

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 20 SEPTEMBER 2011
at
<u>1.00 PM</u>
* PLEASE NOTE TIME OF MEETING *
(THE LATE REPORT WILL BE AVAILABLE IN THE MEMBERS' ROOM FROM 12 NOON)
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillors Parkin (Chairman); Wilkins (Vice-Chairman); Ashberry; Cook; Higgs; Howard; Mrs Kaberry-Brown; Vic Kerr; King; Morgan; Powell; Jacky Smith; Mrs Judy Smith; Stevens; Adam Stokes; Sumner and Wren
Committee Support Officer:	Malcolm Hall Tel: 01476 406118 m.hall@southkesteven.gov.uk

(PLEASE NOTE THAT THERE WILL BE A COMFORT BREAK AT 3.00PM FOR TEN MINUTES)

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting

4. MINUTES OF MEETING HELD ON 23RD AUGUST 2011

(Enclosure)

5. PLANNING MATTERS

To consider applications received for the grant of planning permission – reports prepared by the Case Officer.

(Enclosure)

6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA908 by the Acting Lead Professional

(Enclosure)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 23 AUGUST 2011, 1PM



COMMITTEE MEMBERS PRESENT

Councillor Ashberry	Councillor Powell
Councillor Cook	Councillor Jacky Smith
Councillor Higgs	Councillor Mrs Judy Smith
Councillor Howard	Councillor Stevens
Councillor Mrs Kaberry-Brown	Councillor Adam Stokes
Councillor Vic Kerr	Councillor Sumner
Councillor King	Councillor Wilkins
Councillor Parkin (in the Chair)	Councillor Wren

OFFICERS

Acting Lead Professional (Paul Green)
Principal Planning Officers (Kevin Cartwright, Justin Johnson)
Planning Technician (Tim Robertson)
Planning Policy and Partnerships Service Manager (Karen Sinclair)
Committee Support Officer (Malcolm Hall)
Assistant Solicitor (Paul Rushworth)

25. DECLARATIONS OF INTEREST

Councillor Stokes declared a personal and prejudicial interest in application KJC1, as he knew the landowner well, and a personal interest in application JJ5, as a member of the applicant body (Lincolnshire County Council).

26. MINUTES OF MEETING HELD ON 26 JULY 2011

The minutes of the meeting held on 26th July 2011 were approved as a correct record of decisions taken.

27. PLANNING MATTERS

Decision:-

To determine applications, or make observations, as listed below:

(1:03pm – Councillor Stokes left the meeting, having declared an interest)

KJC1

Application ref: S10/2106/MJRF

Description: Demolish existing dwelling and garage and construction of 13 dwellings and associated garages

Location: 53 and land to the rear of No.s 45 - 59 (inclusive), Harrowby Lane, Grantham, NG31 9HZ

Decision: Deferred

Noting comments made during the public speaking session from:

- Andrew Chamberlain – objecting

together with no objection from the Highway Authority or Environment Agency, comments from the Projects and Partnerships Officer (Affordable Housing), Environmental Protection (contamination), Historical Environment Officer, Primary Care Trust, Lincolnshire County Council Education, Lincolnshire Crime Prevention Officer, Planning Policy, Upper Witham Internal Drainage Board, Anglian Water and the Community Leisure Officer together with a number of letters of objection from nearby residents, submissions in support from the applicant and a note of the Section 106 Heads of Terms; the late information report circulated to Members at the meeting, including additional comments from the Highway Authority and in regard to drainage and trees, together with officer comments thereon and suggested amendments to conditions, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Acting Lead Professional, after consultation with the Chairman or Vice-Chairman, subject to the summary of reasons referred to in the case officer's report and subject to the completion of a Section 106 Agreement in relation to developer contributions, to the submission of a protected species survey and to appropriate conditions as listed in the report and in the late report, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding 6 weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the 6 week period, and where in the opinion of the Acting Lead Professional acting in consultation with the Chairman or Vice-Chairman, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be an unacceptable development

acceptable have not been forthcoming.

(1.38pm – Councillor Stokes returned to the meeting)

JJ1

Application ref: S11/1050/MJRR

Description: Reserved matters application for 120 dwellings and associated public open space and allotments

Location: Land at, Godsey Lane/Towngate East, Market Deeping

Decision: Approved

Noting comments made during the public speaking session from:

- John Jennings – agent

together with an objection from Market Deeping Town Council, no objection from Natural England, the Leisure Officer, Partnership Project Officer, Environment Officer, Highway Authority, Lincolnshire County Council Planning, Lincolnshire Wildlife Trust and the Environmental Protection Officer, comments from the Community Archaeologist, representations from nearby residents and a note of the Section 106 Heads of Terms; late information report including the comments of Heritage Lincolnshire together with officer comment thereon and a proposed change in the conditions, and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated report, and subject also to the following conditions:

1. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.
2. The arrangements shown on the approved plan P.0668_01-2G dated 5 August 2011 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
4. No sheds or other storage buildings shall be constructed or placed on the site of the allotments until the precise details have been

submitted to and agreed in writing by the District Planning Authority.

5. No animals or birds or other livestock shall be kept on the allotments hereby approved, other than those allowed by the Allotments Act 1950 (That is hens and rabbits only and no cockerels).
6. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

P.0668_01-2G Received on 5 August 2011
P.0668_2-1A Received on 5 August 2011
P.0668_7-1 Received on 11 May 2011
P.0668_04-1 Received on 11 May 2011
P.0690_01-B Received on 5 August 2011 (Sheets 1-3)
P.0668_2-9 Received on 11 May 2011
P.0668_2-8 Received on 11 May 2011
P.0668_2-7 Received on 11 May 2011
P.0668_2-6 Received on 11 May 2011
P.0668_2-5 Received on 11 May 2011
P.0668_2-5 Received on 11 May 2011 (Plot 46)
P.0668_2-4 Received on 11 May 2011
P.0668_2-4 Received on 11 May 2011 (Plot 110)
P.0668_2-3 Received on 11 May 2011
P.0668_2-2 Received on 11 May 2011
P.0668_2-1 Received on 11 May 2011
P.0668_2-13 Received on 11 May 2011
P.0668_2-13 Received on 11 May 2011 (PLots 55 & 92)
P.0668_2-12 Received on 11 May 2011
P.0668_2-11 Received on 11 May 2011
P.0668_2-10 Received on 11 May 2011
P.0668_2-14 Received on 11 May 2011

8. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall also include details of the proposed construction method and depth of the foundations. The development shall only be carried out in strict accordance with the approved scheme.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the

public highway the developer must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

2. You are reminded of the need to comply with the conditions on the substantive outline planning consent S10/0934.
3. This consent should be read in conjunction with the Legal Agreement (S106) dated 6 January 2011

JJ2

Application ref: S11/1157/MJRO

Description: Application to extend time limit for implementation of application S06/1388 for residential development

Location: Anglia Regional Co-Operative Site, Manning Road, Bourne

Decision: Deferred

Pending negotiations with the applicants with regard to the Section 106 terms.

JJ3

Application ref: S11/1158/MJRO

Description: Application to extend time limit for implementation of application S08/0286 for residential development (up to 29 units) with associated access and landscaping

Location: Mays Garage, Spalding Road, Bourne, Lincolnshire, PE10 9LE

Decision: Deferred

Pending negotiations with the applicants with regard to the Section 106 terms.

JJ4

Application ref: S11/1253/MJNR

Description: Reserved Matters for nursing home and associated landscaping

Location: Land between Bowling Green and No. 53, Spalding Road, Deeping St. James

Decision: Deferred

(2:15pm Councillor Wren left the meeting).

Noting no objection from the Environmental Protection Officer and comments from the Highway Authority, Environment Agency and Parish Council, together with objections from nearby residents and businesses and a letter from the developer including a letter from Deepings Arts to the Parish Council in support of the application; the late information report circulated to Members at the meeting in relation to the boundary treatment to the front of the property and a proposed additional condition, together with comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Acting Lead Professional, after consultation with the Chairman or Vice-Chairman, subject to no adverse observations from the Highway Authority in relation to the travel plan to be submitted, subject also to appropriate conditions as listed in the agenda and in the late report.

JJ5

Application ref: S11/0673/FULL

Description: Application for new planning permission to replace extant planning permission S08/0277 for conversion of existing barns to three dwellings and erection of two dwellings

Location: Home Farm, High Street, Morton, Bourne, PE10 0NR

Decision: Approved

Noting comments from the Projects and Partnership Officer (Affordable Housing), no objection from the Rights of Way Officer, Parish Council or Heritage Lincolnshire, and a note of the Section 106 Heads of Terms; late information report circulated to Members at the meeting, including comments from the Council's viability consultants in regard to the viability assessment submitted with the application, together with officer comments thereon and a recommendation to approve without the requirement for a Section 106 contribution for affordable housing; report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated report and subject also to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. The development hereby approved shall be carried out in strict accordance with the mitigation measures outlined in the Protected Species Report prepared by Richard Fox received on 21 March 2011.
7. Large scale details of all external joinery, to a scale of not less than 1:10, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
8. Before the dwellings are occupied, the access and turning spaces shall be completed, in accordance with the approved plan number 00 received on 14 February 2008, and retained for that use thereafter.

Note(s) to Applicant

1. The applicant is advised to contact the Senior Highways

Officer, Carl Abram, at Lincolnshire County Council on 01522 782070, with regard to diverting the Public Right of Way that crosses the site. The comments of the Lincolnshire County Council are enclosed for your information.

JJ6

Application ref: S11/0255/FULL

Description: Two storey three bedroom dwelling with dormers in roof

Location: 24, Harvey Close, Bourne, Lincolnshire, PE10 9QJ

Decision: Approved

Noting no objection from Heritage Lincolnshire or Bourne Town Council and letters of objection from nearby residents; the late information report circulated to Members at the meeting, including the recommendation for additional conditions requiring tree protection measures and details of the existing and finished ground levels to be provided, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated report, and subject also to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.
3. No construction works, movement of construction traffic, and deliveries to and from the premises shall occur other than between 0730 and 1830 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

SA/SF/042/10 Sheet 1 Rev A received on 14 June 2011

5. The first floor en-suite windows shall not be glazed otherwise than with obscured glass. The window shall be permanently retained in that condition thereafter. The window shall be obscured to a minimum level of Pilkington Glass level 3 or equivalent.

6. No works shall commence on the site until such time as a scheme for protecting the existing trees on and adjacent to the site during the construction process (including root protection) has been submitted to and approved in writing by the Local Planning Authority and implemented to its satisfaction. Such protection as is agreed shall be maintained during the course of the development.
7. No works shall commence until such time as a scheme indicating the existing and proposed ground and finished floor levels in relation to adjacent buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

PG1

Application ref: S11/1239/FULL

Description: Detached dwelling

Location: 18, Victoria Place, Bourne, Lincolnshire, PE10 9LJ

Decision: Approved

Noting an objection from the Town Council and no objection from the Highway Authority, together with comments from the Archaeologist, report of the site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated report, and subject also to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Before the dwelling is occupied the access, turning space and parking area shall be completed in accordance with the approved plan dated the 31st May 2011 and retained for that use at all times.
4. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority

and shall include the anticipated working methods, time scales and staffing levels. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

5. No development shall commence until the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and the dwelling shall not be occupied before it is connected to the agreed drainage system.

Note(s) to Applicant

The applicant and any future owner of the site should be aware of the need to prepare a detailed archaeological project specification in consultation with the Historic Environment Team (Heritage Trust for Lincolnshire) at Sleaford Tel: 01529 461499

EXCLUSION OF THE PUBLIC

It was proposed and seconded that:

IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT, THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 2, 5 AND 6 OF PART 1 OF SCHEDULE 12A OF THE ACT.

This proposition was approved.

(2:55pm – The press and public left the meeting).

28. PROPOSED TREE PRESERVATION ORDER

Decision:-

That authority be given for a Tree Preservation Order to be made in regard to the group of six trees within Deeping St. James church yard, Church Gate, Deeping St. James, as now specified.

Members had before them report PLA906 from the Area Planning Officer in relation to a proposition to make a Tree Preservation Order with regard to a group of trees within St. James' church yard, Deeping St. James. The report set out when Tree Preservation Orders should be used. It was agreed the six trees had collective merit in terms of their overall amenity

value and impact upon the churchyard. The area proposed to be included in the Order was shown in the plan attached to the report.

It was proposed, seconded and agreed that authority be given for the making of a Tree Preservation Order in respect of the group of trees within Deeping St. James church yard as now identified and specified.

29. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA908 listing details of applications not determined within the 8-week time period. Also submitted was a list of applications dealt with under delegated powers and a planning appeals update/summary including copies of appeal decisions, as at the end of July 2011.

30. CLOSE OF MEETING

The meeting closed at 2:59pm.

Agenda Item 5

COMMITTEE: 20 SEPTEMBER 2011

NO	PAGE	PROPOSAL AND LOCATION	REC	
RV1	11/1705	1	Conversion and change of use from residential to veterinary clinic, 15 Church Street, Market Deeping PE6 8DE	R
PL1	11/0761	5	Residential development for 4 no. 2 storey dwellings and creation of new access, 51 Barrowby Road, Grantham NG31 8AA	AC
JJ1	11/1391	12	Two detached dwellings, Casterton House, Casterton Road, Stamford PE9 2UA	R
JJ2	11/1157	17	Application to extend time limit for implementation of application S06/1388 for residential development, Anglia Regional Co-operative Site, Manning Road, Bourne	AC
JJ3	11/1158	25	Application to extend time limit for implementation of application S08/0286 for residential development (up to 29 units) with associated access and landscaping, Mays Garage, Spalding Road, Bourne PE10 9LE	AC
KJC1	11/0594	35	Variation of Condition 1 of S00/0471 to permit an increase in the number of shooting days from 50 to a maximum of 120 days per calendar year, Stubton Gorse, Stubton NG23 5DA	AC
KJC2	11/1501	50	60 bed residential Nursing and Dementia Home (Class C2) and 72 no. extra care apartments (Class C2) with associated car parking and landscaping, Land off Springfield Road, Grantham	AC
JST1	11/1210	62	Internal alterations to listed building, 4 Barn Hill, Stamford PE9 2AE	AC
JST2	11/1209	67	Erection of fence, 4 Barn Hill, Stamford	AC
JST3	11/1430	71	Change of use of industrial unit (B1, B2, B8) to fitness centre (D2), Unit D, Bentley Business Park, Northfields Industrial Estate, Market Deeping PE6 8LD	R
JST4	11/1804	77	Section 73 application to vary condition 12 (installation of MOVA traffic equipment) and condition 14 (amended plans) of S08/0850, Unit 1, Markham Retail Park, Ryhall Road, Stamford PE9 1UG	AC
JST5	11/1805	83	Section 73 application to vary condition 8 (installation of MOVA traffic equipment) and condition 11 (amended plans) of S08/0848, Unit 1, Markham Retail Park, Ryhall Road, Stamford	AC
JST6	11/1751	89	Demolition of existing commercial buildings and erection of 3 terrace dwellings, Land between 2 Coggles Causeway and 2 South Road, Bourne	AC

AGENDA ITEM

Development Control Committee 20 September 2011

RV1 **S11/1705/FULL**

Target Decision Date: 20-Sep-2011

Applicant	Miss R Kuttel, Animates Veterinary Clinic Ltd 2, The Green, Thurlby, Bourne, Lincolnshire, PE10 0EB
Agent	
Proposal	Conversion and change of use from residential to veterinary clinic
Location	15, Church Street, Market Deeping, Peterborough, Lincolnshire, PE6 8DA
App Type	Full Planning Permission
Parish(es)	Market Deeping

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the development Control Committee at the request of the District Councillor due to the controversial nature of the proposal and strong local objection. .

The Proposal

The proposal is for the change of use from residential bungalow to veterinary clinic. The scheme will have little or no change to the external appearance of the unit but does change both front and rear garden areas into car parking for staff and visitors respectively.

The application site and its surroundings

The site is located to the east of Church Street at its junction with The Orchard. The existing dwelling is a substantial detached unit, similar to other dwellings along The Orchard street frontage and located on a reasonable sized rectangular plot. The parish church and rectory are immediately to the north of the site.

Site History

None relevant.

Planning Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy.

Policy EN1 – Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 4, 5 and 10 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings, the quality and character of the built fabric and visual intrusion.

Representations Received

District Councillor has requested Committee consideration as this is entirely the wrong place, application is controversial, out of keeping with the character of the area, traffic problems and within the Conservation Area.

The Town Council have strong objections on the grounds that the site is offset to the crossroads on a busy junction, when church services take place traffic congestion is already a problem and the proposal is out of keeping with the residential nature of the area. They also requested Committee consideration of this application.

Archaeology – No known affect.

Environmental Protection Officer has noted dog kennels and cattery are all internal and so there should be no noise problems from animals. There will an arrangement for clinical waste to be collected by Lakeview Pet Crematorium. Therefore no objection is raised to the proposal.

Lincolnshire County Council Highways Division has requested refusal.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. There have been forty four letters of objection have been received concerning increased traffic to and from the site leading to increased hazard at a busy junction and parking problems already existing exacerbated, impact on setting of the adjacent church and historic buildings, out of character with predominantly residential area,

impact on the Conservation Area, noise nuisance and disturbance to the amenities of the local residents created by a busy veterinary practice and there are more suitable premises within the town.

Officer Evaluation

In terms of visual impact on the existing dwelling the change of use will have little or no impact as the building remains much the same in appearance but the removal of the garden area to provide car parking will alter the appearance of the site and will have some impact on the Conservation area. The impact of a business use on neighbouring property will see an increase in traffic movement to and from the site and Lincolnshire County Council Highways Division has requested refusal, indicating that, there is inadequate parking provision which will lead to unacceptable on street parking provision and traffic safety problems at the junction of The Orchard and Church Street. The Council's Environmental Protection has indicated as the kennels and cattery are inside noise nuisance will be minimal and disposal of clinical waste is via the pet crematorium is acceptable. Therefore the change of use for the main part will have minimal impact on the amenities of the adjacent dwelling. The visual affect on the street scene will be from the proposed staff parking area on the former front garden and a soft landscaping scheme for the front boundary will reduce this impact.

Crime and Disorder Implications

It is considered that the proposed development will not have any significant or detrimental crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

RECOMMENDATION: That the development be Refused for the following reason(s)

1. There is insufficient provision made within the application site to accommodate the parking and turning of vehicular traffic likely to be generated by the proposed development, and this deficiency is likely to result in the indiscriminate parking of vehicles along Church Street and The Orchard. Such parking of vehicles is likely to lead to unsafe conditions in terms of pedestrian and vehicle movement in and around the site including access for emergency vehicles. Furthermore, the inadequacy of the parking provision is likely to be regarded as setting a precedent for other developments both within the site and elsewhere.

2. The proposal if permitted is likely to cause a confusion in traffic movements along Church Street and The Orchard and in such close proximity to the junction to the detriment of highway safety and other road users.

* * * * *

Applicant	Mr J Baggaley Echo Heights, Church Street, Foston, Grantham, Lincolnshire, NG32 2LG
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Residential development for 4 no. 2 storey dwellings and creation of new access
Location	51, Barrowby Road, Grantham, Lincolnshire, NG31 8AA
App Type	Full Planning Permission
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Chairman.

The Proposal

This is a full application for the construction of four 2 storey dwellings with related off road car parking and a new access.

The application site and its surroundings

The site currently forms part of the rear garden to an end terraced Grade II Listed Georgian dwelling that fronts Barrowby Road. The application site area is 0.10 hectares, is mainly laid to grass and has mature trees within the site and on the boundaries with mature hedging to the boundary facing Campbell Close. The site and surroundings slope down gradually from west to east with, to the eastern side of the site, a level area where a tennis court used to be.

Access to the site is proposed through the southern boundary with an access road off Campbell Close. Along the western site boundary there are four storey terraced houses, on Tyndall Road, that have their rear gardens abutting the common boundary. To the north boundary is the remaining rear garden to 51 Barrowby Road with to the east the garden to a detached bungalow also on Barrowby road.

Relevant Planning History

In December 2010 outline planning permission was refused for the construction of 8 dwellings on a larger site for reasons of the impact on the adjacent Listed buildings, the character of the locality and highway grounds.

In July 2011 an outline application was submitted for the construction of 4 dwellings, seeking consent for the access, layout and scale. This was reported to the Development Control Committee on the 28 June 2011. The application was deferred at the meeting for the submission of additional details to make the proposal a full application.

Representations Received

Conservation Officer – The application relates to the construction of two pairs of semi-detached dwellings on the southern portion of the extensive rear garden to 51 Barrowby Road. Nos. 51-55 form a terrace of three Grade II listed Georgian townhouses which were constructed circa 1820 with 20th century alterations.

The large rear gardens are a key feature of the terrace which forms an important part of their setting and distinguishes them from the high density of the late 19th century and post war developments. The position of the proposed dwellings on the southern portion of the site preserves the existing gardens to Nos. 53 and 54. Although the curtilage of No.51 will be reduced by the proposed development, it will be left with a generous garden which is commensurate with the status of the building.

The modest scale of the development will not dominate the adjacent listed buildings or intrude upon any key views of the buildings which are relatively screened from view by the dense vegetation and surrounding development.

The proposed design and use of red brick is broadly reflective of the character of the immediate locality. Slate or pantile would be preferable to the proposed concrete interlocking tiles for the roof and timber is preferred for the windows and doors in order for the development to make a positive contribution to the character and local distinctiveness of the area in accordance with policy HE7.5 of PPS 5.

Lincolnshire County Council Highways – requests that any permission given shall include conditions relating to provision of private drives, disposal of surface water and turning facilities.

Following comments made at the previous committee meeting where this application was considered, the following additional comments have been received from Mark Heaton of Lincolnshire County Council Highways:

As the Committee is aware, the proposed development for four dwellings is to be served off Campbell Close an existing public highway, which serves twenty eight dwellings and has a link footway connecting Barrowby Road and thereon the roundabout near the Asda superstore. This development is approximately 350m from the Asda superstore and hence only 650m from the Market Place by foot or bicycle, thereby within the requirements of PPG6 (town centre and retail developments) & PPG13 (transport) which is set to encourage walking, cycling and sustainable development.

The site has proposed onsite parking with two numbered spaces per dwelling, this is in accordance with LCC policy document, Transport and New Development issues in Lincolnshire January 2005. The site is served via a private drive which for this number of dwellings is acceptable and is in accordance with the Lincolnshire Design Guide for Residential Areas, adopted by this authority and SKDC.

We have visited the site on a number of occasions including early morning peak hour, and car parking in the area was noted. However, unlawful parking is a police matter and in itself is not a reason for refusal by the highway authority. We have also assessed the development in respect of access by vehicular traffic from Green Hill Road onto Barrowby Road. The maximum trip generation for a development of this nature would be seven movements per day, per dwelling, hence equating to twenty eight movements over a twenty four hour period. As the committee will appreciate, this generation from the development onto this junction is not sufficient for this authority to recommend a refusal, which could readily be defended at any future appeal.

Thereby from the above, the development is in a sustainable location with low traffic movements and given all the other factors, highways would support this application, subject to the necessary requested conditions.

Arboriculture Officer - I generally agree with the view in the accompanying tree report in that the site contains very few or no trees of merit. They are of limited immediate or future consequence to the landscape; the trees are not in my view worthy of protection by a TPO.

A number of the trees and shrubs may be retained as part of the design process at the discretion of the Architect and his Arboriculturist subject to a condition requiring their onsite protection during the building works.

A Tree Protection Plan and Method Statement, in accordance with section 7 of BS5837 (2005), showing the position of the retained trees, shrubs and hedgerows should therefore be required and approved in writing by the LPA.

A landscape condition should be applied requiring detailed new landscape proposals.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Eleven representations have been received on the original outline submission with a further six responses following the re-notification on the full proposal and the points raised can be summarised as follows:

1. Consider that the nearest property is too close.
2. Trees close to our boundary should be retained.
3. Object due to highway safety or traffic impact, excessive noise, damage to mature trees and area, out of character to the area.
4. Loss of privacy and light to no. 45 Barrowby Road.
5. Loss of wildlife.
6. Affect on Grade II house garden.

7. Loss of privacy.
8. Security aspect to 51/53/55 Barrowby Road with the exposure of the gardens.
9. Increase in traffic is unacceptable.
10. Loss of trees would spoil the character of the area.
11. Increase in noise levels due to loss of trees.
12. Design out of keeping of the character of the area.
13. Damage to Conservation Area.
14. Impact on traffic flows to Tyndal Road and Greenhill Road.

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1) – Sustainable Development
Planning Policy Statement 3 (PPS3) – Housing

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy H1: Residential Development

Officer Evaluation

Key Issues

The principle of development
The impact on the character and appearance of the area
Neighbours' amenities
Highway safety

Principle of development

The application site is within the existing built up area of Grantham and therefore in principle a sustainable location. The thrust of national and regional policy as well as the Core Strategy is that preference should be given to development on brownfield land wherever possible. However, given the shortage of available brownfield and allocated land remaining, it is considered that notwithstanding the recent reclassification of garden land as greenfield land, development of this greenfield site is acceptable as it is a suitable site in a sustainable location within an existing urban area. Furthermore, the proposal would be an efficient use of the land. Taking the above into account it is considered that the proposal in

principle, complies with national, regional and local policy on the location of sustainable development.

Impact on Form and Character of the Area

The proposed scheme has been designed to reflect the existing layout of properties on Greenhill and Tyndal Roads, having regard to their height and size. Due to their location and relationship with the surrounding development the proposed dwellings would have no significant impact on the street scene or the character and appearance of the wider area.

Neighbours' Amenities

It is considered that the position of the buildings in relation to its neighbours, modest scale and good separation distances from adjacent dwellings are sufficient to maintain current levels of privacy and ensure that the development would not be overbearing or detrimental to the residential amenities of the occupiers of adjacent properties.

The trees within the site are not considered worthy of a tree preservation order and any loss of trees can be mitigated with new planting. Concerns have been raised with regard to the impact of the development on local wildlife. It is considered that the proposed development is unlikely to result in any significant adverse impacts on local wildlife. It is however recommended that a note be attached to any consent advising the applicant that it is an offence under the Wildlife & Countryside Act 1981 to disturb protected species and to stop work and contact Natural England immediately if any protected species are found during construction.

Highways/Traffic

Concerns have been raised with regard to the proposed access arrangements to the site and the potential increase in vehicular movements in the area especially along Tyndal Road and Greenhill Road and at the junction of Greenhill Road and Barrowby Road. The Local Highway Authority has been consulted and raised no objections to the proposed development subject to the inclusion of a number of conditions. It is therefore considered that the proposed access arrangements will not have an adverse impact on highway safety in the surrounding area.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposal for 4 new dwellings within an existing urban area, would be an efficient use of the land which would be in keeping with the built form and character of the surrounding area. It is therefore considered to comply with the sustainability aims of national, regional and local policy.

It is considered that by virtue of the modest scale and good separation distance from adjacent dwellings, subject to detailed design, the proposal will not have a detrimental impact on the residential amenities of the occupiers of neighbouring properties and that the proposal would not be detrimental to highway safety.

Taking the above into account, It is considered that the proposal is in accordance with national planning policy given in PPS1 (Sustainable Development), PPS3 (Housing), policies 1, 2 & 3 of the East Midlands Regional Plan and policies SP1, H1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number MSP.553/001 Rev B dated 30 March 2011. (Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.)

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

4. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site.

5. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. The applicant is reminded that it is an offence under the Wildlife & Countryside Act 1981 to disturb protected species and advised that if any protected species are found on site during construction work should stop and Natural England notified immediately.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

JJ1 **S11/1391/OUT**

Target Decision Date: 16-Aug-2011

Applicant	Mr & Mrs S I Dunmore C/o Willow Lodge, Horseshoe Road, Spalding, PE11 3JA
Agent	East Midlands Design Associates Willow Lodge, Horseshoe Road, SPALDING, Lincs, PE11 3JA
Proposal	Two detached dwellings
Location	Casterton House, Casterton Road, Stamford, Lincolnshire, PE9 2UA
App Type	Outline Planning Consent
<u>Parish(es)</u>	Stamford

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application has received a significant level of local interest to such a level that it is considered appropriate to refer the application to the Development Control Committee.

The Proposal

This is an outline application for the erection of two dwellings on land to the front of Casterton House, Casterton Road, Stamford. All matters are reserved for subsequent approval. The indicative layout and scale parameters indicate that the dwellings would be accessed via the existing access road between 49 & 51 Casterton Road.

The proposals indicate that the dwellings would have a maximum ridge height of 7.5m. The design and access statement indicates that the dwellings would be two storey with part of the second storey being within the roof space with dormer windows.

The Application Site and its Surroundings

The application site is located to the rear of 49 & 51 Casterton Road and forms part of the garden area to Casterton House a large three storey residential care home.

The site is bisected by the access driveway to Casterton House. Trees are located throughout the site but predominantly on the site boundaries. There are a number of trees on the site protected by way of a Tree Preservation Order.

Relevant Site History

SK.1164/83/2261 – An application for the erection of two dwellings was refused on highway safety grounds and due to the development having an adverse impact on the frontage houses at Casterton House in November 1983.

Policy Considerations

East Midlands Regional Plan 2009:

Policy 1 Regional Core Objectives
Policy 2 Promoting Better Design

South Kesteven Core Strategy 2010:

Policy SP1: Spatial Strategy
Policy SP3: Sustainable Integrated Transport
Policy EN1: Protection and Enhancement of the Character of the District
Policy H1: Residential Development

Representations Received

Local Highway Authority: No objections subject to conditions requiring access improvements and on-site turning space.

Consultant Arboriculturalist: The Arboriculturalist has indicated that the site will be a little cramped in relation to the retained trees although it generally meets with the guidelines set out in BS5837 (2005) Trees in Relation to Construction-Recommendations. In general no objections subject to conditions requiring tree protection measures.

Town Council: Grave concern is raised to potential over development impinging on green open space adjacent to the proposed building site. It is considered that the outline consent should be restricted to just two detached dwellings with the scale and design appropriate to the area. Tree planting scheme and screening suggested should be implemented as a condition. Care should be taken to retain as many trees within the site. The access is restricted and the traffic generated will impact on Casterton Road which already had five junction points within close proximity.

Representations as a Result of Publicity

The development has been advertised in accordance with the Council's Statement of Community Involvement and eight letters of objection have been received. The points raised can be summarised as follows:

1. Concerns about additional traffic using access to Casterton House and highway safety issues including pedestrian safety concerns.
2. A similar application was refused under application SK1164/83/2261.
3. Removal of trees would have an adverse impact on the local wildlife.
4. Concerns about the proximity of the proposed passing bay adjacent to Birch Cottage.
5. Concerns about increase noise and disturbance.
6. Concerns about local drainage issues.
7. Concerns about overlooking and loss of privacy.
8. Concerns that the proposed dwellings will be dominant and oppressive.
9. Proposals are out of keeping with surroundings.
10. Concerns about impact on TPO trees.
11. Contrary to core strategy policies.

Officer Evaluation

This is an outline application for the erection of two dwellings on land to the rear of 49 and 51 Casterton Road. As outline above a similar application was refused planning permission back in November 1983 although there have been significant planning policy changes since then.

The proposed development would result in two dwellings being constructed one either side of the main access to Casterton House. The dwellings would be two storeys in height with a maximum ridge height of 7.5m. The design and access statement indicates that the second storey would be within the roof space and the dwellings would have dormer windows.

In order to accommodate access to the site the existing access to Casterton House would require a passing bay being position directly adjacent to the side wall of number 51 Casterton Road.

The development in this part of Stamford is characterised by a mix of one and two storey dwellings fronting onto the surrounding roads. It is considered that the proposed development is at odds with the prevailing character and would represent an unacceptable form of backland development.

The site boundary is surrounded by trees some of which are the subject of a Tree Preservation Order. The site also has a number of fruit trees on it. The Council's Consultant Arboriculturalist has not raised any objections to the proposed development subject to the tree protection measures being implemented. He has however indicated that the development would appear to be cramped in view of the surrounding tree cover. It is considered that if all of the trees proposed to be retained are kept the proposed dwellings would have very limited usable outside space. Furthermore the dwellings would be significantly overshadowed and over dominated by the surrounding tree cover all of which would be detrimental to the future residential amenities of any potential occupiers of the dwellings.

Whilst the development is relatively well screened by the existing trees and landscaping it is considered that the development would represent an uncharacteristic form of backland

development which would compromise the setting of Casterton House. Although Casterton House is not a listed building it is considered to be a significant local heritage asset.

Furthermore due to the significant tree cover around the site it is considered that acceptance of the proposal would result in increase pressure to remove or significantly prune the trees in order to provide additional light to the site. Such works would only result in further adverse impact on the character and appearance of the area.

