

AGENDA



CABINET

MONDAY, 4 OCTOBER 2010

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships), Councillor Ray Auger (Portfolio: Access & Engagement), Councillor Paul Carpenter (Deputy Leader & Portfolio: Corporate Governance & Housing), Councillor Mrs Frances Cartwright (Portfolio: Economic Development), Councillor John Smith (Portfolio: Healthy Environment) and Councillor Mike Taylor (Portfolio: Resources and Assets)

Cabinet Support Officer: Lucy Bonshor 01476 406120 l.bonshor@southkesteven.gov.uk

Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

1. APOLOGIES

2. MINUTES

Minutes of the meeting held on 6th September 2010.

- 3. DECLARATIONS OF INTEREST (IF ANY)**
- 4. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS**
- 5. *STATION APPROACH DEVELOPMENT BRIEF: ADOPTION AS SUPPLEMENTARY PLANNING GUIDANCE**
Report number PLA845 Portfolio Holder Economic Development.
(Enclosure)
- 6. *SITE ALLOCATIONS AND POLICIES DPD: PROPOSED CONSULTATION ON POLICIES**
Report number PLA848 Portfolio Holder Economic Development.
(Enclosure)
- 7. *LOCAL DEVELOPMENT FRAMEWORK: GYPSY AND TRAVELLER SITES**
Report number PLA846 Portfolio Holder Economic Development.
(Enclosure)
- 8. *LINCOLNSHIRE MINERALS AND WASTE DEVELOPMENT FRAMEWORK: CONSULTATION ON PREFERRED STRATEGY AND SUBMITTED SITES**
Report number PLA847 Portfolio Holder Economic Development.
(Enclosure)
- 9. CAR PARKS PROPOSED CHANGES TO CLASSIFICATION**
Report number AFM0160 Portfolio Holder Resources & Assets.
(Enclosure)
- 10. AMENDMENT TO SECURE TENANCY AGREEMENT**
Report number TSE0057 Portfolio Holder Corporate Governance & Housing.
(Enclosure)
- 11. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.**
- 12. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)**
- 13. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS**
- 14. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

CO22. DECLARATIONS OF INTEREST (IF ANY)

None declared.

CO23. *ADOPTION OF LINCOLNSHIRE AFFORDABLE WARMTH STRATEGY 2010 TO 2016

DECISION:

That Cabinet approves the adoption of the Lincolnshire Affordable Warmth Strategy (LAWS) 2010-2016.

Considerations/reasons for decision:

- 1) Report HST37 from the Portfolio Holder Corporate Governance & Housing
- 2) The recommendation from the Communities PDG in July to adopt the Strategy.
- 3) Comments made by Cabinet Members at the meeting.
- 4) The strategy's actions will provide benefits within the district to what is currently on offer and draws in external funding to benefit householders.
- 5) It supports SKDC's work to achieve its NI 187 target and for Lincolnshire collectively to reach LAA targets

Other options considered:

The affordable warmth strategy has been developed as an action from the Lincolnshire Sustainable Community Strategy adopted by all Lincolnshire councils in 2009. There are collective agreements within that strategy relating to delivery against Local Area Agreements (LAA) and National Indicator (NI) targets. SKDC has also identified energy efficiency as a priority within its own housing strategy.

SKDC would not, in isolation, have the capacity and/or resources to deliver the wider requirements of the LAA and NI targets. Adopting the strategy enables SK residents to access and benefit from a range of initiatives to improve energy efficiency, increase affordable warmth and reduce carbon emissions at the same time the input required from the council itself is minimal.

CO24. COUNCIL PERFORMANCE INDICATORS QUARTER 1 FOCUS ON CUSTOMER FIRST PRIORITY

Decision

- 1) To note the performance and progress achieved for the period

April to June 2010.

Considerations/reasons for decision:

- 1) Report number POI48 from the Portfolio Holder Access and Engagement.
- 2) Data quality is a key feature of a performance management framework and underpins the decision making process of the authority and how we use this information to improve our services.
- 3) Comments made by Cabinet Members at the meeting about the general format of the reports and uniformity of charts/graphs.

DATE DECISIONS EFFECTIVE

Decision C023 and CO24 as made on 6th September can be implemented on 15th September unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any Political groups.

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham,
Lincolnshire NG31 6PZ**

**Contact: Cabinet Support Officer Lucy Bonshor - Tel: 01476 40 61 20
e-mail: l.bonshor@southkesteven.gov.uk**

REPORT TO CABINET

REPORT OF: Councillor Francis Cartwright
Economic Development Portfolio Holder

REPORT NO: PLA 845

DATE: 4th October 2010

TITLE:	Station Approach Development Brief: Adoption as Supplementary Planning Guidance	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Economic Development Portfolio Holder	
CONTACT OFFICER:	Karen Sinclair, Planning Policy Service Manager 01476 406438 k.sinclair@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS:	Cabinet Report EDTC0036 dated 5 th November 2007 Cabinet Report PLA780 dated 7 th September 2009 Draft Station Approach Development Brief (June 2009)	

1. RECOMMENDATIONS

That:

1. Cabinet approves the proposed changes to the Station Approach Development Brief as set out in Appendix 1 to the report
2. The Station Approach Development Brief, as amended in accordance with the above recommendation, is adopted as Supplementary Planning Guidance.

2. PURPOSE OF THE REPORT

- 2.1 To enable the Cabinet to consider the issues raised in the representations made during consultation on the draft Station Approach Development Brief, to consider proposed changes and to adopt it as Supplementary Planning Guidance (SPG).

2.2 The adoption of the Station Approach Development Brief would support the Good for Business Priority Theme.

3. DETAILS OF REPORT

3.1 The draft Station Approach Development Brief was approved for the purposes of public consultation by the Cabinet on the 7th September 2009 (Report PLA 780).

3.2 The Development Brief sets out the key planning and development principles for a mixed use development of the site. It is intended that it will guide development to achieve the following objectives:

- To set overall design principles and parameters for Station Approach
- To provide a guide to the overall development parameters for the site – preferred mix and scale of development
- Ensure maximum development values are achieved for the site
- To provide quality standards for the site
- To achieve the comprehensive redevelopment of the site
- Give clarity to developers and investors regarding the Council's requirements for the site
- Provide an indicative approach to the delivery and phasing of the development

3.3 The draft Development Brief was the subject of six weeks consultation between the 9th October and 20th November 2009. Widespread consultation was carried out with affected landowners/occupiers of property, neighbouring properties (both residential and business) and relevant national, regional and local organisations. The Development Brief was also made available at the District Council's offices and the Grantham library, on the website and publication was advertised by way of a statutory notice published in the Grantham Journal. In addition a leaflet was handed out to all cars parked in the station car parks on the 14th October.

3.4 At the end of the consultation period, a total of 11 representations had been received. These can be split into two types: those from statutory bodies concerning technical aspects of the brief and those from landowners and local residents. Many raise detailed issues relating to design or technical issues that would need to be considered and addressed at the time a development proposal is worked up and brought forward.

3.5 The appendix attached to this report summarises the representations received to the draft Development Brief together with an officer response and, where appropriate, recommended changes to the Brief.

3.6 Since the draft Development Brief was prepared there have been a number of changes to the policy context of the brief at national (changes in Planning Policy Statements), Regional (revocation of Regional Spatial Strategy) and local (adoption of Core Strategy, updated evidence base) level. The brief will, therefore, need to be updated to reflect this changed policy context and these changes are set out in the report appendix also.

4. OTHER OPTIONS CONSIDERED

- 4.1 Do not adopt as SPG - if the SPG is not adopted there will not be a sound planning framework to support future investment in this area. This may result in the area not being regenerated, or in an incoherent manner, due to a lack of clarity about the areas' futures, and could result in opportunities to achieve wider benefits from linked regeneration projects being missed if decisions and investment are taken on an ad hoc basis.

5. RESOURCE IMPLICATIONS

- 5.1 There will be some costs associated with the adoption process primarily the cost of placing a public notice in the local press and printing a limited number of copies of the document. These costs can be accommodated within this financial year's Planning Policy and Partnerships Service Budget.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

- 6.1 None identified.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 When adopted as SPG, it will 'hang off' policies contained in the Core Strategy DPD, which has been the subject of an initial equality impact assessment. This concluded that there would not be any differential impact from the application of the policies and that a full assessment was not required.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None arising from this report.

9. COMMENTS OF SECTION 151 OFFICER

- 9.1 I can confirm that the costs associated with the publication of this development brief can be met from within existing budgets. I have no other specific financial comments to make in respect of this report.

10. COMMENTS OF MONITORING OFFICER

- 10.1 The purpose of the report is to enable Cabinet to consider the results of the consultation, take into account any relevant comments on the revision to the SPG and approve the SPG subject to any accepted proposals made as a result of the consultation.

11. APPENDICES:

Appendix 1 Responses to consultation and proposed changes

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
Respondent A	SADB/01	Section 5: Access Arrangements	Owner of property on Station Road. Impact of development will be significant and potentially detrimental to amenity of property and others. Concerned about roads around Station being opened up; road in front of property not public highway and no through road restricting use; opening up will increase congestion, noise and pollution; should create pedestrian only zone or 20mph restriction	The Development Brief retains Station Approach as a no-through route, with the exception of buses, the relocation of station car parking to a site to the south of the station accessed from Station Road East and limited parking for the development on Site 1 accessed from Station Approach. The creation of a bus loop past the station has recently been implemented with the introduction of the new town bus services.	In section on access arrangements add reference to need for proposed access arrangements being kept under review as scheme is further developed and mix of land uses, parking provision and sustainable travel provision are confirmed and implications for trip generation and impact on junction capacity assessed.
				In light of comments made in some representations regarding access arrangements and the wider traffic implications arising from this development, options for traffic routing and management have been reassessed. These include the creation of a 'through route' linking Station Approach and Station Road East and dual access to the proposed multi storey car park. Based on current information, these options are broadly neutral in traffic terms, in the case of through routing provide little relief to the wider road network and may also affect the ability to create improved linkages from the station, through the development, to the Town Centre which is a primary objective of the development. However, it is recognised that as proposals for the overall redevelopment emerge issues including the control/limitation of parking provision associated with individual development plots; level of sustainable travel provision for the development; and detailed assessment of impact on adjacent junctions and road network will impact on traffic management and access arrangements.	
				In light of this it is considered that it would be appropriate to indicate in the Brief that these issues will be kept under review as development proposals come forward and may necessitate a changed approach to traffic routing and access. Proposals for this would be subject to consultation as part of the submission of any future planning application.	

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
			Concern over impact on amenity of local residents from people loitering in area late at night; impact of any floodlighting; noise from deliveries; operation of machinery. Concern over impact from build programme if this is prolonged, question what compensation will be paid or alternative accommodation made available.	The issues raised will need to be considered and addressed as part of the detailed design stage and assessed as part the submission of any future planning application	No changes required.
		Section 4: Site Specific Description	Untrue to state that several of cottages are vacant, was only short period when this was case for one cottage. Is this being deliberately understated to imply impact of development will be minimal.	Reference to vacancy of cottages can only reflect the point in time that the brief was drafted. As this may change over time and is not a relevant factor in retaining the cottages, it is considered that it may be more appropriate to delete this reference.	Delete reference to vacant cottages.
Respondent B	SADB/02		Concern that buildings will totally block view from property, shutting out natural light. Will also have detrimental effect on value of property. Basic needs and rights ignored.	Comments regarding light to property noted. This will need to be considered and addressed as part of the detailed design stage and assessed as part the submission of any future planning application	No changes required.
Network Rail	SADB/03		Keen to support overall proposals given benefits that will accrue to station and wider environment. Broadly supportive of suggested mix of uses.	Support noted.	No changes required.
			Need to provide not only replacement car park facilities but also increase in car parking for station users, consistent with general trend evident at all main stations on ECML. Brief currently only makes provision for status quo, not future growth. Would suggest multi storey car park should be designed for at least 1,000 spaces which could be achieved through an additional storey. Such building would not be out of place alongside railway, echoing in many respects larger former goods warehouses often seen in station complexes.	The Brief does not preclude additional capacity being provided at the multi storey car park for station users should this be evidenced as being required. However, the provision of on-site car parking to serve the development, needs to be balanced against the objective of moving towards a more sustainable travel provision and shift towards other modes of transport within Grantham as a whole.	No changes required.
			Alternative to building to south of multi storey car park might be additional surface car parking; would represent sensible medium term solution pending agreement for funding of multi storey. Additionally, telecommunications tower could only be relocated at significant expense and within certain parameters suggesting area be better left for surface car parking.		
			Remains question over funding for this facility: rail industry not in realistic position to fund, so element of third party funding would be essential for implementation.	It is intended that development of Site 2 will be led by the private sector.	No changes required.
			Suggested access arrangements acceptable in principle, although necessary to agree detail e.g. management of 'bus gate', preventing casual drop off/pick up points along Station Approach. Suggest adoption by Highway Authority as effective means of management and enforcement.	Comments noted and management issues will be incorporated into detailed scheme design.	No changes required.
			Proposals should incorporate access for maintenance purposes in certain locations.	Comments noted and maintenance arrangements will be addressed as part of detailed scheme design.	No changes required.

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
English Heritage	SADB/04	Design Principles	Brief should make clear new design should respond to local character. Listed buildings and nearby housing should not be seen as constraint but opportunity to retain and enhance character and connect to surrounding townscape. Existing unlisted buildings within and surrounding area may be of value and should be incorporated where possible.	It is accepted that whilst the Brief refers to a high quality design for the development it makes little reference to this responding to local character. The Grantham Townscape Character study currently being prepared will provide an analysis of the local character, including a materials palette, which will provide a useful reference point for the detailed design of schemes.	In Sections 3 and 5 add reference to Townscape Character study.
			The scale of buildings appears reasonable in terms of number of storeys, however, an indicative storey height of 4m would be out of scale with neighbouring areas, eroding sense of enclosure of the streets at the edge of the development. A non-continuous building line down the main route through Site 1, and other roads, is likely to create 'dead zones'. Not clear where main frontages of building will be and what will be public and private space.	Comments are noted. The building storey heights in the Brief are indicative only and will need to be carefully considered as part of a detailed design proposal in order to respond to and respect the surrounding area. The design of the scheme will seek to ensure that natural surveillance is provided to spaces and access routes.	No changes required.
			Block structure and square in front of Station seems odd and landmark building not necessary as Station acts as a landmark building. This part would be improved by creating direct access to Fletcher Street, increasing permeability and housing to east of Site 1.	Comments noted. The positioning of the building at the end of Fletcher Street is only indicative and the Brief acknowledges the potential to extend the traditional street pattern of adjoining residential area to improve connectivity and permeability.	No changes required.
			Proposed units along south side of Station Road East should create continuous, or near continuous, building line to help create townscape with appropriate sense of enclosure and active frontages to achieve integrated link with residential area to north.	Noted. The layouts included in the Brief are indicative only and an alternative approach may be acceptable.	No changes required.
			Existing views to landmark buildings e.g. St Wulfrum's Church should be preserved and enhanced. Car parking to rear of buildings should not dominate the street scene.	Comments noted.	No changes required.
		Relationship to surrounding area	Brief does not fully address relationship between site and surrounding area with little recognition of impacts on setting of conservation area to north. Constraint of Wharf Road and opportunity to improve connections through town centre should be dealt with. Wharf Road/Station Approach junction redevelopment should form part of Brief particularly reducing separation caused by traffic volumes and connecting development to Westgate which should be the main route to town centre.	Comments noted. This is a particularly complex junction and opportunities for addressing the issues referred to are being considered as part of the Grantham Movement Strategy. The Wharf Road Development Brief has been extended to include additional land along the Wharf Road frontage which will provide greater opportunities for improving pedestrian connections across Wharf Road and into the town centre.	In section on public realm refer to Wharf Road Development Brief and linkages between the two in terms of pedestrian movement across Wharf Road.
Anglian Water	SADB/05	Section 4 and 5	Land allocated for development will require engineering strategy to be determined by Anglian Water for provision of necessary water and sewerage services. Developers may be required to contribute towards cost of infrastructure and phase development accordingly. Surface water attenuation is required and should be provided for in development.	Comments noted.	No changes required.

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
		Section 4: Fig 11a	Information illustrated in figure is based on data recorded at time provided and positions are approximate also does not show service pipes, private sewers and drains. Survey should be commissioned prior to undertaking development to confirm positions etc. Change Sought: Disclaimer added to Fig 11a to cover points raised	For avoidance of doubt it is considered that reference should be made to the limitations of the data as described.	Add disclaimer to Fig 11a.
		Section 5: Proposed Land Uses	Light industrial, office and hotel uses may give rise to trade effluent and discharge to public sewer will require Anglian Water's consent and determination if flows can be accommodated will be assessed at time application for consent is submitted.	Comments noted.	No changes required.
		Appendix 3	Support requirement for development to meet Code for Sustainable Homes standards and promotion of use of storm water harvesting and rainwater harvesting technologies as part of building design. Also support reference to use of sustainable urban drainage.	Support noted.	No changes required.
Lincolnshire County Council	SADB/06		Extensions and alterations to Station Approach should be adopted as highway. Linking Station Approach to Station Road East should be pursued and adopted as highway. Section 106 contributions should be sought for the rebuilding/reconstruction of the box culvert beneath the East Coast mainline. Access for Site 1 should be from Station Approach.	Comments noted. See also response to SADB/01	See response to SADB/01
Mike Sibthorp Planning on behalf of Grantham Investments	SADB/07	Objectives	Considered objectives of the entire site are not clearly articulated and Development Brief will not secure their achievement. Not clear whether it is intended as promotional brief to set out aspirations for site or as development control brief to guide and shape future development proposals.	It is considered that the Development Brief clearly sets out the key planning and development principles for a mixed use development of the site.	No changes required.
			Proposed mix of uses is highly aspirational, unrealistic and unviable. Viability of proposed development has not been demonstrated.	The concerns that have been raised regarding the proposed mix of uses on the site and the viability of these are noted. However, these reflect the evidence base on which the Development Brief is based and was the subject of market testing by GVA Grimley as part of their contract in preparing the draft Development Brief. Nevertheless, it is accepted that in the current economic climate this needs to be kept under review. In general terms the Brief would not be 'set in stone' for ever and will need to be kept under review to ensure that it remains relevant.	In section on Implementation make reference to review of the Brief and in the section on proposed land uses to the impact changes in the prevailing economic conditions may have on the mix of uses.
			The brief is too prescriptive in terms of a specific development layout and mix / location of uses. A more comprehensive mix of uses, involving leisure elements could reasonably be considered, and some inherent flexibility in terms of design and mix of uses is required. An over-prescriptive design response, if based upon unsound and unviable objectives, will not secure the desired outcomes. The proposals for the southern portion of the site are wholly inappropriate. A broader range of uses should be considered, including more prominent high-profile use for rail frontage	The proposed mix of uses is based on evidence studies and market testing. However, if it were to be demonstrated that other uses would achieve the objectives of Development Brief and fit with the planning policy framework provided by the Core Strategy and emerging Grantham Area Action Plan then they would not be ruled out.	No changes required.

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
			The proposals for the northern portion of the site are considered to be unsatisfactory and highly dependent on hotel and office end-users	Both of these uses were supported by the market testing undertaken by GVA and also other evidence studies including the Lincolnshire Hotel Study and recent South Kesteven Employment Land Study. There has been recent interest from some hotel companies in the site and further work has been undertaken on the feasibility of an Innovation and Incubation Centre in this location.	No changes required.
			The planning gain requirements and rationales have not been clearly or adequately articulated within the Draft Brief. The viability impacts of any planning gain requirements have not been considered, especially when considered alongside the proposed strategic infrastructure tariff and other 'standard' planning gain requirements such as affordable housing.	As with any development proposal it is recognised that the requirement for planning gain requirements may impact on scheme viability and would be the subject of negotiation with the local planning authority. It should be noted that the Strategic Infrastructure Tariff referred to in the comments was deleted from the Core Strategy following examination.	No changes required.
			The justification for the phasing proposals for the plan are not robust or justified. It is considered that there is no absolute necessity for phasing to take place in the manner specified, and the potential exists to progress developments on more than one element of the site at a time.	The proposed phasing is based on land ownerships and a logical sequence of redevelopment. It does not rule out alternative phasing of development provided it can be demonstrated that this would not prejudice the overall development objectives or implementation of the remainder of the development proposals.	No changes required.
			There are no robust proposals for implementation of the development. Compulsory Purchase is an implied delivery option. Grantham Investments would vigorously resist any proposals to compulsorily acquire their land interests.	Use of compulsory purchase would be the last resort.	No changes required.
			The transport and car parking proposals contained within the document are inappropriate. The rationale for re-routeing bus services via the train station, whilst ostensibly sound has not been satisfactorily justified. Access to the train station will be worse than existing arrangements. The proposed multi-storey car parking is too remote to serve anything other than rails related car parking requirements. Operational car parking with the northern portion of the site will compromise ground floor frontages.	See response to SADB/01	See response to SADB/01
Respondent C (including 97 signature petition from	SADB/08		Object to development, development will increase amount of traffic in town which cannot be accommodated. Station car parking will not be used by commuters who already prefer to park for free on overcrowded side streets.	See response to SADB/01	See response to SADB/01

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
Tanvic Group Ltd.	SADB/09	Section 4 Site and Development Context - Site 1	Concerned about proposed development; this site is one of companies largest and most profitable sites. Proximity to town centre benefits customers who are able to undertake linked trips. Have been unable to identify comparable site to which to relocate, would be happy to discuss possibility of redevelopment of site whilst retaining part of site for continued operation of business.	The concerns regarding the redevelopment of this site and loss of business premises is considered to be a separate matter to whether the Development Brief should be adopted as SPG as there are separate means (and legislation) to resolve these. In addition negotiations with the landowner regarding relocation of their business has moved on considerably since the draft Brief was prepared and it is now anticipated that this matter can be resolved to the satisfaction of all parties without the need to resort to the use of compulsory purchase powers.	No changes required.
Grantham Civic Society	SADB/10		Preservation of existing listed buildings is welcomed. The scale of the hotel development and materials used should be sympathetic and not dominate surrounding developments.	Comments are noted. The building storey heights in the Brief are indicative only and will need to be carefully considered as part of a detailed design proposal in order to respond to and respect the surrounding area.	No changes required.
		Section 5: Access Arrangements	The intensity of development in this area will bring increased traffic to a busy road junction and low rail bridge (to the north of the site) whilst the crowded narrow residential streets to the east should also be acknowledged and a clear indication of how increased traffic flow and density given before development progresses.	See response to SADB/01	See response to SADB/01
			Concern over increase in traffic and impact that will have on current junctions. Adequate car parking provision should be made for both residential and commercial uses.	See response to SADB/01	See response to SADB/01
		Section 5: Design and Sustainability Standards	As this is likely to be the first of the town centre sites to be developed should act as 'flag ship'. Quality of design and materials will need to be exemplary to inspire interest nationally, create high occupancy levels and become gateway to historic core. Local authority should use powers to influence market condition mediocrity.	Comments are noted. The Brief clearly states that quality design and use of material should be integral to any development proposed for this area. The Townscape Study currently being prepared will provide additional guidance on use of materials appropriate to specific character areas of the town.	No changes required.
		Section 5: Design and Sustainability Standards	Sustainable technology and techniques should be championed; minimum requirements should not be an acceptable benchmark.	Comments are noted, however, there is a need to consider the potential impact requiring a sustainable development standard above national standards applicable at the time may have on development viability.	No changes required.

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
Respondent D	SADB/11	Section 5: Access Arrangements	Access requirements for local residents is important. Need to ensure access to off street parking is not compromised either during or after building works. Roads are very narrow and this would have to be taken into consideration in relation to access by construction vehicles and by residents and users of new site following construction. Grantley and Queen Street should not be used for access by construction vehicles.	It is not the intention to remove any existing access rights to off street parking areas and construction traffic can be prohibited from using unsuitable access roads.	No changes required.
		Section 5: Indicative Building Heights	Concerned that height of buildings of 3 or 4 storey to rear of property would cause overlooking and light to property would be greatly reduced. 2 storey residential buildings would be more in keeping with existing building heights.	Concerns are noted. The building storey heights in the Brief are indicative only and will need to be carefully considered as part of a detailed design proposal in order to respond to and respect the surrounding area.	No changes required.
		Section 5: Proposed Land Uses	Object to development of retail units which is inappropriate in predominately residential area. Concerned that might be occupied by users opening late in evening causing noise and disturbance. Similar concerns regarding creation of public spaces and multi storey car park which may become gathering places late at night leading to anti-social behaviour.	Intended that there would be only limited amount of retail floorspace created to provide supporting convenience retail for station users and office workers. Scheme should be designed to provide natural surveillance of public areas.	No changes required.
		General	Concerned about level of noise and disruption building work would bring to area and quality of life for residents, which may go on for many years if prolonged building period.	A certain amount of noise and disruption during the development's construction cannot be avoided.	No changes required.
Other Amendments Required					
		Section 2: Status	Section needs to be updated to reflect adoption of Core Strategy.		Update reference to Core Strategy.
			Reference is made to the East Midlands Regional Strategy, which was revoked on 6th July 2010.		Delete reference to East Midlands Regional Strategy.
		Section 3: National Policy	Section on National strategies and policies refers to the draft PPS4 and PPS6. The final version of PPS4 was published in December 2009 thereby replacing PPS6.		Update reference to PPS4 and PPS6.
		Section 3: Regional Policy	Section on Regional strategies refers to the Regional Spatial Strategy and Economic Strategy, which on the 1st April became the Regional Strategy. The Regional Strategy was subsequently revoked on the 6th July 2010.		Delete reference to Regional Strategy.
		Section 3: Sub-Regional and Local Policy	Reference is made to the Joint Strategic Housing Land Availability Assessment (SHLAA) published in 2008. This was updated in November 2009.		Update section to refer to latest SHLAA.
			Reference is made to saved policies in the South Kesteven Local Plan and policies in the Submission version of the Core Strategy. These sections need to be updated to reflect changes following adoption of the Core Strategy.		Update sections on South Kesteven Local Plan and Core Strategy.
			Reference is made to the Retail Needs Study 2006 but information on retail capacity etc. has been updated with a the Retail Needs and Town Centre Study completed in March 2010.		Update section to reflect most up to date information from Retail Needs Study 2010.
		Section 5: Access Arrangements	Reference is made to provision of bus service past Station, which has recently been implemented.		Update reference to bus facilities and services,

Respondent Name	Reference Number	SPG Section	Representation Summary & Changes Sought	Officer Response	Recommendation
		Section 4: Site Specific Description	Since the Brief was drafted National Express, who were the train operator for East Coast Main Line, have relinquished their franchise back to the Government.		Update reference to train operator.

REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA 848

DATE: 4th October 2010

TITLE:	Site Allocations and Policies DPD: Proposed Consultation on Policies	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Economic Development Portfolio Holder	
CONTACT OFFICER:	Rachel Armstrong, Senior Planning Policy Officer 01476 406469 r.armstrong@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS:	PLA830 Adoption of Core Strategy PLA835 Site Allocations and Policies DPD: Additional Sites consultation	

1. RECOMMENDATION

That:

- a) **Cabinet approve the Site Allocation and Policies Development Plan Document draft policies as set out in the appendices to this report for six weeks public consultation to begin in October 2010.**

2. PURPOSE OF THE REPORT

- 2.1 To enable the Cabinet to consider the detailed policy matters and draft policy wording required by the broad policy framework set out in the Adopted South Kesteven Core Strategy. These detailed policy issues should be addressed within the Site Allocations and Policies Development Plan Document (SAPDPD) and the Grantham area Action Plan (GAAP) which together with the Core Strategy will form the Local Development Framework (LDF). It should be noted that this report considers policies for inclusion in the Site Allocations and Policies DPD only and therefore DOES NOT cover Grantham.

2.2 Public consultation about the policy issues and on the draft policy wording is proposed for six weeks to begin later in October 2010. This consultation will fulfil part of the requirements to engage with the local community early in the preparation of LDF documents.

3. DETAILS OF REPORT

3.1 The Site Allocations and Policies DPD (SAP DPD) will include allocated sites for development (yet to be determined) and a set of policies which add detail to the broad framework provided by the Adopted Core Strategy. Whilst the suggested sites have already been subject to public consultation (and additional sites are currently out to consultation), the draft policy wording on these other issues have not. This “policies” part of the SAP DPD should be subject to public consultation before we can finalise the “preferred approach”.

3.2 Within a number of the Core Strategy policies and their supporting text reference is made to the inclusion within the SAP DPD of more detailed policy criteria for determining specific types of proposal. In addition three core strategy policies also set out that defined areas (town centres, existing employment sites and areas of search for rural exceptions affordable housing schemes) will be identified in the SAP DPD.

3.3 The Core Strategy establishes the need for more detailed policy guidance on the following matters:

- SP2 – Retention of local facilities in Local Service Centres (LSCs)
- SP4 and EN1 – open space standards
- E1 – protection of existing employment areas
- E1 – rural employment opportunities, including rural diversification
- E2 - town centre boundaries (including primary and secondary shopping)

3.4 In addition policy H3 *Affordable Housing*– states that areas of search for rural exceptions affordable housing schemes will be identified. Policy E1 *Employment Development* states that locally important existing employment areas will be identified and Policy E2 *Town Centre and Retail Development* requires the town centre boundaries (including primary and secondary shopping areas) to be identified and where there is a need for additional retail floor-space for sites or areas to be allocated.

3.5 Previously consultation has taken place about a number of these issues in early versions of various LDF documents – most notably in the Issues and Options consultation (2005) and the Housing and Economic DPD (Preferred Options consultation 2006). However not all of the policy issues have been consulted upon and in some cases things have moved on and changed in the intervening period, as new background evidence has been obtained and local and national policy has changed. It is therefore appropriate and necessary to undertake this additional consultation to ensure that all these issues have been subject to appropriate and recent consultation prior to a final plan being drafted. Where a similar policy has been consulted upon in the Housing and Economic DPD the consultation responses have been summarised within this report and any implications for the policy now proposed highlighted.

- 3.6 The LDF Member Working Group met on the 16th September 2010 and considered the draft policy wording. A number of issues were raised through this process particularly around the degree of flexibility built into the policies and the use of local member knowledge to inform some policy areas specifically the definition of town centres and the primary and secondary shopping frontages. Some changes have been made to the policies to address these concerns. It is also proposed to arrange another meeting of the LDF Member Working Group, following the close of the consultation period, to further consider the policy wording in light of the consultation responses that may be received.
- 3.6 A six week period of public consultation will be held about the draft policies. This will take place through October and November finishing in early December. Relevant comments made in response to this consultation will be reported to the Cabinet as part of the consideration of and preparation of the final version of the Site Allocations and Policies DPD early in 2011. This additional policies consultation will ensure that the process is in accordance with both the Council's adopted Statement of Community Involvement and the Town and Country Planning (Local Development Framework) (amendment) Regulations 2008 – notably regulation 25.
- 3.7 The suggested policy wording for each matter is attached at Appendix 1.

4. Policy Issues

4.1 Retention of Services and Facilities in Local Service Centres

- 4.1.1 Policy SP2 of the Core Strategy establishes that local services and facilities within LSCs should be retained. The detailed policy criteria against which any applications for the change of use or redevelopment of an existing local facility which would result in the loss of a local facility should be established in the DPD.
- 4.1.2 The suggested policy provides additional guidance to the requirements established in policy SP2 of the Core Strategy. This in itself reflects the broad requirements which were included in policy E11 *Shops and Services in villages* of the Housing and Economic DPD (HEDPD). Five responses were made about that policy through public consultation all of which supported the objective to protect and enhance local facilities.

4.2 Rural Affordable Housing

- 4.2.1 Policy H3 of the Core Strategy provides detailed policy guidance for the delivery of affordable housing. In particular it identifies that rural affordable housing needs for those settlements not identified as Local Service Centres will be addressed through the delivery of about 10 units per year on rural exceptions sites. The policy also identifies that allocations or areas of search for sites will be included in the Site Allocations DPD to deliver rural affordable housing. The Council works closely with parish councils, affordable housing providers (Registered Housing Providers (RHPs) and the Community Lincs Rural Housing

Enabler to identify affordable housing need within rural communities, and potential small sites which could deliver housing schemes to meet that need.

- 4.2.2 Using this arrangement the Council has already delivered or has commitment to the provision of small exceptions schemes in a number of smaller villages. Work is continuing in other settlements to identify potential sites. This ongoing programme of work has informed the identification of a “priority list” of villages as areas of search for sites to meet identified need. The suggested policy wording builds upon the national policy in PPS3, the Core Strategy policy and evidence included within the recently updated Strategic Housing Market Assessment.
- 4.2.3 The Housing and Economic DPD (HEDPD) included policy H6 (*Affordable Housing to Meet Local Needs*). This considered affordable housing in the towns and villages of the district rather than in rural areas. The Core Strategy policy has changed the overall emphasis of housing delivery since the HEDPD was prepared therefore the suggested policy is substantially different from that included in the HEDPD, however the underlying principle of providing for affordable housing to meet a proven local need and seeking to ensure that it remains affordable in perpetuity have remained constant objectives since the HEDPD was consulted upon. 17 representations were made about H6 in the HEDPD most of these are objections which relate to the general restriction on housing development across the district which was included in that policy. A number of comments lent support to the general principle of meeting local affordable housing needs but these were not necessarily in the context of a “rural” location. Of relevance however is the comment made by the Environment Agency stating that affordable housing should not be permitted in areas a high risk of flooding (Flood Zone 3). This matter is already taken account of by Core Strategy policy EN3.

4.3 Supporting the Rural Economy

- 4.3.1 Policy E1 of the Core Strategy supports new employment opportunities in the Local Service Centres. It also lends general support for rural diversification proposals. More detailed policy guidance and criteria against which applications can be assessed is needed to ensure such proposals are of an appropriate scale and nature for the location. The suggested policy wording encompasses a range of new employment generating uses which may be accommodated in the Local Service Centres and provides detailed guidance for the consideration of rural diversification schemes.
- 4.3.2 The HEDPD included a number of policies which picked up elements now incorporated into the “Rural Economy” policies. Policy E3 *Small businesses and Employment in Rural Areas* restricted new employment opportunities to the four towns and the LSCs. It made no provision to support rural diversification schemes. This policy was subject to 11 representations at consultation, many of which identified the lack of reference to support for rural diversification opportunities. Policy E13 of the HEDPD concerned *Visitor Management*. 10 comments were made about this policy most making general observations primarily about the need to ensure biodiversity, natural, historic and water resources were protected; in addition a need for additional visitor accommodation in Stamford was identified. This would be considered

acceptable in principle under the general policy framework provided by the Core Strategy.

4.4 Protecting Locally Important Existing Employment Areas

4.4.1 In recent years a number of important local employment sites have been lost to other non-employment generating uses. A lack of available alternative sites has meant that some existing businesses and new investment opportunities have been lost to locations outside the district. Core Strategy policy E1 seeks to address this by providing a clear commitment to retaining existing employment sites in the towns and villages. Policy E1 also states that Locally Important Existing Employment Areas will be identified in the Site Allocations and Policies DPD. These are the areas which contain a variety of size, type and use of land and premises all of which accommodate employment-generating businesses. Generally this refers to development which falls within the B Use Classes, but may also include some public and community uses such as health and education, entertainment, recreation and tourism uses which provide employment opportunities. It does not however include retail uses which should be accommodated within the town centres.

4.4.2 The Housing and Economic DPD included policy E2 *Existing Employment Areas*. This policy was concerned with allowing for appropriate employment related development within existing employment sites and the retention of existing employment allocations rather than protecting existing areas from other non-employment generating uses. The consultation response for this policy is not therefore relevant to this issue.

4.4.2 The suggested policy wording is based upon the broad policy framework provided by E1 of the Core Strategy. The suggested sites for inclusion within this policy have been identified through joint work with the Councils Economic Development team. Sites which satisfy all of the following key criteria were initially identified:

- a) located within Stamford, Bourne, Market Deeping and Deeping St James, or in or adjacent to one of the 16 Local Service Centres;
- b) within easy reach by foot and cycle of centres of population;
- c) be suitable for employment uses;
- d) be well located in terms of the highway network

Of these sites, those which satisfy one or more of the following criteria have been specifically identified:

- e) Site / Use provides significant employment opportunities for local people
- f) Site provides a range of land and premises suitable for different sizes and uses of businesses
- g) Has the ability to meet the needs of multiple businesses in one area, allowing for business networks to be established
- h) Has scope to be redeveloped, improved, extended or for the business uses to be intensified to provide a better employment area.

4.4.3 The table of proposed Locally Important Existing Employment Areas is included within the draft policy at Appendix 1. Maps showing the location and extent of these areas are included at Appendix 2.

4.5 Town Centre and Retail Development

4.5.1 Core Strategy policy E2 provides the overarching framework for new retail and town centre developments, applying a sequential approach which focuses new development on the town centres. The policy states that the town centre boundaries will be defined in the SAP DPD. The policy also seeks to protect and enhance the retail function of the town centres. This should be achieved through the identification of primary and secondary shopping frontages.

4.5.2 In 2009 the Council commissioned Nathaniel Litchfield Partners (NLP) to prepare a new Retail Needs and Town Centre Study [2009] part of this evidence is a review of the town centre shopping areas and primary shopping streets identified in the 1995 Local Plan. The study shows that some slight adjustments are required to reflect current usage. The study also identifies that uses other than retail development within the town centre should complement rather than detract from the function and vitality of the town centre areas. It recommends that new development within the defined Town Centre areas should ensure that a ratio of 80% retail and 20% non-retail development is maintained. The study identifies primary and secondary shopping streets as the appropriate mechanism for concentrating retail development within the core shopping areas.

4.5.3 The proposed town centre boundaries and the primary and secondary shopping frontages are identified on the maps included in appendix 2.

4.5.3 Within the HEDPD two policies were considered which are relevant to this issue. These are policies E6 *Town Centre Development* (which makes reference to defined town centre boundaries), and policy E7 *Shopping Streets*. The suggested policy wording reflects the general requirements of these policies; however it should be noted that the town centre boundaries have changed since this consultation and the ratio of retail to non-retail uses in town centres was 75% - 25% - these changes are a result of the new Retail Needs and Town Centre Study. Consultation responses about these two HEDPD policies showed overwhelming support for the approach particularly that of focusing retail development in the primary shopping frontage. (E6 had 5 comments and E7 had 6 comments of support).

4.6 Town Centre Opportunity Areas

4.6.1 Core Strategy policy E2 also states that provision will be made to accommodate additional retail floorspace to meet the needs of the retail study by allocating appropriate sites.

4.6.2 The Retail Needs and Town Centre Study (2009) indicates that there is likely to be additional expenditure capacity within each town over the plan period. This additional capacity could support additional floorspace for retail and other town centre uses during the plan period to 2026, in each of the town centres.

- 4.6.3 The retail study identifies a number of sites within and on the edge of the town centres which could be redeveloped to accommodate new retail floorspace. These sites could be allocated as “opportunity areas” as they provide an opportunity to accommodate new retail development but could also be used for a mix of other town centre and /or community facilities. It should be noted that the sites suggested include the bus stations in Bourne and Stamford, as well as a car park in each of the towns. Maps showing the suggested opportunity areas are included in Appendix 2.
- 4.6.4 The Housing and Economic DPD also included a number of “opportunity areas” where mixed use development could provide important facilities and activities which would improve the offer of the town centres. Outside Grantham two areas were identified – Bourne Core Area (policy QA3) (which is also identified by the NLP study) and the Welland Quarter in Stamford (policy QA4). The Welland Quarter was included within the sites consultation last October as a suggested mixed use redevelopment site, including housing and employment uses. The site is located some distance from the town centre and cannot be considered on the edge of centre, as such it was not considered appropriate by NLP to include the site as opportunity areas.
- 4.6.5 Public consultation responses about these two sites in the HEDPD were as follows: 4 comments were made about the Bourne Core Area – relating to the need to protect listed buildings and the historic core and to recognise the potential archaeology of the area. 14 comments were made about the Welland Quarter – again expressing concern about the impact on historic and heritage assets, including the Scheduled Ancient Monument at the Priory. Many comments about this site express concern about its distance from the town centre and how retail development in this location could undermine the vitality and viability of the town centre as it would effectively be an out of centre development.
- 4.6.6 The suggested sites for consultation as opportunity areas therefore includes only those identified by NLP in the Retail Needs and Town Centre Study as listed in the policy text in Appendix 1.
- 4.6.7 The suggested wording for the Opportunity Area policy provides a single policy to cover both identified opportunity areas but also recognises that other sites may come forward during the lifetime of the plan. As such the policy provides a criterion based approach for the consideration of proposals. It also recognises that there will be local concern about the potential loss of local facilities and establishes that these uses would need to be retained as part of a redevelopment scheme.

4.7 Open Space Standard

- 4.7.1 The Core Strategy makes reference in policies SP4 *Developer Contributions* and EN1 *Protection and Enhancement of the Character of the District* to the need to provide for new open space and to protect existing open space.
- 4.7.2 In 2009 a Study of Open Space, Sport and Recreation in South Kesteven was prepared. This study sought to identify all existing open space provision and

where there was a deficiency in provision. As a result the study recommends the adoption of a local open space standard which should be used to provide new and improved open space and recreation facilities in areas of need across the district. The standard would replace the use of the Field in Trust (formerly known as the National Playing Fields Association (NPFA)) national recommended standard. The local standard should be used to ensure that all new housing developments make provision for all types of open space as appropriate to meet the needs of its residents.

4.7.3 Open space provision as part of new housing development was incorporated into two policies in the Housing and Economic DPD. Policy H3 *Allocated Sites* made reference to the need for allocated housing sites to make open space provision on sites and policy H13 *Providing for Open space in Housing Developments* required the provision of outdoor play space by all housing sites of 0.4 ha in size. The document also made reference to using the NPFA standard of 2.4 ha of open space per 1000 population. A large number of comments were made about policy H3 however these relate to the sites which were being proposed for allocation in the policy rather than the open space requirement. 14 comments were made about policy H13, many suggested that the policy should actually include the standard thereby giving an indication of how much open space would be required for a development. Reference was also made to the importance of green infrastructure as providing open space and recreation opportunities, and to the need to provide multi-functional open space – not simply providing play space. The Sports Council recommended the adoption of a local standard rather than the NPFA national standard.

4.7.4 The suggested policy wording covers both the protection of existing open space as well as seeking to redress existing deficiencies by promoting the provision of new and improved open space opportunities. The policy also picks up on the comments made about the HEDPD policy. It should therefore provide a robust policy which will deliver a variety of new and improved green space across the district.

5. OTHER OPTIONS CONSIDERED

5.1 The Adopted Core Strategy provides the overarching policy framework which requires these additional policies. If they are not included within the SAPDPD the plan will not be in conformity with the Core Strategy and could fail to be found sound at examination.

5.2 Each of the suggested policies is based upon a Core Strategy policy, this provides little scope to consider alternative policy options, however this is a requirement of the LDF preparation process and has been addressed through previous consultation, in particular through the Issues and Options consultation in 2005 and the Housing and Economic DPD consultation 2006.

5. RESOURCE IMPLICATIONS

5.1 There will be some costs associated with the consultation process primarily the cost of printing a limited number of copies of the consultation document, producing electronic version on CD for specific consultation bodies and notifying the 2000 or so individuals and organisations on the LDF mailing list.

These costs can be accommodated within the current Planning Policy and Partnerships Service Budget.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 None identified.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 The Core Strategy which establishes the policy framework and the need for these policies has been the subject of an equality impact assessment. It is understood that an equality impact assessment will be required for this DPD and this will be undertaken as part of the preparation of the final draft plan for pre-submission consultation.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising from this report.

9. COMMENTS OF SECTION 151 OFFICER

9.1 I can confirm that the costs associated with the publication of this consultation document can be met from within existing budgets supported by the monies received from the Housing and Planning Delivery Grant award. I have no other specific financial comments to make in respect of this report.

10. COMMENTS OF MONITORING OFFICER

10.1 The purpose of the report to Cabinet is to inform Members of the draft policies for inclusion in the Site Allocations and Policies DPD to be approved for consultation purposes. It is proposed, following consultation, that the results of the consultation be reported to Cabinet. Cabinet will be asked to consider the responses and the implications they have for the proposed policies. A final plan including policies and site allocated (when determined) will be considered by Cabinet before publication next year.

11. APPENDICES:

Appendix 1: Suggested draft text for the policies part of the Site Allocations and Policies DPD

Appendix 2: Maps showing:

- Suggested Locally Important Existing Employment Areas
- Suggested Town Centre Boundaries including primary and secondary shopping frontages
- Suggested retail and town centre Opportunity Areas

Appendix 1: Draft text for consultation document

RETENTION OF SERVICES/FACILITIES IN LOCAL SERVICE CENTRES

Core Strategy Policy SP2 identifies the 16 settlements which have been identified as Local Service Centres (LSCs). These are villages which offer a range of local services and facilities which are largely able to meet the day-to-day needs of the local population. These settlements also act as focal points for the rural community and surrounding area.

Identification of LSCs was based on an assessment of the services and facilities existing within them. The assessment also took account of public transport links to the main urban areas, location of the settlement on the major transport corridors and proximity to large towns and other centres providing greater employment opportunities.

The LSCs are the most sustainable villages in District and will be the focus of all new development outside the urban areas of Grantham, Stamford, Bourne and the Deepings. The sustainability of these settlements could be undermined if services and facilities are lost or reduced. Consequently, the loss of shops and community facilities will not be supported unless there are alternative facilities (or they can be provided) to meet the local need at an equally accessible location. Policy SP2 of the Core Strategy, therefore, contains the following:

- support for proposals and activities which will protect, retain or enhance community assets,
- support for proposals which will provide additional assets that improve community well-being,
- no support for proposals involving the loss of community facilities, including land in community use, and
- a presumption against the change of use of existing retail, service & employment premises to other uses.

Community facilities are not defined in Policy SP2, although it contains an illustrative list: community/village halls, village shops, post offices, schools, health services, care homes, public houses, playing fields and allotments. It is not intended that this list is exhaustive, and any facility or service which enjoys wide support could be regarded as belonging to the "community". A vital community role is provided by public houses, village shops, post offices, community halls and garages.

Development which will improve community assets/facilities

Increases in community facilities can contribute towards the continuing viability of villages. It is important, therefore, that proposals which would result in either an increase in, or improvements to, community assets and facilities are supported. Gains can also be made by the replacement of existing community assets. For example, replacing an old or outdated village hall by a modern facility could allow the old site to be redeveloped to create a new village asset such as a playing field, or for affordable housing. Such development would be supported by policies SP1 and SP2 of the adopted Core Strategy.

Development which will result in loss of community assets

It is recognised that there needs to be scope for change of use where there is no longer a demand for the service or facility and it is no longer viable. Proposals for a change of use or for development which will result in the loss of community facilities and/or services must be fully justified. They must demonstrate that all options for continued use have been fully explored and that retention would not be economically viable. They must show that there is no reasonable prospect of the established use being retained, or resurrected, and that the impact of closure on the local community has been addressed.

In the case of public houses and shops, it must be demonstrated that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house or shop and that it is not economically viable.

Where permission is given for a change of use of a community facility, preference will be given to the premises remaining in either some form of community or employment use, provided that the proposal adheres to other policies in the adopted Core Strategy and accords with any allocations in the Site Allocations and Policies DPD.

Policy: Criteria for change of use of community facilities

Applications for the change of use of community facilities which would result in the loss of community use will be resisted unless it is clearly demonstrated that:

- **there are alternative facilities available and active in the same village which would fulfil the role of the existing use/building**

or

- **the existing use is no longer viable (supported by documentary evidence) and**
- **there is no realistic prospect of the premises being re-used for alternative business or community facility use**

The proposal must also demonstrate that consideration has been given to:

- **the re-use of the premises for an alternative community business or facility and that effort has been made to try to secure such a re-use,**

and

- **the potential impact closure may have on the village and its community, with regard to public use and support for both the existing and proposed use.**

The following evidence will be used by the Council to determine applications (This section may be more appropriate as SPD):

existence of alternative facilities in the same village

- for shops: this refers to the existence of general-purpose convenience stores, rather than the presence or absence of durable goods outlets. Whether garage shops or farm shops count as convenience stores serving a village will depend on their location relative to the settlement concerned and on the nature and range of goods sold. These matters will be assessed on a case-by-case basis.
- for public houses: this could include alternative premises which are within easy walking distance of the settlement boundary.

viability of the business

the prospects of the use being retained or resurrected

- consideration of / having regard to the effect of the current economic climate on the business
- the business/facility has been actively marketed for a reasonable period of time - the evidence should include advertisements, agents literature, valuations and details of any offers received.
- the property has been advertised for sale, at a realistic price, for a reasonable period of time. A realistic price is one at which the property might be expected to sell if it were to continue in its present use.

- information on annual accounts/turnover of premises for the most recent trading year (should be as submitted to Inland Revenue - not just statement that losses were £xxxx).
- details to show opening hours and attempts at diversification to sell/provide wider product range/let rooms.
- whether any application has been made for the multiple use of the accommodation.
- diversification: could the facility be used for another public facility (eg a public house might incorporate a shop or meeting room).

public support for the business or facility (or for the proposed change)

- letters/petitions expressing local concern - regarded as significant expressions of public support.
- letters or other support from a Parish Council - should include evidence of public consultation to be valid.
- questionnaire showing the proportion of the inhabitants using the facility.
- details of the effect of closure on certain groups of the community using the location as a meeting place.
- businesses: indications that the local community is willing to invest in its future (eg the possibility of a co-operative buy-out or support of the community council).

Other factors which will be taken into account when assessing proposals include:

- the impact a change of use would have on the attractiveness of the village (particularly if the premises are within a Conservation Areas).
- the reliance placed by particular groups (especially the very old and the very young) on the continuation of the facility.
- the level of public concern of the actual users of the facility (ie those living in the community).
- in the case of Public Houses, the effect of closure on groups within the community using it as a meeting place.

The following, while not essential to determination, may be of assistance in determining applications:

- CAMRA leaflet "Public House Viability Test" provides additional information to assist Local Planning Authorities and others when considering the viability of public houses. It identifies issues such as population density, visitor potential, local competition, flexibility of the site and car parking as factors which can affect the trade potential and viability of public houses.

RURAL AFFORDABLE HOUSING:

A lack of affordable housing to meet local needs has been identified as a key issue in South Kesteven. Background evidence, including the SHMA (2008 and 2010) identifies an unmet need for affordable homes in all parts of the District. The SHMA also considers what sort of housing (in terms of size, type and tenure) is needed to meet the identified need.

