AGENDA

For a meeting of the

DEVELOPMENT CONTROL COMMITTEE

to be held on

TUESDAY, 5 MARCH 2013

at

1.00 PM

*** PLEASE NOTE TIME OF MEETING ***

(THE LATE REPORT WILL BE EMAILED TO MEMBERS ON THE FRIDAY BEFORE THE MEETING)

in the

COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM

Beverly Agass, Chief Executive

Committee Members:	Councillors Wilkins (Chairman); Parkin (Vice-Chairman); Ashberry; Cook; Higgs; Howard; Mrs Kaberry-Brown; Vic Kerr; King; Morgan; Powell; Jacky Smith; Mrs Judy Smith; Stevens; Adam Stokes; Mrs Brenda 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. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting

4. MINUTES OF MEETING HELD ON 5TH/19TH FEBRUARY 2013

(Enclosure)

5. PLANNING MATTERS

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

The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.

6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA979 by the Development Management Service Manager. **(Enclosure)**

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

PUBLIC SPEAKING

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2011/12 meetings are:

Meeting Date	Notification Deadline
Tuesday 5 March 2013, 1pm	Monday 4 March 2013, 1pm
Tuesday 19 March 2013, 1pm	Monday 18 March 2013, 1pm
Tuesday 26 March 2013, 1pm	Monday 25 March 2013, 1pm
Tuesday 23 April 2013, 1pm	Monday 22 April 2013, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers' presentations. There is a time limit of 10 minutes for each speaker.

ORDER OF PROCEEDINGS

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
    a. District Councillors who are not Committee members
    b. Representative from town/parish council
    c. Objectors to an application
    d. Supporters of an application
    e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

MINUTES

DEVELOPMENT CONTROL COMMITTEE
TUESDAY, 5 FEBRUARY 2013

COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry*
Councillor Cook*
Councillor Howard
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor King
Councillor Morgan*
Councillor Parkin (Vice-Chairman)
Councillor Powell
Councillor Mrs Judy Smith*
Councillor Jacky Smith
Councillor Stevens
Councillor Adam Stokes
Councillor Sumner
Councillor Wilkins (Chairman)
Councillor Wren*

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Principal Conservation Officer (Ian Wright)
Area Planning Officers (Phil Moore, Paul Milne, Nigel Bryan and Peter Lifford)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Chivers*
Councillor Sampson*
(In accordance with Council Procedure Rule 24.5, Councillor Chivers spoke in connection with applications PJM1, PJM2 and PJM3)

(Members marked with an asterix attended on the 5th February 2013 only).*

79. MEMBERSHIP

The Committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Adams for Councillor Higgs, for this meeting only.

80. DISCLOSURE OF INTERESTS

Councillor Ashberry queried whether or not he had any interest in applications PJM1 – 3, as he had in the recent past written to the local paper in connection with this type of application, i.e. converting public houses to shops. In addition he was the Ward Member for the area. The Solicitor gave advice, indicating that in his opinion the Councillor had no interests to declare.

81. MINUTES OF MEETING HELD ON 8TH JANUARY 2013

The minutes of the meeting held on 8th January 2013 were accepted as a correct record of decisions taken.

82. PLANNING MATTERS

(Before commencing the business of the meeting, the Chairman advised that, in view of the length of the agenda, he had changed the order of the consideration of the applications, to allow those with public speaking to be considered first. Other applications would then follow, and depending on the time that these applications were reached the Committee would be asked to consider an adjournment to a future date).

Decision:-

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

PWM1

Application ref:	S11/2371/HSH
Description:	Retention of two conservatories, veranda, extension to Coach House and various structures within the cartilage (including fountain, fencing, CCTV cameras and landscaping works), erection of leisure building, greenhouse and cold frames within existing walled garden, construction of tennis court
Location:	Caythorpe hall, Church Lane, Caythorpe, Grantham NG32 3EL
Decision:	Refused

Noting comments made during the public speaking session from:-

Mr P Sowerby – applicant

together with representations/comments from the Community Archaeologist, Ramblers' Association, English Heritage (appendices 1 & 2), SKDC Principal Conservation Officer (appendices 3 & 4), statement from the applicant's agent (appendix 5), justification statement from the applicant's Solicitor (appendix 6), justification statement from then applicant prepared by Dr C Miele (appendix 7) and letters in support from neighbouring residents; late information report circulated to Members before the meeting, including a correction to some of the information given in the agenda report, additional correspondence received from the applicant (listed) and officer comment thereon, together with lengthy comments made by Members at the meeting.

The Case Officer presented a lengthy report, drawing the attention of Members to the fact that the application had been last considered in February 2012. Members had at that stage indicated that they were minded to approve the applications. However they were deferred at the meeting to enable the necessary statement to the Secretary of State in relation to the Listed Building application to be prepared. The Case Officer said that since the last consideration of the application, a number of factors had arisen which materially affected the assessment of the proposals, and which required them to be brought before the committee for reconsideration. He then drew the attention of Members to a list of these, on page 31 of the report, and also to the comments in the several appendices. As a result of the new information, reconsultation had taken place with English Heritage as a statutory consultee, and their comments were in the appendices.

(2.12pm – Councillor Cook entered the meeting).

The Chairman reminded Members that a full Committee site visit had taken place last week. Councillor King then presented his report in detail, and circulated to the Committee three suggestions as to how the Committee could proceed, which were explained and discussed, prior to a proposition being made that the third option be adopted, as follows:

> Approve the recommendation to refuse the applications for the reasons given, but add an additional resolution, as follows:
>
> "The Committee agree to the officers taking enforcement action in the case of the elements causing the greatest harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether already constructed or proposed".

The proposition was discussed, and the Head of Development and Growth suggested that the words "the greatest" in line 2 of the additional resolution would perhaps be better replaced by the word "substantial". It was also suggested that the words "in the agenda report on page 42 and" be added after the word "given" in the first line above, instead of "but add an additional

resolution as follows".

The Chairman then read the resolution as amended, which was then proposed and seconded, as follows:

""To approve the recommendation to refuse the applications for the reasons given in the agenda report on page 42, and the Committee agree to the officers taking enforcement action in the case of the elements causing substantial harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether constructed or proposed".

On being put to the vote, the resolution was agreed, and the application was refused for the following reasons, noting also the resolution above in regard to enforcement action:

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings as well as their settings within the conservation area, and the impact on their character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory, veranda and relocated gates and fountain have a harmful and unjustified impact on the historic character of the grade II* listed Hall, the setting of the grade II listed Coach House and Caythorpe conservation area, contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.

2. No evidence has been submitted to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that the development would result in substantial and unjustified harm to the historic character of the grade II* listed Hall the setting of the grade II listed Coach House and Caythorpe conservation area contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.

(In accordance with Council Procedure Rule 16.5, Councillor Powell asked that her vote against the proposition to refuse be recorded).

(Councillors Adams and Cook did not take part in the voting on this application).

<u>PWM2</u>

Application ref: S11/2372/LB

Description: Extensions and alterations to listed building including retention of conservatories, veranda, and extension to Coach House, erection of leisure building and greenhouse within existing walled garden, replacement of Coach House

doors and other associated works

Location: Caythorpe Hall, Church Lane, Caythorpe, Grantham NG32 3EL

Decision: Refused

Noting comments made during the public speaking session from:-

Mr P Sowerby – applicant

together with representations/comments from the Community Archaeologist, Ramblers' Association, English Heritage (appendices 1 & 2), SKDC Principal Conservation Officer (appendices 3 & 4), statement from the applicant's agent (appendix 5), justification statement from the applicant's Solicitor (appendix 6), justification statement from then applicant prepared by Dr C Miele (appendix 7) and letters in support from neighbouring residents; late information report circulated to Members before the meeting, including a correction to some of the information given in the agenda report, additional correspondence received from the applicant (listed) and officer comment thereon, together with lengthy comments made by Members at the meeting.

The Case Officer presented a lengthy report, drawing the attention of Members to the fact that the application had been last considered in February 2012. Members had at that stage indicated that they were minded to approve the applications. However they were deferred at the meeting to enable the necessary statement to the Secretary of State in relation to the Listed Building application to be prepared. The Case Officer said that since the last consideration of the application, a number of factors had arisen which materially affected the assessment of the proposals, and which required them to be brought before the committee for reconsideration. He then drew the attention of Members to a list of these, on page 31 of the report, and also to the comments in the several appendices. As a result of the new information, reconsultation had taken place with English Heritage as a statutory consultee, and their comments were in the appendices.

The Chairman reminded Members that a full discussion had just taken place on the planning application which accompanied this listed building consent application, and it was proposed and seconded that the application be refused for the reasons in the report at page 109, and also subject to the additional resolution proposed in relation to enforcement action and subsequent action in respect of S11/2371/HSH, as follows:

"The Committee agree to the officers taking enforcement action in the case of the elements causing substantial harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether constructed or proposed".

Following discussion on the wording of the first reason for refusal shown on page 109, it was suggested that after the word “impact” on line 6 of reason 1, the words “either individually or cumulatively” be added in order to clarify the Committee’s view. It was agreed that these words be added, and the proposition as amended was then put to the vote and agreed.

The application was therefore refused for the following reasons, noting also the resolution in regard to enforcement action, noted above:

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings, the impact on its character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory (and associated works), veranda, replacement front doors of the Coach House, replacement door on main Hall courtyard elevation and removal and relocation of the gate piers and fountain, have a substantial harmful and unjustified impact either individually or cumulatively on the historic character of the grade II* listed Hall, and the grade II listed Coach House, contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.

