



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Planning Committee

20 January 2022



### S21/2286

Proposal: New single storey dwelling with garaging for proposed dwelling and number 22 The Green

Location: 22 The Green  
Thurlby  
PE10 0HB

Applicant: Catherine Charlton 22, The Green Thurlby PE10 0HB

Agent: Mr Shayne Andrews S Andrews Design & Architecture Ltd

Application Type: Outline Planning Permission

Reason for Referral to Committee: Local Member Request

Key Issues: Impact on Character of Area  
Impact on Residential Amenity  
Highways  
Drainage

Technical Documents: Site Location Plan  
Proposed Plans

#### Report Author

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Corporate Priority:

**Growth**

Decision type:

**Regulatory**

Wards:

**Dole Wood**

Reviewed by:

Chris Brown (Principal Planning Officer)

11 January 2022

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

To authorise the Assistant Director of Planning to REFUSE planning permission

## **1 Description of Site**

1.1 The Green, Thurlby is an area which is predominantly residential, albeit some of the properties on The Green are used as commercial premises. The application site is located on the east side of The Green within the existing rear garden of No.22 The Green. The host property has a large, enclosed garden to the rear which is bordered by residential development to the north, east, south and west. The site does not fall within a designated conservation area.

## **2 Description of Proposal**

2.1 This is an outline application with all matters reserved for the erection 1 no. single storey detached dwelling to be sited within the existing rear garden of a residential property. The proposal also includes the erection of garaging to serve both the existing dwelling (No.22 The Green) and the proposed dwellinghouse. The site area is approximately 955sq m.

## **3 Relevant History**

3.1 S20/1264 – Outline planning permission for erection of two dwellings with all matters reserved, Refused, 22 September 2020 and appeal dismissed.

## **4 Policy Considerations**

4.1 SKDC Local Plan 2011 – 2036

- Policy SD1: The Principles of Sustainable Development in South Kesteven
- Policy SP2: Settlement Hierarchy
- Policy SP3: Infill Development
- Policy DE1: Promoting Good Quality Design
- Policy ID2: Transport and Strategic Transport Infrastructure
- Policy EN4: Pollution Control

4.2 National Planning Policy Framework (NPPF)  
Section 5 – Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places

4.3 Neighbourhood Plan

Thurlby Parish Neighbourhood Development Plan

## **5 Representations Received**

5.1 Thurlby Parish Council Comments:

5.1.1 No comments received at the time of drafting this report

5.2 LCC Highways/SuDS Comments:

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- 5.2.1** The proposal is for a new dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk.
- 5.2.2** 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.

**5.3** Environmental Protection Comments:

- 5.3.1** Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**5.4 Representations as a result of Publicity**

- 5.4.1** This application has been advertised in accordance with the Council's Statement of Community Involvement and 10 letters of representation have been received, the points raised can be summarised as follows:

1. Existing residential amenities detrimentally impacted - overlooking, loss of light and noise nuisance
2. Impact on existing drainage systems with increased risk of flooding
3. Highways safety
4. Sustainability
5. Proposal not in accordance with National or Local Plan policy or Thurlby Neighbourhood Plan
6. Development out of character with overall pattern of development for the area
7. Destruction of trees and existing landscaping resulting in loss of wildlife habitat
8. New build to cause structural damage to existing neighbouring properties.

**6 Evaluation**

**6.1 Principle of Development**

- 6.1.1** Policy SP1 within the Local Plan sets out a framework guiding the location of development within the district. This policy along with policy SP2 seeks to focus the majority of new

residential development to Grantham to support and strengthen its role as a Sub-Regional Centre, with "new development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings" also being allowed, provided that the proposal does not "compromise their nature and character".