The Adopted Core Strategy establishes the policy framework which will help the Council deliver additional affordable housing to increase the available stock across the district.

In the rural parts of the District this will be delivered by the identification of affordable housing targets on allocated sites within the Local Service Centres; as a developer contribution (planning gain) on un-allocated schemes; and through the identification of sites or areas of search specifically for local affordable housing as rural exception schemes.

Affordable housing in LSCs and Towns

Within the Towns and LSCs affordable housing will be required as part of the development of allocated sites and, as a planning gain on other windfall sites which are of five or more dwellings. The Site Allocation and Policies DPD will identify suitable housing sites in the towns of Stamford, Market Deeping and Deeping St James and in some of the 16 Local Service Centres. The amount of affordable housing expected on each allocated housing site will be identified as part of the allocation. In accordance with policy H3 of the Core Strategy it is expected that up to 35% of a site's overall capacity will be for affordable housing.

Affordable Housing in Smaller Villages

The Council regularly monitors the need for and supply of affordable housing across the District and within individual settlements. Working closely with parish councils, housing providers and land owners the Council's role is to enable small housing schemes to take place in villages where housing development would not normally be permitted. Such housing, known as rural exception schemes, should meet a proven need for local affordable housing and should remain affordable in perpetuity.

Working in this enabling role the Council has identified the following priority settlements where a local need has been clearly identified and search for an appropriate site has begun. If a suitable site can be identified the Council will work with housing providers and the Homes and Communities Agency to identify appropriate funding to deliver a scheme which meets the identified need within the period 2010 - 2013.

Village	No units needed	Site identified
Carlton Scroop	3	
Claypole	9	yes
Marston	6	
Ropsley	8	
Uffington	3	

In addition to these villages which are identified as "areas of search" a further six settlements have been identified where further work will be undertaken to assess the level of need for local affordable housing. Where a need is proven, the Council will seek to identify suitable and available sites within the villages which could meet that need. It is anticipated that schemes within these villages would be delivered in the five year period 2013-2018.

- Allington
- Denton
- Little Bytham
- Rippingale

- West Deeping
- Woolsthorpe by Belvoir

Policy: Rural Exceptions Affordable Housing

Outside the towns and Local Service Centres the need for local affordable housing will be met through the development of rural exceptions schemes. In order that funding can be prioritised to those villages where a need has already been identified, the council has identified a number of small villages as “areas of search” for sites which may be suitable to meet the identified need for local affordable housing.

Areas of Search :

2010-2015	2013-2018
Carlton Scroop	Allington and Sedgebrook
Claypole	Denton
Marston	Little Bytham
Ropsley	Rippingale
Uffington	Stubton
Westborough and Dry Doddington	West Deeping
	Woolsthorpe by Belvoir

Within these villages the council will:

- continue to work with parish councils and housing providers to identify where and what the housing need is
- Identify opportunities to utilise land in public ownership which may be suitable for affordable housing development
- Invite land owners to suggest land which may be suitable to meet the identified need.
- Work with land owners and housing providers to secure appropriate small sites to deliver an appropriate local affordable housing scheme to meet the need identified.
- Submit appropriate bids for funding for schemes to enable the delivery of local affordable housing.

Rural exception schemes may be acceptable in other villages not listed above. Such schemes must be supported by clear up-to-date evidence that:

- There is a need within that village for the affordable housing being proposed
- That no other more suitable site is available within the village

Consideration of the suitability of a site to meet a local housing need will be based upon it satisfying all of the following criteria:

- That the site is located within the built up part of the village. If no such sites are available consideration may be given to a site adjoining the village, provided that it is demonstrated that all other options have been considered.
- That the site is small scale and capable of accommodating only the amount of housing needed
- Avoids areas which are protected because they are important for wildlife, biodiversity, natural, cultural or historic assets.
- Avoids sites which are at risk of flooding or which could increase the impact of flooding elsewhere.
- Have no or limited visual impact on the character of the village and surrounding landscape
- That the site can be safely accessed

- **Schemes will also be required to ensure that the development meets the requirements of national and local planning policies which control the form, scale, design and impact of new development.**

All affordable housing development provided as an exception must remain affordable in perpetuity.

Other options considered:

The Core strategy establishes a clear policy framework for the delivery of rural exceptions sites. No alternative options have therefore been identified to address this issue.

RURAL ECONOMY

Approximately 38% of the population of the District, some 50,200 people, live in the rural area. The majority of local employment-generating development is, however, in the four towns. There are employment opportunities within some of the villages of the District, although these tend to be small businesses. Outside of the District's towns, agriculture has traditionally been the main industry. However, although Lincolnshire is one of England's foremost agricultural counties, with 87% of the land in agricultural production compared with 72% for England as a whole, as elsewhere in the country jobs in this sector have greatly diminished.

National policy is to protect the countryside from inappropriate development. PPS4 [Planning for sustainable economic growth] and PPS7 [Sustainable development in rural areas] both recognise the need to ensure that most development takes place in or on the edge of settlements which provide a service centre role. Both documents do, however, also recognise that diversification into non-agricultural uses is vital to ensure the continuing vitality of rural areas.

Local Authorities are encouraged to establish criteria to be applied to planning applications for farm diversification, and to support diversification for business purposes. The size and impact of such schemes should remain in-keeping with their rural location. To help deliver the Government's Tourism Strategy, Local Authorities are encouraged to support sustainable rural tourism and leisure developments where these will benefit rural businesses, communities and visitors and enrich the character of the local area.

The East Midlands Rural Action Plan (2010-2014) identifies a need to support rural enterprises, support the diversification of the land-based business sector and to increase visitor numbers in rural tourism businesses and destinations.

The Council will generally support proposals for development which provide employment opportunities to local communities. The adopted Core Strategy policy E1 establishes land requirements for the towns of Bourne, Stamford and the Deepings which will be met through the allocation of specific sites within the Site Allocation and Policies DPD. Policy E1 also supports new employment opportunities within Local Service Centres, provided they are of an appropriate scale and character. Outside the towns and LSCs the Core Strategy policy supports rural diversification proposals which require a rural location, and which would support or regenerate the rural economy.

Small businesses in Local Service Centres

Whilst the Core Strategy focuses employment growth and job creation within the four towns of the district it is also important to recognise the role that small local employment development has in supporting the rural economy and providing for a sustainable pattern of development, by providing local employment and reducing the need to travel.

Proposals for the expansion of existing businesses and proposals for new employment generating uses within or on the edge of Local Service Centres will generally be supported,

provided that the scale of the proposal is appropriate to its location, and that it will not have a negative impact on the village and neighbouring land uses.

Policy: Supporting Local Business in Local Service Centres

Within Local Service Centres proposals for the expansion of existing employment development and opportunities for new employment generating development will be supported provided that the proposal meets all of the following criteria:

That the proposal:

- **is of an appropriate scale and use for a village location**
- **provides local employment opportunities which make a positive contribution to supporting the rural economy**
- **will not have an adverse impact on the character and setting of the village**
- **will not negatively impact on existing neighbouring land uses through noise, traffic, light and pollution impacts**
- **avoids areas which are protected because they are important for wildlife, biodiversity, natural, cultural or historic assets.**
- **will have limited visual impact on the character of the village and surrounding landscape**
- **can be safely accessed by motor vehicles, pedestrians and cyclists**

Schemes will also be required to ensure that the development meets the requirements of national and local planning policies which control the form, scale, design and impact of new development.

Rural Diversification

Traditional rural employment in agriculture and related enterprises account for a small proportion of the District's workforce. These enterprises can, however, have a great impact on the quality of the District's landscape and biodiversity. Changes in farming practices over the years have resulted in fewer people being employed in agriculture and related support industries. As a consequence rural buildings and sites have become disused or redundant and are prone to vandalism and dereliction.

Diversification into non-agricultural activities can ensure the continued viability of many farm enterprises and rural businesses, while the re-use of redundant buildings for other employment purposes can help to sustain the wider rural economy.

The term rural diversification is used to describe new economic activity in the countryside. It usually refers to schemes which enable redundant farm buildings to be put to new uses, but can also encompass other buildings or sites within the countryside which could be re-used for business related development.

For the purposes of this policy the term rural refers to the area outside the main urban settlements of Grantham, Stamford, Bourne and the Deepings.

Rural diversification generally falls into one of the following categories:

- **agriculture-based:** this includes alternative crops or energy crops as well as woodland management schemes
- **farm-based:** such as farm shops or farm-based food processing
- **non-agricultural use of agricultural and other rural buildings:** examples include equestrian businesses, sporting activities, craft workshops, holiday accommodation and small-scale commercial or industrial activities

The Council's approach to rural development and diversification is set out in the adopted Core strategy. Policy SP1 (Spatial Strategy) establishes which uses are considered appropriate in the rural parts of the district. This includes: agriculture, forestry and equine development and rural diversification schemes. The policy also establishes criteria against which the conversion of existing buildings should be assessed. Policy E1 (Employment Development) also supports rural diversification proposals in the rural areas where it is demonstrated that the proposal meets the needs of farming, forestry, recreation, tourism or other enterprises. In all cases the Council must be satisfied that a rural location is essential, and that the scheme will help to support or regenerate a sustainable rural economy.

Redundant rural buildings can be reused for appropriate new uses, including: commercial, industrial, tourism, sport or recreational use. However, it is important that any such change of use should bring genuine economic benefits both to individual farms and to the wider rural area. The conversion of rural buildings for residential purposes is not generally encouraged, unless it can be demonstrated that the building is unsuitable for an economic enterprise, or where the building's architectural or historic value is such that conversion to residential use is the most sympathetic way to use the building.

It is also important that the environmental qualities of the countryside are maintained. Some diversification schemes will have a low impact on the environment. However, there are likely to be significant environmental impacts where schemes involve increased traffic or public use. This is especially true for commercial or tourism-related activities. In such cases the need for rural diversification must be balanced against the likely impact, and schemes which detrimentally affect the environment or alter the appearance of the landscape or its biodiversity will be resisted.

Policy: Business Development in the Countryside (including rural diversification schemes)

Outside the towns and Local Service Centres proposals for the following types of small business schemes will be supported, provided that it is demonstrated that the business will help to support, or regenerate the rural economy:

- **Farming**
- **Forestry**
- **Equine**
- **Rural enterprise**
- **Sport and Recreation**
- **Tourism**

Proposals must demonstrate that they meet all of the following criteria:

- **be of a scale appropriate to the rural location**
- **be for a use(s) which is appropriate or necessary in a rural location**
- **provide local employment opportunities which make a positive contribution to supporting the rural economy**
- **the use / development respects the character and appearance of the local landscape, having particular regard to the Landscape Character Assessment**
- **will not negatively impact on existing neighbouring uses through noise, traffic, light and pollution impacts**
- **avoids harm to areas, features or species which are protected because they are important for wildlife, biodiversity, natural, cultural or historic assets.**

Schemes will also be required to ensure that the development meets the requirements of national and local planning policies which control the form, scale, design and impact of new development.

Any new building or extension to an existing building will only be permitted where it is clearly demonstrated that it is an essential element of the viability of the business proposal. The scale, design and construction of any new building or extension must be appropriate to its rural setting and fully justified by the business proposal.

Proposals which generate high levels of visitor traffic or increased public use, such as large scale sport, leisure or tourist facilities will only be permitted on the edge of the towns and Local Service Centres, or where they can be easily accessed by public transport, foot and cycle.

To ensure that tourism-related development does not result in the creation of permanent living accommodation, conditions may be imposed which restrict the use and/or period of occupation.

EMPLOYMENT SITES

In addition to allocating new sites for future employment use, it is important to recognise the vital role existing employment sites and premises have in supporting the economy of the district. In the recent past a number of large employment sites have been lost to other types of development – such as housing. At the same time a shortage of employment space has meant that local businesses and inward investment have been lost to other parts of the country.

To reverse this trend and ensure a continuous supply of business land and premises the Council will protect locally important existing employment areas which are suitable, sustainable and attractive to the market. These are the areas which contain a variety of size, type and use of land and premises all of which accommodate employment-generating businesses. Generally this refers to development which falls within the B Use Classes, but also includes some public and community uses such as health and education, entertainment, recreation and tourism uses which provide employment opportunities, but it does not include retail uses.

Policy E1 of the adopted Core Strategy recognises the valuable role of locally important existing employment areas and establishes that they will be identified within the Site Allocations DPD and the Grantham Area Action Plan. Policy E1 also requires this plan to establish policy criteria to protect such areas from redevelopment to other non-employment generating uses. Within the identified areas the council will not, as a general principle, support development for non-employment uses.

The selection of Locally Important Existing Employment Sites has arisen through joint work with the Councils Economic Development team. Sites which satisfy all of the following key criteria were initially identified:

- i) located within Stamford, Bourne, Market Deeping and Deeping St James, or in or adjacent to one of the 16 Local Service Centres;
- j) within easy reach by foot and cycle of centres of population
- k) be suitable for employment uses
- l) be well located in terms of the highway network

Of these sites, those which satisfy one or more of the following criteria have been specifically identified:

- m) Site / Use provides significant employment opportunities for local people
- n) Site provides a range of land and premises suitable for different sizes and uses of businesses

- o) Has the ability to meet the needs of multiple businesses in one area, allowing for business networks to be established
- p) Has scope to be redeveloped, improved, extended or for the business uses to be intensified to provide a better employment area.

Policy: Locally Important Existing Employment Sites

The following locations are considered to be Locally Important Existing Employment Areas.

Site ref	Site / area	Why it is important	Criteria met
	Stamford		
S1	Gwash Way	Important area of mixed industrial uses. Location of many small businesses as well as larger units.	f,g
S2	Stamford Business Park	Important area of mixed industrial uses. Location of many small businesses as well as larger units.	f,g
S3	North of Uffington Road	Area comprises industrial/storage units and CWG Ltd, a long-standing user (retail farming & countryside supplies, distribution, wool grading & offices).	f,g
S4	North of Barnack Road	Site of HQ of Cummins Generator Technologies Limited (Newage International) one of the largest employers in Stamford. Local Plan allocation E2.5 is adjacent and could be suitable expansion land if required.	e,h
	Bourne		
B1	Pinfold Industrial Estate and area north of Spalding Road between Carr Dyke and Meadow Drove	Important area of industrial & mixed uses on edge of town and separate from it. Relative isolation makes it suitable for some 'bad-neighbour' uses, which are present. Scope for intensification and expansion to the north and west.	f, g
B2	East of Cherry Holt Road between Spalding Road and Bourne Eau	Site of Bakkavor Bourne Salads, one of Bourne's largest employers. Includes land to enable the business to expand. Location is on the edge of town and close to other industrial uses.	e,h
B3	West of Cherry Holt Road	Area of predominantly industrial uses occupying premises of varying sizes. Part of the wider industrial area of Bourne, centred on Cherry Holt Road, and which locates most industrial uses to the east of the town. Scope for intensification of use.	f, g, h
B4	East of Cherry Holt Road and south of Bourne Eau	Area of predominantly industrial uses. Part of the wider industrial area of Bourne which is centred on Cherry Holt Road. Scope for redevelopment and intensification of use	f, g, h
	Deepings		
D1	Northfields Industrial Estate	Important industrial area of the Deepings, containing units of varying sizes. Includes Ampy, one of the largest employers in the area, as well as many	e,f,g,h

		small units, providing large numbers of jobs. Excellent access to Peterborough and Spalding/Boston via A16 and A15. Area of strong demand and includes land for expansion.	
D2	Spitfire Way, Market Deeping	Area of small industrial units to north of Market Deeping. Area of strong demand for small industrial units. Has easy access to A16 and A15.	f, g, h
	Local Service Centres		
LSC1	Gonerby Moor, Grantham	Prominent location off A1 to north of Grantham. Existing uses including major employers and retail superstore. Easy access to national road network.	e, f, g,h
LSC2	Land adjacent to A1 Colsterworth	Prominent site with easy access to A1. A good location for storage and distribution uses which require access to the national road network.	f,g
LSC3	Long Bennington Business Park, Main Road, Long Bennington	Just off the A1 to north of the village, site provides local employment opportunities.	f,g
LSC4	White Leather Square, Billingborough	Location of several small industrial units providing local employment. Important for maintaining sustainability of village.	f, g

Proposals for the development, reuse and/or redevelopment of land or premises within these areas for employment generating uses will be supported.

Non-employment generating proposals within these areas will only be considered acceptable if it is clearly demonstrated that the alternative use:

- Will not have an adverse effect on the primary employment use(s) of the area.
- Will not reduce the overall supply and quality of employment land and premises within the area
- Will deliver economic regeneration benefits to the site and/or area
- Will resolve existing conflicts between land uses.

Retail and town centre uses on these areas will also be subject to the requirements of Policy E2 of the Core Strategy and Town Centre Policies in the Site Allocation and Policies DPD

Other Options considered

The framework for this policy is established by the Core Strategy (policies SP1, E1 and E2). Policy criteria are based upon the requirements of the Core Strategy, however consultation responses to the policy criteria may identify additional criterion for the consideration of proposals.

Other existing employment sites across the district were considered for inclusion within this policy but failed to meet many of the criteria for selection. However consultation responses may identify additional sites/area which do satisfy the selection criteria and which should therefore be included.

TOWN CENTRES:

The adopted Core Strategy promotes the vitality of the districts town centres, by encouraging uses and activities which sustain or enhance their character, use and attractiveness.

Core Strategy Policy E2 specifically relates to town centre and retail development and establishes the policy framework for more detailed policies in this DPD and the Grantham Area Action Plan. Policy E2 specifically requires the DPD to define the boundaries of the town centres and the primary and secondary shopping frontages which form the town centre.

The Retail Needs and Town Centre Study [2009] prepared by Nathaniel Litchfield Partners included a review of the town centre shopping areas and primary shopping streets identified in the 1995 Local Plan. The study shows that some slight adjustments are required to reflect current usage. The study also identifies that uses other than retail development within the town centre should complement rather than detract from the function and vitality of the town centre areas. It recommends that new development within the defined Town Centre areas should maintain a ratio of 80% retail and 20% non-retail development. To assist the implementation of this the study also identifies primary and secondary shopping streets as a mechanism for concentrating retail development within the core shopping areas.

The Council's preferred approach is that the boundaries recommended in the retail study be used to define the town centre. The defined town centres will therefore include the properties identified in the tables below, and the boundaries will be as shown on the plans which follow this section.

STAMFORD SHOPPING FRONTAGES	
Primary Frontages	Secondary Frontages
1-40, 42-52 and 53-74 High Street	5-12, 24-31 and 35-52 Broad Street
units 1-3 St Michaels Church, High Street	1-10 Red Lion Street
43-50 St Pauls Street	Silver Lane
1-15 Ironmonger Street	1-8 All Saints Street
1-10 Red Lion Square	7, 9 & 11 All Saints Place
9-15 St Johns Street	11 Red Lion Square
1-12 and 31-43 St Marys Street	3-4 Sheep Market
	1-7 Castle Street
	4 St Johns Street
	13-17 and 44 St Marys Street
	4-16 St Marys Hill
	Stamford Walk
	Cheyne Lane
	1-10A and 15-19 Maiden Lane

BOURNE SHOPPING FRONTAGES	
Primary Frontages	Secondary Frontages
1-37 (odd numbers) and 8-48 (even numbers) North Street	4-6 and 50A-52 North Street
The Burghley Centre	10-18 (even numbers), 19-21 and 25-31 (odd numbers) West Street
1-17 (odd numbers) and 2-6 (even numbers) West Street	Crown Walk
	Angel Precinct
	1-11 (odd numbers) and 2-14 (even numbers) South Street
	1-17 (odd numbers) and 2-6 (even numbers) Abbey Road

MARKET DEEPING SHOPPING FRONTAGES

Primary Frontages	Secondary Frontages
Units 1-10 The Precinct	1-7 and 13-23 (odd numbers only) Market Place
Co-op Supermarket and Pharmacy	2, 9, 10-12 and 13-13A High Street
4-14 (even numbers), 25, 27 and 37 Market Place	59-61, 116 and 122 Church Street
3-7A (odd numbers) High Street	
Market Gate	

Within the defined town centres for Stamford, Bourne and Market Deeping Primary Shopping Areas have been defined to help identify the main shopping areas. The preferred approach to promote busy and attractive town centres is to concentrate retail opportunities within the existing core shopping areas. Other town centre uses including leisure, offices, services, business and other commercial uses form an important complimentary function, and the town centre boundary recognises the existing location of these uses. New and improved retail development will be promoted within the primary shopping frontage, whilst proposals for other town centre uses should be located within the secondary shopping area or on upper floors within the primary shopping frontage.

Policy: Development within the defined Town Centres

The town centres of Bourne, Stamford and Market Deeping are defined on the proposals map extracts. Within each town centre the primary and secondary shopping streets have also been defined.

Within the defined Primary Shopping Areas the Council will seek to establish a minimum 80% of the street level frontage in Use Class A1 (shops).

Non-retail uses at street level will therefore only be permitted where it is demonstrated that the proposed non-retail use generates a high level of personal callers, such as banks and cafes, and provided that they are sited appropriately so as not to detract from the shopping frontage by creating "dead" frontages. Non-retail development should not form more than 20% of the overall primary shopping frontage at street level and should not be grouped together in a way that would undermine the retail role of these streets.

Non-retail development will be permitted for the upper floors of buildings within the defined Primary Shopping area.

Within other defined shopping streets proposals for retail, food and drink outlets, financial and professional services, and other leisure and tourist-related (uses classes A1-A5, B1, D1 and D2) and appropriate residential development will be acceptable.

Other options:

The Primary and Secondary Shopping frontages have been established by reference to the Retail Needs and Town Centre Study (2009). These may be refined in the light of local response to consultation.

POTENTIAL DEVELOPMENT OPPORTUNITIES:

The Retail Needs and Town Centre Study (2009) also indicates that there will be a requirement for additional development to accommodate retail and other town centre uses during the plan period to 2026, in each of the town centres. The study identified a need for additional retail floorspace for both convenience (day to day shopping for things such as food, newspapers etc) and comparison goods (for shopping where you might compare the offer and prices of two or more similar stores, such as for clothes, electrical goods etc). These projections provide broad guidance and should be used as an indicator when assessing major retail proposals:

The study found that most of the key commercial leisure sectors are sufficient to support the catchment population, although there may be potential for further health clubs, restaurants and bars in line with population growth in each town.

The capacity for additional floorspace to accommodate new town centre uses (that is those falling within Classes A1-A5 of the Use Classes Order) over the long-term has been identified in each of the towns. The floorspace projections take into account many factors, including population levels and spending patterns, and changes in shopping patterns e.g. increased growth in home/electronic shopping.

The Study identifies potential capacity in Stamford of about 8,000 to 9,000sqm to 2016. It is anticipated that much of this could be met by the reoccupation of vacant units. In Bourne the study identifies a capacity of between 4,800 and 6,400sqm by 2016. It anticipates that this could largely be accommodated by reuse of vacant premises as well as the implementation of the planning permission for a new supermarket on the former Opico site on South Road. The study identifies a potential capacity in Market Deeping of about 2,300sqm by 2016, a figure which is not expected to be reduced greatly by reuse of vacant units.

The study projects retail capacity beyond 2016. These long-term projections should be treated with caution as they are subject to uncertainty and may need to be amended to reflect, amongst other things, changing economic conditions, trends in retailing and commitments.

The study also identifies a number of sites within or on the edge of the town centres which may be suitable for development or redevelopment and which could go some way towards meeting the identified need for additional floorspace. A number of the areas identified are currently in use and provide an important local facility e.g. bus station or car park. The suitability of these areas for redevelopment may, therefore, depend upon the provision of a replacement facility either through the better use of that site, or by relocating or changing the nature of the facility.

Taking a long term view of the future of our town centres, it is important to consider the potential of some areas for redevelopment and reuse as a means of addressing both changes in shopping patterns and the way local services can be provided. This involves taking a proactive approach to opportunities to expand or change the town centre.

The retail study identifies that the following sites/areas may have potential as future town centre development, which could be identified as "opportunity areas".

Suggested Town Centre Opportunity Areas

Site	Suggested use (Suggested in NLP Retail needs and Town centre study)	Implications / opportunities for existing uses	Within/outside town centre
Stamford			
St Johns Lane/Bath Row	Arcade of small shops and service uses linking town centre to river	Good opportunity to increase commercial potential of the site	Within town centre
Bus Station Sheep market	New/improved bus hub and/or small food-store with parking	Retain bus station use unless improved or new bus hub facility provided	Adjacent to town centre
North Street Car Park	Small food-store with car parking	Retain public car parking until or unless equivalent replacement public parking made available	Adjacent to town centre
North Street, Chapel yard	Office/residential scheme	Existing uses could be retained or redeveloped as suggested	Adjacent to town centre
Bourne			
Core Area	Retail led mixed use town centre scheme to expand and improve town centre offer	Would improve and increase town centre uses, opportunity to increase commercial value of sites	Within town centre
Burghley Centre Car Park	Extension to Burghley centre with high street shops or small food store	Need to retain car parking use – so any redevelopment would need to provide equivalent replacement parking in town centre	Within town centre
Bus station, clinic and petrol filling station	Relocation / replacement bus station and health clinic to accommodate small food-store with parking	Retain bus station and clinic use unless new improved replacement facilities provided	Adjacent to town centre
Market Deeping			
R/o Original Factory Shop	Retail and/ or commercial leisure facility	Opportunity to increase commercial value of site	Part in part adjacent to
The Precinct and car park	Redevelopment to increase retail floor-space and provide links to Market Place / High St	Would retain retail use but make better use of the site so increase its commercial potential	Within
Adjacent to Co-op store	Extension to Co-op store	Would retain retail use but make better use of the site so increase its commercial potential	Adjacent to
Herewards Discount site,	High street frontage retail uses with residential/office	Would retain retail use but make better use of	Within

High Street.	above	the site so increase its commercial potential	
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Of the sites which have been identified as potential Opportunity Areas, the following are considered to represent the best opportunities to accommodate future change and growth within the town centres:

- St Johns Lane/Bath Row, Stamford
- Bus Station, Sheep Market, Stamford
- Core Area, Bourne
- Bus Station, clinic and petrol filling station, Bourne
- R/o Original Factory Shop, Market Deeping
- The Precinct and car park, Market Deeping
- Herewards Discount site, High Street, Market Deeping

Where a redevelopment proposal incorporates land which is currently in use as a bus station or health facility, the redevelopment proposal will be expected to make appropriate provision for relocation of the existing services.

