



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

9 January 2025



S24/1524

Proposal

Provide dropped kerb access and replace gravel with concrete hard standing

Location

13 West Street Gardens, Stamford, PE9 2QB

Applicant

Ms Marie Pears

Agent

Jo Short (SKDC Private Sector Housing Officer)

Reason for Referral to Committee

SKDC Application

Key Issues

Impact on Highways
Impact on neighbouring amenities

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Stamford St Mary's

Reviewed by:

Phil Jordan, Development Management & Enforcement Manager

30 December 2024

Recommendation (s) to the decision maker (s)

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

S24/1524 – 13 West Street Gardens, Stamford, PE9 2QB



**Application
Boundary**



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1 Description of Site

- 1.1 The application site is 13 West Street Gardens, Stamford; a two storey terraced dwelling that faces south towards the junction of West Street Gardens and West Street.
- 1.2 The host dwelling is a contemporary dwelling, and is constructed with buff brick and brown roof tiles.
- 1.3 The existing property occupies a prominent position facing the corner and follows part of a row of matching dwellings. The dwellings to the west currently benefit from dropped kerbs.
- 1.4 To the front of the site is a gravel driveway, then a SKDC owned public footpath and cobbled triangle, followed by a Lincolnshire County Council owned footpath and the highway.

2 Description of the proposals

- 2.1 The current application seeks planning permission for the dropping of the kerbstones to the front of the property with associated replacement tarmac, and the installation of a concrete driveway and French drain in lieu of the existing gravel drive

3 Relevant History

Application Ref	Description of Development	Decision
N/A	N/A	N/A

4 Planning Policies and Documents

- 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
- 4.2 **Design Guidelines Supplementary Planning Document (Adopted November 2021)**
- 4.3 **Stamford Neighbourhood Plan**
- 4.4 **National Planning Policy Framework (Published December 2023)**
 - Section 9 – Promoting Sustainable Transport
 - Section 12 - Achieving well-designed and beautiful places

5 Representations Received

- 5.1 **Stamford Town Council**
 - 5.1.1 No objections subject to neighbours amenities being respected. Contractors to make good damage to verge, kerbing or block surface associated with this development.
- 5.2 **Lincolnshire County Council (Highways and SuDS)**
- 5.3 Recommendation: No Objections 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

5.4 Comments: The proposed access has suitable visibility in both directions with enough space for a vehicle to park off the public highway, and it is considered that this proposal would not result in an unacceptable impact upon highway safety. Please note that the access will still be subject to a S184 agreement with Lincolnshire County Council. Furthermore, the footpath labelled 'SKDC Owned Footpath' and 'Cobles (SKDC Owned)' are now the responsibility of Lincolnshire County Council following the Gulliksen transfer as part of the transfer of housing road and footways by virtue of the 1957 & 1985 Housing Act. The Grass is not the responsibility of Lincolnshire County Council. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

5.4.1 **Cadent Gas**

5.4.2 No objection, informative note required:

5.4.3 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [//cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

6 Representations received as a result of publicity

6.1 The 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority (LPA) 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

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

7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2024) are also a relevant material consideration in the determination of planning applications.

7.4 **Principle of Development**

7.4.1 The application proposals involve development to an existing domestic dwelling located within the main built-up area of Stamford. As such, the application proposals are acceptable in principle, in accordance with the provisions of Policy SD1 (The Principles of

Sustainable Development in South Kesteven) of the adopted Local Plan, subject to relevant material considerations. These include the impact of the development on the character and appearance of the area, impact on neighbouring amenity and impact on heritage assets, and these matters are discussed below.

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

7.5.1 The proposal is for minimal works, dropping the kerb to the front of the property and replacing the existing hard surfacing. The change from gravel to concrete with a drain is not considered to be a visually harmful change, particularly considering the contemporary nature of the site and its surroundings.

7.5.2 Taking the above into account, it is Officer's assessment that the design, scale and materiality of the proposed development would not unacceptably impact the character of the host dwelling, and would not result in harm to the character and appearance of the surrounding streetscene. As such, the application proposals would be in accordance with Policy DE1 of the adopted Local Plan, and Sections 12 and 16 of the National Planning Policy Framework and the Stamford Neighbourhood Plan.

