared for, well-staffed by trained personnel.
- At least 2 x residents that live close to the site have stated that they have not experienced noise from the site or been disturbed by dogs barking.
- Any dog barking noise is no more excessive than what you might expect from a domestic household.
- Business is sufficiently separated from nearby dwellings so as not to result in undue noise and disturbance.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:

South Kesteven Local Plan 2011-2036 (Adopted January 2020);

Carlby Parish Neighbourhood Development Plan 2018-2036 (adopted 12 March 2019) and;

The Local Planning Authority have recently adopted a Design Guidelines Supplementary Planning Document (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2023) are also a relevant material consideration in the determination of planning applications.

## **8 Principle of Development**

8.1 National Planning Policy Guidance states that , 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application.'

8.2 The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

8.3 The principle of development in this instance has previously been established through the approval of planning permission S20/0479 which granted permission conditionally on 11 August 2020 for the change of use from agricultural field to a 'doggy daycare' land use (sui generis) with associated building, driveway and hardstanding areas. The time limit

condition imposed required that the change of use must be commenced before the expiration of three years from that date. The use was implemented on site in 2020 and the current application was submitted on 30 January 2024 and as such the original permission is considered extant. Taking this into account, the significant issue to consider is the impact the increased number of dogs allowed on site could have on neighbours' residential amenities (specifically noise).

This application is to vary Conditions 4 of the approval, which requires that the approved development to be carried out in accordance with the details set out in the Noise Management Plan (NMP) received on 8 May 2020. It is proposed to substitute the NMP for an updated version. Details contained within the NMP effectively allows for the planning department to control the number of dogs that are permitted to be cared for at any one time at the premises. The purpose of this application is to amend the wording contained within Section 2.0: Operational Overview of the NMP. The change in the wording would result in the number of dogs permitted on site, at the site at any one time, to be increased from 20no. to 40no in total.

- 8.4 For the proposed amendments to the scheme to be considered acceptable as a minor material amendment, the removal or variation of conditions should not alter the impact of the development.
- 8.5 Taking the above into account, the principle of development is considered acceptable subject to site specific impacts. The conditions attached to S20/0479, should be included should this application be approved, with the exception of the time limit condition, which would be omitted as the use has already been implemented on site.

## **9 Impact on the neighbours' residential amenities - noise pollution**

- 9.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 135 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.2 Policy EN4 (Pollution Control) of the adopted Local Plan states that development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted.
- 9.3 Policy E5 (Expansion of Existing Business) of the adopted Local Plan states that the expansion of existing businesses will be supported, provided that: e) the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.
- 9.4 The Carlby Parish Neighbourhood Plan Policy PO Pollution Control: P.1. states that subject to the provisions of other development plan policies, development that would conserve the rural character and tranquillity of the neighbourhood area will be supported where they have no unacceptable impact on residential amenity, air and light quality, and traffic movements or where the impacts can be satisfactorily mitigated.

9.5 The amendment to Condition No.4 and the updating of the approved Noise Management plan would effectively allow the existing business to grow in that it would allow for twice as many dogs to be cared for at any one time. The business offers a facility for the day care for dogs and operates in a similar manner to a children's nursery. The facility is set up whereby the building at the centre of the site provides storage and shelter for the dogs to rest and to offer protection during inclement weather conditions. The building is also used for feeding and segregating dogs and calming down an excited dog.

Externally, the site is separated into two sections of the field (either side of the building), where activities for the dogs and exercise can take place. This application proposes to increase the numbers allowed in each of these sections from ten per section to twenty per section. Which would result in an increase from twenty dogs in total to forty. Given that there is also indoor accommodation, it is not anticipated that it is unlikely that all forty dogs would be outside at any one time. The site is fenced off to prevent any dogs from escaping whilst in the care of the facility. Dogs are not walked or exercised off site, with the exception of the dog walking field to the rear, which was granted under a separate planning application.

9.6 Noise mitigation is set out within the revised NMP, in summary the measures include:

- the applicants do not agree to take on dogs that are prone to excessive barking;
- the applicants are experienced in the care of dogs, handling of dogs and have zero tolerance to nuisance barking - persistent noisy behaviours by any dog, will result in exclusion;
- activities will be supervised (by experienced dog handlers) and take place solely within the defined activity areas;
- dogs that do bark outside and do not desist will be taken directly indoors

9.7 The noise mitigation measure set out in the NMP offer solutions to minimising unacceptable levels of noise. An objection has been received from a nearby resident and they have referenced a "progressive increase in nuisance barking during the summer of 2022 and 2023", in relation to the existing operation. However, it was also stated, in the same representation, that the issue was resolved after the applicants agreed that they had a responsibility to adhere to the measures contained within the NMP approved as part of S20/0479. It was reported that following the complaint, the issue with noise (dog barking) is no longer occurring. SKDC's Environment Protection Officer has confirmed that no formal noise complaint had been lodged to them in respect of the site. It is accepted that the Parish Council and 1no. objector are concerned about the possible increase further noise, causing a nuisance to residents, however it is considered that the noise mitigation methods set out within the NMP are robust and effective and have been proven to work. It is accepted that the increase in the number of dogs using the facility from 20no. to 40no. is a substantial increase, however, given the distance that the site is separated from the main built-up part of the settlement (approximately 230m), combined with the fact that there is indoor accommodation available (where noisy dogs can be taken) it is not anticipated that a substantial increase in noise pollution (as a result of persistent dog barking) would occur, to the extent that it would disturb the amenities of nearby neighbouring occupiers and warrant the refusal of planning permission, as proposed.

- 9.8 The cumulative impact of the current application combined with the existing permission for the provision of a dog walking facility (operated by the same applicants) located to the rear of the day care facility (upper field) have been taken into consideration. The dog walking facility is controlled by conditions under a separate planning approval (S23/0922) and limits the number of dogs to a maximum of 20no. at any one time. The dog walking field is located some considerable distance from the closest neighbouring property and the impacts of the proposal were considered as part of that application. The operation of the dog walking facility would have no great impact upon the running of the day care facility and noise mitigation measures are in place for both operations.
- 9.9 Further to this, SKDC's Environmental Protection Team have been consulted and they have commented that "We have reviewed the noise management plan and accept that this is appropriate for the increased number of dogs from twenty to forty. The noise management plan should be adhered to and updated as necessary to ensure that noise does not impact amenity of nearby residents." Environmental Protection also have separate powers to investigate any future complaints of statutory noise nuisance under the Environmental Protection Act 1990.
- 9.10 Taking into account the nature of the proposal it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the adopted Carlby Neighbourhood Plan, NPPF Section 12, and Policies DE1, EN4 and E5 of the Local Plan.

## **10 Highway Issues**

- 10.1 Paragraph 115 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 Policy PO: Pollution Control P.1 of the Carlby Neighbourhood Plan states that subject to the provisions of other development plan policies, development that would conserve the rural character and tranquillity of the neighbourhood area will be supported where they have no unacceptable impact on residential amenity, air and light quality, and traffic movements or where the impacts can be satisfactorily mitigated.
- 10.3 The Local Highway Authority have commented that the proposals are for an expansion to the existing facility, and a suitable access from the public highway was installed as part of the previous application, the majority of dogs visiting the site are collected by the company, it is unlikely that the proposals will increase the need for additional parking. It is therefore concluded that the proposals will not result in an unacceptable impact on the highway.
- 10.4 The proposal would retain adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 10.5 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the adopted Carlby Neighbourhood Plan, NPPF (Sections 9 and 12) and Policies DE1 and E5, EN4 of the South Kesteven Local Plan.

## **11 Crime and Disorder**

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

## **12 Human Rights Implications**

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

## **13 Conclusion**

- 13.1 The principle of development has been established through the grant of planning permission S20/0479. The variation of condition 4 to amend the noise management plan to allow up to 40 dogs on the site has been demonstrated not to result in any unacceptable adverse impacts on the residential amenities of the occupiers of adjacent properties in accordance with the adopted Carlby Neighbourhood Plan, NPPF Section 12, and Policies DE1, EN4 and E5 of the Local Plan.

## **14 Recommendation**

- 14.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the proposed schedule of conditions detailed below.

### **Schedule of Conditions**

#### **List of Approved Plans:**

- 1) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. JDA/2020/385/BLOCK/001B received 8 May 2020
  - ii. JDA/2020/385/OS/001A received 8 May 2020
  - iii. JDA/2020/385/PROP/001B received 3 August 2020
  - iv. JDA/2020/385/LIGHTING/001B received 3 August 2020Unless otherwise required by another condition of this permission.  
Reason: To define the permission and for the avoidance of doubt.

#### **Ongoing Conditions:**

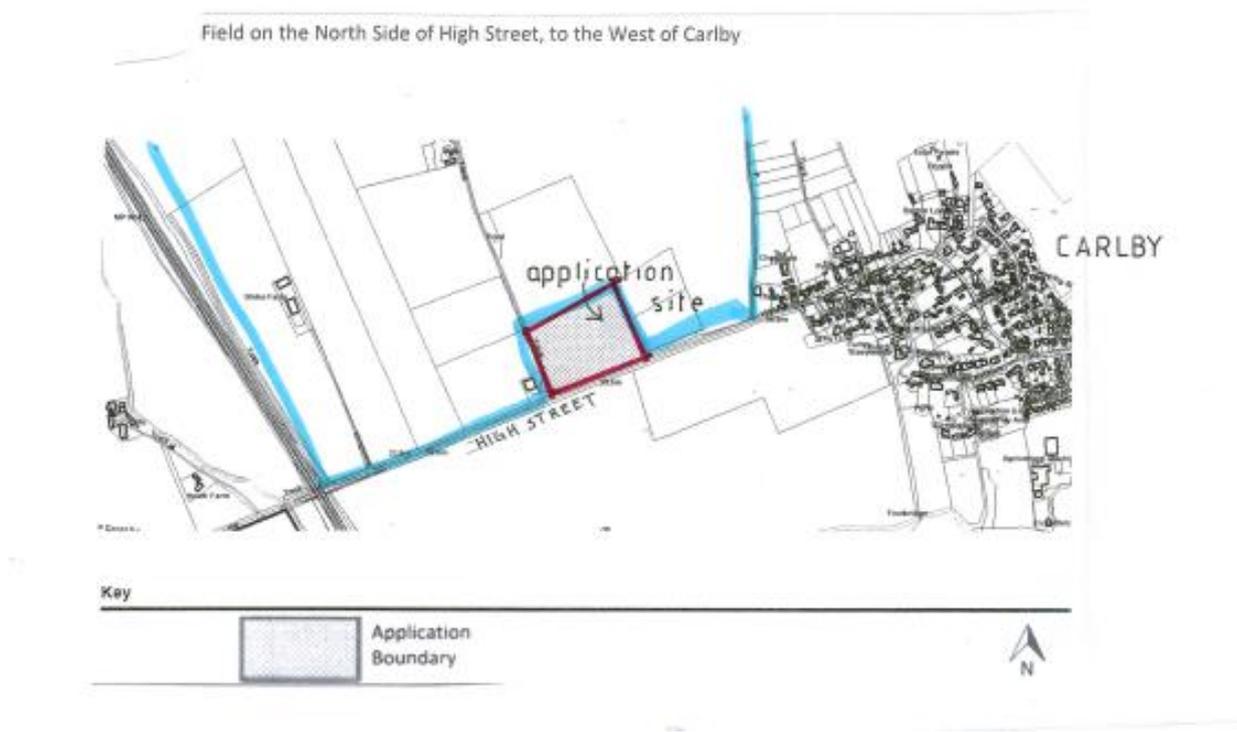
- 2) The premises shall not be used for the purposes authorised by this permission other than between the following hours:
  - i. 06:30hrs - 19:00hrs on Mondays to Fridays
  - ii. 12:00hrs Saturdays - 01:00hrs Sunday mornings
  - iii. 17:00hrs - 23:00hrs Sundays and Bank Holidaysunless otherwise agreed in writing by the Local Planning Authority.  
Reason: Operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents, contrary to Policies EN4 and DE1 of the South Kesteven Local Plan

3) The development hereby permitted shall be carried out in accordance with the Noise Management plan dated 17 January 2024.

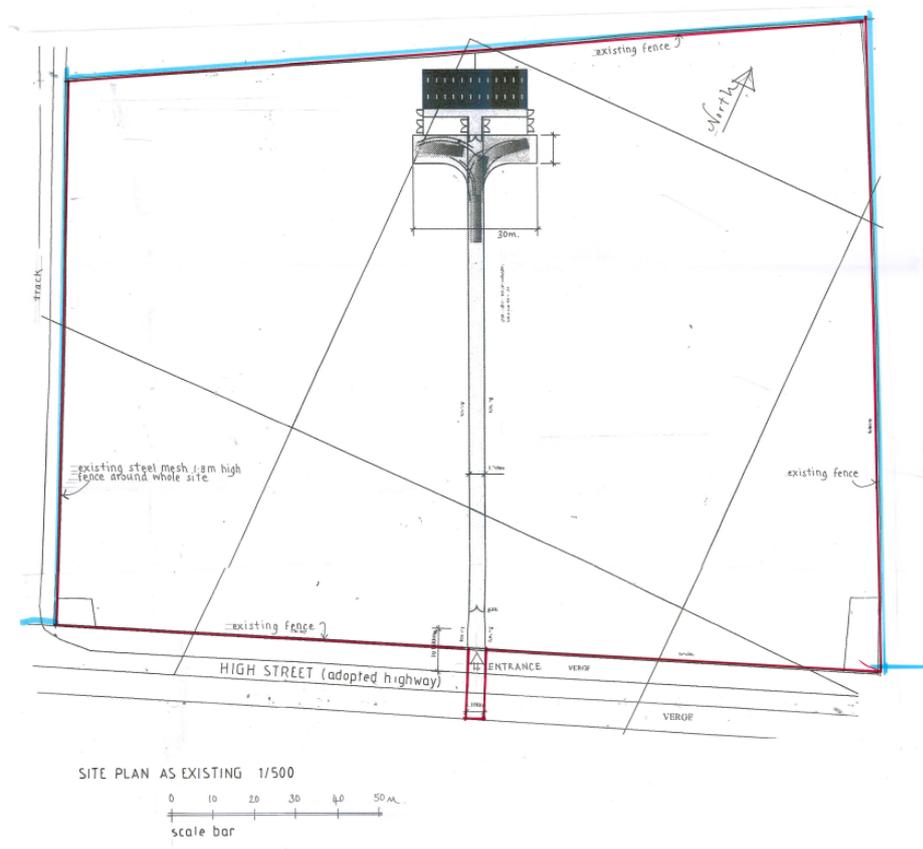
Reason: To prevent disturbance to the amenities of the occupants of the site and in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.

**Legal Implications reviewed by:**

## Site Location Plan



## Site Plan



This page is intentionally left blank



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

30 May 2024



## S23/1177

Proposal:

Construction of a retail foodstore, car parking, access, landscaping and associated engineering works

Location:

Land North of West Road Bourne Lincolnshire PE10 9PS

Applicant:

Aldi Stores Limited

Agent:

Avison Young

Application Type:

Major Retail

Reason for Referral to Committee:

Called-in by Cllr Crawford and Cllr Kelly due to concerns relating to the principle of development, impact on the character of the area, highways impacts, and impact on Bourne Woods.