Policy: Town Centre Opportunity Areas

Sites within the defined town centres of Stamford, Bourne and Market Deeping, and the opportunity areas identified on the proposals map provide an opportunity to increase or improve the retail and commercial offer of the town centre.

Redevelopment of these areas for retail and other appropriate town centres uses will be supported provided that the proposal is in accordance with the requirements of the Core Strategy and the town centre policy.

Where a site incorporates existing public services or facilities the proposal will be expected to include appropriate arrangements for the replacement or reconfiguration of that facility as part of the scheme.

Redevelopment and or re-use of sites on the edge of the defined town centre or in out of centre locations for large scale retail uses will only be acceptable if it is demonstrated that:

- **The proposals meets an identified capacity/need for additional retail floorspace, and**
- **all other sequentially preferable sites, including the identified opportunity areas have been considered, but are demonstrated to be unavailable or unsuitable for the proposed use.**

“On the edge of the defined town centre” is taken to mean any site which is well connected to and within easy walking distance (up 300 metres) of the Primary Shopping Area. “Out-of Centre” is taken to mean any location not in or on the edge of a centre but not outside the existing urban areas.

Other Options

Local responses to consultation may identify other Opportunity Areas.

OPEN SPACE STANDARDS

A Study of Open Space, Sport and Recreation in South Kesteven (2009) assessed open space and sports needs in the District, in accordance with Planning Policy Guidance Note17 (PPG17). The study examined the quantity, quality and accessibility of open space provision and considered the local needs of the present population and the demands that will be made by future development. It found deficiencies in provision throughout the District, and these are briefly summarised below:

Informal / Natural Greenspace

The report notes that, throughout the District, informal and natural greenspace tends to be well maintained but largely unimaginative in the way it is designed and laid out. It found the spaces were often little more than mown grass; the most glaring omission was a lack a tree planting and there were few spaces that could be considered "natural" in character.

Outdoor Sports Space

It should be noted that the study did not include provision on education land, or in parks, gardens or recreation grounds. Most of what is available is for pitch sports. Overall, the level of provision is quite good, although there is a wide variation, for example the best surfaces are mostly to be found on sites restricted to members only, and changing facilities were found to be non-existent in many locations. Rural outdoor sports provision is often on recreation grounds which are remote from the village and require better footway access.

Other Open Space

The report found wide variations in the quality of play equipment, most being for pre-teenage children. Allotment provision overall is good although there are deficiencies. With the exception of Grantham, parks and recreation ground provision is good, although the condition of facilities was found to vary throughout the District: those in Grantham being well-maintained, while provision in rural areas was often found to be poorly equipped (bins, seats etc) or well-maintained but basic and unimaginative.

Study Recommendations

It is important to protect and increase the provision of open space now and in the future, to meet the future needs associated with development. New development should provide opportunities to provide new and/or improve the existing open spaces. This provision could be either on- or off-site depending on the scale and nature of the development.

Locally-based Open Space Standards have been developed based on the assessment of needs in the study, and proposals for new residential development should contribute to the provision of open space in areas where the standards are not met. These standards are all higher than the current levels of provision, with the exception of allotment provision.

Open space should be well designed, and high quality open spaces that are welcoming, well kept, litter and dog fouling free environment that is free of vandalism that are valued and enjoyed by everyone. This in turn will encourage healthy living, biodiversity and wildlife conservation, sustainable development and environmental education and is fit for the purpose intended.

Policy: Open Space Provision

The standards in the table below will be used to ensure the availability of adequate open space* for all areas. They will be used to ensure adequate levels of provision for each type of open space, based on existing and future needs. This will be achieved by both protecting existing open space and by opportunities to deliver additional open space where it is required.

	Standard	Component parts								
Informal / Natural greenspace	2.0 ha per 1000 population within 480m	Informal open space, natural greenspace eg woodland, wetland, meadow and heath, green infrastructure, routeways and corridors								
Outdoor Sports space	1.0 ha per 1000 population within 480m	Dedicated outdoor sports pitch provision (includes level grass pitch and sometimes hard/synthetic surfaces)								
Other Open space	0.8 ha per 1000 population	<table border="0"> <tr> <td>Play equipped space</td> <td>0.15 ha</td> </tr> <tr> <td>Young peoples space</td> <td>0.15 ha</td> </tr> <tr> <td>Allotments</td> <td>0.20 ha</td> </tr> <tr> <td>Parks</td> <td>0.30 ha</td> </tr> </table>	Play equipped space	0.15 ha	Young peoples space	0.15 ha	Allotments	0.20 ha	Parks	0.30 ha
Play equipped space	0.15 ha									
Young peoples space	0.15 ha									
Allotments	0.20 ha									
Parks	0.30 ha									

Providing New Open Space

To ensure that new housing development provide sufficient new (or improved) open space to meet the needs of the development, the above standard will be applied to all development proposals for new housing. Development proposals in areas that do not currently meet these standards for open space will be required to make appropriate provision, based upon this standard, as part of the development proposal.

Open space provision should be centrally located within the development. It should be easily accessible by means of pedestrian connections through the development and should be designed to ensure that it is clearly visible to the public.

Where open space cannot be provided on-site as part of the development an off-site financial contribution for the provision of a new open space or to improve the quality of existing open space within the locality of the proposal will be expected.

Protecting Existing Open Space

All existing open space including allotments, parks, equipped play space, sport pitches and informal natural open space, route ways and corridors will be protected.

Development proposals which relate to existing open spaces will only be permitted where it is demonstrated that:

- the proposal will provide increased or improved open space and/or recreational facilities, or
- the site is not required to meet the local standard set out above, or
- equivalent (or better) replacement provision is to be made within the locality.

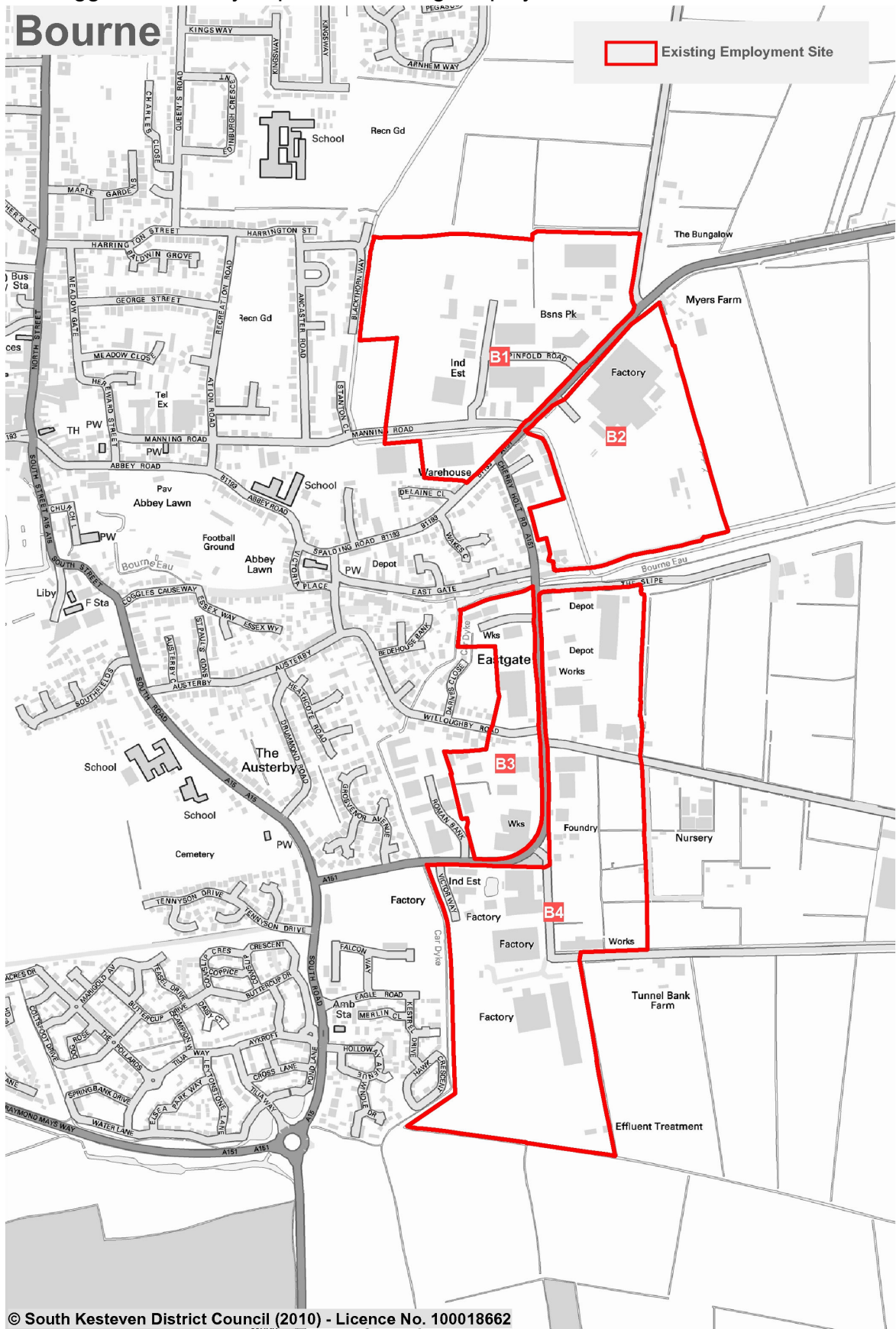
* open space in the context of this policy includes allotments, parks, equipped play space, sport pitches and informal natural open space, route ways and green corridors.

Other Options

The Open Space Standards have been established by reference to the Study of Open Space, Sport and Recreation in South Kesteven (2009). Local response to consultation may highlight other issues to be taken into account.

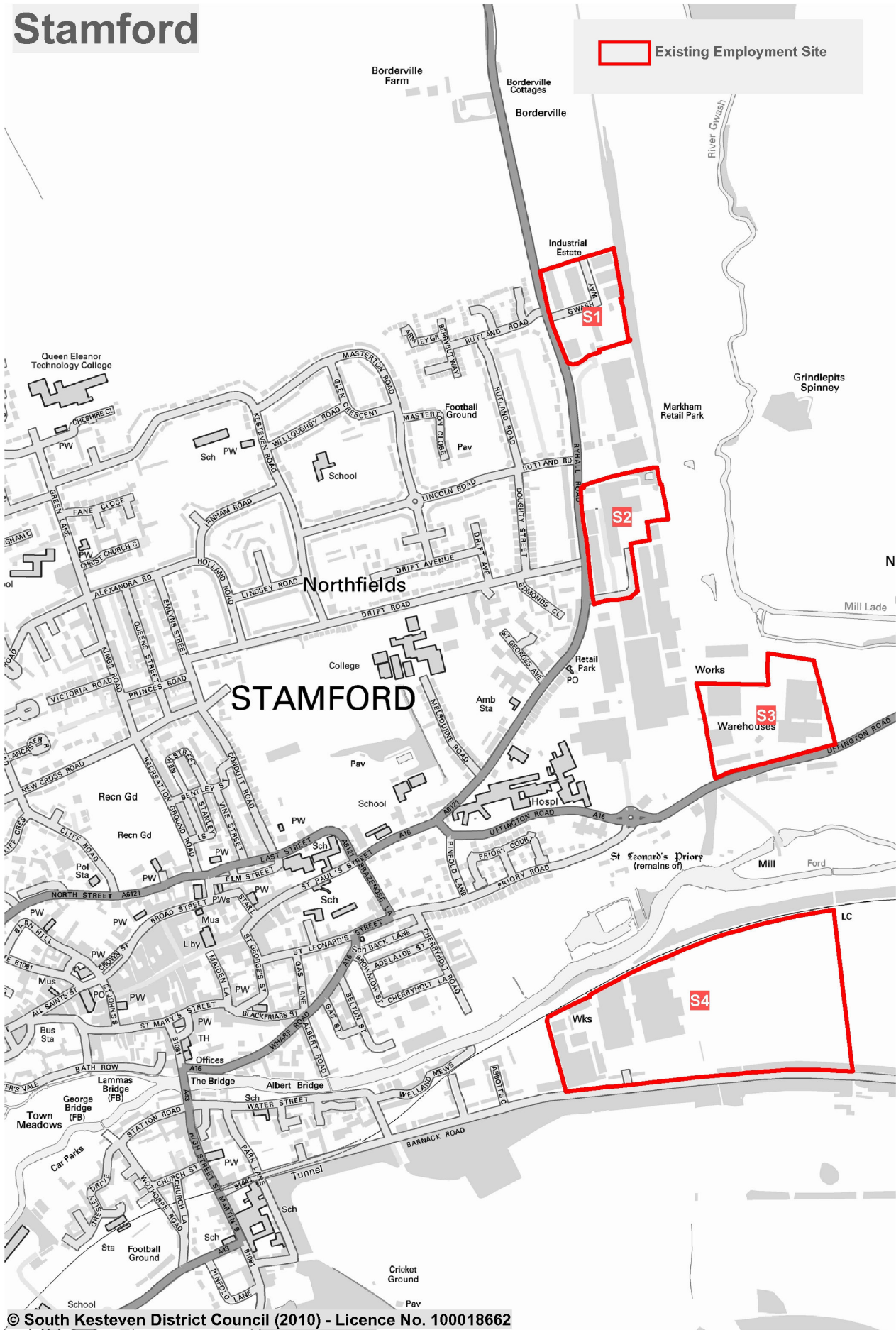
Appendix 2: Maps of suggested areas

Suggested Locally Important Existing Employment Areas



Stamford

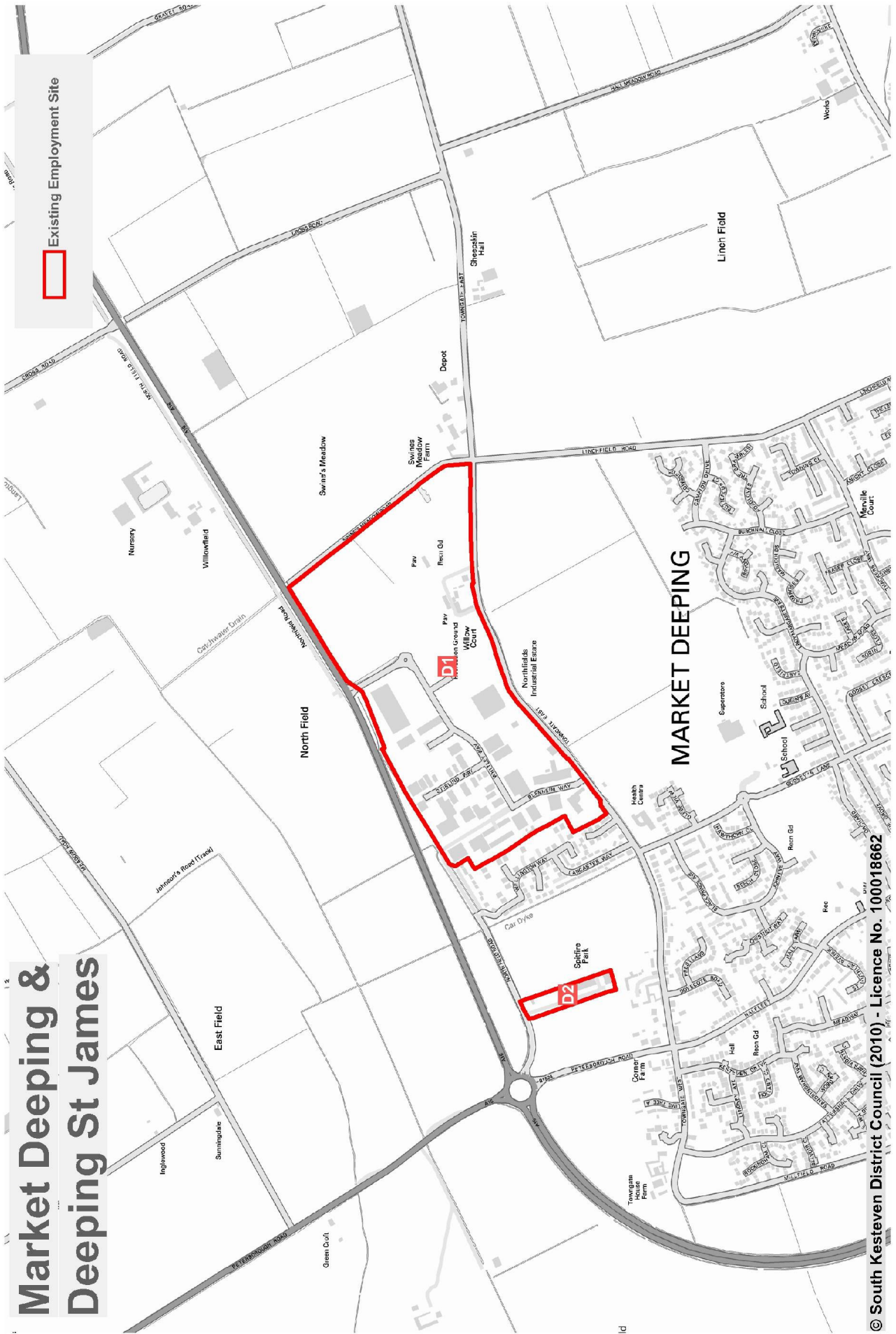
 Existing Employment Site



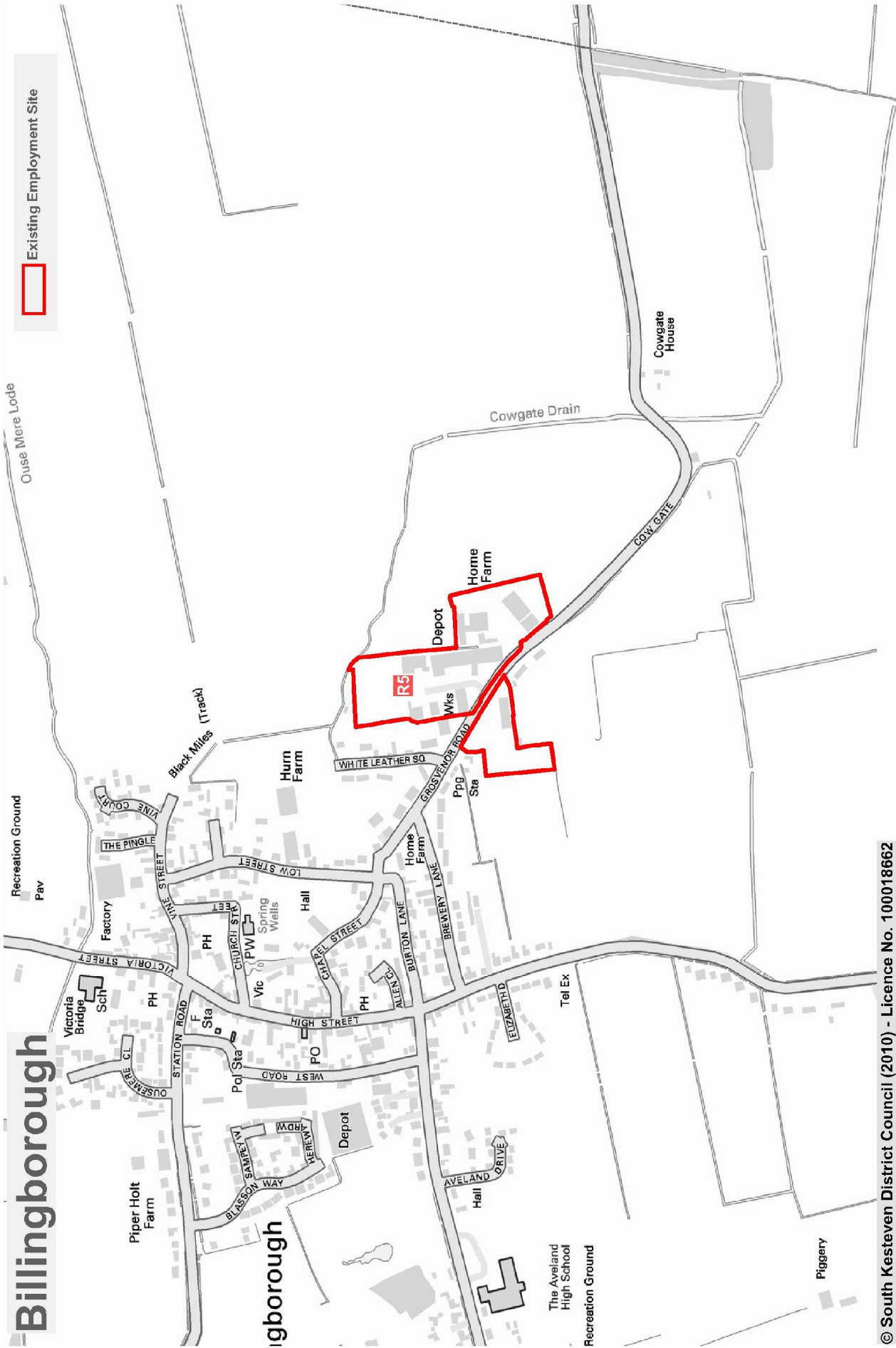
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Market Deeping & Deeping St James