7.6 **Impact on neighbourhood amenity**

7.6.1 The proposal would be enhancing existing parking and access arrangements, as the front of the site is already in use as a parking area, with the proposed dropped kerb improving accessibility and making the parking arrangement more formal, meaning that neighbours' amenities would not be unacceptably impacted by changes to parking arrangements or access. The change from gravel to concrete is not considered to cause harm to neighbours' residential amenities.

7.6.2 Taking the above into account, the application proposal would not give rise to any unacceptable adverse impacts on privacy, overshadowing or outlook for existing and future occupants. As such, the application proposals would accord with Policy DE1 of the adopted Local Plan, the adopted Design Guidelines SPD, and Section 12 of the National Planning Policy Framework and the Stamford Neighbourhood Plan.

7.7 **Impact on Highways**

7.7.1 The proposed dropped kerb was consulted with Lincolnshire County Council Highways who responded with no objections to the proposal, stating that the proposal would not cause unacceptable impact to highway safety, traffic impact or surface water drainage.

7.7.2 The proposal would result in accesses similar to the site's neighbours, with front driveways and dropped kerbs allowing access onto West Street Gardens. Considering the lack of objection from highways and the minor nature of the proposed changes, it is considered that the proposal is in accordance with Policy DE1 of the adopted Local Plan, the adopted Design Guidelines SPD, Section 9 of the National Planning Policy Framework and the Stamford Neighbourhood Plan.

7.8 **Other Matters**

7.8.1 Cadent Gas commented to state they have an easement over gas infrastructure in the area, but raised no objections to the planning application.

8 Crime and Disorder

- 8.1 It is concluded that the proposals 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 that Act will be breach in making this decision.

10 Planning Balance and Conclusion

- 10.1 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.
- 10.2 The application proposals involve the development of 13 West Street Gardens, Stamford and are acceptable in principle, in accordance with Policy SD1 of the adopted Local Plan, subject to material considerations.
- 10.3 In this case, the changes to the existing access and parking arrangements are limited, and it is Officers' assessment that the design, scale and materiality of the proposed development would preserve the character and appearance of the host dwelling and the streetscene. Furthermore, it is Officer's assessment that the application proposals would not result in any unacceptable adverse impacts on the amenity of neighbouring properties, nor any unacceptable harm to highways through safety, traffic or surface water drainage impact.
- 10.4 Taking the above into account, it is Officers' assessment that the application proposals would be in accordance with Policy DE1 of the adopted Local Plan, the Design Guidelines SPD, and the National Planning Policy Framework and the Stamford Neighbourhood Plan. As such, the proposed development would be in accordance with the adopted Development Plan when taken as a whole, and there are no material consideration to indicate that planning permission should be withheld.

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:

- a. Location Plan – received 03/09/24
- b. Proposed Layout Plan – dwg no. DFG/13WestStreet/02– received 03/09/24

Unless otherwise required by another condition of this permission.

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

Before the Development is 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 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 Highway Informative 03 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>.
- 4 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 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 timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

- 5 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [//cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Site Location Plan