The proposed passing bay on the access road would be located directly adjacent to the side wall of 51 Casterton Road. It is considered that this would result in an unacceptable increase in noise and disturbance to the occupiers of 51 Casterton Road.

Although concerns have been raised in relation to potential overlooking and loss of privacy it is considered that this is not currently an issue given the significant amount of existing screening around the site boundaries.

Concerns have been raised in relation to issues about foul water drainage. It is considered that these concerns could be overcome by imposing a condition requiring details to be submitted prior to any development taking place.

Although concerns have been raised in relation to impact on local wildlife it is considered that the proposed development would not have such a significant impact to warrant refusal on these grounds.

Section 106 Heads of Terms

No requirements

Crime and Disorder

The proposed development raises no significant crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

RECOMMENDATION: That the development be Refused for the following reason(s)

1. The development in this part of Stamford is characterised by a mix of one and two storey dwellings fronting onto the surrounding roads. It is considered that the proposed development is at odds with the prevailing character and would represent an unacceptable form of backland development. Whilst the development is relatively well screened by the existing trees and landscaping it is considered that the

development would also compromise the setting of Casterton House. Although Casterton House is not a listed building it is considered to be a significant local heritage asset. Acceptance of the proposed development would therefore be contrary to the requirements of Planning Policy Statement 1 and Policy EN1 of the South Kesteven District Council Core Strategy.

2. The site boundary is surrounded by trees some of which are the subject of a Tree Preservation Order. The site also has a number of fruit trees on it. The Council's Consultant Arboriculturalist has not raised any objections to the proposed development subject to the tree protection measures being implemented. He has however indicated that the development would appear to be cramped in view of the surrounding tree cover. It is considered that if all of the trees proposed to be retained are kept the proposed dwellings would have very limited usable outside space. Furthermore the dwellings would be significantly overshadowed and over dominated by the surrounding tree cover all of which would be detrimental to the future residential amenities of any potential occupiers of the dwellings and removal of the trees would only result in further adverse impact on the character and appearance of the area and the setting of Casterton House. Acceptance of the proposed development would therefore be contrary to the requirements of Planning Policy Statement 1 and Policy EN1 of the South Kesteven District Council Core Strategy.
3. The proposed passing bay on the access road would be located directly adjacent to the side wall of 51 Casterton Road. It is considered that this would result in an unacceptable increase in noise and disturbance to the occupiers of 51 Casterton Road contrary to the requirements of Policy EN1 of the South Kesteven District Council Core Strategy.

* * * * *

Applicant	Anglian Regional Co-op Society C/o Agent
Agent	Kathy Else, RPS Planning and Development Highfield House, 5, Ridgeway, Quinton Business Park, Birmingham, B32 1AF
Proposal	Application to extend time limit for implementation of application S06/1388 for residential development
Location	Anglia Regional Co-Operative Site, Manning Road, Bourne
App Type	Major Outline (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it is a major development, which has previously been debated by the Committee.

The Proposal

This is an application to extend the time limit for the implementation of an outline application for residential development at the Anglia Regional Co-Operative site, Manning Road, Bourne (S06/1388). The proposed access arrangements are to be considered as part of this application. All other matters including siting, layout, external appearance and landscaping are reserved for subsequent applications.

The Application Site and its Surroundings

The application site is located to the east of Bourne town centre. The site measures 1.63 hectares and comprises the Co-op Rainbow store and its associated car parking. Access to the site is via Manning Road and is located towards the western end of the site.

The site is located in an area characterised by a mixture of uses. Although the majority of Manning Road has a residential frontage, warehousing and service units also feature towards the eastern end of the road. The residential development in the surrounding street network has a variety of densities and house types consisting of bungalows, semi-detached properties, and terraces as well as large detached dwellings.

Relevant Site History

The development site consists of a supermarket constructed in the 1970's together with a car park. There have been a number of advertisement consents and permissions related to the existing retail use. However the planning history most relevant to this particular application is as follows:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

S10/1645 – this was a reserved matters application relating to application S06/1388 approved in November 2010.

Also relevant to this current application are two applications on the adjacent Raymond Mays Garage site which form part of the wider development:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

S10/1650 – This was a reserved matters application for residential development. The application was approved in November 2010.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPS23 – Planning and pollution Control

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

Environmental Protection Officer – No objections subject to the same conditions as last time being attached to any consent (noise attenuation condition)

Bourne Town Council – The Committee has no objection to this application but would request that the site is regularly maintained to keep it in a good visual condition until work commences.

Heritage Lincolnshire (Archaeology) – It is considered that the site offers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The requirement is for a 3% trial trench of the site by area (0.47ha). The results of this survey will be used to inform the local planning authority of the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record.

The Environment Agency – has raised no objections subject to condition 8 of application S06/1388 been retained on any permission.

Projects & Partnership Officer (affordable Housing) – A contribution of 35% affordable housing should be required in accordance with the Council's adopted policy.

Lincolnshire County Council Children Services – Having given consideration to the current economic climate and the fact that the site is a brownfield site requiring significant remediation LCC have proposed that the figures agreed previously remain in place as this is merely an application to extend the time limit for implementation and had the developer been able to progress with the development these would be the figures we would have received anyway, so it seems inequitable that we ask for more money at a time when the development has demonstrated it is currently struggling with viability anyway.

Local Highway Authority – no objections subject to the same highway conditions being imposed as per the previous application.

Primary Care Trust – In respect of the above development NHS Lincolnshire would accept a reduced contribution where a full Section 106 application for Health on the basis of the formulae would in South Kesteven District Council's opinion potentially affect the viability of the scheme.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and one letter of concern has been received from Delaine Buses Ltd. The points raised can be summarised as follows:

The concern relates to the potential have an access road running through this site and the adjacent Rainbow Store site to the north, linking Spalding Rd and Manning Rd. The Agent acting on behalf of Delaine's has stated that given that the applicants own the adjacent site to the north, the possibility of linkage appears to be real. It will be appreciated that the Transport Assessment that forms part of the present application is that which accompanied the original application in 2006. Since that time there have been major residential developments undertaken on the former Bourne Laundry site (ref S07/1521), Delaine Meadows Spalding Rd (ref S05/0598), The Former Johnson Bros site (Ref S05/0878) together with an unimplemented planning consent for residential development granted on the Bourne Auctions Site (Ref S09/1671). We therefore consider that, particularly in view of the recent well-publicised concerns regarding the impact of school traffic on Manning Rd following the closure of The Rainbow car park, that the Traffic Impact Assessment should be revisited and updated.

Officer Evaluation

Scale / Layout

As stated above this is an outline application and the applicants have indicated that it is likely to comprise up to 81 dwellings. The application site constitutes a previously developed site as defined by PPS3. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

Although an outline application the applicant has indicated that the development is likely to comprise of two storey development with varying ridge heights. Some two and a half storey properties may be used in focal points around the development. It is considered that the proposed indicative scale and layout reflects those of other residential developments in the surrounding area.

Overlooking / loss of privacy / Loss of light / overshadowing

Given that the site has had consent for residential development in the past it is considered that a suitable layout can be achieved at the reserved matters stage which would ensure that the residential amenities of both the occupiers of the existing and proposed dwellings are protected

Noise

A noise assessment has been submitted with the application due to concerns about the adjacent Carlsberg depot. The Council's Environmental Protection Officer has considered

the noise assessment and has raised no objections to the proposal subject to a condition requiring the suggested mitigation measures in the report to be undertaken.

Traffic Generation / Parking

The local highway authority has been consulted and raised no objections to the proposed development. It is therefore considered that the proposed access and parking arrangements are acceptable and will not be detrimental to highway safety.

Section 106 Heads of Terms

31% Affordable housing

£52,000 towards open space provision

Education contribution

£31,000 Health Contribution

£60,000 Highways Contribution

When the application was originally submitted the developers indicated that the viability of the scheme will be compromised if any additional contributions are sought above those requested under the previous section 106 Agreement. Both the Education Authority and the PCT have accepted that viability is an issue and as reduce contributions were requested last time and the situation has not got any better in terms of the economy and the fact that one developer has pulled out of the scheme after getting reserved matters approval it is considered that to request any additional contributions would jeopardise the deliverability of the scheme. It is therefore considered in this particular case reasonable to accept a slightly reduced contribution based on the figures approved when the original application was last approved.

However the agent acting on behalf of the prospective developer has recently indicated that even with the already reduced section 106 contributions the development are no longer viable. They have indicated that the current level of gross margin that would be generated from the development is not acceptable to the bank financing the project, which requires a minimum margin of 18.65%.

The agent has indicated that in total, to deliver a viable development across the two sites the cost associated must be reduced by at least £255,000. The current financial contributions towards education, health, highways and open space equate to approximately £508,000 in addition to the affordable housing provision on site. Indeed it is the level of affordable housing across the site that is causing the viability issues and in order to ensure that this level of provision is maintained further reductions must be made elsewhere.

The agent has stated that the current financial contributions are made up of an education contribution towards secondary school provision, open space despite the site's proximity to an existing playing field and highway pedestrian crossing improvements despite crossing points already existing within close vicinity of the site and health provision. The agent has suggested that the required reduction in development costs could be accommodated by removing the contributions towards Highways and Open Space completely given the good provision in the locality of the site instead of reducing the level of affordable housing to be provided on site.

Officers have recently sent the agents updated development appraisal out to private consultants for assessment and the figures are currently been discussed. The final conclusion of these discussions will be reported in the late background papers on the day of the committee meeting.

Crime and Disorder

It is considered that the proposed development will not have any detrimental crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Recommendation 1:

That the application be deferred to the Lead Professional in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the following conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Statements PPS1, PPS3, PPS5, PPG13, PPS23 and PPS25, policies SP1, SP3, SP4, EN1, EN2, EN4 and H1 of the South Kesteven Core Strategy. The issues relating to traffic generation and noise are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) appearance; and
 - (d) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment in accordance with Policy EN1 of the South Kesteven Core Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. The dwellings shall be so constructed as to provide sound attenuation of not less than 45 dBA against the external noise to which they are exposed.

Reason: In the interests of the amenities of the occupiers of the proposed dwellings and in accordance with Policy EN1 of the South Kesteven Core Strategy.

6. No operation shall be carried out to fill in, culvert or in any way obstruct any dyke or watercourse without the approval in writing of the District Planning Authority.

Reason: To prevent damage to the land drainage system or interference with the rights of surface water drainage from the highway in the interests of the general amenity of the area in accordance with PPS25.

7. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.

Reason: These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity in accordance with Policy EN1 of the South Kesteven Core Strategy.

8. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.

Reason: The application was submitted in outline and no such details have been submitted and in accordance with the requirements of PPS25.

9. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.

Reason: To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy EN1 of the South Kesteven Core Strategy.

Recommendation 2:

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

* * * * *

Applicant	Anglia Regional Co-op Society c/o agent
Agent	Kathy Else, RPS Planning and Development Highfield House, 5, Ridgeway, Quinton Business Park, Birmingham, B32 1AF
Proposal	Application to extend time limit for implementation of application S08/0286 for residential development (up to 29 units) with associated access and landscaping
Location	Mays Garage, Spalding Road, Bourne, Lincolnshire, PE10 9LE
App Type	Major Outline (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it a major development, which has previously been debated by the Committee.

The Proposal

This is an application to extend the time limit for the implementation of an outline application for the erection of 29 dwellings at the former Raymond Mays Garage site, Spalding Road, Bourne (S08/0286). The proposed access arrangements are to be considered as part of this application. All other matters including siting, layout, external appearance and landscaping are reserved for subsequent applications.

The Application Site and its Surroundings

The application site is located on the A151 Spalding Road, approximately 500m to the east of Bourne Town Centre. The site occupies a total area of approximately 0.47 hectares (1.16 acres) and is currently occupied by a vacant garage that has facilities for car sales, servicing and petrol sales. These facilities are contained in two main buildings one situated along the western site boundary and one located centrally within the site. The site also has two existing access point on to Spalding Road one at each end of the frontage.

To the north of the site there is an area of scrub land beyond which lies the Rainbow Co-op store. To the east of the site is the recently constructed Delaines Close Development. The residential properties along Wendover Mews back on to the western boundary of the site.

Delaines Bus depot is located on the opposite side of Spalding Road directly adjacent to the site.

Relevant Site History

The development site consists of a garage and service area constructed in the 1970's. There have been a number of advertisement consents and permissions related to the existing garage use. However the planning history most relevant to this particular application is as follows:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

Also relevant to this current application are two applications on the adjacent Rainbow Store site which form part of the wider development:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

S10/1645 – which relates to a reserved matters application on land to the north of the site but forms part of the comprehensive development of this area.

S10/1650 – This was a reserved matters application for residential development. The application was approved in November 2010.

S10/1731 – which related to the construction of an access road to serve residential development. The application was approved in December 2010.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPS23 – Planning and pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

Bourne Town Council – No objections to this application but would request that the site is regularly maintained to keep it in a better visual condition until work commences.

Heritage Lincolnshire (Archaeology) – It is considered that the site offers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The requirement is for a 3% trial trench of the site by area (0.47ha). The results of this survey will be used to inform the local planning authority of the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record.

The application is an outline planning application and the site is currently a garage. A scheme of works condition should be placed on any permission granted with a requirement for the trial trenching to be undertaken prior to the submission of a reserved matters application.

Local Highway Authority – no objections subject to the same highway conditions being imposed as per the previous application.

Environmental Protection Officer – The site has been identified as being contaminated and extensive remediation is necessary. A condition requiring remediation will therefore be required.

Projects & Partnership Officer (affordable Housing) – A contribution of 35% affordable housing should be required in accordance with the Council's adopted policy.

Lincolnshire County Council Children Services – Having given consideration to the current economic climate and the fact that the site is a brownfield site requiring significant remediation LCC have proposed that the figures agreed previously remain in place as this is merely an application to extend the time limit for implementation and had the developer been able to progress with the development these would be the figures we would have received anyway, so it seems inequitable that we ask for more money at a time when the development has demonstrated it is currently struggling with viability anyway.

Primary Care Trust – In respect of the above development NHS Lincolnshire would accept a reduced contribution where a full Section 106 application for Health on the basis of the formulae would in South Kesteven District Council's opinion potentially affect the viability of the scheme.

Environment Agency – No objections subject to conditions 10 and 15 of application S08/0286 being retained on any new permission.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and one letter of concern has been received from Delaine Buses Ltd. The points raised can be summarised as follows:

The concern relates to the potential have an access road running through this site and the adjacent Rainbow Store site to the north, linking Spalding Rd and Manning Rd. The Agent acting on behalf of Delaine's has stated that given that the applicants own the adjacent site to the north, the possibility of linkage appears to be real. It will be appreciated that the Transport Assessment that forms part of the present application is that which accompanied the original application in 2006. Since that time there have been major residential developments undertaken on the former Bourne Laundry site (ref S07/1521), Delaine Meadows Spalding Rd (ref S05/0598), The Former Johnson Bros site (Ref S05/0878) together with an unimplemented planning consent for residential development granted on the Bourne Auctions Site (Ref S09/1671). We therefore consider that, particularly in view of the recent well-publicised concerns regarding the impact of school traffic on Manning Rd following the closure of The Rainbow car park, that the Traffic Impact Assessment should be revisited and updated.

Officer Evaluation

Scale / Layout

As stated above this is an application to extend the time limit for the implementation of application S08/0286. The principle of residential development of the site is therefore considered acceptable. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

A residential development comprises a mix of two storey detached, semi-detached and terraced properties would be appropriate and would assimilate well with the adjacent development on Delaines Close.

Overlooking / loss of privacy

It is considered that given the proposed site layout and orientation of the proposed dwellings and the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties.

Loss of light / overshadowing

Given the submitted indicative site layout plan and the indicative separation distances between existing and proposed dwellings it is considered that the site is capable of being redeveloped for residential purposes without having a significant or detrimental impact on the residential amenity of adjacent properties by way of causing loss of light or overshadowing.

Traffic Generation / Parking

A Traffic Impact Assessment has been submitted by the applicant in support of the proposed development. The Local Highway Authority has raised no objections to the proposed development. It is considered that the existing petrol station use could create significantly high vehicular movements if it were re-opened than that generated by proposed development of 29 dwellings. The proposed development is therefore likely to have significantly less impact on the highway network than the proposed development.

Section 106 Heads of Terms

The S106 requirements were dealt with at the outline application stage. The following contributions were required:

31% Affordable Housing

£15,000 off-site contribution towards open space provision

Education contributions

PCT health contributions up to a maximum of £15,000

When the application was originally submitted the developers indicated that the viability of the scheme will be compromised if any additional contributions are sought above those requested under the previous section 106 Agreement. Both the Education Authority and the PCT have accepted that viability is an issue and as reduce contributions were requested last time and the situation has not got any better in terms of the economy and the fact that one developer has pulled out of the scheme after getting reserved matters approval it is considered that to request any additional contributions would jeopardise the deliverability of the scheme. It is therefore considered in this particular case reasonable to accept a slightly reduced contribution based on the figures approved when the original application was last approved.

However the agent acting on behalf of the prospective developer has recently indicated that even with the already reduced section 106 contributions the development are no longer viable. They have indicated that the current level of gross margin that would be generated from the development is not acceptable to the bank financing the project, which requires a minimum margin of 18.65%.

The agent has indicated that in total, to deliver a viable development across the two sites the cost associated must be reduced by at least £255,000. The current financial contributions towards education, health, highways and open space equate to approximately £508,000 in addition to the affordable housing provision on site. Indeed it is the level of affordable housing across the site that is causing the viability issues and in

order to ensure that this level of provision is maintained further reductions must be made elsewhere.

The agent has stated that the current financial contributions are made up of an education contribution towards secondary school provision, open space despite the site's proximity to an existing playing field and highway pedestrian crossing improvements despite crossing points already existing within close vicinity of the site and health provision. The agent has suggested that the required reduction in development costs could be accommodated by removing the contributions towards Highways and Open Space completely given the good provision in the locality of the site instead of reducing the level of affordable housing to be provided on site.

Officers have recently sent the agents updated development appraisal out to private consultants for assessment and the figures are currently been discussed. The final conclusion of these discussions will be reported in the late background papers on the day of the committee meeting.

Crime and Disorder

The proposed development raises no crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Recommendation 1:

That the application be deferred to the Lead Professional in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the following conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance notes PPS1 - Delivering Sustainable Development; PPS3 - Housing, PPS5 - PLanning for the Historic Environment, PPG13 - Transport, PPS23 - Planning and Pollution Control, PPG24 Planning and Noise and PPS25 Development and Flood Risk, policies SP1, SP3, SP4, EN1, EN2, EN4 and H1 of the South Kesteven Core Strategy. The issues relating to loss of privacy, loss of light/overshadowing, siting, density and highway safety are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to an appropriate scale showing the layout, scale, appearance and the landscaping of the site.

Reason: The application was submitted in outline only.

3. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Core Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area in accordance with policy EN1 of the South Kesteven Core Strategy.

5. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

Reason: These details have not been submitted and the District Council wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Core Strategy.

6. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

Reason: The application was submitted in outline and no such details have been submitted in accordance with policy EN1 of the South Kesteven Core Strategy.

7. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy EN1 of the South Kesteven Core Strategy.

8. No development shall take place upon the application site until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the District Planning Authority.

Reason: To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site in accordance with Policy EN1 of the South Kesteven Core Strategy.

9. No development shall commence until the remediation measures outlined in the submitted Phase II Geoenvironmental Assessment report prepared by MLM Environmental and receipted on 31 March 2008 has been implemented. Prior to the remediation being undertaken site specific target levels (or clean-up standards) for the contaminated soil shall be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety, in accordance with Policy EN1 of the South Kesteven Core Strategy.

10. No dwellings (or other development as specified) shall be commenced before the first 40 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 15713/A3/003, has been completed.

Reason: In the interests of the safety of the users of the public highway and the safety of the users of the site.

11. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from

an existing public highway, shall be constructed to a *specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

12. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of the site and in accordance with PPS25.

13. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent contamination to controlled waters.

Note(s) to Applicant

1. The comments of the Environment Agency are enclosed for your attention.
2. This consent should be read in conjunction with the Legal Agreement (S106).
3. The applicant shall apply for and make best endeavours to provide an extension of the existing parking restrictions (evident to the west of the site) so that it extends eastwards for the whole width of the application site.
4. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager, Lincolnshire County Council (Tel: 01522 553170) for appropriate specification and construction information.
5. The Local Highway Authority would not support a vehicular link through the site to Manning Road.
6. Given the previous uses of the site, the applicant is advised to refer to Pollution Prevention Guidance Note 27 - 'Installation, decommissioning, and removal of underground storage tanks', that can be viewed at www.environment-

agency.gov.uk/ppg. As part of the decommissioning of these tanks, we would recommend that confirmatory sampling is undertaken from the resulting excavations.

7. In order to facilitate the extension to waiting restrictions along Spalding Road, the applicant will need to contact the Area Highways Manager to apply for the amendment to the Traffic Regulation Order. All costs to be borne by the Applicant.

Recommendation 2:

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

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Applicant	Mr J Spilsbury Gorse Lodge, Stubton, Newark, Notts, NG23 5DA
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Variation of Condition 1 of S00/0471 to permit an increase in the number of shooting days from 50 to a maximum of 120 days per calender year
Location	Stubton Gorse, Stubton
App Type	Full Planning Permission
Parish(es)	Fenton Stubton

REPORT

Application category

The application is categorised as a minor application.

Reasons for referral to Committee

The application is to be determined by committee as the previous application on the same site was determined by committee and the proposal is likely to have an impact on the wider area.

The Proposal

The proposal is an application to vary condition 1 of planning permission S00/0471 to increase the number of shooting days to a maximum of no more than 120 days per year.

Planning permission S00/0471 was granted on 9th June 2000. It included a single condition:

“This permission shall only be carried out in strict accordance with the details submitted by the applicant to the local planning authority by letters dated 25 July and 12 September 1995. There shall be no variation from these details without the express permission of the local planning authority”.

The aforementioned letters set out how the Shooting site would operate, specifically,

Maximum of 50 days per year, week day corporate entertaining 10am to 8pm, weekends (2 per month maximum 10am-4.30pm).

Shotguns of various sizes including 4-10 and 12 bore etc.

24-28 grm cartridges to be used. These are light load clay cartridges.

Number of guns – Maximum 2 shooting at any one time.
25-50 people to be entertained in one day.
All access to be via Moore Farm Lane to Stubton Shoot Lodge.
The premises will not be used for the general public which will reduce the number and movements of cars per day.

Accordingly, the site could operate between the hours of 10am and 8pm Monday to Friday. Two weekends a month, 10am to 4.30pm, a maximum of 50 days per year.

The proposed alterations to the operation of the site are: 10am and 8pm Monday to Friday (remains unchanged). Two weekends a month 10am to 6pm and an increase in the number of days to 120 per year.

The application site and its surroundings

The application site is located between Stubton and Brandon and is accessed from Moor Lane off Stubton Road. The site contains the shooting ground, Stubton Gorse (dense area of trees) and Stubton Lodge with its associated parking.

The surrounding area is characterised as predominantly agricultural land with a former airfield to the north and a karting circuit beyond that.

Relevant Site History

S03/1093 – Modification of Operational Times – Refused - 7 October 2003. The reason for refusal is:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated location midway between the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow the business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/0345 – Shop, Office, WC block, tower and operating hours – Refused – 18 May 2004. The reason for refusal is:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation hours at the Stubton Gorse Clay Ground. Permission was refused on 7th October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 (dated 19th June 2000) would be likely to give rise to issues of noise and disturbance that

would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/1289 – Planning permission was granted for the erection of shop, office, shower/wc and bunding on 16 November 2004.

S05/0357 – Variation of Hours of Operation – The application was withdrawn on 8 September 2005.

S05/0358 – Erection of 95ft Clay Pigeon Shooting Tower was approved on 17 May 2005.

S06/0360 – Erection of 4m Bunding – The application was withdrawn on 11 May 2006.

S06/0367 – Variation of Planning Approval S00/0471 (increase in opening days). The application was withdrawn on 11 May 2006.

S07/1582 – Erection of 4 metre high earth bund to reduce noise levels was granted planning permission on 30 May 2008.

S07/1583 – Variation of planning approval S00/0471 to increase the shooting days to a maximum of no more than 120 days per year.

A 15 month temporary permission was granted permitting the increase in shooting days to 120 per year on 9th June 2008.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPG17 – Sport and Recreation

PPG24 – Planning and Noise

A Draft National Planning Policy Framework was issued on July 2011. The Framework sets out the Government's requirements for the planning system encompassing its economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

It is based around a presumption in favour of sustainable development. In relation to the rural economy planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. Policies should maintain a prosperous rural economy by amongst other things:

-promote the development and diversification of agricultural businesses; and
-support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in appropriate locations where identified needs are not met by existing facilities in rural centres.

Regional Policy

REGIONAL SPATIAL STRATEGY FOR THE EAST MIDLANDS (RSS8)

Policy 24 Regional Priorities for Rural Diversification

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect in November 2010. This decision was successfully challenged in the High Court by Cala Homes which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considers that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court. It is understood that this decision may be the subject to an appeal.

South Kesteven adopted Core Strategy

EN1 – Protection and Enhancement of the Character of the District

Representations Received

Local Highway Authority

Any comments will be reported in the late items paper or verbally at committee.

Environmental Protection (Noise).

Confirmation that there have been no noise complaints received during the 15 month trial period from June 2008.

Request that conditions are as per the previous.

Public Rights of Way Officer

This application has been made on several previous occasions, there is no problem with the public right of way.

Hough on the Hill Parish Council

The Parish Council's only comments are on the review of the previous conditions in para 82 of the planning statement:

Would it be possible for a list of active days at the shooting ground to be made available to the public, or at least the parish councils? This would enable local residents to satisfy themselves that condition 2 and 3 (S07/1583) were being complied with. It would also help to identify when noise, which might be attributed to the shooting ground, might be from other sources. E.g. pheasant shoots.

Condition 5 (maximum of 4 hours per day). This needs further definition. For example, if a volley of shots lasts 15 seconds and is followed 5 minutes later by another volley, does that count as 30 seconds cumulative time or 5 minutes? What period of quiet counts as a break in the cumulative daily total.

Conditions 7 and 8 (lowering and positioning of shooting stands) – As stated in the noise assessment report “there is no fixed level at which annoyance starts to occur. Annoyance is less likely to occur at a mean shooting level below 55dB (A). The applicant has thus deemed 55dB (A) to be the

acceptable criteria level. However, it is also implicit that shooting noise can be annoying at lower levels. Given that some of the test results were not significantly below this self declared criterion, the local planning authority should require that all reasonable steps be taken to reduce the nuisance to residents. The failure of the applicant to comply with these conditions since 2008, despite being under assessment, tends not to inspire confidence in future compliance.

Caythorpe Parish Council

No comment.

Fenton Parish Council

Fenton parish Council wishes to object to this application, primarily on the grounds that the last permission (for a temporary increase in days of shooting, granted May 2008) cannot be demonstrated to have taken effect.

The applicant has failed to comply with several conditions relating to the last permission, notably the requirement for further sound testing to take place before the increase in activity began. Other conditions have not been implemented.

The applicant's claim that a permanent permission should follow almost as a matter of course is nonsense in these circumstances. The only application that should be seriously considered should be a further temporary permission, with a clear beginning and end, and with clear evidence of increased use of the site.

If the application proceeds we would like to raise the following points:

-the sound testing has been undertaken to prove that noise disturbance in Fenton is less than 55 decibels is inadequate as it has not been undertaken with a positive wind vector (in this case an easterly wind). Fenton is north-west of Stubton Gorse. Tests carried out in a northerly breeze of 2.6m/s are not carried out with a positive wind vector.

-the noise assessment carried out in June 2010 satisfies neither the CIEH (chartered institute of environmental health) guidelines nor the Council's own conditions.

-the applicant claims that winds from the east are rare. Any resident of the area would disagree. We frequently experience biting cold winds east winds, and we also get longer periods of a more general easterly airflow from the continent. This can last for several weeks, leading to intense cold spell in winter and hot dry spells in the summer, and increasing the effect of shooting noise for the entire period. Also the applicant has not addressed the issue of noise on still calm summer evenings when there is little wind. The noise of the shoot is particularly intrusive in these conditions.

-it should be noted from the noise assessments undertaken in support of this application that the SNL (shooting noise level) was higher for Fenton than for any of the test sites, even without a positive wind vector. This confirms the fact that Fenton is the most sensitive of the local communities and that full testing with a positive wind vector towards Fenton is essential before granting any further permission.

-The noise assessors themselves proposed that shooting should be stopped when the wind is easterly, to protect Fenton from excessive disturbance. This would certainly reduce the noise of the shooting, but the applicant argues that this proposal is unnecessary and in fact the Council decided in considering the previous application that this was unworkable. This is the single most important protection which the Council could offer to the people of Fenton. Unless proper noise assessment with a positive wind vector is carried out proving that noise levels in Fenton are below 55 dB(A) this recommendation must be retained and enforced.

-The applicant claims that the many improvements undertaken at the site have lessened the noise disturbance considerably. However, the testing carried out by Kirby Charles Associates in April and May 2007 established SNL levels of 50.1 and 52.5 in Fenton, whereas noise assessments undertaken in support of the current application show an SNL of 52.9. This does not show any improvement.

-Repeatedly the applicant quotes 55 decibels as the benchmark figure below which noise levels are acceptable. I need hardly point out that at 52.9 decibels noise levels in Fenton are very close to this benchmark figure.

-it is surprising that two of the conditions imposed on the last planning permission have never been carried out fully and are now to be dropped. The lowering of all shooting

stands, and their positioning as close to the bunding as practicable. These conditions would actually make a significant reduction in the shooting noise levels. These conditions, which the applicant is seeking to be revoked should be retained and enforced.

-the applicant appears to be seeking some relaxation on the other restrictions on the site. The last application stipulated two weekends shooting per calendar month. This apparently minor alteration could effectively mean that there is some shooting for part of every weekend in the future. This would be unacceptable to the residents of Fenton.

-the applicant argues that since no complaints have been made by local people during the time of the temporary permission, there is no reason not to make the permission permanent. The truth is that the residents of Fenton still find the noise of the shoot disturbing, and still feel that 50 days is a reasonable limit to impose. The problem has been ongoing for many years and inevitably, levels of complaint will diminish over time as people become disillusioned about how effective their complaints are actually improving the problem. The position remains the same as it always has been.

-The applicant's view is that the shoot does not cause noise disturbance in Fenton, but a significant number of those who actually live here feel that the noise of the shoot is intrusive and should be kept to a minimum. Once again the applicant has failed to prove that noise levels in Fenton are below the 55 decibel benchmark figure when tested in appropriate conditions. He has also failed to demonstrate any improvement in noise levels in Fenton; and in arguing that further measures to improve noise levels are unnecessary, demonstrates little concern for the views of local residents.

-The failure to be ruled by planning conditions imposed on the last permission also shows a disregard for Council procedures which is entirely characteristic of the site over its entire history. On behalf of the residents of Fenton therefore I ask that you recommend rejection of this application.

Representations as a result of Publicity

The application has been advertised in accordance with the statement of community involvement. 14 objections have been received. A summary of the main concerns are listed below:

1. I am objecting on noise grounds alone. When the previous extension was passed it was agreed that the shooting butts would be sound proofed by lowering and consideration into wind direction taken into account. Neither of these matters have been addressed, and the noise is always too loud and unbearable in my house.
2. There should be a reduction in the number of shooting days allowed. This facility is becoming a public nuisance.
3. My property is due west of Gorse Lodge. In fact it is the nearest property in the village to it. The noise isn't too bad when the wind if from the east. However, the prevailing winds are usually from the west or south west and the noise can be easily heard, even in doors in our property which is fully glazed.
4. Shooting once a week, usually Tuesdays and occasionally at weekends is acceptable, but more than doubling this is in my opinion unacceptable.