Existing Employment Site

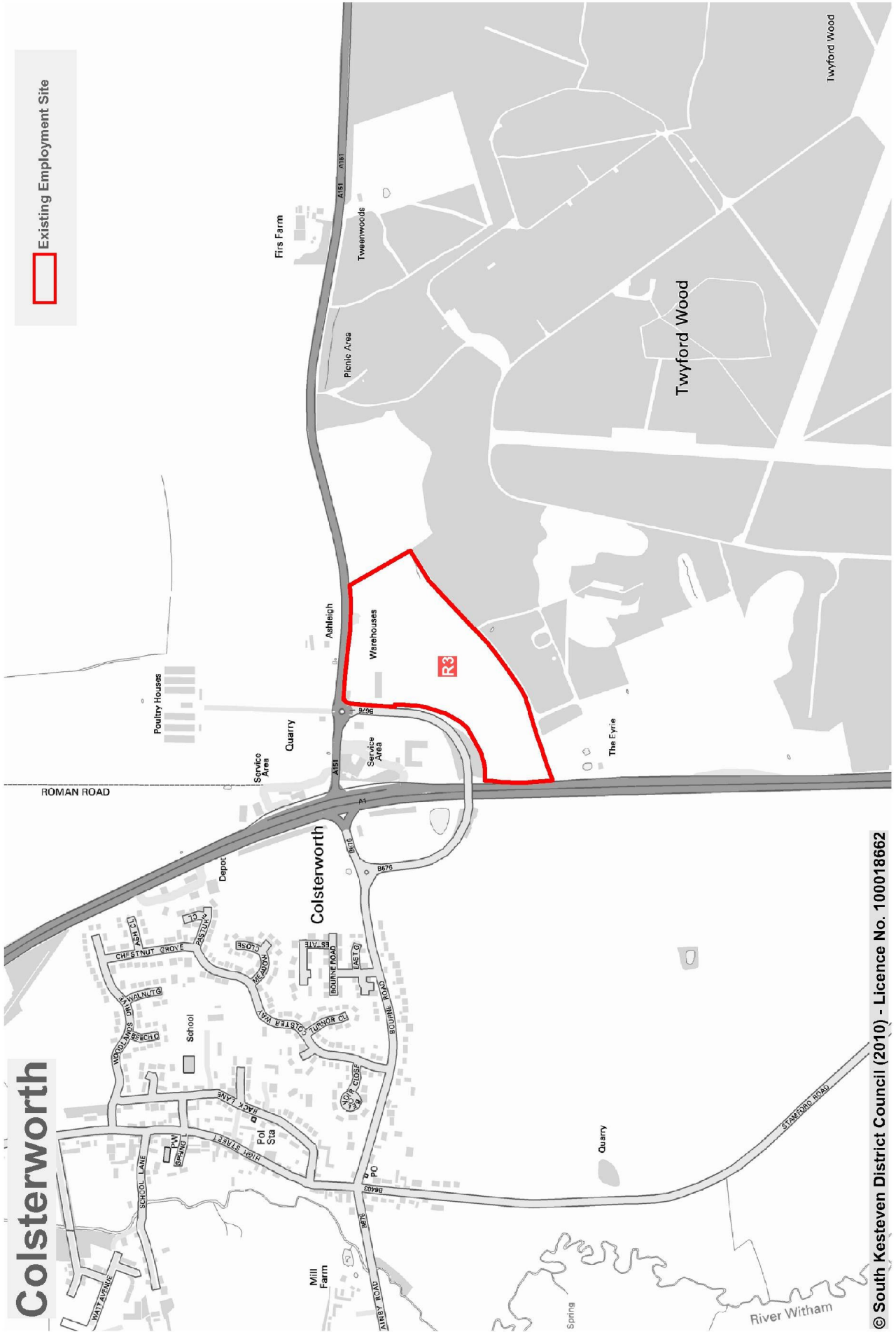


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Billingborough

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Gonerby Moor

House

Pasture Farm
Cottages

Pasture
Farm

Gonerby Moor

Hatchery

Mickling
Farm

Service
Area

Motel

The Croft

Shady
Hook

R1

Knox
Plantation

Belton
Gowd

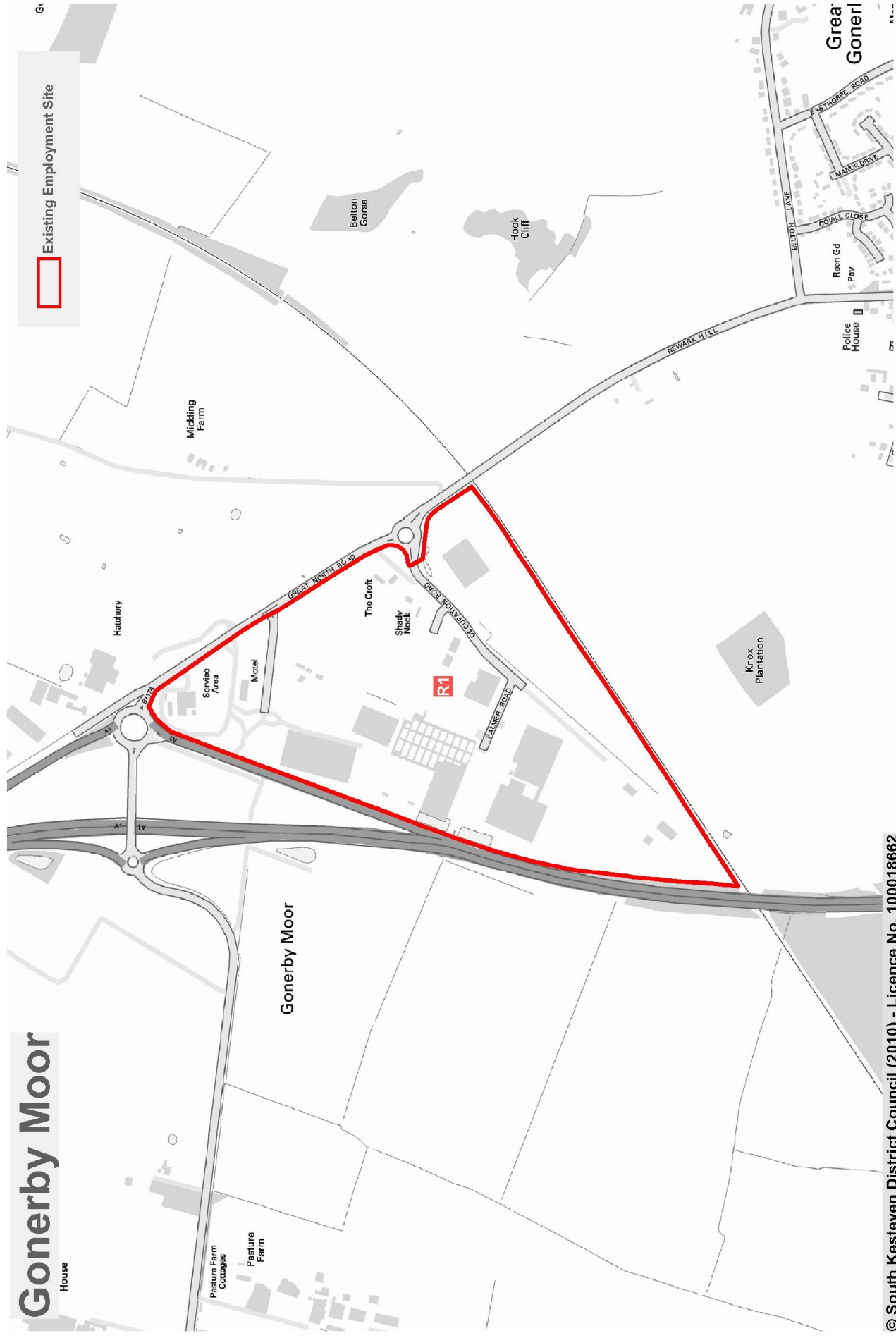
Hook
Cliff

Police
House

Reen Gd
Pav

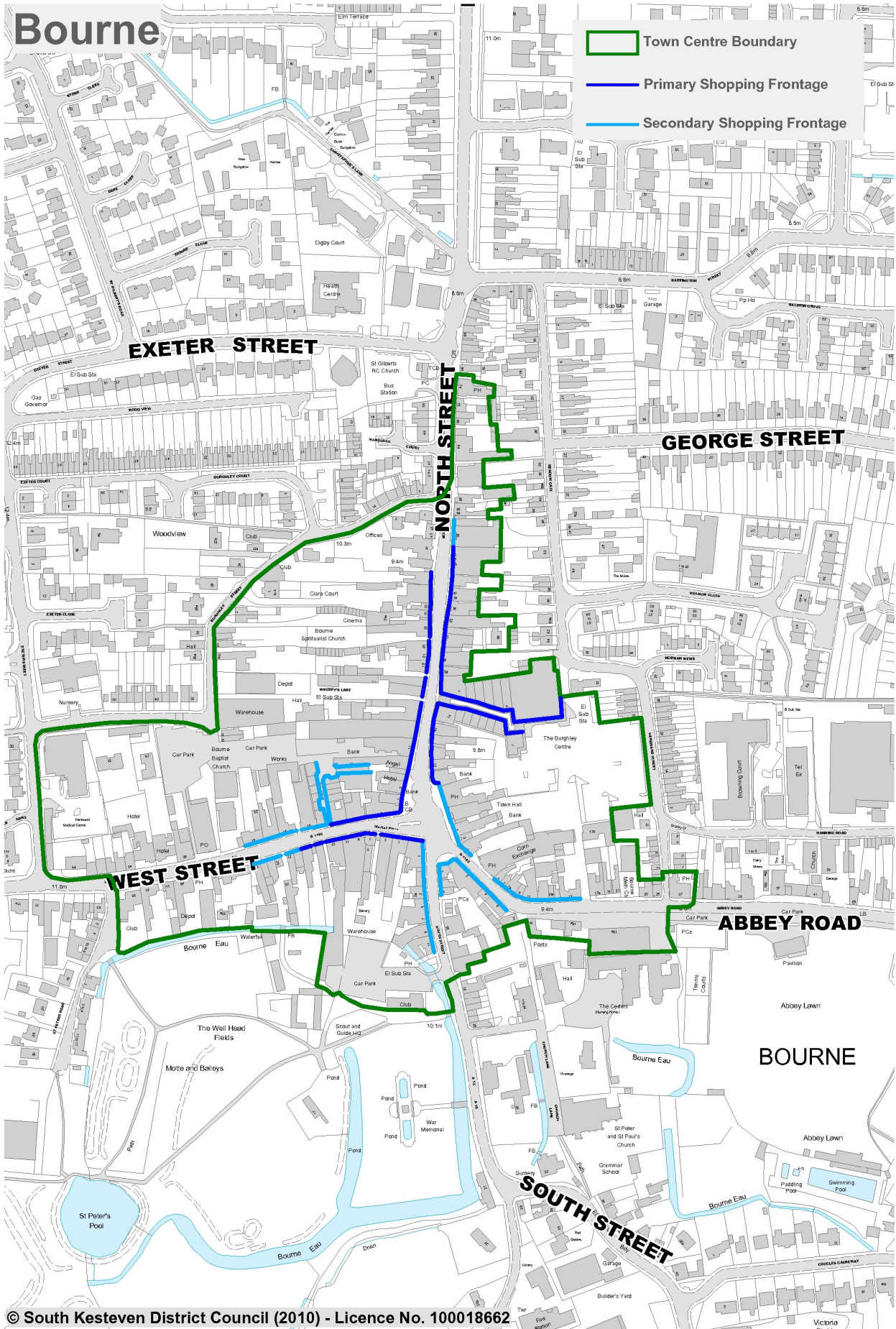
Great
Gonerby

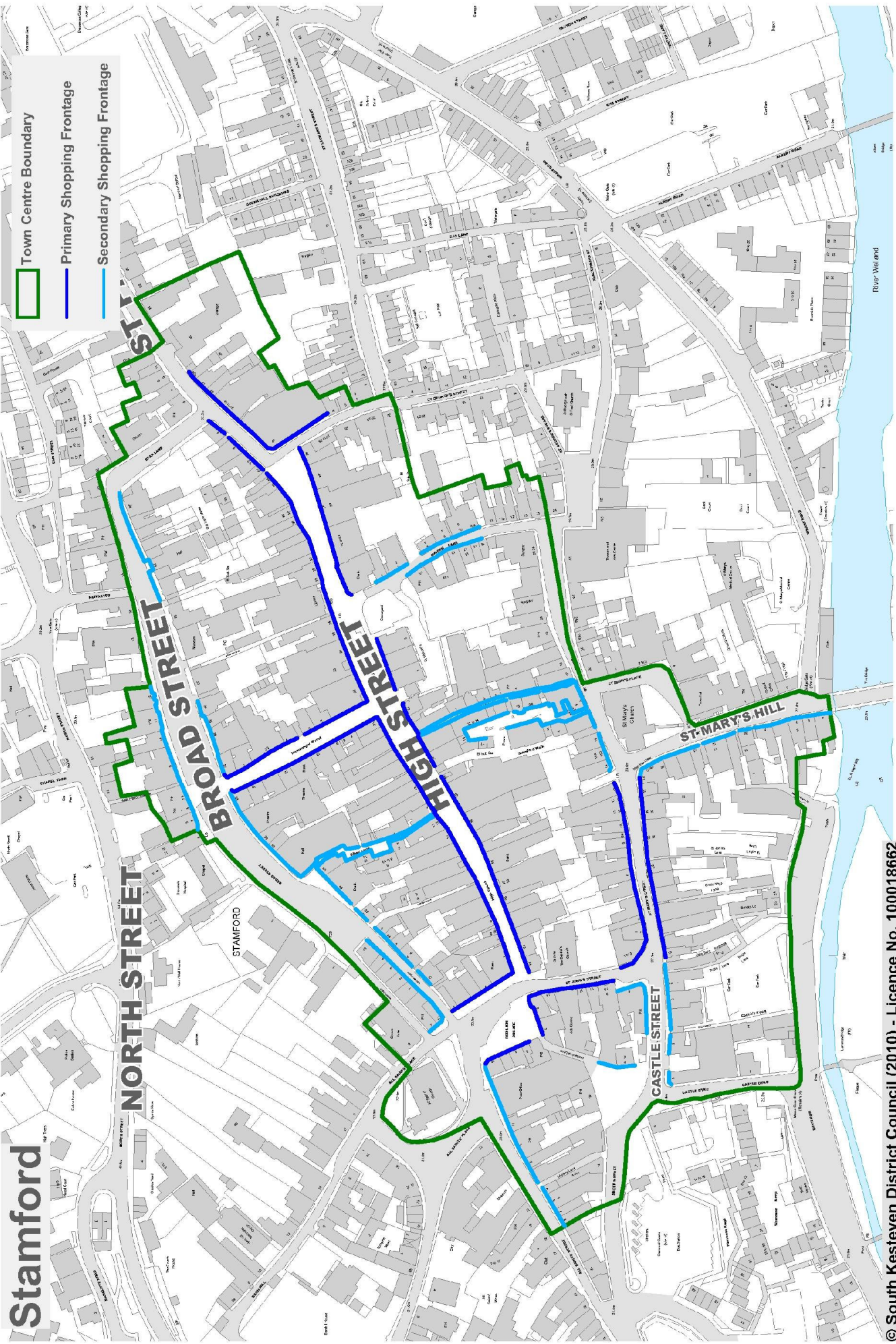
Existing Employment Site



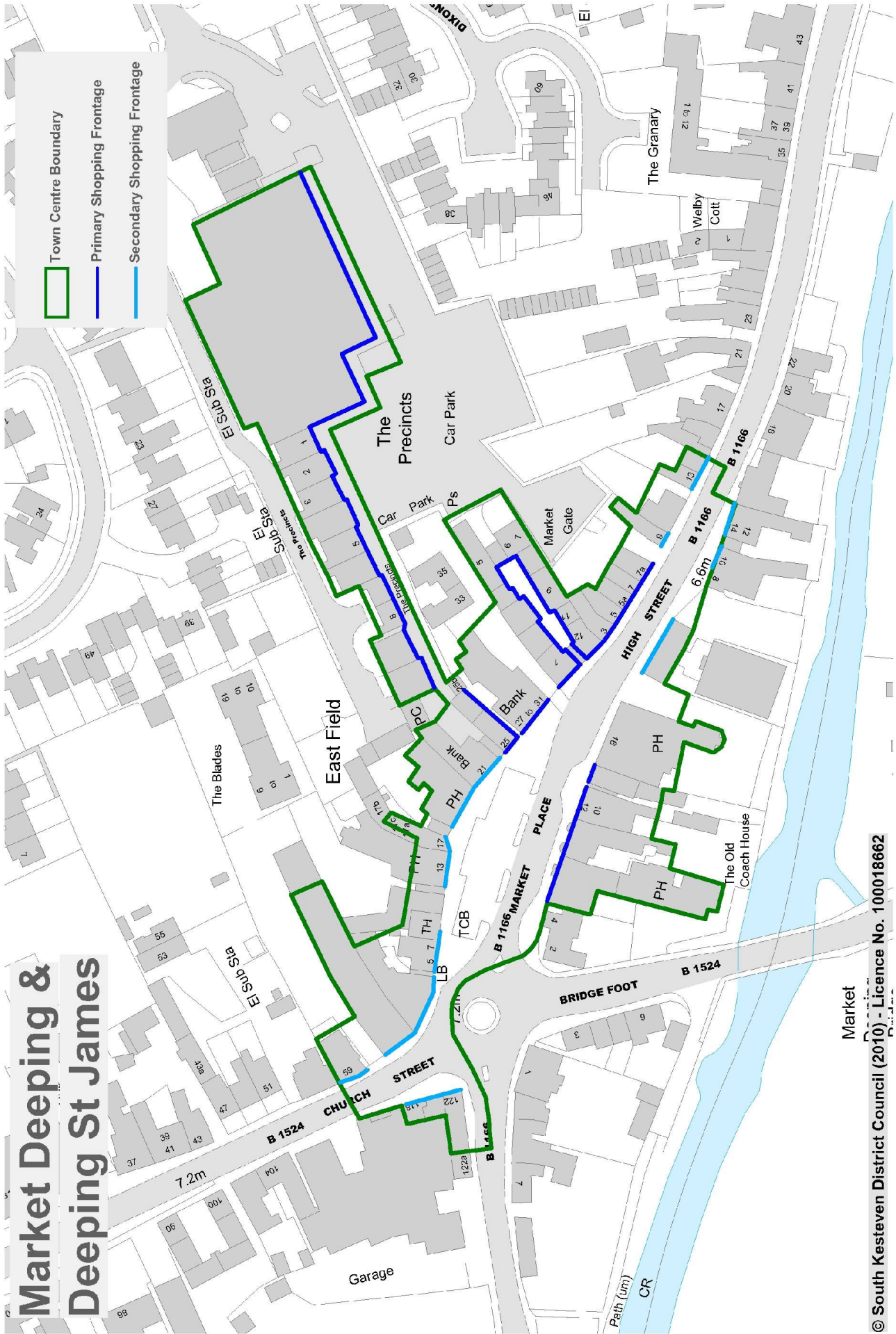
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Suggested Town Centre Boundaries

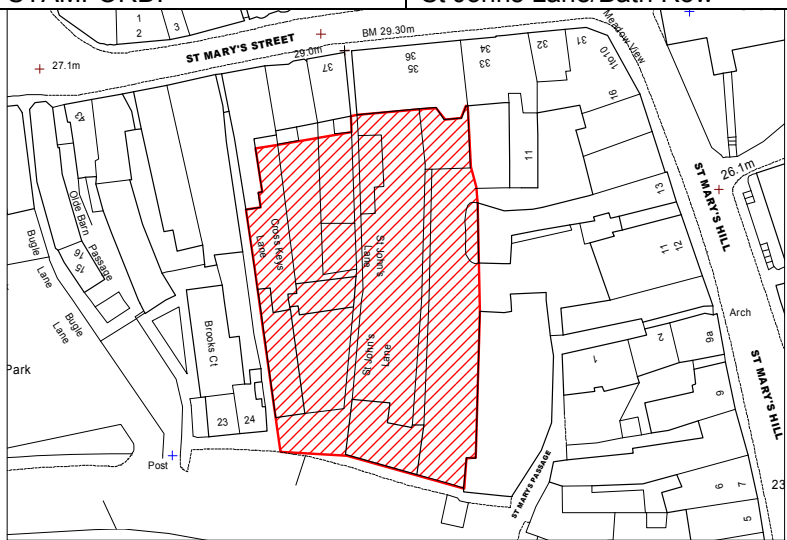


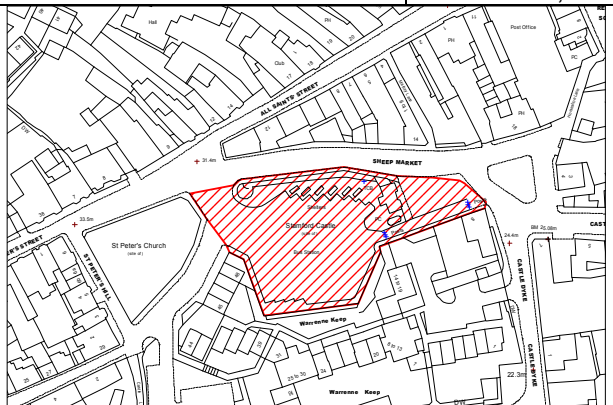


Market Deeping & Deeping St James



Suggested Town Centre Opportunity Areas

STAMFORD:		St Johns Lane/Bath Row
		
<p>Small site (0.22ha) to the rear of properties fronting St Marys Street and residential properties. Currently contains a garage, offices/storage and a narrow pedestrian link through to St Marys Street.</p>		
<p>Site could be redeveloped to provide a small arcade of unit shops/service uses, linking the retail area of St Marys Street through to the river.</p>		
scale of development	small scale: up to 1,000 sqm gross at ground floor level	
commercial potential	off-prime location with no visibility from main shopping area	
likely type of development	small unit shops/services	
development constraints	entirely within Conservation Area may need to maintain rear access to properties fronting St Marys Street multiple ownership of land	
access	existing from Bath Row	
overall development prospects	reasonable/poor	
officer conclusion	good redevelopment opportunity	

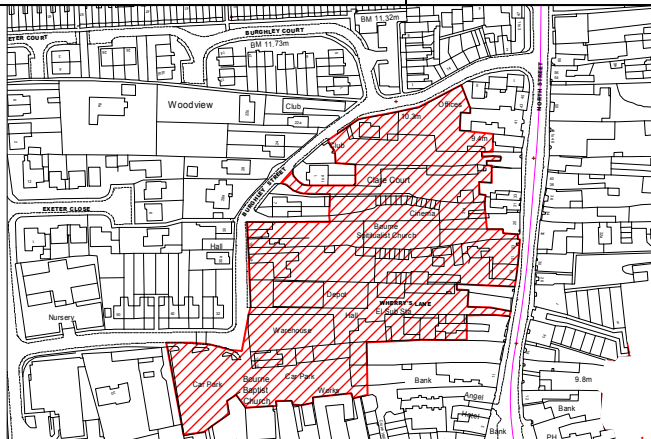
STAMFORD		Bus Station, Sheep Market
		
<p>Small site (.031ha) comprising existing bus station and waiting area.</p>		
<p>Could be redeveloped to provide a more efficient bus hub, or bus station could be relocated and site could accommodate small foodstore with surface parking.</p>		
scale of development	small scale: up to 1,000 sqm gross at ground floor level	
commercial potential	off-prime location but easily accessible and visible from main shopping area	
likely type of development	small-scale foodstore with surface parking	
development constraints	within Conservation Area and site of former Stamford	

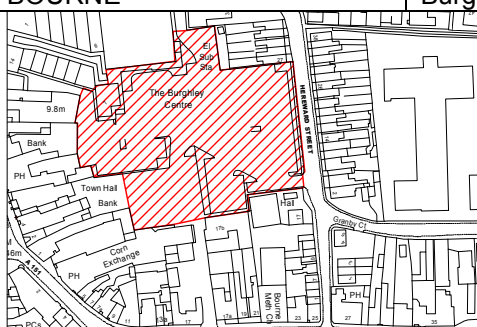
	Castle buss station would need to be replaced within site or relocated to alternative location
access	existing access from Sheep Market/St Peters Hill
overall development prospects	good
officer conclusion	retain as bus station

STAMFORD	North Street Car Park
Small site (0.36ha) containing public car park and Nelsons Butchers	
Could accommodate small foodstore with surface car parking	
scale of development	small scale: up to 1,500 sqm gross at ground floor level
commercial potential	off-prime location within easy walking distance of main shopping area
likely type of development	small-scale foodstore with surface car parking
development constraints	loss of car park may be unacceptable Nelsons Butchers could be retained within site, or need to acquire/relocate the business
access	existing access from North Street/Chapel Yard, new access could potentially be created from Cliff Row
overall development prospects	reasonable
officer conclusion	retain as car park

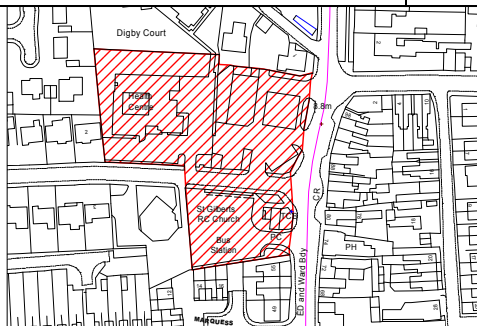
STAMFORD	North Street/Chapel Yard
Small site (0.12ha) containing vacant commercial premises, Class A3 restaurant and service uses.	
Site is underused and could be redeveloped for office/residential use	
scale of development	small scale
commercial potential	off-prime location within easy walking distance of the main shopping area
likely type of development	office/residential
development constraints	wall at the junction of North Street and Recreation Ground Road may restrict developable area multiple ownership of land
access	existing access from North Street
overall development prospects	poor

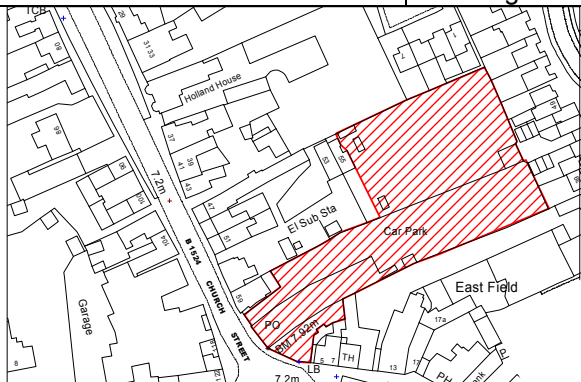
officer conclusion	appropriate location for either suggested use
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BOURNE	Bourne Core Area
	
<p>Site (1.77ha) contains range of uses, including car parking, retail units fronting North Street, warehouses and various commercial uses/services and residential use.</p> <p>Bourne Town Centre Redevelopment Supplementary Planning Guidance (adopted June 2009) has vision for comprehensive redevelopment to expand, complement and fully integrate the site within Bourne's main shopping area.</p>	
scale of development	large scale: up to 10,000 sqm gross at ground floor
commercial potential	off-prime, with some pedestrian links to North Street. Integration with town centre main shopping area requires improved links and possible removal of existing units fronting North Street
likely type of development	retail led, mixed use scheme high street type shops with anchor store and range of smaller shops for existing and new retailers other complementary uses eg leisure and office above ground floor level incorporation of some residential new public open space to be created car parking to be retained/reconfigured
development constraints	majority of site within Conservation Area, and listed buildings in close proximity multiple land ownership Council seeking comprehensive redevelopment of area and will resist piecemeal proposals
access	existing access via Burghley Street. some servicing access to rear of units fronting North Street may need to be retained
overall development prospects	good
officer conclusions	good redevelopment opportunity

BOURNE	Burghley Centre Car Park
	
<p>Site (0.73ha) comprising surface level public car park, adjacent to existing Burghley Centre and vacant former Budgens foodstore.</p> <p>Redevelopment could provide extension to Burghley Centre, either comprising high</p>	

street type shops or new foodstore.	
scale of development	medium scale: up to 4,000 sqm gross for high street type shops, or 2,000 sqm gross for foodstore
commercial potential	immediately adjacent to main shopping area
likely type of development	high street type shops/services or medium sized foodstore
development constraints	loss of car parking may be unacceptable
access	existing access from Hereward Street
overall development prospects	reasonable
officer conclusions	retain as car park