2. No evidence has been submitted to demonstrate that the works would result in any public benefit and that the future viability and long term preservation of these heritage assets can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that works to the Hall result in substantial and unjustified harm to the historic character of the grade II* listed Hall and the grade II listed Coach House contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.

(In accordance with Council Procedure Rule 16.5, Councillor Powell asked that her vote against the proposition to refuse be recorded).

(Councillors Adams and Cook did not take part in the voting on this application)

(The meeting adjourned from 3.02pm to 3.16pm).

(Councillor Jacky Smith did not return to the meeting on its resumption).

NB1

Application ref: S12/1058/FULL

Description: Demolition of outbuilding, erection of two one and a half storey dwellings and conversion of barn to one dwelling

Location: 29 High Street, Castle Bytham, Grantham, Lincolnshire, NG 33 4RZ

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Vicky Dennis – Castle Bytham Parish Council

together with no objection from the Highway Authority, Consultant Arboriculturalist or Principal Conservation Officer, comments from the Parish Council and comments from Heritage Lincolnshire, Natural England, Lincolnshire Wildlife Trust and the Internal Drainage Officer, together with representations, objecting and in support, from local residents, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused on the grounds of overdevelopment of the site, access and being out of character with the Conservation Area.

The Development Management Service Manager reminded Members that as the Highway Authority had raised no objection, it would be difficult to justify a reason for refusal on highway grounds. Following discussion, the proposition was varied to exclude this reason.

The Chairman clarified the reasons for refusal, following which the proposition was put to the vote. An equality of votes resulted, and in accordance with Council Procedure Rule 16.2, the Chairman exercised his casting vote for the proposition, which was refused for the following reason:-

The proposed erection of two additional dwellings within the site would result in a cramped form of development that would neither preserve nor enhance the character of the Castle Bytham Conservation Area. The application is, therefore, deemed contrary to policy EN1 of the Core Strategy and guidance contained in the National Planning Policy Framework.

JJ1

Application ref: S11/2782/OUT

Description: Erection of pub/restaurant (with associated parking)

Location: Former Mirlees Blackstone Site, Uffington Road, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Mr E Gilman – objecting on behalf of Stamford Chamber of Trade and Commerce
Chris Creighton – agent

together with no objection from Heritage Lincolnshire, Environmental Protection, Stamford Town Council, the Environment Agency or the Highway Authority, comments from Planning Policy, objections from Stamford Chamber of Trade and Commerce and comments on behalf of the receivers of F H Gilman and Company Ltd; late information report circulated to Members before the meeting including a recommendation for a change to condition 14, together with comments made by Members at the meeting.

The Case Officer, in presenting his report, drew the attention of Members to the sequential tests which had been undertaken, and which were listed on page 119 of the report, and also referred to the proposed amendment to condition 14, noted in the late report. A request had been made for amendments to conditions 11 and 13 to allow the development to be commenced before the associated road works were completed, but not occupied until they had been implemented. This had been discussed with the Highway Authority, and it had been agreed that condition 11 could be varied, but not condition 13. The late comments from Stamford Chamber of Trade and Commerce had been discussed with Planning Policy, and their view was that these did not prejudice Members' ability to determine the application today.

It was proposed and seconded that the application be approved, subject to the amendments to conditions 11 and 14 referred to above.

On being put to the vote the proposition was agreed and the application approved, subject to the summary of reasons set out by the Case Officer in the circulated report, to the amendments referred to above, and 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 or two years from the approval of the last of the reserved matters, whichever is the later.

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:

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

3. 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.

4. No development shall take place until details of any external lighting have been submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.

5. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

   1) A preliminary risk assessment which has identified:
   a) all previous uses
   b) potential contaminants associated with those uses
   c) a conceptual model of the site indicating sources, pathways and receptors
   d) potentially unacceptable risks arising from contamination at the site.

   2) A site investigation scheme, based on(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

   Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the local planning authority, for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

8. 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

9. 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.

10. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.

11. The building hereby approved shall not be occupied until a new four arm roundabout on Uffington Road (as indicatively shown on drawing ref 10-257-TR-009 Rev A) has been implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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.

13. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented as long as any part of the development is occupied.

14. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises for A3/A4 restaurant/pub only as defined in the application and for no other purpose.

15. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    Proposed Site Plan: Ref A1A0037 A(PL) 01-102 Rev A
    Proposed Site Plan: Ref A1A0037 A(PL) 01-104
    Proposed Roundabout: Ref 10-257-TR-009 Rev A

16. No development shall commence until details of the equipment to be installed to suppress the emission of fumes or smell and obviate odours from frying or other cooking processes have been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of any extraction vents or flues. The use of the building hereby approved shall not commence until the approved equipment has been installed and this shall then be maintained thereafter.

Note(s) to Applicant

1. The developers attention is drawn to the attached letter from the Environment Agency dated 15 December 2011.

2. No building to which this permission relates shall be occupied until a Section 278 Agreement of the Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a roundabout and access road together with all necessary ancillary works in accordance with the indicative drawing submitted as part of the application.

3. Prior to the submission of details for any access works within the public highway you are advised to contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

4. 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.

(4.16pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).

PJM1

Application ref: S12/2825/FULL

Description: Installation of ATM and associated service door

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant's planning consultant

together with no objection from the Highway Authority, comments from the Police Architectural Liaison Officer, objections from nearby residents and reference to the applicant's submissions; report of site inspection and comments made by Members at the meeting.

(4.28pm – Councillor Adams left the meeting).
(4.30pm – Councillor Adams returned to the meeting).

Members discussed the application, and the two associated applications following, with particular reference to opening hours and control of delivery times. The Development Management Service Manager confirmed that there was no planning control over these aspects, as the site could be used as a shop without the need for planning permission. Conditions could not therefore be imposed.

A Member asked if conditions could be imposed by the Licensing Committee, and the Solicitor said that this would only apply if licensable activities, such as the sale of alcohol or late night refreshment took place.

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 to the following conditions:-

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

2. The development hereby permitted shall be undertaken in accordance with the following list of approved plans:

   Proposed ATM Elevation Dwg No. F9D11-259 A (00)033
   Proposed External Alterations Plan Dwg No. F9D11-259 A(00)025

ATM Section Dwg No. F9D11-259 A(00)103

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.

PJM2

Application ref: S12/2827/FULL

Description: Installation of 1 x condenser unit and 3 x air conditioning units

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant's planning consultant

together with comments from Environmental Protection, an objection from a nearby resident and reference to the applicant's submissions; 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 to the following conditions:-

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

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   Dwg No. F9D11-259 A(00)038 - Proposed plant elevations received by the local planning authority on 9th November 2012.

PJM3

Application ref: S12/2826/FULL

Description: Minor external alterations including demolition of chimney/tower, installation of new shop front, increasing the height of the existing flat roof extension, erection of canopy, siting of steel bollards, siting of cycle hoops, blocking up existing openings, landscaping and resurfacing existing car park and alterations to vehicular access and external lighting

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant's planning consultant

together with no objection from the Highway Authority, comments from Environmental Protection, objections from nearby residents/doctors' surgery and reference to the applicant's submissions; 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 to the following conditions:-

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

2. The development hereby permitted shall be undertaken in accordance with the submitted lighting details including the e-mail from the applicant's agent dated 13th December 2012 confirming that the lights will be turned off when the store is closed.

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans:

   Proposed external alterations (south and west) Dwg No. F9D11-259 A(00)026 received 13th November 2012.
   Proposed elevations (north and east) Dwg. No. F9D11-259 A(00)027
   External Lighting Layout Dwg No. 7819 63 003 received 13th November 2012

Illuminance Levels Design Ref: LS20588_2 received 13th November 2012
External Alterations Plan Dwg No. F9D11-259A(00)100 received 13th November 2012

Note(s) to Applicant

1. Prior to the commencement of the development hereby permitted you are advised to contact the Divisional Highways manager, Lincolnshire County Council (telephone number: 01522 513100) to discuss the proposed works within highway limits.

PJM4

Application ref: S12/2286/OUT

Description: Erection of 6 apartments (outline)

Location: 87 Norton Street, Grantham, Lincolnshire NG31 6BY

Decision: Approved

Noting comments made during the public speaking session from:-

Mike Sibthorp – agent

together with no objection from the Highway Authority or Upper Witham Drainage Board, and comments from Planning Policy and the Housing Projects Officer, together with comments in regard to the possible Section 106 agreement; late information report circulated to Members before the meeting, including additional correspondence from Environmental Protection, raising no objection, and a suggested alteration to condition 11, report of site inspection and comments made by Members at the meeting.

(5.11pm – Councillor Wren left the meeting).
(5.20pm – Councillor Wren returned to the meeting).
(5.25pm – Councillor Mrs Sumner left the meeting).
(5.27pm – Councillor Adams left the meeting).
(5.28pm – Councillor Mrs Sumner returned to the meeting).
(5.29pm – Councillor Adams returned to 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, to include additional condition 11 set out in the late report (in relation to contaminated land):-

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.

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) landscaping.

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

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

   Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or 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 without planning permission having first been obtained from the Local Planning Authority.

6. The ground floor levels and ridge height of the building hereby approved shall be constructed in accordance with those shown on drawing number MSP 919/201 dated 26th September 2012.

