



Appeal Decision

Site visit made on 8 September 2015

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/E2530/W/15/3033027

Southfields Business Park, Bourne, Lincolnshire PE10 0FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Southfield Business Park Ltd against the decision of South Kesteven District Council.
 - The application Ref S14/1684/MJRF, dated 9 June 2014, was refused by notice dated 14 November 2014.
 - The development proposed is construction of 23 new residential dwellings and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 23 new residential dwellings and infrastructure at Southfields Business Park, Bourne, Lincolnshire PE10 0FF in accordance with the terms of the application, Ref S14/1684/MJRF, dated 9 June 2014, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Southfield Business Park Ltd against South Kesteven District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are:
 - i) the effect of the proposed development on the character and appearance of the area; and
 - ii) whether or not the scale of the proposed development would be acceptable in the location proposed having regard to national and local planning policies.

Reasons

Character and Appearance

4. The site is within the built up area of Bourne. It is largely surrounded by roads and is adjacent to residential development, a care home and offices. There is some undeveloped land to the east which the appellants say has planning permission for a medical centre. There is also undeveloped land to the north, beyond which is a supermarket.

5. On the southern part of the site there are two 'eco-houses', and other structures which are used for the assessment of renewable energy and sustainable construction technologies. They are surrounded by a fenced compound. Also within the site are soil storage bunds and a solar array. Apart from these structures and works the site is open and grassed.
6. The adjacent residential estate to the south of Eagle Road includes two and three storey development variously sited in relation to the road with back gardens and open frontages adjacent to the road. The proposed development would front onto that road and Falcon Way thereby providing definition to the street scene and a sense of place. The form and scale of the proposed dwellings would be reflective of the existing development. The materials to be used and the roof and window detailing would also be consistent with the character of the existing development.
7. Dwellings would also front onto the internal access road. Those on the southern side of the access at plots 13 and 14 would include windows on their side elevations facing the road. There would be rear garden fences and hard surfaced parking areas off that road but these would not be excessive in extent. For these reasons I consider that the proposed layout would be of sufficient quality in terms of its attractiveness.
8. The proposal would include rear gardens that would appear to be of adequate size. The site frontages would be open and landscaped. There is no evidence of an identified need for a communal open space feature on the site or that such a feature would be feasible on a site of this size. On this basis it seems to me that the proposal would not constitute an over-development of the site or that it would be lacking in external space.
9. For these reasons the proposed development would harmonise with the character and appearance of the area and would accord with policy EN1 of the Core Strategy¹ in terms of layout, scale and designed spaces, provision of a sense of place and the quality and character of the built fabric.

Scale

10. The site was previously allocated for employment development in the South Kesteven Local Plan (1995) but that allocation has not been taken forward in the Site Allocations document². Planning permission was granted for office development but this was not taken up due to a lack of demand, although the appellants say that part of that permission was implemented in the form of the car parking spaces adjacent to the west of the site.
11. Policy H1 of the Core Strategy restricts residential development in Bourne to that which was already committed via planning approval at the date of adoption of that document. The restrictive approach of policy H1 is not consistent with the requirement of the National Planning Policy Framework (the Framework) to boost significantly the supply of housing.³
12. Policy SAP H1 of the Site Allocations document takes a less restrictive approach to housing development in Bourne as it allows for the redevelopment of brownfield sites and small infill sites. The latter are expected to be

¹ South Kesteven Core Strategy (2010)

² South Kesteven Site Allocation and Policies Development Plan Document (2014)