5. By extending the days of shooting, as they only shoot 8 months of the year (no shooting during game season) these extra days are compressed into the 8 months.
6. They do not observe the recommendation that there is no shooting when wind is blowing from shooting ground to Fenton so there has been an appreciable increase in noise when shooting.
7. The increase in hours will mean that there will be more disturbance in the evenings and at weekends, to a level not acceptable in a rural community
8. Although the last application was granted a temporary 120 days shooting for 15 months it has been obvious as we have taken particular notice that over this time there has been a big reduction in shooting activity.
9. It is as if the 120 days have not been used fully used therefore is 120 days really needed or is it just for the Lodge's portfolio.
10. We have not in reality been able to see if we could live with three days shooting each week especially during the summer months when the windows and doors are open and residents are out in the garden.
11. On a clear summers day it can be very intrusive in an afternoon or an evening.
12. Fenton is only approximately 1 km away this is not 'distant' from the shoot.
13. We also hear the noise from the carting circuit but that is like a bumble bee noise.
14. As the small villages directly around Gorse Lodge (Stubton, Fenton and Brandon) do not have any amenities such as shops, pubs or restaurants that would lose out I do not think we are penalising any local businesses by objecting so strongly.
15. We have the right to expect a certain amount of peace in the countryside. If it becomes too noisy we lose out on quality of life.
16. I do not consider that Gorse Lodge has justified the need for 120 shooting days a year.
17. It already disturbs our peace on Tuesdays and we do not want any increase in this disturbance.
18. The gun shot noise spoils our enjoyment of our garden and countryside that we moved here to enjoy.
19. We can most definitely hear the gun shots from Pump Lane and it is annoying.
20. Pump Lane is only 1.1km north of the site as mentioned in the noise report. Not 1.4km as specified in the planning statement. It is therefore questionable as to whether it conforms to CIEH guidelines.
21. It should also be noted that original maps of the area have been replaced with aerial photos that do not show anything north of the shooting ground where Fenton lies even though the application is at pains to point out that all shooting is aimed to the north.
22. Only one test was carried out in Fenton village on 15th June 2010 when subsequent tests were carried out at other villages.
23. There is no longer any noisy industrial sites in Fenton so the normal background level will be lower making the loud bangs from the gun shots more noticeable.
24. The trial period has coincided with mains drainage being installed in our village. It is not surprising that few complaints were received last summer when we had to contend with pneumatic drills and JCB's digging up roads and gardens all over the village.
25. The 120 days usage is not spread throughout the year but concentrated on summer months of May to September just the time when we want to enjoy our gardens.
26. Noise from shoot is still intrusive.
27. 120 days is too much

28. Assessments not in accordance with CIEH guidance as there was no positive wind vector.
29. Additional noise assessment and conditions of the temporary permission have not been complied with.
30. Failure to act on these conditions demonstrates a lack of care for the wellbeing of local people and a lack of respect for the requirements of the Council.
31. It is not clear when the shoot increased its intensity since 2008.
32. A temporary permission which actually fulfills the Council's conditions which has a definitive start date is absolutely essential before any application for a permanent permission is considered.
33. The trial period which ran from June 2008 to September 2009 was monitored by the local residents although all the conditions required were not implemented.
34. The clay shoot operated 75 days, 29 exceeded the 4 hours cumulative shooting and 2 operated for 8 hours.
35. We question the reason for the planning application to be granted as the shoot apparently has enough days and hours on the present consent. In 2010 the shoot was used just 42 days and by very few shooters.
36. The 4 hour cumulative shooting along with the south westerly wind and the 55 decibels condition were apparently not being adhered to by self regulation during the first trial period and will almost be impossible to police/monitor.
37. No more than 2 guns shooting at anyone time is impossible to enforce on the current planning permission.
38. There should be significant discussions regarding the proposed scheme prior to decisions being made.
39. Noise affects not only quality of life but there is also emerging evidence that it directly affects health particularly cardiovascular impacts.
40. The trial period was undertaken in winter conditions and the noise level is still significant. It would be worse during summer periods.
41. Shooting levels have been low during the trial period. This could be proven by an examination of the shooting records.
42. The latest noise levels are above the previous measurements despite a favourable wind direction.
43. Continuous gun noise is very disturbing during the summer months. Further increase in the days would further increase this level of disturbance.
44. I have no objection to a reasonable increase in the number of days if the noise measures can be significantly improved to make them more efficient.
45. The noise can be heard when the wind is from a south westerly direction.
46. The cumulative impact of the two go cart tracks and the clay shoot is not acceptable.
47. Unpredictable and 'spiked' nature of individual gunshots make it intrusive and difficult to 'tune out'.
48. Should be able to enjoy my private garden area especially in the summer months.
49. Little shooting would take place November to April due to shorter daylight hours and generally less favourable weather. So an increase from 50 to 120 days a year would facilitate shooting most weekends in the summer.
50. Stubton Clay ground is only some 1100 metres from residential properties in Fenton. CIEH guidance states that as the buffer zone decreases below 1.5km so the frequency and duration of events may need to be decreased. The effect of approving this planning application would be the opposite.

51. The noise tests conducted on behalf of the applicant are only small scale. Why only 2 days one of which was Fenton?
52. The testing should have been done when there was a southerly or easterly wind. This may have resulted in the 55 decibel threshold at Fenton being breeched.
53. Are the additional days required based on recent activity.
54. If minded to approve conditions should be considered stating no more than 4 days shooting in any 7 day period. No more than 4 hours cumulative shooting per day. No weekday shooting beyond 6pm except Tuesdays as this is the quality time when most residents return home from work. The site owners should publish on their website on which days shooting is likely to take place in the week/month ahead of time if possible. This would be a good neighbour gesture and allow residents to plan social events with family and friends etc.
55. The shooting noise is dominant because it is contrary to the noises that occur naturally in a rural location.
56. The owners of the club have routinely observed regulations on the limits of their shooting hours when applications for extensions are in the pipeline and then behave with impunity by exceeding such limits when applications have been granted.
57. Application should be rejected in order to preserve the nature and character of this rural area.

One letter of letter has been received in support of the application. A summary of its main points are listed below:

1. I would support this application as for myself and most of the residents of the surrounding area I believe that there is next to no impact of the current level of activity – support local businesses.

Applicants Submission

The applicant has provided a planning statement and a noise assessment to demonstrate that the proposal is acceptable and would not result in any significant impact on amenity.

The planning statement states:

“Permission was granted under application S07/1583/31 in June 2008 for an increase in the number of days from 50 to 120 days per annum for a period of 15 months only ‘to allow the local planning authority to assess the proposal’”.

“This temporary period increased shooting days took place without any adverse representations of complaints being received. The 15 month period has now expired and this application seeks to permit the increased number of shooting days on a permanent basis”.

The conclusion of the submitted noise report is summarised below:

-the assessment indicates that the noise levels recorded at the nearest residential dwellings surrounding Gorse Lodge (Stubton Clay Ground) i.e. Moor Farm, Grange Farm,

Court Leys, Fenton, Fulbeck Grange are within the CIEH 2003 guidance/BRE acceptable criteria if 55 dB(A) i.e. annoyance is less likely to occur at a mean shooting level below 55 dB(A) provided that standard 28 gram cartridges are used.

-the assessment has however recommended that in order to minimise/reduce shooting noise levels at the nearest residential dwellings, the following measures should be implemented:

i Shooting stopped/not allowed when the prevailing wind is from the southeast, i.e. wind from the shooting ground to Fenton.

ii No shooting on the grassed field outside of the bunded area.

iii No high velocity shot gun cartridges to be used.

The assessment has concluded that provided only standard 28 gram shotgun cartridges are used at Gorse Lodge (Stubton Clay Ground) the shooting noise levels should not be detrimental to the amenity of nearby residents.

Additional information was requested to demonstrate that the temporary permission has been implemented. The following information has been received:

63 club events took place.

In addition the following private and club events took place

Date	Use
2008	
14th June	Private shoot day
21st July	Private shoot day
15th August	Corporate shoot event
20th September	Corporate shoot event
1st October	Private shoot day
5th November	Private shoot day
22nd November	Private shoot day
26th December	Private shoot day
27th December	Private shoot day
2009	
1st January	Private shoot day
24th January	Corporate shoot event
14th February	Corporate shoot event
7th March	Private shoot day
13th March	Corporate shoot event
1st April	Private shoot day
2nd April	Private shoot day
1st May	Corporate shoot event

17th June	Private shoot day
24th July	Private shoot day
7th August	Private shoot day
27th August	Private shoot day
28th August	Private shoot day

Plus 10-15 days shoot lessons to individual clients.

Thus in the 15 months of the temporary permission, we have;

Club shoot days	63
Private and corporate shoot days	22
Private tuitions	10-15
TOTAL	95-100

This is obviously over the entire 15 month period. Dividing by 1.25years gives 76-80 days operation in a 12 month period.

The applicant has offered sworn statements in relation to the above matters if Members deem this to be necessary.

Officer Evaluation

The issues for consideration in relation to this proposal are noise and disturbance and impact on the highway network.

Noise and Disturbance

Members may recall that the planning permission was previously granted for a temporary 15 month period to allow the local planning authority to 'assess the proposal'.

There is significant discussion as to whether or not the temporary trial period has been successfully implemented. Members of the public indicate that there has actually been a reduction in the number of shoots rather than an increase as per the temporary permission.

The applicant has stated in their planning statement that the temporary period of increased shooting took place without any adverse complaints being received. From the information that has been submitted it would appear that more than 50 shooting days have taken place. However, it is clear that the upper ceiling of 120 has not been reached.

The temporary permission has a number of pre-commencement conditions, none of which were formally discharged. As such it is considered that the temporary permission was not lawfully implemented.

Notwithstanding whether or not the additional days beyond the 50 were authorised it is considered that sufficient evidence has been provided to demonstrate that the clay shoot has operated beyond the 50 day limit without significant detrimental impact on the amenity of neighbouring/nearby residents.

Based on the submitted information, there would appear to be no justification to increase the number of shooting days to 120. It has not been demonstrated that this level of activity can be undertaken without harm to amenity. However, it does seem reasonable to permit an increase in the number of days beyond the 50. An increase to 90 days would allow the operation to continue as per the 15 month period from June 2008 onwards.

It is considered reasonable to include the relevant conditions of the previous temporary permission (S07/1583). The condition relating to the requirement for a further noise assessment is considered unreasonable in this instance.

It is considered there would be limited benefit in granting a further limited trial period as it would appear that the applicant does not require 120 days to operate a viable business.

In light of the above a permanent planning permission for 90 days is deemed to be an appropriate compromise.

Section 106 Heads of Terms

There is no requirement for a Section 106 legal agreement in this instance.

Crime and Disorder

It is considered that the scheme would not raise any significant issues relating to crime and disorder.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that Act would be breached.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is considered to accord with the relevant parts of PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPG17 – Sport and Recreation, PPG24 – Planning and Noise.

Policy 24 Regional Priorities for Rural Diversification and Policy EN1 of the South Kesteven adopted Core Strategy.

The issues relating to noise and disturbance and impact on residential amenity are material planning considerations but subject to the conditions attached are not sufficient to indicate against the proposals and to outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The clay shooting ground shall not be used for business purposes outside the hours of 10.00am to 8.00pm Monday to Friday.

To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the South Kesteven Core Strategy.

2. The Clay Shooting ground shall be used for business purposes on two weekends per month only and shall not operate outside the hours of 10.00am to 6.00pm Saturday and Sunday.

Reason: To protect the amenity of nearby residential occupiers in accordance with Policy EN1 in the Saved Policies of the South Kesteven Core Strategy.

3. The Clay Shooting ground shall operate for a maximum of 90 days per year.

Reason: To protect the amenity of nearby residential occupiers in accordance with Policy EN1 in the Saved Policies of the South Kesteven Core Strategy.

4. The operator shall keep precise records of nature and number of shoots on any one day and these shall be available for inspection by the local planning authority. The records shall include the type of event, the duration of event and number of shooters.

Reason: To allow effective monitoring of the site in the interests of residential amenity.

5. There shall be a maximum of four hours cumulative shooting on any one day.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

6. Only Laporte Pro II Shotguns or any other shotgun with comparable technical specifications and acoustic characteristics as agreed in writing by the local planning authority shall be used for Corporate Days and private lessons.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

7. All shooting stands within the bunded areas shall be lowered by a minimum of 1 metre.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

8. All sunken shooting stands shall be positioned as close as is reasonably practicable to the existing bunding.

Reason: To protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

9. All clay traps shall be positioned within the site to ensure that the direction of all shooting is to the north.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

10. All shooting shall take place within the permitted area as shown on the site location plan received by the local planning authority from the applicant's agent on 14th March 2011.

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

11. Cartridges with a maximum load of 28 grammes only shall be used at the shooting ground. No high velocity cartridges shall be used.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

12. The mean shooting noise level must not exceed 55 dB(A) when measured at the points as detailed in the acoustic report undertaken by Kirby Charles Associates Ltd dated July 2010. The mean shooting noise level must be determined using the guidance on the Control of Noise from Clay Target Shooting published by the Chartered Institute of Environmental Health, January 2003.

Reason: To define the permission and protect the amenity of nearby residential occupiers and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Core Strategy.

13. Prior to implementation of the permission hereby granted the bund as approved by planning permission S07/1582 shall be constructed on site. The bund shall be permanently retained in situ for the duration of this permission.

Reason: To protect the amenity of nearby residential occupiers in accordance with Policy EN1 in the Saved Policies of the South Kesteven Core Strategy.

* * * * *

Applicant	The Orders of St John Care Trust C/O Agent
Agent	Mr Andy Marshall, Brackley Investments Ltd Lower Farm Barns, 6, Bainton Road, Buckwell, Bicester, Oxon, OX27 7LT
Proposal	60 bed residential Nursing and Dementia Home (Class C2) and 72no. extra care apartments (Class C2) with associated car parking and landscaping
Location	Land off Springfield Road, Grantham
App Type	Major Full (Residential)
Parish(es)	Grantham

REPORT

Application Category

This is categorised as a major planning application.

Reasons for Referral to Committee

The planning application is a major application and may be likely to cause wider concern.

The Proposal

The application proposes the construction of a 60 bed residential care home and 72 extra care apartments. The care home would provide its accommodation on two floors each providing 30 beds. The extra care apartments would be provided on three floors and be broken 6no. 1 bed and 18no. 2 bed apartments at ground floor level, 7no. 1 bed and 23no. 2 bed apartments at first floor level and a further 3no. one bed, 15no. 2 bed apartments at second floor level.

The applicant has submitted a phasing plan splitting the development into two phases. Phase 1 would include the residential care home and a short section of the access road. Phase 2 would include the extra care housing.

The application site and surroundings

The application site lies to the south west of Grantham town centre and is bounded by Springfield Road to the south, and residential properties off Huntingtower Road to the east. To the north of the site are allotments and a commercial operation that has an area of external storage. The overall site area is approximately 1.7 hectares.

The applicant has indicated that the land since at least 1945 and up until 2003/4 was in allotment use. Prior to 2003/4 the land was rented by the Buckminster Trust Estate to the Huntingtower Road Allotments Association (HRAA). The land was held by the HRAA under a lease dated July 1960. The total land leased in 1960 was 5.1 hectares. In 2003 the HRAA approached Buckminster Estates wishing to surrender part of their leased area. The HRAA was unable to find people wishing to cultivate the entire 5.1 hectares. The lease surrender formally took place in October 2004.

Since 2003/4 the site has remained vacant and is now very overgrown.

Relevant Site History

The site has no specific planning history relevant to the determination of this planning application. However, members should be aware of a recent appeal decision in relation to an allotment site elsewhere in Grantham.

APP/E2530/A/09/2101377 – Beacon Lane Allotments – 43 Residential Units and 12 affordable units – Granted Outline Planning Permission at appeal – 25 August 2009.

The Inspector commented that the studies presented at the Inquiry all identified that Grantham has a considerable area of land in use as allotments, with provision far in excess of the recommended minimum standard recommended in the Open Space Study. He went on to say:

The assessment of allotment usage submitted by the appellant bears out my own assessment of the use of various allotment sites within Grantham, with a small number that are well managed and actively used and others that are part abandoned, unused or barely used. Fly tipping and use for commercial storage in buildings also occurs on some sites and evidence given at the Inquiry indicates that local trades people look for such sites to act as a base and store area.

Policy Considerations

National Policy

PPS1: Delivering Sustainable Development

PPS3: Housing

Planning Policy Statement 3 which relates to the delivery of strategic housing objectives was revised on 9th June 2010. The two specific revisions being:

- The reclassification of previously developed land to exclude garden land, and
- The removal of minimum density targets for new residential development.

Previously Developed Land

The local planning authority must have regard to this guidance in the consideration of planning applications. This does not however preclude development of garden land in the appropriate locations, such as sites within the development boundary of sustainable locations.

PPG13: Transport

PPG17 – Planning for Open Space, Sport and Recreation

Local planning authorities should use their needs assessments to form policies and standards for new open space provision.

PPS25: Planning and Flood Risk

Regional Planning Policy – East Midlands Regional Plan

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect in November 2010. This decision was successfully challenged in the High Court by Cala Homes which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considers that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

On appeal, the Court confirmed that there may be circumstances in which the intention to abolish the RSS could be material to a development control decision.

Core Strategy Policy

EN1: Protection and Enhancement of the Environment

This policy sets out a number of criteria by which all new developments are to be assessed.

EN4: Sustainable Construction and Design

SP1 – Spatial Strategy - The majority of all new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. New development proposals shall be considered on appropriate sustainable and deliverable brownfield sites and appropriate Greenfield sites (including urban extension sufficient to ensure the achievement of growth targets).

Grantham Area Action Plan – Preferred Approach Development Plan Document – Consultation March 2011

Policy OSS1 – Open Space Provision

This policy sets out standards to ensure the availability of adequate open space for all areas.

Policy OSS2 – Protecting Existing Open Spaces, Sports and Recreation Facilities.

Development proposals on existing open spaces will only be permitted where it can be 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 in Policy OSS1 or;
- equivalent (or better) replacement provision is to be made within the same catchment area.

Representations Received

Local Highway Authority

Awaiting full comments.

Planning Policy

Awaiting comments

Partnerships Project Officer (Affordable Housing)

I can confirm that there is no affordable housing requirement for the 60 Bed Residential Nursing and Dementia Home.

With regards to the development of the 72 Extra Care Apartments, The proposals will provide affordable independent supported living for the elderly. The development of the scheme will support Lincolnshire County Council's Extra Care Housing Strategy by satisfying the growing need for older people's accommodation and services. The proposal is to implement a joint nominations board comprising of Lincolnshire County Council (LCC), South Kesteven District Council (SKDC) and The Order of St John Care Trust

(OSJCT). This joint nomination procedure will enable the District Council to nominate vulnerable applicants from the South Kesteven area requiring Extra Care Accommodation.

Anglian Water

Foul Sewerage Network

The sewerage system has available capacity for these flows.

Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in any approval.

Requested Condition – No dwelling/premises shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

Environmental Protection (Noise)

Concern was expressed regarding noise and disturbance from the nearby commercial operation and the potential effect this may have the amenity of the future occupiers. A noise report has been submitted to Environmental Protection for their comments.

The conclusions of the report state that:

“Calculations indicate that standard thermal double-glazing will be appropriate for all windows of the project.

Appropriate internal noise levels will be achieved with part opening glazing.

No acoustic ventilation will be required”.

The noise report indicates that no additional mitigation measures are required in respect of noise and I would agree with this. However, I would request that should the planning application be approved, that a condition be attached requiring details of plant and equipment to be used on the site to be submitted and approved prior to commencement.

Natural England

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development as such standing advice is relevant. Their comments indicate that further assessment was needed in relation to the potential presence of reptiles on the site.

A further reptile survey was undertaken and forwarded to Natural England. Their comments indicate that this additional survey is acceptable.

Environmental Protection (Contaminated Land)

This land is not on our Contaminated Land Inspection Strategy, and historically would appear to be allotment/scrub land.

We are not aware of any contamination on the site, but there may be local fly tipping. However, I do not think we need a contaminated land condition.

Community Leisure Officer (Open Space)

Given the nature of the development I do not feel it is appropriate to seek the provision of play equipment within the development or an off-site contribution.

In terms of open space I have looked at the attached plan and feel there is an adequate amount with a variety of features to serve the needs of the residents.

Environment Agency

We have assessed the submitted information and have no objection to the proposed development subject to the following condition being attached to any grant of planning permission.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

Arboricultural Consultant

I visited the site on the 27 July 2011.

I generally concur with the retention categories described in the accompanying tree survey. The trees of significance are those located on or adjacent to the main road frontage. I believe that they are subject to a TPO. The remaining trees are generally poor and are of very little merit in terms of the immediate or broad landscape.

The site layout plan shows the new residential blocks & other buildings positioned away from the existing trees. Hence there is little potential for conflict.

Thus, I have no objections in arboricultural terms to the proposed development going ahead subject to a condition requiring more information detailing how the retained trees will be protected during the development and landscape works. This should be in the form of a method statement and tree protection plan.

The information supplied in fulfilment of this condition should be provided & approved in writing by the LPA.

Representations received as a result of publicity

The application has been advertised in accordance with the Council's adopted statement of community involvement. One letter(s) of objection have been received. Their objections are summarised below:

1. Dominant and oppressive environment created by the proposal.
2. Visually intrusive.
3. The tallest buildings are closest to the houses on Huntingtower Road this will create a dominant and oppressive environment.
4. Will reduce the light received in the gardens particularly in winter casting long shadows in the afternoon as the sun will set behind these high nearby buildings.
5. This could be addressed by reducing the height of the buildings, or situating the tallest buildings on the opposite side of the site. They could also plant more trees along the edge of the proposed development.
6. Overlooking or loss of privacy.
7. The balcony gardens on the first floor adjacent to flats 49 and 50 would be directly adjacent to our gardens and would overlook them significantly.
8. Balcony seems unnecessary as it is located on the eastern elevation and will receive little or no sun. They should be moved to the western elevation.
9. The southerly wing of the extra care building is extremely close to the border of the development on the eastern side. If trees were planted it would improve issues of privacy.
10. Should be moved further from the boundary of the site.
11. The above issues were raised as part of the consultation exercise but have been ignored and not taken into consideration in relation to the plans submitted.
12. The consultation exercise was nothing more than a PR exercise.

Applicants Submission

The applicant has provided a comprehensive range of documents in support of the planning application. They include:

Planning Statement, Design and Access Statement, Flood Risk Assessment, Arboricultural Survey, Habitat survey, Reptile survey, Transport Assessment, Travel Plan, Allotment Survey, Contamination Report and BREEAM Sustainability Assessment.

The Planning Statement concludes:

The proposed development complies fully with the provisions of both national planning policy guidance and local planning policy context.

The site's location is a sustainable one offering access by a range of travel modes, whilst the proposed development of self contained community facilities will enable the need to travel to be minimised. The proposed buildings are designed to achieve a 'very good' BREEAM score and therefore the proposal accords with the sustainable principles set out in PPS1, PPG13 and the adopted South Kesteven Core Strategy.

The site's former use as allotments has been abandoned and is no longer in existing use. PPG17 infers that under used allotments should be regarded as existing but provides very different advice in respect of vacant or derelict land i.e. that where possible it should be put to use for new open space. The proposed development incorporates a large area of new open space along the Springfield Road frontage.

The policies relating to existing allotments within the GAAP should not be relevant to the application site given the abandoned former use, whereas the new open space will help meet the standards in OSS1 for informal space.

In summary this application presents an opportunity to transform a derelict tract of land into a well landscaped new community place to meet local needs in a sustainable location.

Officer Evaluation

The main issue for consideration in relation to this application are residential amenity, highway safety and the previous use of the land.

Residential Amenity

It is accepted that the proposal would result in significant built form adjacent to the rear gardens of the existing properties along Huntingtower Road. However, due to the significant separation distances between the proposal and the existing properties on Huntingtower Road it is considered that there would not be any significant overshadowing or loss of daylight/sunlight that could justify a refusal of planning permission on these grounds.

This is borne out by the submitted shadow plans. It is only the 4pm in November which shows a significant proportion of the rear gardens of the neighbouring properties being overshadowed. This would be expected as at this time of the year daylight hours are short and long shadows are cast by the low sun.

The aforementioned separation distances are also considered sufficient to ensure that there would not be any significant overlooking and loss of privacy. The existing properties on Huntingtower Road are approximately 55-60 metres away from the closest elevation. Whilst this elevation does contain balconies it is considered that such separation distances would be sufficient to ensure no significant detrimental impact to existing levels of residential amenity.

It is acknowledged that the outlook from the neighbouring dwellings would change as views over the land would be removed. I accept that these changes may not be welcomed. But to ensure that the existing occupiers would experience no adverse impact from a new development would be an unreasonable level of test for any proposed development.

It is accepted that both levels of privacy and daylight/sunlight reaching the rear gardens of the adjacent properties will be reduced. However, it is not considered to be sufficient to justify a refusal of planning permission on residential amenity grounds.

A noise report has been submitted with the planning application to demonstrate that the future occupiers of the development would not experience any significant disturbance from vehicle movements and/or neighbouring commercial operations.

This report has been forwarded to the Council's Environmental Protection section for comments. Their response will be reported in the late items paper or verbally at the planning committee.

Highway Safety

The proposed development includes a section of adopted highway off Springfield Road and includes an area of permeable parking within the site.

The submitted travel plan in support of the planning application indicates that the future occupiers would look to reduce the number of single occupancy vehicle journeys to and from the development. This would be achieved by the appointment of a travel plan coordinator whose role would be to:

- to reduce the number of lone car drivers to and from the site;
- increase the number of employees, visitors and residents utilising sustainable forms of transport to and from the site;
- increase employee awareness of the travel plan and sustainable modes
- ensure the travel plan is monitored each year and new measures are developed if the plan is not achieving the required levels of modal shift.

The comments of the highway authority will be included in the late items paper or reported verbally at committee.

The previous use of the land

The applicant have submitted information in relation to the previous use of the site and explained its history. From the information provided and an inspection of the site there is no allotment use taking place on the site. As such the issue of loss of allotments is not specifically material to the determination of this planning application.

Comments from our policy section on this matter will be reported in the late items paper.

Section 106 Heads of Terms

Due to the nature of the proposed development in that the units are within the C2 use class it is considered that the proposal would not place the same burden/impact on existing infrastructure as a C3 residential scheme. As such it is considered that no developer contributions are required.

Crime and Disorder

It is considered that the proposal would not raise any significant issues with regard to crime and disorder.

Human Rights Implications

Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making a recommendation.

It is considered that no relevant Article of the act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development would be located in a sustainable location in Grantham. It would provide affordable independent supported living accommodation for the elderly. As such the proposal is considered to accord with national and local policies as set out in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport), PPG17- (Planning for Open Space, Sport and Recreation), PPS25 (Planning and Flood Risk), Policy 1 (Regional Core Objectives) and Policy 2 (Promoting Better Design) of the East Midlands Regional Plan, and Policies EN1, EN4, and SP1 of the adopted South Kesteven Core Strategy. Whilst concern has been raised in relation to visual amenity and residential amenity it is considered that the proposed development would not be visually intrusive because of the siting, design and proposed landscaping and would not have a significant detrimental effect on the amenity of neighbouring occupiers because of the significant separation distances between the proposal and the existing properties.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. For each phase, conditions 4, 5, 8, 9, 10 , 11 and 12 set out below shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission.

Approval of all conditions for any phase or part of that phase shall be obtained from the Local Planning Authority in writing before any development in that permitted phase or part of any permitted phase is commenced.

Reason: To define the permission.

3. No additional windows or other openings other than those expressly permitted by this permission shall be constructed unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of neighbouring occupiers and to accord with policy

EN1 of the adopted South Kesteven Core Strategy.

4. Prior to the installation, details of any flue/extractor systems shall be submitted to and approved in writing by the local planning authority. Details shall include noise levels and method of mounting to minimise sound transmission. The development shall be undertaken in accordance with any such details that are approved.

Reason: In the interests of residential amenity of neighbouring occupiers and in accordance with policy EN1 of the adopted South Kestevn Core Strategy.

5. Before any plant and machinery is used on the premises precise details of mounting, sound insulation and operating noise levels shall be submitted to and approved in writing by the local planning authority. The development shall operate in accordance with any such details that are approved.

Reason: To protect the amenity of neighbouring occupiers and to accord with policy EN1 of the adopted South Kesteven Core Strategy.

6. The development hereby permitted shall be undertaken in accordance with the submitted NVP noise report.

Reason: To ensure a satisfactory form of development for the future occupiers of the proposed development.

7. Development shall proceed fully in accordance with the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason: To reduce the risk of flooding.

8. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

Reason: In the interests of visual amenity.

9. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To ensure a satisfactory form of development.

11. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: To help the development assimilate with its surroundings.

12. Prior to the commencement of any works on the site, a detailed plan of a scheme for the protection of all trees/ hedges which are to be retained as part of the approved landscaping scheme shall be submitted to and approved in writing by the District Planning Authority. The scheme as approved shall be implemented prior to the commencement of any works on site and shall be retained for the duration of construction works.

Reason: To protect existing trees on or near the site in the interests of visual amenity.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Applicant	Michael Thurlby c/o The Crown Hotel, All Saints Place, Stamford, Lincs, PE9 2AG
Agent	Jonathon Hartley Architectural The Old Curiosity Shop, 28, St. Peters Street, Stamford, PE9 2PF
Proposal	Internal alterations to listed building
Location	4, Barn Hill, Stamford, Lincolnshire, PE9 2AE
App Type	Listed Building Consent
Parish(es)	Stamford

REPORT

Application Category

The application is categorised as an 'OTHER' type of application

Reason for Referral to Committee

The application has been referred to committee due to the wider public interest in the proposal.

The Proposal

The proposal is for internal alterations to a Grade II* listed building.

The application site and its surroundings

The application site is a Grade II* listed building of stone construction with a Collyweston slate roof. It forms one of the mid-terrace buildings on the western side of Barn Hill; an area that is predominantly residential use.

The site is located on Barn Hill, an attractive cobbled street situated close to the north-western edge of the town centre of Stamford

Representations Received

Local Highway Authority: Does not wish to restrict the grant of planning permission.

Town Council: Object on grounds of the application being part of a wider process to change properties for the Crown Hotel use, impact on this historic street, application is a Grade II* building and not Grade II as stated, lack of justification for the alterations or for the access.

Lincolnshire Heritage Archaeology: No intervention required

English Heritage: Recommend that the application be determined in accordance with national and local policy guidance.

Stamford Civic Society – Recommend refusal due to the effect that these alterations would have on the property and the neighbourhood.

Conservation Officer – The alterations to the toilet are would not affect any features of historic significance within either property and the removal of modern cupboards in a recess in a first floor bedroom and its replacement with an en-suite would again not adversely impact on features of historic interest. The similar alteration to the second floor bedroom to provide an en-suite is also acceptable. The scheme would not appear to affect the character or appearance of the listed building or this part of the Stamford Conservation Area.

Society for the Protection of Ancient Buildings (SPAB) – AWAITING COMMENTS

Nick Boles MP – I presume the alterations are to be carried out with the intention of using the property as part of the hotel. I do not get involved in individual planning application but I am inclined to take a firm position on planning policies and the enforcement of them. I strongly support the policy that the ancient centre of Stamford should retain a strongly residential character and not become commercialised through a subversion of rules

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 8 July 2011. Clarification was sought from the applicant on the scope of internal works and their impact on the heritage asset (further details submitted within a revised Design and Access Statement) with a further 14 days given to consultees; the closing date being 9 August 2011.

As a result of the consultation periods a total of 14 representations were received. A summary of the material planning considerations raised in the objections are as follows;

1. The relocation of the boundary fence will cause increased noise and disturbance from daily use as this will be the main access to 4B
2. Increase in traffic and indiscriminate parking in the area.
3. Noise and disturbance to residents in Barn Hill.
4. Refuse.
5. Impact of the new use on the character of the area.
6. Loss of community.
7. Increase in pedestrian movement by guests and staff.
8. Allowance of this proposal will set an unwelcome precedent for further commercialisation of the area.

Site History

There is no relevant site history

Policy Considerations

National Policy

PPS5 'Planning and the Historic Environment'

Regional Policy

Policy 27 of the East Midlands Regional Plan (2009)

Local Policy

Policy EN1 of the South Kesteven Core Strategy (2010)

Key Issues

Impact of the alterations on the Historic Asset

The proposed alterations include the removal of a toilet currently located in 4B with the space being returned to the unlisted property. A new WC enclosure of stud partitions is to be formed within the existing kitchen area of no.4

The proposal also sees the removal of existing modern cupboards in both a first floor and a second floor bedroom to provide en-suites for the respective rooms.

A condition is to be attached to any approval requesting a full Method Statement detailing how the proposed service runs associated with the en-suites, rewiring etc. will be accommodated within the listed building. A further condition is to be attached relating to mortar mix for areas of re-pointing.

The alterations are considered minor in their context and, on balance and subject to conditions being attached, would not adversely impact on the character and appearance of the historic asset or this part of the Stamford Conservation Area.