Key Issues:

- Principle of development
- Effects of the proposal on the town centre
- Visual amenity
- Character of the Area
- Residential Amenity
- Highways,
- Flood Risk and Climate Change
- Ecology and Biodiversity
- Archaeology

### Report Author

Phil Jordan, Development Management & Enforcement Manager



01476 406080



[phil.jordan@southkesteven.gov.uk](mailto:phil.jordan@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Bourne Austerby**

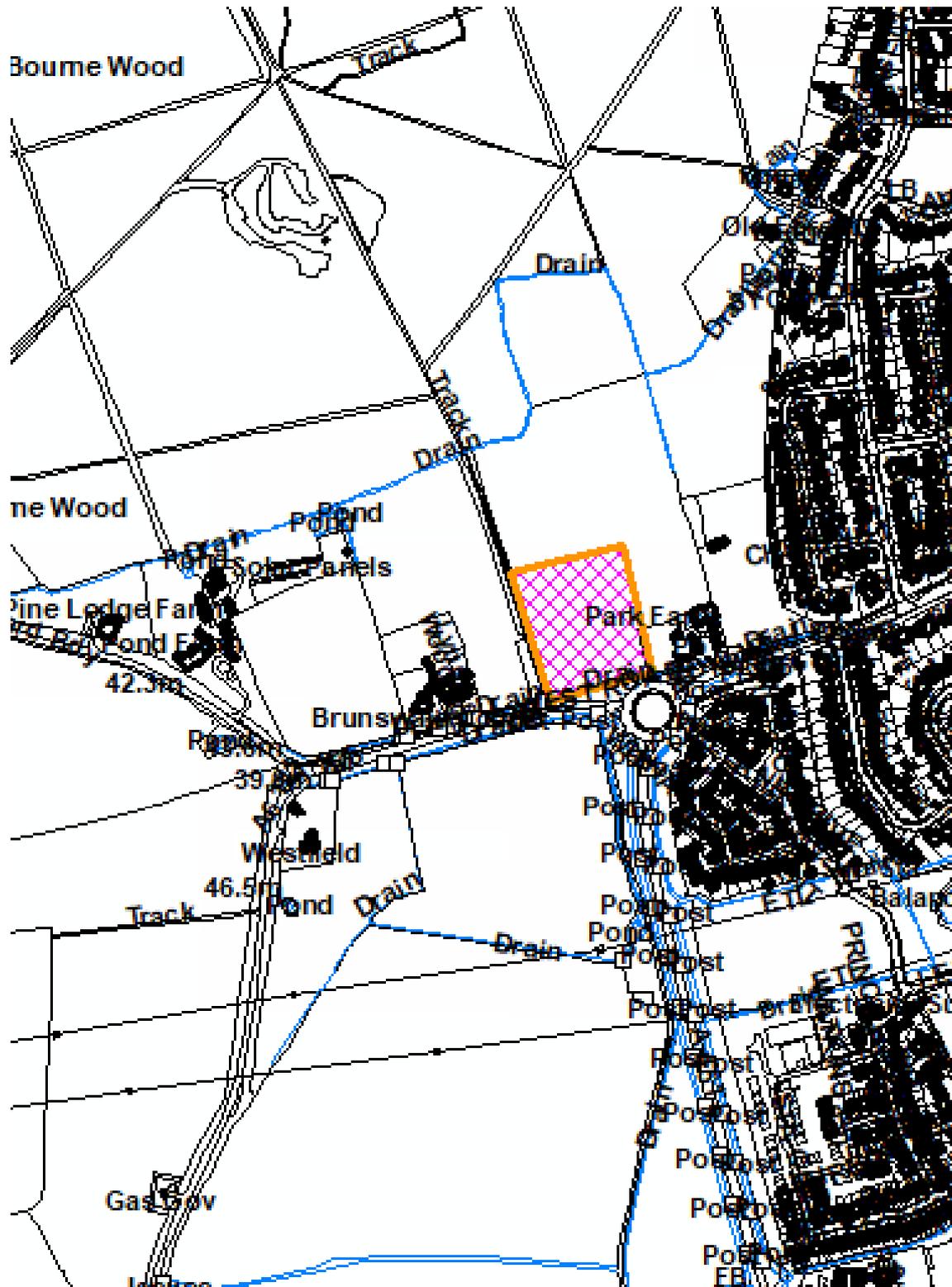
**Reviewed by:**

Adam Murray – Principal Development Management Planner

21 May 2024

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

To authorise the Assistant Director of Planning to APPROVE planning permission subject to the conditions set out in section 8 of this report.



Key

Application Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100016662

## **1 Description of Site**

- 1.1 The application site lies to the north side of West Road, between two small clusters of residential dwellings on the western edge of the settlement of Bourne. The site is currently used as pasture land, and is bound to the south (front) and west by mature hedgerows.
- 1.2 Bourne Woods lies approximately 125m from the northern boundary of the site, while to the south is the recent residential development at Elsea Park. There is a bridleway along the western boundary providing access to Bourne Woods, which is separated from the site by a long expanse of mature hedgerows and trees and the rest of the field parcel of which the application site forms part.
- 1.3 The site lies at the edge of the settlement adjacent to existing development, including in the new Elsea Park housing estate of circa 2,000 dwellings, as well as being located adjacent to a large roundabout and a main route into Bourne with all the associated lighting and signage that goes with it.

## **2 The Proposal**

- 2.1 The application proposes the erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works. The foodstore would have a sales area of 1,315 sq. m, of which approximately 80% would be used for the sale of convenience goods and 20% for the sale of comparison goods. The scheme would provide parking for 127 vehicles and a new access from West Road. These would include 6 accessible, 6 parent and child, and 4 electric vehicle charging spaces.
- 2.2 The proposed store would be located to the north-western corner of the site with the access to the eastern side. Parking would be provided to the south and east with delivery and associated HGV turning area to the north (rear). The entrance to the store would be to the south-eastern corner of the building with pedestrian access routes from the south and east.
- 2.3 The southern (front) boundary of the site, adjacent to West Road, would have the existing hedgerow retained, with the exception of the proposed splayed pedestrian access, and reduced in height to 1 metre for the purposes of visibility. A deep landscaped buffer is proposed to the boundaries of the store, car park and delivery area.
- 2.4 The proposed store would be single storey with a monopitch roof sloping from east to west with the lower side (5.2 m eaves height) backing on to the public right of way to the west. The higher side, facing the car park, would have an overall height of 6.2 metres. Externally the proposed building would be finished with natural timber cladding and large areas of glazing.
- 2.5 The floorspace and scale of the proposed store is to a tried and tested format and is the optimum required for the store's efficient operation as a Limited Assortment Discount foodstore so that space is not wasted or serviced or heated unnecessarily. The submitted

details state that around 50 jobs, of varying hours, would be created at the store once it is operational.

### **3 Policy Considerations**

#### **3.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

SD1 – The Principles of Sustainable Development in South Kesteven

SP1 – Spatial Strategy

SP2 – Settlement Hierarchy

SP4 – Development on the Edge of Settlements

EN1 – Landscape Character

EN2 – Protecting Biodiversity and Geodiversity

EN3 – Green Infrastructure

EN4 – Pollution Control

EN5 – Water Environment and Flood Risk Management

EN6 – The Historic Environment

DE1 – Promoting Good Quality Design

SB1 – Sustainable Building

BRN2 – Bourne Town Centre Policy

ID2 – Transport and Strategic Transport Infrastructure

#### **3.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**

#### **3.3 National Planning Policy Framework (NPPF) (Published December 2023)**

Section 7 - Ensuring the vitality of town centres

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 16 – the Historic Environment

### **4 Representations Received**

#### **4.1 Anglian Water**

4.1.1 Foul Water - The foul drainage from this development is in the catchment of Bourne Water Recycling Centre that will have available capacity for these flows

4.1.2 Surface Water - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## 4.2 **The Environment Agency:**

4.2.1 The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'.

## 4.3 **Heritage Lincolnshire:**

4.3.1 Archaeological background:

4.3.2 The site for the proposed development lies in an area of archaeological interest. Archaeological trial trenching to the south of west road has identified archaeological remains of post medieval date, including a possible clay extraction pit. Roman pottery has been recovered in areas immediately to the south of the proposed development.

4.3.3 Recommendation:

4.3.4 Following the submission of an Archaeological Written Scheme of Investigation (WSI) (11 September 2023) the potential impact of the proposal upon archaeology would be satisfactory and the WSI is approved.

## 4.4 **Black Sluice Internal Drainage Board:**

The Board has received the above planning application and whilst the site does not lie within the Board's district, the site does lie within the Board's Extended Area, within which the Board acts as an agent and sub-consultee to the Lead Local Flood Authority (LLFA) for matters regarding ordinary watercourses.

The Board therefore has the following comments:

Under the provisions of the Flood & Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority (LLFA - Lincs County Council) is required for any proposed works or structures within any watercourse outside those designated as Main Rivers or Internal Drainage Districts. At this location, the Board acts as Agents for the LLFA, and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require prior written consent from the Board. This is mandatory. Application forms are available on request from the Board, or can be downloaded from the Board's website.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.

#### 4.5 **SKDC Tree Officer:**

4.5.1 If planning permission is granted then I would suggest that conditions be applied requiring a robust landscape plan which should include new tree, hedgerow and shrub planting. The new landscaping should avoid the creation of a monoculture and include native and non-native species. The plan provided is satisfactory although it is my advice that there is room for more large maturing trees on the West Road frontage and possibly in the grass verge. Large maturing trees will help screen the site, mitigate climate change and reduce storm water runoff. Additional species such as small leaved lime, English oak or sweet chestnut would be appropriate.

4.5.2 The encroachment by the structures on the west of the site is potentially harmful to the remaining trees and shrubs. Further detail mitigating the impact of the building works including a methodology and tree protection plan should be required. I would suggest that there is scope for more robust mitigation planting than that currently shown on the western side. It is currently difficult to read the planting plan because of its colouring.

#### 4.6 **Lincolnshire County Council (as Local Highway Authority and Lead Local Flood Authority)**

4.6.1 Final comments:

4.6.2 Following the submission of further information in the form of off-site improvements to provide a footway from Welland Drive, with a pedestrian island at the junction, to ensure a safe and direct route to the site from the Elsea Park Development the Highway Authority conclude the following:

- The proposed parking arrangements (including cycle, accessible, parent & child and EV charging spaces) would be in line with Lincolnshire County Council guidance.
- The submitted Transport Assessment and Travel Plan conclude that no significant impact will occur on the existing local highway network. LCC concur that in line with para. 115 of the NPPF the proposal would not result in a severe impact.
- The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

4.6.3 On the basis of the above no objections are raised subject to the imposition of appropriate conditions.

#### 4.7 **Lincolnshire Wildlife Trust:**

4.7.1 Lincolnshire Wildlife Trust wishes to register a strong objection against this application.

4.7.2 The proposed development site is not allocated in the South Kesteven Local Plan for such works, and so is not an appropriate location for this development. In addition to this, the development would directly impact on the Local Wildlife Site (LWS) Bourne Woods. Although mitigation has been suggested to minimise the impact of the development on the

LWS, we do not agree that the suggested measures are sufficient and find no clear application of the mitigation hierarchy in the submitted documentation.

- 4.7.3 The Phase 1 Habitat Survey was undertaken by Middlemarch in January 2023, an inappropriate time of year for such a survey. The JNCC guidance is clear and states that 'the field season should be considered as starting late March/early April in the south and April/early May in the north of England. The season generally ends about mid-October, although in a mild season it may be possible to carry out some survey in November'.
- 4.7.4 A Biodiversity Net Gain (BNG) assessment has been conducted for this development which is encouraging, however the predicted loss of -64.71% habitat units is disappointing. No plans were suggested as how to compensate for this loss and provide additional net gain. While the gain in hedgerow units is encouraging, BNG good practice guidelines asks for gain in like-for-like habitat, and so the gain in hedgerow units in no way mitigates for the loss of habitat units. Additionally, this BNG calculation is based on results from the field survey that was undertaken in January, meaning any baseline measurements calculated are likely an extreme underestimation of the true value of the site.
- 4.7.5 Lincolnshire Wildlife Trust has a clear and transparent approach to responding to planning and development applications across Greater Lincolnshire, from the Humber to The Wash. We are consistent in this approach within reason, and, subject to staff resource availability at the time.
- 4.7.6 Where we have capacity, we work with developers and local authorities to maximise meeting the needs of our local communities and wildlife, including through ensuring the dual biodiversity and climate change crises are recognised within the planning process.
- 4.7.7 As part of that approach, we have and will continue to advocate that developers should now be addressing these crises, including through delivering Biodiversity Net Gain, irrelevant of the mandatory date in two months time. Natural and semi-natural habitats often deliver multiple services to society, from carbon sequestration to flood risk management to mental well-being benefits. Developers should be seeking to capture and build upon these services from the outset, and importantly, many are doing now.
- 4.7.8 This development is being proposed on unallocated land within the Local Plan (2011-2036). It is within a parcel of land that directly backs onto Bourne Wood. This encroachment on unallocated land in such a sensitive location adjacent to one of Lincolnshire's premier woodland complexes, with ancient and semi-natural woodland is just not acceptable to us, particularly when the applicant is making minimal effort to address the biodiversity and climate change crises. This sets a precedence for development on unallocated land next to this Local Wildlife Site.
- 4.7.9 In regards to BNG calculations, we acknowledge there is an uplift in linear feature units through the proposed planting, but this does not address the biodiversity unit loss for habitats and the service those habitats provide.

4.7.10 The requirement for burden of proof lies with the applicant, not those that respond to applications. We believe this development sets a precedence in regards to building on unallocated land adjacent to Local Wildlife Sites, and that the applicant has failed to provide adequate evidence to persuade us that there will not be an adverse impact or that they are delivering a net gain for biodiversity.

4.7.11 I confirm this email response can be placed on the planning portal and shared with the applicant. This is our current position, and the Trust **OBJECTS**.

#### 4.8 **Bourne Town Council:**

4.8.1 Objection

4.8.2 At a meeting of Bourne Town Council on the 20th July 2023 the following objections were recorded in relation to application S23/1177:

- 1) That the site is not allocated for employment in the emerging Local Plan.
- 2) That the application is contrary to policy SP4 - Edge of Settlement – This policy requires substantial support from the local community.
- 3) SP2d - This development would be an inappropriate as edge of settlement as there is no other development adjacent to the proposed site.
- 4) SP4c - This development would not be adjacent to the existing pattern of development.
- 5) EN1 - This development would not be appropriate to the character of the landscape.
- 6) EN2 - This development would have a detrimental effect on the biodiversity of the site.
- 7) EN5 - Possible flooding issues require mitigation.
- 8) EN3 - This development would have an adverse effect on the green infrastructure of the site.

4.8.3 Various other concerns were voiced by the Town Council's members including increased volumes of traffic and increase in noise and pollution.

#### 4.9 **Bourne Civic Society:**

4.9.1 Bourne Civic Society strongly objects to the proposed development:

4.9.2 It is opposed to the Local Plan as follows:

4.9.3 SD1 j,k and l – it would detract from the character of the area and the natural environment with a negative impact on ancient woodland and wildlife and the setting of the ancient woodland and open land and cultural and heritage assets.

4.9.4 SP2d – it would be an inappropriate edge of settlement development - it is a green field site adjacent to a historic farmhouse and to the ancient woodland and wildlife site of Bourne Woods and surrounding land.

4.9.5 SP4a – this particular location was overwhelmingly not supported for a supermarket development in the community consultation.

- 4.9.6 SP4b – it is totally inappropriate in size, scale, layout and character to the setting and area.
- 4.9.7 SP4c – it would not be adjacent to the existing pattern of development.
- 4.9.8 SP4d – it would be obtrusive into open countryside and inappropriate and out of character with the landscape, environmental and heritage characteristics of the area.
- 4.9.9 EN1 – it would not be appropriate to the character of the area and detract from significant natural, historic, and cultural attributes and features of the ancient woodland, local wildlife and the historic interest of Park Farm and the natural spring at the Blind (chalybeate) Well.
- 4.9.10 EN2 – it would be damaging to green infrastructure and biodiversity and result in the loss, and deterioration of habitats, including ancient woodland.
- 4.9.11 EN3 – it would have an adverse effect on green infrastructure and biodiversity. Any benefits completely fail to outweigh impact.
- 4.9.12 EN4 – it would substantially increase environmental pollution with greatly increased traffic and vehicle emissions.
- 4.9.13 EN5 – the site has too high a flood risk.
- 4.9.14 EN6 – the site detracts from the historic environment – it is adjacent to the Ancient Woodland and Local Wildlife site at Bourne Wood. It is a historic archaeological environment.
- 4.9.15 DE1 – the proposed design has no architectural merit, is totally inappropriate in this location, and makes no attempt whatever to comply with local distinctiveness, vernacular and character and local identity of the area.
- 4.9.16 The adjacent Park Farm and its outbuildings have been designated as Heritage Assets under the draft Local List.
- 4.9.17 It would also be inappropriate to planned future development, and contrary to the Bourne Parish Neighbourhood Plan, in which 70% of respondents to the BPNP consultation deemed this location to be unsuitable for development.
- 4.9.18 Bourne Civic Society, which reviews all planning applications, was not consulted under the requirement for community involvement

**4.10 Friends of Bourne Woods:**

Initial Comments - Objection

- 4.10.1 This application is on a greenfield site which has been excluded from the Local Plan due to its proximity to Ancient Woodland. This is the Friends main reason for objection - as this application is likely to harm the woodland. The site is also outside the current curtilage of the town.
- 4.10.2 In the Aldi application they state in their Ecological Impact Statement, page 3 that there is a 64.61% biodiversity loss, obviously changing a grass field with mature hedgerows into a supermarket with car park will reduce significantly any biodiversity. The loss of grassland will mostly affect our pollinators which are already struggling.

- 4.10.3 The additional noise and air pollution will affect the wildlife in the neighbouring fields and in the nearby woodland, and possibly further afield - affecting the air quality of the town. There is also likely to be an increase in litter - which can be harmful to wildlife, people and pets - from experience car parks normally attract litter which can find its way into hedgerows/ditches.
- 4.10.4 The Friends would argue that Great Crested Newts may be present at the site - they are present in the community orchard, and local gardens and in the neighbouring fields so may well indeed use the site when they are not using ponds - as the field survey was conducted in January - no evidence either way would be seen.
- 4.10.5 The field acts as a firebreak currently if there were to be a fire in the woods - there have been minor fires already in the wood this year due to the dryness.

#### Final comments

- 4.10.6 Objection maintained for the reasons above and the following:
- 4.10.7 Woodland needs a buffer around it for the benefit of wildlife which use these areas to feed and live as well as using the wood. Currently this field provides such an area, along with established hedgerows on two sides which provide further habitat. Although the grassland may not be rich agricultural land, its use as grazing land provides extra insects which in turn help birds and wildlife living nearby.
- 4.10.8 The offer by the applicant to provide funding to Lincolnshire Wildlife Trust for a site elsewhere in the County does not help the wildlife currently using this site and implies that the only land in future that we will need is nature reserves - when nature and humans should be making room for one another and living side by side.