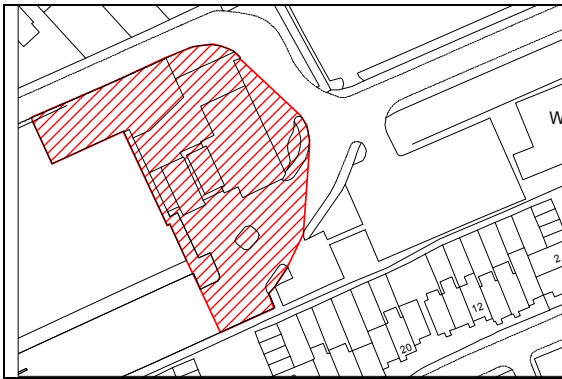
BOURNE	bus station, clinic & petrol filling station, North Street
	
Site (0.74ha) contains bus station, a petrol filling station and the Bourne Health Centre. It is split in two by St Gilberts Road.	
Redevelopment could provide a foodstore with surface car parking. The bus station and health centre would need to be relocated/reconfigured.	
scale of development	medium scale: up to 2,500 sqm gross at floor level
commercial potential	off-prime location but easily accessible and visible from main shopping area
likely type of development	foodstore with surface car parking
development constraints	division by St Gilberts Road may hinder pedestrian flow multiple land ownership potential contamination from petrol filling station bus station and health centre relocation/reconfiguration
access	existing access from North Street/St Gilberts Road
overall development prospects	reasonable/poor
officer conclusions	retain in current uses

MARKET DEEPING	R/o Original Factory Shop
	
Site (0.48ha) includes The Original Factory Shop store, car parking and areas of open space.	
Redevelopment could provide retail or commercial leisure uses. Could be linked with The Precinct and Car Park site.	
scale of development	medium scale: up to 1,500 sqm gross at ground floor

	level
commercial potential	off-prime location, lacking frontage
likely type of development	high street type retail units/services or commercial leisure
development constraints	majority of site within Conservation Area relatively narrow access (via Church Street) access may need to be retained to properties fronting Market Place multiple land ownership
access	existing access from Church Street
overall development prospects	poor
officer conclusions	good redevelopment opportunity

MARKET DEEPING	The Precinct and Car Park
<p>Site (0.49ha) contains retail units within The Precinct, adjacent car park serving Co-op store and buildings to rear of Barclays Bank/Market Gate</p> <p>Could be reconfigured to increase amount of retail floorspace and improve links between Co-op and the Market Place/High Street. Potential link with Original Factory Shop site.</p>	
scale of development	medium scale: up to 3,000 sqm gross at ground floor level
commercial potential	prime site within heart of town centre, although limited visibility redevelopment could improve links between Co-op and High Street and encourage linked trips
likely type of development	high street type shops
development constraints	potential reduction in car parking may be unacceptable multiple land ownership
access	existing access from Godsey Lane
overall development prospects	reasonable/poor
officer conclusions	retain in existing uses

MARKET DEEPING	land adjacent to Co-op Store
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Small site (0.21ha) containing petrol filling station and servicing area for Co-op store	
Redevelopment could extend the Co-op store	
scale of development	medium scale: up to 1,500 sqm gross at ground floor level
commercial potential	extension to existing foodstore
likely type of development	extension to existing foodstore
development constraints	possible contamination from petrol filling station
access	existing vehicular access from Godsey Lane
overall development prospects	good
officer conclusions	retain in existing use



Small site (0.14 ha) containing Hereward Discounts retail unit and garage to rear	
Redevelopment could provide a more continuous, active frontage to High Street, with residential/office above	
scale of development	small scale: less than 1,00 sqm gross at ground floor level
commercial potential	key location on main shopping street within centre
likely type of development	high street type shops/services
development constraints	within Conservation Area existing occupiers may need to be relocated
access	existing access from High Street
overall development prospects	good
officer conclusions	retail use should be retained

REPORT TO CABINET

REPORT OF: Councillor Francis Cartwright
 Economic Development Portfolio Holder
 Councillor Paul Carpenter
 Corporate Governance and Housing Portfolio Holder

REPORT NO: PLA 845

DATE: 4th October 2010

TITLE:	Local Development Framework: Gypsy and Traveller Sites	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Economic Development Portfolio Holder Cllr Paul Carpenter Corporate Governance and Housing Portfolio Holder	
CONTACT OFFICER:	Karen Sinclair, Planning Policy Service Manager 01476 406438 k.sinclair@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS:	Cabinet Report PLA 658 dated 2 nd July 2007	

1. RECOMMENDATIONS

That the Cabinet endorses Option 3 for progressing provision of allocated sites for Gypsy and Travellers accommodation as set out in paragraph 3.11 of the report.

2. PURPOSE OF THE REPORT

- 2.1 To consider options for progressing provision of allocated sites to meet the accommodation needs of Gypsy and Travellers in the District in light of recent developments at national and regional level.
- 2.2 The identification of sites to provide accommodation for Gypsies and Travellers would contribute to the Quality Living Priority Theme through the provision of housing to meet the needs of all residents.

3. DETAILS OF REPORT

Introduction

- 3.1 Consultation on possible options for the location of Gypsy and Traveller site(s) was undertaken during August and September 2007. The consultation was intended to form the first stage in identifying Gypsy and Traveller site allocations for inclusion in the wider Site Allocation and Policies DPD. The consultation document identified 19 potential sites across the District: seven located at, or in close proximity to, Grantham, three at Stamford, four at Bourne and five at Market Deeping.
- 3.2 These 19 sites had been shortlisted following an assessment of a number of sites against a set of criteria derived from the factors, identified as being important in deciding the allocation of sites, contained in Circular 01/06 (Planning for Gypsy and Traveller Caravan Sites).
- 3.3 At the end of the consultation period, 21,274 individual representations had been received from 3,411 people and organisations: all the sites attracted a degree of objection.
- 3.4 To assist the process of considering the issues raised by the representations and to provide advice on sites to be taken forward to the next stage in light of current and future needs, consultants specialised in Gypsy and Traveller issues and site identification were appointed. Of the 19 potential sites, 9 sites were assessed by the appointed consultants as suitable for further consideration when measured against key criteria including location, inappropriate adjacent uses, sustainability, highways access and impact on landscape character. It should be noted that representations made on behalf of the landowners during the consultation process indicated that none of the 9 sites were available for the proposed use.
- 3.5 Since the site options consultation the level of outstanding need for Gypsy and Traveller accommodation has been revised through the Lincolnshire Gypsy and Traveller Accommodation Assessment (GTAA) and the contribution of 15 pitches made by a site at Grantham, granted planning permission on appeal, to meeting the identified need. The unmet need for the 5 year period to 2012 stands, therefore, at 6 pitches; however, it would be appropriate to anticipate future need as far as possible and make allowance for it in any selection of sites as this would reduce the chances of requiring an almost immediate need for a further round of site selection and consultation. The need for the period beyond 2012 (i.e. to 2017) has been estimated applying a standard rate of growth compounded over the 5 years and stands at 5 pitches. This gives a total estimated need of 11 permanent pitches to be provided by 2017.

Recent Developments

- 3.6 In recent months there have been a number of developments at national and regional level relating to Gypsy and Traveller provision which have potential implications for the way in which the Council takes forward the issue of identifying sites.

- 3.7 On the 6th July 2010, the Secretary of State for Communities and Local Government (CLG) revoked Regional Strategies, thereby removing the framework of Gypsy and Traveller pitch numbers required to be provided for in local authority areas, and allowing councils to decide for themselves how many pitches are necessary in their area according to local need and historic demand.
- 3.8 Interim advice from CLG on assessing the appropriate level of site provision indicates that existing GTAAs would form a good starting point for assessing or reviewing the level of provision but that local authorities are not bound by them.
- 3.9 The Government has also announced its intention to revoke Planning Circular 01/06 and replace it with light touch guidance outlining a council's statutory obligations. The timetable for replacing the Circular has not been announced, although it might be expected in late autumn, and the implications of any revised guidance on needs assessment, criteria for identifying suitable locations for site provision etc. are not known. As referred to earlier the guidance provided by Circular 01/06 was the basis for selecting the criteria on which potential site options were shortlisted and assessed.
- 3.10 In terms of funding to bring forward authorised sites, the Government have withdrawn the Gypsy and Traveller Sites Grant Programme and has recently announced that the proposed New Homes Bonus scheme, which will give incentives to local authorities to deliver new housing, will include authorised traveller sites. The detail of the scheme's operation is to be set out in a public consultation later in the year.

Options

- 3.11 Taking account of the above, the following options would appear to be open to the Council at this time:

Option No.	Option	Risks
1	Continue with process of identifying site(s) for inclusion in Site Allocation and Policies DPD on basis of work done to date	<ul style="list-style-type: none"> • Possibility that potential site options identified will not 'fit' with revised guidance, with consequential risk of DPD being found unsound. This could result in additional work or work having to be repeated with implications for DPD adoption timetable
2	Rely on Core Strategy Policy H4 and sites coming forward via submission of planning applications	<ul style="list-style-type: none"> • Does not accord with apparent intent of CLG guidance to provide authorised sites where there is local need to do so • Without planned provision outstanding need may not be met. • Increased risk of unauthorised sites in inappropriate locations
3	Suspend process of identifying	<ul style="list-style-type: none"> • Would enable identification of

	sites(s) to await revised planning guidance and details of financial incentive scheme for site provision from CLG	sites to be made in the knowledge of most up to date national planning guidance. <ul style="list-style-type: none"> • May still lead to need to make provision through allocation of sites which would require preparation of a separate Gypsy and Traveller Sites DPD with associated cost implications
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3.12 Having considered the above options and potential impacts that may arise from each it is considered that Option 3 would be the most appropriate course of action to follow at the present time.

3.13 If the Cabinet decide to support either Options 2 or 3, then all those who have previously commented on the Gypsy and Traveller potential site options would be advised of this.

4. OTHER OPTIONS CONSIDERED

4.1 These are set out in paragraph 3.11 of the report.

5. RESOURCE IMPLICATIONS

5.1 This will depend on the option supported. Costs associated with the preparation of the Site Allocation and Policies DPD have been identified within the Planning Policy budget for 2010/11 and indicative budget for 2011/12. The preparation of an additional DPD would have additional cost implications for which budget provision has not currently been identified.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 The risk implications are as set out in paragraph 3.11.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 Policy H4 of the Submission Core Strategy, off which the allocation of sites would 'hang', or planning applications considered, has been the subject of an initial equality impact assessment. This concluded that there would not be any differential impact from the application of the policies and that a full assessment was not required.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising from this report.

9. COMMENTS OF SECTION 151 OFFICER

9.1 I have no specific financial comments to make in respect of this report

10. COMMENTS OF MONITORING OFFICER

- 10.1 The need for sites has been established. The statutory requirement for specific provision through the Regional Strategy has been removed. The options available are subject to change depending on the revised planning guidance. No timetable for that guidance has been established. If the option of suspending the current site allocation process pending further guidance is chosen, the Council will be obliged to rely on the Core Strategy Policy H4.

REPORT TO CABINET

REPORT OF: Councillor Francis Cartwright
Economic Development Portfolio Holder

REPORT NO: PLA 845

DATE: 4th October 2010

TITLE:	Lincolnshire Minerals and Waste Development Framework: Consultation on Preferred Strategy and Submitted Sites	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Frances Cartwright Economic Development Portfolio Holder	
CONTACT OFFICER:	Karen Sinclair, Planning Policy & Partnerships Service Manager 01476 406438 k.sinclair@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS:	Lincolnshire Preferred Minerals and Waste Strategies (June 2010) Lincolnshire Submitted Minerals and Waste Sites (June 2010)	

1. RECOMMENDATIONS

That Cabinet endorses the comments set out in Appendix 1 of the report and that this forms the basis of the Council's response to the Lincolnshire Minerals and Waste Development Framework Preferred Strategy and Submitted Site documents.

2. PURPOSE OF THE REPORT

- 2.1 To enable the Cabinet to consider a response to the consultation being undertaken by Lincolnshire County Council (LCC) on the Lincolnshire Minerals and Waste Development Framework (MWDF).
- 2.2 The MWDF does not directly contribute to the Council's Priority themes.

3. DETAILS OF REPORT

- 3.1 As part of the development of the MWDF Lincolnshire County Council have published two documents for non-statutory public consultation: the Minerals and Waste Preferred Strategy and Submitted Site Locations. The MWDF will eventually replace the Minerals Local Plan (1991) and Waste Local Plan (2006). The closing date for comments on this consultation is the 8th October 2010.
- 3.2 The timetable for preparation of the Minerals and Waste Core Strategy document is to undertake pre submission consultation in early 2011 before submitting the document for examination in May 2011. The timetable for the Site Locations document will run several months behind that of the Core Strategy in order to ensure the spatial strategy for minerals and waste has been found sound following examination. As a statutory consultee, this Council will be consulted and have the opportunity to make formal representations, if appropriate, at the pre submission consultation stage.

Minerals and Waste Preferred Strategy

- 3.3 This sets out the preferred strategy for location of future mineral and waste development. The document focuses on the need for new minerals and waste development and where, in broad terms, this should be located in the County.
- 3.4 For minerals the preferred strategy is to extend the existing areas of search rather than just rely on extensions of existing sites within these areas: this has the advantage of avoiding overworking of areas and resultant cumulative impacts on local communities. The existing relatively small area of search in the south of the District around the Baston/Langtoft area would be extended to include an area stretching from Stamford in the west to the District boundary with South Holland in the east and as far north as Bourne.
- 3.5 In the case of waste, the aim of the strategy is to move away from landfill and drive waste management up the waste hierarchy through greater recycling and energy recovery. Provision of facilities to achieve this are anticipated to be (based on waste needs forecast) sites for Waste Transfer Stations (4 no.) to serve the Energy from Waste Plant at North Hykeham and Household Waste Recycling Centres (2 no.) to serve areas not currently provided for. The preferred strategy for facility provision is to locate larger facilities within areas of search around sub-regional centres and main towns (Grantham - (10km search area, Stamford and Bourne – 5km search area). Over provision within these areas of search would be avoided by only allocating sites based on the needs forecast.
- 3.6 The sites designated as potential municipal waste transfer stations are limited to the Grantham area (Gonerby Moor). Currently the Council's collection service uses Leadenham, Colsterworth and Dogsthorpe (Peterborough's area) to tip residual waste. A detailed assessment (by Lincolnshire County Council) of the impact arising from a single tipping point is still awaited, however it would seem sensible at this stage for the County Council to provide an option in the South of the district as part of this site allocation process.

Submitted Mineral and Waste Sites and Sites Assessment Methodology

- 3.7 Individual sites, where appropriate, will be allocated in a Site Locations Development Plan Document (DPD). The sites included in the consultation have been submitted by industry, landowners, agents and, in the case of some waste sites, LCC itself. At this stage no assessment has been made of the suitability of any of the submitted sites: the main purpose of the consultation is to advise the public, landowners, industry and other interested parties of the submitted sites and to seek comments on the proposed methodology for assessing them.
- 3.8 Within South Kesteven 15 mineral sites, mainly for sand and gravel extraction, and 5 waste sites have been submitted and will be subject to the assessment process.
- 3.9 The Site Assessment Methodology involves a 2 stage process:
- Stage 1 – sites assessed on availability and against exclusionary objectives i.e. absolute constraints which would prevent development from taking place thereby removing the site from further assessment
 - Stage 2 – remaining sites assessed using traffic light approach against a range of criteria including: policy fit (with existing and emerging Local Plans, Core Strategies); natural environment; agricultural land quality; historic and built environment; landscape capacity and visual impact; traffic; and proximity to sensitive receptors (schools, hospitals, residential)

It is considered that these criteria are comprehensive and using a traffic light approach to shortlist sites provides a robust, consistent assessment process.

- 3.10 Some of the submitted sites are within areas that this Council are currently considering for inclusion in the Site Allocation and Policies DPD and it would be appropriate to make this known to LCC so it may be accounted for in their site assessment process. The location of the submitted sites also raises operational issues for the District Council in its role as waste collection authority. Comments on the submitted sites are set out in Appendix 1 and it is recommended that these should form the basis of a formal response to the consultation.

4. OTHER OPTIONS CONSIDERED

- 4.1 Not to respond to the consultation – although this is a non-statutory consultation it provides an opportunity for the Council to make known its views on the preferred strategy and possible site locations before they are taken to the next more formal stage.

5. RESOURCE IMPLICATIONS

- 5.1 None at this stage other than officer time in responding to the consultation.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 None identified.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 Not applicable as it is the responsibility of Lincolnshire County Council to undertake an assessment of their policy documents.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising from this report.

9. COMMENTS OF SECTION 151 OFFICER

9.1 I have no specific financial comments to make in respect of this report.

10. COMMENTS OF MONITORING OFFICER

10.1 It is appropriate that the proposed strategy for Mineral and Waste framework for the County takes account of the proposals within the District as set out in the District Council's proposed site allocations and policies DPD and considerations relating to waste collection. It is essential that a response to the consultation is given in accordance with the comments attached and any other comments which the Members consider relevant.

11. APPENDICES:

Appendix 1 Comments on Submitted Sites

APPENDIX 1 – COMMENTS ON SUBMITTED SITES

Site Name	Location	Proposed Use	Comment
M5.7 Thetford House Farm and M5.9 Urn Farm, Baston	Thetford House Farm and Urn Farm, Baston	Sand and Gravel extraction	Parts of both of these sites are within areas being considered for inclusion in the Site Allocations and Policies DPD. However, both are within Flood Zone 3 so residential development is likely to be opposed by Environment Agency. Baston Fen Special Area for Conservation lies to north of Baston and mineral extraction may have impact on this habitat.
Harlaxton No 4 (Ironstone gullet)	Land at Stroxtun, off Heath Lane	Inert Waste Landfill	Local road network unsuitable for potential number/nature of vehicular movements and little scope for mitigation or alternative means of transport to site
Waste Treatment Facility, Bourne	Spalding Road Business Park, Bourne	Treatment facility with energy recovery (extension of existing Household Waste Recycling Centre/Waste Transfer Station use)	Within area assessed as medium quality employment land and being considered for inclusion in Site Allocation and Policies DPD for employment uses (light industrial). Does not appear to fall within stated facility needs to be provided for.
Grantham Municipal Waste Facility	Occupation Land, Gonerby Moor	Waste Transfer Station, Materials Recycling Facility, Household Waste Recycling Centre	Within existing employment allocation, now largely developed. A detailed assessment (by Lincolnshire County Council) of the impact arising from a single tipping point is still awaited, however it would seem sensible at this stage for the County Council to provide an option in the South of the district as part of this site allocation process.
Grantham WTS	Vantage Park, Gonerby Moor	Waste Transfer Station	Within existing employment allocation, now largely developed, but remaining area assessed as being of high quality employment land A detailed assessment (by Lincolnshire County Council) of the impact arising from a single tipping point is still awaited, however it would seem sensible at this stage for the County Council to provide an option in the South of the district as part of this site allocation process.
Stamford HWRC	Ryhall Road, Stamford	Household Waste Recycling Centre	Within area being considered for inclusion in Site Allocation and Policies DPD for mixed use urban extension. If this area is taken forward for allocation will be need for comprehensive planning to incorporate HWRC.

REPORT TO CABINET

REPORT OF: Councillor Mike Taylor – Portfolio Holder for Resources and Assets

REPORT NO: AFM0160

DATE: 4th October 2010

TITLE:	CAR PARKS PROPOSED CHANGES TO CLASSIFICATION	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	CLLR MIKE TAYLOR – RESOURCES AND ASSETS	
CONTACT OFFICER:	L.Banner – Service Manager Asset and Facilities – tel: 01476 406411. e-mail – l.banner@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	South Kesteven Car Parking Order 2002 (as varied in 2006) Report no. AFM0146	

1. RECOMMENDATIONS

It is recommended that Cabinet, following the decision made at their meeting on the 5th July 2010 relating to the reclassification of car parks and pay on exit.

- Note the current position relating to proposals for pay on exit at car parks at Welham Street and Wharf Road Grantham and Wharf Road Stamford as detailed in this report
- Approve the content of the draft South Kesteven (off-Street Parking Places)(Pay and Display) Order 2010 relating to the reclassification of car parks at Wharf road Stamford and Welham Street Grantham
- Give approval to commence consultation on the reclassification from Long Stay to Short Stay at Levels 1 and 2 at Welham Street Car Park, Grantham and Wharf Road Car Park, Stamford under the provision of the Order detailed above.
- To grant delegated authority to the Portfolio Holder for Resources and Assets to approve proposals, subject to further work on viability, and the terms of the draft Order for the introduction of pay on exit at Wharf Road Stamford.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to update Cabinet on the feasibility of implementing pay on exit in The Council's pay and display car parks and to seek approval for consultation on the content of the attached draft Car Parking Order relating to reclassification.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

It was recommended to Cabinet on the 5th July 2010, that they approve the statutory consultation required for the reclassification of car parks at both Welham Street, Grantham and Wharf Road, Stamford. This reclassification was to change the designation of the car park at Wharf Road, Stamford to short stay and the designation of levels one and two of Welham Street car park, Grantham to short stay with levels three to six (inclusive) remaining designated as long stay. In addition, Cabinet requested and authorised consultation, if viable, for pay on exit to these car parks and, Wharf Road car park, Grantham. Cabinet also delegated to the Portfolio Holder Assets and Resources the approval of the draft Car Parking Orders on the 5th July.

With regards to the proposals for reclassification of car parks, an order has been drafted and is enclosed with this report.

The issue of pay on exit has been examined and evaluated in detail for the car parks at Wharf Road, Grantham, Welham Street, Grantham and Wharf Road, Stamford and it has been determined that this would require permanent staffing of each car park in order to facilitate this service, as it is necessary to provide a service to people who are able to use the parking facility free of charge owing to disability. In addition it has been identified that there would be a number of structural and technical changes which would be necessary in order to facilitate 'pay on exit', including the need for additional barriers.

The additional staffing would cost in the region of £18,000 per annum and the cost of the necessary alterations to the car parks including the barriers is estimated at approximately £75,000. It is necessary to undertake further feasibility studies that supports the business case for the introduction of pay on exit at Council operated car parks.

Consultation on the reclassification of the car parks will commence subject to Cabinet approval on the 4th October 2010. The process for this is to consult with the regulatory authorities for a period of 28 days. Providing there are no objections to the proposed Car Parking Order, this can then be advertised in the local press for a period of 21 days, with notices also placed in all the car parks detailed in the report. A copy of the draft order will be made available for inspection in the Council Offices. The notices will stipulate the days and times that the Order is available for inspection. Subject to the results of the consultation process, the introduction of the reclassification of the specific car parks is proposed for April 2011.

4. OTHER OPTIONS CONSIDERED

No other options have been considered as this is a follow on from the previous report.

5. RESOURCE IMPLICATIONS

There will be potential loss of permit holders and consequently loss of income due to the revised Long Stay allocation being unsuitable for some customers.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

Permit holders will have to be relocated to other levels other than levels 1 and 2, this could result in the reduction of permit holders

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

This process has been assessed for equality impact.

8. CRIME AND DISORDER IMPLICATIONS

N/A

9. COMMENTS OF SECTION 151 OFFICER

This report confirms the current position with regard to the proposed reclassification of the two car parks referred to and provides details of the feasibility of introducing pay on exit. The classification changes supports the demand for higher levels of short stay car parking in each town and complements the car parking infrastructure. Customer analysis shows that there will be sufficient capacity at the Welham Street car park to meet all customer car parking needs by careful monitoring of demand and usage. Should the reclassification proceed then future revenue budgets will reflect this change.

Further work is necessary to determine the financial outlay necessary to implement a pay on exit infrastructure to ensure it is financially viable and meets the needs of the customers.

10. COMMENTS OF MONITORING OFFICER

The process for making a new order is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Cabinet is asked to note the current position and approve the draft order for consultation. Any comments received as a result of consultation must be considered and reported to Council for decision as to whether or not the variation of the Order can be adopted.

A previous decision by Cabinet provided delegation to the Portfolio Holder to approve the draft order for consultation. This report is required to update all Members of the amended proposals.