7. Within seven days of the new access being brought into use, the existing access onto Norton Street shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

8. Before the development hereby approved is commenced a scheme for the provision, implementation and maintenance of s SUD's system shall be submitted to and approved in writing by the local authority.

9. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

   Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    Drawing Number MSP. 919/001 dated 26th September 2012
    Drawing Number MSP. 919/002 dated 26th September 2012
    Drawing Number MSP.919/201 dated 26th September 2012
    Drawing Number MSP. 038/001 dated 26th September 2012
    Drawing Number MSP. 038/002 dated 26th September 2012
    Drawing Number MSP. 038/003 dated 26th September 2012
    Drawing Number MSP. 038/004 dated 26th September 2012

11. Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop and the local planning authority notified immediately. The developer must submit to the planning authority for approval a scheme for remediating the identified contamination.

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.

PL1

Application ref: S12/3260/FULL

Description: Two storey dwelling, triple garage and workshop

Location: 22b Burghley Street, Bourne, PE10 9NS

Decision: Approved

Noting no objection from the Consultant Arboriculturalist, no objection from the Highway Authority and comments from a local resident; late information report circulated to Members before the meeting, including no objection from Bourne Town Council and a letter of objection from a local resident, and comments made by Members at the meeting.

(5.45pm – Councillor Mrs Kaberry-Brown left the meeting).
5.48pm – Councillor Mrs Kaberry-Brown returned to the meeting).

It was proposed and seconded that the application be approved.

Members discussed whether it would be appropriate to impose a condition on the proposed workshop to prevent it being used commercially, and were advised that this could be done.

The proposition was then put to the vote and agreed. The application as therefore 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 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.

3. 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].

4. Before development is commence on site all existing trees shown in the submitted tree survey and report shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

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.

6. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: AW.2012.12.GEFP, AW.2012.12.EFP, AW.2012.12.PSP.

7. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number AW.2012.12.PSP dated 12/12, and retained for that use thereafter.

8. The workshop and garages shall only be used in association with the dwelling and shall not be used for any seperate trade or business use whatsoever.

(5.55pm - It was proposed, seconded and agreed that the meeting be adjourned until Tuesday 19th February 2013 at 2pm).

(The meeting resumed on Tuesday, 19th February 2013 at 2pm).

NB2

Application ref:	S12/2459/FULL
Description:	Erection of two dwellings (incorporating balconies)
Location:	Land Adjacent to Newcomb Court, Radcliffe Road, Stamford
Decision:	Approved

Noting comments from Stamford Town Council and Heritage Lincolnshire, no objection from the Highway Authority or Consultant Arboriculturalist and representations from nearby residents; late information report circulated to Members before the meeting, including a note of a late representation from a member of the public and officer comment thereon, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the access between the site and Newcomb Court being closed by a wall, with a pedestrian gate available to occupiers of the proposed houses only.

Following discussion, it was agreed that this could be achieved by an amendment to condition 5, which was read to the Committee. The proposition was then put to the vote and agreed, and the application was 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 (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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

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.

5. Notwithstanding that no vehicular access is proposed between the application site and Newcomb Court, this access shall remain closed by the erection of a 2 metre high brick wall with a pedestrian gate accessed by keys held by the occupiers of the proposed homes.

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number

1723-02 and retained for that use thereafter.

7. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

8. As identified on drawing 1840.TPP rev A, part of the parking area and drive to plot 2 shall be constructed using a no-dig technique. A plan shall be submitted to and approved in writing showing a section through the drive. The drive shall be constructed in accordance with the details as approved.

9. 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. 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.

10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    1723 02
    1723 05
    1723 07
    1723 08 (plot 1 floor plans)
    1723 09
    1723 10
    1723 11

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. Please note that this grant of planning permission does not override civil legal rights with regard to development on or over a boundary nor does it override legal rights of way that may be situ.

The road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highway Act 1980) and as such the liability for maintenance rests with the frontagers.

NB3

Application ref: S12/2213/FULL

Description: Erection of 4 dwellings

Location: Land off, Stephens Way, Deeping St James

Decision: Approved subject to the completion of a Section 106 agreement

Noting no objection from the highway authority, comments from the Parish Council and from the Communities Leisure Officer, Education Authority and Primary Care Trust in relation to the Section 106 agreement contributions and comments from the Drainage Project Officer and Heritage Lincolnshire, representations from local residents and details of the proposed Section 106 Heads of Terms, together with comments made by Members at the meeting.

Following comments by Members in relation to the proposed Section 106 agreement, it was suggested and agreed that this should refer to the Primary Care Trust or its successor body, in view of likely changes.

Subject to the above comment, it was then proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement.

The proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman subject to the summary of reasons set out in the Case Officer's report, to the signing of a legal agreement to secure developer contributions and subject also to the conditions and notes set out in the report. Where the legal agreement has not been completed prior to the committee meeting a period of 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 Development Management Service Manager acting in consultation with the Chairman and Vice Chairman of the 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.

SB1

Application ref: S12/2817/FULL

Description: Conversion of redundant farm buildings to create X4 holiday units at Tilly's Barn; X3 holiday units at The Granary barns;X1 holiday unit; X1 live/work unit and cake decorating business (Class B1) at Perkins Barn together with new vehicular access and car parking

Location: Tilly's Barn and Perkin's Barn, The Granary, Outgang Road Baston

Decision: Approved

Noting no objection from the Highway Authority, Environment Agency or SKDC Conservation Officer, comments from Natural England and the Heritage Trust of Lincolnshire and no objection from South Holland District Council, together with comments made by Members at the meeting.

Members commented that there should be a condition limiting the use of the barn shown on the plans for farm use to storage, but excluding livestock of any kind.

It was then 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, and to the condition relating to farm storage referred to above:-

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

2. Prior to the commencement of the development hereby granted approval, details shall be submitted to and approved in writing by the local planning authority of rainwater goods to be installed on the buildings. The proposals shall only be carried out in accordance with the approved details.

3. Details shall be submitted to and approved in writing by the local planning authority showing a significant area of an internal wall to remain exposed for 'The Granary'. The proposals shall only be carried out in accordance with the approved details.

4. There shall be no chimneys or flues installed other than those shown on the approved drawings without the written approval of the local planning authority.

5. Prior to the commencement of the development hereby granted approval , large scale details shall be submitted to and approved in writing by the local planning authority at a scale of 1:10 of the proposed joinery details for windows and doors including materials to be used and cross sectional drawings detailing the treatment of lintels, windows and cills. The proposals shall only be carried

out in accordance with the approved details.

6. Prior to the commencement of development hereby granted approval, for any areas of brickwork, including boundary walls and brick infill (such as infill of windows) a sample of bricks to be made available and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

7. Prior to the commencement of development hereby granted approval a sample of roofing materials shall be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

8. Prior to the commencement of development hereby granted approval, where solar panels are to be installed, details of how the panels are to be fixed to the roof to be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

9. Any repointing work to be undertaken using a traditional mix of 1:3:12 or 1:2:9 of cement, lime and sharp sand respectively.

10. Prior to the commencement of the development hereby granted approval, for any areas of proposed 'like for like' replacement; such as the replacement of iron columns or stone plinths, a sample of these are to be submitted to and approved by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

11. Development shall not begin until details of the new vehicular access onto Baston Outgang Road from the site at Tilly's Barn; including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site before the development is first brought into use and retained thereafter.

12. The arrangements shown on the approved site plans ref: RDS 10779/16I and RDS 10779/26D received on 7 December 2012 showing the parking/turning/manoeuvring/loading/unloading of vehicles shall be implemented prior to the occupation of any of the barns hereby approved and available at all times when the premises are in use.

13. No development shall take place before the detailed design of the arrangements for surface water drainage (including the results of percolation tests) 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.

14. The develoment hereby permitted shall only be carried out in accordance with the flood protection measures set out in the approved Flood Risk Assessment by RM Associates (Version 1) dated September 2012.

15. The development hereby approved shall only be carried out in accordance with the provisions for foul drainage disposal set out in the email from the

applicant's agent dated 7 December 2012.

16. The development hereby approved shall only be carried out in accordance with the ecological mitigation measures set in the approved Conservation (Protected Species) Implications report dated August 2012 and Supplementary Report dated September 2012 by Landtec Associates.

17. 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.

18. No floodlighting or other form of external lighting shall be installed on the site unless details have been first submitted to and approved in writing by the local panning authority. Only external lighting in accordance with the approved details shall be installed on site.

19. 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. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (including species, plant sizes and proposed numbers/densities); and implementation programme.

20. 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.

21. The holiday accommodation hereby approved shall be occupied for holiday purposes only.

22. The holiday accommodation hereby approved shall not be occupied as a person's sole, or main place of residence.

23. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development relating to Part 1 of Schedule 2 Class A, B, C, D, E, F, G or H or Part 2 Schedule 2 Class A shall be undertaken without the prior written approval of the local planning authority.

25. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    Tilly's Barn
    Proposed Site Plan Drawing RDS 10779/26D
    Proposal Drawing RDS 10779/20D
    Proposal Drawing RDS 10779/17F
    Proposal Drawing RDS 10779/24E
    Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
    Survey Drawing RDS 10779/08A
    Survey Drawing RDS 10779/09A
    Survey Drawing RDS 10779/10A
    Survey Site Plan Drawing RDS 10779/12

    Perkins Barn
    Proposed Site Plan Drawing RDS 10779/16I
    Proposal Drawing RDS 10779/13F
    Proposal Drawing RDS 10779/14E
    Proposal Drawing RDS 10779/18B
    Proposal Drawing RDS 10779/21B
    Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
    Survey Drawing RDS 10779/01B
    Survey Drawing RDS 10779/02B
    Survey Drawing RDS 10779/03A
    Survey Drawing RDS 10779/04
    Survey Drawing RDS 10779/05
    Survey Site Plan Drawing RDS 10779/11
    Proposal Drawing RDS 10779/22A
    Proposal Drawing RDS 10779/23A

    The Granary
    Proposal Drawing RDS 10779/15H
    Proposal Drawing RDS 10779/19E
    Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
    Survey Drawing RDS 10779/06
    Survey Drawing RDS 10779/07

26. The barn to be retained for farm use will be for farm storage, excluding livestock of any kind.

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 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.
3. The contaminated land assessment referred to in Condition 17 shall commence with the desk top study and shall include a site investigation report and remedial works if a requirement of further investigation and remediation has been identified in the desk top study.

SB2

Application ref: S12/2348/MJNF

Description: Erection of 2no. new industrial buildings to accommodate plastic recycling plant and associated storage. Development to also include new landscaping, car parking, access, weighbridge and sub station

Location: South Fen Road, Bourne, PE10 0DN

Decision: Approved subject to the completion of a Section 106 agreement

Noting no objection from Bourne Town Council, Lincolnshire Fire Service or the Health and Safety Executive, comments from the Highway Authority, Environment Agency , SKDC Drainage, SKDC Environmental Health, the Welland and Deepings Internal Drainage Board and Heritage Trust of Lincolnshire, and representations from nearby residents; late information report circulated to Members before the meeting, including a response from the Environment Agency withdrawing their objection, comments from Anglian Water and officer comments thereon including an additional condition suggested by the Environment Agency and notes suggested by Anglian Water, together with comments made by Members at the meeting.

Members discussed the suggested notes from Anglian Water, included in the late report, and it was suggested that in view of the content of the notes they should be included as conditions. Following advice from the Development Management Service Manager, it was agreed that the first note would remain as a note, but the other two would be included as conditions.

Further comments were made in relation to the extraction of fumes and treatment of odours from the site. Members were advised that the applicants had not provided details of this, but a condition could be imposed requiring the

submission of plans and details, to cover the operations at the premises and also any catering facilities proposed.

The Committee also noted a slight amendment necessary to condition 12, to amend the word “Sundays” in line 2 to “Saturdays”.

Subject to the proposed additional and amended conditions referred to above, it was then proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement.

(3pm – Councillors Adams and Adam Stokes left the meeting).

The proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman subject to the summary of reasons set out in the Case Officer’s report, to the signing of a legal agreement to secure the provision of a vehicle routing plan as set out in the Transport Assessment, and a financial contribution towards the provision of footway/highway improvements, and subject also to the conditions and notes set out in the report and as amended above. Where the legal agreement has not been completed prior to the committee meeting a period of 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 Development Management Service Manager acting in consultation with the Chairman and Vice-Chairman of the 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.

(3.04pm – Councillors Adams and Adam Stokes returned to the meeting).

KJC1

Application ref:	S12/3178/FULL
Description:	Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use
Location:	Former Issac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
Decision:	Refused

Noting no objection from the Highway Authority, comments from Legal Services, representations from local residents and a submission in support from

the applicants, together with comments made by Members at the meeting.

Several Members expressed concern at the proposal, and the Development Management Service Manager clarified that the application was only to change the timing of the condition, not to remove it completely. The proposed works would still be done as proposed but on a different timescale.

It was then proposed and seconded that the application be refused on highway safety grounds. After discussion on the wording of the reason for refusal, the proposal was put to the vote and agreed, and the application as refused for the following reason:-

Highway safety as conditioned in application S12/1272 is the same, if not greater, for construction traffic as it is for users of the completed building.
PL2

Application ref: S13/0041/ADV

Description: 3 Non-Illuminated crests and signage

Location: Bourne Corn Exchange, Abbey Road, Bourne

Decision: Deferred

(Councillor Powell declared a disclosable pecuniary interest as a Member and Town Mayor of Bourne Town Council, and at 3.21pm left the meeting).

Noting no objection from the SKDC Conservation Officer; late information report circulated to Members before the meeting including an objection from Bourne Town Council and officer comment thereon, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following further discussion on the comments submitted, the proposition to approve was withdrawn, and it was proposed and seconded that further consideration be deferred to enable consultation with the applicants on an alternative design.

On being put to the vote the proposition was agreed, and the application was deferred for plans showing an alternative design for the signage.

(The meeting adjourned from 3.34pm to 3.45pm).

(Councillor Mrs Kaberry-Brown did not return to the meeting on its resumption).

83. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA975 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers. A planning appeals update/summary as at 21st January 2013 was also submitted, with a table showing planning applications performance as at December 2012.

84. CLOSE OF MEETING

The meeting held on 5th February 2013 was adjourned at 5.55pm, and the resumed meeting held on the 19th February 2013 closed at 3.57pm.

COMMITTEE: 5 March 2013

	NO	PAGE	PROPOSAL AND LOCATION	REC
NB1	S12/0864	1	Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network). Land between Empingham Road and Tinwell Road, Stamford	AC
KJC1	S11/2002	24	Outline planning permission for residential development and formation of access. Land off Main Road, Long Bennington	AC
KJC2	S12/0873	61	Retention of vehicular access Land North of Fallows End, Stragglethorpe, Lane, Fulbeck, Grantham	AC
SP1	S12/2016	70	3 x 15 metre high wind turbines Copley Farm, Doddington Lane, Claypole, Newark, NG23 5AT	AC
PWM1	S12/2170	86	2 x 15 metre high wind turbines The Old Pump Cottage, Fen Road, Dowsby, PE10 0TX	AC
PWM2	S12/3097	104	Alterations to curtilage listed barns including demolition Of lean-tos, replacement/repair of roofs and repairs to External walls Westfield Farm, Town Street, Westborough, Newark, NG23 5HJ	AC
LDPP1	S12/3187	111	Installation of DDA compliant handrails to steps outside Arts Centre Guildhall Arts Centre, St Peters Hill, Grantham, NG31 6PY	AC
PL1	S13/0041	117	3 Non-Illuminated crests and signage Bourne Corn Exchange, Abbey Road, Bourne	AC

NB1 **S12/0864/MJRO**

Target Decision Date: 05-Jul-2012
Committee Date: 05-Mar-2013

Applicant	**Commercial Estates Group and, Cecil Estate Family Trust** C/o Agent
Agent	Mr Mike Newton, Boyer Planning Crowthorne House, Nine Mile Ride, Wokingham, Berkshire, RG40 3QZ
Proposal	**Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements, pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network)**
Location	**Land between Empingham Road and Tinwell Road, Stamford**
App Type	Major Outline (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application is considered to be locally controversial, a major and requires a Section 106 Legal Agreement
Recommendation Summary	**Grant permission subject to the imposition of conditions and signing of a Section 106 legal agreement** The application site is made in outline form with only access committed. Improvements to the highway network would ensure that highway safety would not be compromised. Nor is it considered that there would be any significant detrimental impact on the environment. Contributions sought through the Section 106 Legal Agreement would make the application acceptable with regard Public Open Space Provision, Education, Health, Highways and affordable dwellings. It is not considered that determining the application would be premature or prejudice the outcome of the Site Allocations DPD with the overriding consideration being the need to have a five year supply of housing, as identified in the NPPF. In addition, the application complies with the broad policies contained in the Core Strategy that identify development should be concentrated in the most sustainable settlements. The proposed mix of land uses within the site would also be appropriate between the residential, employment, public open space and Local Centre. Through the detailed reserved matters applications it is not considered that the development would have a detrimental impact on the amenity of neighbouring properties through a dominating or overlooking impact. Nor is it considered that the application would detrimentally impact on archaeology in the area or the setting of adjacent heritage assets. Furthermore, it is not considered that the development would detrimentally impact on the character of the landscape.

Key Issues

- Policy considerations primarily including five year land supply, Core Strategy policies, weight given to the emerging Site Allocations DPD and possible prematurity with regard to determining the application in advance of the DPD being adopted.
- Highway safety
- Residential amenity through possible overlooking and overbearing
- Impacts on the environment including on existing vegetation and protected species
- Land use split between the various uses including residential, commercial, local centre and public open space
- Financial contributions toward improving existing
- Noise impacts from the adjacent A1 and mitigation required
- Impact on the character of the area and wider locality
- Ensuring that the design ethos identified in the Design and Access statement follows through in the various reserved matters applications.

Technical Documents Submitted with the Application

- Plans identifying highway improvements and transport assessment
- Environmental Statement
- Design and Access Statement
- Flood Risk Assessment
- Archaeological reports, Arboricultural Assessment, Agricultural land Classification, Sustainability Report, Statement of Community Involvement, Stamford West: Employment Land Assessment;
- Masterplan and parameter plans.

REPORT

Application Category

The application is a major application and has been submitted in outline form with only access committed. The details to be approved at the reserved matters stage are siting, design, scale and landscape. The access element identifies the primary means of access to enter the site but does not include the primary routes through it. An Environmental Impact Assessment (EIA) has been submitted in support of the application.

