



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

19 August 2019



S19/1483

Proposal: Outline Planning Permission for the erection of a one and half storey dwelling with approval being sought for access only.

Location: Vine House, 19 High Street, Carlby, PE9 4LX

Applicant: Mr & Mrs Griffin, Vine House, 19 High Street, Carlby, PE9 4LX

Agent: Mr William McCormack, Harris McCormack Architects Archaus, Peterborough Road, Wansford, PE8 6JN

Application Type: Outline Application

Reason for Referral to Committee: Request by Cllr Benn on the grounds of overdevelopment and loss of residential amenity.

Key Issues: Principle of development,
Impact on character of the area
Residential Amenity
Highways/traffic

Technical Documents: Pre-application Statement
Further Supporting Statement

Report Author

Phil Moore, Special Projects Manager



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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Glen

Reviewed by:

Will Richards, Interim Head of Development Management

4 August 2020

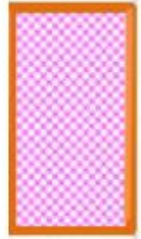
Recommendation (s) to the decision maker (s)

That the application is: Approved conditionally

S19/1483 Vine House, 19 High Street, Carlby, PE9 4LX



Key



Application
Boundary



1 Description of Site

- 1.1 The site is land to the rear of Vine House, 19 High Street, Carlby which covers an area of 435 sqm. The site can be accessed from both Church Street and High Street and currently comprises an open yard area with a small stone outbuilding and a larger timber modern agricultural style structure to the north west boundary with 21 and 23 High Street, which is used in conjunction with the applicant's business - E & R Griffin Agriculture, Arable Farm and Agricultural Engineering.
- 1.2 The surfacing of the site is predominantly gravel with some concrete and a narrow strip of grass alongside the access drive. There are existing trees within the neighbouring properties of 6 Church Street and 23 High Street.
- 1.3 The site is bounded on all sides by residential dwellings and their curtilages. Vine House is set perpendicular to High Street like its neighbour at no. 21. Both of these properties have a blank gable end adjoining the footpath to High Street. The former barn at 21 High Street, which sits back within the site and at right angles to the main property, was granted approval for conversion under S09/2932 and S12/0647 and now forms 23 High Street. This property and its separate access have been completed and maintain the rural feel of the village with the courtyard layout.
- 1.4 Numerous planning permissions have been granted for developments within the site, including S06/0915 for the conversion of the building known as 'Little Barn' immediately in front of the main Vine House. This planning permission has been implemented by virtue of the installation of the access from Church Street and the discharge of the relevant pre-commencement conditions under S09/1880. To date this barn has not been converted.

2 Description of proposal

- 2.1 This application is seeking outline planning consent for the erection of a dwelling (1.5 storey) with means of access being the only matter for consideration at this stage. The matter of scale was originally included for consideration. However, the proposal has now been amended to omit scale as a matter for consideration.
- 2.2 The access is existing and established having been approved under S06/0915 (conversion of barn to dwelling) and installed within the appropriate timescale to make it valid.
- 2.3 The proposal would see the removal of the existing large modern outbuilding to the north west of the site, which was approved under S11/0195. The existing small stone outbuilding would remain with the indication being that this could link to the proposed dwelling.

3 Relevant History

S11/0195	Replacement outbuilding	Approved Conditionally	29/03/2011
S06/0915	Conversion of barn to dwelling	Approved Conditionally	18/08/2006

4 Policy Considerations

4.1 SKDC Local Plan 2011 – 2036

Policy SP1 - Spatial Strategy
Policy SP3 - Infill Development
Policy DE1 - Promoting Good Quality Design

4.2 **Neighbourhood Plan**

P.0 – Pollution Control

V.0 – Rural Character and Appearance

D.0 – Generic Development (Where suitable and acceptable)

D.1 - Development: - Garden/green space size retention

D.2. - Development: - Infill

4.3 **National Planning Policy Framework (NPPF)**

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 16 – Conserving and Enhancing the Historic Environment

5 Representations Received

5.1 **Environmental Protection Services (SKDC)**

5.1.1 No comments to make.

5.2 **Parish Council**

5.2.1 Sept. 2019 - Contrary to Local and Neighbourhood Plan Policies. Proposal is considered to be unneighbourly, overcramming development that is materially larger and higher than the barn/workshop it is proposed to replace. The access from Church Street should not be considered as access to back land development. It will cause noise and disturbance to the dwelling at 2 Church Street. Should be retained as a farmyard.