Other Matters

There have been a number of representations questioning the intention of the applicant and whether the property is being prepared for use as hotel rooms for the Crown Hotel; a hotel under the same ownership as the application site. Consideration should only be given to the merits of this application and not on possibilities or presumptions on the future intentions of the applicant's.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

Conclusion

The proposal relates to minor alterations to a Grade II* listed building. It is considered that, on balance, the scheme of works will not have a detrimental impact on the character and appearance of the listed building or this part of the Stamford Conservation Areas.

It is therefore considered that the proposal is in accordance with Planning Policy Statement 5 (PPS5), policy 27 of the East Midlands Regional Strategy (2009) and policy EN1 of the South Kesteven Core Strategy (2010). Material considerations raised in objections have been taken into account but do not outweigh the policies referred to above.

SUMMARY OF REASON(S) FOR APPROVAL

In the opinion of the local planning authority the proposed scheme of alterations and refurbishment works to the listed building, which do not relate to the removal of historic feature or fabric, will not adversely affect the character and/or the appearance of the listed building or this part of the Stamford Conservation Area.

It is therefore considered that the proposal is in accordance with Planning Policy Statement 5 (PPS5), policy 27 of the East Midlands Regional Plan (2009) and policy EN1 of the South Kesteven Core Strategy (2010).

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Before the works hereby approved are commenced, a Method Statement together with full drawings of proposed service runs shall be submitted to the local planning authority detailing how services associated with en-suites and w.c. in the listed building are to be installed without causing any undue harm to

historic fabric. Such Method Statement and drawings as may be agreed in writing shall be strictly adhered to in the installation of services.

Reason: In the interests of preserving the listed building.

3. Any works of re-pointing shall be undertaken using only hand tools and lime mortar to a mix to be agreed in writing with the local planning authority prior to the commencement of such works.

Reason: In the interest of preserving the listed building.

* * * * *

Applicant	Michael Thurlby c/o The Crown Hotel, All Saints Place, Stamford, Lincs, PE9 2AG
Agent	Jonathon Hartley Architectural The Old Curiosity Shop, 28, St. Peters Street, Stamford, PE9 2PF
Proposal	Erection of fence
Location	4, Barn Hill, Stamford, Lincolnshire, PE9 2AE
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

Application Category

The application is categorised as an 'OTHER' type of application

Reason for Referral to Committee

The application has been referred to committee due to the wider public interest in the proposal.

The Proposal

The proposal is for the erection of a fence within the rear courtyard area of no.4 Barn Hill

The application site and its surroundings

The application site is a Grade II* listed building of stone construction with a Collyweston slate roof. It forms one of the mid-terrace buildings on the western side of Barn Hill; an area that is predominantly residential use.

The site is located on Barn Hill, an attractive cobbled street situated close to the north-western edge of the town centre of Stamford

The rear of the property has a courtyard garden area used by occupiers of 4 and 4A Barn Hill.

Representations Received

Local Highway Authority: Does not wish to restrict the grant of planning permission.

Town Council: Object on grounds of the application being part of a wider process to change properties for the Crown Hotel use, impact on this historic street, application is a

Grade II* building and not Grade II as stated, lack of justification for the alterations or for the access.

Lincolnshire Heritage Archaeology: No intervention required

Stamford Civic Society – Recommend refusal due to the effect that these alterations would have on the property and the neighbourhood.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 8 July 2011. Clarification was sought from the applicant on the scope of internal works and their impact on the heritage asset (further details submitted within a revised Design and Access Statement) with a further 14 days given to consultees; the closing date being 9 August 2011.

As a result of the consultation periods a total of 14 representations were received. A summary of the material planning considerations raised in the objections are as follows;

1. The relocation of the boundary fence will cause increased noise and disturbance from daily use as this will be the main access to 4B
2. Increase in pedestrian movement by guests and staff.
3. The revised access will encounter steps unsuitable for all but able bodied people.
4. There will be no direct access to the highway but access only from Barn Hill Mews.
5. Revised access is unsympathetic and clumsy tinkering with rights of way
6. The existing gateway has only been used for emergencies and maintenance for many years.

Site History

There is no relevant site history

Policy Considerations

Local Policy

Policy EN1 of the South Kesteven Core Strategy (2010)

Key Issues

Impact of the alterations on the Historic Asset and to neighbour's private amenity

The proposed re-alignment of the fence is to allow revised access for 4A Barn Hill. The granting of permission would leave sole access to this property via the rear of no. 6 Barn Hill.

The fence is to be of timber construction and is proposed to be 1.8m in height. The re-alignment of this fence will also allow an increased area of amenity space to be given over to the occupiers of no 4A.

Notwithstanding the rather unusual position of the proposed fence it is considered that the proposal will not cause undue harm to the character and appearance of the listed building. Furthermore, the fence can be easily removed in the future without disturbance to any historic fabric.

Other Matters

There have been a number of representations questioning the intention of the applicant and whether the property is being prepared for use as hotel rooms for the Crown Hotel; a hotel under the same ownership as the application site. Consideration should only be given to the merits of this application and not on possibilities or presumptions on the future intentions of the applicant's.

Further concerns by objectors relate to the rights of access and how increased noise and disturbance will arise from people using the new access behind 6 Barn Hill; however, it is considered that, on balance, the noise and disturbance issues arising from occupiers would not be above and beyond that found associated with any other dwelling in the area.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal relates to the re-alignment of a timber fence to the rear courtyard garden area of no.4 Barn Hill.

It is considered that the proposal will not cause undue harm to the character and appearance of the listed building, this part of the Stamford Conservation Area or the Streetscene.

Furthermore, the proposal will not adversely affect the private amenities of occupiers of nearby dwellings.

It is therefore considered that the proposal is in accordance with Planning Policy Statement 5 (PPS5), policy 27 of the East Midlands Regional Strategy (2009) and policy EN1 of the South Kesteven Core Strategy (2010). Material considerations raised in objections have been taken into account but do not outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

* * * * *

Applicant	Mr A Sharma C/o Unit 2, 41-51, Bridge Street, Deeping St. James, Peterborough
Agent	Terry Robinson 68A, Horsegate, Deeping St James, PETERBOROUGH, PE6 8EW
Proposal	Change of use of industrial unit (B1, B2, B8) to fitness centre (D2)
Location	Unit D, Bentley Business Park, Northfields Industrial Estate, Market Deeping, Peterborough, PE6 8LD
App Type	Full Planning Permission
Parish(es)	Market Deeping

REPORT

Application Category

This application is categorised as an 'OTHER' type of application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee due to the wider public interest.

The Proposal

The proposal relates to the change-of-use of an industrial unit to a gymnasium (D2).

The application site and its surroundings

The site relates to Unit D in Bentley Business Park, one of a group of industrial units situated on the western side of Blenheim Way and close to the northern edge of Northfields Industrial Estate, an established area of employment northeast of the centre of Market Deeping

The site appears to have 3 dedicated parking spaces, 1 to the units frontage and a further 2 located at spaces fronting Blenheim Way.

Unit D is one of the central units within a larger building that houses 4 industrial units. It has a typical industrial appearance with part brick and part metal clad walls.

Site History

There is no relevant site history.

Representations Received

Market Deeping Town Council – No objections

Local Highway Authority – Recommend refusal for the following reason;

‘There is insufficient provision made within the application site to accommodate the parking of vehicular traffic likely to be generated by the proposed development, and this deficiency is likely to result in indiscriminate parking of vehicles along access roads within the site. Such parking of vehicles is likely to lead to unsafe conditions in terms of pedestrian and vehicular movement in and around the site including access for emergency and service vehicles. Furthermore, the inadequacy of the parking provision is likely to set a precedent for other developments both within the site and elsewhere’

Planning Policy – Core Strategy policy E1 seeks to retain and enhance existing areas of employment use in the Deepings. The policy states that locally important existing employment areas will be identified, for protection, within the Site Allocations and Policies Development Plan Document (DPD). These sites are those which the Council is seeking to protect for employment uses and would not generally want to see fall into other uses. The sites identified are those where development is, generally, within the B Use Classes, although they may include other uses, such as health and education, entertainment, recreation and tourism uses which provide employment opportunities.

The site has been identified as site ExE D1 in the policy consultation document issued in November 2010, as being a locally important employment site.

The emerging policy proposes that non-employment generating development within these areas will only be acceptable if it will not adversely affect the primary employment use(s) of the area, not reduce the overall supply and quality of employment land and premises, will deliver economic generation benefits and/or will resolve existing conflicts between land uses.

The proposed use is one which is better suited to a town centre location. The sequential test should be applied to demonstrate that there are no other, more suitable, sites available.

Archaeologist – No intervention required

Representations as a result of publicity

The application has been advertised in accordance with the Council’s Statement of Community Involvement with the closing date for third party objections being 2 August 2011.

Seven representations were received objecting to the application. A summary of the material planning considerations raised in the objections are as follows;

1. The site is often congested with delivery vans and HGV's and parking of cars to the unit's frontage would further congest the area.
2. Forklift trucks often use the shared area and visitors vehicles would jeopardise this activity.
3. The yard is solely used for industrial purposes and is not an ideal location for a gymnasium with its expected high number of visitors.
4. Access is required for the skip opposite this unit.
5. The yard is unsuitable for younger people and unsafe for their access.
6. Blenheim Way has double yellow lines and it should not be presumed that allocated spaces for other units will be allowed to be used.
7. Insufficient parking spaces for visitors.
8. Access to many of the units is required both inside and outside normal working hours.

Policy Considerations

Central Government Planning Policy Guidance

PPS4 – Planning for Sustainable Economic Growth

PPG13 – Transport

East Midlands Regional Plan (2009)

SKDC Core Strategy (2010)

Policy E1 – Employment Development

Policy EN1 – Protection and Enhancement of the Character of the District

Key Issues

Impact to occupiers of adjacent businesses
Parking and highway safety
Loss of employment site to non-employment use

Officer Evaluation

Impact on Occupiers of Adjacent Businesses

The proposed use is to be situated in an area of recognised employment activity that appears to be predominantly industrial.

The opening hours for the gymnasium are proposed to be 0600 to 2200 hours Monday to Sundays.

It is considered that the use of the site for a gymnasium is unlikely to cause undue harm to occupiers of the surrounding units by way of noise and disturbance; however, the activities relating to visitors arriving and leaving the site by car is likely to have a substantial impact to the neighbouring businesses.

Parking and Highway Safety

The proposal includes 3 dedicated parking spaces, 1 to the front of the building and 2 to the parking area that fronts Blenheim Way. The applicant also states that further parking could be accommodated in front of the shutter doors to the premises. A letter has also been submitted by the applicant stating that overflow spaces could be used on the Warehouse Clearance site on the opposite side of the road; however, this area is not included in the application site area and, from information provided by workers at that site, the parking area is only available between the hours of 0800 and 1800. For these reasons it is considered that these spaces could not realistically count towards the level of parking provision afforded to the site.

The local highways authority recommend a minimum 20 spaces for vehicles be made available for the proposed use; well above the proposed 3 to 6 spaces currently offered by the applicant. For this reason they recommend refusal of the application.

Following concerns raised by the case officer and the local highways authority the applicant has submitted the following justification in support of the application. This can be summarised as follows;

- The unit has 3 spaces allocated to it and a further 3 spaces could be accommodated in front of the roller shutter doors, making a total of 6 spaces
- The 2 members of staff will not park at the unit
- The 6 parking spaces are considered more than adequate as most visiting members will arrive by other means
- Most parking spaces are used by staff and visitors and are not marked
- Most of the clients business will be in the evening and weekend when there are little or no cars on the estate; any surplus will be taken up by the vacant spaces
- The applicant states that he has secured the use of the parking area at the rear of Warehouse Clearance (on the opposite side of the road to the site) and consideration should be given to this.
- The parking of vehicles outside of the roller shutter doors will not impede the turning area for vehicles agreed under the original planning consent

Notwithstanding the applicant's submitted information on parking it is considered that insufficient parking provision can be provided within the site to accommodate the new use and therefore the application should be refused in line with the recommendations provided by the local highways authority

Loss of an Employment Site to Non-Employment Use

Although the site has no relevant site history a similar application was refused for a change-of-use on this industrial estate in 2008.

A further, more recent application was presented before committee in 2011 for a gymnasium on a site located within 200m of the application site. This application was also recommended for refusal; however the Members voted to approve the application subject to conditions.

It is recognised that industrial buildings often provide the space necessary for gymnasiums; however, the proposal would introduce a leisure use in a non-town centre location that would see the loss of an established employment unit; the authorised use currently being industrial.

The applicant has submitted a brief Sequential Analysis Report as part of the application; however, the information submitted is not considered comprehensive enough to clearly lead to the conclusion that there are no other more suitable sites within or close to the town centre.

Crime and Disorder Implications

It is considered that the proposed development would not give rise to any significant Crime and Disorder Issues.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

RECOMMENDATION: That the development be Refused for the following reason(s)

1. There is insufficient provision made within the application site to accommodate the parking of vehicular traffic likely to be generated by the proposed development, and this deficiency is likely to result in indiscriminate parking of vehicles along access roads within the site. Such parking of vehicles is likely to lead to unsafe conditions in terms of pedestrian and vehicular movement in and around the site including access for emergency and service vehicles.

The proposal is therefore considered to be contrary to Planning Policy Guidance note 13 (PPG13) and policies E1 and EN1 of the South Kesteven Core Strategy (2010).

2. In the opinion of the local planning authority it is considered that the proposal would result in the loss of an existing employment use, which is situated in the heart of an established industrial estate, in an area where there is no identified surplus of employment land or buildings.

The proposal is therefore considered to be contrary to Planning Policy Guidance note 13 (PPG13) and policies E1 and EN1 of the South Kesteven Core Strategy (2010).

* * * * *

Applicant	Sainsbury's Supermarket Ltd C/o Agent
Agent	Miss S Lucas, Indigo Planning Ltd Toronto Square, Leeds, West Yorkshire, LS1 2HJ
Proposal	Section 73 application to vary condition 12 (installation of MOVA traffic equipment) and condition 14 (amended plans) of S08/0850
Location	UNIT 1, Markham Retail Park, Ryhall Road, Stamford, Lincolnshire, PE9 1UG
App Type	Major Full (Non-residential)
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as a 'MAJOR' application

Reason for Referral to Committee

The application is referred to committee as considered locally controversial.

The Proposal

The proposal relates to the variation of conditions 12 (installation of MOVA traffic equipment) and 14 (amended plans) of S08/0850.

The Application Site and its Surroundings

Markham Retail Park is an established retail development of 5 units extending to almost 2.5 hectares and is situated off Ryhall Road on the eastern side of Stamford.

The Retail Park is sited within an area of mixed use that includes retail, industrial and commercial activity with residential dwellings found on the opposite side of Ryhall Road to the east.

The site is set back from Ryhall road with the car parking area to the front of the units. There is also a drop in levels from Ryhall Road to the Retail Park.

Unit 1 that is the subject of these applications is the largest of the 5 retail units and is currently occupied by Focus DIY. The floor area of the unit is approximately 2380 square metres with an outdoor garden area of 860 square metres.

The site appears to be approximately the front half of the overall commercial plot with a brick built single storey office type building falling outside of the application site but close the sites western boundary.

The boundaries are a mix of fencing and block walls, parts of which are further screened by mature hedging and small trees.

Dwellings are located adjacent to the north and south of the site.

Relevant Site History

An application was made for the erection 5 units for food and non-food retail that was approved conditionally in 1993 under SK.93/0120.

A further application was approved in 1994 for the variation of conditions 8, 9 and 10 (subdivision, food retail floor area and restrictions to units 4 & 5) of the above permission under SK.94/0016.

An application was also approved in 1994 for the variation of trading hours under SK.94/0236.

S08-0848 – Extension to retail store – approved by committee in November 2008

S08-0850 – Variation of condition to increase the sales area of the retail unit for food sales – approved by committee in November 2008

Policy Considerations

Planning Policy Guidance note 13 (PPG13)

Representations Received

Stamford Town Council – Determination of the application should be guided by Members of the DC Committee

Local Highways Authority – Awaiting response

Archaeologist – No intervention required

Representations as a Result of Publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 2 September 2011.

No objections were received

Officer Evaluation

Members are advised that this application is to address the variation of conditions 12 and 14 of S08/0850 (increase in food retail floor space) only and consideration should not be given in revisiting the principle of the development that has already commenced.

The proposal relates to the variation of two conditions to the approved development for increase in food retail floor space at unit 1 on Markham Retail Park.

Condition 12 states;

'Prior to the occupation of the hereby permitted development the applicant shall provide and install 'Compact MOVA' to the Drift Road/Ryall Road traffic signals junction controller'

The proposed MOVA equipment would provide a continually updated response strategy when installed at the identified junction. The equipment would constantly monitor vehicle movements at the junction thereby ensuring that green times are adjusted to suit the current traffic pattern.

The applicants have submitted a Transport Statement in order to try to justify not installing the MOVA equipment prior to the opening of the Sainsburys store. Their predicted opening time is late November/Early December.

It is acknowledged that the MOVA equipment will assist in improving the control of traffic movements at the Drift Road/Ryhall Road junction, hence the reason the condition being attached to the original consent by the local planning authority for the equipment be installed prior to occupation; however, until final highways comments are received, which discussions are now at an advanced stage, it is difficult to assess the full impact of the proposal

As yet no final highway comments have been received. These will be presented to Members before committee in the late Supplementary Report.

Condition 14 identifies the approved plan numbers for the original application for the extension covered under S08/0850. The applicants wish to make minor amendments to the consented scheme by submitting amended drawings. The revisions include changes to entranceway canopies, customer toilets, minor changes to the roof and other minor alterations.

Section 106 Heads of Terms

The site is not subject to a Section 106 Legal Agreement

Crime and Disorder

It is considered that the application does not give rise to any concerns relating to crime and disorder.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Conclusion

The proposed variation to not install the Compact MOVA equipment prior to the occupation is acceptable subject to no adverse comment being received from the local highways authority and subject to an agreed, revised timetable for its installation

The submitted amended plans do not appear to be fundamentally different in terms of their nature and scale to the originally approved scheme and therefore it is considered that the revised scheme should be approved conditionally.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 6 (PPS1, PPS4), Planning Policy Guidance note 13 (PPG13), policy 22 of the East Midlands Regional Plan (2009) and policy E2 of the South Kesteven Core Strategy (2010). The issues relating to highway and pedestrian safety and vehicle congestion are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. There shall be no variation of the internal subdivision of the retail units without prior written approval from the district planning authority.

Reason: To ensure that the size and type of any future retail operation on the site would not adversely affect the vitality and viability of the town centre.

2. The amount of gross internal floorspace for food retail purposes shall not exceed 5,159 square metres.

Reason: To ensure that the size and type of any future retail operation on the site would not adversely affect the vitality and viability of the town centre.

3. None of the units other than 1 and 5 shall be used for food retail purposes.

Reason: To ensure that the amount of floorspace given over to food retail use does not increase to the extent that the vitality and viability of the town centre would be adversely affected.

4. The retail use for units 2 to 5 shall not take place outside 0800 hours and 2000 hours Monday to Saturday and 0900 hours and 1800 hours on any other day which shall include public holidays.

Reason: The site is close to residential properties, the occupiers of which may be adversely affected by the operation of the use outside of the hours specified.

5. The retail use for unit 1 shall not take place outside 0800 hours and 2200 hours Monday to Saturday and 0900 hours and 1800 hours on Sundays, and no sales shall take place before the hours of 1000 hours and after 1600 hours on Sundays.

Reason: The site is close to residential properties, the occupiers of which may be adversely affected by the operation of the use outside of the hours specified.

6. There shall be no movement of delivery vehicles to and from units 2 to 5, or the carrying out on site of any other operational activity in connection with units 2 to 5 that is likely to give rise to noise and disturbance before the hours of 0730 and after 2000 hours Monday to Friday or before 0800 hours and after 1800 hours on Saturdays, or at any other time on Sundays and public holidays.

Reason: In order to secure a level of reduction in noise emanating from the premises in the interest of the amenities of the occupiers of nearby residential properties.

7. The application shall be carried out in accordance with the approved Service Yard Delivery Plan dated 1 August 2011.

Reason: Compliance with the Plan will ensure that the noise emanating from the site will not unduly harm the private amenities of occupiers of nearby dwellings.

8. Prior to the occupation of the hereby permitted development the applicant shall secure and provide a 'Puffin' crossing as indicated on the plans/detail provided with the submitted application- implemented to a location to be agreed and to a specification and the satisfaction (subject to audits) of the local planning authority unless otherwise agreed in writing.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13 'Transport'.

9. The arrangements shown on the approved plan as shown in the Design and Access Statement and received 11 July 2008 for the parking/turning/manoeuvring/loading and unloading of vehicles and the provision of cycle parking shall be available at all times when the premises are in use.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with PPG13 'Transport'.

10. Prior to the occupation of the hereby permitted development the applicant shall provide and install 'Compact MOVA' to the Drift Road/Ryhall Road traffic signals junction controller.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13 'Transport'.

11. Within 6 months of the development hereby permitted being occupied, a Travel Plan shall be submitted to and approved in writing by the local planning authority. All plans shall include details to ensure the frequency of public transport serving the site meets the requirements of users. Thereafter annually a survey shall be submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan unless the local planning authority stipulates approval to any variation.

Reason: In order that the local planning authority conforms to the requirements of PPG13 'Transport', a Travel Plan has been considered a requirement to ensure that access to the site is sustainable and reduces dependency on the car.

12. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: P28 Rev C, P21 Rev C and P23 Rev A.

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

Note(s) to Applicant

1. Works within the highway shall be arranged in liaison with Lincolnshire County Council's Development Directorate.
2. No works shall commence in the highway until a Section 278 Agreement, of the Highways Act has been entered into with the local highway authority, Lincolnshire County Council to provide a 'Puffin' crossing or such alternative as agreed in writing by the local planning authority and improvements to the Ryhall Road/Drift Road junction signalling controller together with all ancillary works.
3. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
4. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

* * * * *

Applicant	Sainsbury's Supermarkets Ltd C/o Agent
Agent	Miss S Lucas, Indigo Planning Ltd Toronto Square, Leeds, West Yorkshire, LS1 2HJ
Proposal	Section 73 application to vary condition 9 (installation of MOVA traffic equipment) and condition 11 (amended plans) of S08/0848
Location	UNIT 1, Markham Retail Park, Ryhall Road, Stamford, Lincolnshire, PE9 1UG
App Type	Major Full (Non-residential)
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as a 'MAJOR' application

Reason for Referral to Committee

The application is referred to committee as considered locally controversial.

The Proposal

The proposal relates to the variation of conditions 9 (installation of MOVA traffic equipment) and 11 (amended plans) of S08/0848.

The Application Site and its Surroundings

Markham Retail Park is an established retail development of 5 units extending to almost 2.5 hectares and is situated off Ryhall Road on the eastern side of Stamford.

The Retail Park is sited within an area of mixed use that includes retail, industrial and commercial activity with residential dwellings found on the opposite side of Ryhall Road to the east.

The site is set back from Ryhall road with the car parking area to the front of the units. There is also a drop in levels from Ryhall Road to the Retail Park.

Unit 1 that is the subject of these applications is the largest of the 5 retail units and is currently occupied by Focus DIY. The floor area of the unit is approximately 2380 square metres with an outdoor garden area of 860 square metres.

The site appears to be approximately the front half of the overall commercial plot with a brick built single storey office type building falling outside of the application site but close the sites western boundary.

The boundaries are a mix of fencing and block walls, parts of which are further screened by mature hedging and small trees.

Dwellings are located adjacent to the north and south of the site.

Relevant Site History

An application was made for the erection 5 units for food and non-food retail that was approved conditionally in 1993 under SK.93/0120.

A further application was approved in 1994 for the variation of conditions 8, 9 and 10 (subdivision, food retail floor area and restrictions to units 4 & 5) of the above permission under SK.94/0016.

An application was also approved in 1994 for the variation of trading hours under SK.94/0236.

S08-0848 – Extension to retail store – approved by committee in November 2008

S08-0850 – Variation of condition to increase the sales area of the retail unit for food sales – approved by committee in November 2008

Policy Considerations

Planning Policy Guidance note 13 (PPG13)

Representations Received

Stamford Town Council – Determination of the application should be guided by Members of the DC Committee

Local Highways Authority – Awaiting response

Archaeologist – No intervention required

Representations as a Result of Publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 2 September 2011.

A single objection was received relating to the traffic impact at the Rutland Road/Ryhall Road junction with too much emphasis being placed on the Drift Road Junction. If allowed

the proposal will create a well-used short cut to avoid the drift road lights thereby increasing congestion to narrow residential streets compromising highway and pedestrian safety.

Officer Evaluation

Members are advised that this application is to address the variation of conditions 9 and 11 of S08/0848 (extension to the store) only and consideration should not be given in revisiting the principle of the development that has already commenced.

The proposal relates to the variation of two conditions to the approved development for the extension to unit 1 on Markham Retail Park.

Condition 9 states;

‘Prior to the occupation of the hereby permitted development the applicant shall provide and install ‘Compact MOVA’ to the Drift Road/Ryall Road traffic signals junction controller’

The proposed MOVA equipment would provide a continually updated response strategy when installed at the identified junction. The equipment would constantly monitor vehicle movements at the junction thereby ensuring that green times are adjusted to suit the current traffic pattern.

The applicants have submitted a Transport Statement in order to try to justify not installing the MOVA equipment prior to the opening of the Sainsburys store. Their predicted opening time is late November/Early December.

It is acknowledged that the MOVA equipment will assist in improving the control of traffic movements at the Drift Road/Ryhall Road junction, hence the reason the condition being attached to the original consent by the local planning authority for the equipment be installed prior to occupation; however, until final highways comments are received, which discussions are at an advanced stage, it is difficult to assess the full impact of the proposal

As yet no final highway comments have been received. These will be presented to Members before committee in the late Supplementary Report.

Condition 11 identifies the approved plan numbers for the original application for the extension covered under S08/0848. The applicants wish to make minor amendments to the consented scheme by submitting amended drawings. The revisions include changes to entranceway canopies, customer toilets, minor changes to the roof and other minor alterations.

Section 106 Heads of Terms

The site is not subject to a Section 106 Legal Agreement

Crime and Disorder

It is considered that the application does not give rise to any concerns relating to crime and disorder.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Conclusion

The proposed variation to not install the Compact MOVA equipment prior to the occupation is acceptable subject to no adverse comment being received from the local highways authority and subject to an agreed, revised timetable for its installation

The submitted amended plans do not appear to be fundamentally different in terms of their nature and scale to the originally approved scheme and therefore it is considered that the revised scheme should be approved conditionally.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 6 (PPS1, PPS4), Planning Policy Guidance note 13 (PPG13), policy 22 of the East Midlands Regional Plan (2009) and policy E2 of the South Kesteven Core Strategy (2010). The issues relating to highway and pedestrian safety and vehicle congestion are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. There shall be no subdivision of the extended retail unit as hereby permitted.

Reason: To ensure that the size and type of any future retail operation on the site would not adversely affect the vitality and viability of the town centre.

2. The amount of net convenience retail floorspace shall not exceed 1915 square metres for the extended unit.

Reason: To ensure that the amount of floorspace given over to food retail sales does not increase to the extent that the vitality and viability of the town centre would be adversely affected.

3. The retail use for the extended unit shall not take place outside 0800 hours and 2200 hours Monday to Saturday and 0900 hours and 1800 hours on Sundays, and no sales shall take place before the hours of 1000 hours and after 1600 hours on Sundays.

Reason: The site is close to residential properties, the occupiers of which may be adversely affected by the operation of the use outside of the hours specified.

4. The application shall be carried out in accordance with the approved Service Yard Delivery Plan dated 1 August 2011.

Reason: Compliance with the Plan will ensure that the noise emanating from the site will not unduly harm the private amenities of occupiers of nearby dwellings.

5. Prior to the occupation of the hereby permitted development the applicant shall secure and provide a 'Puffin' crossing as indicated on the plans/detail provided with the submitted application - implemented to a location to be agreed and to a specification and the satisfaction (subject to audits) of the local planning authority unless otherwise agreed in writing.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Planning Policy Guidance Note 13 (PPG13) Transport.

6. The arrangements shown on the approved plan as shown in the Design and Access Statement and received 11 July 2008 for the parking/turning/manoeuvring/loading and unloading of vehicles and the provision of cycle parking shall be available at all times when the premises are in use.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with PPG13 'Transport'.

7. Prior to the occupation of the hereby permitted development the applicant shall provide and install 'Compact MOVA' to the Drift Road/Ryhall Road traffic signals junction controller.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with PPG13 Transport.

8. Within 6 months of the development hereby permitted being occupied, a Travel Plan shall be submitted to and approved in writing by the local planning authority. All plans shall include details to ensure the frequency of public transport serving the site meets the requirements of users. Thereafter annually a survey shall be submitted to the local planning authority that will provide details of the implementations of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan unless the local planning authority stipulates approval to any variation.

Reason: In order that the local planning authority conforms to the requirements

of PPG13 'Transport', a Travel Plan has been considered a requirement to ensure that access to the site is sustainable and reduces dependency on the car.

9. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: P28 Rev C, P21 Rev C and P23 Rev A.

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

10. The development shall be carried out using the agreed materials, as per the submitted samples, ensuring a satisfactory appearance to the development.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
3. Works within the highway shall be arranged in liaison with Lincolnshire County Council's Development Directorate.
4. No works shall commence in the highway until a Section 278 Agreement, of the Highways Act has been entered into with the local highway authority, Lincolnshire County Council to provide a Puffin crossing or such alternative as agreed in writing by the local planning authority and improvements to the Ryhall Road/Drift Road junction signalling controller together with all ancillary works.

* * * * *

Applicant	Mr D Fox 46, Kingsway, Bourne, Lincolnshire, PE10 9DP
Agent	David Wells, Building Design Services 15, West Road, Pointon, Sleaford, NG34 0NA
Proposal	Demolition of existing commercial buildings and erection of 3 terrace dwellings
Location	Land between, 2 Coggles Causeway & 2 South Road, Bourne
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a 'MINOR' application

Reason for Referral to Committee

The application has been referred to the committee due it being a departure from South Kesteven Core Strategy.

The Proposal

The proposal relates to the demolition of commercial buildings and the erection of 3 dwellings. Access to the development will be directly of South Road.

The Application Site and its Surroundings

The site consists of a single storey commercial unit that fronts the highway with glazed shop windows to the front elevation. A further building, which has a more pre-fabricated appearance, adjoins this at the rear.

A large wooden structure with a footprint of 15m by 10m is situated deeper into the plot and is positioned close to its northern boundary. This building appears to be similar in height to the dwellings located to the north of the site.

Access to the commercial premises is off South Road.

The site appears to be approximately the front half of the overall commercial plot with a brick built single storey office type building falling outside of the application site but close the sites western boundary.

The boundaries are a mix of fencing and block walls, parts of which are further screened by mature hedging and small trees.

Dwellings are located adjacent to the north and south of the site.

Relevant Site History

S10-2877 – An application for 4 dwellings was refused by members of the Development Control Committee due to siting and design issues relating to the detached dwelling at the rear of the site. The 3 terrace dwellings facing South Road were not considered controversial.

S10-1248 – An application was submitted for 4 dwellings. It was withdrawn on 29 July 2010 following a meeting where the case officer expressed a number of concerns.

Policy Considerations

National Policy

Planning Policy Statement 1 'Delivering Sustainable Development'
Planning Policy Statement 3 'Housing'
Planning Policy Statement 23 'Planning and Pollution Control'

Regional Policy

Policy 2 of the East Midlands Regional Plan (2009)

Local Policy

Policies H1, SP1, EN1 and EN4 of the South Kesteven Core Strategy (2010)

Representations Received

Archaeologist – No intervention required

Natural England – No objection based on the findings of the submitted report.

Bourne Town Council – Object on grounds of frontage properties being forward of the general building line.

Assets and Facilities – Drainage proposals should include sustainable drainage methods and proposed soakaways are unacceptable

Linc's Wildlife Trust – No objection subject to development being in accordance with recommendations made within the consultant's report.

Environmental Protection – Queries the contamination report stating that further investigation is to be carried out (clarified that no further investigation is being considered).

This has now been clarified and an intrusive Phase II report should be requested by condition.

Local Highways Authority – No objection subject to conditions being attached.

Policy – States application should be determined in accordance with policy SP1 of the SK Core Strategy (2010).

Representations as a Result of Publicity

The applications were advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 2 September 2011. One objection was received and a summary of the concerns raised are as follows;

1. Out of character.
2. Insufficient parking spaces.
3. Increased congestion of highway.
4. Excessive noise.

Officer Evaluation

The proposal relates to the demolition of commercial buildings and the erection of 3 terrace dwellings fronting South Road. These dwellings are to be set a minimum 3m from the highway boundary.