Reason for referral to committee

The application is a major application and one of local interest and scale that would need to be determined by Members, as well as requiring a Section 106 legal Agreement.

The proposal

The application is for a mixed use development incorporating a 10 hectare business park, local centre and residential development comprising approximately 400 dwellings. In support of the application is an indicative masterplan, scale parameters for the site and a Design and Access Statement. Additional information including an EIA and Transport Assessment have also been submitted.

The application site and its surroundings

The application site comprises an arable field to the west of Stamford. It is bounded by the A1 to the west, Empingham Road to the north (A606) and Tinwell Road to the south (A6121). The eastern boundary of the site is marked by the various domestic rear garden boundaries of properties that front Lonsdale and Cottesmore Road; these dwellings were primarily constructed in the 1960's and 70's. A footpath runs to the immediate east of the site and links Empingham Road to Cottesmore Road. The sports pitches of Empingham Road are approximately 200m away

Across the application site there is a change of levels with Empingham Road higher than Tinwell Road. Along the Empingham Road frontage there are a number of trees within the hedgerow which provide a particularly attractive frontage. The total site area is 29.92 hectares, although this includes part of the highway, which is to be improved, with the existing field covering an area of 28.08 hectares.

Site history

None

Policy considerations

Core Strategy (Adopted July 2010)
SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer contributions
EN1 – Protection and Enhancement of the Character of the District 27

EN2 - Reducing the Risk of Flooding
EN3 - Renewable Energy Generation
EN4 - Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing
E1 – Employment Development
E2 – Town Centre and Retail Development

Site Allocation and Policies Development Plan Document

STM1 - Housing Allocations in Stamford
STM2 - Employment Allocations
STM3 - Mixed Use Urban Extension site in Stamford

National Planning Policy Framework

1 – Building a strong, competitive economy
4 – Promoting sustainable transport
6 – Delivering a wide choice of high quality homes
7 – Requiring good design
10 – Meeting the challenge of climate change, flooding and coastal change
11 – Conserving and enhancing the natural environment
12 - Conserving and enhancing the historic environment

East Midlands Regional Plan

1 – Regional Core Objectives
2 – Promoting Better Design
3 – Distribution of New Development
14 - Regional Priorities for Affordable Housing
18 – Regional Priorities for the Economy
20 – Regional Priorities for Employment Land
26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
27 – Regional Priorities for the Historic Environment
28 – Regional Priorities for Environmental and green Infrastructure
32 – A Regional Approach to Water Resources and Water Quality
35 – A Regional Approach to managing Flood Risk
36 – Regional Priorities for Air Quality
39 – Regional priorities for Energy Reduction and efficiency
41 – Regional Priorities for Culture, Sport and Recreation

Representations received

The Rights of Way Officer notes that no public footpaths would be affected as a result of the application and makes no comments on the application.

Environmental Health were consulted on all matters relating to the application make no observations on the application other than to question whether or not a financial contribution could be sought toward Air Quality Management. Additional observations with regard to noise will be reported to Members in the late items paper.

Lincolnshire police request that the layout of the scheme should be done in a manner that would reduce crime.

The observations of Stamford Town Council are reproduced below;

“Stamford Town Council recognises that there are many within Stamford who have raised concerns over this development. However, Stamford has to accept that it needs to accommodate the allocation of housing which had been allocated

Stamford Town Council therefore reluctantly supports this initiative as the best solution for the town and, through active participation with SKDC, will help manage this provision. LCC Highways should reassess the traffic flow along Tinwell Road serviced by roundabout at Arran Road and at the southern junction with the A1 to avoid congestion of exiting the A1. Anglia Water should also be requested to investigate the sewage and water network servicing this new development. It is recommended that any Sec. 106 agreement is directed towards supporting the infrastructure of the Town such as medical surgeries, community centres which will support the community cohesion”.

The National Planning Casework Unit confirm receipt of the application but make no observations on it.

The Education Authority note that there is a requirement for a financial contribution towards increasing provision as a direct result of the development. A contribution of £700,476 is required based on the construction of 400 homes, although in the S106 there is formula to calculate the final contribution given that the number of dwellings may increase or reduce depending on the final number of dwellings approved at the reserved matter stage.

Within the site there is a requirement for 35% of the dwellings to be affordable. This has been agreed with the applicant and a more detailed summary of the breakdown and tenure, type and mix is covered in the Section 106 Heads of Terms section.

The Primary Care Trust have requested contributions toward Healthcare provision, this is based on a contribution of £475/dwelling.

The observations of the Community Leisure Officer, with regard to Public Open Space Provision are reproduced below;

“Based on a 400 dwelling application, assuming 2.36 people per dwelling, there would be a population increase of 944.

Open space requirements as per the SK open space, sport and recreation study, and the planning obligations SPD are:

Informal open space: 20 sq m p/h = 18,880 sq m = 1.888 ha
Outdoor sports space: 10 sq m p/h = 9,440 sq m = 0.944 ha
Children and young people’s equipped play space: 3 sq m p/h = 2,832 sq m = 0.2832 ha
Parks: 3 sq m p/h = 2,832 sq m = 0.2832 ha
Allotments: 2 sq m p/h = 1,888 sq m = 0.1888 ha

Total = 3.5872 ha

They (the applicant) have indicated in the planning statement (page 60, 61) the intention to make a financial contribution towards the enhancement of facilities / pitches at the existing Empingham Road Playing Fields in lieu of any on-site sports provision. I am happy with the principle of this and this would leave the on-site open space requirement to be: 3.5872 – 0.944 = 2.64 ha. Paragraph 8.136 on page 60 of the planning statement states there will be at least 2.62 ha of open space across the development which I am happy with.

The financial contribution required towards Empingham Road playing fields as per the planning obligations SPD is £27.88 per sq m. Therefore the off-site contribution in lieu of any sports space on-site is:

£27.88 x 9,440 = £263,187.20".

It should be noted that representations have also been received from the users of Empingham Road Playing Fields, including the Rugby Club and Bowls Club. How the monies will be spent is to be decided at a later date but it will be exclusively used on the Empingham Road playing fields.

The Highways Agency does not object to the application.

Lincolnshire County Council, as Highway Authority, does not object to the application subject to the imposition of conditions. This includes improvements to the highway layout and measures put forward in the Travel Plan. Financial contributions are required for three key areas and these are covered in the Section 106 Heads of Terms

The Principal Conservation Officer has studied the updated Landscape and Visual Analysis and noted that Heritage Assets would not be unduly affected. Indeed, the existing edge of the built-up town comprises 60's/70's development along Lonsdale Road and the development may result in an enhancement on the setting of the town.

The observations of Stamford Civic Society are reproduced below;

"The Stamford Civic Society Committee has discussed this proposal. We are aware that other possible sites for a development of this size have been considered, and we prefer not to express an opinion specifically on either this, or either of the other two possible sites.

We would however like to express our concerns about the whole issue of a development of this site attached to Stamford, and in particular its affect on the centre of the town and the Conservation Area. These are issues of infrastructure; traffic, schools, facilities such as doctors and dentists, yet more car parking problems in the town centre and public transport. We are aware that the developers are promising to provide some local services on the site, but that does not guarantee their use, or indeed their longevity.

There are still Brownfield sites that could be developed in Stamford, indeed, there are examples where these are being considered; the current football club in Kettering Road, the land off Scotgate and the site on the Anvil Furniture store are examples. Clearly these sites cannot provide the numbers of new homes that appear to be required, but they can, when added together, make a contribution towards them. These sites would have the advantage of not making significant differences to the amount of traffic in the Conservation Area and, because they would be available each in their own timeframe, would not have such an impact on the rest of the infrastructure.

I believe this application is being referred to the Planning Inspectorate in Bristol, and I would be grateful if you would pass on our concerns as expressed above, to them".

English Heritage does not object to the application subject to the detailed design at the reserved matters stage being appropriate. A copy of their summary and recommendation is drafted below;

"Summary – we do not object to the principle of a sustainable urban extension at Stamford West, but we do have some concerns regarding element of this application and its impact on the historic environment. Our primary interest is the impact on designated heritage assets, in particular the

setting of Tinwell Conservation Area to the south-west. The wider landscape character and of the site in relation to Stamford and the surrounding countryside is also a relevant issue.

Recommendation – We do not object to the grant of outline planning permission for a sustainable urban extension at Stamford West, subject to adequate conditions and requirements being attached for the reserved matters stated. This includes the precise impact on Tinwell Conservation Area and respecting the wider landscape character and setting of Stamford."

Following the submission of an updated flood risk assessment the Environment Agency does not object to the application subject to the imposition of conditions and notes to the applicant.

Anglian Water note that the foul drainage from this development is in the catchment of Stamford and that there is available capacity for predicted flows.

The Lead Local Flood Authority raise no objection subject to the detailed design of the drainage scheme being based around a Sustainable Drainage System, which must include a management plan and proposals for future maintenance and ownership.

Lincolnshire Wildlife Trust does not object to the application and request that the mitigation put forward for biodiversity enhancements are adhered to; notably native species hedgerows and the creation of area of open space, both formal and informal areas.

Natural England does not object to the application.

The Consultant Arboriculturist agrees with the content of the submitted survey and raises no objection to the works as proposed. However, appropriate conditions would need to be added to protect trees to be retained within the scheme.