#### **4.11 Natural England:**

- 4.11.1 No Objection.
- 4.11.2 Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impacts on designated sites and has no objection.
- 4.11.3 Math and Elsea Wood Site of Special Scientific Interest (SSSI)
- 4.11.4 Math and Elsea Wood SSSI site consists of two adjoining, ancient semi-natural woodlands that have developed on sand overlying clay and adjacent fen gravel. Elsea Wood has a high forest structure; while Math Wood has a coppice-with-standards structure. Both woods have a rich ground flora with a species distribution tending to vary with the soil drainage. Both woods are in unfavourable-recovering condition status. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the SSSI site has been notified and has no objection.

- 4.11.5 Further information in regards to Natural England's advice on ancient woodland can be found below.
- 4.11.6 Soils and Agricultural Land Quality
- 4.11.7 From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20ha 'best and most versatile' (BMV) agricultural land.
- 4.11.8 For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- 4.11.9 Further guidance is available in The British Society of Soil Science Guidance Note 'Benefitting from Soil Management in Development and Construction' which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

#### Other Advice

#### Biodiversity Net Gain

- 4.11.10 The application documents include an Ecological Impact Assessment which has used the 3.1 metric to illustrate the impact that the development will have on local biodiversity. This report identifies that the proposed development will result in a net loss of -2.91 biodiversity units (habitats), which is equivalent to 64.61% of the baseline habitat value. We also note that the retention of existing hedgerows and planting of new species-rich native hedgerows will result in an uplift of 1.1 linear biodiversity units, a net gain in hedgerow habitats of 79.17%. However, the conclusion of the assessment is that it is not possible to achieve a biodiversity net gain on this site and the proposed development will result in a net loss in biodiversity value.
- 4.11.11 Whilst Biodiversity Net Gain is not yet a mandatory requirement, Natural England recommend that this proposal should seek to deliver a Net Gain to comply with guidance set out in the National Planning Policy Framework (NPPF – paragraphs 174d, 179b and 180d) and Policy EN2: Protecting Biodiversity and Geodiversity of the South Kesteven Local Plan. Net gain outcomes can be achieved both on and/or off the development site. As no off-site habitat enhancements have been included within the application at this

stage, it is advised that the applicant is asked to consider the provision of biodiversity enhancements on an appropriately located site.

### Ancient Woodland, Ancient and Veteran Trees

4.11.12 Math and Elsea Wood is classified as Ancient and Seminatual Woodland. You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken in account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

## **5 Representations as a result of Publicity**

5.1 495 representations were received following the initial consultation following the submission of the planning application. The main representations are summarised below:

5.2 Support x 170:

- Easy access available
- Good parking provision (including disabled)
- Public toilets
- Would sit comfortably next to woods
- Would increase retail choice
- Would create good jobs
- Would reduce environmental impact through shorter car journeys

5.3 Objection x 325

- Greenfield site
- Negative town centre impact
- Woodland impact
- Highways impact and lack of pedestrian links
- Character impact when approaching Bourne from west
- Bourne doesn't need another supermarket
- Skewed public consultation in favour of scheme
- Light pollution
- Ecological report undertaken at wrong time of year
- Air pollution
- Drainage buffer removed – flood risk
- Site not allocated in Local Plan
- Noise pollution
- Does not meet policy SP4 criteria
- Ecological impact
- Paragraph 147 NPPF – Green Belt impact

5.4 In addition, 4 representations were received neither supporting nor objecting to the scheme, but making the following comments:

- Should ensure suitable pedestrian links
- Designated employment site would be better
- Why apply for a non-designated site? Suggests permission already agreed
- Speed reduction along West Road should be imposed

5.5 38 representations were received following the further consultation carried out by the Council after receipt of additional highway and biodiversity information from the Applicant. The main representations are summarised below:

5.6 Support x 2:

- Need for further supermarket on west side of Bourne
- As a daily user of the roundabout do not consider it to be busy

5.7 Objection x 36:

- Biodiversity and BNG queries
- Changes to land allocations to the east of Bourne – more appropriate to be located there
- No need for further supermarket
- Traffic impact
- Design out of keeping
- Delivery noise
- Ruin appearance of town on approach
- Other brownfield sites available
- Invest in high street not supermarkets
- NOT supported by locals
- Flood risk
- Not an allocated site
- Contrary to Policy SP4
- Fire Risk
- Beyond settlement boundary
- Would this prevent a northern ring road?
- Impact on residential amenity and well-being
- Need Doctors and dentists
- Other roundabouts on Raymond Mays Way much better.

## 6 Evaluation

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District, and is the basis for decision-making for the current application. While Bourne Neighbourhood Plan Group are developing a Neighbourhood Plan, it is not yet at a stage that is afforded any weight in terms of decision making.

6.2 In addition, the Lincolnshire Minerals and Waste Local Plan forms the development plan for the District in relation to minerals planning.

6.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is material consideration in the determination of planning applications.

6.4 The policies and provisions of the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

## 6.5 Principle of development

6.5.1 Policies SP1 and SP2 of the adopted Local Plan directs the majority of new development towards Grantham first and foremost, then to locations in and around the market towns within the District, including Bourne.

6.5.2 The site lies at the edge of the settlement adjacent to existing development, including in the new Elsea Park housing estate of circa 2,000 dwellings. As such the relevant policy for the consideration of this application is Policy SP4: Development on the Edge of Settlements. Policy SP4 says that “proposals for development on the edge of a settlement, as defined in Policy SP2, which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria a – f below are met. The proposal must:

- a. demonstrate clear evidence of substantial support from the local community\* through an appropriate, thorough and proportionate preapplication community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;*
- b. be well designed and appropriate in size / scale, layout and character to the setting and area;*
- c. be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;*
- d. not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;*
- e. in the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and*
- f. enable the delivery of essential infrastructure to support growth proposals.*

*\* the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application consultation exercise.*

6.5.3 The application includes a Statement of Community Involvement (SCI) which sets out details of the pre-application consultation that the applicant’s entered into, and provides an account of the feedback they received. It details engagement with key stakeholders (including Councillors), engagement with the community (through a virtual public exhibition

and website, in-person consultation event, press releases and coverage, and social media).

6.5.4 The responses to this engagement are then documented, with the following results:

- 62.1% of respondents were in favour of the proposals in principle (347/568), whilst 32.4% were against it in principle (181/568)
- 66.2% thought the new store would benefit the area (370/568) against 27.7% who felt it would not benefit the area (155/568)

6.5.5 There was also more detailed commentary provided, with many of the issues raised subsequently during the Council's consultation on this application apparent. Issues raised including highways impact, pedestrian safety, impact on the town centre, impact on Bourne Wood, loss of green space, impact on amenity are discussed in the SCI.

6.5.6 In summary, it is considered that the SCI submitted meets the requirements of the test in Policy SP4a – that the scheme can demonstrate clear evidence of substantial support from the local community at the point of the submission of the application through an appropriate, thorough and proportionate preapplication community consultation exercise. The fact that this application has been subject to a different ratio of objections-letters of support during the consultation period does not negate the fact that the scheme can demonstrate substantial support at the point of submission, which is the requirement set out in the footnote to Policy SP4. The site is also adjacent to the existing pattern of development for the area and therefore complies with Policy SP4c. The requirements of Local Plan Policy SP4 b, d and f are discussed further in the relevant sections of this report below. SP4e is not relevant to this proposal as it relates to housing developments.

## 6.6 **Effects of the proposal on the town centre**

6.6.1 Local Plan Bourne Town Centre Policy BRN2 states: *“a sequential approach will be applied to the location of proposals for main town centre uses which prioritises sites within the town centre ahead of edge of centre sites. Out of centre locations will only be considered if sequentially preferable sites are not available.*

6.6.2 *Retail impact assessments are required to accompany proposals for main town centre uses in edge of centre or out of centre locations where the gross floorspace proposed is above 1000sqm.”*

6.6.3 The application proposes a discount food store of over 1,000 sq metres in floorspace – as such a retail impact assessment is required. Retail development falls within use Class E and is a main town centre use as defined by the NPPF Annexe 2 Glossary.

6.6.4 The sequential test requirement is set out in Paragraph 91 of the National Planning Policy Framework (NPPF) and states that local planning authorities should apply a Sequential Test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Applications for main town centre uses should be required to be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be

considered. Paragraph 92 states that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities are urged to demonstrate flexibility on issues such as format and scale as part of the sequential approach to new retail development.

- 6.6.5 In addition to a sequential test, paragraph 94 of the NPPF states that a retail impact assessment is required to accompany proposals for main town centre uses in edge of centre or out of centre locations where the gross floorspace proposed is above 2,500 sqm unless there is a locally set threshold.
- 6.6.6 Paragraph 95 of the NPPF instructs that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.
- 6.6.7 An independent review of the submitted Retail Impact Assessment and Sequential Test has been carried out by Urban Agile to provide expert advice on the assessment of these key retail tests. The initial response raised some specific points, which the applicant's subsequently addressed via the submission of an Addendum document. Urban Agile's advice to the Council is as follows:
- 6.6.8 *"Further to our previous advice to the Council in respect of the above application, I now write to provide comment on the 'Supplementary Note (The Sequential Test)' submitted by Avison Young on behalf of the applicant. The application proposes the development of a foodstore with associated works and we have advised the Council on retail planning policy matters.*
- 6.6.9 *In our previous advice, we recommended that the applicant provided further clarification relating to the primary catchment of the proposed development. This was considered relevant to the search for alternative sites required by the sequential test and for compliance with paragraphs 87 and 88 of the NPPF and Policy BRN2 of the South Kesteven Local Plan. Specifically, we noted that the submitted Planning and Retail Statement (PRS) made contradictory references to the extent of the primary catchment area and whether this comprised a 5-minute drive-time from the application site or a 10-minute drive-time. No mapping had been provided to show the extent of the proposed catchment area or to confirm the Bourne Town Centre was the only defined centre within this area. The additional information now received seeks to address these matters.*

#### Primary Catchment Area

- 6.6.10 *The Supplementary Note provides details of a 10-minute drive-time catchment area with mapping attached at Appendix 1. As such, we now assume that references to a 5-minute drivetime within the original PRS should be disregarded. The catchment area mapping appears to have been sourced from Experian. It shows an area comprising Bourne and outlying settlements including Grimsthorpe, Manthorpe and Thurlby, extending along A-roads to also include the villages of Baston, Carlby and Morton. We consider the 10-minute drive-time isochrone to represent an appropriate catchment area for the proposed development, reflecting the relatively rural context of the application site and the likely*

*trade draw of a foodstore of this size. It is also consistent with the approach taken in respect of other foodstore proposals in Stamford and Market Deeping. We therefore welcome this clarification and consider the assumptions made in respect of the primary catchment area to be reasonable.*

### Sequential Test

- 6.6.11 *As stated in our previous advice, the search for sequentially preferable sites should be related to the catchment area of the proposed development. The mapping shown at Appendix 1 of the Supplementary Note confirms that Bourne Town Centre is the only defined centre within the primary catchment area. None of the smaller settlements within the catchment area are identified as town, district or local centres by the South Kesteven Local Plan. The town centre at The Deepings is outside of this 10-minute drive-time area and the existing evidence on shopping patterns discussed in our previous advice (and highlighted in the Supplementary Note) confirms that this town centre serves a materially different catchment area. As such, we are satisfied that it is not necessary for the applicant to consider sequentially preferable sites within and on the edges of any other centres within the District. We have previously concluded that there are no sequentially preferable sites within or on the edges of Bourne Town Centre that would both be suitable and available for the proposed development.*
- 6.6.12 *Accordingly, following the additional information now provided, we are satisfied that the application scheme complies with the sequential test set out at paragraphs 87 and 88 of the NPPF, and Policy BRN2 of the South Kesteven Local Plan.”*
- 6.6.13 During the life of this application, the Council asked the applicant to consider the Jewson site at Great Northern Gardens, Bourne which had recently become vacant. The applicant considered this site to be out of centre and also discounted it as being unsuitable, as they considered it too small to accommodate the proposed development. The Council sought further advice from Urban Agile on the consideration of this site, who advised as follows:
- 6.6.14 *“When measured from its southern extent on South Street, we believe the application site to be 250 metres from the secondary shopping frontage at its closest point. It is therefore our view that the Jewson site should be considered to be edge-of-centre for the purposes of the sequential test.*
- 6.6.15 *Notwithstanding this conclusion, we note that paragraph 92 of the NPPF states that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the town centre. It is our view that, given its relative proximity, the Jewson site is better connected to the town centre than the application site and would therefore be sequentially preferable, even if it were to be considered to be an out-of-centre site.”*
- 6.6.16 However, in relation to the suitability of the site, they advised as follows:
- 6.6.17 *“Whilst we are not in a position to provide the Council with any detailed advice on highways matters, we consider that the provision of significantly less car parking than proposed as part of the application scheme would be likely to undermine the trading performance of the proposed development and/or result in unacceptable impacts on*

*highway safety. In the alternative, a significant reduction in the size of the proposed foodstore would be likely to go beyond reasonable expectations for flexibility and result in a significantly different scheme to that proposed by the applicant. It is therefore our view that the Jewson site is unlikely to be suitable for the proposed development.*

- 6.6.18 *In summary, whilst we consider the Jewsons site to be sequentially preferable to the application site at West Road and to be available for development, we do not consider it to be suitable for the proposed development even when adopting a significant degree of flexibility.”*
- 6.6.19 Officer’s have considered the applicant’s assessment of alternative sites and the expert advice from Urban Agile and agree that there are no sequentially preferable sites to the application site for the proposed development, that are both available and suitable. This includes the vacant Jewson’s site, even when adopting a significant degree of flexibility. As such, the sequential test is considered to be passed and the proposal in this respect complies with Local Plan Policy BRN2 and the NPPF paragraphs 91 and 92.
- 6.6.20 In terms of retail impact, the applicant’s submitted a Planning and Retail Statement dated May 2023. The assessment includes a review of the health of the town centre against an appropriate selection of vitality and viability indicators and concludes that the proposal’s convenience turnover will primarily be diverted from the existing main-food supermarkets that serve Bourne, i.e. Tesco, Sainsbury’s and Lidl. The assessment anticipates that the convenience trade diversion from those stores would equate to trading impacts of -13.2%, -13.5% and -15.7% respectively. However, that level of impact is not expected to threaten the viability of Tesco, Sainsbury’s or Lidl and given their out of centre locations those stores do not benefit from planning policy protection in any case.
- 6.6.21 In terms of retail impact on the convenience trade in the town centre, the report assesses this to be -4.1% which is asserted not of an order which would result in a significant adverse impact on the vitality and viability of centre as a whole. In respect of Retail Impact, Urban Agile provided the following advice:
- 6.6.22 *“In terms of impacts on town centre vitality and viability, we acknowledge that the trade impacts of the proposed foodstore are most likely to fall on existing edge and out-of-centre foodstores within Bourne. These facilities are not afforded any planning policy protection. We have suggested that, in our opinion, the applicant’s assessment of trade diversion may have underestimated impacts on facilities within Bourne Town Centre which have a market share of 5.9% within Zone 1 of the study area. If we assume that trade diversion from the town centre accounts for 5% of the turnover of the application scheme, then this would result in trade impact of just under -9% at 2027 (based on the turnover figures provided within the PRS).*
- 6.6.23 *However, it is important to recognise that convenience retail expenditure accounts for a relatively small proportion of the overall turnover of Bourne Town Centre. The SKRS (Table 10 of Appendix 7) indicated that in 2026 the town centre would have a comparison retail turnover of £43.18 million. Set against a combined retail turnover of almost £50 million, the trade impact of the application scheme would be proportionally lower. Furthermore, given the relatively specialised nature of the town centre’s convenience offer, we do not consider that the proposed development at West Road is likely to have significant adverse impacts.*
- 6.6.24 *In terms of impacts on investment within town centres, we are not aware of any planned investment in Bourne Town Centre. The only planned town centre investment that we are*

*aware of is the proposed new foodstore on land to the east of The Deepings Shopping Centre in Market Deeping. The Council has recently resolved to grant planning permission for this development. Although not accounted for within the applicant's impact assessment, we note that the household survey undertaken to inform that assessment showed that the trade draw of foodstores in Market Deeping on residents in the Bourne area was negligible. We would not expect the new foodstore within the town centre at Market Deeping to have any significant bearing on these established shopping patterns or to lose any significant trade to the application scheme. Accordingly, we do not consider that the proposed development is likely to have any significant adverse impacts on in-centre investment.*

6.6.25 *In summary, we are generally satisfied that the proposed development is unlikely to give rise to significant adverse impacts on Bourne Town Centre and other defined centres. This is because the trade impacts of the proposed foodstore are likely to mainly fall on existing foodstores outside of defined centres that currently have dominant market shares. We are also unaware of any planned investment in Bourne Town Centre that is likely to be affected by the application scheme. Whilst there are proposals for a new foodstore in the town centre at Market Deeping, evidence relating to existing shopping patterns indicates that a new foodstore in Bourne will not have material impacts on such an investment. We can therefore confirm that the proposed development accords with paragraph 90 of the NPPF and Policy BRN2 of the Local Plan."*

6.6.26 Officer's have considered the applicant's assessment of retail impact and the expert advice from Urban Agile and agree that the proposed development will not give rise to significant adverse impacts on the town centre. In summary, the proposal is considered to accord with policy BRN2 of the adopted Local Plan and the NPPF (section 7), Ensuring the Vitality of Town Centres, as there is no sequentially preferable sites available that are suitable for the proposed development and the proposed development will not give rise to significant adverse impacts on the town centre.