Nov. 2019 - Backland Development. Not compliant with policies of CNP.

5.3 **LCC Highways & SuDS Support**

5.3.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement. Letters of representation have been received from 4 households in the village. The points raised can be summarised as follows:

1. Contrary to Carlby Neighbourhood Plan - too large, backland
2. Contrary to Policy SP3 of the emerging Local Plan
3. Loss of privacy
4. Contrary to Policy EN1 of the SKCS
5. Pre-application enquiry response not available to view
6. Loss of an agricultural village farmyard
7. Removing scale from the application is just disrupting residents' lifestyle for longer

7 Evaluation

7.1 Principle of Development

- 7.1.1 The South Kesteven Local Plan (SKLP) adopted Jan 2020, sets out the principles of the location of development within Policies SP1: Spatial Strategy and SP2: Settlement Hierarchy with Carlby being designated as a Smaller Village within Policy SP2, where development in accordance with Policy SP3 and other relevant policies will be supported subject to it not compromising the settlement's nature and character . Policy SP3 of the SKLP refers specifically to infill development and that it will be supported in Smaller Villages subject to it being **either** within a substantially built-up frontage, **or** re-development opportunity (previously developed land); within the main built up part of the settlement; not detrimental to the amenity of occupiers of adjacent properties and in keeping with the character of the area and sensitive to the setting of adjacent properties, along with compliance with other policies of the SKLP.
- 7.1.2 SKLP Policy E6 allows loss of employment land to non-employment use subject to a number of criteria
- 7.1.3 The Carlby Neighbourhood Plan (CNP) (March 2019) sets out a number of specific policies to guide development within the village.
- 7.1.4 Policy D.0 of the CNP - Generic Development (Where suitable and acceptable) - supports development "where suitable and acceptable" subject to proposals meeting all the relevant requirements set out in other policies in the plan, with D.0.2 referring to infill. This is defined in the CNP as being:
- "Infill is a small, restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of the village where the site is closely surrounded by buildings. Development will not involve the outward extension of the envelope of the village. Development is not considered to be back land or unneighbourly development, that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality."*
- 7.1.5 Policy D.1 of the CNP Development - Garden/green space size retention - states at D.1.0 that proposals for new residential development will be supported where the relationship between the built development and the plot size respects the open and spacious character of properties within the village envelope. With D.1.1 stating that new developments within garden and back land areas will not be supported.
- 7.1.6 Policy D.2 of the CNP - Development: - Infill - stating at D.2.2 that:
- "Proposals for infill residential development will be supported where they provide access and servicing from the existing access into the proposed site concerned."*
- 7.1.7 Section 5 of the NPPF seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area. Para. 70 resists the inappropriate development of residential gardens.
- 7.1.8 Section 3 of the NPPF makes clear that Neighbourhood Plan policies should not promote less development than that allowed by the strategic policies in the Local Plan. Furthermore, when a new Local Plan is adopted, any existing neighbourhood plan policies which conflict with the new Local Plan are superseded by those in new Local Plan. In other words, where policies conflict, whichever is the most recently adopted takes precedence.