- 6.1.2** SP2 goes onto state that "in the Larger village as define, in addition to allocations, development proposals which promote the role and function of the Larger Villages, and will not compromise the settlement's nature and character will be supported."
- 6.1.3** Policy SP3 (Infill Development) goes on to state that "all settlements defined in Policy SP2, infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:
- a. it is within a substantially built up frontage or re-development opportunity (previously development land);
  - b. it is within the main built up part of the settlement;
  - c. it does not cause harm or unacceptable impact upon the occupier's amenity of adjacent properties;
  - d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.
- 6.1.4** Policy SB1 of the newly adopted South Kesteven Local Plan sets out how development will be expected to minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy. This includes how they can minimise b) the need to travel; j) enhance the character of the District; and k) its natural environment.
- 6.1.5** Policy TNP09 of the Thurlby Neighbourhood Plan states that "applications for individual dwelling or infill and redevelopment sites which fill a gap in the continuity of existing frontage building or are within the built-up area of the village and closely surround by buildings, will be supported subject to proposals being of high quality and meeting all relevant requirements set out in the policies in the development plan."
- 6.1.6** Furthermore, the National Planning Policy Framework (NPPF) outlines, within para 59, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". Para 68 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly").
- 6.1.7** The application site is located within Thurlby which is identified within Policy SP2 of South Kesteven's Local Plan (January 2020) where development will be allowed subject to the development proposal promoting the role and function of the Larger villages and will not compromise the settlement's nature and character.
- 6.1.8** In addition to the Local Plan policies, Policy SP3 (described above) requires the 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.

## **6.2 Impact on the Character and Appearance of the Area**

- 6.2.1** 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 streetscene, 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.
- 6.2.2** It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwellings would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing. The locality is characterised by single and two story detached dwellings which are sited within reasonably generous plots and well proportioned gardens. The existing houses are of a cohesive layout and scale with a harmonious design in a medium density urban form. Any scheme on this site would need to be respectful of its surrounding and make a positive contribution to the area.
- 6.2.3** The site accommodates the amenity space associated to No.22 The Green, which is a detached two storey dwelling, with large front and rear garden. This dwelling is located within a residential area comprising of further modern two and single storey detached dwellings. The area of land to the east of the site (formerly No.23 The Green) has planning permission for the erection of 5 residential dwellings including private driveways. The construction of these dwellings was under way at the time of my site visit.
- 6.2.4** The application (as amended) is in outline form, with all matters reserved, albeit with an indicative plan showing the approximate siting and footprint size of the proposed dwelling and garages. The proposed dwelling would sit behind existing properties on The Green and High Street and it is indicated that the property would be accessed via a shared driveway with No.22 The Green.
- 6.2.5** All settlements defined in Policy SP2 of the SKLP are required to be assessed as either Infill Development, Development on the Edge of Settlement or Development in Open Countryside (Policies SP3, SP4 and SP5). In this instance the site is located within the main part of the settlement and so is assessed against SP3 (Infill Development). The first criterion of the policy requires that the proposal is 'within a substantially built-up frontage or re-development opportunity (previously developed land)'. In a recent appeal decision (APP/E2530/W/21/3274331), the planning inspectorate has interpreted 'Infilling' in this context as development which fills a gap in the street frontage. In this case, the dwelling would be located substantially to the rear of the frontage development on The Green. It is considered that the proposal would not be within a substantially built-up frontage, and so would not accord with this first criterion. Garden land in built-up areas is specifically

excluded from the definition of previously developed land in the National Planning Policy Framework.

- 6.2.6** Notwithstanding the above, although the submitted details are illustrative; the proposal to erect 1 single storey dwelling and detached garage(s), in this location is considered to be achievable without compromising the character and appearance of the area. The dwelling would be largely screened from public view and there are examples of infill and backland development adjacent to the site, most notably the development directly to the east of the site. However, the neighbouring site was much larger than the application site and not directly comparable and the current proposal has been assessed on its own merits. In this instance this proposal differs from the recent appeal decision discussed above.
- 6.2.7** Overall, it is considered that the proposal would not amount to infill development and so would not be in accordance with Policy SP3 a) within a substantially built up frontage or re-development opportunity (previously development land). Although it is accepted that the proposal would otherwise be in accordance with criterion b) land within the main built up part of the settlement; and d) does not extend the pattern of development beyond the existing built form. Consequently, due to the development not conforming the criteria a), the proposal would result in a form of development that is contrary to Policy SP3 of the Local Plan.