The key issues identified are;

- Design, size and scale
- Highway safety and parking
- Impact on neighbours private amenity
- Impact on the character of the area and the streetscene
- Principle of development
- Contamination issues
- Drainage

Design, size and scale

The ridge height of the road frontage properties is to be set at 9.4m for the northernmost plots and 8.2m for the southern most plot. A terrace of 3 dwellings will be created.

The overall footprint of the terrace of 3 dwellings will extend just over 30m in width and 18m deep, with the front elevation of the southernmost plot being stepped back further from the road.

The scale of the proposed terrace is not dissimilar in size to the surrounding dwellings, and notwithstanding the fact that the northernmost 2 dwellings are 3-storey in height, it appears relatively consistent with surrounding ridge heights.

Highway Safety

It is considered that there are appropriate levels of on-site parking with sufficient turning space within the site. The parking levels afforded to the site are acceptable to the local highways authority.

Impact on neighbour's private amenity

The dwellings that are proposed to front South Street are to be positioned away from the southern aspect of the dwellings that front Coggle's Causeway. The dominance, visual intrusion and overlooking is therefore, on balance, not considered to be detrimental to the neighbouring occupiers.

Impact on the Character of the Area

The character of the dwellings in the area is predominantly detached 2 storey properties, some of which are set back from the road; however, situated relatively close to the site are road frontage and semi-detached dwellings. The character is further diversified by the builder's merchants and car sales garage use located on the opposite side of the road.

The principle of removing a non-conforming use on the eastern side of South Road is to be welcomed and one which generally reflects the predominantly residential use along this part of South Road. Furthermore, the layout and design of the properties proposed are considered, on balance, to be an acceptable form of development.

Principle of residential development

The proposed residential development does not strictly accord with the general thrust of policy H1 of the South Kesteven Core Strategy, which seeks to restrict new residential development in Bourne to that which has already been committed; however, this site is previously developed site that, if approved, would remove a non-conforming use in a highly sustainable area. Furthermore, the proposal is considered one which would not compromise the character and nature of the town. For this reason the principle of residential development for this site is, in its context, supported.

Contamination issues

The area has been the subject of longstanding industrial use and therefore a Phase II contamination report condition should be attached to any approval for residential development.

Sustainable Drainage

The detailed drainage for the site is to be requested by way of condition. The applicant originally proposed soakaways to allow for surface water drainage; however, it is unlikely that ground conditions are suitable for soakaways. Full details of a more sustainable drainage system are therefore to be requested if the development is approved.

Section 106 Heads of Terms

The site is not subject to a Section 106 Legal Agreement

Crime and Disorder

It is considered that the application does not give rise to any concerns relating to crime and disorder.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Conclusion

The proposal, on balance, appears to be in accordance with the relevant national guidance and local policy and is recommended for approval subject to conditions being attached.

SUMMARY OF REASON(S) FOR APPROVAL

In the opinion of the local planning authority the development, which proposes 3 dwellings to replace a number of commercial buildings, is situated in a sustainable location and makes efficient use of a previously developed site.

The proposed road frontage dwellings are appropriately scaled and the design is considered acceptable for this location.

Furthermore, the siting of the dwellings and the layout of their respective plots ensure that there will be no significant adverse impact to the occupiers of the surrounding dwellings in terms of dominance, loss of light and loss of privacy through overlooking.

It is therefore considered to be in accordance with Planning Policy Statements 1, 3, 9 and 23 (PPS1, PPS3, PPS9 and PPS23), Planning Policy Guidance note 13 (PPG13), policy 2 of the East Midlands Regional Plan and policies EN1, EN4, H1 and SP1 of the South Kesteven Core Strategy (2010)

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. The proposed boundary treatments within the development shall be carried out in accordance with those identified on drawing no.2622/10A dated 3 August 2011.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

5. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;

(b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the

amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

6. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

7. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the local planning authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

(a) A complete record of remedial activities, and data collected as identified in the remedial scheme, to support compliance with agreed remedial objectives;

(b) As built drawings of the implemented scheme;

(c) Photographs of the remediation works in progress; and

(d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development ; and in accordance with policy EN1 of the South Kesteven Core Strategy (2010) and national guidance contained in Planning Policy Statement 23 (PPS23)

8. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the local planning authority.

Reason: To ensure that breeding birds are not adversely affected by the works.

9. The development shall be carried out in accordance with the mitigation measures proposed within the submitted Protected Species Survey dated March 2010.

Reason: To ensure that wildlife and habitats are protected during the construction

and after completion of the development.

10. Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

11. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 2622/10A dated 3 August 2011, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

12. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the occupants/residents/users of the site

13. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of users of the site.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. Surface water off private drives and other private areas shall not discharge onto adopted highway. Drives that fall toward the highway shall have drainage channels at the interface connected into the house drainage.
3. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

4. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

* * * * *

Agenda Item 6

AGENDA ITEM

Report No: PLA. 908

DEVELOPMENT CONTROL COMMITTEE

20 SEPTEMBER 2011

REPORT BY ACTING LEAD PROFESSIONAL DEVELOPMENT MANAGEMENT

Information relating to development control and other planning activity

TABLE 1 Applications not determined within statutory period

This table, broken down into Major applications and Others, lists those applications that have not been determined within the recommended 13 week (for Majors) or 8 week (for Others) time period. These applications are listed by application number stating a brief reason for the decision not being made.

Applications outstanding (at the date the report was compiled) = ??

TABLE 2 Applications dealt with under delegated powers from 08 August – 02 September 2011

This table lists those applications upon which decisions have been made under the Powers of the Council Exercisable by Officers (as adopted by the District Council on 27 October 2006).

TABLE 3A Outstanding Planning Appeals TABLE 3B Appeal Decisions with Summary DOCUMENT 3C Copy of Appeal Decisions

Table 3A lists outstanding appeals including newly submitted appeals and Table 3B lists recent decisions accompanied by a summary. Document 3C gives the full appeal decision received from the Planning Inspectorate.

DEVELOPMENT SERVICES
DEVELOPMENT CONTROL

Applications not determined within the statutory period

Report No: 10/2011
Date Prepared: 05 September 2011
No of applications over 8 weeks: 51

MAJOR APPLICATIONS
(13 weeks)

S08/0780/MJRF/NB

Date received:
17-Sep-2008
No of days: 1083

Mr T Robinson, G S Robinson (Builders)

Residential development - 14 dwellings and associated parking
Land Off Stephens Way, Deeping St. James
Reason for non-determination:
Lead Professional to approve in consultation with Chairman/Vice Chairman subject to S106 agreement

S10/1283/MJRO/KJC

Date received:
24-Jun-2010
No of days: 438

Mr B Herrod - Planning Manager, Bovis Homes Ltd

Application Under Section 73 of the Town and Country Planning Act for residential development (to not comply with Condition 8 of application S05/0220/35 relating to affordable housing)
Former Impress Factory site, Springfield Park, Grantham
Reason for non-determination:
Lead Professional to approve in consultation with Chairman/Vice Chairman subject to S106 agreement

S10/2106/MJRF/KJC

Date received:
21-Jan-2011
No of days: 227

Ablehomes Ltd

Demolish existing dwelling and garage and construction of 13 dwellings and associated garages
53 and land to the rear of No.s 45 - 59 (inclusive), Harrowby Lane, Grantham, NG31 9HZ
Reason for non-determination:
Lead Professional to approved in consultation with Chairman and Vice subject to S106 Agreement.

S11/0830/MJRO/JJ

Date received:
13-May-2011
No of days: 115

The Wherry Trust

Outline application for residential development land at, Beaufort Drive, Bourne
Reason for non-determination:
To Committee next time

S11/0902/MJRF/JST

Date received:
21-Apr-2011
No of days: 137

Mr R Graf, Newtons Solicitors

Creation of 3 flats from 12 bedsits and erection of 11 dwellings/flats with associated parking at land rear of 51-58 Scotgate

Blenheim Court, 51, Scotgate, Stamford, Lincolnshire, PE9 2YQ

Reason for non-determination:
Negotiating highways issues

S11/0967/MJRF/KJC

Date received:
03-May-2011
No of days: 125

McCarthy & Stone Retirement Lifestyles L

Erection of retirement accommodation for the elderly including provision of communal facilities, landscaping and car parking

49, St. Catherines Road, Grantham, NG319DE

Reason for non-determination:
Awaiting additional information

ALL OTHER APPLICATIONS
(8 weeks)

S09/2155/FULL/KJC

Date received:
30-Sep-2009
No of days: 705

David Laight, Bovis Homes Ltd

Erection of 7 dwellings (substitution of house types Plots 107,108,109,110,120,121 & 122)

Impress Canning Works, Springfield Road, Grantham

Reason for non-determination:

Lead Professional to approve in consultation with Chairman/Vice Chairman subject to S106 agreement

S09/2409/FULL/NB

Date received:
15-Oct-2009
No of days: 690

Mr T Robinson, G S Robinson (Builders) Ltd

Residential development (7 dwellings)

Land Off Stephens Way, Deeping St. James

Reason for non-determination:

Lead Professional to approve in consultation with Chairman/Vice Chairman subject to S106 agreement

S09/2827/FULL/JJ

Date received:
27-Nov-2009
No of days: 647

Mr C Riddle

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of dwelling
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Reason for non-determination:
To be withdrawn.

S09/2829/LB/JJ

Date received:
27-Nov-2009
No of days: 647

Mr C Riddle

Extension and alterations of farmhouse, conversion and extension and re-build of barn and dovecote
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Reason for non-determination:
To be withdrawn.

S10/0962/FULL/PL

Date received:
13-Apr-2010
No of days: 510

Mr Robert Cunniffe

Change of use of area 1 into garden and change of use of areas 2, 3 & 4 to recreational equine land
Land adjacent to Orchard House, Woolsthorpe Road,
Woolsthorpe By Colsterworth, Grantham, NG335NT
Reason for non-determination:
Contamination report required.

S10/1582/FULL/PG

Date received:
15-Jul-2010
No of days: 417

David Pennell, Burghley House Preservation Trust

Conversion and extension of outbuildings to form dwelling
43A, High Street, St Martins, Stamford, Lincolnshire, PE9 2LP
Reason for non-determination:
Officer processing application following conservation comments.

S10/1583/LB/PG

Date received:
15-Jul-2010
No of days: 417

David Pennell, Burghley House Preservation Trust

Alteration and extension to listed building
43A, High Street, Stamford, Lincolnshire, PE9 2LP
Reason for non-determination:
Officer processing application following conservation comments.

S10/1805/FULL/KJC

Date received:
13-Oct-2010
No of days: 327

Mr S Turner, Grantham Roofing Services Ltd

Residential Development for the creation of nine flats including demolition of the existing building
20b, Swinegate, Grantham, NG316RJ
Reason for non-determination:
Awaiting confirmation of parking details

S10/1978/FULL/JJ

Date received:
01-Oct-2010
No of days: 339

Mr S Fox, Alston Homes

Conversion, alteration and extension of barns to create 5 dwellings; erection of 2 dwellings and car port and shed, erection of 3m earth bund
Towngate House Farm, Towngate West, Market Deeping
Reason for non-determination:
Lead Professional to approve in consultation with Chairman/Vice Chairman subject to S106 agreement

S10/2002/FULL/RV

Date received:
31-Aug-2010
No of days: 370

Mrs N Jacobs *, Bourne Town Council

Change of use from residential land to cemetery and 14 space car parking area
Land Rear Of, 41-45, South Road, Bourne
Reason for non-determination:
Awaiting responses to consultees.

S10/2020/FULL/JJ

Date received:
03-Sep-2010
No of days: 367

Mr C Riddle

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
Reason for non-determination:
Waiting for information

S10/2021/LB/JJ

Date received:
03-Sep-2010
No of days: 367

Mr C Riddle

Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
Reason for non-determination:
Waiting for information

S10/2650/OUT/JST

Date received:
24-Nov-2010
No of days: 285

Ms G Gaynor

Erection of 5 dwellings
28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
Reason for non-determination:
Awaiting signing of S106

S11/0385/FULL/JST

Date received:
15-Apr-2011
No of days: 143

Mr S Newbigging

Conversion of upper storey of barn to create self contained flat and create link passage way and convert ground floor into ancillary residential accommodation for existing dwelling
43A, King Street, West Deeping, Peterborough, Lincolnshire, PE6 9HU
Reason for non-determination:
Awaiting revised plans

S11/0386/LB/JST

Date received:
15-Apr-2011
No of days: 143

Mr S Newbigging

Erection of link passageway between existing dwelling and barn and alteration to Listed Building
43A, King Street, West Deeping, Peterborough, Lincolnshire, PE6 9HU
Reason for non-determination:
Awaiting revised plans

S11/0406/FULL/JJ

Date received:
17-Feb-2011
No of days: 200

Miss Shani Lees

Application to extend time limit for the implementation of application of S08/0317 for construction of 9 dwellings
59 & 65, Abbey Road, Bourne, PE10 9EN
Reason for non-determination:
Awaiting S106

S11/0407/FULL/RV

Date received:
07-Mar-2011
No of days: 182

Mr C Richardson

Conversion of existing building and garaging to No7 into separate dwelling
Land Adj, 7, Stamford Road, Market Deeping, Peterborough
Reason for non-determination:
In discussion with Conservation Officer regarding Listed Buildings requirements

S11/0408/LB/RV

Date received:
07-Mar-2011
No of days: 182

Mr C Richardson

Alterations and extension to former Maltings building within curtilage of listed building to create new dwelling
Land Adj, 7, Stamford Road, Market Deeping, Peterborough
Reason for non-determination:
In discussion with Conservation Officer regarding Listed Buildings requirements

S11/0409/FULL/RV

Date received:
07-Mar-2011
No of days: 182

Mr C Richardson

Double garage with hobbies room above
Dane House, 7, Stamford Road, Market Deeping,
Peterborough, Lincolnshire, PE6 9JA

Reason for non-determination:

In discussion with Conservation Officer regarding Listed Buildings requirements

S11/0410/LB/RV

Date received:
07-Mar-2011
No of days: 182

Mr C Richardson

Double garage with hobbies room above to listed building
Dane House, 7, Stamford Road, Market Deeping,
Peterborough, Lincolnshire, PE6 9JA

Reason for non-determination:

In discussion with Conservation Officer regarding Listed Buildings requirements

S11/0572/FULL/RV

Date received:
22-Mar-2011
No of days: 167

Blackstones Sports & Social Club Ltd

Replacement changing room and shelter; erection of two floodlights
Blackstones Sports & Social Club, Lincoln Road, Stamford, Lincs, PE9 1SH

Reason for non-determination:

Awaiting information re light pollution originally requested by Case Officer

S11/0592/FULL/JST

Date received:
22-Mar-2011
No of days: 167

Hartley and Randall

Erection of four dwellings on garden land at rear of existing dwelling

Eglesfield, 40A, Stamford Road, Market Deeping,
Peterborough, PE6 8AB

Reason for non-determination:

Further discussions with highways

S11/0623/FULL/JST

Date received:
10-Mar-2011
No of days: 179

E F R Construction Ltd

Erection of six dwellings and associated works
Part OS 1037, East Lane, Morton, Bourne

Reason for non-determination:

Awaiting S106

S11/0760/HSH/PL

Date received:
29-Mar-2011
No of days: 160

Mrs Hamilton

Single storey extension to rear of existing dwelling
39, Alma Park Road, Grantham, Lincolnshire, NG31 9SX

Reason for non-determination:

Awaiting amended drawings

S11/0836/FULL/JJ

Date received:
13-May-2011
No of days: 115

The Wherry Trust

Change of Use of land to form allotments
land at, Beaufort Drive, Bourne

Reason for non-determination:

Committee next time

S11/0903/LB/JST

Date received:
21-Apr-2011
No of days: 137

Newtons Solicitors

Partial demolition of Listed Building (elements to the rear) and alteration to form 3 apartments
Blenheim Court, 51, Scotgate, Stamford, Lincolnshire, PE9 2YQ

Reason for non-determination:

Ongoing highway issues

S11/0979/FULL/JST

Date received:
13-May-2011
No of days: 115

Mr Andrew Wood

New driveway to residential property
The Old Rectory, Carlby Road, Greatford, Stamford,
Lincolnshire, PE9 4PR
Reason for non-determination:
Awaiting further information

S11/0989/FULL/PWM

Date received:
04-May-2011
No of days: 124

Janette Broadbent

Change of use of land (path) to domestic garden (C3)
32, Minerva Close, Ancaster, Grantham, NG32 3LJ
Reason for non-determination:
Awaiting submission of amended landscaping scheme

S11/1125/RM/PWM

Date received:
19-May-2011
No of days: 109

Mr D Edwards

Dwellinghouse
Adjacent Horbling Hall, 1, Billingborough Road, Horbling,
Sleaford, NG34 0PD
Reason for non-determination:
Awaiting tree report

S11/1344/FULL/AH

Date received:
05-Jul-2011
No of days: 62

Mrs R Robinson & Mrs S Taylor

Conversion (partial) of existing building to 3 flats and erection
of 4 dwellings
Roebuck House, 33, Broad Street, Stamford, PE9 1RB
Reason for non-determination:
Awaiting amended plans

S11/1345/LB/AH

Date received:
05-Jul-2011
No of days: 62

Mrs R Robinson & Mrs S Taylor

Internal alteration to listed building
Roebuck House, 33, Broad Street, Stamford, PE9 1RB
Reason for non-determination:
Awaiting amended plans

S11/1346/FULL/JST

Date received:
23-Jun-2011
No of days: 74

Highgate Pub Company

Demolition of motel building and erection of four detached
dwellings and associated garages and boundary treatment

The Towngate Inn, 3, Towngate East, Market Deeping,
Peterborough, PE6 8DP
Reason for non-determination:
Committee 18 October

S11/1372/FULL/JJ

Date received:
24-Jun-2011
No of days: 73

Mr B Maynard, Linden Homes (Midlands) Ltd

Plot substitution (46 & 1-3) of permission S07/1323 and
erection of dwelling
Wherry & Sons Ltd, South Road, Bourne, Lincolnshire, PE10
9LU
Reason for non-determination:
Committee next time

S11/1384/CAC/JST

Date received:
23-May-2011
No of days: 105

Mr A Wood

Demolition of timber buildings in Conservation Area
The Old Rectory, Carlby Road, Greatford, Stamford,
Lincolnshire, PE9 4PR
Reason for non-determination:
Awaiting further information

S11/1401/LDE/PG

Date received:
21-Jun-2011
No of days: 76

Mr Martin Foster

Lawful Development Certificate (Existing) - Use of land as residential garden
Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH
Reason for non-determination:
Awaiting further information from agent

S11/1431/FULL/PJM

Date received:
16-Jun-2011
No of days: 81

Mr Peter Aust

Change of use of former railway land to garden land
Land to r/o The Old Stables Woolsthorpe Road to 15 Ingle Court (inclusive), Woolsthorpe By Colsterworth, Grantham, Lincolnshire, NG33 5NT
Reason for non-determination:
Awaiting comments on contamination report

S11/1445/HSH/PJM

Date received:
27-Jun-2011
No of days: 70

Mrs Sarah Farrell

Single storey side and rear kitchen extension
16, Chambers Street, Grantham, Lincolnshire, NG31 8BL
Reason for non-determination:
Amended plans received

S11/1489/HSH/SP

Date received:
29-Jun-2011
No of days: 68

Mrs R Ash

First floor side extension and single storey rear extension
45, Mill Drove, Bourne, Lincolnshire, PE10 9BY
Reason for non-determination:
Waiting for amended drawings

S11/1507/FULL/PJM

Date received:
30-Jun-2011
No of days: 67

Mr Ian Smith

Variation of Condition 7 of planning approval S09/0852 to include alterations to front barn and internal alterations to southern wing and southern section of main building

The Cedars, Low Road, Barrowby, Grantham, Lincolnshire, NG32 1DL

Reason for non-determination:
Awaiting additional information

S11/1509/LB/PJM

Date received:
29-Jun-2011
No of days: 68

Mr Ian Smith

Demolition and rebuild of barn to form dwelling and convert outbuilding (amendments to Listed Building Consent S09/0854)

The Cedars, Low Road, Barrowby, Grantham, NG321DL

Reason for non-determination:
Awaiting additional information

S11/1525/FULL/PL

Date received:
04-Jul-2011
No of days: 63

Mr B Harper, Barrowby Parish Council

Single storey extension to sports pavilion to form store and temporary storage container (3 years)

Barrowby Sports Pavilion, Low Road, Barrowby

Reason for non-determination:
Additional information to be submitted

S11/1526/FULL/PL

Date received:
04-Jul-2011
No of days: 63

Mr B Harper, Barrowby Parish Council

Application under Section 73 of Town and Country Planning Act 1990 to vary condition 4 of S09/0805 to allow childcare use between 09.00 and 15.30
Barrowby Sports Pavilion, Low Road, Barrowby
Reason for non-determination:
Additional information to be submitted

S11/1535/FULL/RV

Date received:
04-Jul-2011
No of days: 63

Mrs A Lea, Larkfleet Homes

Formation of vehicular access
land off Peterborough Road, Market Deeping
Reason for non-determination:
Awaiting highway clearance of amended plan

S11/1754/NMA/RV

Date received:
03-Aug-2011
No of days: 33

Larkfleet Homes

Non material amendment for p/p S10/0327
Willoughby Walk, Bourne
Reason for non-determination:
Clarifying boundary details between neighbour and new windows

APPLICATIONS DECIDED UNDER DELEGATED POWERS
FROM 6 August- 04 September 2011

S10/1412/FULL

Applicant: Mr S Bailey
 Proposal: Erection of dwelling
 Location: Spring Croft, Gonerby Road, Grantham, NG31 8HU
 Decision: Approved by SoS conditionally - 10 August 2011

S10/2141/ADV

Applicant: Mr R Edwards, Larkfleet Homes
 Proposal: Display of four non-illuminated fascia signs
 Location: Larkfleet House, Falcon Way, Bourne, Lincolnshire, PE10 0FF
 Decision: Refused by SoS - 10 August 2011

S10/2185/FULL

Applicant: Daltons Solicitors
 Proposal: Demolition of existing dwelling and erection of 2 pairs of semi-detached dwellings
 Location: St Nicholas, Priory Road, Stamford, Lincolnshire, PE9 2EU
 Decision: Refused by SoS - 31 August 2011

S10/2593/FULL

Applicant: Mr M Bailey
 Proposal: Erection of dwelling
 Location: R/o 62 & 64 Manthorpe Road, Grantham, NG31 8DN
 Decision: Refused by SoS - 17 August 2011

S11/0316/HSH

Applicant: Mr & Mrs P Sowerby
 Proposal: Reinstatement of landscape parkland including footpaths, ponds and landscaping; extension to Coach House to form stables and storage; single storey leisure building (including gym, swimming pool, etc); retention of two conservatories to the rear of main dwelling; 1.5 storey side extension to dwelling (gatehouse)
 Location: Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL
 Decision: Withdrawn - 30 August 2011

S11/0317/LB

Applicant: Mr & Mrs P Sowerby
 Proposal: Extension to Coach House to form stables and storage; single storey leisure building (including gym, swimming pool, etc); retention of two conservatories to the rear of main dwelling; 1.5 storey side extension to dwelling (gatehouse)
 Location: Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL
 Decision: Withdrawn - 30 August 2011

S11/0522/HS

Applicant: Mr S Burroughs
Proposal: Replace flat roof with pitched roof
Location: 4, Wilkinson Road, Foston, Grantham, NG32 2JX
Decision: Approved conditionally - 17 August 2011

S11/0618/LB

Applicant: Mr N Ruecroft, Treetops Nurseries
Proposal: Alteration of listed building
Location: 100, Bridge Street, Deeping St James, Peterborough, Lincolnshire, PE6 8EH
Decision: Approved conditionally - 19 August 2011

S11/0896/HS

Applicant: Mr J C Harvey & Mrs A J Clack
Proposal: Raising of existing roof to accommodate 2nd storey and provision of 2 front and 2 rear dormer window
Location: Prakrti, 40, Primrose Way, Stamford, Lincolnshire, PE9 4BU
Decision: Approved conditionally - 18 August 2011

S11/0937/LB

Applicant: Rev M Warrick
Proposal: Alteration of listed building (installation of Memorial tablet to churchyard wall)
Location: St John the Baptist Church, St John's Street, Stamford
Decision: Approved conditionally - 30 August 2011

S11/0942/HS

Applicant: Mr & Mrs M Curran
Proposal: Bay window to front, two storey and single storey rear extension
Location: 9, Belton Close, Market Deeping, Peterborough, Lincolnshire, PE6 8BN
Decision: Approved conditionally - 08 August 2011

S11/1110/HS

Applicant: Mr & Mrs James Grocock
Proposal: Alterations to garage roof to provide first floor storage
Location: The Laurels, Sudthorpe Hill, Fulbeck, Grantham, NG32 3LE
Decision: Approved conditionally - 15 August 2011

S11/1121/FULL

Applicant: Mr Patrick Elwick, West Grantham Academies Trust
Proposal: Change of use of dwellinghouse to offices
Location: The Vicarage, The Grove, Grantham, Lincolnshire, NG31 7PU
Decision: Approved conditionally - 22 August 2011

S11/1218/DC

Applicant: Louise Theobald, Acorus Rural Property Services
Proposal: Approval of details reserved by condition 4 (access to highway) of S10/1345
Location: Ashleigh, Bourne Road, Colsterworth, Grantham, NG33 5JN
Decision: Approved - 19 August 2011

S11/1241/FULL

Applicant: Jonathan Wattam
Proposal: Dwelling
Location: land r/o, 36, Station Road, Castle Bytham
Decision: Approved conditionally - 18 August 2011

S11/1252/MJNF

Applicant: Mr & Mrs R & T Price
Proposal: Change of use of agricultural land to equestrian centre, retention of stable block and other associated works and new hay storage barn
Location: Infield Farm, Doddington Lane, Claypole, Newark, NG23 5AT
Decision: Approved conditionally - 30 August 2011

S11/1261/FULL

Applicant: Mr John Wells, Wellcut Limited
Proposal: Dwelling
Location: Glebe Farm, Holywell Road, Carlby, Stamford, Lincolnshire, PE9 4LX
Decision: Refused - 09 August 2011

S11/1280/HSH

Applicant: Mrs Mary Gledhill
Proposal: Retention of boundary wall and gate
Location: Crown Cottage, 11, Crown Hill, Ropsley, Grantham, NG33 4BH
Decision: Approved - 15 August 2011

S11/1302/HSH

Applicant: Mr J Shortacre
Proposal: Triple garage with music room/storage over to side of dwelling
Location: Shortacre, Church Lane, Braceborough, Stamford, Lincolnshire, PE9 4NT
Decision: Withdrawn - 19 August 2011

S11/1306/FULL

Applicant: Mr A Cordial
Proposal: Change of use of building from language school (D1) to business use/office (B1)
Location: Midland Language Centre, St. Peters Hill, Stamford, PE9 2PE
Decision: Approved conditionally - 08 August 2011

S11/1360/FULL

Applicant: Mrs G Parsley
Proposal: Conversion of garages to dwelling with single garage
Location: r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
Decision: Approved conditionally - 11 August 2011

S11/1361/LB

Applicant: Mrs G Parsley
Proposal: Alteration and extension to curtilage listed building
Location: 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
Decision: Approved conditionally - 11 August 2011

S11/1365/FULL

Applicant: Mrs Wyman, Baston Leisure Park
Proposal: Retention of caravan for seasonal occupation associated with a water sports club
Location: Baston Leisure Park, Langtoft Outgang Road, Baston
Decision: Approved conditionally - 12 August 2011

S11/1366/HSH

Applicant: Mr Steve Dunmore
Proposal: Single storey side extension
Location: 10, Curlew Walk, Deeping St James, Peterborough, PE6 8RY
Decision: Approved conditionally - 15 August 2011

S11/1390/HSH

Applicant: Mr D Jordan
Proposal: Two storey front extension
Location: 8, Oak Road, Stamford, Lincolnshire, PE9 2JG
Decision: Approved conditionally - 11 August 2011

S11/1392/HSH

Applicant: Mr & Mrs T Jones
Proposal: Increase ridge height and insertion of two dormers in rear elevation
Location: 27, Queen Street, Stamford, Lincolnshire, PE9 1QS
Decision: Approved conditionally - 08 August 2011

S11/1397/TPO

Applicant: Mr Martin Gray
Proposal: Remove split branch and dead branches, remove lower branches (leaning on neighbours fence)
Location: Ashtree Cottage, 5, Barnby Lane, Claypole, Newark, NG23 5BD
Decision: TC&P - Work allowed - 15 August 2011

S11/1402/OUT

Applicant: Mrs D Millard-Brown & Mrs P Millard
Proposal: Erection of three dwellings (outline) extension of time S08/0265
Location: Adj 33, Spring Hill, Grantham, Lincs
Decision: Approved conditionally - 23 August 2011

S11/1404/ADV

Applicant: Miss Emma Prince, Bodyzone Massage Therapy Centre
Proposal: Perspex panel sign to frontage
Location: 1, Dysart Road, Grantham, Lincolnshire, NG31 6TE
Decision: Refused - 15 August 2011

S11/1408/HSH

Applicant: Mr & Mrs M Quinlan
Proposal: Demolish of existing extension and erection of new side extension, new tiled roof to conservatory and block paved driveway
Location: 7, Kingsway, Bourne, Lincolnshire, PE10 9DP
Decision: Approved conditionally - 09 August 2011

S11/1409/HSH

Applicant: R Jose, R J Contractors Ltd
Proposal: Installation of ground floor window in the side gable elevation
Location: 35B, Towngate West, Market Deeping, Peterborough, Lincolnshire, PE6 8DG
Decision: Approved conditionally - 17 August 2011

S11/1418/MJNF

Applicant: Mr D S Oliver
Proposal: Sports pavilion
Location: The Playing Fields, Walcot Lane, Folkingham
Decision: Approved conditionally - 23 August 2011

S11/1440/FULL

Applicant: Mr A Walters
Proposal: Change of Use of land to touring caravan site (12 vans) and erection of amenity block
Location: Former Garden Centre, Kates Bridge, Thurlby, Bourne, PE10 0EN
Decision: Approved conditionally - 09 August 2011

S11/1444/FULL

Applicant: Mr Gary Twelvetrees
Proposal: Application under S73 of Town and Country Planning Act 1990 to vary conditions 2 and 4 of S10/0973 to allow for the use of concrete tiles and the substitution of a screen fence with a raised stone wall
Location: The Stables, Stainby Road, Colsterworth, Grantham, NG33 5JB
Decision: Approved conditionally - 17 August 2011

S11/1461/FULL

Applicant: Sainsbury's Supermarkets Ltd
Proposal: Provision of 6 covered trolley bays
Location: UNIT 1, Markham Retail Park, Ryhall Road, Stamford, Lincolnshire, PE9 1UG
Decision: Approved conditionally - 12 August 2011

S11/1462/ADV

Applicant: Sainsbury's Supermarkets Ltd
Proposal: Provision of 6 signs
Location: UNIT 1, Markham Retail Park, Ryhall Road, Stamford, Lincolnshire, PE9 1UG
Decision: Approved conditionally - 12 August 2011

S11/1465/HSH

Applicant: Mr & Mrs G & E Morgan
Proposal: Demolish existing flat roof extensions and build extensions to front with room in roof space
Location: Quarry Lodge, Pottergate Road, Ancaster, Grantham, NG32 3QZ
Decision: Approved conditionally - 15 August 2011

S11/1469/HSH

Applicant: Mr & Mrs Scofield
Proposal: First floor extension over garage and replace flat roof to front porch with pitched roof
Location: 35, Burchnall Close, Deeping St. James, Peterborough, PE6 8QJ
Decision: Approved conditionally - 09 August 2011

S11/1473/HSH

Applicant: Mrs B Griffiths
Proposal: Demolish conservatory and replace with sunroom
Location: 17, Belton Close, Market Deeping, Peterborough, Lincolnshire, PE6 8BN
Decision: Approved conditionally - 09 August 2011

S11/1475/FULL

Applicant: Mr D Hall
Proposal: Proposed new barn for storage of horse box and tractor
Location: Land adj Parkwood Stables, Peterborough Road, Thurlby, Bourne, Peterborough, PE10 0EL
Decision: Approved conditionally - 25 August 2011

S11/1477/HSH

Applicant: Mrs D Yesson
Proposal: Extension to existing garage to provide washroom
Location: 65, High Road, Barrowby, Grantham, Lincolnshire, NG32 1BJ
Decision: Approved conditionally - 11 August 2011