- 7.1.9 The site was historically a farmyard associated with Vine House and has never been a garden or part of the residential curtilage of Vine House. The area is fenced off and separate from the dwelling and now benefits from a separate access from Church Street. The site is surfaced with gravel and has been observed to be in use for the parking of vehicles. The site as a whole is currently and has been for a number of years in commercial use in connection with the applicant's agricultural engineering business.
- 7.1.10 The proposal would see redevelopment of a brownfield site within the main built up part of Carlby, which is designated as a Smaller Village, surrounded by residential development, with the existing approved and established access making up part of the built-up frontage. The resulting plot size for the proposed dwelling would be comparable to other properties in the immediate context.
- 7.1.11 Whilst the proposal would result in the loss of a small commercial site, it is considered that residential use is more appropriate in a wholly residential area than an unrestricted industrial use, with resulting potential for noise and disturbance. The proposal is therefore in accordance with SKLP policy E6.
- 7.1.12 The Parish Council have raised concerns that the proposal is back land development and therefore conflicts with CNP policy D.1. These concerns are noted. However, since the application was originally submitted, the District Council has adopted the new South Kesteven Local Plan (Jan 2020) which is more permissive of development in smaller villages than the previous local plan. SKLP policy SP3 specifically allows infill or redevelopment sites in smaller villages. Whilst the definition of infill refers to development within a substantially built up frontage which in most cases would preclude "backland" development, there is no such restriction on redevelopment of brownfield sites, which by their nature may not always be part of a "frontage".
- 7.1.13 Taking the above into account, the principle of development of this site for a residential dwelling is acceptable and in accordance with Policies SP1; SP2, SP3 and E6 of the SKLP, Policies D.0; D.1 and D.2 of the CNP and Sections 3 and 5 of the NPPF.

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

- 7.2.1 Policies DE1 and EN1 of the SKLP requires that development must be of appropriate design and appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and make a positive contribution to the local distinctiveness, vernacular and character of the area.
- 7.2.2 Policy EN6 of the SKLP requires the impact on heritage assets to be taken into account and for harm to be avoided unless it is outweighed by the public benefits.
- 7.2.3 Policy V.0. of the CNP relates to the rural character and appearance of Carlby seeking at V.1 for all development to ensure the scale of buildings does not unacceptably impact on the character or appearance of the village. Policy D.0 of the CNP at D.0.1 states that: "All new development should demonstrate good quality design that respects the scale and character of existing and surrounding buildings".
- 7.2.4 Further, Section 12 of the NPPF provides that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Section 16 requires the impact on non-designated heritage assets to be considered.

- 7.2.5 The only matter to be considered for approval at this stage is access to the proposed dwelling. Matters of layout, scale, appearance and landscaping would be considered under a future reserved matters application.
- 7.2.6 Access will be via the existing access from Church Street which was formed following the grant of planning permission S06/0915 for the conversion of an existing barn to a separate dwelling and is established within the built frontage of Church Street. The use of this access to serve an additional residential dwelling on the site would not result in any significant adverse impact upon the character and appearance of the area.
- 7.2.7 The conversion of the barn, which is positioned to the south west of Vine House on the other side of the driveway/parking area and also follows a north/south orientation has not been carried out, and whilst the permission has been implemented by virtue of the access being installed and other pre-commencement conditions discharged under S09/1880 it would not be possible for both this current proposal and the previously approved barn conversion to both be developed in accordance with submitted plans and therefore further planning permission would be required if the applicant wished to pursue both developments. In addition to this the applicant has indicated that at present they intend to continue to use it for the purpose of winter storage and summer entertaining, renovating it in stages.
- 7.2.8 The proposal would include the removal of a modern agricultural style building approved under S11/0195 and currently used as a workshop/outbuilding. The existing single storey stone outbuilding adjacent to this would be retained for use by the new dwelling thereby tying it in to the original character of the village.
- 7.2.9 Whilst there are no listed buildings in the vicinity and the area is not a conservation area, there are a number of historic buildings nearby, including Vine House itself that can reasonably be regarded as non-designated heritage assets. A new dwelling of appropriate, design scale and materials would preserve the settings of these assets.
- 7.2.10 Whilst the exact position, design and scale of the proposed dwelling would be considered at reserved matters stage, the site is sufficiently large to accommodate an appropriately designed (and using locally distinctive materials) one and a half storey dwelling without adversely impacting upon the character and appearance of the village in accordance with Policy DE1 and EN6 of the SKLP, Policies V0 and D0 of the CNP and Section 12 of the NPPF.