## **6.7 Effects of the proposal on Visual amenity and the Character of the Area**

6.7.1 Policy DE1 of the Local Plan requires new development to be of high-quality design. It sets out the following relevant stipulations:

- Make a positive contribution to the local distinctiveness, vernacular and character of the area
- Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape/townscape character of the surrounding area
- Proposals should be of an appropriate scale, density, massing, height and materials, given the context of the area
- Ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to feature that minimise crime and the fear of crime
- Retain and incorporate important on-site features, such as trees and hedgerows and incorporate, where possible nature conservation and biodiversity enhancement into the development
- Provide well designed hard and soft landscaping

6.7.2 As set-out above Local Plan Policy SP4b and d require:

- b) be well designed and appropriate in size / scale, layout and character to the setting and area;
- d) not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area.
- 6.7.3 Local Plan Policy EN1 states that *“Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.”*
- 6.7.4 Policy EN3 states: *“The Council will maintain and improve the green infrastructure network in the District by enhancing, creating and managing green space within and around settlements that are well connected to each other and the wider countryside.”* The policy states that proposals that cause harm to the District’s green infrastructure network will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts. It also states that where adverse impacts on green infrastructure are unavoidable, *“development will only be permitted if suitable mitigation measures for the network are provided”*
- 6.7.5 Paragraph 135 of the NPPF requires developments to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.7.6 The site falls partly within the ‘Kesteven Uplands’ and partially within the ‘Fen Margin’ Character Area in the South Kesteven Landscape Character Assessment (published in 2007). The site lies to the south of Bourne Wood which is a historic woodland designated as Ancient Woodland. Restricted Byway Ref: Bour 21/1 passes to the immediate west of the site, running between West Road to the south-west and Bourne Woods to the north.
- 6.7.7 The existing site displays some characteristics of the Kesteven Uplands and Fen Margin Character Areas, with a native boundary hedgerow running along West Road and the extensive woodland at Bourne Wood to the rear of the site. However, the significant residential built form and highway infrastructure in close proximity of the site provide urban edge characteristics.
- 6.7.8 It is also important to note that the site is a key gateway site on approach to Bourne, and that any development of it would need to ensure that it is appropriate from that perspective. Inevitably, Aldi has a design approach and certain operational requirements that impact on the general form of the building and its surroundings – this results in a fairly homogenous approach to their shops around the country. Therefore, it is important to ensure that the materials and landscaping details are appropriate to ensure that they represent a suitable design with respect to the site, its surroundings and the policy position.
- 6.7.9 The landscape and visual appraisal submitted with the application assesses the landscape to be of local value, medium susceptibility to change and low to medium sensitivity to development. Adverse effects of the proposal are limited to the loss of part of an agricultural field managed as pasture, set against the urban edge context. The

assessment concludes that the landscape effects would be highly localised and limited to the site itself and its immediate context north of West Road adjacent to the roundabout junction and residential edge at the gateway to the settlement. Officers agree with this assessment in terms of the landscape effects of the proposal.

- 6.7.10 In terms of effects on visual amenity these would also be localised and limited to residents at the settlement edge to the east and south-east, as well as users of the Restricted Byway to the west of the site, and the users of the local road networks within the immediate vicinity of the site. Other than visual effects, the byway would remain unaffected by the proposal.
- 6.7.11 The new unit would sit in the north-east corner of the site, behind the car parking and deep landscaped boundaries. From the front the view would be of a largely glazed elevation, with some timber cladding. The result is a scheme that would sit comfortably within its site and create a visually pleasant new gateway into Bourne from the West.
- 6.7.12 The applicant has amended the design to take into account comments made by the Council's Urban Design Officer, and other consultees, during a Design Meeting held to discuss the application. The changes were as follows:
- Provision of additional cycle storage places, which have been incorporated through the inclusion of a cycle shelter to the south of the store, adjacent to the EV charging spaces
  - Increased soft landscaping along the northern boundary to create a stronger landscaped edge to the development and reinforce the separation between the site and the open countryside and Bourne Wood to the north
  - Additional timber cladding to soften views of the store
  - New location for boundary fence to the north, so that the fence itself is obscured from view by the landscape planting
- 6.7.13 Alongside these changes, the applicant submitted a Landscape Strategy, which establishes a number of landscape objectives that will then be secured via condition.
- 6.7.14 The proposal, as amended, would result in the delivery of a new shop in a relatively contemporary style, with an appropriate mix of facing materials. It would create a positive addition to the street scene, and one that would create a sense of arrival when approaching Bourne from the west. The enhanced landscaping proposals would deliver an appropriate diversity of trees and planting, which would add to the visual enhancement to the street scene that would be created.
- 6.7.15 The proposals have been designed to respect the needs of people with disabilities, with pedestrian routes through and into the site suitable for all members of the community. This includes the use of contrasting tactile paving and dropped kerbs, as well as good natural surveillance and appropriate external lighting.
- 6.7.16 Further to the above, the proposal is considered to adhere to the requirements of Local Plan Policies DE1, EN1, EN3, SP4b and d and Paragraph 135 of the NPPF which is a material consideration.

## 6.8 **Impact on Residential Amenity**

- 6.8.1 Policy DE1 seeks to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light.
- 6.8.2 Paragraph 135 of the NPPF requires development to create a high standard of amenity for existing and future users.
- 6.8.3 The application site is not close to existing residential development. Due to the nature of the use, it is not expected that significant levels of noise would occur as a result of the development. This is supported by the noise assessment and lighting details submitted with the application proposals.
- 6.8.4 The Council's Environmental Health officers have raised no concerns with the proposals in relation to noise or light pollution. However, it is considered necessary to condition both the timing of deliveries (so that they do not take place through the night) and further detail on external lighting – to ensure that the operating hours and level of illumination are appropriate.
- 6.8.5 As such there would be no significant impacts in relation to amenity for nearby property occupiers in terms of noise or light pollution. The application is therefore considered to meet the requirements of Local Plan Policies DE1 and EN4 and Paragraph 135 of the NPPF.

## 6.9 Impact on Highways

- 6.9.1 Policy ID2 requires all new developments to demonstrate that they have applied the following principles:
- a) *Are located where travel can be minimised and the use of sustainable transport modes maximised;*
  - b) *Reduce additional travel demand through the use of measures such as travel planning, safe and convenient public transport, dedicated walking and cycling links and cycle storage/parking links and integration with existing infrastructure;*
  - c) *Seek to generate or support the level of demand required to improve, introduce or maintain public transport services, such as rail and bus services;*
  - d) *Do not severely impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements, including the provision of new or improved highway infrastructure; and*
  - e) *Ensure that transport is accessible to all, including appropriate provision for vehicle, powered two wheeler and cycle parking is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility.*
- 6.9.2 Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.9.3 Following the submission of further off-site highway improvements LCC Highways have advised as follows: *“The planning application is supported by a Transport Assessment and Travel Plan which considers the impact of the proposed development on the highway network and to improve accessibility and safety for all modes of travel, particularly for*

*alternatives to car. The detailed information concludes that no significant impact will occur on the existing local highway network.*

6.9.4 *The development generated traffic, trip distribution and the junctions modelled for the existing situation have been used to analyse the future year scenarios of '2028 Base' (incorporating expected growth from 2023) and '2028 Base + development.' The analysis shows that in the 2028 Base + Development scenario, all junctions will continue to operate within their theoretical capacity with either no or low queuing. The addition of the traffic generated by the development is, therefore, predicted to have only a negligible impact on the operation of all of the assessed junctions. As such, the proposed development will not result in anything approaching "severe" cumulative impacts at local junctions ("severe" being the term used in the NPPF to describe impacts that may prompt the refusal of planning permission) so that the proposals are acceptable in relation to traffic impact.*

6.9.5 *There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:*

- The highway network is over-capacity, usually for period extending beyond the peak hours*
- The level of provision of alternative transport modes*
- Whether the level of queuing on the network causes safety issues*

*In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF."*

6.9.6 In line with the NPPF, safe and suitable access is to be provided for all. The proposal will generate increased pedestrian movements to the site and currently there is no provision for a safe and direct route from the Elsea Park Development. The Applicants are now proposing to address this issue by providing a footway from Welland Drive, with a pedestrian island at the junction. These details are indicatively shown on drawing number AMA/40046/D/100 dated 04/12/2023. These proposals will be subject to a S278 Agreement with Lincolnshire County Council.

6.9.7 Therefore, with appropriate conditions applied, it is considered that the scheme is able to meet the requirements of Policies ID2, SP4f of the Local Plan and the NPPF with respect to its impact on the highway network and pedestrian safety.

## 6.10 **Flood Risk and Drainage**

6.10.1 Policy EN5 of the Local plan states a Flood Risk Assessment (FRA) will be required for all development in Flood Zones 2 and 3 and for sites greater than 1 hectare in Flood Zone 1, and where a development site is located in an area known to have experienced flood problems from any flood source, including critical drainage.

6.10.2 All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and

including the 1% Annual Exceedance Probability (AEP)\* storm event with an allowance for climate change. The appropriate climate change allowances should be defined using relevant Environment Agency guidance. Surface water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDs) unless it is demonstrated to be technically unfeasible. All planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged.

- 6.10.3 A Flood Risk Assessment and Drainage Strategy was submitted with the application, which confirms that the site is located entirely within Flood Zone 1 and so is classified as having a low probability of river or sea flooding. It also confirms also that retail buildings are a “less vulnerable” use as classified by the NPPF which are acceptable uses within Flood Zone 1. The FRA also considers flood risk from other water sources and determines that the site is at low risk of surface water flooding; negligible risk of ground water flooding; no risk of sewer flooding; no risk of flooding from reservoirs or canals; and no risk of flooding from other natural or artificial sources.
- 6.10.4 The proposed development would increase hard surfaces that generate surface water run-off and therefore an effective surface water drainage strategy is necessary. It is proposed to incorporate a stormwater attenuation system designed to limit surface water discharge rates to greenfield run-off rates which have been calculated at 3.4 litres/ second. This would discharge into the watercourse on the southern boundary of the site. The attenuation volume has been calculated taking into account 1 in 100 year rainfall events and including a climate change allowance.
- 6.10.5 The Local Lead Flood Authority have raised no objection to the proposals, nor has Anglian Water, and nor has the Internal Drainage Board. The drainage strategy would ensure that the proposed development will not result in flooding within the site or elsewhere and that surface water can be attenuated and discharged through the use of sustainable drainage solutions.
- 6.10.6 In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.

## 6.11 **Climate Change**

- 6.11.1 As discussed above, the application proposals would be located on the edge of a market town and accessible by sustainable modes of transport. As such, the application scheme would be consistent with the locational principles of the local plan. The Design and Access statement states that the applicant’s regional distribution centres have been set up across the UK to supply 80-90 stores only, which minimises the amount of road travel and lowers the carbon footprint of the distribution operation. The car park would also include 4 electric vehicle charging spaces and provision for cycle parking.
- 6.11.2 In respect of the sustainable credentials of the proposed built-form, the submitted Design and Access Statement states that energy efficient freezers and LED lighting are used. A heat recovery system from the chiller and freezer condensers along with Air Source Heat Pumps (ASHP’s) would provide the store heating provision from wasted machinery heat and renewable sources.

- 6.11.3 However, the building will incorporate the use of energy efficient and sensor controlled lighting in order to seek to reduce the energy requirements of the building. Similarly, as discussed above, the rationale for the proposed development is to enable the co-location of food processing and storage facilities on the same site, thereby reducing the need to transport materials off-site, and as a consequence reducing food miles, and the associated carbon emissions from vehicles involved in the process.
- 6.12 Taking the above into account, it is Officers' assessment that the application proposals would represent sustainable development when assessed as a whole, and would accord with the requirements of Policy SD1 and SB1 of the adopted Local Plan.
- 6.13 **Ecology and Biodiversity**
- 6.13.1 Policy EN2 of the Local Plan requires that the council facilitates the conservation, enhancement and promotion of the District's biodiversity. For planning applications, this means refusing applications that result in the loss, deterioration or fragmentation of irreplaceable habits, including ancient woodland and aged or veteran trees, unless the needs for and benefits of the development in that location clearly outweigh the loss of harm.
- 6.13.2 Lincolnshire Wildlife Trust initially objected to the scheme, citing concerns about the proximity of the site to the Local Wildlife Site (LWS) Bourne Woods, which sits a short distance away to the North. They have also advised that the Phase 1 Habitat Survey undertaken by Middlemarch is not considered sufficient, as survey work was undertaken in January, which is not considered to be the best time of year for such work. They also raised concerns with the biodiversity net gain assessment (BNG), in that it does not provide a like for like replacement for lost habitat.
- 6.13.3 The Town Council has also raised concerns with the submission in respect to biodiversity/ecological impact.
- 6.13.4 Natural England have raised no objection to the proposals, including in relation to the time of year the survey work was undertaken. Likewise, the Environment Agency has raised no objection to the scheme.
- 6.13.5 In response to the Lincolnshire Wildlife Trust, the applicant first provided a formal comment, calling into question the voracity of the consultation response. They also pointed out that the consultation response contained no actual evidence of negative impact on Bourne Wood and no detailed account of inaccuracies within Middlemarch's Phase 1 Habitat Survey.
- 6.13.6 An updated walk-over survey report confirming the findings of the earlier report was also provided at this stage in the consideration of the application (29 August 2023)
- 6.13.7 With respect to BNG, it is the case that the Government only made it mandatory for major planning applications submitted from 12 February 2024. Policy EN2 of the Local Plan requires developments to deliver a net gain "*where possible*", which is not the case for all habitats on this site. It is officer's opinion that, on the basis of the above, the development should compensate for the loss of units on site and deliver a net gain, this does not need to be 10%.
- 6.13.8 At paragraph 186 of the revised NPPF the Government has stated that when determining planning applications, LPAs should refuse planning applications that lead to significant harm to biodiversity where it cannot be mitigated or compensated for.

6.13.9 Given its relevance to the scheme, it is worth setting out what Policy EN3 of the Local Plan says in full:

*“The Council, working in partnership with all relevant stakeholders, will facilitate the conservation, enhancement and promotion of the District’s biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.*

*Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in the Lincolnshire Biodiversity Action Plan, Geodiversity Strategy and the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances:*

- *In the case of internationally designated sites (alone or in combination), where there is no alternative solution and there are overriding reasons of public interest for the development.*
- *In the case of National Sites (alone or in combination) where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.*
- *In the case of Local Sites (e.g. Local Wildlife Sites) or sites which meet the designation criteria for Local Sites, the reasons for development must clearly outweigh the long term need to protect the site.*

*In exceptional circumstances where detrimental impacts of development cannot be avoided through locating an alternative site) the Council will require appropriate mitigation to be undertaken by the developers or as a final resort compensation. Where none of these can be achieved then planning permission will be refused. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important species.*

*Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.*

*Development proposals that are likely to result in a significant adverse impact, either alone or in combination, on any internationally designed site, must satisfy the requirements of the Habitats Regulations.”*

6.13.10 An Ecological Impact Assessment (Middlemarch, April 2023) submitted with the application specifically states the following:

*“Providing that all recommended avoidance and mitigation measures are implemented, most of the predicted or potential ecological effects can either be avoided or reduced to negligible significance. The few remaining residual adverse effects arising as a result of the proposed development are significant at no greater than the Local (Site) scale and, whilst the permanent loss of habitats cannot be avoided, compensation/enhancement can be provided in the medium to long-term, through the creation of replacement habitat on site with an off-site compensation solution.”*

6.13.11 Following further discussions with LWT the applicant has provided a proposed package that will involve investment in habitat creation and improvement elsewhere to compensate

for the loss of habitat on the site. This is set out in the applicant's letter dated 26 March 2024 and includes the following:

- a) a net gain of 79.17% gain in on-site hedgerow habitats; and
- b) a net gain of 2.05% in relation to off-site area habitats.

The above, coupled with the large increase in linear habitats (hedgerows) on the site that can be achieved through the other mitigation proposed would result in an overall increase in BNG units through a combination of on and off-site measures.

6.13.12 Although the further biodiversity information has not led to the withdrawal of the objection from the Friend's of Bourne Wood, or the Town Council, it is considered that on the whole the proposal does meet the requirements of Policy EN2 of the Local Plan and para. 186 of the NPPF, subject to the imposition of an appropriate condition.

#### **6.14 Impact on archaeological assets**

6.14.1 Heritage Lincolnshire (as Local Archaeological Advisor) have been consulted on the application proposals and have confirmed that they have no objections, subject to the agreed Written Scheme of Investigation for a programme of archaeological evaluation, and for this field evaluation to be completed prior to the commencement of development on site.

6.14.2 Taking the above into account, subject to conditions, the application proposals would accord with Policy EN6 of the Local Plan, and Section 16 of the Framework in respect of archaeological matters.

## **7 Conclusion and Planning Balance**

7.1 The site is in a sustainable location and has very good levels of accessibility – being within easy walking and cycle distance for both customers and staff employed there. The economic benefits of the proposals are clear in terms of job creation and widening consumer choice. There would also be short-term economic benefits to the local economy during the construction phase of the project. These are positive factors that are attributed significant weight in the planning balance.