S11/1481/HSH

Applicant: Mr & Mrs I M Crowther
Proposal: Extension to dwelling
Location: Castle View, 220, Bridge End Road, Grantham
Decision: Approved conditionally - 16 August 2011

S11/1484/HSH

Applicant: Mr A Fielding-Martin
Proposal: Conservatory with utility room to side of dwelling
Location: The Ranch, Main Street, Foston, Grantham, NG32 2JU
Decision: Approved conditionally - 15 August 2011

S11/1486/FULL

Applicant: Seagate Homes Ltd
Proposal: Erection of double garage
Location: 2, The Grove, Hanthorpe, Bourne, Lincolnshire, PE10 0RD
Decision: Approved conditionally - 12 August 2011

S11/1492/DC

Applicant: Mr J Gibbison, Hereward Homes Ltd
Proposal: Approval of details of conditions 2 (materials), 3 (joinery), 4 (archaeology), 5 (construction method statement) and 6 (drainage) of S10/2833
Location: 24, Broad Street, Stamford, Lincolnshire, PE9 1PJ
Decision: Approved - 12 August 2011

S11/1496/FULL

Applicant: E.ON Climate & Renewables
Proposal: Application under S73 under Town and Country Planning Act 1990 to vary condition 1 (time limit) of S09/0239
Location: Land At Billingborough Fen, Sleaford
Decision: Approved conditionally - 24 August 2011

S11/1515/FULL

Applicant: Mr Paul Fitzgerald
Proposal: Variation of condition 1 of planning permission S08/0517 to extend the time limit of start date of the extant permission
Location: 17B, Abbey Road, Bourne, PE10 9EF
Decision: Approved conditionally - 17 August 2011

S11/1517/HSH

Applicant: Mr Thierry Croze
Proposal: First floor rear extension
Location: 19, Glen Crescent, Stamford, Lincolnshire, PE9 1SW
Decision: Approved conditionally - 17 August 2011

S11/1518/NMA

Applicant: Mr David York
Proposal: Revisions to originally approved scheme under S08/1012 to lower pitch roof and increase eaves height to improve first floor accommodation
Location: Victoria Stables, South Road, Bourne, PE109JZ
Decision: Approved conditionally - 08 August 2011

S11/1519/HSH

Applicant: Mr Stuart Edwards
Proposal: Extension to annexe to form office
Location: 15, St Pauls Street, Stamford, Lincolnshire, PE9 2BE
Decision: Approved conditionally - 31 August 2011

S11/1520/LB

Applicant: Mr Stuart Edwards
Proposal: Extension to annexe to form office
Location: 15, St Pauls Street, Stamford, Lincolnshire, PE9 2BE
Decision: Approved conditionally - 31 August 2011

S11/1523/FULL

Applicant: Grantham Masonic Centre
Proposal: Application under S73 of TCPA to vary Condition 2 (use of natural slates) of S10/1617 to use of reconstructed slate roof tiles
Location: Grantham Masonic Centre, Faraday House, Chambers Street, Grantham, NG31 8BL
Decision: Approved conditionally - 30 August 2011

S11/1524/HSH

Applicant: Mrs Necia Redfern
Proposal: Single storey rear bedroom extension
Location: 4, Burgin Close, Foston, Grantham, NG32 2JY
Decision: Approved conditionally - 15 August 2011

S11/1536/HSH

Applicant: Miss H Sutton
Proposal: Extension to bungalow incorporating first floor and side and rear extensions (amendment to scheme approved under S06/0639 to include annexe for elderly relative, balcony to main bedroom, enlarged landing area and alterations to windows and doors)

Location: Greenacre, Elsthorpe Road, Stainfield, Bourne,
Lincolnshire, PE10 0RW

Decision: Approved conditionally - 25 August 2011

S11/1542/FULL

Applicant: Mr C Wachorn
Proposal: Demolition of builders yard and erection of 6 new dwellings with access

Location: 33, Signal Road, Grantham, Lincolnshire, NG31 9BL

Decision: Withdrawn - 19 August 2011

S11/1546/TCA

Applicant: Corby Glen Parish Council
Proposal: Replacement of 6 trees and removal of deadwood from lime and 2 sycamore

Location: land to north of Station Road and A151, Corby Glen

Decision: TC&P - Work allowed - 16 August 2011

S11/1548/HSB

Applicant: Timothy Embling
Proposal: Remove cladding and re-skin in brick, replacement single storey side extension

Location: 67, Brittain Drive, Grantham, Lincolnshire, NG31 9JY

Decision: Approved conditionally - 11 August 2011

S11/1549/HSB

Applicant: Mr Tore
Proposal: Erection of conservatory and re-location of boundary fence
Location: 61, Langford Gardens, Grantham, Lincolnshire, NG31 8DW
Decision: Approved conditionally - 16 August 2011

S11/1551/LB

Applicant: Mr J Sherlock, Grantham Investments Ltd
Proposal: Replacement doorway and two windows to Listed Building
Location: 2, Westgate, Grantham, NG31 6LT
Decision: Approved conditionally - 17 August 2011

S11/1552/HSB

Applicant: Mr Tony Jackson
Proposal: Pitched roof over existing flat roof to the side and rear of dwelling

Location: 5, Hereward Way, Deeping St James, Peterborough,
Lincolnshire, PE6 8QA

Decision: Approved conditionally - 18 August 2011

S11/1558/FULL

Applicant: Holscot Flouroplastics Ltd
Proposal: Three storey extension to existing offices
Location: Holscot Industrial Linings Ltd, Alma Park Road, Grantham,
Lincolnshire, NG31 9SE

Decision: Approved conditionally - 24 August 2011

S11/1567/FULL

Applicant: Mr Gary Walton
Proposal: Change of use from storage and distribution (B8) to garage workshop (B2)
Location: Unit 7, Whiteleather Square, Billingborough, Sleaford, NG34 0QP
Decision: Approved conditionally - 25 August 2011

S11/1576/FULL

Applicant: Mr Julius Geeson, Julius Geeson Architect
Proposal: Widen access to form shared driveway for nos 10 & 12
Location: 12, North Road, Bourne, PE10 9AP
Decision: Approved conditionally - 17 August 2011

S11/1579/DC

Applicant: Mr H & J Dorrington
Proposal: Approval of details reserved by condition 2 (proof of contracts) of S11/0307
Location: Southlands, Fen Road, Dunsby, Bourne, PE10 0UE
Decision: Approved - 15 August 2011

S11/1584/HSB

Applicant: Mr Gary Bellamy
Proposal: Single storey garage and spa room extension
Location: The Willows, Birthorpe Road, Billingborough, Sleaford, Lincolnshire, NG34 0QT
Decision: Approved conditionally - 17 August 2011

S11/1591/FULL

Applicant: R Terrill & R Repton
Proposal: Change of use of agricultural land to domestic garden
Location: Church Farm, 7, Church Lane, Great Gonerby, Grantham, NG31 8JU
Decision: Approved conditionally - 15 August 2011

S11/1593/HSB

Applicant: Mr Douglas Embleton
Proposal: Two storey and single storey extensions to dwelling
Location: Hall Cottage, Main Street, Bulby, Bourne, PE10 0RU
Decision: Approved conditionally - 23 August 2011

S11/1595/TCA

Applicant: Mrs Stanton
Proposal: Reduction in height and spread of two stems rear to house by 30% (Maple T2)
Location: New Home Farm, Main Street, Witham On The Hill, Bourne, PE10 0JH
Decision: TC&P - Work allowed - 19 August 2011

S11/1596/HSB

Applicant: Mr S Hoskins
Proposal: Erection of 1.86m tall boundary wall; two storey side and single storey front and rear extensions
Location: 168, Casterton Road, Stamford, PE9 2XX
Decision: Approved conditionally - 01 September 2011

S11/1597/HSH

Applicant: Mr Scott Kelly
Proposal: Build front extension to ground floor and conservatory to rear
Location: 6, Coxmoor Close, Grantham, Lincolnshire, NG31 9FG
Decision: Approved conditionally - 30 August 2011

S11/1616/HSH

Applicant: S Morgan
Proposal: Single storey rear extension
Location: 26, Casewick Lane, Uffington, Stamford, Lincolnshire, PE9 4SX
Decision: Approved conditionally - 31 August 2011

S11/1618/HSH

Applicant: Mr H Rahman
Proposal: Retention of lean-to roof over single storey flat roof side extension
Location: 7, Pembroke Road, Stamford, Lincolnshire, PE9 1BS
Decision: Approved - 01 September 2011

S11/1623/FULL

Applicant: Peter Hayne, Town Planning Manager, Arqiva Ltd
Proposal: Installation of 0.3m diameter telecommunications dish and supporting pole
Location: Telephone Exchange, Foundry Road, Stamford, PE9 2PP
Decision: Approved conditionally - 01 September 2011

S11/1625/TCA

Applicant: Mr Alan Geeson
Proposal: Fell one ornamental cherry tree (T3) and replace with same
Location: Denton Village Hall, Church Street, Denton, Grantham, NG32 1LF
Decision: TC&P - Work allowed - 23 August 2011

S11/1626/HSH

Applicant: Mr Paul Sprinks
Proposal: Ground floor extension to rear to replace existing internal WC and store
Location: 159, Harlaxton Road, Grantham, Lincolnshire, NG31 7AG
Decision: Approved conditionally - 24 August 2011

S11/1627/FULL

Applicant: Mr J Thompson, Zenith Tyre Company
Proposal: Single storey office unit
Location: Unit 8, Belton Lane Industrial Estate, Grantham, Lincolnshire, NG31 9HN
Decision: Approved conditionally - 22 August 2011

S11/1635/TCA

Applicant: Mrs Applegate
Proposal: Reduction in height of walnut tree (T1) by 4m and reduce laterals by up to 2.5m
Location: 4, Water Lane, Castle Bytham, Grantham, NG33 4RT
Decision: TC&P - Work allowed - 22 August 2011

S11/1642/HS

Applicant: Mr J Harrington
Proposal: Single storey side extension to dwelling and replacement of existing flat roofs with new pitched roofs along with new window unit to side elevation
Location: 69, Caithness Road, Stamford, Lincolnshire, PE9 2TF
Decision: Approved conditionally - 01 September 2011

S11/1644/HS

Applicant: Mr & Mrs D Moore
Proposal: First floor side extension and rear single storey extension along with new lean-to roof to existing garage
Location: 24, Ancaster Road, Stamford, Lincolnshire, PE9 1DG
Decision: Approved conditionally - 31 August 2011

S11/1645/FULL

Applicant: Frank Richardson, Frank Richardson & Son Limited
Proposal: Conversion of part of barn to form offices
Location: Barn at, Thetford House Farm, Deeping Road, Baston, Peterborough, Lincolnshire, PE6 9NU
Decision: Approved conditionally - 25 August 2011

S11/1672/PRA

Applicant: Mr Mark Goodacre
Proposal: Removal of hedgerow
Location: Osgodby Farm, Irnham Road, Osgodby, Grantham, Lincolnshire, NG33 4JH
Decision: Withdrawn - 15 August 2011

S11/1675/HS

Applicant: Mr & Mrs Christopher Harby
Proposal: Extend existing dwelling to form new kitchen & lounge extension, enlarge first floor accommodation to provide en-suite bathroom, convert existing garage to living accommodation and construct new extension to provide entrance lobby, alter existing house to eliminate existing flat roof area
Location: 3, Lime Grove, Caythorpe, Grantham, NG32 3DH
Decision: Approved conditionally - 02 September 2011

S11/1678/DC

Applicant: Dixons Retail plc
Proposal: Approval of details reserved by Conditions 2 (travel plan) and 3 (external wall finishes) of S11/0421
Location: Unit 4, Dysart Retail Park, Grantham, NG31 7NP
Decision: Approved - 11 August 2011

S11/1687/HS

Applicant: . A Baverstock
Proposal: Demolition of single storey rear extension and car port and erection of single storey rear extension
Location: Dove Cottage, 42, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
Decision: Approved conditionally - 31 August 2011

S11/1688/CAC

Applicant: Miss A Baverstock
Proposal: Demolition of single storey rear extension and car port
Location: Dove Cottage, 42, East End, Langtoft, Peterborough,
Lincolnshire, PE6 9LP
Decision: Approved conditionally - 31 August 2011

S11/1699/HSB

Applicant: Mr M Hastings
Proposal: Demolition of conservatory and construction of new
kitchen/day room
Location: The Maltings House, 1, Mill Drive, Grantham, NG31 6JL
Decision: Approved conditionally - 01 September 2011

S11/1730/HSB

Applicant: Mrs Ann Tonsager
Proposal: Porch and conservatory to front of dwelling
Location: 4, Donington Road, Horbling, Sleaford, NG34 0PR
Decision: Refused - 01 September 2011

S11/1739/ADV

Applicant: Mrs N Bellamy
Proposal: Wall mounted and hanging signs
Location: 41, Ermine Street, Ancaster, Grantham, Lincolnshire, NG32
3QJ
Decision: Approved conditionally - 31 August 2011

S11/1753/ADV

Applicant: Alex Reilley, Loungers Limited
Proposal: Display of 7 no. advertisement signs (including illuminated
and non-illuminated signage)
Location: Former Royal Mail Delivery Office, Horseshoe Lane,
Stamford, PE9 2EY
Decision: Approved conditionally - 02 September 2011

S11/1760/NMAH

Applicant: Mr Andy Milnes
Proposal: Non-material amendment to S10/1208 (substitution of
natural stone for render)
Location: 227, Main Street, Welby, Grantham, NG323LT
Decision: Approved - 19 August 2011

S11/1771/HSB

Applicant: Mr Gary Smith
Proposal: Extension of time limit for implementation of planning
permission S08/1246 - detached garage and car port
Location: 9, The Green, Corby Glen, Grantham, Lincolnshire, NG33
4NP
Decision: Approved conditionally - 02 September 2011

S11/1777/LB

Applicant: Mr M Hastings
Proposal: Demolition of conservatory and construction of new
kitchen/day room on listed building
Location: The Maltings House, 1, Mill Drive, Grantham, NG31 6JL
Decision: Approved conditionally - 01 September 2011

S11/1803/AG

Applicant: Mr Nick Bradley
Proposal: Grain store
Location: Hill Top Farm, Grantham Road, Croxton Kerrial, Grantham, NG32 1QJ
Decision: Not required - 01 September 2011

S11/1807/NMAH

Applicant: Mr Ian Stephens
Proposal: Non-material amendment of planning approval S11/0596 to include changes to ground floor opening and internal kitchen layout
Location: 46, Pond Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LL
Decision: Approved - 02 September 2011

S11/1830/HSB

Applicant: Mr Ford & Mrs Laud
Proposal: Pitched roof to porch
Location: Closefields, Back Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EE
Decision: Approved conditionally - 30 August 2011

S11/1839/TCA

Applicant: Mr Peter McQuilkin
Proposal: Fell horse chestnut (T1) and remove branch and lift crown of horse chestnut (T2)
Location: The Old Rectory, 6, Church Lane, Caythorpe, Grantham, NG32 3DU
Decision: TC&P - Work allowed - 30 August 2011

S11/1841/HSB

Applicant: Dr S Merrill
Proposal: Dormer window and 2 no. roof lights to front elevation and pitched roof to existing flat roof
Location: 40, Exeter Gardens, Stamford, Lincolnshire, PE9 2RN
Decision: Approved conditionally - 02 September 2011

S11/1873/DC

Applicant: Alex Reilley, Loungers Limited
Proposal: Approval of details of conditions 3 (joinery details) and 5 (recess window detail) of S11/0216
Location: Former Royal Mail Delivery Office, Horseshoe Lane, Stamford, PE9 2EY
Decision: Approved - 25 August 2011

S11/1874/DC

Applicant: Mr James Wherry, Wherry & Sons Ltd
Proposal: Approval of details reserved by Conditions 2 (vehicular access) and 4 (boundary treatments) of S11/1086
Location: Rippingale CoE School, High Street, Rippingale, Bourne, PE10 0SR

Decision: Approved - 30 August 2011

S11/1906/HR

Applicant: Mr Nigel Goodacre
Proposal: Removal of two 6m sections of hedgerow for agricultural access
Location: Osgodby Farm, Irnham Road, Osgodby, Grantham, NG33 4JH
Decision: HR - Approval of removal of hedgerow - 30 August 2011

S11/1911/NMA

Applicant: Alex Reilley, Loungers Limited
Proposal: Non material amendment to south elevation shopfront (utilise opening as existing)
Location: Former Royal Mail Delivery Office, Horseshoe Lane, Stamford, PE9 2EY
Decision: Approved - 31 August 2011

S11/1926/TCA

Applicant: Mrs Mary Chaplin
Proposal: Reduce height of baytree by one third
Location: The Lodge, 19, Market Place, Folkingham, Sleaford, NG34 0SE
Decision: TC&P - Work allowed - 30 August 2011

S11/1967/TCA

Applicant: Mrs Irene Batt
Proposal: Reduce purple plum (T1) by 50% and reduce conifer (T2) by 30%
Location: Quaintways, 17, Market Place, Folkingham, Sleaford, NG34 0SE
Decision: TC&P - Work allowed - 30 August 2011

PLANNING APPEALS 2011/2012 (excluding Enforcements)

	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
LODGED	56	39	57	54	37	20
DISMISSED	37	35	38	32½	25½	6
ALLOWED	11	14	18	12½	13½	1
WITHDRAWN	5	2	2	2	1	0
OUTSTANDING	32	17	13	16	15	19

<p>S09/2490/HSH PL Mr Simon Lewis Erection of 1.8m fence and gates 118, Fifth Avenue, Grantham, NG319TJ</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 06-May-2010</p> <p><u>Date of H / I</u> N/A</p>	
<p>S09/2806/LB JST Mr J Harding External canopy to front Cafe Black, 21, High Street, Stamford, PE9 2AL</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 15-Jun-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p>S10/0142/EIAOL CM Larkfleet Homes, R & S Pask, Namulas Pension Trustees Ltd, Trustees, A J Snarey, HPC Homes Ltd, Larkfleet Ltd Sustainable urban extension to Grantham comprising: at least 1000 dwelling houses; a continuing care retirement community; a neighbourhood centre (incorporating a primary school, primary healthcare and community assembly facilities (UCO Class D1) and small scale (maximum 750 sq m) convenience shopping (UCO Class A); Public House/Lodge Hotel; ancillary (formal (playing field/play areas) and informal) open space, including structural landscaping and biodiversity enhancement areas; and access works (including alterations to the A607/Belton Lane junction). Land to the north of Grantham (bounded by the East Coast main railway line, by Belton Lane and High Road (A607), Manthorpe), Lincs Land north of Grantham bound by railway, Belton Lane/High Road (A607), Manthorpe, Grantham</p>	<p>Public Inquiry</p>	<p><u>Start Date</u> 31-May-2011</p> <p><u>Date of H / I</u> 13-Sep-2011</p>	
<p>S10/2051/HSH PWM Mr & Mrs I M Crowther Two and three storey side extension to dwelling Castle View, 220, Bridge End Road, Grantham</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 29-Dec-2010</p> <p><u>Date of H / I</u> N/A</p>	

<p><u>S10/2141/ADV</u> RV Mr R Edwards, Larkfleet Homes Display of four non-illuminated fascia signs Larkfleet House, Falcon Way, Bourne, Lincolnshire, PE10 0FF</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 17-Feb-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2198/FULL</u> PWM Mr Tim Gadsby Extension to outbuilding to create a dwelling The Malting House, Church Street, Barrowby, Grantham, NG32 1BX</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 29-Jul-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2336/FULL</u> PWM Mr Stephen T Jackson, TRH Jackson & Partners Retention of mobile caravan to be used as holiday accommodation Mill Farm, Dallygate, Great Ponton, Grantham, NG33 5DP</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 28-Jul-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2525/FULL</u> PJM Mrs P Rai, PR Property Developments Ltd Erection of 2 dwellings Rear of Highgate, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 04-Apr-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2546/FULL</u> NB Mr E Raymen Creation of additional dwelling 96, Millfield Road, Deeping St James, Peterborough, PE6 8QY</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 01-Jul-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2678/FULL</u> PL Mr Cornelius Smith Change of use from storage to dwelling 37, Ermine Street, Ancaster, Grantham, NG323PW</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 03-Jun-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/0221/OUT</u> PJM D & J A Farmer Conversion of existing garage within garden to create a 3 bedroomed bungalow (outline) Carlton View, 17, Main Street, Normanton, Grantham, Lincolnshire, NG323BH</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 25-Jul-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/0263/ADV</u> PL Mr J Cooke, Wagtail Country Park Advance directional sign for Wagtail Country Park Land Adjacent A1 Northbound, Tollbar Road, Marston</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 26-May-2011</p> <p><u>Date of H / I</u> N/A</p>	

<p><u>S11/0264/ADV</u> PL Mr J Cooke, Wagtail Country Park Advance directional sign for Wagtail Country Park Land Adjacent A1 Southbound, Tollbar Road, Marston</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 26-May-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/0737/FULL</u> JST Mr K Singh Sunner Erection of dwelling on garden land adjacent 1 Fane Close Adj 1, Fane Close, Stamford</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 02-Sep-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/0795/OUT</u> NB Mr & Mrs P Briggs Erection of dwelling Land adjacent Glen Lodge, Greatford</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 01-Sep-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/0798/LDP</u> JST Mr M Thurlby, M Thurlby & S Oliver Lawful Development Certificate (LDC) for proposed use to holiday let 6, Barn Hill, Stamford, Lincolnshire, PE9 2AE</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 15-Aug-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/1023/TPO</u> JL Mrs S Shepperd Removal of Sycamore tree (T6) Appeal against condition 4 (replacement of tree) Croft House, Stainfield Road, Kirkby Underwood, Bourne, PE10 0SG</p>	<p>TPO Fast track</p>	<p><u>Start Date</u> 16-Aug-2011</p> <p><u>Date of H / I</u></p>	
<p><u>S11/1193/FULL</u> PL Mr J Cooke Decking to holiday lodges and timber office/reception building Wagtail Country Park, Cliff Lane, Marston, Grantham, NG322HU</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 12-Aug-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S11/1584/HSH</u> LDPP Mr Gary Bellamy Single storey garage and spa room extension The Willows, Birthorpe Road, Billingborough, Sleaford, Lincolnshire, NG34 0QT</p>	<p>Written Representation</p>	<p><u>Start Date</u> 08-Aug-2011</p> <p><u>Date of H / I</u></p>	

RECENT APPEAL DECISIONS TO THE END OF AUGUST 2011

Application Ref: S09/1233/MJRF KJC
Planning Inspectorate No: APP/E2530/A/10/2136247/NWF

Appeal Type: **Public Inquiry**

Appellant:	Richard Edwards, Larkfleet Homes
Proposal:	Erection of 29 affordable dwellings and associated infrastructure
Site:	Land Off Valley Lane, Long Bennington

Appeal Decision – Date:	Appeal dismissed - 28 April 2011
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SUMMARY

The inspector cited the following issues when dismissing the appeal:

Concerns regarding the size of the housing on the edge of Long Bennington. It would not be sufficiently well integrated into the village and would appear as uncharacteristic and standalone addition to the edge of the village.

The position of the site in close proximity to two noise sources would result in harm to living conditions within many of the proposed garden areas. In addition, annoyance for residents close to Valley Lane would occur at night, particularly if they wished to sleep with their windows open.

In conclusion:

I find that that living conditions would be unacceptable for many residents of this proposed development as a result of the existing noise environment and this is an overriding reason for this appeal to fail. Moreover, the provision of affordable housing in Long Bennington should be provided as part of larger developments in order to achieve the Government's objectives of creating missed and balanced communities of social cohesion. The lack of harm in relation to other matters does not outweigh my conclusions on the main issues.

An award of costs application was made by the appellants on the grounds that the Council had acted unreasonably resulting in the appellant incurring unnecessary expense. This was refused.

Application Ref: S10/0253/FULL IVW
Planning Inspectorate No: APP/E2530/A/11/2149199/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr J Thorold
Proposal:	Formation of access track off Bridge Street
Site:	Marston Hall, School Lane, Marston, Grantham, NG322HQ

Appeal Decision – Date:	Appeal dismissed - 20 July 2011
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SUMMARY

See attached decision notice.

Application Ref: S10/0256/FULL IVW
Planning Inspectorate No: APP/E2530/A/11/2149201/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr J Thorold
Proposal:	Use of Marston Hall for civil weddings, entertainment receptions, guided tours, conferences and use of adjacent land for event car parking
Site:	Marston Hall, School Lane, Marston, Grantham, NG322HQ

Appeal Decision – Date:	Appeal dismissed - 20 July 2011
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SUMMARY

See attached decision notice.

Application Ref: S10/1412/FULL PJM
Planning Inspectorate No: E2530/A/11/2147323/WF

Appeal Type: **Written Evidence**

Appellant:	Mr S Bailey
Proposal:	Erection of dwelling
Site:	Spring Croft, Gonerby Road, Grantham, NG31 8HU

Appeal Decision – Date:	Appeal allowed - 10 August 2011
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SUMMARY

The appeal is allowed.

The Inspector considered the main issue to be the effect on the character and appearance of the area.

The dwelling would relate well to the height of the adjacent properties, it would be well separated from its nearest neighbour and there would be sufficient space around the dwelling so that it would not be cramped on its plot.

In conclusion the development would be appropriate in context and would not harm the character and appearance of the area. It would comply with Core Strategy policies SP1 and EN1, the SPG and national policy in this regard.

The Inspector also concluded that the development would not set an unacceptable precedent as it complies with policy.

Application Ref: S10/1946/OUT PWM
Planning Inspectorate No: APP/E2530/A/11/2151489/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr P Eaton
Proposal:	Partial demolition of existing dwelling and outbuildings and erection of four dwellings
Site:	Land Adjacent To 47 Pond Street, Great Gonerby

Appeal Decision – Date:	Appeal dismissed - 25 August 2011
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SUMMARY

This application was refused by committee on 06 January 2011 on the grounds that it was detrimental to the open form and character of this part of the village as well as the setting of the conservation area and the adjacent grade II listed Elms farmhouse.

The inspector generally agreed with this assessment. He noted that whilst he was unable to determine whether or not the boundary wall is a curtilage listed structure, he agreed with the Council's assessment that it is an important visual feature which complements the conservation area. The appeal was **dismissed**.

No application for costs was made by either party.

Application Ref: S10/2185/FULL AH
Planning Inspectorate No: APP/E2530/A/11/2149755

Appeal Type: **Written Evidence**

Appellant:	Daltons Solicitors
Proposal:	Demolition of existing dwelling and erection of 2 pairs of semi-detached dwellings
Site:	St Nicholas, Priory Road, Stamford, Lincolnshire, PE9 2EU

Appeal Decision – Date:	Appeal dismissed - 31 August 2011
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SUMMARY

This application was originally refused under the Council's delegated procedure for the following reasons:

1. No assessment has been made by the Applicant in accordance with Planning Policy Statement 5 as to the likely impact, either negative or positive, that the proposed development would have on the setting and, therefore, the significance of the neighbouring Heritage assets. Even so, in the opinion of the Local Planning Authority the proposed development would, by reason of the significant increase in scale and massing over the existing dwelling and increased density of development with its attendant increase in domestic activity, have a significant impact upon and be unduly harmful to the setting of the neighbouring Heritage Assets and compromise their historic significance - contrary to Policies HE9 and HE10 of Planning Policy Statement 5, Policies 26 and 27 of the East Midlands Regional Plan.
2. No trial trenching as required by the Local Planning Authority has been undertaken such that important archaeological remains could still exist beyond those potentially disturbed by the construction of the existing dwelling, which could prevent the proposed development being constructed in its present form - Contrary to Policy HE6 of Planning Policy Statement 5.

3. The design of the proposed dwellings is at odds with the character of the existing adjacent dwellings and the street scene generally. This together with the loss of the existing mature planting (by reason of tree removal, pruning, root damage), alterations to the front boundary wall and the prominent vehicle parking proposed will have a significantly detrimental impact on the character of the locality - Contrary to Policy EN1 of the South Kesteven Core Strategy (2010).
4. Visibility from the proposed access points to Priory Road is substantially below requirements contrary to the interests of highway safety. It is considered that vehicles will encroach into the footway and live carriageway before drivers have a safe and clear view of pedestrian and vehicular movements contrary to the guidelines of 'Manual for Streets'.

In dismissing the appeal the Planning Inspector concluded that the proposed development, by reason of its scale and intensity, would cause material harm to the setting of the adjacent heritage assets. The inspector also agreed with the Council's view that pre-determination trial trenching would be necessary to assess the potential impact on the archaeology in the area.

The Inspector also concluded that the development would be detrimental to the character of the area and would not comply with the requirements of Policy EN1 of the adopted Core Strategy.

In relation to the highway safety reason for refusal the Inspector was not persuaded that acceptable vision splays could be achieved without more radical realignment of the boundary wall. Accordingly he concluded that the intensification of vehicular activity at the site would add unacceptably to the risk faced by drivers using this part of Priory Road.

Application Ref: S10/2593/FULL PL
Planning Inspectorate No: APP/A2530/A/11/2148099/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr M Bailey
Proposal:	Erection of dwelling
Site:	R/o 62 & 64 Manthorpe Road, Grantham, NG31 8DN

Appeal Decision – Date:	Appeal dismissed - 17 August 2011
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SUMMARY The main issues considered by the Inspector were the effect on the character and appearance of the area and the living conditions of the occupants of adjacent dwellings. The Inspector considered that the proposed dwelling would appear significantly bulkier and higher than its neighbours and would fail to respect the character and appearance of the area contrary to Policy EN1 of the Core Strategy. Due to this bulk and height the Inspector also considered that the proposal would be sufficiently overbearing to detract from the living conditions of adjacent properties, also contrary to Policy EN1.

Appellant:	Mr James Allen, TJ & KG Allen
Proposal:	Retention of agricultural building and change of use to house livestock with additional livestock building and food storage
Site:	Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP

Appeal Decision – Date: 5 September 2011	Planning Appeal dismissed - 05 September 2011 Enforcement Notice Quashed – 05 September 2011
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SUMMARY Two appeals were determined, one against the refusal of planning permission and one against the enforcement notice to cease the use of the already erected building for the housing of livestock.

Regarding the appeal relating to the refusal of planning permission the Inspector considered that the main issues were the effect on the neighbours living conditions in terms of odour, noise and disturbance. The Inspector did not consider that noise and disturbance associated with the livestock buildings to be sufficient to justify dismissal of the appeal as it is likely to be sporadic, however they did consider the issue of odour to be a problem that would have an unacceptable detrimental effect upon the neighbours living conditions and dismissed the appeal.

In relation to the enforcement notice appeal, the Inspector considered that the notice contained a defect in that the breach of planning control is not the change of use of an authorised building as, given its location and purposes, the building constitutes unlawful operational development. This error in the description of the breach could be corrected, but this would necessitate consideration of the appropriateness of the requirement. The notice merely seeks cessation of the use, rather than removal of the unlawful building. If the notice were varied to demand demolition of the building, this would clearly prejudice the appellant, who has not had the opportunity to address that more serious requirement. However, if the requirement were left as it is, then this would constitute under enforcement and, on compliance with the notice, planning permission would be granted for the building. The Inspector was satisfied that the allegation in the notice represents a fundamental misunderstanding which could not be corrected without injustice. The Inspector concluded that this would not prevent the Council issuing a fresh notice if that was considered expedient.



Appeal Decision

Inquiry held on 2 & 3 March 2011 and resumed on 31 March 2011
Site visit made on 30 March 2011

by Louise Crosby MA MRTPI

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

Decision date: 28 April 2011

Appeal Ref: APP/E2530/A/10/2136247

Valley Lane, Long Bennington, Grantham, Lincolnshire, NG23 5DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Larkfleet Homes against the decision of South Kesteven District Council.
 - The application Ref: SO9/1233/MJRF, dated 22 May 2009, was refused by notice dated 23 March 2010.
 - The development proposed is erection of 29 affordable dwellings and associated infrastructure.
-

Application for costs

1. At the Inquiry an application for costs was made by Larkfleet Homes against South Kesteven District Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Procedural matters

3. Although the Council's decision notice contained 3 reasons for refusal, the 3rd reason relating to the sustainability of the site was withdrawn prior to the Inquiry. Also, following the decision to refuse planning permission, the Council has adopted its CS¹. I shall deal with the appeal on the basis of the first 2 reasons for refusal and the CS.

Main Issues

4. The main issues are whether:
 - i) the provision of affordable housing in this location would accord with the relevant local and national planning policy objectives in relation to the provision of affordable housing and;
 - ii) the existing noise environment would provide acceptable living conditions for the future occupiers of the proposed dwellings.