7.3 **Impact on the neighbouring properties**

- 7.3.1 Policy DE1 of the SKLP requires 'no adverse impact upon the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light'
- 7.3.2 Policy P.O. of the CNP seeks to maintain the village character and atmosphere with development that conserves the rural character and tranquillity being supported.
- 7.3.3 Para 127 of the NPPF states planning decisions should create places with a high standard of amenity for existing and future users.
- 7.3.4 The northern elevations of 2 Church Street and eastern elevation of the outbuildings at 6 Church Street do not contain any principal openings and therefore a modest sized dwelling with appropriately located openings should ensure that direct overlooking or significant loss of natural light would not result. In addition to this there would be a distance of over 30 metres from the site to the eastern elevation of 6 Church Street and the existing trees to the shared boundary are shown to be retained. The majority of the private garden area to 2

Church Street is located to the west of the dwelling adjacent to the highway and bounded to the north by the outbuilding within the grounds of 6 Church Street further screening this amenity space. The existing yard area is used in conjunction with the applicant's business with the doors of the outbuilding facing onto the courtyard where the parking of vehicles is undertaken. The development of an appropriately designed and scaled dwelling with residential amenity space would not be significantly detrimental to the amenity of occupants of 2 and 6 Church Street above and beyond the current established use.

- 7.3.5 There would be a distance of approximately 16 metres between the south east elevation of 23 High Street and the site. Subject to any elevation facing this property being blank or secondary, which is considered to be achievable, neither direct overlooking nor significant overbearing impact would result.
- 7.3.6 The main elevation of Vine House faces south east with only ground floor and rooflights within the south west elevation facing the site. It is not therefore considered that direct overlooking between the 2 dwellings would result. The existing 'little barn' on the site would act as screening to prevent loss of privacy within the private garden area.
- 7.3.7 The application site as shown would provide sufficient space for adequate private amenity area for a modest sized dwelling. The amenity space available to Vine House would not be adversely affected as the area upon which the proposed dwelling is to be developed is not part of the domestic garden
- 7.3.8 Furthermore, the removal of an unrestricted commercial use would be a betterment in terms of noise and disturbance.
- 7.3.9 The proposal, subject to the submission of appropriate scaling and design under reserved matters, would not adversely impact upon the amenity of neighbouring occupants in accordance with Policy DE1 of the SKLP, Policy P.O. of the CNP and Section 12 of the NPPF.

7.4 **Highway issues**

- 7.4.1 Section 9 of the NPPF (Promoting sustainable transport) states at para. 109 that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.4.2 Access to the proposal would be via the existing vehicular access from Church Street which was approved under S06/0915 to serve the then proposed barn conversion. The access serving an additional residential dwelling has therefore been established.
- 7.4.3 The submitted plans show sufficient space for the provision of off-street parking and manoeuvring space for 4 vehicles which is considered to be sufficient.
- 7.4.4 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- 7.4.5 On the basis of the above it is considered that the proposal for a single dwelling in this location would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF.

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 and Planning Balance

- 10.1 The proposal would see redevelopment of a brownfield site within the main built up part of Carlby, utilising an existing established access. The resulting plot size for the proposed dwelling would be comparable to other properties in the immediate context and is sufficiently large to accommodate an appropriately designed dwelling without adversely impacting upon the character and appearance of the village or neighbours' residential amenities. The proposal would be in accordance with Policies SP1, SP2, SP3, EN1, EN6, E6 and DE1 of the SKLP, Policies V.0, D.0, D.1, D.2 and P.O of the CNP and Sections 3, 5, 9 and 12 of the NPPF.