Location Plan

Site Address: 13, West Street Gardens, Stamford, PE9 2QB

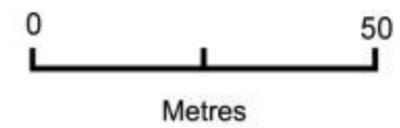


Date Produced: 03-Sep-2024

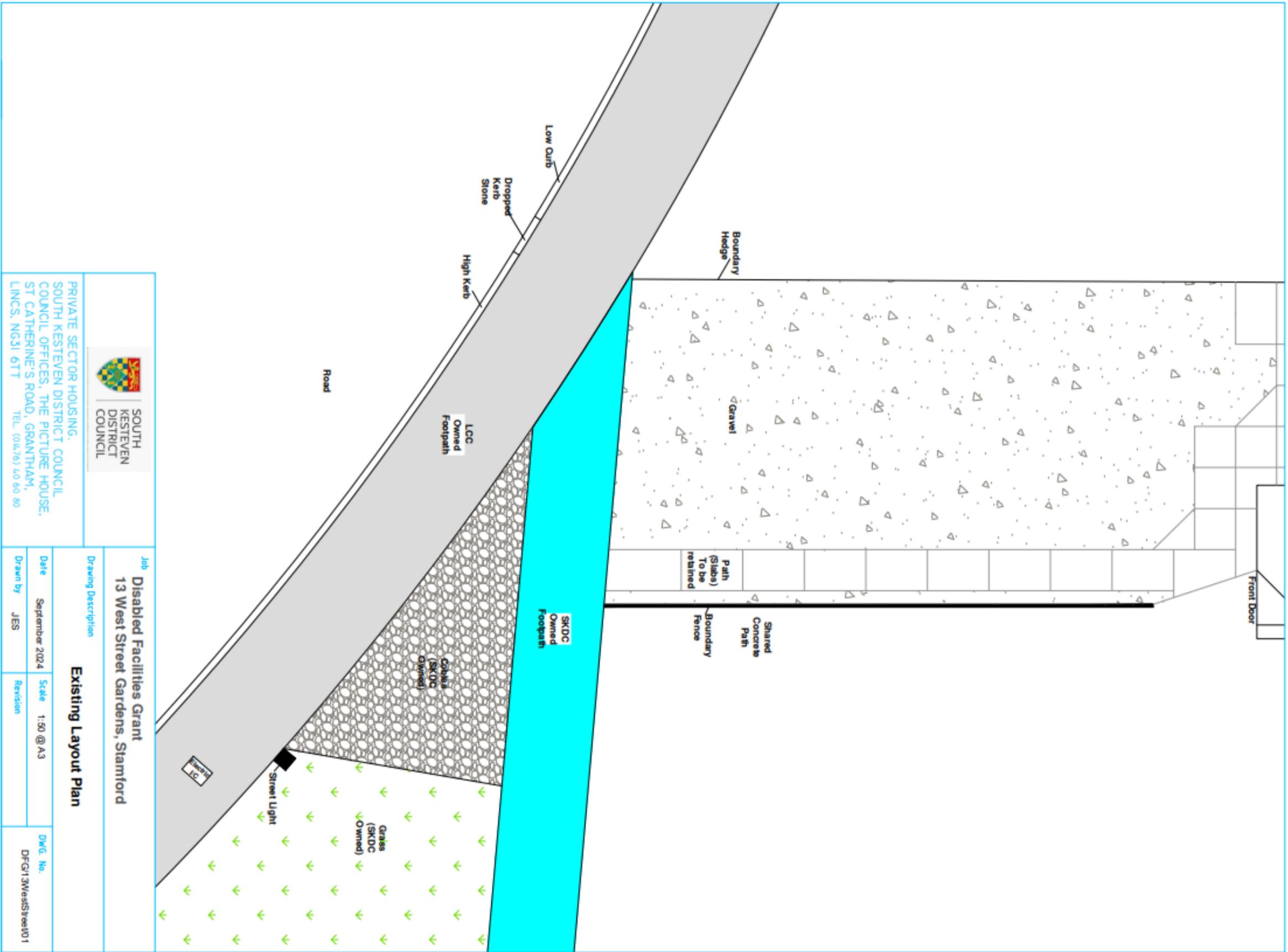
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Planning Portal Reference: PP-13379915v1