¹ Adopted South Kesteven Core Strategy

Reasons

Background

5. The appeal site is located on the edge of Long Bennington outside the settlement limits defined in the LP and therefore in open countryside. It is presently used for agricultural purposes and therefore does not constitute previously developed land. The site would be accessed off Valley Lane, a busy road leading to the area west of the nearby A1 dual carriageway trunk road and the access onto its north bound carriageway.

Whether the provision of affordable housing in this location would accord with the relevant local and national planning policy objectives in relation to the provision of affordable housing

6. Long Bennington is defined within the adopted South Kesteven Core Strategy (CS) policy SP2 as a local service centre (LSC). The CS envisages that after the main towns within the District development will be focussed on the LSC's. It was agreed at the Inquiry that there have been significantly less affordable homes built in recent years than the previous target or that set out in the CS. A number of reasons were cited, including the depressed housing market. An annual average of 191 affordable dwellings were delivered, in the district, over the period 2006-2010 and I understand a similar number are expected by the end of the current monitoring period (2010-2011). The CS establishes a requirement of 238 affordable dwellings per annum. It is agreed between the parties that this falls well short of the real need. Also, whether this is achieved is highly dependent upon the delivery of market housing and as each year the target is unmet, so the demand becomes greater.
7. There are very few undeveloped sites allocated in the LP² remaining within the district and it is expected that the recently published 'Site Allocation and Policies Development Plan Document – Policies Consultation' (DPD) will not be adopted until at least next year. At present the Council can only demonstrate a 4.8 year supply of housing across the District, but this is only marginally short of the 5 year requirement. The DPD envisages that affordable housing in LSC's will be provided on allocated sites or windfall sites in accordance with CS policy H3. Policy H3 seeks the provision of up to 35% affordable housing for developments of 5 or more dwellings in villages such as Long Bennington.
8. The Council accepts that there is currently a local need for at least 19 affordable dwellings in the Long Bennington area to meet the needs of people with a local connection. However, policy H3 only requires there to be a clearly proven need for local affordable housing on sites which are located in or adjacent or smaller villages and not LSC's. As such, the provision of 29 affordable dwellings in a LSC would be acceptable in principle.
9. While it would be better to integrate such housing with market housing on sites within Long Bennington, and other LSC's, the timescale for this is likely to be frustrated by the time to adopt the site allocations DPD. Nevertheless, despite the proposal including a range of tenures, houses types and sizes I have concerns about an affordable housing scheme of this size on the edge of Long Bennington. In my view it would not be sufficiently well integrated into the village, instead a development of this size on a greenfield site in open countryside, would appear as an uncharacteristic and standalone addition to

² South Kesteven Local Plan

the edge of the village. Moreover, the adoption of the DPD is not likely to be so far into the future that it should be seen as a reason to not integrate high quality affordable housing into existing communities.

10. The current and growing shortfall in affordable housing in the district weighs heavily in favour of the proposal. This issue is very finely balanced, but I have attached greater weight to the need to integrate these dwellings in a more strategic, inclusive and sustainable manner and thus create a high quality living environment within the village for future residents. The proposal would not necessarily conflict with CS policy H3, but it would conflict with national planning guidance in so far as it seeks to ensure that affordable housing is high quality and as with all housing promotes community cohesion and inclusion. As such the proposal would conflict with the objectives of PPS1 and PPS3.

Whether the existing noise environment would provide acceptable living conditions for the future occupiers of the proposed dwellings

11. It is agreed that there are two main noise sources which would potentially affect residents living at the appeal site. Firstly traffic on the A1, to the west of the site, and secondly traffic on Valley Lane to the north. Valley Lane is the main route for heavy goods vehicles travelling from the two industrial parks in Long Bennington to the A1 (northbound). It is common ground that at least part of the undeveloped site falls within Noise Exposure Category (NEC) C, as defined in PPG24³. According to PPG24 sites falling within this NEC should not normally be granted planning permission, but where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
12. Consequently, the appellant proposes a suite of measures aimed at attenuating noise both within the proposed garden areas and inside the dwellings. A bund with an acoustic fence on top would be erected along the western boundary of the site in order to attenuate noise from the A1. In addition, the gardens of the dwellings would be surrounded by 1.8 metre high acoustic fencing. It is proposed that some of the dwellings would include measures to reduce noise internally and those worst affected would require a form of mechanical ventilation.
13. Noise assessments have been carried out by the appellant and the Council. The Council's and appellants' assessments provide very different data about existing background noise levels and the likely noise levels across the site following the installation of the proposed sound attenuation measures. An additional survey was submitted with the planning application, however it is agreed that this did not seem to take account of traffic on Valley Lane and therefore is less accurate than the latest assessment. Therefore I have attached much less weight to its findings.
14. The Council's CRTN⁴ survey is based on averages of weather, traffic speed and volume etc and it was agreed that this data was likely to under-represent the noise from the A1. The appellant's 24 hour survey was carried out on a weekday and although some variations in traffic flow are to be expected from day to day and month to month, this is unlikely to be to such a degree that it would discredit the assessment. One of my main concerns with the appellants'

³ Planning Policy Guidance Note 24: Planning and Noise

⁴ Calculation of Road Traffic Noise

noise survey is in relation to the accuracy of the recorded wind direction throughout the latter part of the 24 hour assessment. According to the appellants, weather conditions during the survey were calm with wind speeds less than 5m/s. Their noise assessment also states that the wind, when blowing, was from west to east and therefore from the A1 towards the site i.e. the prevailing wind direction. This would represent a worst case scenario in terms of noise since the traffic noise from the A1 would be blown towards the appeal site.

15. However, at the Inquiry the Council produced weather data for the period when the appellants' 24hr noise assessment was being carried out. This had been collected at local RAF stations; Cranwell about 20km east of Long Bennington, Cottesmore around 32km south of Long Bennington and Waddington about 24km north east of Long Bennington. These show that although the wind direction was from the west during the morning, during the day the wind direction changed. By the evening and night time the wind direction, particularly at the nearest RAF stations had changed to south easterly and it had also increased in speed markedly.
16. Clearly these changes in wind direction and speed would have affected the noise readings taken during the latter part of the 24 hour assessment. Those taken in the morning and afternoon would be much more accurate than those taken in the evening and at night when the south easterly wind would have blown the noise from the A1 away from the site. It would have also affected noise from Valley Lane similarly, although possibly to a lesser degree. According to the Council, this would have been likely to reduce the evening and night time readings by approximately 10 dB. This correlates with the charts produced by the appellant showing the noise readings suddenly falling around the same time (between 1900hrs and 200hrs) that that wind direction changed. In my experience the levels of traffic on roads, such as the A1, do not drop so dramatically over such a short space of time in the evening. Nor would the vehicles on Valley Lane, which show up as intermittent high, noise levels become quieter in the evening.
17. Regarding noise levels in first floor bedrooms at night, noise readings taken at location 2 of the appellants' noise survey show short, sharp increases in noise throughout the night. It is agreed that these arise as a result of noise from heavy goods vehicles travelling along Valley Lane and up the bridge over the A1, under load. Assuming a prevailing westerly wind these noise events would be in excess of 70 dB. As such, they represent significant spikes in noise and may be higher in certain weather conditions. So, notwithstanding the constant noise, which could make sleeping with windows open on large parts of the site difficult, those proposed dwellings facing Valley Lane would experience particular difficulties because of the maximum noise levels and the regularity in the high peaks in noise throughout the night. This type of noise is widely acknowledged to be more harmful than continuous noise and would be likely to result in sleep disturbance. Indeed I heard from 2 residents living close to the appeal site, but farther way from A1 than these dwellings would be, that they cannot sleep at night with windows open because of the background noise levels.
18. I realise that dwellings can be installed with acoustic glazing to attenuate noise levels far higher than those present on this site and that this could be controlled by planning conditions. Clearly this would need to be combined with a ventilation system, which I understand all dwellings would have fitted in any

event. However, I am not convinced that despite this type of ventilation residents would not wish to open their windows in hot weather. While I realise that the windows in the dwellings could be opened, in many cases the external noise would make this option highly undesirable when trying to sleep. This in my view would lead to harmful living conditions at night for some residents.

19. In terms of the likely noise in the proposed gardens, it is agreed between the parties, based on guidance provided by WHO⁵ that "general daytime noise levels of less than 55 dB(A) L_{Aeq} are desirable to prevent any significant community annoyance". In this case, according to the appellant, all of the gardens following the introduction of the proposed mitigation measures, such as the bund and acoustic fencing, would have free-field external noise levels in the daytime of about 55 dB L_{Aeq} , or below.
20. My second main concern with the appellants' noise assessment is that these calculations assume a noise reduction of around 18dB for the bund barrier and fail to take account of the increased noise near to the dwellings as a result of the façade effect. Paragraph 5.5.4 of BS 8233⁶ advises that attenuation barriers commonly provide attenuation values of around 10 db, but a barrier may reduce the benefits of any ground absorption. Even without the façade effect, assuming a maximum noise reduction of 10 dB as a result of the barrier bund, a number of gardens would have noise levels well in excess of 55 dB(A) L_{Aeq} . There is disagreement between the parties about the effectiveness of the proposed acoustic fences around the gardens. Nevertheless, the exceedances are so great in some cases here that they would, in my view, fail to reduce noise levels to a satisfactory level. This would be in conflict with WHO advice and that in PPG24.
21. Turning to consider the internal noise environment in the day time; it was agreed at the Inquiry that some dwellings, particularly those closest to the bund, would not be able to open windows on at least one elevation without experiencing unacceptable levels of noise. The appellant concludes that bedrooms facing away from the A1 would generally meet the BS8233 'good standard' with windows open. This is in relation to continuous noise, based on their noise monitoring. There is a lack of agreement between the parties about precisely which windows would be likely to be able to be opened and how many dwellings would not be able to open any windows without suffering noise nuisance above that recommended in BS8233 and WHO⁷ guidance.
22. In my view the day time noise levels would not be so significant that they could not be mitigated in an acceptable manner. In reaching this view I have taken into account the noise that generally occurs within dwellings in any event and that all of the dwellings would have at least some windows on elevations not facing noise sources that could be open for rapid ventilation purposes. I am also mindful that the appellant's noise survey more accurately assesses morning and afternoon noise.
23. I find on this issue that the position of the site in close proximity to two noise sources would result in harm to living conditions within many of the proposed garden areas. In addition, annoyance for residents close to Valley Lane would occur at night, particularly if they wished to sleep with their windows open. The unpredictable noise on Valley Lane would be particularly hard to mitigate.

⁵ World Health Organisation

⁶ Sound insulation and noise reduction for buildings - Code of practice

⁷ World Health Organisation

Moreover, the noise would not just affect a small percentage of the plots it would potentially affect the way in which residents would be able to use their dwellings on a significant number of plots contrary to CS policy EN1. In reaching this view I am mindful that the dwellings would be affordable housing and paragraph 27 of PPS3⁸ states 'the Government is committed to providing high quality housing for people who are unable to access or afford market housing...'. In my view that would not be the case here because the noise environment would in many cases have a significant adverse effect on living conditions. This harm is sufficient on its own for the appeal to fail.

Other matters

24. Regarding the other matters raised by local residents, I consider that the access would not be detrimental to highway safety given its design and the good visibility available along Valley Lane. The living conditions of existing residents would be protected because of the distance between the proposed and existing dwellings. Drainage is a matter that would be dealt with by other legislation. The local road network could accommodate the likely increase in traffic. Moreover, the design of the dwellings would respect the character and appearance of the surrounding area.
25. I realise that there are concerns about the capacity of local services and in particular the local school. However, it is agreed between the parties that the likely increase in pupils at the school would not be significant since the dwellings would be likely to be occupied by people already living in the area and thus already have children attending the school. On this basis it was agreed that a commuted sum for education would not be required. I have no reason to disagree.

Conclusions

26. I find that living conditions would be unacceptable for many residents of this proposed development as a result of the existing noise environment and this is an overriding reason for this appeal to fail. Moreover, the provision of affordable housing in Long Bennington should be provided as part of larger developments in order to achieve the Government's objectives of creating mixed and balanced communities and social cohesion. The lack of harm in relation to the other matters does not outweigh my conclusions on the main issues.
27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR

⁸ Planning Policy Statement 3: Housing

APPEARANCES

FOR THE APPELLANT:

Mr R Kimblin of Counsel

He called

Mr R Watson	Blue Tree Acoustics
Mr D Smith	Larkfleet Homes
Mr R Edwards	As above

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Wigley of Counsel

She called

Mr M Stigwood	MAS Environmental
Mr C Rae	Colin Rae Associates

INTERESTED PERSONS:

Cllr P Wood	Local Member
Mr G Dawking	Local resident
Mr P Goodman	As above
Ms S Poon	As above

DOCUMENTS

- 1 Statement of common ground
- 2 Statement of common ground in relation to noise
- 3 Copy of BS 8233 – Sound insulation and noise reduction for buildings – Code of practice
- 4 Weather data relative to Long Bennington
- 5 Revised Noise maps 3 to 5 in relation to Mr Stigwood's proof of evidence
- 6 World Health Organisation – Guidelines for Community Noise
- 7 Extract of A-Z map covering Long Bennington and surrounding area
- 8 Written statement of Cllr P Wood
- 9 Written statement of Mr G Dawkins
- 10 Written statement of Mr P Goodman
- 11 Copy of front cover of MHSO Calculation of Road Traffic Noise
- 12 Site Allocation and Policies Development Plan Document - Policies Consultation – November 2010
- 13 Revised appendix SKDC 9 to accompany the proof of evidence of Colin Rae
- 14 Suggested noise condition



Costs Decision

Inquiry held on 2 & 3 March 2011 and resumed on 31 March 2011
Site visit made on 30 March 2011

by Louise Crosby MA MRTPI

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

Decision date: 28 April 2011

**Costs application in relation to Appeal Ref: APP/E2530/A/10/2136247
Valley Lane, Long Bennington, Newark, NG23 5DY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Larkfleet Homes for a full award of costs against South Kesteven District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for erection of 29 affordable dwellings and associated infrastructure.
-

Decision

1. I refuse the application for an award of costs.

The submissions for Larkfleet Homes

2. The costs application was submitted in writing. My attention was drawn also to the correspondence submitted as evidence to support the costs application.

The response by South Kesteven District Council

3. The response was made in writing. My attention was drawn also to the correspondence submitted as evidence to support the Council's response to the costs application.

Reasons

4. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
5. In relation to the affordable housing issue, it seems to me from the copy correspondence submitted that the Council's expert witness did engage with the appellant's team to try to agree common ground. Clearly the policy position changed in relation to this reason for refusal following the issue of the Council's decision. The policy situation did seem to become confused because of the adoption of the CS¹ after the Council determined the planning application and because the appellant originally sought to justify the proposal on the basis of a rural exception site. This confusion is to some degree understandable. As can be seen from my decision I agree that the proposal fails to accord with national planning policy in relation to the provision of affordable housing. On balance, I find that the Council did not act unreasonably in this regard.

¹ Adopted South Kesteven Core Strategy

6. Had the Council been able to employ a noise consultant at a much early stage in the appeal process then Inquiry time could have been saved since it would have potentially enabled more common ground to be established. However, the ability of the Council to engage a noise consultant appears to have been frustrated. This is because a number of noise consultants they contacted would not represent them since they act for the appellant from time to time. This is what led to the delay in eventually appointing a consultant, not a lack of willingness to engage in the appeal process.
7. Consequently from the evidence before me it seems that the Council acted in accordance with the relevant advice set out in paragraph A28 of Circular 03/2009. Importantly, I am not convinced that the Council have acted in a manner which has resulted in the appellant incurring unnecessary expense.
8. I find therefore that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009 has not been demonstrated and that a full award of costs is not justified.

Louise Crosby

INSPECTOR



Appeal Decisions

Site visit made on 5 July 2011

by **Keith Turner** LLB(Hons) DipArch(Dist) RIBA MRTPI

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

Decision date: 20 July 2011

2 Appeals at Marston Hall, School Lane, Marston, Grantham NG32 2HQ

- The appeals are made by Mr John Thorold against South Kesteven District Council.

Appeal 1: APP/E2530/A/11/2149201

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The application Ref S10/0256/FULL, is dated 9 February 2010.
- The development proposed is change of use from residential use to residential use plus use of Hall for access to the public, civil weddings, entertainment receptions, guided tours, conferences, and use of adjacent field area as car parking in connection with events.

Appeal 2: APP/E2530/A/11/2149199

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The application Ref S10/0253/FULL, dated 9 February 2010, was refused by notice dated 15 September 2010.
- The development proposed is formation of access track within site from existing access on Bridge Street.

Decisions

Appeal 1: APP/E2530/A/11/2149201

- The appeal is dismissed.

Appeal 2: APP/E2530/A/11/2149199

- The appeal is dismissed.

Preliminary Matters

- The applications which are the subject of these appeals are separate and the Appellant has suggested that they be determined individually on their merits. This matter arises because the Council, in refusing planning permission for the access track, did so with reference to the proposed use of Marston Hall which is the subject of Appeal 1.
- I consider that the two appeals are not divisible and that the Council's approach was correct for two reasons. First, access drives on the site have been previously refused on the basis that there was no overriding need for them. The need in this instance is to provide access to Marston Hall for visitors primarily associated with the use proposed in Appeal 1, together with delivery and other vehicles servicing that use. Second, without a new access there may

be insufficient parking provision within the grounds of the. Whilst some areas could be used under permitted development rights, they may not be sufficient for the use as now proposed.

5. Consequently, whilst I shall deal with the appeals separately, I shall have regard to the relationship between them described above.

Appeal 1: APP/E2530/A/11/2149201

Development Context

6. The appeal premises comprise a Grade II* listed building. In addition the church adjoining the western boundary of the site is a listed building. These facts introduce statutory duties to the decision process. When considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be had to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses¹.
7. Part of the grounds in which Marston Hall is set comprise a garden which is entered on the Register of Parks and Gardens. This, along with the listed buildings, is a designated heritage asset within the terms of PPS5². That document contains national policy relating to heritage assets and Policy HE9.1 clearly states that there should be a presumption in favour of the conservation of such assets, and that the more significant the designated asset the greater the presumption in favour of its conservation should be. These principles are reflected in Policy EN1 of the Core Strategy in the Local Development Framework for South Kesteven July 2010.
8. The appeal proposal seeks to change the use of Marston Hall from residential to a mixed use for residential and use for access to the public, civil weddings, entertainment receptions, guided tours, and conferences. I note that public access to the building is already provided on 28 days of the year. This derives from an undertaking given in return for grant assistance at some time in the past. There is no indication of an intention to increase the level of that activity. Public access is only by prior appointment and by guided tours. The additional elements of the use would be confined to specified ground floor rooms within the building, but additional facilities would be needed outside.
9. In order to facilitate the larger events proposed, a marquee would need to be erected in the grounds. Also, the additional non-residential uses would require a car parking area, and this is proposed in an adjacent field. That area would not be surfaced, nor permanently marked out, though it may be defined during events. The facility would lie outside the boundaries of the Registered Garden and, whilst separated from it by some planting, it would be within the setting of Marston Hall.
10. The land on which the car parking is proposed has been subject to flooding on occasions in the past by the immediately adjacent River Witham. Policy EN2 of the Core Strategy, which states that planning permission will not normally be granted in areas identified as at risk of flooding, is therefore relevant.
11. The uses proposed are considered acceptable in principle by the Council. However, there are concerns expressed by local residents and the Parish

¹ S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990, as amended
² Planning Policy Statement 5: Planning for the Historic Environment, Annex 2

Council in relation to the effect upon amenity of the increased activity and noise likely to be associated with them.

Main Issues

12. Having regard to the above factors, and all the representations before me, there are four main issues raised by this appeal.
 - (a) Whether the proposed use would preserve the character of the appeal building and its setting.
 - (b) Whether the proposed car parking provision would preserve the setting of the Listed Building and Registered Garden.
 - (c) Whether the risk of flooding of the car parking area would present problems of access and parking elsewhere in the village to the detriment of highways safety and amenity.
 - (d) Whether the increased activity taking place by virtue of the proposed use would detract unacceptably from the amenity of nearby residents.

Reasons

13. The rooms in the Hall would not require physical alterations to accommodate non-residential elements of the proposed use and the residential use would continue in them between events. Cooking and such like for the catering would be done elsewhere, with only re-heating and preparation for serving carried out on the appeal premises. No material alterations would be required to permit this either.
14. The nature of the events proposed is similar to those found in other listed buildings, and indeed permission has been given for similar events in such locations. Examples cited by the Appellant are Allington Manor, Priory House at Long Bennington and St Vincent's in Grantham. This, and the fact that there is no substantial evidence to suggest that there would be any detrimental impact upon the fabric of the building, leads me to conclude that the character of the building as one of special architectural or historic interest would be preserved by this aspect of the proposed use.
15. The primary purpose of seeking to institute the new use is to provide funds for the maintenance and repair of the building. This, and continuing the original use in association with others which are not detrimental to the fabric or character of the building, would contribute significantly to its long term preservation and so would accord with the principles of national policy in that respect.
16. One factor would, however, materially affect the setting of the listed building. A marquee would be essential to accommodate the larger events proposed. That would be situated close to the east of the Hall and within its Registered Garden. Being temporary in nature and appearance, and of non-traditional appearance, it would be a somewhat discordant feature in the setting of the listed building when present.
17. The erection of a marquee would generally be permitted development for 28 days in any one year through the provisions of the GPDO³. However, the proposed site for the marquee would, in my judgement, be sufficiently close to

³ Class B of Part 4 in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended

the Hall to be within its curtilage both as a dwelling and as a listed building. Therefore permitted development rights would be precluded by the terms of paragraph B1(a) of the GPDO. Consequently, it would require express planning permission even for those 28 days proposed. The negative impact of the marquee needs, therefore, to be balanced against the benefits of the proposed use in arriving at a balanced planning judgement.

18. Temporary structures are commonly used within the grounds of listed buildings to accommodate functions either within the building or its grounds. The short term presence of them generally renders their visual harm to the setting of such buildings acceptable. However, I note the comment of one resident that such structures take time to erect and dismantle and this adds to the number of days the setting would be detrimentally affected by probably one either side of the day of use. This would bring the percentage time of visual impact up to about 23% of any one year. Given how close the marquee would be to the listed building and its registered garden, I find this would be sufficiently harmful to the setting of the heritage assets to outweigh the benefits of that aspect of the use.
19. Turning now to the second issue, the area required for car parking would be quite expansive in order to accommodate the 80 or so vehicles suggested by the Highway Authority. That figure appears to be realistic, given the maximum number of people proposed for the larger events. It has also been accepted by the Appellant. The parking area would not be surfaced, but would, nevertheless, contain vehicles during all events, both large and small. Although further from the listed building and its garden than the marquee, there would be some visual impact upon their wider setting, and possibly upon that of St Mary's Church. Again this must be weighed against the benefits which the proposed use would bring.
20. There would be no limit on the number of smaller events. The car park would also be used during the periods of public access which are currently about 28 days per year. It would be used during the larger events for a further 28 days per year, and by service vehicles more generally. It is probable, therefore, that the car park would contain vehicles for a high proportion of each year. The presence of up to 80 vehicles in an otherwise rural context would appear somewhat incongruous and would not preserve the character of the listed building and its garden. This would be outweighed to some degree by assuring the longer term preservation of the heritage assets. However, I consider that the periods of use would probably be too great to set aside the harm. This view does not take account of any need for external lighting which could also detract from the appearance of the surroundings if it were required.
21. Turning to the other concerns pertaining to the car parking, the location proposed is adjacent to the river and is low-lying ground. It is therefore at some risk of flooding. Were this to occur when functions were taking place at the Hall, it is probable, as local residents have suggested, that the associated car parking demand would be forced into the surrounding village streets. I accept that this would be unacceptable due to the narrowness of those streets and the interference which would result to their normal functioning, which would be detrimental to highway safety and the amenity of residents.
22. The precise degree of flood risk is unclear and disputed. Photographs showing that the proposed car park land was recently flooded were submitted. However, they do not provide substantial evidence that this is a regular

occurrence. The planning officer's report concluded that flooding was an occasional occurrence and would be unlikely to affect the overwhelming majority of functions at the Hall. In the absence of any objection from the Environment Agency or any material classification that the land is at frequent risk of flooding, I find no reason to disagree with the Council. Consequently, this matter alone would be insufficient to justify refusing permission.

23. Being close to the river and un-surfaced, the proposed car park could, at times, be rendered difficult to use through being waterlogged or excessively soft. In addition, even if it were possible to use the land in such a condition, regular use could lead to erosion of and damage to the surface of the field. It may also render it unusable at times by heavier service vehicles such as those required for the erection of a marquee. There is no clear evidence on this matter, and it may be capable of resolution through further discussion and by means of imposing a planning condition. However, the absence of clear information at present leaves justifiable doubt. Consequently, it may not indicate an outright refusal of permission, though if not capable of being resolved it could present an insurmountable problem.
24. The fourth main issue arises from the concerns of local residents and the Parish Council about the impact of noise arising from the proposed use upon their residential amenity. There would be two significant likely causes of noise. The first would be noise emanating from the events themselves. This could arise from external or amplified music, use of fireworks and the like. The first matter has been examined by the Council's Environmental Health Department in the context of the proposed method of operation set out by the Appellant.
25. The Appellant has indicated that there would be no music played outside the building, either live or amplified. This could be secured by a planning condition. There would be amplified sound in the marquee, but only for wedding speeches and the amplification would be limited by permanent means. Amplified and live music would be played within the Hall itself. That too would be subject to limitations within the equipment or system. Given the construction of the building, the configuration of openings in it, and its distance from neighbouring houses, the Council are satisfied that the noise emanating from the building would not give rise to undue noise or disturbance to nearby residents. This has been professionally considered and, in the absence of any substantial evidence to the contrary I accept that conclusion as being correct⁴.
26. Noise arising from the use of fireworks could be controlled either by simply precluding their use through a planning condition, or by limiting the occasions on which they could be used. Furthermore, the duration of such noise is often quite short.
27. The other likely source of noise from the proposed use would emanate from the activity associated with the departure of guests. From the details provided by the Appellant, this is likely to occur in most instances between 2300hrs and midnight. It is also likely that most guests would leave within a short time period at the end of an event. This would result in up to 80 vehicles being entered, started and driven off the land late at night. Whilst the car park would be some distance from nearby houses, such noise, in the open air at that

⁴ In reaching this conclusion I have taken account of the article submitted entitled "A Practical Evaluation of Objective Noise Criteria used for the Assessment of Disturbance due to Entertainment Music". However, I consider that the Council were entitled to follow the guidance set out in Planning Policy Guidance 24: Noise

time of day would be likely to carry and give rise to some disturbance in a quiet rural village. This would be the case not only within the appeal site but along the adjacent roads. This would detract from residential amenity to some degree.

Conclusions

28. The objective of seeking to preserve a historic building by finding a new and compatible use accords fully with national policy as set out in PPS5. The use proposed would, of itself, be acceptable in principle because it would not harm the fabric of the listed building. It would, however, detract from the setting thorough the need to use a marquee for some functions. This would also detract from the appearance and character of the Registered Garden in which it would be located. Given the probability that such a structure would be present for up to 23% of each year, I consider this harm to be sufficiently serious to justify refusal of permission. Added to that, the presence of the car park within the setting of the Listed Building and adjacent to the Registered Garden would also seriously detract from the character and appearance of these heritage assets for a large percentage of time.
29. In addition I remain unconvinced that the car park, being un-surfaced, unlit, and possibly quite wet at times, would not become visually unattractive with regular use and, perhaps unusable at times. Also, the departure of vehicles late at night from this area would give rise to some noise disturbance to nearby residents in marked contrast to the low ambient noise levels associated with the rural setting.
30. The harm created by the proposed use would, in my judgement, outweigh the benefits derived from it in planning terms. Accordingly, the appeal fails and planning permission will not be granted.

Appeal 2: APP/E2530/A/11/2149199

31. The proposed track would lead from an existing, but improved access from Bridge Street. The first 15m from the entrance would be constructed as a bed of graduated compacted limestone graded from 25mm to fine grain. This bed would be between 120mm and 150mm thick and it would follow a line shown on drawing no. MSP.538/002. It would be some 4.5m wide. The remainder of the track would be un-surfaced and cross the field to an area demarcated for car parking associated with the proposed use of Marston Hall.
32. This proposal is not the first one for a driveway on the appeal site. However, it overcomes some of the objections of earlier proposals through its means of construction which would reduce the visual impact in the landscape. The access which would have 3m x 140m sight line northbound and 3m x 90m sightline southbound. The existing field access would be improved by the construction of a bell-mouth. Subject to vegetation within the sightlines being cleared down to a height of 600mm the Highway Authority have raised no objections to the access.
33. The track as now proposed would have an appearance not unlike farm tracks over some of its length. The un-surfaced section would be discernible in the field only if demarcated or through wear arising from its use. It could, therefore, have a relatively low-key visual impact depending on the degree of traffic using it and the associated wear.

34. The Appellant has sought to separate the use of the track from this application. However, for reasons set out in paragraph 2 above I consider this to be inappropriate. Generally, new tracks or driveways are not permitted in the countryside unless there is a demonstrable need for them. This is to preserve the countryside's rural appearance.
35. No other purpose has been suggested for creating the access track and improving the existing access from which it would lead other than to give access to the parking area required for the uses proposed in the Hall. I have decided that those uses, as currently proposed, would be unacceptable. Consequently, the proposed track and enhanced entrance would have no purpose and would, therefore, be an unnecessary and unacceptable intrusion into the rural landscape.
36. For the above reasons I conclude that the appeal should fail and planning permission will not be granted.

Keith Turner



Appeal Decision

Site visit made on 1 August 2011

by **Julia Gregory BSc (Hons) BTP MRTPI MCMI**

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

Decision date: 10 August 2011

Appeal Ref: APP/E2530/A/11/2147323

**Spring Croft, Gonerby Road, Gonerby Hill Foot, Grantham, Lincolnshire
NG31 8HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Seymour Bailey against the decision of South Kesteven District Council.
 - The application Ref S10/1412/FULL, dated 16 June 2010, was refused by notice dated 26 August 2010.
 - The development proposed is a new detached family dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached family dwelling at Spring Croft, Gonerby Road, Gonerby Hill Foot, Grantham, Lincolnshire NG31 8HU in accordance with the terms of the application, Ref S10/1412/FULL, dated 16 June 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 073-P01, 073-P02, 073-P03, 073-P04, 073-P05, 073-P06, 073-P07, 073-P08 and 073-S01.
 - 3) The dwelling hereby permitted shall not be occupied until the access and turning space have been completed in accordance with the approved plan 073-P03 and these shall be retained for that use thereafter.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) The dwelling hereby permitted shall not be occupied until surface and foul water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration to the building shall be carried out.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed.
- 8) Before the first occupation of the building hereby permitted the windows at first floor on the north east facing elevation shall be fitted with obscured glass and shall be permanently retained in that condition.

Main Issue

2. From my site visit and having considered all the representations, including from local residents, I consider the main issue to be the effect on the character and appearance of the area.

Reasons

3. Local Development Framework for South Kesteven Core Strategy (CS) policy SP1: Spatial Strategy specifies that the majority of new development will be focussed in Grantham. New development will be considered on appropriate sustainable and deliverable brownfield and appropriate greenfield sites, sufficient to ensure achievement of growth targets. The dwelling would be located within Grantham urban area, which the Council considers to be a more sustainable settlement area.
4. Although part of the site was previously access to boarding school accommodation at Kings School, that access is overgrown to the extent that it is part of the natural landscape. The site is mostly the garden of Spring Croft. The site does not therefore comprise brownfield land. Nevertheless, this does not preclude development because CS policy SP1 allows for greenfield development that is appropriate.
5. CS policy EN1 seeks to ensure that development is appropriate to its context. It sets criteria against which development proposals are to be assessed in the interests of the protection and enhancement of the character of the district. *Backland Development Supplementary Planning Guidance* gives advice on general considerations in respect of such development but does not contain a presumption against such development.
6. PPS1: *Delivering Sustainable Development* and PPS3: *Housing*, which are statements of national policy, both promote good design which is appropriate to its context. Although the Government has recently issued the Draft National Planning Policy Framework document for consultation, which is intended to supersede those Policy Statements, as this document is still in draft form and subject to change, I have accorded its policies little weight.
7. The dwelling would be sited to the rear of properties in Gonerby Road. The site is unusual for a backland plot because there is extensive open space to the east fronting Hazelwood Drive. The dwelling would face that land rather than the backs of dwellings. It would have a well articulated design with varied roof line which would break up its substantial length and a projecting two storey gable end similar to properties in Kings Gardens.
8. It would relate well to the height of the adjacent properties by stepping down from two storeys in height similar to Kings Gardens properties to single storey

where closest to frontage bungalows. Whilst the dwelling would be sited so that its front elevation would be much further forward than the rear elevation of No 4 Kings Gardens, the positions of rear elevations in that part of the estate are not so regular that this would appear incongruous. The dwelling would be well separated from its nearest neighbour so that it would not appear excessively dominant against it. It would, when viewed from the open space, appear a well integrated extension of the Kings Gardens development.