7.2 The application meets the requirements of the test in Policy SP4a in that the scheme can demonstrate clear evidence of substantial support from the local community at the point of submission of the application through an appropriate, thorough and proportionate preapplication community consultation exercise. The fact that this application has been subject to a different ratio of objections-letters of support post submission does not negate the fact that the scheme can demonstrate substantial support in accordance with the requirement in Policy SP4. In addition, it is officer's assessment that criteria b)-d) and f) as required by Policy SP4 are also met.

7.3 The proposal is considered to accord with Policy BRN2 of the adopted Local Plan and Part 7 of the NPPF, Ensuring the Vitality of Town Centres, as there is no sequentially preferable site in or immediately adjacent to the identified town centre and the proposed development will not give rise to significant adverse impacts on the town centre.

- 7.4 The proposal is considered to adhere to the requirements of Local Plan Policies DE1, EN1 and EN3 and Paragraph 135 of the NPPF which is a material consideration, as it would deliver a form of development that would result in a suitable impact on a key gateway site into Bourne from a design and character perspective.
- 7.5 There would be no unacceptable impacts in relation to amenity for nearby property occupiers in terms of noise or light pollution. The application is therefore considered to meet the requirements of Local Plan Policies DE1 and EN4 and Paragraph 135 of the NPPF.
- 7.6 The scheme is considered to have an acceptable impact on the highway network, and the enhanced pedestrian crossing on West Road can be secured by condition – such that the scheme is able to meet the requirements of Policy ID2 of the Local Plan.
- 7.7 Given the low risk of flooding, it is considered that a suitable drainage strategy could be achieved and details could be secured by condition if the application is approved. In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.
- 7.8 The application would have significant impacts on the ecological value of the site, but the applicant has proposed a suite of mitigation and off site compensation that will be secured through planning condition and which enable it to meet the requirements of Policy EN2 of the Local Plan and Paragraph 186 of the NPPF by delivering a net biodiversity gain. This matter is therefore considered to be neutral in the planning balance.
- 7.9 The proposed development is therefore considered to be in accordance with the development plan, when taken as a whole, and there are no material considerations to indicate otherwise.
- 7.10 It is therefore recommended that planning permission is approved, subject to the conditions below.

## **8 Recommendation**

- 8.1 The application should be approved, subject to the following conditions:

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in

Section 91 of the Town and Country Planning Act 1990 (as amended).

## Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - Site Location Plan drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0001
  - Proposed site plan drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0008
  - Proposed Elevations drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0005
  - Proposed Boundary Treatments drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0007
  - Proposed Floor plan drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0004
  - Proposed Roof plan drawing no. H20A44-STO\_ZZ\_XX\_DR\_A\_0006

Reason: To provide clarity as to what drawings have been approved.

## Before the Development is Commenced

3. Before the development hereby permitted is commenced, a written scheme of archaeological investigation (WSI) shall have been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved WSI.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the NPPF (section 16).

4. Prior to the commencement of the development hereby approved, a Biodiversity Compensation Scheme shall be submitted to and approved in writing by the LPA. This shall include a habitat creation method statement to demonstrate how a minimum of 2.92 habitat units will be delivered off-site. The habitat creation shall be implemented in accordance with the approved details and retained thereafter for a period of at least 30 years.

Reason: To ensure that the scheme compensates for the significant harm to ecological habits in accordance with the requirements of Policy EN2 of the Local Plan and Paragraph 180 of the NPPF.

5. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- the timetable of the construction phase to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. In accordance with Policies EN5 and ID2 of the Local Plan and Sections 9 and 14 of the NPPF.

6. Prior to the commencement of development, a scheme for off site highways works relating to a pedestrian crossing of West Road and access to the site (following the principles of General Arrangement Plan drawing no. AMA-40046-D-100) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the use commencing on site, and shall be retained thereafter.

Reason: To ensure a suitable form of pedestrian access is delivered in the interests of highway safety in accordance with the requirements of Policy ID2 of the Local Plan and the NPPF.

7. No development shall commence on site (including preparatory works) until a tree and hedgerow protection plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented in accordance with the approved details throughout the construction phase.

Reason: To ensure that the important, established landscape features are protected during the construction process and to comply with DE1 and EN2 of the South Kesteven Local Plan 2011-2036.

8. Prior to the commencement of the development hereby permitted above ground level, details of the materials to be used in the construction of the external surfaces of the development hereby permitted (including walls at the entrance) shall be submitted to the Local Planning Authority in writing for approval. Sample panels of the proposed external surfacing materials (stonework and a timber) at a least a metre squared (showing where appropriate the proposed coursing, method of pointing of mortar) shall be erected on site for consideration and subsequent approval. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

9. Prior to the commencement of development hereby permitted details of the surface materials for the car park, walkways and areas surrounding the building shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

10. No development shall be carried out (other than site preparation works) until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the measures to be installed together with a timetable for implementation. The works shall thereafter be carried out fully in accordance with the approved strategy.

Reason: To prevent flooding and to comply with Policy EN5 of the South Kesteven Local Plan.

11. No development shall commence on site (other than preparatory works) until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:
  - location of planting together with details of species and size
  - timetable for the planting of shrubs and trees
  - strategy for maintaining and protecting the approved planting

The development shall thereafter be carried out and maintained fully in accordance with the approved scheme.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan (2011-2036).

### **During Building Works**

12. All works on site, including construction works, must be carried out in accordance with the recommendations contained within the Ecological Impact Assessment report ref: RT-MME-159662-04.

Reason: in the interests of best ecological practice, and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

### **Before the Development is Occupied**

13. Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

14. Prior to the first occupation of any part of the development hereby approved, a Travel Plan for employees of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

15. Prior to the store being brought into use, details of external lighting, together with times of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be installed and managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

16. No part of the development hereby permitted shall be occupied (apart from those works indicatively identified on drawing number AMA/40046/D/100 or as specified) before the works to improve the public highway (by means of a new footway and pedestrian crossing) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the development and to improve connectivity and accessibility for pedestrians in accordance with Policies SD1 and ID2 of the South Kesteven Local Plan 2011-2036 and Section 9 of the NPPF.

17. Prior to the store first being brought into use, the pavements and cycle way shall be fully formed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

### **Ongoing Conditions**

18. The operational servicing/delivery hours in connection with the proposed use hereby permitted shall only operate between the following hours and days; 06:00 - 23:00 hours Monday to Sundays (including bank/public holidays).

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

19. The operational hours for the proposed food store hereby permitted shall only operate between the following hours and days; 08:00 - 22:30 hours Monday to Saturdays (including bank/public holidays) 10:00 - 20:00 hours on Sundays.

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

20. Within a period of ten years from the first occupation of the development hereby permitted, any trees, hedging or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above.

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







**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

30 May 2024



## S23/2367

Proposal:	Planning application for the conversion of ground floor retail unit (Use Class E) and first/second floor nightclub (Sui generis) to 7no. residential apartments (Use Class C3).
Location:	Willoughby's Bar, 42 Broad Street, Stamford, Lincolnshire PE9 2BT
Applicant:	Mr Alex Pistolas
Agent:	Mr David Watts
Application Type:	Full planning permission
Reason for Referral to Committee:	Called in by Cllr Bisnauthsing due to waste, Impact on neighbouring dwellings' amenity, Character of the area, Conservation Area
Key Issues:	Impact on the character and appearance of the area. Impact on neighbouring amenities.
Technical Documents:	Design and Access Statement (with Historical Appraisal)

### Report Author

Venezia Ross-Gilmore, Senior Planning Officer



01476 406080 ext 6419



[Venezia.ross-gilmore@southkesteven.gov.uk](mailto:Venezia.ross-gilmore@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Stamford St Mary's**

**Reviewed by:**

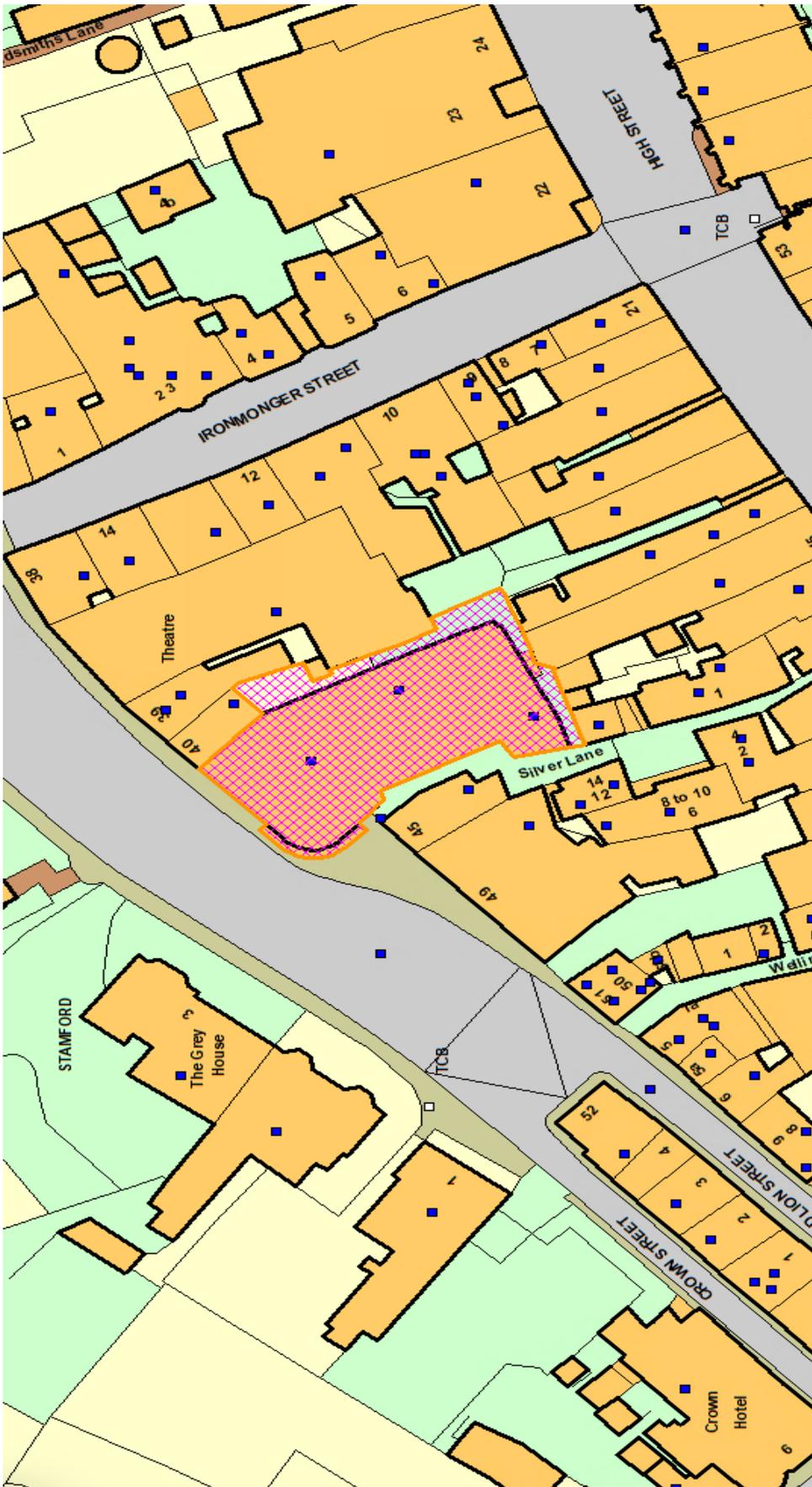
Adam Murray – Principal Development Management Planner

21 May 2024

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

To authorise the Assistant Director – Planning to GRANT planning permission.

S23/2376 – Willoughby's Bar, 42 Broad Street Stamford



Key



Application  
Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1 Description of Site**

- 1.1 The application site is a non-listed heritage asset, sited on Broad Street in the town of Stamford. The building is a former cinema and has an Art Deco façade facing Broad Street, and is located within the Stamford Conservation Area. It is currently in use as a night club and there are retail units on the ground floor fronting Silver Lane. The main building access is to the frontage on Broad Street, however there is access to the eastern side to the retail units, and to the southeast / rear of the building via Silver Lane. There is minimal outside amenity space however there is waste storage to the rear of the building.
- 1.2 The surrounding area consists of town centre uses including retail and commercial units. The surrounding area includes residential properties fronting Broad Street, and residential uses above various retail and commercial units. There are numerous listed buildings on Broad Street including no.39 and no.40 Broad Street, the Warden's House to Browne's Hospital, Barclays Bank, no.1 Broad Street, no.2 Broad Street, no.3 Broad Street, no.50 and no.51 Broad Street, situated to the north, east and west of the application site.

## **2 Description of proposal**

- 2.1 The proposal is for the change of use and conversion of ground floor retail unit (Use Class E) and first/second floor nightclub (Sui generis) to 7no. residential apartments (Use Class C3).

## **3 Planning History**

- 3.1 Relevant planning history:
- S23/0768 Submission of details in relation to condition 2 materials details of S22/1598 - discharged
  - S22/1598 Section 73 for the removal of condition 6 of S14/3140 prohibiting music/entertainment on the terrace area – approved conditionally
  - S16/1439 Approval of details required by condition 5 management plan of S14/3140 - discharged
  - S14/0818 New staircase and conversion of open roof space to smoking area - withdrawn
  - S14/0077 Alterations to existing ground floor frontage with new feature entrance doors – approved conditionally
  - S10/0457 Variation of condition 1 of planning permission S05/0456 renewal of permission for roof terrace – approved
  - S05/0456 Extension on roof of nightclub – approved conditionally
  - S14/3140 New enclosed staircase, conversion of roof terrace – approved conditionally
  - SK.95/1174(31863) Change of use from Fun Pub to Nightclub
  - SK.94/161(31862) New frontage to fun pub
  - SK.94/0161 Proposed new frontage to ground floor fun pub
  - SK.937/91(29035) Conversion of cinema to shops/bingo/cl
  - SK94/0019 Change of use to fun pub (Class A3)

- SK112/93(31854) Change of use and extension of night club
- SK93/0112 Change of use of office accommodation at first floor level to extension of nightclub use at same level
- LB.366(30820) Demolish unlisted building - withdrawn

## **4 Relevant Planning Policies & Documents**

### **4.1 SKDC Local Plan 2011 – 2036 (Adopted January 2020)**

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP3 – Infill Development

Policy H4 – Meeting All Housing Needs

Policy DE1 – Promoting Good Quality Design

Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 Stamford Neighbourhood Plan**

### **4.3 National Planning Policy Framework (NPPF) (updated December 2023)**

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed and beautiful places

## **5 Representations Received**

### **Lincolnshire County Council Highways**

5.1 No objections.

5.2 The Highways Officer has commented that the site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

### **Lincolnshire Police**

5.3 No objections.

### **SKDC Conservation Officer**

5.4 No objections on heritage grounds.

5.5 The Conservation Officer notes that the application site is a positive unlisted building in the Stamford Conservation Area. The building was previously the Central Cinema, and it has been in use as a nightclub since 1994.

5.6 The proposals for the change of use would cause minimal harm to the Conservation Area, and the introduction of fenestration on the elevations facing Silver Lane and the service yard would cause low levels of less than substantial harm to the Conservation Area and the positive unlisted building.

5.7 The proposals would however retain and improve the Broad Street elevation with the removal of the existing glazed timber canopy. The extended second storey would be visible

from the road, but the visual impact would be less than the impact of the existing glazed canopy due to its location. The proposed finish and materials are in keeping with the existing.

### **Environmental Protection**

5.8 No objections, subject to conditions.

5.9 The Environmental Protection Officer has recommended a planning condition for noise, sound proofing, asbestos, fire protection, and a Construction Management Plan should the application be approved.

### **Historic England**

5.10 No advice offered.

### **Stamford Civic Society**

5.11 The restoration of the retail unit at the rear of the proposal on the ground floor is to be welcomed.

### **Stamford Town Council**

5.12 No objection subject to neighbour's amenities being respected. Contractors to make good damage to verge or kerbing associated with this development.

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

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 3 letters of representation were received. The comments have been summarised below:

- support for the concept of converting the night club into residential apartments.
- No objection in principle.
  
- The applicant already has 2 partially completed developments in Stamford, and fear this development would also become an eyesore.
- Concerns re the private lane to the rear of the night club, as not within the applicants ownership. No permission given for additional use over this area.
- Bikes would be very hazardous using this lane for access as this is an emergency exit for the theatre.
- We do not feel the proposed bins would store sufficient rubbish for so many properties.
- The neighbouring theatre makes noise with a license until 1am.
- Parking on Broad Street is limited for shoppers and theatre visitors.
- Not an appropriate development in a commercial area.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan consists of the following documents:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020); and
- Stamford Neighbourhood Plan (Made July 2022)

7.2 In addition, the Lincolnshire Minerals and Waste Local Plan forms the development plan for the District in relation to minerals planning.

7.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.

7.4 The policies and provisions of the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

### **Principle of Development**

7.5 The proposal is for a proposed change of use and conversion of ground floor retail unit (Use Class E) and first/second floor nightclub (Sui Generis) to 7 residential apartments (Use Class C3).