### **6.3 Impact on Residential Amenity**

- 6.3.1** 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 127 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.
- 6.3.2** It is considered that the siting and scale of 1 x single storey dwelling and detached garage(s) would result in sufficient amenity space, for the future occupiers of the proposed dwelling. Subject to an appropriately designed single storey dwelling, it is considered that neighbouring occupiers' amenities would not be unduly impacted upon, by way over overlooking, loss of privacy, noise or an over dominant form of development to such an extent that planning permission should be refused on those grounds and would therefore not be contrary to policies NPPF Section 12, and Policies DE1 and SP3 c) of the Local Plan.

### **6.4 Highway issues**

- 6.4.1** Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.4.2** The proposal relates to an outline application with all matters reserved.

**6.4.3** Lincolnshire County Council has not raised objections to the proposal in principle but requesting that the Local Planning Authority make the applicant aware of the requirements for access creation and parking as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

## **6.5 Drainage**

**6.5.1** Paragraph 155 of the Local Plan states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

**6.5.2** Policy EN5: Water Environment and Flood Risk Management states that all development must avoid increasing flood risk. Surface Water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDs) unless it is demonstrated to be technically unfeasible.

**6.5.3** The site is identified as a very low risk of flooding (Flood Zone 1). The site is also identified as at very low risk of surface water flooding, which means that each year this area has a chance of flooding of less than 0.1%. It is therefore considered that, subject to the submission of appropriate surface water and foul drainage details the proposal accords with the provisions of the NPPF Sections 14 and Policies DE1 and EN5 of the South Kesteven Local Plan.

## **6.6 Other Matters**

**6.6.1** Policy SB1 of the South Kesteven Local Plan states that "All development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use unless it can be demonstrated that compliance with the policy is not viable or feasible".

**6.6.2** This policy goes on to state, amongst other criteria, "New development should demonstrate how carbon dioxide emissions have been minimised in accordance with the following energy hierarchy" and "All new development should demonstrate how they can support low-carbon travel, to achieve this: g. new residential development will be expected to provide electric car charging points h. new commercial developments shall make provision for electric car charging points. The number of charging points required will be determined on a case-by-case basis".

**6.6.3** No details have been provided in relation to the use of electric charging points and it has not been demonstrated how the proposed development would minimise the carbon emissions. However, it is considered that these details could be secured by a suitably worded condition should the application be approved.

## **7 Crime and Disorder**

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

## 8 Human Rights Implications

- 8.1 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.

## 9 Conclusion

- 9.1 In assessing the current proposal and taking the above into account, it is considered that the proposal, on balance, is not in accordance with national and local plan policies. It is considered that the proposal to erect 1 x dwellinghouse in this location is not in accordance with all of the criteria of Policy SP3 of the SKLP, Section 12 of the National Planning Policy Framework and Policy TPP09 of the Thurlby Neighbourhood Development Plan.

### **RECOMMENDATION: that the development is refused for the following reason:**

- 1 The proposed development, by virtue of its siting and scale, would not be within a substantially built up frontage or a re-development opportunity, therefore failing to meet the criteria set out for infill development under policy SP3 of the Local Plan and Policy TNP09 of the Thurlby Neighbourhood Plan. As such the principle of the proposal is not acceptable and the proposed development is contrary to policies SP3 of South Kesteven's Local Plan, Policy TNP09 of the Thurlby Neighbourhood Plan and the NPPF (Section 12).

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

- 1 There is a fundamental objection to the proposal, and it is considered that this cannot be overcome. Consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The decision therefore accords with paragraphs 38 of the National Planning Policy Framework.









# Site Location Plan



Area hatched recently granted planning permission for 5 dwellings, with a mix of 2 storey single storey and 1.5 storey chalet style dwellings.

# Proposed Site Plan



-  Existing Buildings demolished  
Total Sq ft = 1291 or 120sqm
-  Area coloured green recently granted planning permission for 5 dwellings with a mix of 2 storey single storey and 1.5 storey chalet style dwellings.
-  Bin Collection Point
-  Hard bound block paved road entrance for first 5m
-  4200m wide gravel Drive with turning area
-  Garden areas grassed



Rev A Dec 2021 Dwelling repositioned as per  
Planning raised

22 The Green,  
Thatcham, Wokingham,  
RG20 9JH.  
For Cuthbert Durrant

BLOCK PLAN

Scale 1:500

DATE	REV	BY	CHK	APP	REV
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