SOUTH KESTEVEN DISTRICT COUNCIL
(OFF- STREET PARKING PLACES) (PAY AND DISPLAY) ORDER 2010

South Kesteven District Council (“the Council”) in exercise of their powers under Section 35 of the Road Traffic Regulation Act 1984 (as amended) (“the Act”) and of part IV of Schedule 9 of the Act and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39 (3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act and in compliance with regulations made under the Act hereby make the following Order:-

PART I – GENERAL

1. This Order is made on * and will come into effect on the *and may be cited as the South Kesteven District Council (Off-Street Parking Places) (Pay and Display) Order 2010
2. The South Kesteven District Council (Off-Street Parking Places) Order 2002 and all subsequent variations or amendments thereof are hereby revoked
3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order

(2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings hereby respectively assigned to them:-

“charging hours” – means any period specified in column 5 of Part I of the Schedule on any day prescribed in column 4 of Part I of the Schedule as a day when charges are payable

“disabled persons badge” – has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall include a badge issued under regulations having effect in Scotland or Wales under s21 of the Chronically Sick and Disabled Persons Act 1970

“disabled persons vehicle” – means a vehicle driven by a disabled person, or used at the time of parking for the carriage of a disabled person as defined in the above Regulations

“driver” – in relation to a vehicle left in a parking place means the person driving the vehicle at the time it was left in the parking place subject to the provisions of paragraphs (3) and (4) of this Article

“owner” – means the person by whom the vehicle is kept and for the purposes of this Order it shall be presumed that the owner was the person in whose name the vehicle was at the relevant time registered under the provisions of the Vehicle Excise and Registration Act 1994 and “registered keeper” shall be construed accordingly

“parking attendant” – means the officer appointed by or on behalf of the Council to supervise the parking places

“parking bay” – means the area of a parking place which is provided for the leaving of the vehicle and indicated by markings on the surface of the parking place

“parking place” – means any area of land specified in column 1 of Part I of the Schedule provided by the Council in pursuance of Section 32 (1) of the Act for use as a parking place

“parking ticket meter” and “ticket issuing machine” – means such apparatus or device as may from time to time be provided by the Council and situated in the parking place for the purpose of Article 5 hereof

- (3) Subject to paragraph (4) of this Article for the purposes of the institution of proceedings under Section 35(A) of the Act against the driver of the vehicle as the person(s) responsible for an alleged breach of the Order it shall be conclusively presumed that the registered keeper of the vehicle was the driver of that vehicle at the relevant time and accordingly that acts or omissions of the driver of the vehicle were the acts or omissions of the registered keeper PROVIDED THAT if the registered keeper is not an individual or company having independent legal identity and status or is otherwise a partnership or firm, it shall be conclusively presumed that any partner or promoter of such registered keeper was the driver of that vehicle at the relevant time
- (4) The presumption in paragraph (3) of this Article shall not apply if it is proved at the time of the alleged breach that the vehicle was in the possession of some other person or that the person against whom proceedings under Section 35(A) of the Act have been instituted was not the registered keeper or owner at the time of the alleged breach or was not a partner or a promoter of the registered keeper
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

PART II – USE OF PARKING PLACES

Use of land and parking places

4. (1) Each area of land specified by name in column 1 of Part I of the Schedule may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in Part I of the Schedule
- (2) (i) Where in Part I of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified
- (ii) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle displaying a disabled persons badge
- (iii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place

- (3) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order

Amount of initial charge at parking places

5. (1) This article applies to the parking places specified by name in column 1 of Part I of the Schedule
- (2) The initial charge for a vehicle parking in a parking place during the charging hours shall, subject as hereinafter provided, be in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule
- (3) The initial charge referred to in the last preceding paragraph shall be payable at the time of arrival of the vehicle in the parking place by the insertion into the parking ticket meter relating to the parking place of a coin or coins amounting to the value of the initial charge
- (4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of season tickets without notice
- (5) The Council may, at its discretion, issue a parking permit to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council
- (6) The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to

in this Article or any season ticket or parking permit issued under this Article in a conspicuous position on the vehicle in respect of which issued and shall cause the said ticket or tickets, season ticket or parking permit to be exhibited in that position at all times when the vehicle is parked in a parking place

Indication by parking ticket meter

6. (1) Payment of the initial charge for a vehicle left in a parking place shall be indicated by the issue of a ticket or tickets indicating that the charge has been paid on the day on which the vehicle is so left in respect of an initial period being of not more than the unexpired period of the charging hours on the day of payment
- (2) Any ticket of the type referred to in this Article shall be exhibited in the manner specified in Article 5(6) of this Order
- (3) Any ticket issued by a parking ticket meter shall be presumed unless the contrary is proved to have been issued on the date shown thereon and when the clock on the said parking ticket meter indicated the time to be that shown on the said ticket
- (4) No person shall exhibit on a vehicle left in a parking place during the charging hours any ticket or tickets issued by a parking ticket meter relating to that parking place other than the ticket or tickets issued by a parking ticket meter upon payment of the initial charge in respect of that vehicle

Amount of excess charge at parking places

7. (1) If a vehicle is left in a parking place during the charging hours for a longer period than that period for which payment was made, the amount shown in Part II of the Schedule (which amount is hereinafter referred to as the "Excess Charge") shall be payable

by the driver of that vehicle in accordance with Part II of the Schedule and Article 9 hereof

(2) If a vehicle is left in a parking place during the charging hours either:-

(i) without having paid the initial charge or

(ii) without a valid parking ticket season ticket or parking permit being displayed

the amount shown in Part III of the Schedule (which amount is hereinafter referred to as the "Excess Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 9 hereof

(3) If a vehicle is left in a parking place during the charging hours and fails to comply with Articles 4 (2), 15, 16, 21 or 23 of this Order the amount shown in Part II of the Schedule (which amount is hereinafter referred to as the "Excess Charge") shall be payable by the driver of that vehicle in accordance with Part II of the Schedule and Article 9 hereof

(4) In the case of a vehicle in respect of which an Excess Charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position or, where the driver is present, to hand to the driver, a notice which shall include the following particulars:-

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

- (b) the name of the parking place in which the vehicle is left, the date, the time at which the offence was noticed and the time at which the notice was issued;
 - (c)
 - a record of the details provided on any ticket displayed on the vehicle or alternatively a statement to the effect that no valid parking ticket was displayed or
 - a statement of the regulation which has not been complied with under this Order
 - (d) a statement of the Excess Charge which is required to be paid in accordance with paragraph 7(1), 7(2) or 7(3) of this article and the amount of the Excess Charge;
 - (e) the manner in which and the time within which and the office of the Council at which the Excess Charge should be paid; and
 - (f) a statement that it is an offence under Section 35(A) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the Excess Charge due
- (5) The provision of Section 47(6) of the Act in respect of proceedings for an offence of failing to pay an Excess Charge shall apply to this Order

Restriction on removal of notices

8. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle

Manner of payment of Excess Charge

9. The Excess Charge shall be paid to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Council at the office designated in the notice referred to in Article 7(3) hereof not later than 10.00 a.m. on the seventh day following the day on which the Excess Charge was incurred (but excluding days on which the office is closed) or in cash in person at the said office not later than as aforesaid and if applicable not later than 10.00 a.m. on the date specified in Part II or Part III of the Schedule

Legal Proceedings

10. The particulars given in the notice attached to a vehicle or handed to the driver in accordance with the provisions of this Order shall be treated as evidence in any proceedings for an offence of failing to pay an Excess Charge
11. The provision contained in Section 47(4) of the Act shall apply to proceedings brought under Section 35(A) of the Act for non-compliance with Article 9 of this Order namely failure to pay an excess charge as if the parking place concerned was a designated parking place
12. No information shall be laid before the Magistrates' Court in relation to proceedings brought under the provisions of this Order for failure to pay an Excess Charge sooner than the expiry of 14 days following the day on which it was incurred (but excluding days on which the Council offices or office are closed)

Removal of vehicle from parking place

13. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by

the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions

- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal
- (3) For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place
- (4) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle
- (5) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed
- (6) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed

- (7) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article

Miscellaneous

14. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place
15. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service
- (2) No person shall use any part of a parking place or any vehicle left in a parking place:
- (a) for sleeping or camping or cooking; or
 - (b) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place
16. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place
17. No person shall in a parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood

18. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace and whereby a breach of the peace is likely to be occasioned

19. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified

20. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place

21. In a parking place no person shall:-

- (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
- (b) light or cause or permit to be lit any fire

22. Save as provided in Article 23 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place
23. Nothing in Article 22 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-
- (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
 - (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties
24. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising
25. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order

PART III – EXEMPTION

26. (1) The driver of a disabled persons vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation of time specified in Article 4 and from any payment specified in Articles 5 and 6. A driver who is neither disabled nor carrying a disabled person at the time of parking is not exempt from the provisions of Articles 4, 5, and 6

- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when :-
- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
 - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle

PART IV – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

27. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 13 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps
28. (1) Subject to the provisions of Article 34 of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person
- (2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article 29

29. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person
30. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle
31. Subject to the provisions of Article 34 of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person
32. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person

33. Where by virtue of Article 31 or 32 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 29 and 30 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 29.
34. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 27 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article 29 of this Order
35. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the Act.
36. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 13 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 29 of this Order
37. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 35 of this Order, shall be payable within a period of one year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council

38. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 13 of this Order, reclaims the vehicle before the Council sells or otherwise disposes of it as provided for by Article 27 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the Act
39. Where under the foregoing provisions of this Part of this Order a notice is required to be, or may be, sent to a person the notice shall be sent by registered post or by the recorded delivery service

Executed as a Deed by SOUTH)
KESTEVEN DISTRICT COUNCIL)
having caused its common seal)
to be affixed hereto)

In the presence of)

SCHEDULE – PART I

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
North Street Car Park Stamford	Wholly within a parking bay	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 30 mins-1 hour - £1.00 0– 2 hours - £1.50 0 – 3 hours - £2.00 0 – 4 hours - £6.00 Over 4 hours - £8.00
Bath Row Car Park Stamford (including the river front parking)	“	“	“	“	“	“
St. Leonards Street Car Park, Stamford	“	“	“	“	“	“
Scotgate Car Park Stamford	“	“	“	“	“	“
Wharf Road Car Park Stamford	“	“	“	“	“	“

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Cattle Market Car Park Stamford	Wholly within a parking bay	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 3 hours £2.00 Up to 4 hours £2.50 ALL DAY £3.00
Cattle Market Car Park Stamford	Within one or more parking bays	Coaches	Every Day	24 hours	24 hours	£10.00 per 24 hours or part thereof

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<p>Welham Street Car Park Grantham</p> <p>Levels 1 and 2</p>	<p>Wholly within a parking bay</p>	<p>Any of the following having a height of less than 6'6" :-</p> <p>(i) Motor cars within the provisions of Section 136(2)(a) of the Act</p> <p>(ii) Motor cycles as defined in Section 136(4) of the Act</p> <p>(iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes</p> <p>(iv) Invalid carriages</p>	<p>Monday to Saturday Inclusive</p>	<p>8.00 a.m. – 6.00 p.m.</p>	<p>10 hours</p>	<p>Up to 30 mins - £0.50</p> <p>30 mins-1 hour - £1.00</p> <p>0– 2 hours - £1.50</p> <p>0 – 3 hours - £2.00</p> <p>0 – 4 hours - £6.00</p> <p>Over 4 hours - £8.00</p>
<p>Welham Street Car Park Grantham</p> <p>Levels 3,4,5 and 6</p>	<p>Wholly within a parking bay</p>	<p>Any of the following having a height of less than 6'6" :-</p> <p>(i) Motor cars within the provisions of Section 136(2)(a) of the Act</p> <p>(ii) Motor cycles as defined in Section 136(4) of the Act</p> <p>(iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes</p> <p>(iv) Invalid carriages</p>	<p>Monday to Saturday Inclusive</p>	<p>8.00 a.m. – 6.00 p.m.</p>	<p>10 hours</p>	<p>Up to 3 hours £2.00</p> <p>Up to 4 hours £2.50</p> <p>ALL DAY £3.00</p>

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Conduit Lane Car Park Grantham	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 30 mins-1 hour - £1.00 0– 2 hours - £1.50 0 – 3 hours - £2.00 0 – 4 hours - £6.00 Over 4 hours - £8.00
Guildhall Street Car Park (Greenwoods Row), Grantham	“	“	“	“	“	“
Watergate Car Park Grantham	“	“	“	“	“	“
Wharf Road Multi Storey Car Park Grantham	“	“	“	“	“	“

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Council Offices Car Park St Catherine's Road Grantham	Wholly within a parking bay	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages (v)	Saturday	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 30 mins-1 hour - £1.00 0– 2 hours - £1.50 0 – 3 hours - £2.00 0 – 4 hours - £6.00 Over 4 hours - £8.00

SCHEDULE

PART II

The Excess Charge shall be £60 provided that if the said charge is paid not later than the seventh day following the day on which it was incurred (but excluding days on which the Council office's or office is closed) in the manner provided in Article 9 hereof the charge will be reduced to £30.00

draft

SCHEDULE

PART III

The Excess Charge shall be £80 provided that if the said charge is paid not later than the seventh day following the day on which it was incurred (but excluding days on which the Council office's or office is closed) in the manner provided in Article 9 hereof the charge will be reduced to £40.00

draft

REPORT TO CABINET

REPORT OF: Portfolio Holder Corporate Governance & Housing

REPORT NO: TSE/0057

DATE: 4th October 2010

TITLE:	AMENDMENT TO SECURE TENANCY AGREEMENT	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter, portfolio holder for Corporate Governance and Housing	
CONTACT OFFICER:	Jane Booth, Service Manager, Tenancy & Neighbourhood Services Tele: 01476 406631 Email: j.booth@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Not at this stage	Full impact assessment Required:
Equality and Diversity		This will be completed following statutory consultation
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Current Tenancy Agreement	

1. RECOMMENDATIONS

Cabinet is requested to approve the proposed draft Tenancy Agreement as appended to this report for consultation with all the tenants of South Kesteven District Council in accordance with the statutory consultation process.

2. PURPOSE OF THE REPORT

The purpose of this report is to highlight some of the major changes proposed and to seek approval to start the process of adopting the new Tenancy Agreement by commencing the statutory consultation process with all of our tenants.

3. DETAILS OF REPORT

The Council is required to have a Tenancy Agreement setting out the obligations for both Landlord (South Kesteven District Council) and Tenants within our housing stock.

The current tenancy agreement was adopted by the Council in April 2002 and as legislation has changed and our policies and practices have changed there is now a need to rewrite the Tenancy Agreement in order to support and reflect these changes. Under the Housing Act 1985 we are required to consult with all of our tenants showing any proposed changes to the tenancy agreement and inviting feedback. Following this the proposed Tenancy Agreement and feedback will then go to Cabinet for any final amendments and approval.

The proposed draft Tenancy Agreement has been written using references from our current Tenancy Agreement and other examples of good practice from various Local Authorities and Registered Social Landlords. The document was drafted by an officer group comprising legal representation and officers representing the various landlord services that use the Tenancy Agreement as part of their day to day work.

This was discussed at a focus group (meeting 26th August) comprising of Officers, Tenants and Councillors representing the appropriate Policy Development Groups. The final draft document is attached at Appendix A.

The proposed document is written in a different format than the current Tenancy Agreement however most of the clauses are essentially the same and the headings follow the same sequence. The main additions and changes to the new Draft Tenancy Agreement are;

- **Our responsibilities** (Pg 8) – We propose removing the additional clause in our current agreement that states “We will carry out repairs which we are responsible for, such as repairing or replacing the fixtures and fittings we own.” We wish to remove this clause in order to put in place the proposed changes to our repairing obligations which were recommended as part of the feedback from the budget consultation exercise carried out last year.
- **Rents and other charges** (Pg 12) – We have included more information regarding service charges and support charges.
- **Antisocial behaviour** (Pg 15) – We have included “You will be asked to sign a Good Neighbour Agreement when you take on the tenancy”. This has also been added to the signatories on the final page of the agreement. We have been more specific in the requirements within this section adding a concise list of examples of antisocial behaviour breaches. We have also included “You must make yourself available at your home for interview if requested to do so given reasonable notice – at least 24 hours”. This clause would only be used for any serious cases of anti-social behaviour.
- **Repairs and Improvements** (Pg 18) – We have included “You must allow our employees and contractors to enter your home at reasonable times and at reasonable notice to service appliances and carry out improvement works to your property”. We have also included “You are expected to do certain repairs yourself which are listed in your tenants handbook.”
- **Health and Safety** (Pg 21) – We have included “You must not; prevent us and/or our representatives from servicing appliances in your home”. And “You must not; prevent us and/or our representatives from carrying out necessary repairs and/or improvement works to your home.” This will give us greater powers to service gas appliances and to carry out works to our properties. We have also added “you must not; let anyone you do not know into shared areas without appropriate identification”.
- **How you may end your tenancy** (Pg 26) – We have included “When you move out of your home, you must do the following; allow our employees and

contractors to enter your home at reasonable times to inspect it prior to you vacating the property.” And “Allow our employees to show prospective tenants around your home prior to you leaving.” These clauses have also been added for transfers with the comment “If you fail to comply with these conditions it may result in you not being able to transfer to another property.” These clauses have been included to try and prevent tenants leaving properties in a poor state of repair and incurring large costs that are often non-recoverable and to speed up the re-let process to increase the rental revenue.

- **Written permission** (Pg 28) – We have included “You must get our written permission before you; lay laminate flooring” and “lay ceramic tiles”. We would only withhold permission if the flooring or tiles would prevent us carrying out maintenance or improvements such as in upstairs rooms or where this may cause a noise nuisance to neighbours living beneath.
- **Data protection** (Pg 30) – we have included data protection and a disclosure of personal data clause to principally help us and utility companies to recover any outstanding debts which are the responsibility of the tenant.

The above examples of the changes are not exhaustive however they do show the substantive changes proposed to the Tenancy Agreement.

It is a legislative requirement that all tenants must be informed of the proposed changes and any feedback should be taken into account. It is therefore proposed to send a copy of the attached document to all tenants for comment. A final report will be prepared for a future Cabinet meeting detailing further changes made following that consultation process.

4. OTHER OPTIONS CONSIDERED

The only other option is to carry on with our current Tenancy agreement however whilst this is generally acceptable it is felt that the changes highlighted in this report are necessary to allow us to effectively manage our housing stock.

5. RESOURCE IMPLICATIONS

There will be initial printing and administration costs however if the proposals are accepted we will be able to instigate previously highlighted budget savings within the repairs service once the new agreement is in place. This will also provide ongoing cost savings by reducing the amount of repairs carried out by the Council.

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8. CRIME AND DISORDER IMPLICATIONS

The additional and amended clauses contained in the proposed Tenancy Agreement will assist officers to deal with incidents of anti-social behaviour in a more proactive way and will support us in our obligation to reduce crime and disorder.

9. COMMENTS OF SECTION 151 OFFICER

The proposed changes to the tenancy agreement will enable the allocated resources for the repairs and maintenance of the housing stock to be maximised by having clearly defined responsibilities between landlord and tenant. It is important that once the proposed changes have been made, tenant repair obligations are clearly communicated and defined in order to avoid confusion.

10. COMMENTS OF MONITORING OFFICER

The Local Authority, as landlord, is afforded general powers of management, regulation and control over its housing stock under section 21 of the Housing Act (HA) 1985.

Section 103 of the HA 1985, specifically relates to the process required to change the terms and conditions of a secure tenancy. The process is as follows:

- i) Stage 1 – service of a Preliminary Notice which:
 - a) informs the tenants of the Council’s intention to serve a Notice of Variation
 - b) specifies the proposed variations and their effects; and
 - c) invites tenants to comment on the proposed changes within a reasonable consultation period. Please note that the period of consultation is not stipulated in the Act but it must be reasonable. The report does not stipulate a period of consultation.
- ii) Stage 2 - The council must consider the comments made by the tenant within the specified consultation period
- iii) Stage 3 - Service of a Notice of Variation – this Notice must specify the variations and the date on which it takes effect and the period between the date on which it is served and the date on which it takes effect must be at least four weeks or the rental period whichever is the longest.

The report states that a copy of the new version of the tenancy agreement will be sent to all tenants for comment. However, this of itself is not sufficient to satisfy stage 1 above and a Preliminary Notice must also be served on all tenants. There is no reason why both documents cannot be served together.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

N/A

Secure Tenancy Agreement

This agreement forms a binding contract between you and us. It describes our and your rights and responsibilities.

The address of the property rented in this tenancy agreement:

.....("your home")
Type of property:

Our name and address:

South Kesteven District Council
Council Offices
St Peters Hill
Grantham
Lincs
NG31 6PZ

The name of the tenant or tenants:

..... National Insurance number:.....

..... National Insurance number:.....

("the tenant" or "you"). In the case of joint tenants, the term "tenant" or "you" applies to each of you and the names of all joint tenants should be written above. Each tenant individually has the full responsibilities and rights set out in this tenancy agreement.

This tenancy is a **secure** tenancy within the meaning of the Housing Act 1985, the terms of which are set out in this tenancy agreement. It begins on the start date listed below and will be for an initial term of one week continuing weekly thereafter until brought to an end.

This weekly tenancy starts on: Monday

Payments for your home

The weekly payments for your home at the start of this tenancy are:

(i) Rent £.....

The first rent payment date is

Service and support charge

(ii) You must also pay the following weekly charges for the following services:

Service charges:	[description]	£.....
	[description]	£.....

	Support charges	[description]	£.....
		[description]	£.....
Permitted number of occupants	Under overcrowding legislation, the maximum number of people allowed to live at your home is You must not allow more than this number to live at your home.		

If there is anything you don't understand, please contact us. You can also get help from a Citizens' Advice Bureau, Solicitor or Shelter.

Draft

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Words in bold and italics are for explanation only and do not form part of the tenancy conditions for legal purposes

1 Definitions

Assign

To transfer your right to your tenancy to someone else

Demotion (of tenancy)

Under The Housing Act 1996 and the Anti Social Behaviour Act 2003, we have the right to apply to the county court for a demotion order if you or someone living in or visiting your home has been acting or threatening to act anti socially or has been involved in unlawful conduct. This would have the effect of ending your secure tenancy and replacing it with a less secure type that we could end more easily if you continued to act in this way

Emergency services

The police, the fire brigade and the ambulance service.

Fixtures and fittings

All appliances and furnishings supplied and/or owned by us in your home, including installations for supplying or using gas, electricity and water.

Flat

A home which forms part of a larger building.

Garden

Identifiable external area for the exclusive use of the occupants of your home and which the tenant is solely responsible for maintaining

Improvements

Any alterations or additions to the property.

Local area

Local area can include all parts of the district of South Kesteven, but can be limited to specific areas where appropriate.

Lodger

A lodger is some one who lives in your home but does not have exclusive right to any one part of it. They will often receive some kind of service from you such as cooking or cleaning.

A lodger includes someone who stays at your home for longer than four weeks and pays money to you to live in your property.

Mutual exchange

To swap your secure tenancy with another tenant of another local authority or housing association with our permission

Neighbours

Your neighbours include everyone who lives in the local area, including people who own their own homes, and private and housing association tenants.

Partner

A husband or wife, or someone who you live with in a relationship.

Property/Home

The property you live in, including any garden but not including shared areas.

Relative

Parents, children, grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, step-relatives and adopted children.

Secure tenant

By law, secure tenants have the right to stay in a property. We cannot remove a secure tenant from a property unless a court grants an order for possession.

Shared areas

The parts of the building which all tenants can use, for example, halls, stairways, entrances, landings, shared gardens, lawns and landscaped areas.

Sublet

Sub-letting means that someone pays you rent to have exclusive right to part of your home.

Succession

Section 87 of the Housing Act 1985 sets out that a person is qualified to succeed if he or she occupies the property as his or her only or principal home at the time of the tenant's death and is either:

1. The tenant's spouse [or civil partner];
or
2. Another member of the tenant's family who has resided with the tenant continuously for the twelve months ending with the tenants death. Family members include husband/wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces. Step and half relatives are treated as full blood relatives.

Tenant

The person or people named on this Tenancy Agreement and the rent account.

The Council

South Kesteven District Council.

Transfer

A move by an existing SKDC Tenant from one SKDC property to another SKDC property with our written consent

Vehicle

The whole, or any substantial part of a car, bus, lorry, motorbike, bike, boat, motorised mobility scooters and so on.

We, us or our

South Kesteven District Council

Written permission

A letter from us giving you permission to do certain things.

You

The tenant and, in the case of joint tenants, any one or all of the joint tenants.

2 Secure tenancy agreement

- a By signing this tenancy agreement you are agreeing to become our tenant and are entering into a legal contract with us. If there is anything in this tenancy agreement which you do not understand, you should contact us, or get advice from a Solicitor, Shelter or the Citizens' Advice Bureau.
- b You are not entitled to assign this tenancy without a court order or with our written consent when exercising the right to exchange as set out by condition 4(h) or assigning the tenancy to someone that would have qualified under conditions 4(i) or 4(j) to succeed to the tenancy if you had died.
- c Your neighbours who are also our tenants have the same rights and responsibilities as you.
- d This tenancy agreement gives you the right to live in your home. We will not interfere with this right unless any of the following apply.
- access is required subject to reasonable notice which shall be no less than 24 hours (other than in an emergency), to inspect the condition of your home or to carry out repairs or other works to your home or adjoining property, or
 - We are entitled to possession at the end of the tenancy.
 - You break any of the conditions in this agreement. If you do we may take legal action to force you to meet the conditions or we will ask the court permission to evict you.
 - We built or adapted the property for a person with physical disabilities; and
 1. You no longer need that type of home; or
 2. We need the property for someone else with special needs.
 - We need to carry out redevelopment or major repairs to the property which we cannot do unless you move out.
 - You stop using your property as your main home.
 - There is any other reason under the Housing Act 1985, the Housing Act 1996 or any future law which persuades us to get involved. Please ask us if you need details of these laws.
- e We can repossess your home if you, or someone acting for you, have given us false information to get the tenancy.
- f You must tell us if you will be away from your home for more than four weeks. We will then know that you have not abandoned it. We need to know if your job (or other

circumstances) means that you are often away from your home or if you are away for long periods of time.

- g The people who can live at the property are those you told us about when you applied for the property. You must get our permission before anyone comes to live with you for more than 4 weeks.

We will refuse you permission to let them stay at the property if we think that they may break the conditions in this agreement or if we have already evicted your guest because of their behaviour. We will write to you giving our reasons.

Draft

3 Our responsibilities

- a We will keep the structure and exterior of your home in good repair including drains, gutters and external pipes.
- b We will keep in proper working order the installations in the property for the supply of water, gas, electricity and for sanitation including basins, sinks, baths and sanitary conveniences but not other fixtures, fittings and appliances for making use of the supply of water, gas and electricity.
- c We will keep in repair and proper working order the installation in the dwelling for heating and heating water.
- d The exceptions to the above are repairs that arise as a result of deliberate, malicious, criminal or accidental damage caused by you, people living in your home or people visiting your home.
- e We will give you help and advice if you tell us that you are the victim of antisocial behaviour (see Part 6 of this tenancy agreement).