The Stamford Chamber of Trade and Commerce object to the application on the grounds that determining the application in advance of the Inspectors report on the Site Allocation and Policies DPD would be premature; due consideration has not been given to other possible sites for development to the east and north of the town; the site is not sustainable and too far from the town centre so as to encourage car trips; harm to the landscape; highways concerns over capacity and the suitability of the Transport Assessment; the site would increase the risk of flooding.

The updated observations of Planning Policy are reproduced below;

"On Monday 7th January 2013 Cabinet resolved to withdraw the Grantham Area Action Plan in order to prepare changes to it for resubmission later this year. As such the Submission plan ceases to exist and we go back to the "Preferred Approach" version which was published in March 2011.

Work on revising the GAAP will be undertaken in the early part of the year with the intention of publishing a revised submission plan in the summer 2013.

The Inspector has also agreed to delay preparation and consultation on post examination hearing Modifications to the Site Allocation and Policies DPD, whilst it considers legal advice relating to recent case law surrounding legal challenges to adopted DPD's elsewhere. This process will inevitably delay progress toward adoption of the DPD, potentially by a number of months.

A number of planning applications have already been delayed a considerable period of time whilst the DPD examination process has been ongoing, with a potential further delay of a number of months it would be unreasonable to continue to delay the consideration of those applications.

In light of these events a number of issues relating to the determination of planning applications may need clarification:

- NPPF attributes weight to plans as they progress towards adoption. As the GAAP is to be withdrawn consideration can be given only to the content of the Preferred Approach plan published in March 2011, however whilst regard can be given to the policies and proposals contained within that document not much weight can be attributed to them.
- The SAP DPD has progressed through to the Examination stage and the NPPF para 216 would attribute a degree of weight to the policies contained within, however, the plan is not yet adopted and areas where there is unresolved objection should be attributed less weight.
- The NPPF introduces a presumption in favour of sustainable development which is a primary consideration in the determination of planning applications. For proposals which include new housing development, consideration must also be given to the requirements of the NPPF to ensure a continuous five year supply of deliverable housing land (plus a 5% buffer).

In preparing the most recent annual five year land supply paper for the period 2012-2017 an allowance was made for the development of additional housing on a number of sites allocated within both the GAAP and the SAP DPD. The withdrawal of the GAAP means that less certainty can be given to the allocations in that plan coming forward in the five year period – as a result the council has revisited the five year land supply position and concluded that it no longer has a five year supply (or buffer) of deliverable housing land (in accordance with paragraph 47 of the NPPF).

In this context applications for sites which would deliver housing development which are located in accordance with the Spatial Strategy, pattern of housing distribution and the local criteria for site selection included within the Core Strategy (Policies SP1, H1 and paragraph 5.1.5 and the criteria of EN1) and which meet the NPPF requirements for sustainable development (in particular paragraph 14) should be considered favourably.

In relation to this application which is a proposed allocation in the Site Allocation and Policies DPD, it must be recognised that the Council has gone through a lengthy process of site assessment and public consultation and as a result has determined that those sites identified are suitable and appropriate for development. The criteria of paragraph 5.1.5 of the Core Strategy which guides the choice of sites for allocation has been satisfactorily met and it has been concluded that development would be sustainable in accordance with the principles set out in the NPPF".

Representations received as a result of publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement, the closing date for representations being the 01 June 2012.

At the time of writing 29 letters of objection have been received. A summary of their objections are reproduced below;

- Is there enough and/or a need for the employment land?
- The site is prime agricultural land and should be retained as such;
- The quality of the landscape would be compromised through the residential development;
- Privacy of existing dwellings on the western edge of Stamford will be compromised through overlooking and overbearing impacts;
- Drainage issues and potential flooding from increased surface water runoff;
- Alternative sites within the town are available which are much closer to existing services;
- Trees and hedgerow around the site will be lost;

- Priority should be given to building an eastern by-pass for the town;
- Pollution will increase from the build of the site and number of new residences;
- The proposed cycle lane is in appropriate;
- Within the site there should be a roundabout;
- The site is greenfield and priority should be given to brownfield sites;
- Determining the application in advance of the DPD would be premature and not democratic;
- The development is contrary to the Core Strategy and NPPF;
- Local people should decide the outcome of the application;
- Noise from the A1 will be harmful to the proposed dwellings;
- Is the Traffic Assessment accurate and the increase in vehicular traffic will lead to gridlock within Stamford;
- Can the schools within Stamford cope with the increase in children;
- The location of the Malcolm Sargent School so close to the site is a concern and may lead to accidents.

One letter of support has been received and welcomes the additional housing within the town where there is a shortage as well as noting that with it being to the west of the town it should not impact on traffic within Stamford being close to the A1. Financial contributions through the S106 are welcome.

Officer evaluation

Principle of the development

The overarching policies for this application within the Core Strategy are SP1 (Spatial Strategy), H1 (Residential Development), H3 (Affordable Housing) and E1 (Employment Development). Policy SP1 identifies that new development which helps to maintain and support the role of Stamford as a market town will be allowed. Priority will be given to sustainable sites within the built up part of the town where development would not compromise the nature and character of the town and sites which are allocated in the Site Allocations and Policies DPD. Policy H1 identifies that within Stamford there is a need for 1140 new homes for the plan period, up to 2026. Policy E1 identifies a need for approximately 24 hectares of employment land in Stamford to provide high quality office, industrial and ancillary premises on identified sites. Policy H3 identifies that affordable housing would be required on sites with 35% of the total dwellings to be affordable.

As a result of these Core Strategy policies the emerging Site Allocations and Policies DPD has been produced and policies STM1, STM2 and STM3 are most pertinent to the current application. It is noted by Planning Policy that the adoption of this document is to be delayed and that the Grantham Area Action Plan has been withdrawn. This delay has had knock on impacts on the ability of the Council to demonstrate a five year land supply as required by National Planning Policy Framework. Furthermore, in the absence of a five year land supply the NPPF establishes a presumption in favour of sustainable development to address identified housing shortfalls.

Therefore, whilst concern has been expressed about whether or not determining the application in advance of the Inspectors report on the DPD would be premature the overriding consideration now is the lack of a five year housing supply in the District. Under such circumstances it is preferable to grant permission for preferred sites within the District as opposed to granting permission for other less appropriate sites, particularly given that the site is deliverable in the short term and would make an important contribution to housing delivery. The identification of the site as a preferred allocation in the Site Allocation and Policies DPD was made following a detailed site assessment process, which included specialist reports on the: impact of development on landscape, flood risk, capacity of water and sewerage infrastructure, traffic and employment land supply. This approach

also supports the advice on decision-taking which is provided in the NPPF (para 14). This states that in these cases planning permission should be granted unless specific polices in the NPPF indicate development should be restricted because, for example , of the impact upon designated wildlife sites, landscape or heritage assets. There would be no such impact in this case.

It is noted that the area of land to be developed for employment is less than that identified in policy STM 2, which identifies 14 hectares, whereas STM3 indicates that up to 14 hectares of land for a range of different employment uses including a 10 hectare high quality and designed business park. The application is for a 10 hectare high quality business park rather than the larger 14 hectares of employment land. Whilst this is toward the lower end of possible employment land the agent has submitted justification for this via a 'Stamford West Employment Assessment'. The document concludes that based on B1 and B2 uses the park would generate 2,600 full time jobs, 80% of the likely job requirements for the town. However, to ensure that this number of jobs is created it is considered necessary to control the use classes within the employment site and restrict it to B1 and B2, as other uses, notably B8 and possibly D1, may reduce the number of jobs created, detracting from the quality of business park provided and number of jobs created. The report satisfactorily demonstrates that the objectives of the policy (to provide a good supply of suitable, attractive and available employment land) will be met by the proposal.

The application is submitted in outline form with only access committed. Scale parameters for the development and future aspirations for the how the site will be developed is contained in the masterplan and Design and Access Statement, the broad parameters of which appear acceptable. However, there is a need to ensure that when the various phases of the development come forward through reserved matters applications that this design ethos runs through the site. To ensure that this is the case, and as is identified in policy STM3, a comprehensive masterplan would need to be approved in advance of reserved matters applications coming forward. The masterplan would guide the development and give overarching parameters for the site. In addition, a design code would need to be submitted with each reserved matters application to demonstrate compliance with the masterplan and ensure continuity through future phases of development.

Concern has been expressed about possible overlooking and overbearing impacts from the development but a landscape barrier is proposed to the eastern edge of the site and through the determination of various reserved matters applications such concerns can be minimized. Nor is it considered that overall development of the land would compromise the setting or wider historic core of Stamford. Future reserved matters applications would need to be determined against Core Strategy policy EN1, which would further guide future development of the site.

Affordable housing

As required by policy H3 of the Core Strategy 35% of all dwellings to be erected will be affordable and this will be secured through the Section 106 Legal Agreement. Clarification on the breakdown of tenure and housing mix is covered in the Section 106 Heads of Terms

Agricultural land declaration

The majority of the site (22.26 hectares) is grade 3b within the agricultural land classification and is, therefore, identified as being of 'moderate quality agricultural land'. The remaining land to the south west of the site falls within category 4 and is 'poor quality agricultural land'. The site will, as a result, of the application no longer be farmed but the land is of moderate to poor quality it is not considered that this loss would justify a refusal of permission given the need to provide a five year housing land supply.

Archaeology and impact on heritage assets

It is apparent that there have been some archaeological finds, particularly to the south of the site. There is evidence of some artefacts dating to the pre-historic, roman and medieval times but they are sporadic within the topsoil. Suspected ridge and furrow and extensive ploughing are likely to have eroded archaeological features of interest and any finds are of local archaeological interest only. A condition requiring further archaeological investigation is required although no substantive opposition to the application has been made by Heritage Lincolnshire.