7.6 The existing development is a Sui Generis use within the town centre and Stamford Conservation Area. In the surrounding area there is a mixture of town centre uses including retail and commercial, as well as residential uses. The application site is within the built-up frontage and a site that offers a redevelopment opportunity. It will retain a mixed use with the retail units on the ground floor fronting Silver Lane. The proposed use would not cause harm or unacceptable impact upon the occupier’s amenity of adjacent properties as the residential use would be in keeping with the mixed character of the area. Furthermore, the development would be sensitive to the setting of adjacent properties, with only minimal alterations including the additional fenestration and extension to the roof.

7.7 Policy H4 (Meeting all Housing Needs) states that new housing proposals shall (d) increase choice in the housing market. This proposal would provide multiple units of small housing provision within the market town of Stamford. It is not clear whether these would be for the private market or rental sector. The proposal would however make a contribution of 7 apartments to the provision of small housing in a central area catering to the need of a specific group of people requiring this type of housing.

7.8 The proposal would provide residential accommodation and with the buildings central location it is not proposed to provide any private car parking provision. The building has minimal outside amenity space, providing only waste storage, but this is typical of central living within a town or city centre. However, the building provides internal amenity space for the storage of up to 11 bicycles to encourage cycling as a mode of transport. It is considered that the central location is appropriate for car-free apartments, as the building is within the town centre and walking distance to extensive local services and amenities, including public transport, and in terms of sustainability the site is well located.

7.9 In conclusion, the use would provide multiple units of small housing provision in Stamford in a sustainable location, reusing an important building in Stamford. The reuse of this building would not cause harm or unacceptable impact upon the occupier’s amenity of adjacent properties, and would be in keeping with the character of the area. The proposal is considered to be acceptable in principle and in accordance with Policy SP3 (Infill Development) and Policy STM2 (Stamford Town Centre Policy) of the adopted Local Plan.

7.10 The proposal has also been assessed against site specific criteria below.

## 7.11 Impact on the character and appearance of the area

- 7.11.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.11.2 The application relates to an existing building that was formerly a cinema and latterly a nightclub on the upper floors. It is not proposed to extend the building into outside amenity space, but it is proposed to add an extension to the roof to replace a glazed timber canopy. It is also proposed to include additional fenestration to the building particularly on the Silver Lane elevation.
- 7.11.3 The proposed use would consist of 7 apartments: 2x 1-bedroom and 5x 2-bedroom. Each apartment would consist of either a 1-bedroom or 2-bedrooms, with an open space kitchen/living/dining room. The apartments are located on the first, upper first and second floors of the building. Following discussions with the agent the proposed bedrooms on the ground floor serving one of the apartments have been removed from the latest drawings. Instead, there is a much larger amenity space for bicycle storage, and residential provision is only on the upper floors.
- 7.11.4 The application is supported by a Design Statement which also includes reference to a Heritage Statement. The Design Statement confirms that it is not necessary to alter the appearance of the building to provide access to the apartments as there are already a series of entrance and exits. The proposed conversion would follow a typical pattern of residential use about retail use in the town centre. The building has high soffit heights, solid reinforced concrete floor slabs and masonry construction, and the design retains the original building core without alteration where possible e.g. staircases. There is no proposed alteration to the Art Deco façade. The appearance of the building would remain similar to the previous use albeit with the additional fenestration to the Silver Lane elevation and rear elevation. In terms of design the windows are similar to the existing Art Deco elements of the building.
- 7.11.5 Policy DE1 states that it seeks to ensure high quality design is achieved. The submitted information illustrates that the apartments all meet and exceed the requirements of the nationally described space standard for apartments. The design would be high quality and in keeping with the existing building and surrounding area and Conservation Area, retaining many of the original features including the Art Deco façade. With the existing building remaining predominantly unchanged the proposals would not have an adverse impact on the streetscene of Broad Street.

7.11.6 It is considered that the proposed change of use would be acceptable and result in an appropriate use in the building, and the design would ensure that the building continues to make a positive contribution to its surroundings and the Conservation Area in this part of Stamford. The proposal would be in accordance with the Local Plan Policy DE1 and with Section 12 of the NPPF.

## 7.12 **Impact on neighbours' residential amenities**

7.12.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 130(f) of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.12.2 The application site is attached to the northeast to no.40 Broad Street and has minimal outside amenity space to the rear. It is acknowledged that this is a mixed-use area with the neighbouring building a fast-food restaurant, and no.38 Broad Street is the Stamford Corn Exchange Theatre Company situated to the northeast. The private access to rear of no.42 Broadstreet belongs to the Stamford Corn Exchange and this is utilised for the stage door, and as an emergency access, and this area houses the Stamford Corn Exchange's waste collection. The local planning authority has received two objections to the proposed development, with concerns raised regarding land ownership and access, waste storage, limited on-street car parking from the Stamford Corn Exchange. The planning officer acknowledges that the use is different to the nightclub use where the building would be closed during the daytime and open on a Friday and Saturday night. Nonetheless, this is a mixed retail, commercial and residential area therefore a residential use would be appropriate in this central location.

7.12.3 In terms of neighbouring properties amenities, the proposal involves minimal alterations to the existing building and no enlargement, consequently there would be no resultant adverse impact in terms of light pollution, loss of privacy and loss of light. The additional fenestration increases overlooking onto Silver Lane and the rear of the building; however, this will not have any impact on neighbouring residential properties. The existing use as a nightclub would have generated noise impact, and the change of use is likely to result in a reduction in noise impact to neighbouring properties and neighbours' amenities. In central location there is a level of noise to be expected in the urban area. Similarly, the nightclub use would have generated waste, and the change of use is likely to result in either a reduction in waste or a similar level of waste. The Environmental Protection Officer has been consulted and not raised any concerns regarding noise or waste.

7.12.4 In terms of access, it is not proposed to use the private access for this purpose, and occupiers/visitors, deliveries and bicycles will access the building through existing accesses onto Broad Street and Silver Street. The application site does not have off-street parking, and the site is well located in terms of sustainable travel options. The nightclub use would have generated deliveries, waste collections and a resultant parking demand for on-street or car parks in Stamford.

7.12.5 Taking into account the nature of the proposal, it is considered that there would be an acceptable impact on the amenities of the occupiers of adjacent properties in accordance with NPPF Section 12 and Policy DE1 of the Local Plan.

### 7.13 **Heritage Impact**

7.13.1 The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

7.13.2 Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

7.13.3 The significance of Willoughby's Bar is derived from its Art Deco façade and location in the Conservation Area and Medieval Core Character Area of Stamford.

7.13.4 Policy EN6 (The Historic Environment) states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. Proposals will be expected to take into account the Conservation Area Appraisals, where these have been adopted by the Council.

7.13.5 The application is for the change of use and conversion to residential use. The application includes some alterations to the building mainly additional fenestration to Silver Lane and the rear elevations, and an extension to the second floor, along with the removal of a glazed timber canopy.

7.13.6 The Conservation Officer has been consulted and has commented that the introduction of fenestrations on the elevations facing Silver Lane and the service yard will cause low levels of less than substantial harm to the Conservation Area and the positive unlisted building. The visual impact of the proposed extension will be less than the impact of the existing glazed canopy, and not visible from most angles at street level. The proposed finish and materials of the extension would be in keeping with the existing. The rest of the Broad Street elevation is not altered resulting in a positive impact on the Conservation Area.

7.13.7 The planning officer considers that the reuse of the existing building and retention of many of the existing features with minimal alteration to the building ensures that the building will remain viable and maintained in the future. The proposal has many public benefits including the provision of multiple units of small residential accommodation in this town centre location. In the weight of the planning balance this would outweigh the low levels of harm identified to the unlisted heritage asset.

7.13.8 Taking the above into account, it is considered that the proposal would preserve the character and appearance of the unlisted building as required by Policy EN6, and would be in accordance with Policies EN6 and DE1 of South Kesteven Local Plan, and NPPF Sections 12 and 16.

## 7.14 Highway issues

- 7.14.1 SKDC Local Plan Policy ID2 deals with transport issues, requiring that new developments should not severely impact on the safety and movement of traffic on the highway network. Paragraph 115 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.14.2 Lincolnshire County Council have commented on the application as highway and lead local flood authority and have raised no objection to the proposal. They have confirmed that the site is in a central urban area and there are services and facilities within a reasonable distance, and these could be accessed by sustainable travel options such as walking, cycling and public transport. The future residents of the development would not be reliant on the private car and therefore parking is not essential to the proposal.
- 7.14.3 The planning officer agrees that the site is well located in terms of sustainable travel options, and notes that the application includes space within the ground floor of the building for bicycle storage, to support the car-free development.
- 7.14.4 The proposal seeks to encourage sustainable modes of transport and the local highway authority has confirmed that it is in a sustainable central location, and would not have an unacceptable adverse impact on highway safety, therefore it would be in accordance with Policy ID2 of the Local Plan and the NPPF Section 9.

## 8 Crime and Disorder

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

## 9 Human Rights Implications

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

## 10 Planning Balance and Conclusion

- 10.1 In summary, the principle of the development is acceptable, and the proposals would reuse this non-listed heritage asset for residential development in a mixed-use area of Stamford Town Centre. The proposals would provide multiple units of small housing provision in a sustainable location, in compliance with PolicySP3, H4 and STM2.
- 10.2 The building itself would require minimal amendments to facilitate the change of use; additional fenestration and an extension to the second floor, along with the removal of a glazed timber canopy. Therefore, the original building would be largely unchanged, and the proposed alterations mean that the building would remain in keeping with the character of the Conservation Area and would result in minimal harm to the neighbouring listed buildings. The less than substantial harm to the unlisted heritage asset no.42 Broad Street is

considered to be outweighed by the benefits attributed to the provision of small housing units in this location, and the reuse of the building for an alternative use.

- 10.3 The previous use of the building as a nightclub would have resulted in impacts such as the generation of deliveries, noise and waste, and the proposed use will result in a different pattern of use weekdays and weekends, and a reduction in impacts such as noise, and is considered to be acceptable in this location. Therefore, the proposals would comply with Policy DE1, and EN6 in the Local Plan.
- 10.4 Taking the above into account, it is considered that the proposals are appropriate for the context and in accordance with the NPPF (Sections 9, 12 and 16) and Policies H4, DE1 and ID2 of the South Kesteven Local Plan. There are no material considerations that indicate otherwise although conditions have been attached.

## **11 Recommendation**

To authorise the Assistant Director-Planning to GRANT planning permission, subject to the conditions.

### **Time Limit for Commencement**

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

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

### **Approved Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. Site Location Plan and Site Plan, drawing ref. A100 (received 18/03/24)
  - ii. Proposed Floor Plans, drawing ref. A112/A (received 18/03/24)
  - iii. Proposed Floor Plans, drawing ref. A113/A (received 18/03/24)
  - iv. Proposed Elevations, drawing ref. A302 (received 22/12/23)
  - v. Proposed Elevations, drawing ref. A303/A (received 18/03/24)

Unless otherwise required by another condition of this permission.

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

### **Before the Development is Commenced**

- 3) No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicated measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

### **During Building Works**

- 4) To minimise noise impacts on the existing residential dwellings, it is recommended that 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To prevent disturbance to the surrounding area and in accordance with Policies EN4 and DE1 of the adopted South Kesteven District Local Plan.

- 5) If asbestos is identified a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials must be submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.

Reason: To ensure there is no asbestos risk, and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in National Planning Policy Framework.

### **Before the Development is Occupied**

- 6) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application form, Design and Access Statement and approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 7) The proposed bicycle parking is to be installed before the development is brought into use and maintained in perpetuity for use by the occupiers of the residential development.

Reason: To ensure the development encourages sustainable modes of travel and contributes to low carbon travel in accordance with Policy ID2 and SB1 of the Local Plan and Section 9 of the National Planning Policy Framework.

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

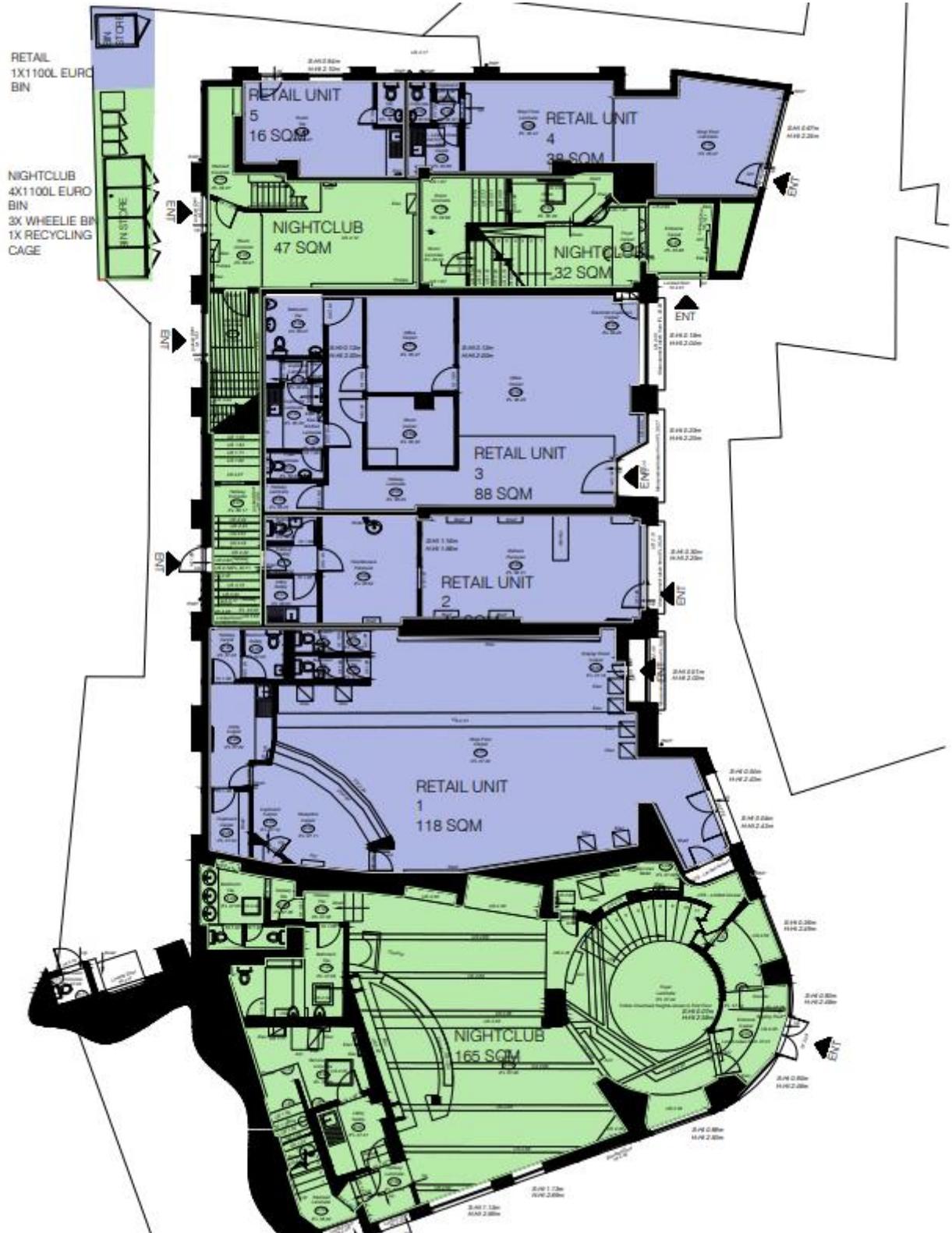
In reaching the decision the Council has worked with the applicant in a positive and

proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

**SITE LOCATION PLAN**



# FLOOR PLANS GROUND FLOOR - EXISTING

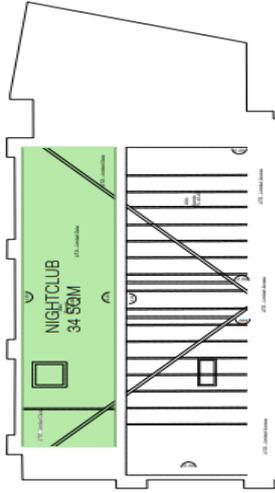




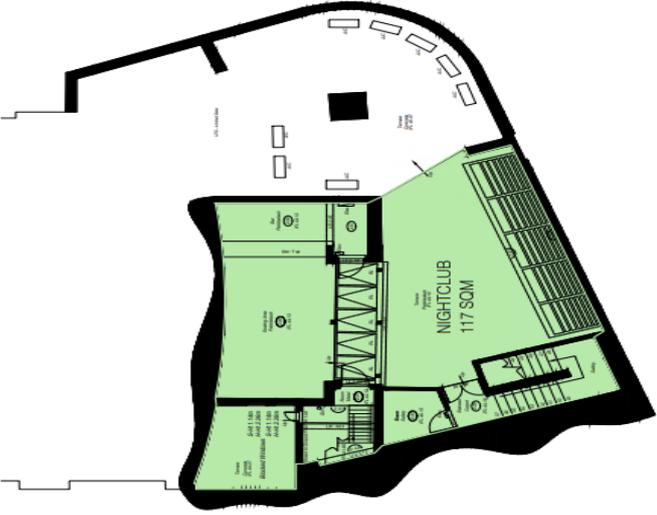
**FLOOR PLANS SECOND FLOOR - EXISTING**



1 UPPER GROUND FLOOR PLAN  
A111 SCALE 1:100 @A1

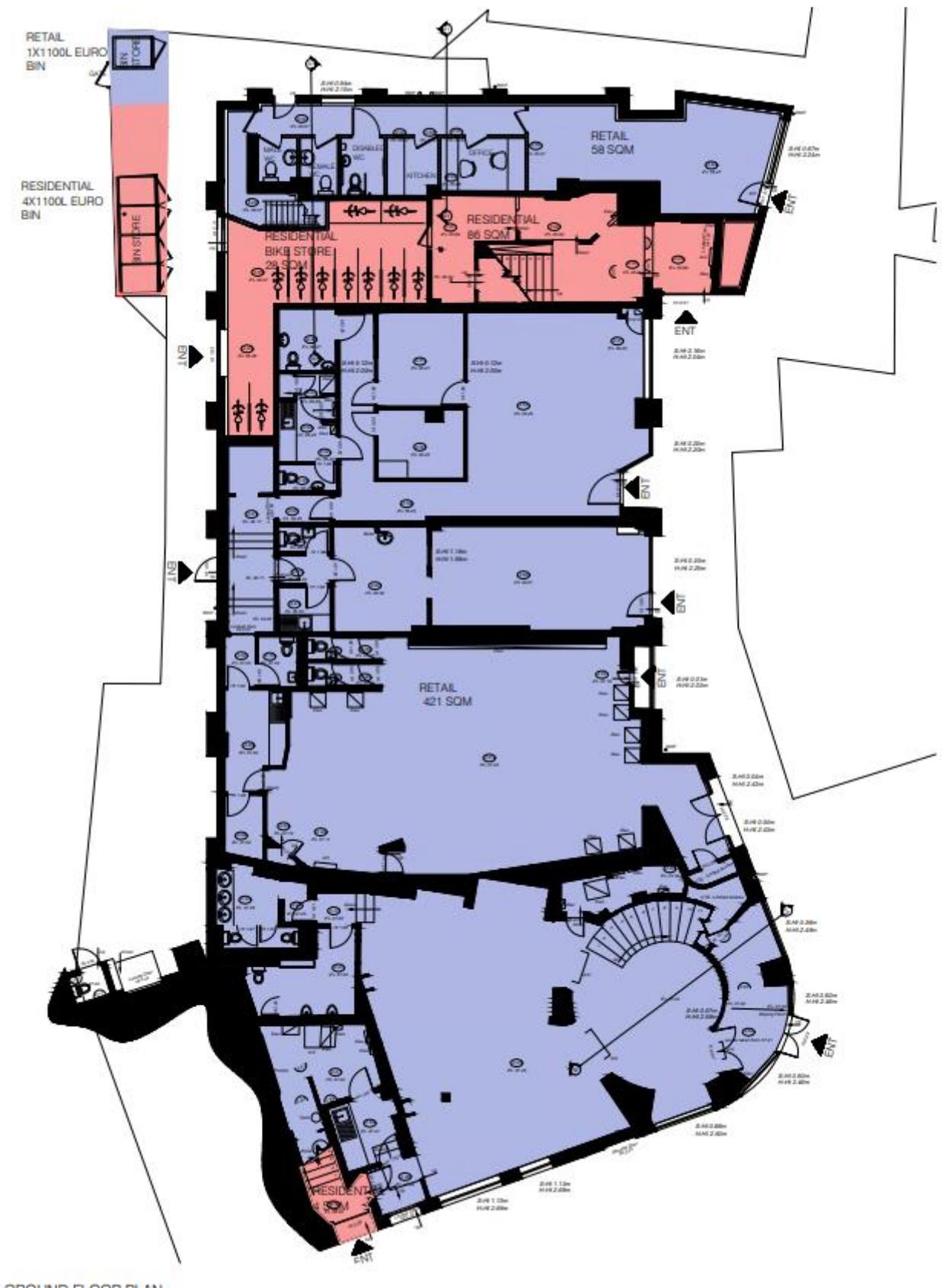


2 UPPER FIRST FLOOR PLAN  
A111 SCALE 1:100 @A1



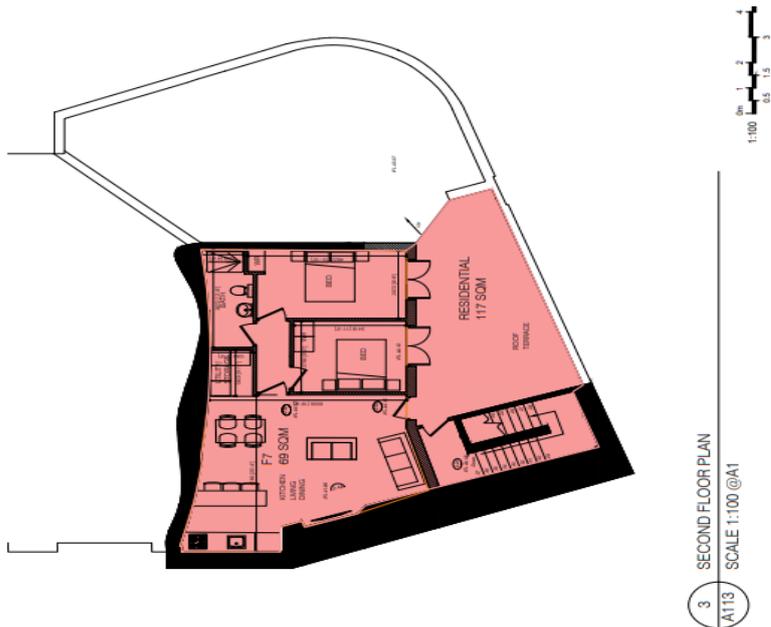
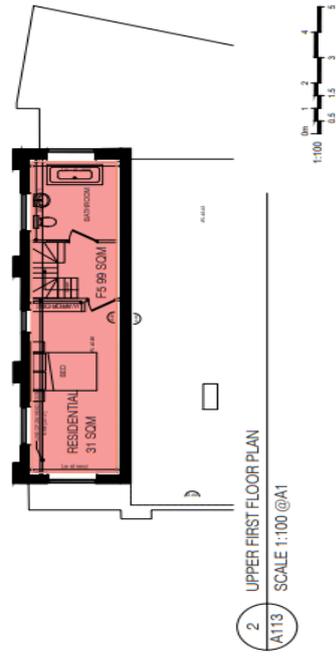
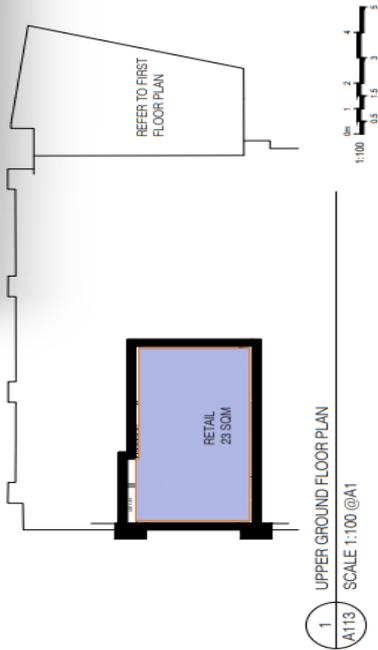
3 SECOND FLOOR PLAN  
A111 SCALE 1:100 @A1