If we do not meet our responsibilities that are given in this tenancy agreement, you can do the following.

- ❑ ***Speak to us.***
- ❑ ***Use our complaints procedure. You can get details from us.***
- ❑ ***Speak to your local councillor.***
- ❑ ***Consult the tenants handbook***
- ❑ ***Write to the Local Government Ombudsman***
- ❑ ***Take us to court. You should get advice from a solicitor, Shelter or the Citizens' Advice Bureau.***

4 Your rights

a Right to occupy

This agreement gives you the right to live in your home without any interference from us for the duration of this tenancy as long as you, your friends and relatives, and any other person living in or visiting your home (including children) do not break any of the conditions in this tenancy agreement, subject to your obligation to allow access to our employees or contractors as contained in this tenancy agreement. If any of the conditions are broken, we may apply to the court to end your tenancy.

b Right to information

You have the right;

- to see our policies on housing, re-housing and exchanges
- to see certain personal information we hold for the purpose of your tenancy or housing application. We may charge you for copies of these details.

c Right to be consulted

We will consult you over any substantial changes in housing management and consider your views before putting the changes into effect. We will consult tenants individually or through tenant's representatives, or tenants groups.

d Right to make improvements to your home

You may carry out certain alterations or improvements to your home but you must get written permission from us prior to starting any work.

We shall not unreasonably withhold our consent but it will be conditional upon the works being carried out to a certain standard. All works must adhere to current Planning and Building Regulations and Health and Safety standards.

Failure to seek our consent or to comply with our conditions shall be a breach of your obligations under this tenancy.

e Right to take in lodgers and sublet your home

You have the right to take in a lodger (as long as you do not grant a sub-tenancy or exceed the number of people allowed to live in your home (see page [2] of this tenancy agreement)). If you do take in a lodger, you must tell us immediately and inform us of their name, age, gender and details of the accommodation they will occupy.

As long as you first get our written consent, you may sublet part of your home. We may give consent subject to reasonable conditions. You may not sublet the whole of your home.

f **Right to exchange**

You can exchange your home with that of another council tenant or a housing association tenant but you, must first get our written consent. We may grant consent subject to certain conditions. We may also refuse consent in certain circumstances.

g **Succession**

Succession is the right to pass on your tenancy when you die to your partner or to a family member who has lived in your home continuously for more than 12 months. Details on how the right of succession works can be found in the Tenants' Handbook.

A “succession” is:

When you die, your tenancy will pass to your husband, wife, partner, or a relative, if they have lived with you in the property for a continuous period of more than twelve months at the time of your death.

By law, a second succession is not possible but, in certain circumstances, we may pass the tenancy to a relative. Ask Tenancy Services for more information.

If your tenancy passes to a relative when you die and the property is larger than your relative needs or has been specially adapted and no one living in your home needs that adaptation, we may move them to another suitable property. If the property passes to your partner when you die, we will not try to move them out if they stay in the property.

We may seek possession if, six months after your death, there has been no grant of probate or letters of administration.

h **Special succession rights**

If inheritance rules do not allow someone who qualifies under condition 4(i) to take over this tenancy, we may use Ground 16 of Schedule 2 of the Housing Act 1985 (this means we may seek possession on the ground of under-occupation although this ground does not apply if the successor is the spouse of the deceased tenant) (this is on the basis that you are referring to the death of a tenant and moving to another property please check this) to end this tenancy agreement and grant that person a new tenancy of your home.

i **Competing succession claims**

If more than one person would be allowed to claim the tenancy, they must decide between them who should get the tenancy. If they cannot agree, we will decide and let

the interested parties know our reasons. You should seek advice from the Council if you require any further advice on this point.

j right to buy

If you have lived in council accommodation for at least 5 years and qualify under the legislation you have the right to buy your home under the Housing Act 1985. Please ask us for more information. (Please note we would need an outright possession order and not mere rent arrears to prevent them accessing the right to buy).

If you die, the person who takes over the tenancy under the succession rights will also take over the right to buy however they must still have held a secure tenancy in their own right for a period of 5 years or more before they are entitled to rely on the right to buy.

You will not have the right to buy your home if you live in certain supported housing, or other housing excluded from the legislation.

Please contact the Council if you are unsure or need any further advice about any of the information within this section.

5 Rent and other charges

The weekly rent for your home and any applicable service or support charge are shown at the start of the tenancy on page [1]. These may be varied from time to time by us under this tenancy agreement in accordance with the provisions of this Part.

a Your rent

You must pay your rent every week in advance or at any other interval that we agree to. There are a set number of “rent free weeks” per year when no rent is due (although people with rent arrears must continue to pay in these weeks). You will be advised annually when these free weeks will be.

If you are a joint tenant, you are each responsible for paying all the rent, rent arrears and all other charges for your home when they are due. We can recover all rent arrears owed for your home from either joint tenant. So if one joint tenant leaves, the remaining tenant is responsible for any rent, rent arrears or other outstanding money owed to us.

b Changes to your rent

We may change your rent at any time. We will tell you of any change in rent at least 4 weeks before the change. But, we will still change your rent even if you do not receive this notice.

c Service charge (where applicable)

In certain properties a charge may be made for services provided. Examples of possible service charges are maintenance and replacement of septic tanks and treatment plants (where the service is currently provided by South Kesteven District Council and not by Anglian Water), use of community centres in sheltered schemes etc. We will tell you about any that apply.

d Changes to service charge

We may, after consulting the tenants affected, increase, add to, remove, reduce, or vary the services provided or introduce new services. Any such changes may either require you to pay a new service charge or affect the amount of service charge you pay.

Notice of any change in the amounts charged for services will be given to you at least four weeks before any change is made.

We will give you a summary of what is included in your service charge.

e Rent arrears and advance payments

When your tenancy ends, you must pay us any rent, charges or costs which you owe us immediately.

If you do not pay your rent, we may go to court and ask for you to be evicted from the property. You will be charged for being taken to court.

We may take any money you owe us from any money we owe you.

You may lose your home if you do not pay your rent.

f Outgoings

You agree to pay all outgoings applying to your home including council tax, water charges, drainage and electric and other costs whether metered or billed, except where these charges are included in your rent or service charges.

g Support charges (where applicable)

If we provide you with housing support services (indicated on page [1] of this tenancy agreement), for example Supporting People services, those services may include any support services (excluding personal care) which help to ensure that you:

- can sustain your tenancy; and
- allow you to live independently for as long as you are able and wish to.

At the start of your tenancy, you agree to accept the level of support services made available to you in order to ensure the necessary standard of independence is achieved by you.

We may vary the charges for these services from time to time. We will increase charges at the same time as your rent and service charge and by giving you at least four weeks notice in writing, but not more than once a year unless there is a change in the services provided. In varying these charges, we will limit any increase in charges for the support services provided with reference to the level of charges approved by the Council in its capacity as the Supporting People Authority which is presently Lincolnshire County Council.

If, instead of us providing you with support services, a support provider provides you with support services, then you will be responsible for entering into a separate

agreement with that service provider with respect to the provision of those services and to pay for that support in accordance with that separate agreement and in addition to any rent or service charge which is payable in accordance with this tenancy agreement.

h Housing Benefit

We will provide you with help and advice on claiming Housing Benefit.

If your circumstances change, altering your entitlement to Housing Benefit, you must inform us immediately. We may recover from you any overpayment which is lawfully recoverable.

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6 Antisocial behaviour

You and any joint tenants are responsible for your behaviour and the behaviour of your children and anyone else living with or visiting you while they are in your home (including shared areas such as landings, stairways, foyers, lifts, courtyards, gardens and parking areas).

The local area includes play areas, streets, shopping areas, community buildings and facilities, and any area within the district of South Kesteven.

You will be asked to sign a Good Neighbour Agreement when you take on the tenancy.

- a You, your friends and relatives, and any other person living in or visiting your home (including children) must not:
- do anything which causes or is likely to cause a nuisance or annoyance to anyone in the local area;
 - do anything which interferes with the peace, safety, comfort and/or convenience of other people living in, visiting or working in the local area;
 - use your home for any criminal, immoral or illegal purpose, including selling, producing or using any illegal drugs, or storing or handling stolen goods;
- b Antisocial behaviour includes (but is not limited to):
- using or threatening to use violence;
 - excessive noise including loud music;
 - banging and slamming doors;
 - damaging property;
 - drug and alcohol abuse;
 - playing ball games close to properties other than on designated play areas;
 - skateboarding and cycling on footpaths and balconies;
 - dumping rubbish;
 - being drunk in public;
 - persistent dog barking and/or not keeping your pets under control;
 - criminal activity in properties;
 - spraying graffiti;
 - domestic abuse
 - throwing things out of windows;
 - prostitution;
 - dealing in pornography;
 - breaking shared security, for example, allowing strangers to get into the building;
 - not keeping your children under control;
 - regular car repairs or car repairs at unreasonable hours;
 - verbal abuse
 - harassment (see clause 6c below).
- c You, your friends and relatives, and any other person living in or visiting your home (including children) must not commit any form of harassment, or threat of harassment,

on the grounds of race, colour, religion, gender, sexual orientation, age or disability which may interfere with the peace and comfort of, or cause offence to, other persons in the neighbourhood or to any of our tenants, employees, agents or contractors. This includes (but is not limited to):

- Racist behaviour or language
 - Using or threatening to use violence
 - Using abusive or insulting words or behaviour
 - Damaging or threatening to damage another person's home or possessions
 - Writing threatening, abusive or insulting graffiti.
- d We may ask you to enter into an acceptable behaviour contract that you will not continue or allow to continue any antisocial behaviour.
- e You must make yourself available at your home for interview if requested to do so given reasonable notice. – at least 24 hours
- f We may take legal action to evict you if you, your friends and relatives and any other person (including children) living in or visiting your home behave antisocially and we will not find you a new home if you are evicted because of antisocial behaviour.

7 Using your home

- a. You, your friends and relatives, and any other person living in or visiting your home (including children) must not use your home other than as a private home.
- b. You, your friends and relatives, and any other person living in or visiting your home (including children and pets) must not damage, vandalise or remove any part of the property.
- c. You must make yourself available at reasonable notice, at either your property or an agreed venue to discuss issues relating to your tenancy.
- d. You must inform us if you are away from your property for a period more than four weeks
- e. You must, given reasonable notice, allow our employees and/or contractors access to your property to inspect it and/or carry out any repairs, servicing or improvement works to the property. All our employees and contractors will wear identification.
- f. You must not run a business from your home without our written permission. We will not refuse permission unreasonably unless we feel that the business is likely to cause a nuisance to other people or damage your home. If, after we have given our permission, the business causes a nuisance, we will give you written notice that we withdraw our permission.
- g. Examples of businesses that we may not allow you to run from your home include:
 - ❑ car repair and maintenance businesses;
 - ❑ printing businesses;
 - ❑ any business where you would have to use hydraulic equipment, industrial sewing machines or controlled substances such as chemicals;
 - ❑ shops or wholesale businesses where customers would have to visit your home; and
 - ❑ any business that would mean more than your own vehicle being parked outside your home, for example, a taxi or vehicle hire company.

8 Repairs and Improvements

- a You must report immediately upon becoming aware any repairs that need carrying out to your home which we are responsible for.
- b You are responsible for repairs which are necessary because you did not report another repair to us.
- c You are responsible for the cost of any items in your property such as furniture, clothing, floor coverings etc that are damaged as a result of a repair unless due to negligence by our contractors.
- d You must allow our employees and contractors to enter your home at reasonable times and at reasonable notice to inspect it or carry out repairs.
- e You must allow our employees and contractors to enter your home at reasonable times and at reasonable notice to service appliances and to carry out improvement works to your property.
- f If there is a risk of damage to your home or to other properties, or of injury to people, we may need to give you 24 hours' or less notice in an emergency that we need to enter your home. We will charge you the cost of getting into your home if you try to prevent us from entering.
- g You are responsible for the cost of repairs that are the result of neglect or misuse, or deliberate, malicious, criminal or accidental damage by you, people residing in your home or people visiting your home. This includes the cost for putting right any improvements/alterations carried out by you, people residing in your home or people visiting your home without obtaining the correct permissions..
- h Contact us immediately if the drains of your home become blocked. If you have caused the blockage by not using the drains properly, we will charge you for the work.
- i We reserve the right to do any repairs that are your responsibility if it is not put right within a reasonable period of time and recover all our costs from you. We will tell you about this and give you an opportunity to get the repair completed to an acceptable standard.
- j You are expected to do certain repairs yourself which are listed in your tenants handbook.
- k You must not make any structural change to your home without our written permission. If we refuse permission, we will give you our reasons in writing. If we give our permission, we may set certain conditions. If you do not meet the conditions, we may take away our permission. Structural work includes (but is not limited to) alterations to or removing walls, floors, ceilings, roofs and water, electricity and gas services.
- l All work that is done at your home must be carried out by a qualified contractor to an acceptable standard and you must obtain any necessary permissions (for example planning permissions and building regulations consents).

- m You must inform us once any work is complete. The council reserve the right to inspect such improvement works. If the work is unsatisfactory we will either instruct you to carry out extra works or we will carry out any extra work required and you will be charged.
- n You must not fit a CB or Radio aerial or satellite dish at your home without our written permission (you may also need planning permission).
- o You are responsible for repairing and maintaining all improvements and fixtures and fittings you install at your home. These improvements will become our property when you move out. If you take them with you when you move, you must put the property back to the way it was before you improved it. If you don't, we will charge you for the work.
- p You are responsible for insuring the contents of your home. We are only responsible for insuring the building.

For more information on repairs and what you are responsible for, please read the Tenants' Handbook.

9 Hygiene

- a You, your friends and relatives, and any other person living in or visiting your home (including children) must:
- Keep your home free from fleas, rats, mice and other pests.
 - Keep your home clean and tidy. If you don't, we will charge you for any work we need to do because of this, such as removing rubbish, dealing with pests etc.
 - Keep all shared stairways, halls and landings clean. You must not leave any personal belongings or rubbish in these areas. We may remove and dispose of anything you leave in these areas and charge you for the work.
 - Keep your home free from bad smells..
 - Keep all shared areas free from obstructions. Examples of items not to be left in communal areas include bikes, motorcycles, pushchairs, plants, furniture, mobility scooters etc.
- b You must act immediately to deal with any infestation of fleas, rats, mice or other pests in your home or garden.
- c You must store your refuse hygienically at your home or in the designated refuse storage area and ensure that it is presented correctly and available for collection in accordance with the local authority's instructions.
- d If we have to move items stored or abandoned in communal areas , we will not be responsible for any loss you may suffer and may charge you for the costs incurred.

10 Health and safety

- a You, your friends and relatives, and any other person living in or visiting your home (including children) must not:
- use portable oil, paraffin or gas cylinder heaters in your home without our written permission;
 - store inflammable materials or gas anywhere at your home without our written permission;
 - store any vehicles which are powered by petrol, diesel, paraffin, electricity or gas in shared areas;
 - store any appliances which are powered by petrol, diesel or paraffin at your home, except lawn mowers and garden equipment;
 - obstruct any corridors used as fire escape routes in shared areas;
 - interfere with the correct use of fire or security doors;
 - interfere with any equipment for detecting or putting out fires in your home;
 - interfere with any equipment for detecting carbon monoxide in your home;
 - prevent us and/or our representatives from servicing appliances in your home.
 - prevent us and/or our representatives from carrying out necessary repairs and/or improvement works to your home.
 - do anything in your home which could cause a danger to anyone in your home or in the local area;
 - throw anything through the windows of your home or off balconies;
 - leave syringes/needles in areas where people in the local area may come into contact with them. They must be properly and safely stored in purpose-made sharps containers and disposed of in the correct manner.
 - let anyone you don't know into the shared areas without appropriate identification;
 - put anything on a window ledge or balcony which could be a danger to anyone living in or visiting your home or the local area;
 - shake mats or carpets from the windows or balconies;
 - withhold information from the police about any burglary or damage caused by a criminal act at your home; or
 - delay telling us about any damage to your home;

- you must inform us if you use/store medical oxygen at your home. You must also display appropriate chemical hazard warning signs outside your home.

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11 Animals

a You, your friends and relatives, and any other person living in or visiting your home (including children) must not do the following without our written permission.

- Keep any animal or animals which we feel is/are unsuitable.

Unsuitable animals may include (but are not limited to) wild animals; insects, spiders, fish and snakes which are poisonous or dangerous; large animals or reptiles; livestock. If you are not sure whether an animal is suitable, please contact us.

- Keep a dog or cat in a flat with a shared entrance (unless it is a registered dog trained to assist with disabilities), unless your tenancy agreement started before 1 April 2002 before which you had a dog or cat, you can continue to keep it at your home. You cannot however get another dog or cat in the future unless it is a registered dog trained to assist with disabilities.
- Breed any animals or birds at your home.
- Allow any animal or animals you keep at your home to cause a nuisance to anyone in the local area, including our employees, contractors and agents.
- If your animal/s causes nuisance to any of the neighbours and we may ask you to remove it/them from your home.
- Allow your animals to foul any area owned by us (you must remove and dispose of any mess hygienically).

b In properties without shared entrances, you may not keep more than two domestic animals (dogs or cats) without our written permission.

c You must get our written permission to build an animal or bird enclosure. If we give our permission, we may set conditions that you must keep to. If you do not meet the conditions, we may take away our permission. We may also withdraw our permission if the animals or birds cause a nuisance.

12 Gardens

- a You must keep all garden areas neat and tidy. If you don't, we may do it for you and charge you for the work.
- b You must not put a greenhouse, garage, shed or animal/bird enclosure in your garden without getting our written permission.
Even if we give our permission, you may still need to get planning permission and meet building regulations. We may withdraw our permission if the greenhouse, garage, shed or animal/bird enclosure causes a nuisance.
- c You must not remove, add or alter a fence, hedge, tree or boundary line at your home without getting our written permission.
- d You must not store rubbish, furniture, vehicles or appliances in the garden area. If you do, we may remove the items and charge you for doing this. We will give you 24 hours' notice that we will be removing the items.
- e If you do not keep your garden neat and tidy, we may take legal action to force you to meet the conditions or we may ask the court for permission to evict you.
- f You must not create or light an open fire in your garden.
- g You must not park any vehicle in your garden unless a garage or hardstanding and a vehicular access path and dropped kerb is provided (see also Clause 13).
- h. You should clear up all cuttings, litter and rubbish and get rid of it appropriately.

13 Vehicles

- a You, your friends and relatives, and any other person living in or visiting your home (including children) must not do the following
- ❑ Park or store any vehicle anywhere on the property (including grass verges and boundaries owned by us) unless you are using a garage, parking area or a drive with a dropped kerb.
 - ❑ Park any vehicle on communal grassed areas or roadside verges owned by us.
 - ❑ Build a parking space, garage or drive without our written permission.
 - ❑ Park any motorhome, caravan, boat or business vehicle at your home without our written permission. If you do you will be asked to remove it.
 - ❑ Repair or have for sale any vehicle not owned by yourself at your home or any other land owned by us. If we suspect that you are repairing such a vehicle, we may ask you to prove that you own the vehicle.
 - ❑ Park any vehicle which is illegal or is not roadworthy on any land that belongs to us. If you do, we may remove the vehicle. We will give you 24 hours' notice.
 - ❑ Double park vehicles or park in a way which causes an obstruction to other road users, including emergency services' vehicles.
 - ❑ Allow anyone, other than your relatives, visitors and friends, to park at your home.
 - ❑ Sell, rent or give away a parking space or permit which we provide for you.
- b If we give our permission to build a parking space, garage, dropped kerb or drive, it must be built to a standard design. We will withdraw our permission if the parking space, garage, dropped kerb or drive causes a nuisance. A dropped kerb may need planning permission and will need to be to a standard set by the relevant Highways Authority.
- c We will not be responsible for damage to your vehicle if we have to remove it.

14 How you may end your tenancy

- a When you move out of your home, you must do the following.
- Give us four weeks' written notice that you want to leave. This can be reduced to two weeks in the event of the death of a tenant.
 - Give us all the keys including any door entry fobs to your home on the day you leave. If you do not give us any of these items, we will charge you for the cost of replacing the keys and locks of the property.
 - Pay all the rent and other charges up to the date of the end of your tenancy.
 - Remove all your furniture, and personal fittings and belongings from your home unless specified items have been authorised to be left on the pre-termination visit. We will remove any items you leave behind and will charge you for the work necessary if no agreement has been made.
 - Remove all rubbish from inside and outside your home.
 - Remove any greenhouse, garage, shed or animal/bird enclosure you have put in the garden unless we agree you may leave it in writing.
 - Make sure all the fittings and fixtures you have installed and which you are leaving in the property are in good working order.
 - Replace or repair broken items which belong to us.
 - Leave your home clean and tidy. We will charge you if we have to clean or repair any damage to the property.
 - Allow our employees and contractors to enter your home at reasonable times to inspect it prior to you vacating the property.
 - Allow our employees to show prospective tenants around your home prior to you leaving.
 - If gas appliances are removed, make sure that all exposed pipes are capped off.
 - Make sure that electricity, gas and water meters are read and the relevant suppliers informed.
 - Give us your new address and contact details
- b If you owe us money for rent or other charges when you leave your home, you must make arrangements with us to pay the debt. We may refuse to provide you with alternative accommodation if you do not do this.

- c If you are a joint tenant, the whole tenancy will end if you or another joint tenant leaves or gives notice. You will not have an automatic right to continue living in the property if a joint tenant has moved out or terminated the tenancy.
- d You must not leave anyone else in the property when you leave. You cannot transfer your tenancy to someone else unless otherwise provided for in this tenancy agreement. If you do leave anyone in the property, we will evict them through the court as they will be living there illegally. We will charge you the cost of doing this.

TRANSFERRING TO ANOTHER PROPERTY

You must -

- Allow our employees and contractors to enter your home at reasonable times to inspect it prior to you vacating the property.
- Allow our employees to show prospective tenants around your home prior to you leaving.
- Ensure the condition of the property is acceptable (clean, free from damage and in reasonable decorative order).

If you fail to comply with these conditions it may result in you not being able to transfer to another property.

15 Written permission

- a You must get our written permission before you:
- make improvements to your home (see condition 4(d));
 - run a business from your home (see condition 7(f));
 - carry out alterations to your home (see condition 4(d));
 - put a garage, greenhouse, shed or bird/animal enclosure in the garden (see conditions 11(c) and 12(b));
 - lay laminate flooring;
 - lay ceramic floor tiles;
 - fit a CB aerial or satellite dish (see condition 8(n));
 - use portable oil, paraffin or gas cylinder heaters in your home without our written permission (see condition 10 (a));
 - store inflammable materials or gas anywhere at your home without our written permission see condition 10 (a);
 - build a parking space, garage or drive (see condition 13(a));
 - remove, add, alter or replace any walls, hedges, fences or trees(see condition 12(c));
 - sublet any part of your home or take in a lodger (see condition 4(g));
 - exchange or transfer your home(see condition 4(h));
 - keep certain animals (see Part 11);
- b Where we are asked to give permission under one of the headings listed in condition 16(a), such permission shall not be unreasonably withheld.
- c To apply for our written permission, please contact us. Contact details are available in the tenants' handbook.

Before we give you our written permission, you may need to get planning permission and meet building regulations.

We may withdraw our permission if you cause a nuisance

16 Written notices

- a We will deliver all letters and notices to you by hand at your home, or send them by first class post to your last known address.
- b We will assume that you have received all letters and notices within 72 hours if we posted them, or within 24 hours if we delivered them by hand.

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17 Data Protection

You consent to us holding and processing any personal information (including sensitive personal data) that you have provided or which has been provided by third parties or will be provided in the future to perform our functions. This may include disclosure to certain third parties who are able to show that they are entitled to receive the information (utility companies, contractors and other service providers). We comply with the Data Protection Act 1998 when dealing with personal data. This means that your personal data will be processed in accordance with the law.

DISCLOSURE OF PERSONAL DATA

In signing this tenancy agreement you consent to your personal data being disclosed to utility companies on termination of your tenancy for the purpose of the utility companies recovering any outstanding monies owed to them insofar as they relate to this tenancy agreement.

18 Signatories

I/We have read this tenancy agreement/ had this tenancy agreement read to me/us [*delete as appropriate*], and understood and accept the terms and conditions of this tenancy agreement.

I have read the Good Neighbour Agreement/had the Good Neighbour Agreement read to me/us (*delete as appropriate*) and understood and accept the terms and conditions of the Good Neighbour Agreement.

In the case of a joint tenancy, each of you must sign

Signed by the tenantDated

.....Dated

.....Dated

Signed

Dated

on behalf of South Kesteven District Council

If you have any problems concerning your home then you should contact us for help and advice. It is important to keep the obligations that you make in this tenancy agreement. You must remember that the way you behave can affect other people. If you behave badly and cause problems for your neighbours, their visitors or those working in the area you could lose your home.

We operate a complaints procedure that is detailed in the Tenants' Handbook.

You can obtain further advice and information about your legal remedies from a local Citizens' Advice Bureau, Law Centre or Solicitor. You can also complain to the Independent Housing Ombudsman, although you should first try to resolve your complaint through our complaints procedure.

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