No objection from statutory consultees has been raised to the application with regard to impacts on the historic environment, with the nearest Conservation Area being around the village of Tinwell, in Rutland. Subject to approval of a suitable design through reserved matters applications it is not considered that the application would have a detrimental impact on the setting of Stamford, heritage assets or the wider landscape.

Impact on the environment

A tree survey has been completed and noted a total of 36 individual trees toward the periphery of the application site and 5 groups of trees. Of this total only 3 are to be removed and the remainder retained. No objection has been raised to the application from the Arboriculturalist subject to conditions about the retention and protection of existing trees during construction.

The site is primarily bounded by hedgerow and the majority of this will be retained within the scheme except for where access to within the site is required. With the site being used for arable farming there is limited ecological interest within the site, there is no evidence of badgers or bats within the site. The vast majority of trees that front Empingham Road, which collectively form a particularly attractive frontage, will be retained.

A landscape corridor is proposed along the eastern boundary of the site and this would include a landscaping strip not less than 5m in width and would need to include native trees. This would have added ecological advantages to the site as well as act as a barrier between the existing properties that exist on Lonsdale Road.

Along the western boundary of the site adjacent to the A1 it is proposed to have an earth bund to reduce noise impacts to proposed residential properties. This would up to 5m high and planted to reduce its visual impact.

Therefore whilst there would be some loss of existing wildlife the impact would be negligible and there would be benefits from new allotments and open space provision to be provided on the site.

Public open space

The open space provision is considered to be acceptable with regard to the amount of space provided (2.62 hectares). This figure is slightly lower than could be insisted on but no formal sports pitches are to be provided rather payment in lieu of provision to improve the existing pitches off Empingham Road. The open space will compromise a large central area of 1.25 hectares, 0.79 toward Tinwell Road and the A1 slip road, and 0.22 hectares of allotments. In addition, two small ‘pocket parks’ would be provided. Within the Public Open Space a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) will be provided.

Future maintenance of the public open space has not yet been fully confirmed although initial indications are that it would be controlled through a management company. The Council would have no preference as to how the land will be managed, as long as it appropriately done in the long term.

The amount of public open space provision and payment in lieu is considered to be acceptable.

Water and drainage

The application site falls within flood zone 1, at a low risk of flooding. It is indicated that surface water will be disposed of through permeable paving in the parking areas on the Employment Land; soak-aways for the residential aspect and highway surface water will be disposed of to an infiltration basin.

No objection has been raised to the application from the Environment Agency subject to the Flood Risk Assessment being realized and the drainage strategy being based around sustainable drainage systems.

Foul water will be connected to the mains sewer and Anglian Water is content that there is adequate capacity and raise no objection to the application.

Highways

In terms of highway improvements there is to be a new access from Tinwell Road, some 120m east of the A1 junction. On to Empingham Road the junction to access the employment area will be opposite the current access to Arran Road and will be altered to a roundabout. This access will only be to the employment zone and not allow vehicular traffic through to the residential part of the scheme. Two additional vehicular access points are proposed from Empingham Road; the first will access the local centre and the second the residential part of the scheme, providing a link through to Tinwell Road. Two toucan crossing and pedestrian links would also be provided across Empingham Road.

It is indicated that the application would only result in a slight increase in vehicle movements on the A1 slip roads with the main increases being along Tinwell and Empingham Road. However, the results of the traffic survey indicate that the junctions in the locality have spare capacity to accommodate predicted vehicular traffic although at the Scotgate junction it is nearing capacity at peak hours and a contribution has been sought from the County Council to improve traffic lights in the area. It should also be noted that neither the Highways Agency nor Highway Authority, Lincolnshire County Council, object to the application.

It is intended to have new footpath links to the existing footpath to the front of properties on Empingham Road and, where possible, cycling will be encouraged. There is also the potential to link the site through to Launde Gardens and Cottesmore Road to the east of the site but this would need to be secured through reserved matters applications.

A Framework Travel Plan has also been submitted in support of the application with the aim of reducing dependence on the private motor vehicle. This can be achieved through the physical form of the development through links to existing footpath networks. Additional measures include promoting public transport use, access to information on public transport as well as workplace schemes such as a car sharing database. There are existing bus routes close to the site including along Tinwell Road, Empingham Road and Hambleton Road. It is intended to have a temporary bus service accessing the site during the later phases of the residential development, whether a bus will access the site in the longer term will be guided by future demand and negotiations with existing providers in the locality.

Noise

The application site runs adjacent to the A1 and a noise survey submitted in support of the application indicates that bunding to the west of the site, approximately 5m tall, would be required to mitigate noise concerns . This would be adjacent to the residential part of the scheme with the

industrial buildings themselves acting as a noise barrier toward the Empingham Road end of the site. Following receipt of additional comments from Environmental Protection suggested conditions to mitigate noise will be reported to Members in the late items paper. Any details can be secured by the consideration of Reserved Matters.

Other considerations

A contribution toward Air Quality Management is not considered appropriate given that recorded levels of Nitrogen Dioxide and Particulate Matter would not cause a danger to human health and would be 'negligible to minor adverse' once the site is complete and 'minor adverse' during construction.

S106 Heads of Terms

Primary Care Trust – A financial contribution of £475/dwelling, which based on a total of 400 homes, would equate to a total contribution totalling £190,000. This is a guide figure as the number of homes may increase or decrease depending on the total number of homes granted permission through the reserved matters applications. It should be noted that, if possible, the developer may look to negotiate on-site provision in-lieu of payment but the Authority would not be able to insist on this as the trigger for on-site provision is 1000 homes

Affordable Housing - as identified in policy H3 a contribution of 35% affordable dwellings will be provided. The range of affordable housing will be approximately 25% one bedroom accommodation; 45% two bed accommodation; 25% three bed accommodation and 5% four bed accommodation. Furthermore, there should be not more than 15 affordable dwellings together in one group. Final tenure of the homes will be determined by demand and waiting lists.

Education – A contribution of £700,476 is required based on the construction of 400 homes, although in the S106 there is formula to calculate the final contribution given that the number of dwellings may increase or reduce depending on the final number of dwellings approved at the reserved matter stage.

Highways - Lincolnshire county Council, as the Highway Authority, have sought contributions on three key aspects.

Firstly, a contribution toward a temporary bus service to access the site whilst some dwellings are occupied and others under construction. Contributions will be sought on completion of 300 homes and £5,000 will be paid annually thereafter, increasing by £5,000 per completion of 50 dwellings until completion of the 400th housing unit is complete or until two years after the link road through the site has been completed.

Secondly, a Traffic Regulation Order, requiring a contribution of £7,000.

Thirdly, a contribution toward improving traffic signal contributions at the Scotgate junction with West Street, totalling £40,000.

Public open space – A total of £263,187.20 is to be paid toward enhancing the sports provision on pitches at Empingham Road.

Crime and Disorder

The development is not considered to raise any significant issues with regard to crime and disorder. Furthermore, condition 13 of the draft decision notice specifically requires crime prevention measures to be put in place.

Human Rights implications

Articles 6 and (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.

Conclusion

The outline application is not considered to have a detrimental impact on highway safety or capacity given the improvements that are proposed to the highway network and predicted vehicle movements.

Contributions sought through the Section 106 Legal Agreement would make the application acceptable with regard Public Open Space Provision, Education, Health, Highways and affordable dwellings.

It is not considered that the application would be harmful to the environment through the mitigation put forward and, where possible, retention of existing trees and hedges. No protected species would be unduly affected. The development would not increase the risk of flooding and foul and surface water can be adequately controlled.

Whilst there would be a loss of agricultural land it is not of the highest quality and there is an overriding need for the housing within Stamford which cannot all be accommodated on Brownfield sites.

Furthermore, it is not considered that determining the application would be premature or prejudice the outcome of the Site Allocations DPD with the overriding consideration being the need to have a five year supply of housing, as identified in the NPPF. In addition, the application complies with the broad policies contained in the Core Strategy that identify development should be concentrated in the most sustainable settlements. The proposed mix of land uses within the site would also be appropriate between the residential, employment, public open space and Local Centre.

Through the detailed reserved matters applications it is not considered that the development would have a detrimental impact on the amenity of neighbouring properties through a dominating or overlooking impact. Nor is it considered that the application would detrimentally impact on archaeology in the area or the setting of adjacent heritage assets. Furthermore, it is not considered that the development would detrimentally impact on the character of the landscape.

The Local Planning Authority has taken into account the Planning Statement; Design and Access Statement; Transport Statement, Travel Plan; Environmental Statement; Flood Risk Assessment; Archaeological reports; Arboricultural Assessment; Agricultural land Classification; Sustainability Report; Statement of Community Involvement; Draft Heads of Terms; Stamford West: Employment Land Assessment; Drafts Heads of terms and various plan drawings showing highway improvements, masterplan and parameter plans.

The application is therefore deemed to comply with Core Strategy policies SP1, SP3, SP4, EN1, EN2, EN3, EN4, H1, H3, E1 and E2; Policies STM1, STM1 and STM3 of the Site Allocation and

Policies Development Plan Document; the East Midlands Regional Plan and guidance contained within the National Planning Policy Framework.

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached conditions. 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 Development Management Service Manager acting in consultation with the Chairman / Vice 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.