9. The plot size would be substantial and similar to those in Kings Gardens and the adjacent bungalow at Pyketts Lodge. There would be significant amount of space around the dwelling so that it would not be cramped on its plot or be unacceptably close to neighbouring properties. The retained rear garden at Spring Croft would be more modest than others in Gonerby Road but would not be so small as to be unacceptably modest or harmful to the character or appearance of the area.
10. The front elevation would not be much further forward than the side elevation of Spring Croft, which is mostly screened from view from Hazelwood Drive. The dwelling would be appropriate in scale, siting and design to its context and would provide an interesting front elevation where it would be open to public view. There would be some screening by boundary trees and trees on the open space.
11. The side elevation of the dwelling would be visible from Gonerby Road down the drive between Spring Croft and Pyketts Lodge, but high gates would be relocated which would screen views somewhat. The view in that direction is currently towards dwellings in Kings Gardens. The addition of one dwelling closer to Gonerby Road, but still a substantial distance away, would not be harmful to the character or appearance of the area.
12. I conclude that the development would be appropriate to its context and would not harm the character or appearance of the area. It would comply with CS policies SP1 and EN1, the SPG and national policy in this regard.

Other Matters

13. The dwelling would be sited well away from frontage bungalows in Gonerby Road. The rear elevation of the dwelling would face towards the common boundary with Tree Tops. At its closest, the dwelling would be some 15.1m away from that boundary, but mostly it would be some 16.9m from the boundary. Although there would be windows in the first floor rear elevation of the dwelling, they would be far enough away that privacy would not be unacceptably compromised. Also because of the separation distance, overshadowing would not be caused. Although upper parts of the dwelling would be seen from the garden, the dwelling would not be overbearing on outlook from that property or its garden, even if the boundary hedge were not retained.
14. The dwelling would be located adjacent to the common boundary with No 4 Kings Gardens but there would be some 3.4m to the boundary. Although it would project in front of the rear elevation by a significant distance, because it would be away from the common boundary and that dwelling is also away from the boundary, I consider that this would not be oppressive on outlook from the house and garden. Because of the distance from the boundary and the existing high hedge, overshadowing would not be significantly worse than existing.

15. There would be windows at first floor in the side elevation facing No 4 Kings Gardens but these would all be obscure glazed preventing overlooking. Front elevation windows would face open space and not No 4. For these reasons, privacy would not be harmed. I conclude that the development would not be harmful to the living conditions of the occupiers of adjacent dwellings and would not be contrary to CS policy EN1 or the SPG in this regard.
16. I am satisfied that the development would not set an unacceptable precedent since I have found that it complies with local and national planning policy. For the reasons given above, subject to conditions, I conclude that the appeal should be allowed.

Conditions

17. I have considered necessary conditions. Materials should be controlled in the interests of the character and appearance of the area. Development should be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. The access and turning space should be implemented prior to occupation and retained for that purpose in the interests of highway safety. The drainage should be approved in the interests of providing satisfactory development and preventing the increased risk of flooding. I consider it essential to restrict certain permitted development rights to protect neighbours' living conditions at No 4 Kings Gardens.

Julia Gregory

INSPECTOR



Appeal Decision

Site visit made 4 August 2011

by **Richard High BA MA MRTPI**

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

Decision date: 25 August 2011

Appeal Ref: APP/E2530/A/11/2151489

Land adjacent to 47 Pond Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Eaton, against the decision of South Kesteven District Council.
 - The application Ref S10/1946/OUT, dated 5 August 2010, was refused by notice dated 6 January 2011.
 - The development proposed is part demolition of existing dwelling and ancillary buildings, outline approval for the erection of 4 detached 2 storey dwellings all with car parking spaces.
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Clarification

1. This is an outline application which also includes details of access, layout and scale.

Decision

2. The appeal is dismissed.

Main issues

3. The main issue is the effect of the proposed development on the character and appearance of the area including the Great Gonerby Conservation Area and the setting of Elms Farmhouse which is a Grade II listed building.

Reasons

4. Policy SP1 of the Core Strategy adopted in 2010 identifies Great Gonerby as a Local Service Centre. The strategy provides for limited development in Local Service Centres with preference to be given to brownfield sites within the built up part of the settlements (which do not compromise the nature and character of the village) and specifically allocated sites. Within Great Gonerby there are no allocated sites or identified brownfield land and in principle, notwithstanding the alterations to PPS3 in 2010 which removed garden land from the definition of brownfield land, development of garden land may be acceptable subject to other policies. The appeal site is partly brown field as the development would replace the existing dwelling at 47 Pond Street but most of the development
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would be in the garden shared between Nos.47 and 49. I share the view expressed by the local planning authority that the site could not properly be regarded as an infill site as provided for by Policy H1 of the Core Strategy as it is not a gap in a continuously developed frontage and the development would intrude into an open area.

5. The site lies just outside the Great Gonerby Conservation Area, which extends down the west side of Green Street to a point opposite the north west corner of the appeal site. The character of the Conservation Area is defined by the number of buildings of historic interest in the central part of the village and their arrangement in the street scene. Substantial stone walls along the highway frontage such as that on the west side of Green Street also make an important contribution to this character.
6. The wall on the northern boundary of the appeal site is similar to that in Green Street and makes a significant visual link between Green Street and Pond Street. Views into or out of conservation areas can make an important contribution to their character and I do not accept the appellant's view that the wall has no significance in relation to the Conservation Area because it is outside of it. I acknowledge that there is some dispute whether the wall is original or rebuilt and there is no conclusive evidence on this point. It is clear that at least part of it was reduced in height when Belvoir Gardens was developed and that the detailing of the top appears different from the walls in Green Street and Spring End. However there is no doubt that it is an important visual feature in the street scene which complements the character of the Conservation Area.
7. 47 Pond Street is attached to 49 Pond Street, also known as Elms Farmhouse, which is a Grade II listed building. Both dwellings are in the same ownership and the large shared garden forms a substantial open space between the Conservation Area and the more recent development in Belvoir Gardens and Elms View. As such it makes an important contribution to the setting of the listed building and the street scene. Although the wall on the Pond Street frontage relates to the curtilage of 47 Pond Street rather than 49 there is no physical division between these plots. I cannot determine from the conflicting evidence before me whether the wall is curtilage listed as defining the original boundary of No.49, but it is clear that it also contributes to the setting of Elms Farmhouse.
8. Part of No.47 would be demolished to make way for the proposed development which would extend across the northern part of the garden along the Pond Street frontage. The height of the wall would be reduced to 600mm in response to the views of the highway authority regarding visibility, with the creation of 2 gaps in it to provide vehicular access and 3 smaller gaps for pedestrian access. The reduced height and fragmentation of the wall would detract from the street scene, views out of the Conservation Area and the setting of Elms Farmhouse.
9. The existing view from Green Street towards Elms Farmhouse through the trees in the garden is important to the street scene and provides a spacious setting for the listed building. I accept that the overall effect on this view and the overall character of the area would clearly depend somewhat on the design of the dwellings which is a reserved matter and that the proximity of the

dwellings to the highway would reflect the alignment of 43 and 43A Pond Street.

10. However, the dwelling on Plot 4 would be only about 2m from the low brick wall with railings that runs round the corner from Pond Street to Belvoir Gardens. I acknowledge that Elms Farmhouse would be visible from the corner of Spring End and Green Street past the gable end of the dwelling on Plot 4. However, this view would be compromised by the loss of openness on the corner, and from Green Street, within the Conservation Area, this dwelling would cut off the view of Elms Farmhouse and the dwelling on Plot 3 would be intrusive. Although the trees on this part of the site are not individually significant they contribute to the semi-rural character of the corner site. Their loss and replacement with the dwellings on plots 3 and 4 would be detrimental to the street scene.
11. I accept that the development would make more efficient use of land and that the density of the development is not high in relation to normal contemporary standards, but it is the effect of the relatively tight arrangement of the four dwellings on the open character of this part of the village that would be harmful.
12. For these reasons I conclude that the proposed development would fail to preserve the character or appearance of the Great Gonerby Conservation Area and would be harmful to the setting of Elms Farmhouse. The proposal would not accord with the guidance in *PPS5 Planning for the Historic Environment* and would be contrary to Policy EN1 of the Core Strategy as it would not respond to the local distinctiveness and historic character of this part of the village. It would also fail to comply with Policy SP1 of the Core Strategy.
13. I have noted the concerns expressed regarding the drainage of the site and the presence of a well at the western end. However, this would not be a reason to withhold planning permission and would need to be addressed through Building Control if the development was permitted.
14. I have also considered the other matters raised by local residents. Although the turn into Belvoir Gardens from Pond Street is quite tight, I find no reason to object to the proposals on highway safety grounds. Also while I understand the concerns of the occupants of the properties on the north side of Pond Street regarding loss of outlook, this would not be a reason for resisting the proposals and the distance between the existing and new dwellings would prevent any harmful loss of light or privacy
15. I have taken into account all the other matters that have been put before me and found no reason to depart from my conclusion that the appeal should be dismissed.

Richard High

INSPECTOR



Appeal Decision

Site visit made on 15 August 2011

by **John G Millard DipArch RIBA FCI Arb**

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

Decision date: 31 August 2011

Appeal Ref: APP/E2530/A/11/2149755

St Nicholas, Priory Road, Stamford, Lincolnshire PE9 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the executor of Blanche Lister deceased against the decision of South Kesteven District Council.
 - The application Ref: S10/2185/FULL dated 21 September 2010 was refused by notice dated 9 March 2011.
 - The development proposed is the erection of 2 pairs of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on, firstly, the settings of the adjoining scheduled ancient monument and nearby Grade I listed building, secondly, the archaeology of the site, thirdly, the character and appearance of the area and, fourthly, highway safety.

Reasons

3. The appeal site is a parcel of residential land on the south side of Priory Road, within the built confines of Stamford. It presently contains a modest mid-20th century bungalow, with some attic accommodation, positioned towards the middle of the plot. The site also contains a significant number of mature trees and shrubs, mostly along its eastern and southern boundaries. There is no footway on this side of Priory Road and the plot boundary is defined by a stone wall separated from the highway by grass verges and topped by mature shrubbery. In the north-east corner of the site is a detached wooden outbuilding and the back garden slopes gently down in the direction of the River Welland, about 150 metres or so to the south.
 4. Wrapping around the plot on the south and east, and extending down to the northern bank of the river, is a scheduled ancient monument (National Monument No 22614) that comprises the remains of St Leonard's Priory and includes the Grade I listed standing remains of the mostly 12th century Priory Church about 85 metres due east of the appeal site.
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5. Adjoining the site to the west is an inter-war development of small semi-detached two-storey dwellings on narrow plots, built relatively close to the road with shallow front gardens. To the rear of these are allotment gardens sloping gently down towards the river. On the opposite side of Priory Road is Priory Gardens, a late 20th century development of two storey detached houses orientated away from Priory Road behind a continuous stone wall and established tree and shrub planting. Further east and facing directly towards the scheduled monument are three older bungalows set back from the road in generous plots.
6. The proposal is to demolish the existing bungalow and to erect two pairs of 2½-storey semi-detached five bedroom three bathroom dwellings, each with two off-street parking spaces in front, with one highway access serving each pair. It is suggested that most of the trees along the southern and eastern boundaries would remain although, in the absence of a full arboricultural method statement, the extent to which this might be achieved is unclear. A mature tree near the south-west corner of the bungalow would be removed, together with a line of leylandii trees along the western boundary and the shrubbery behind the front boundary wall.

Settings of the Heritage Assets

7. Although no description of the significance of the adjacent heritage assets has been provided, such as is sought by Policy HE.6 of Planning Policy Statement 5 – *Planning for the Historic Environment (PPS5)*, it is clear that this monastic site was once prominently located in the rural landscape, well away from the town. Whilst later development, particularly in the 20th century, has extended ever closer, especially to the north and west of the site, undeveloped land to the south and south-west helps to preserve some semblance of its historic setting and prominence within the landscape.
8. The appeal site contains the closest built development to the west of the scheduled monument. From what I saw during the course of my site visit, the existing bungalow, by reason of its modest size and discreet location away from its plot boundaries, shows appropriate respect for its historic neighbours, creating a buffer between the semi-rural openness of the scheduled site and the more urban character of the development westwards along Priory Road. As such it contributes in a positive way to the settings of both the scheduled monument and the Grade I listed building.
9. PPS5 Policy HE.10 states that applications for development that would affect the setting of a heritage asset should be treated favourably if those elements that make a positive contribution to the setting would be preserved. It goes on to indicate that, where a proposal would not achieve this, any harm should be weighed against the wider benefits of the application. The proposal in this case would substantially increase the amount of built development, hard surfacing and car parking on the site, creating a far more urban character that presently exists.
10. Whilst many of the trees along the southern and eastern plot boundaries could remain, these are mostly deciduous and would not be effective in concealing the scale and bulk of the development. Furthermore, the present shrubbery that largely screens the existing bungalow from the road would give way to parked cars, revealing fully to passers-by the scale of the development and its urban character.

11. It is therefore my conclusion, on the first main issue, that the proposed development, by reason of its scale and intensity, would cause material harm to the settings of the adjacent heritage assets. As there are no identified public benefits to weigh against that harm, I find the proposal unacceptable and in conflict with the objectives for protecting the historic environment set out in PPS5 and Policies 26 and 27 of the adopted East Midlands Regional Plan 2009.

Archaeology of the Site

12. The Senior Historic Environment Officer of Heritage Lincolnshire considers that the appeal site probably once formed part of the Priory enclosure, because of which previously undisturbed parts of the site offer a high potential for buried remains of considerable archaeological interest to be encountered during development. In such circumstances, Policy HE.6 of PPS5 advises that applications for planning permission should include, as a minimum, an appropriate desk-based assessment or, where this is considered to be insufficient to properly assess the interest, a field evaluation.
13. In this case, because the extent and nature of any archaeological remains encountered could materially impact upon the overall acceptability of the scheme, the Council's specialist advisors recommended that two trial trenches be excavated and the findings submitted to the Council before determination of the planning application. This advice was not, however, accepted by the appellant who contends that, having been previously developed, the site is not unduly sensitive and that a 'watching brief' during development would suffice.
14. Because of its physical relationship with the adjacent scheduled monument, I share the specialist archaeologist's view as to the sensitivity of the site and consider that, in order to satisfy the PPS5 requirement, a pre-determination investigation is needed. Accordingly, as one has not been undertaken, I conclude that the proposal is in conflict with Policy HE.6 of PPS5 and that the grant of planning permission would be premature.

Character and Appearance of the Area

15. Priory Road contains a variety of dwelling types in a range of architectural styles and it is, in some respects, this variety that determines the essential character of the area. However, from Cherryholt Road eastwards, by far the strongest influence on character is the largely unbroken run of 40 near identical pairs of modest inter-war semi-detached two storey houses on the south side of the road, with their small front gardens, shared front-facing gables and deeply recessed entrance doors. Development on the north side is generally set back behind stone walls and established foliage, whilst the Priory Gardens development directly opposite the site turns its back almost completely on Priory Road.
16. That the dwellings proposed would be semi-detached is not in question but, that apart, they would have little in common with their 1930s neighbours. They would be larger in frontage, depth and height, flat fronted and with their wider and shallower pitched gables facing the rear. Materials are not shown on the submitted plans but are described briefly in the Design Statement as local red facing brickwork with brickwork banding, soldier arches (shown on the drawings as flat splayed arches) and stone cills. Roofs would be mock Welsh slates whilst the material for the sash windows and Victorian pattern doors is not specified. Overall, I can find no obvious rationale for the particular design proposed.

17. An unfortunate feature of the development is the concentration of eight (or possibly more) parked cars that would occupy the whole of the space between the dwellings and the front boundary wall. In combination with the bulk of new building proposed, this would impart a more urban character to the development than is appropriate for the locality to the detriment of the established character of the area.
18. A key objective of Policy EN1 of the adopted South Kesteven Local Development Framework Core Strategy is the conservation and enhancement of the visual quality and amenity of the area's built environment by, among other things, seeking to ensure that built development reflects the general character of the area through layout, siting, design and materials. For the reasons outlined above, my conclusion on this issue is that the development would not sit comfortably within its surroundings and would thus not accord with the Policy EN1 objective.

Highway Safety

19. Included in the proposal is the partial realignment of the front boundary wall, together with the repositioning of the existing access and formation of an additional one. Precise details of the realignment are not given but I have before me plans indicating sight lines of 2m x 68m (west) and 2m x 90m (east) from the mid point of the more westerly of the two accesses and 2m x 70m (west) and 2m x 90m (east) from the more easterly one. Priory Road has a carriageway width in front of the site of about 5 metres and a grass verge averaging about 2m wide. There is street lighting and the road is subject to a 30 mph (48 kph) speed limit. There is a roundabout approximately 200 metres to the east of the site.
20. I saw at the site visit that Priory Road carries relatively heavy traffic, at times with almost uninterrupted streams of mostly private cars for several minutes. Speeds generally seemed to be within the legal limit. Both the DETR Design Manual for Roads and Bridges (DMRB) and the Department for Transport's Manual for Streets (MfS) advise that visibility splays should be measured from a point 2.4 metres back from the edge of the carriageway although MfS suggests that this may be reduced to 2.0 metres in some lightly trafficked situations. Priory Road, however, does not accord with any definition of 'lightly trafficked' and the appropriate distance is therefore 2.4 metres.
21. On this basis, and in light of what I saw at the site visit, I am not persuaded that acceptable vision splays can be achieved without more radical realignment of the boundary wall. Accordingly, and in the absence of detailed information showing how sightlines in accordance with DMRB and MfS requirements can be achieved, I am led to conclude that the intensification of vehicular activity that would be generated by the proposed development would add unacceptably to the risk faced by drivers using this part of Priory Road.

Other Considerations

22. Occupiers of dwellings immediately to the west of the appeal site are concerned that the new development would appear overbearing when seen from their modest back gardens and result in a reduction in the level of privacy they presently enjoy. These gardens are significantly below the level of the appeal site and the new development would be set back well behind the line of the

neighbouring dwellings. Accordingly, as seen from the garden of, in particular, No 40 Priory Road, the most easterly of the new dwellings would be, in effect, three storeys high and just a few metres away, appearing oppressive and overbearing, and creating the perception of the garden being overlooked.

23. There would be just one first floor bathroom window in the flank wall of the new dwelling facing the neighbouring properties and as this could be conditioned to be obscure glazed and fixed shut, I am satisfied that there would be no actual overlooking. The building would, however, be a dominant and overbearing feature as seen from the near neighbours' gardens causing material harm to their living conditions and adding weight to my conclusions on the main issues.
24. The occupiers of a dwelling in Priory Gardens have raised concerns regarding the obstruction of their present view southwards towards Burghley Park, the potential for overlooking from the new dwellings and the creation of a dominant and oppressive outlook from their property. Neither national nor local planning policies, however, seek to protect private views from encroachment and I can therefore attach only minimal weight to this concern. As regards overlooking and outlook, I note that there would be a separation distance of some 38 metres between the Priory Gardens property and the proposed new dwellings, in which case I consider that any harm caused by the development would be insufficient to justify withholding planning permission.

Conclusion

25. For the reasons given above, it is my overall conclusion that, because of the harm it would cause to the settings of the scheduled ancient monument and Grade I listed building, to the archaeology of the site, to the character and appearance of the area and to highway safety, the proposal before me is unacceptable. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR

Appeal Decision

Site visit made 4 August 2011

by **Richard High BA MA MRTPI**

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

Decision date: 17 August 2011

Appeal Ref: APP/E2530/A/11/2148099

Land to rear of 62 and 64 Manthorpe Road, Grantham, Lincolnshire, NG31 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Bailey, against the decision of South Kesteven District Council.
 - The application Ref S10/2593/FULL, dated 17 November 2010, was refused by notice dated 3 February 2011.
 - The development proposed is the erection of a detached dwelling and garage.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issues are the effect of the proposed development on:
 - 1) the character and appearance of the area and
 - 2) the living conditions of the occupants of 60A, 62 and 64 Manthorpe Road with regard to visual impact.

Reasons

Character and appearance

3. Outline planning permission has been granted for a dwelling on the appeal site subject to the approval of reserved matters and other conditions (ref: S10/0395). Condition 5 relating to the scale and appearance of the dwelling requires that the maximum ridge and eaves heights should not exceed those shown on the indicative drawing no.MSP.533/001 which accompanied the application. The drawing indicated a ridge height of 6.4m above finished floor level whereas that now proposed would be 6.86m above finished floor level.
 4. The land falls significantly from west to east across the width of the site so that the floor slab level of 62 Manthorpe Road on one side is about 3.1m higher than that of 60A Manthorpe Road on the other. The proposed dwelling would be cut slightly into the slope so that the finished floor level would be about 0.8m above that at No.60A and about 2.3m below that of No.62.
-

5. Nos.62, 64 and 60A are all bungalows with a relatively shallow roof pitch giving them a low visual profile. The proposed dwelling would be 1.5 storeys high with first floor accommodation in the roof space. This would make the dwelling appear significantly bulkier and higher than its neighbours. The ridge line would be 2.6m higher than that of No.60A and only about 1m lower than that at No.62. Moreover the gable extending forwards at the front would have a higher eaves level than the main part of the dwelling which would give the appearance of a two storey rather than 1.5 storey dwelling. The garage in front of it would not significantly alleviate this effect. While I acknowledge that the finished floor level could be reduced, by cutting further into the slope, this would not alter the basic form of the dwelling which would be different in scale from its neighbours and would visually dominate No.60A.
6. For this reason I find that the proposed development would fail to respect the character and appearance of the area and would be contrary to Policy EN1 of the Core Strategy of the Local Development Framework for South Kesteven 2010. While I accept that this is a high level policy, the criteria it sets out for new development also clearly relate to individual proposals as well as broad allocations.

Living Conditions

7. The height and depth of the building, particularly the high eaves and ridge of the forward projecting gable, would make the side elevation a very prominent feature in the outlook from the rear of 62 Manthorpe Road and to a lesser extent from No.64. At a distance of only about 12m this would be sufficiently overbearing to detract from the living conditions there. The height of the building above No.60A would be more dominating in any outlook from the side elevation there because of the difference in levels and the proximity of the building. However I was unable to see on my visit whether there are any windows in the side elevation there and in view of my other findings my decision has not turned on this consideration.
8. I have noted the concerns of the occupants of Nos. 55 and 56 Langford Gardens, but the eaves height of the new house would be lower to the rear and the highest part would be about 30m away from these dwellings. At this distance the new house would not result in unacceptable harm there and suitable boundary treatment could be secured by the imposition of an appropriate condition.
9. I conclude on this issue that the proposed dwelling would be harmful to the living conditions at 62 Manthorpe Road and for this reason also would be contrary to Policy EN1 of the Core Strategy.
10. I have considered all other matters which have been raised and conclude that the appeal should be dismissed.

Richard High

INSPECTOR



Appeal Decisions

Site visit made on 23 August 2011

by **John Murray LLB, Dip.Plan.Env, DMS, Solicitor**

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

Decision date: 5 September 2011

Appeal A: APP/E2530/C/11/2152872

Odd House Farm, Holme Lane, Claypole, NG23 5AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr James Allen against an enforcement notice issued by South Kesteven District Council.
- The Council's reference is ENF10/0135/20.
- The notice was issued on 11 April 2011.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the making of a material change in the use of an agricultural building (13.7m x 32m with ridge height of 6.7m) on the Land to a use to house livestock.
- The requirements of the notice are to cease the use of the agricultural building (13.7m x 32m with ridge height of 6.7m) on the Land for housing livestock by removing cattle from within the agricultural building and remove the cattle food from the storage area (on a hard-standing) adjacent the agricultural building as shown in the approximate position cross-hatched on the attached plan.
- The period for compliance with the requirements is 3 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed.

Appeal B: APP/E2530/A/11/2150755

Odd House Farm, Holme Lane, Claypole, NG23 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Allen against the decision of South Kesteven District Council.
- The application Ref S10/1804/FULL, dated 16 December 2010, was refused by notice dated 1 March 2011.
- The development proposed is described as the "retention of agricultural building and change of use to house livestock and erection of additional livestock building and food storage".

Summary of Decision: The appeal is dismissed.

APPEAL A

The enforcement notice

1. The notice refers to a breach of planning control under section 171A(1)(b) of the 1990 Act. However, that concerns failure to comply with conditions or limitations attached to planning permissions, rather than operational development or material changes of use. The appropriate provision is section

171A(1)(b). Whilst that error could be corrected without injustice, the notice contains a more fundamental defect.

2. In October 2008, an application Ref S08/AG/10/21 was submitted to the Council under the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO)¹ for a determination as to whether its prior approval would be required for the siting, design and external appearance of an agricultural storage building on the appellant's land. The Council decided that it did not require the formal submission of details and accordingly, had the development been undertaken in accordance with the details submitted², it would have constituted permitted development (PD). However, the submitted plan showed the building located to the south of the access track, whereas it was actually constructed to the north.
3. Furthermore, the GPDO provides that such development will not be PD if it consists of the erection of a building to be used for the accommodation of livestock, where the building would be within 400m of the curtilage of a "protected building", which includes a dwelling outside the agricultural unit and outside any other agricultural unit. The building in question is less than 100m from the curtilage of an existing dwelling and a barn which is under conversion to a dwelling with the benefit of planning permission. Both of these are outside any agricultural unit. Whilst the building the subject of the notice might be suitable for general agricultural storage purposes, it appears to have been designed and constructed primarily to house livestock. Indeed, the appellant's statement indicates that the building was located to the north of the access track to enable easy observation of animals within it.
4. In the circumstances, the breach of planning control is not the change of use of an authorised building as, given its location and purposes, the building constitutes unlawful operational development. This error in the description of the breach could be corrected, but this would necessitate consideration of the appropriateness of the requirement. The notice merely seeks cessation of the use, rather than removal of the unlawful building. If the notice were varied to demand demolition of the building, this would clearly prejudice the appellant, who has not had the opportunity to address that more serious requirement. However, if the requirement were left as it is, then this would constitute under-enforcement and, on compliance with the notice, planning permission would be granted for the building³.
5. On the evidence before me, if a prior notification application in respect of a general agricultural storage building (without livestock) in this location were submitted, the Council probably would not require the formal submission of details. However, in that case, the resulting permission under the GPDO would be subject to conditions, such as the requirement to remove the building if its use for the purposes of agriculture ceases within 10 years⁴. By contrast, the permission granted as a result of under-enforcement would be unconditional and I cannot be satisfied that correction of the notice would not result in injustice.
6. I am satisfied that the allegation in the notice represents a fundamental misunderstanding, which cannot be corrected without injustice. Accordingly, I

¹ GPDO, Schedule 2, Part 6, Class A

² GPDO, Schedule 2, Part 6, Class A.2(2)(d)(v)(bb)

³ Section 173(11)

⁴ GPDO, Schedule 2, Part 6, Class A.2(5)

will quash the notice and the appeal on ground (a)/deemed planning application does not fall to be considered. Clearly this does not prevent the Council issuing a fresh notice, if that is considered expedient.

APPEAL B

Preliminary matter

7. For the reasons given in relation to appeal A, insofar as the application describes the proposal as being for a change of use, it is incorrect. Furthermore, "retention" of a building is not an act of development, as defined in section 55 of the 1990 Act. Albeit that the proposal is in part retrospective, it can be described as the erection of 2 buildings for accommodating livestock, together with associated food storage.

Main Issue

8. The main issue is the effect of the proposal on neighbours' living conditions in terms of odour, noise and disturbance.

Reasons

9. The fact that a building which is used to accommodate livestock will not be PD if sited within 400m of the curtilage of a protected building does not mean that planning permission should never be granted for such a building. However, it is a clear recognition that these relationships can give rise to conflict.
10. In this case, the existing livestock building is less than 100m from a residential curtilage and, having regard to the measurements on the submitted plans the proposed larger building would be approximately 150 - 160m away. The existing livestock building has given rise to complaints from the nearest residents regarding the smell from the cattle, their waste and their food, which is currently stored in the open, to the east of the existing building, but which would be stored between that and the additional building, if permission were granted.
11. At the time of my visit, I detected no significant odour in the vicinity of the neighbouring dwelling and the partially completed barn conversion, though the wind was blowing in the opposite direction. Even to the west of the existing building, I detected no smell until I was within 20m or so of the building. However, there were only around 30 cattle in the building, which the 'Planning and Environmental Statement' (PES) submitted with the application indicates can house a maximum of 84 cattle. Furthermore, the open food store was virtually empty and the intensity of odour is likely to vary according to weather conditions, the build-up of waste within the building, the amount and type of food stored and the removal of muck and the carrying out of cleaning operations. Sensitivity to this problem will vary from person to person, but from the representations I have seen, and given the proximity of the livestock building, it is likely that the existing development is having a significant impact on neighbours' living conditions. Having regard to the views of the Council's Environmental Health Officer, this can only worsen if a second, larger livestock building is added, which could house a further 106 cattle⁵, well within the 400m radius.

⁵ According to the PES

12. I sympathise with the view that those who choose to live in the countryside must accept some of its less attractive features, such as farmyard smells. However, I note in particular that when the appellant applied for permission for the barn conversion in 2008, the Design and Access Statement (DAS) said: "The yard serves a modest 200 acre farm and is largely redundant, with only two good condition modern buildings having any agricultural use. There is now very little activity on the farmstead except for storage of machinery and some produce. The traditional barn and extensions are completely redundant." In terms of livestock operations, the Council's understanding was that the buildings were only used for lambing sheep once a year.
13. Although no relevant conditions were attached to the permission, against this background, the Council did not anticipate conflict between the proposed residential use and working farm activities and would have expected to be able to control the introduction of new livestock buildings in close proximity to the new dwellings. The statements made in the DAS also reduce the weight I attach to the appellant's indication that if he cannot have the buildings the subject of this appeal, the cattle will be accommodated in existing buildings, closer to residential properties.
14. I note that the appellant's family have farmed in this location for a century or so and Government policy, as expressed in Planning Policy Statement 7 (Sustainable Development in Rural Areas), clearly recognises the important and varied roles of agriculture and the need for farmers to become more competitive and diversify into new agricultural opportunities. However, a balance needs to be struck between the interests of agriculture and the wider rural economy and the interests of the occupiers of newly approved dwellings. The proximity of the existing and proposed livestock buildings to residential premises is likely to result in unacceptable problems in relation to odour and the evidence before me is insufficient to demonstrate that this could be addressed by an 'odour neutralising system'.
15. I acknowledge that the size and configuration of the appellant's holding places constraints on the location of any livestock buildings. On behalf of the appellant, the National Farmers' Union wrote to say that the buildings cannot be located on the far side of the river because of the risk of flooding and that land on the other side of the farm, away from the river, will be farmed by someone else in the near future. Why that land will be farmed by someone else is not clear and, in any event, even within the same field, there may still be scope to site the livestock buildings further from protected buildings, even if 400m cannot be achieved. That is a matter for the appellant and the Council to consider.
16. The evidence before me is insufficient to indicate that noise and disturbance associated with the livestock buildings would be sufficient in itself to justify dismissal. It is likely to be sporadic in comparison to the odour problem. However, it may exacerbate that concern. Similarly, the related problem of flies will aggravate the issue. Clearly, the presence of flies in large numbers cannot necessarily be attributed to the livestock building, as cattle grazing in the fields and other agricultural operations can attract the Yellow Dung Flies found in significant numbers at a neighbour's house. However, that neighbour states that the problem has got significantly worse since the building was constructed.

17. In any event, I conclude on the main issue that proposal would have an unacceptably detrimental effect on neighbours' living conditions in terms of odour. The Council cites Policy EN1 of the Local Development Framework for South Kesteven - Core Strategy, adopted July 2010. Whilst this refers to noise and light pollution, it does not mention odour. Nevertheless, unpleasant smells can clearly have a detrimental impact on living conditions, which is an interest of acknowledged importance, even if it does not give rise to conflict with a specific development plan policy. Having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal should be dismissed.

Decisions

Appeal A: APP/E2530/C/11/2152872

18. The enforcement notice is quashed.

Appeal B: APP/E2530/A/11/2150755

19. The appeal is dismissed.

20. I have taken account of the views of local residents and other interested parties in reaching these decisions.

J A Murray

INSPECTOR