Existing Layout



SOUTH KESTIVEN DISTRICT COUNCIL

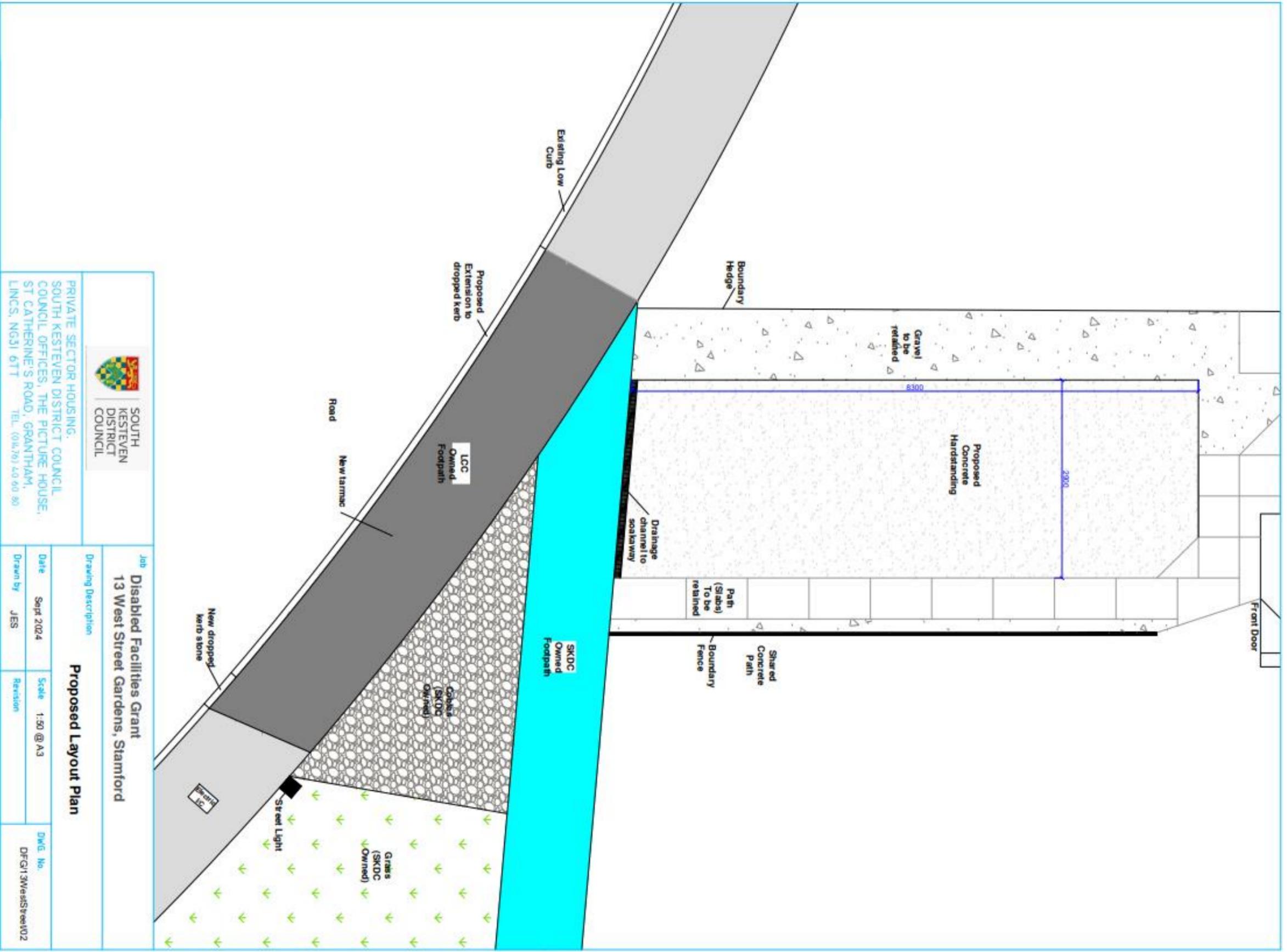
PRIVATE SECTOR HOUSING:
SOUTH KESTIVEN DISTRICT COUNCIL
COUNCIL OFFICES, THE PICTURE HOUSE,
ST CATHERINE'S ROAD, GRANTHAM,
LINGS, NG31 6TT TEL: (01676) 40 60 80

Job
Disabled Facilities Grant
13 West Street Gardens, Stamford

Drawing Description
Existing Layout Plan

Date	September 2024	Scale	1:50 @ A3	DWG. No.	DFG13WestStreet101
Drawn by	JES	Revision			

Proposed Layout



PRIVATE SECTOR HOUSING:
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COUNCIL OFFICES, THE PICTURE HOUSE,
ST CATHERINE'S ROAD, GRANTHAM,
LINCS, NG31 6TT TEL: (01529) 40 60 90

<p>Job Disabled Facilities Grant 13 West Street Gardens, Stamford</p>			
<p>Drawing Description Proposed Layout Plan</p>			
Date	Sept 2024	Scale	1:50 @ A3
Drawn by	JES	Revision	
DWG. No.		DF/GH 3WestStreet102	