³ Paragraph 47

- developments of 10 or fewer houses. The site is of limited size but the proposal would exceed the scale of development envisaged in that policy as a small infill development.
13. Most of the site appears to be undeveloped land but parts have been previously developed by the creation of soil bunds and buildings and structures for sustainable energy and sustainable construction testing. Because the site is substantially undeveloped and the existing structures are temporary in nature the proposal would not realistically amount to redevelopment.
 14. For these reasons although the site is of limited size the proposal does not strictly accord with the terms of policy SAP H1 in terms of it being for 10 or fewer houses or a redevelopment.
 15. That policy includes criteria relating to highways, drainage, local education and health provision, quality of life and the character of the settlement. There is no evidence of conflict with those requirements and I have found that the proposal would be in keeping with the character of the area.
 16. The appellant has submitted evidence to show that the Council does not have a five year supply of deliverable housing sites. However the Council's assessment⁴ concludes that it has 6.1 years supply. A 5% buffer has been applied and even if a 20% buffer were used the supply would still be 5.3 years. Although the appellant has cast doubt on the Council's housing figures for the purposes of this appeal I consider that the Council has demonstrated that it has a five year supply and therefore that its housing policies are up to date.
 17. The site is in a sustainable location being close to the town centre and accessible to shopping and education facilities, public transport and sources of employment. The proposal would meet the social role of sustainable development through the provision of a mix of housing, including affordable housing in an accessible location. It would be of benefit to the local economy. I have found no harm in respect of the environmental role. For these reasons the proposed development would be sustainable.
 18. The proposal would conflict with the terms of policy SAP H1 of the Site Allocations document in terms of the number of dwellings proposed. However it would accord with the Framework requirement to boost significantly the supply of housing and it would not conflict with the aim of policy SAP H1 to secure small scale housing developments in Bourne. There is no evidence that the scale of the proposal would be harmful in any way. For these reasons I find that the identified conflict with policy SAP H1 is limited and is outweighed by other material considerations. I conclude that the scale of the proposed development would be acceptable in the location proposed having regard to national and local planning policies.

Other Matters

19. A signed section 106 Agreement has been provided which would secure the provision of 8 units of affordable housing in accordance with the 35% provision required by policy H3 of the Core Strategy.
20. The Council has identified a shortfall in children's play space in Bourne. The proposal would provide family housing which would lead to an increased

⁴ South Kesteven District Council Five Year Housing Land Supply Assessment 2014-2019

requirement for such provision. In order to address this issue, the planning obligation secures the payment of a contribution towards additional play equipment which has been calculated in accordance with the Council's standard methodology. For these reasons I am satisfied that the planning obligation meets the tests set out in paragraph 204 of the Framework.

21. The Council has confirmed that the requirements of the Community Infrastructure Levy Regulations 2010 Regulation 123 (3) as amended are complied with in terms of the number of pooled planning obligations to be used for a specific type of infrastructure.
22. I have had regard to all other matters raised including concern about the effects on birds and bats but those matters do not alter my conclusions on the main issues.

Conclusion and Conditions

23. I have imposed the conditions suggested by the Council and the Senior Historic Environment Officer with some exceptions in order to meet the tests set out in paragraph 206 of the Framework.
24. I have imposed a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt. Conditions are included requiring the submission and approval of the external facing materials and landscaping scheme and the future maintenance of the landscaping to ensure that the development is visually acceptable.
25. Conditions requiring the provision of the visibility splays and parking areas are necessary to ensure highway safety standards are maintained.
26. I have imposed conditions requiring the submission and approval of foul and surface water drainage systems in order to ensure the water environment is not adversely affected. I have also imposed a condition requiring a scheme of investigation of contamination to ensure that the development is safe for its occupants.
27. The Senior Historic Environment Officer has identified a need for an archaeological watching brief given that the area is of interest in this regard and I have imposed a condition accordingly.
28. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK/01 Rev C, 2110/DS/01 Rev A, 2224/L00/DS, 2225/DS, 2306/L00/DS, 2318/DS, 2323/L00/DS, L00/GAR/01 and L00/GAR/04.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 5) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 6) The visibility splays shown on the approved plan shall be provided before the access is brought into use and thereafter maintained free from obstruction above 0.6 metres in height.
- 7) The vehicular access and parking areas shall be provided before the dwelling(s) to which they relate are first occupied and shall thereafter be retained for that use.
- 8) No development shall take place until full details of the method of surface water drainage have been submitted to and approved in writing by the local planning authority. The approved drainage system shall be provided before any dwelling is occupied.
- 9) No development shall take place until full details of the provision of foul sewage infrastructure have been submitted to and approved in writing by the local planning authority. The approved infrastructure shall be provided before any dwelling is occupied.

- 10) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 11) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Richborough Estates