# FLOOR PLANS GROUND FLOOR – PROPOSED





# FLOOR PLANS SECOND FLOOR - PROPOSED



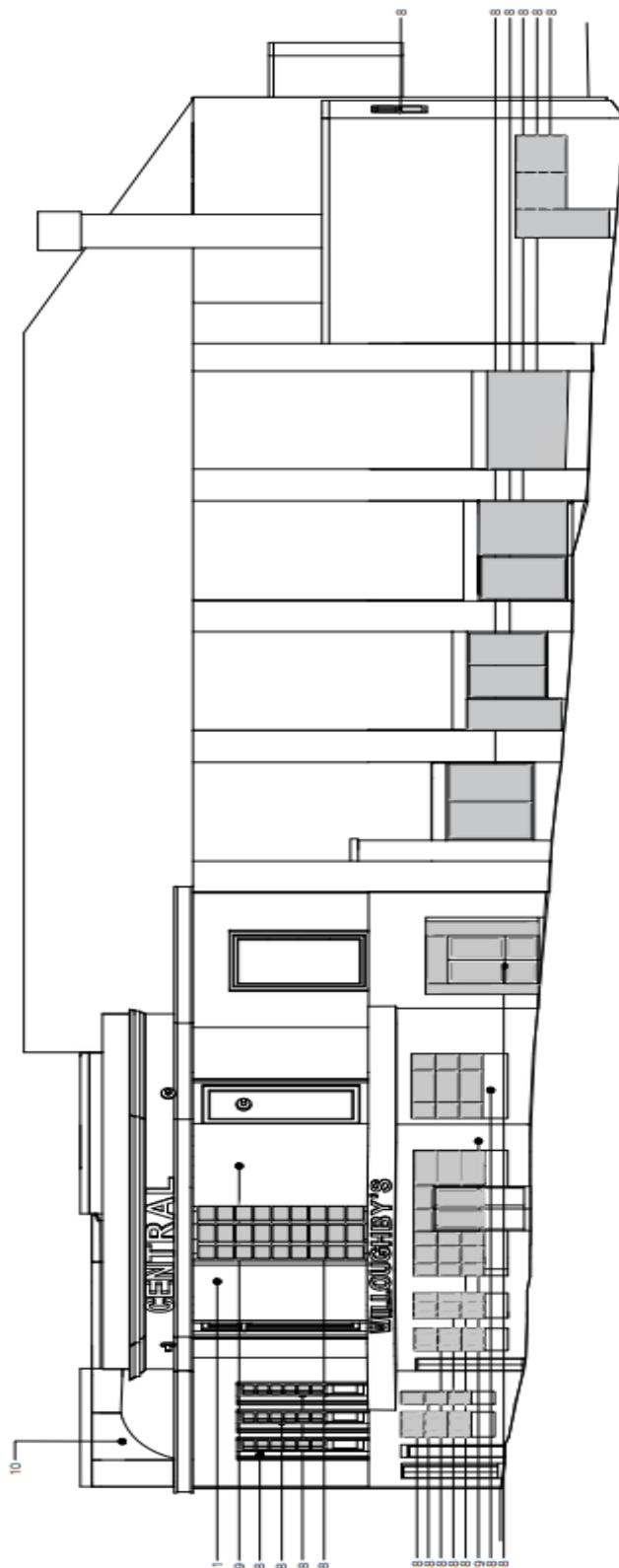
**ELEVATIONS FRONT (BROAD STREET) – EXISTING**



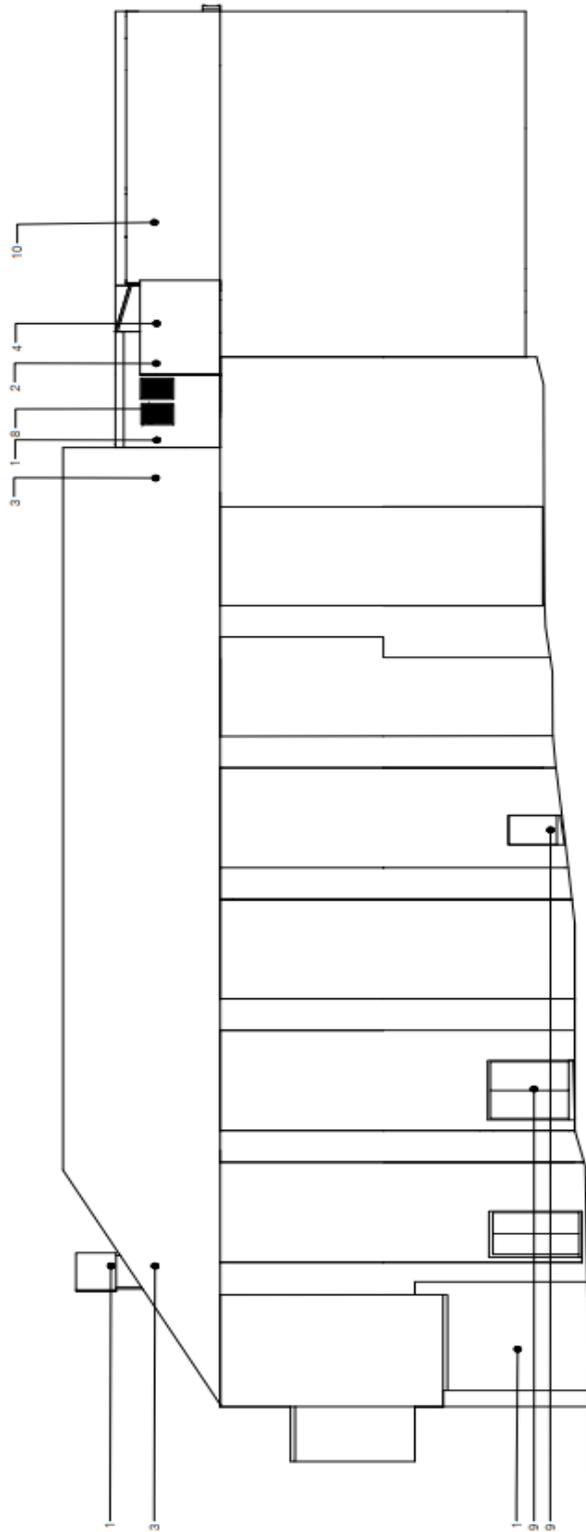
**ELEVATIONS REAR – EXISTING**



**ELEVATIONS FRONT (SILVER STREET) - EXISTING**



**ELEVATIONS REAR – EXISTING**



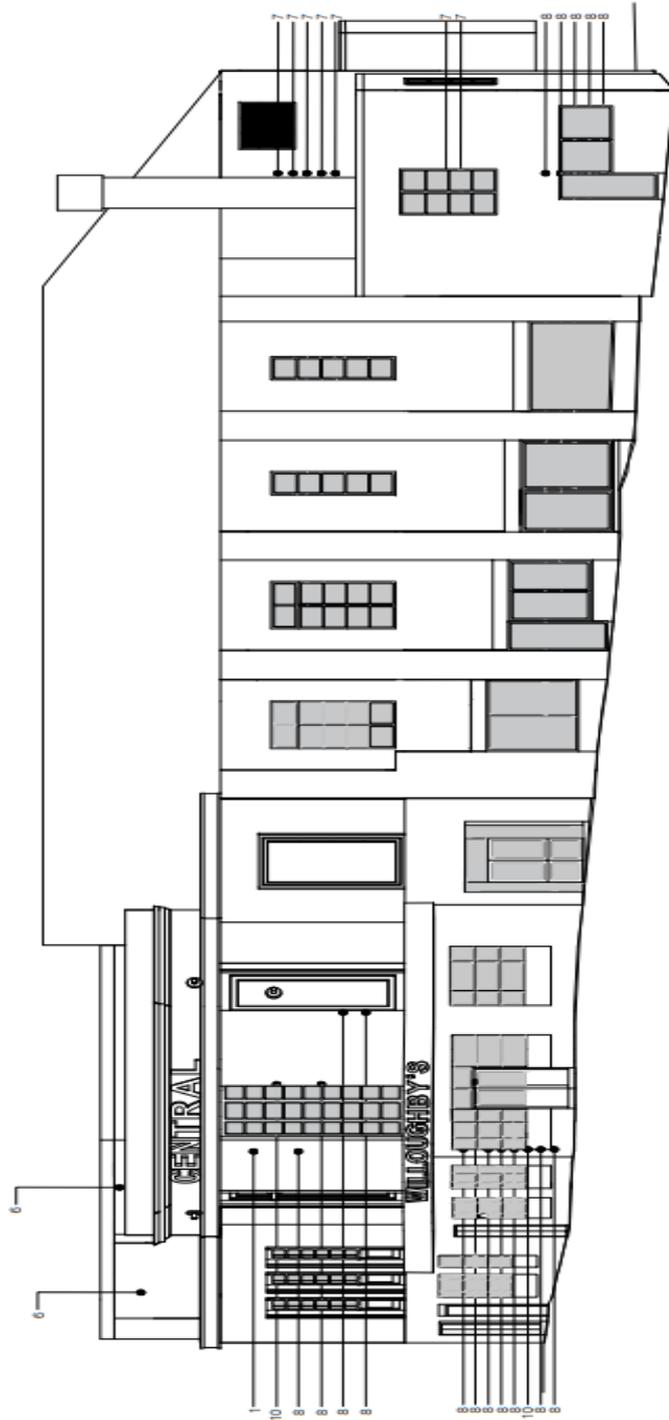
**ELEVATIONS FRONT (BROAD STREET) - PROPOSED**



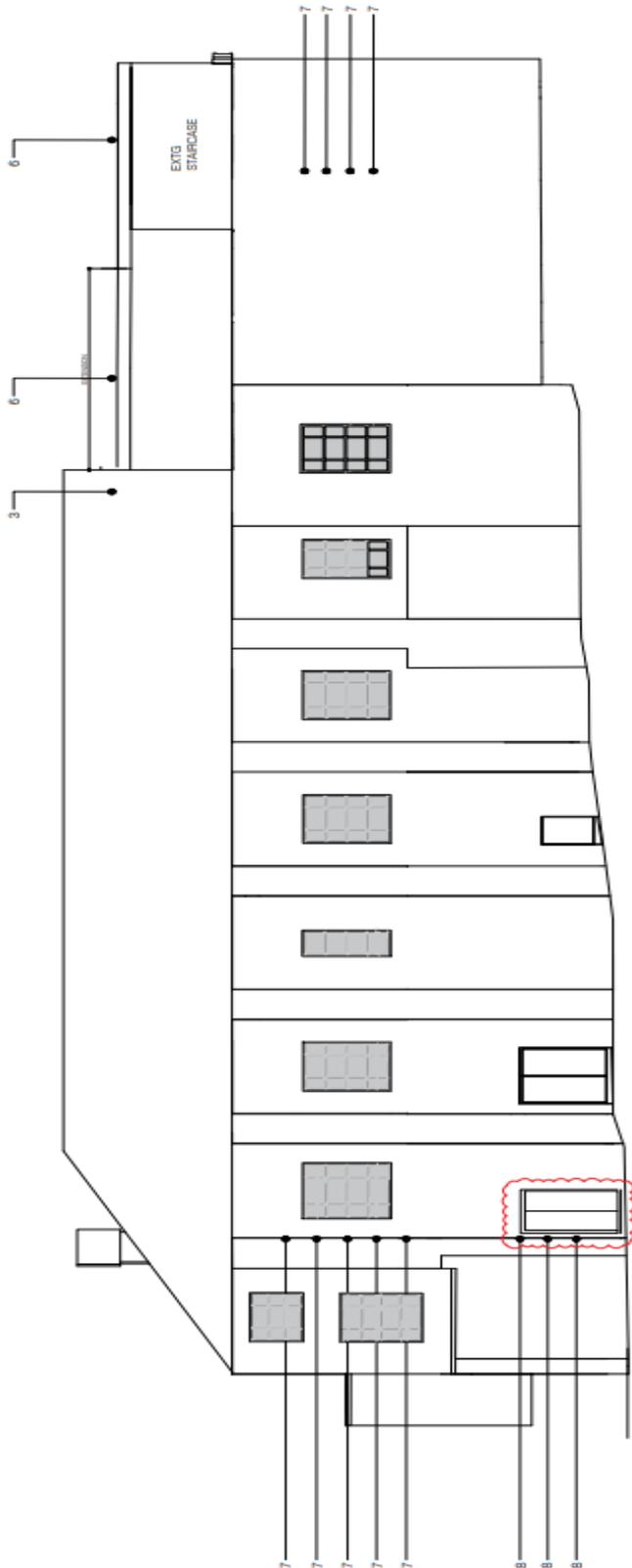
**ELEVATIONS REAR - PROPOSED**



**ELEVATIONS FRONT (SILVER LANE) – PROPOSED**



# ELEVATIONS REAR – PROPOSED





**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

30<sup>th</sup> May 2024



## S24/0439

<b>Proposal</b>	Installation of a pair of metal gates 1.8m high with a gap between posts (opening) of about 3.1m. Additional side panels to be installed (same product and height) to complete the boundary fence. Access will allow storage of a caravan to the side of the property.
<b>Location</b>	39 Lincoln Close, Grantham, Lincolnshire, NG31 8RQ,
<b>Applicant</b>	Mr Christian Polzin
<b>Reason for Referral to Committee</b>	Applicant is a member of staff
<b>Key Issues</b>	Impact on the character and appearance of the area Impact on neighbouring amenities

### Report Author

Letitia Barrowcliff, Assistant Planning Officer



01476 406379



[Letitia.barrowcliff@southkesteven.gov.uk](mailto:Letitia.barrowcliff@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Grantham Barrowby Gate**

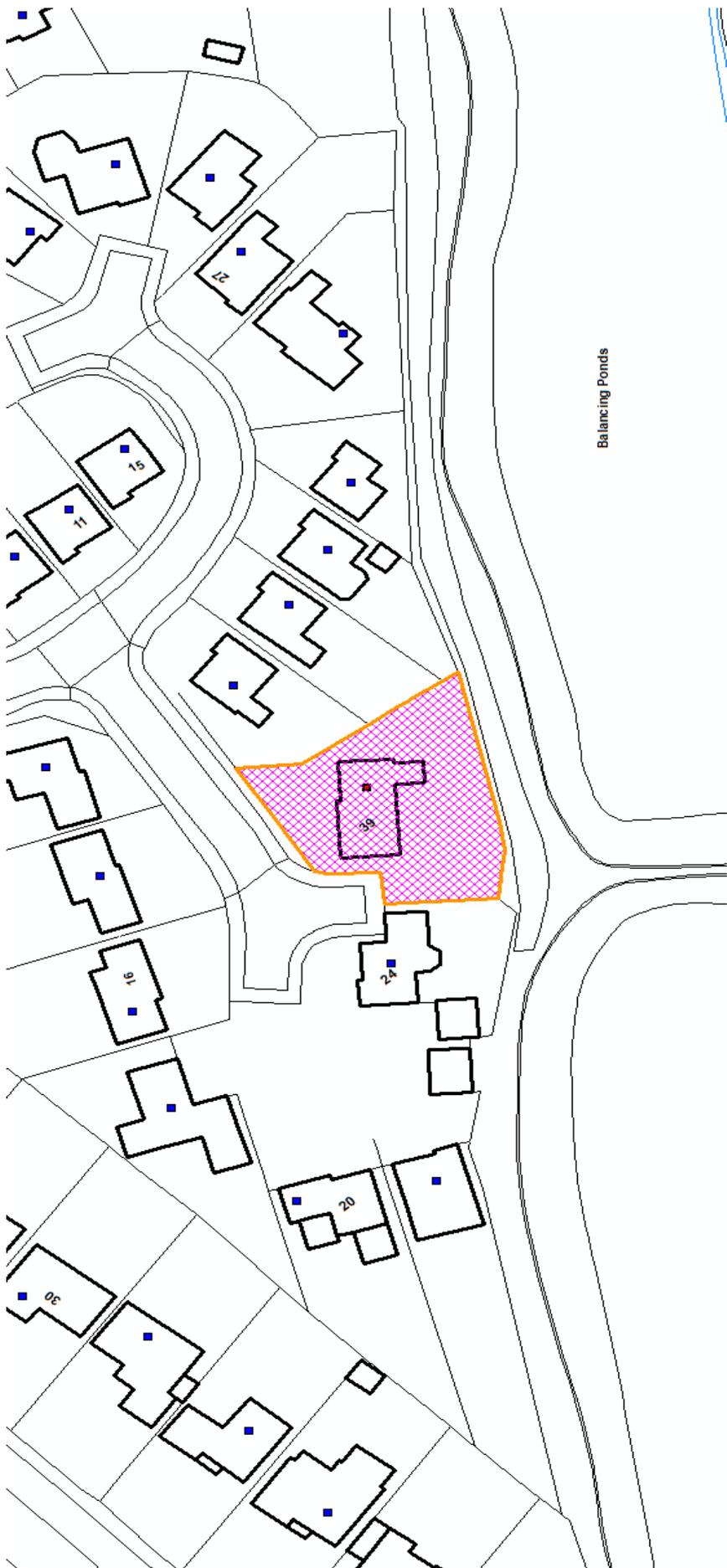
**Reviewed by:**

Adam Murray – Principal Development Management Planner

20 May 2024

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

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



Key



Application  
Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1 Description of Site**

- 1.1 The application site is a detached two storey dwelling with a driveway and garage set back from the main road on Lincoln Close, Grantham. The site is surrounded by dwellings of similar designs and scales.

## **2 Description of proposal**

- 2.1 The application proposes the installation of a pair of metal gates, 1.8m high with a gap between posts (opening) of approximately 3.1m. Additional side panels to be installed (same product and height) to complete the boundary fence. Access will allow storage of a caravan to the side of the property.

## **3 Relevant History**

- 3.1 No relevant planning history

## **4 Relevant Planning Policies & Documents**

- 4.1 **SKDC Local Plan 2011 – 2036**  
Policy DE1 - Promoting Good Quality Design  
Policy SD1 – The Principles of Sustainable Development in South Kesteven
- 4.2 **National Planning Policy Framework (NPPF)**  
Section 12 - Achieving well-designed places  
Section 9 - Promoting sustainable transport

## **5 Representations Received**

- 5.1 **Lincolnshire County Council Highways:**  
5.1.1 No objections

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

- 6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of representation have been received.

## **7 Evaluation**

- 7.1 The proposal relates to the installation of a boundary fence and gates. This proposal is considered to be acceptable in principle and in accordance with Policy SD1 (The Principles of Sustainable Development in South Kesteven) of the adopted Local Plan subject to assessment against site specific criteria. These include the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

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

- 7.2.1 The proposed fence and gates would be visible from the street scene and of an appropriate scale. Additionally, the proposed materials would be sympathetic to the surrounding context.
- 7.2.2 Therefore, there would be no unacceptable visual impact caused on the character and appearance of the area.
- 7.2.3 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, street scene and surrounding context in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

## **7.3 Impact on the neighbours' residential amenities**

- 7.3.1 The proposed gates and fencing would be to the west of the dwelling and a continuation of the fencing of the neighbouring property, 24 Lincoln Close. The proposal would cause no unacceptable adverse impact on the neighbouring amenities by means of overbearing, overshadowing, or overlooking.
- 7.3.2 Taking into account the nature of the proposal, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

## **7.4 Highways Impact**

- 7.4.1 Lincolnshire County Highways were consulted and returned no objections to the proposal.
- 7.4.2 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

## **8 Crime and Disorder**

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

## **9 Human Rights Implications**

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

## **10 Conclusion**

- 10.1 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9 and 12) and Policy DE1 of the South Kesteven Local Plan. There are no material considerations to indicate that planning permission should be withheld, but appropriate conditions are included.

## 11 Recommendation

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

### Time Limit for Commencement

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

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

### Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. Location Plan – Date received: 08/03.2024.
  - ii. Block Plan- Date received: 18/04/2024.
  - iii. Elevation Plan- Date received: 08/03/2024.

Unless otherwise required by another condition of this permission.

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

### Before the Development is Occupied

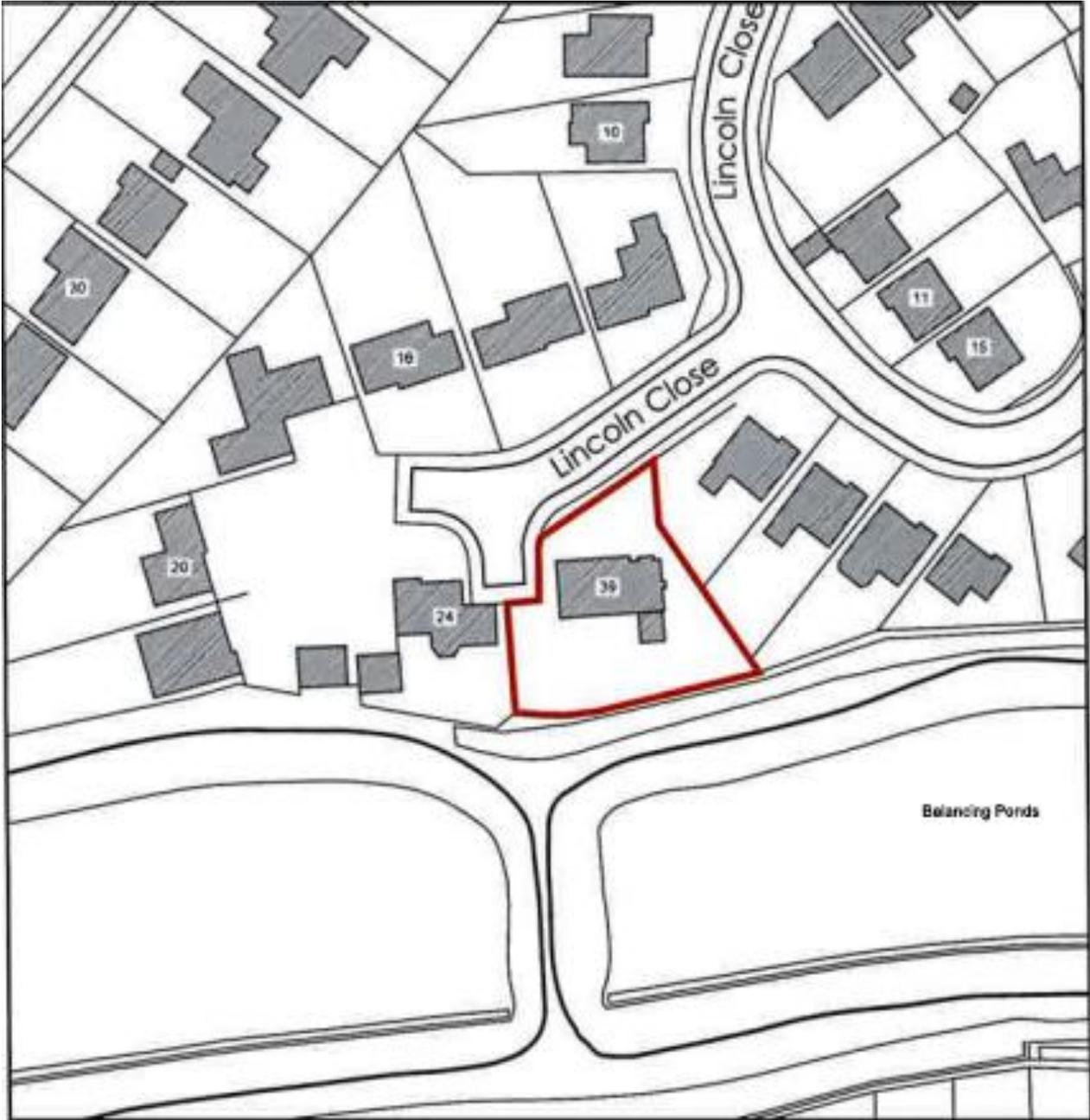
- 3) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms and approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

### Standard Note(s) to Applicant:

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2 The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be

constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

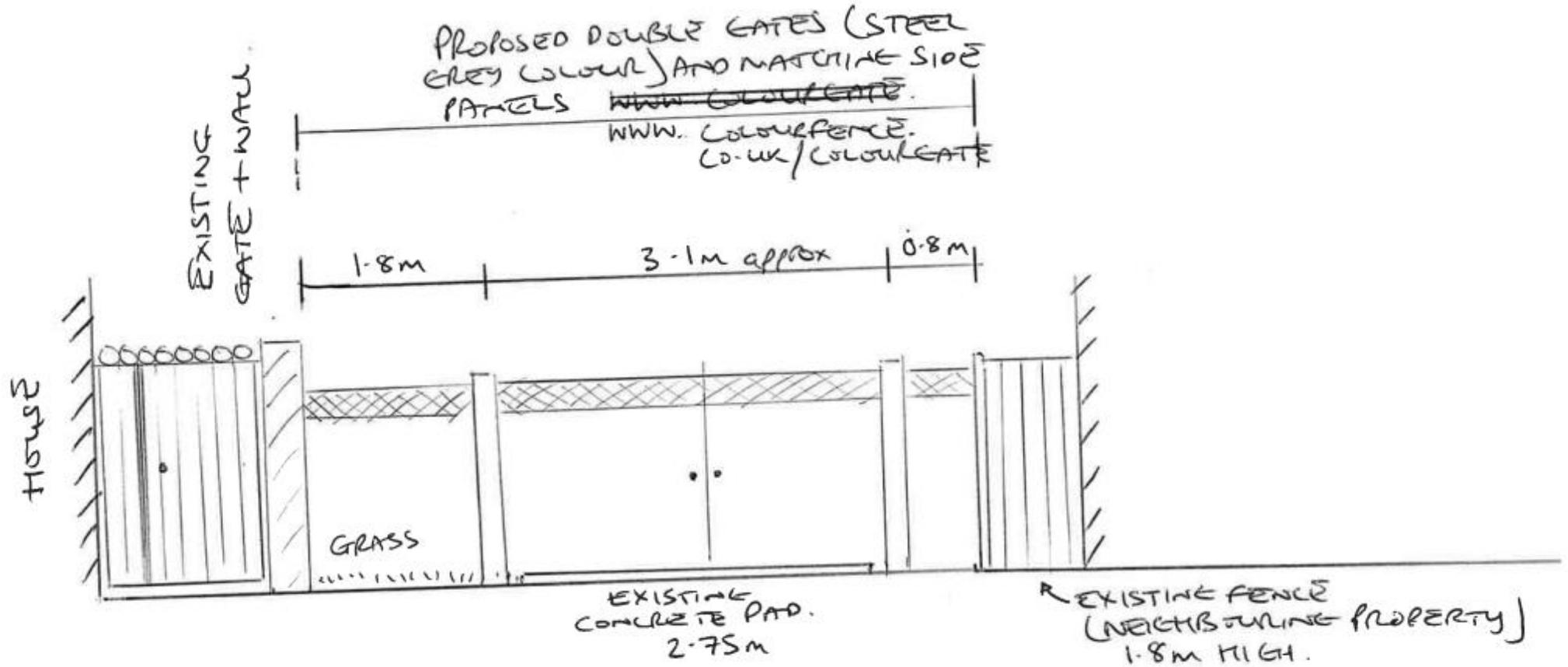


Site Location Plan



Proposed Elevation Plans

115



This page is intentionally left blank