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

Time Limit for Commencement

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

- 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. layout;
 - ii. scale;
 - iii. appearance; and
 - iv. landscaping (including details of trees outside the site to be retained and their RPA).

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).

- 3 When the reserved matters application is made plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor level of all proposed buildings with reference to neighbouring properties or an off-site datum point shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan (2020).

Approved Plans

- 4 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. Site Location Plan - dwg no. 19-731 (00) 001 rev B - received 21 November 2019
 - ii. Site Plan Proposed - dwg no. 19-731 (08) 002 rev A - received 21 November 2019

Unless otherwise required by another condition of this permission.

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

During Building Works

- 5 Before construction of any building hereby permitted is commenced, the land on which that building is situated shall have been graded in accordance with the approved land levels details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan (2020).

Before the Development is Occupied

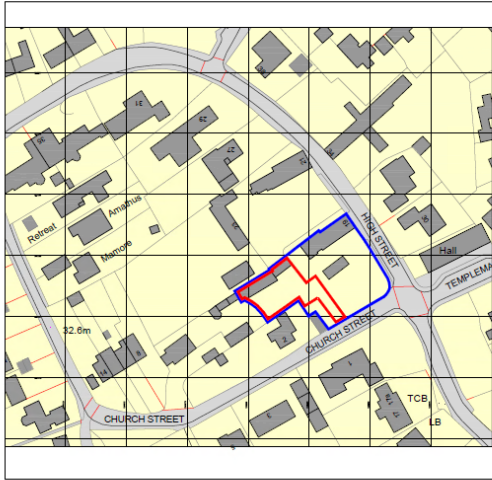
- 6 Before any dwelling hereby permitted is occupied, the finished floor levels for that building shall have been constructed in accordance with the approved land levels details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan (2020).

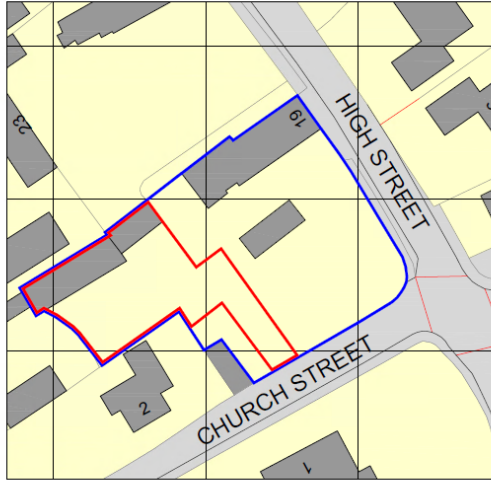
Standard Note(s) to Applicant:

- 1 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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 timings of these works.
- 2 The applicant is advised that a single axis building with a comparable footprint to the existing larger outbuilding on the site, a height not exceeding immediate surrounding properties and of a design in keeping with the character and appearance of Carlby village should be considered for submission under reserved matters.
- 3 You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 03330 038132) to ascertain the level of protection required and whether a geological assessment is necessary.
- 4 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.

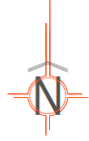
Site Location Plan



LOCATION PLAN
SCALE 1:1250



BLOCK PLAN
SCALE 1:500



Rev B. Blue line has been amended
Rev A. Red line has been amended
to include access to the site.

Sheet	
Plot	19 HIGH STREET CARLEY PROPOSED DWELLING
Drawn	LOCATION / BLOCK PLANS

**Harris
McCormack
Architects**
harris McCormack architects.co.uk

Architect	Harris McCormack Architects	Registered	191531
Date	05.06.19	Scale	1:1250 (Location) / 1:500 (Block)
Site No.	19-731	Sheet	B

Harris McCormack Architects, 19 High Street, Carley, Wakefield, WF1 3JH. Tel: 01924 431111. Email: harris@mccormackarchitects.co.uk

Block Plan