Furthermore, that the application be referred to the Secretary of State under Section 77 of the Town and Country Planning Act and Circular 02/2009 to determine whether or not they wish to call-in the application. This is required with the application a departure from the development plan, with the land not allocated for residential development via a DPD, and being for the erection of over 150 homes.

SUMMARY OF REASON(S) FOR APPROVAL

The outline application is not considered to have a detrimental impact on highway safety or capacity given the improvements that are proposed to the highway network and predicted vehicle movements.

Contributions sought through the Section 106 Legal Agreement would make the application acceptable with regard Public Open Space Provision, Education, Health, Highways and affordable dwellings.

It is not considered that the application would be harmful to the environment through the mitigation put forward and, where possible, retention of existing trees and hedges. No protected species would be unduly affected. The development would not increase the risk of flooding and foul and surface water can be adequately controlled.

Whilst there would be a loss of agricultural land it is not of the highest quality and there is an overriding need for the housing within Stamford which cannot all be accommodated on Brownfield sites.

Furthermore, it is not considered that determining the application would be premature or prejudice the outcome of the Site Allocations DPD with the overriding consideration being the need to have a five year supply of housing, as identified in the NPPF. In addition, the application complies with the broad policies contained in the Core Strategy that identify development should be concentrated in the most sustainable settlements. The proposed mix of land uses within the site would also be appropriate between the residential, employment, public open space and Local Centre.

Through the detailed reserved matters applications it is not considered that the development would have a detrimental impact on the amenity of neighbouring properties through a dominating or overlooking impact. Nor is it considered that the application would detrimentally impact on

archaeology in the area or the setting of adjacent heritage assets. Furthermore, it is not considered that the development would detrimentally impact on the character of the landscape.

The Local Planning Authority has taken into account the Planning Statement; Design and Access Statement; Transport Statement, Travel Plan; Environmental Statement; Flood Risk Assessment; Archaeological reports; Arboricultural Assessment; Agricultural land Classification; Sustainability Report; Statement of Community Involvement; Draft Heads of Terms; Stamford West: Employment Land Assessment; Drafts Heads of terms and various plan drawings showing highway improvements, masterplan and parameter plans.

The application is therefore deemed to comply with Core Strategy policies SP1, SP3, SP4, EN1, EN2, EN3, EN4, H1, H3, E1 and E2; Policies STM1, STM1 and STM3 of the Site Allocation and Policies Development Plan Document; the East Midlands Regional Plan and guidance contained within the National Planning Policy Framework.

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

1. The first application for approval of reserved matters must be made not later than 3 years from the date of this permission and development commence not later than two years from the date of the approval of the first reserved matters application.

   Later applications for the approval of reserved matters must be made not later than the expiration of eleven years beginning with the date of this permission and the development must be begun not later than whichever is the later of the follwing dates:-
   (a) The expiration of thirteen years from the date of this permission; or
   (b) The expiration of two year(s) from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   Reason: Required to be imposed pursuant to 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 eleven years from the date of this permission:

   (a) layout;
   (b) scale;
   (c) appearance; and
   (d) landscaping.

   Approval of all reserved matters for any phase or part of any 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 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. Plans and particulars submitted pursuant to Condition 2. above shall include the following details:

   (a) any proposed access roads including details of horizontal and vertical alignment;
   (b) the layout, specification and construction programme for (1) any internal roads not covered by (a) above, (2) footpaths, (3) parking, turning and loading/unloading areas

(including visibility splays), (4) cycle parking areas, (5) cycle storage facilities and (6) access facilities for the disabled (7) individual accesses;
(c) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
(d) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment) to the east of the site a landscape corridor* shall be planted;
(e) lighting to roads, footpaths and other public areas.

Reason: To enable the Local Planning Authority to control the development in detail and to ensure that the development of the site takes place in a well designed, consistent and comprehensive manner in accordance with the relevant national planning policy and Policies SP1, SP3, EN1, EN3 and EN4 of the South Kesteven Core Strategy.

4. Not later than when the first application for approval is reserved matters is made, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. It shall identify phases of delivery for the site and indicate broad parameters of when development will commence on each phase. The phasing plan as approved shall be adhered to, unless otherwise agreed in writing with the Local Planning Authority.

   Reason: The application has been submitted in outline form with only access committed and to comply with policy STM3 of the Site Allocation and Policies Development Plan and Document, and ensure that the site is developed in a logical manner.

5. When the reserved matters applications are submitted they shall be carried out in accordance with the submitted Design and Access Statement including the content of the illustrative masterplan, street typologies, pedestrian and cycle permeability, scale and massing parameter plans and residential density parameter plan. None of the upper parameters for height or the number of storeys shall be exceeded. Furthermore, all dwellings shall be built to a minimum standard of code 3 for Sustainable Homes.

   A statement shall be submitted with each reserved matters application demonstrating how it complies with the approved Design and Access Statement.

6. Not later than when the first application for the approval of reserved matters is made, a marketing strategy for the business park shall be submitted to and approved in writing by the Local Planning Authority. The marketing strategy shall be adhered to unless otherwise first agreed in writing with the Local Planning Authority.

   Reason: To ensure that the business park is marketed appropriately to enable earliest occupation.

7. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with the agreed written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

   Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. Within the local centre, the combined floor area of the A1 retail shops shall not exceed 400m2 (net retail floorspace)

   Reason: To control the size of the shop to ensure that its use is limited primarily to local residents of the local area, in the interests of the convenience and safety of local highway users and residential amenities.

9. The employment land shall be occupied by businesses falling with the use classes B1 and B2 only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987,as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   Reason: The development would need to provide an adequate number of job opportunities given the scale of development proposed and other uses may not provide the number of jobs required, and to comply with guidance contained in the National Planning Policy Framework and the Stamford West: Employment Land Assessment.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of strategic landscaping for areas shown for this purpose in the initial version of the Master Plan, and such scheme shall include an indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection and preservation and a staged programme of implementation.

    Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

11. All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to conditions (2) and (3) above shall be carried out in the first planting and seeding seasons following each stage of the implementation programme agreed under those conditions. Any trees or plants which within a period of 5 years from the completion of the instant stage of planting 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 Local Planning Authority gives written consent to any variation.

    Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

    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).

13. Prior to the commencement of any phase or part of a phase of the development, pursuant to any consent for Reserved Matters, written details of a package of crime prevention measures to be incorporated into the development shall be submitted to and agreed in

writing by the Local Planning Authority. These measures shall have been installed prior to occupation of the individual dwellings affected.

Reason: To contribute to crime reduction by design to accord with PPS1 Delivering Sustainable Communities.

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

    Reasons: To ensure that any unsuspected contamination encountered during development is dealt with in an appropriate manner to protect groundwater quality.

15. No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

    Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

16. No development shall take place until a detailed surface water drainage scheme for the site, based on the proposed principles and parameters outlined within the submitted flood risk assessment (undertaken by Brookbanks Consulting Ltd, ref:10037/FRA/01, dated 2 April 2012), has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm with the inclusion of climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

    Reason: To prevent the increased risk of flooding, both on and off site.

17. When the application is made for approval of the 'Reserved Matters' for the Business Park and Local Centre those application shall show details of the arrangements for the parking/turning, manoeuvring and loading/unloading of vehicles within the site. These arrangements shall be agreed in writing by the Local Planning Authority and provided before the building applicable to the parking/garaging is occupied and shall be kept permanently free for such use at all times thereafter.

    Reason: To enable occupiers and calling vehicles to park clear of the carriageway of adjacent roads in the interests of highway safety.

18. The agreed parking areas pursuant to Condition 17 shall be laid out, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority

    Reason: To ensure occupiers and calling vehicles do not park on adjacent carriageways In the interests of highway safety and convenience.

19. Prior to commencement of any commercial building works on site those works indicatively identified on drawing number 09-234-TR-006A or as specified to improve the public highway

(by means of access provision including incorporating a roundabout, pedestrian/cyleway link and pedestrian facilities together with all necessary drainage, lighting and ancillary works) have been certified complete by the local planning authority.

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

20. Prior to commencement of any residential dwelling to the northern half of the site those works indicatively identified on drawing number 09-234-TR-008A or as specified to improve the public highway (by means of an approved access junction facility together with pedestrian, bus stop, drainage, lighting and ancillary works) have been certified complete by the local planning authority.

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

21. Prior to commencement of any residential dwelling to the southern half of the site those works indicatively identified on drawing number 09-234-TR-005A or as specified to improve the public highway (by means of an approved access junction facility together with the upgrading of an existing footway to shared footway/cycleway, bus stop provision, drainage, lighting and allancillary works) have been certified complete by the local planning authority.

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

22. 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/building in the interests of residential amenity, convenience and safety.

23. Any shared private driveways shall be hard surfaced for a minimum of 5 metres from the future highway boundary and shall be capable of withstanding 12 tonne axle loads for emergency and service vehicles.

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

24. Those parts of the approved Framework Travel Plan submitted October 2012 applicable to both commercial and residential development that are identified therein as being capable of implementation prior to and after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented in accordance with the Plan or otherwise agreed with the appointed Site Travel Plan Co-ordinator.

    Reason: A Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

25. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    09-234-TR-004 rev B
    09-234-TR-005 rev A
    09-234-TR-006 rev A
    09-234-TR-007 rev A
    09-234-TR-008 rev A

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

Note(s) to Applicant

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

   Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

   Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

3. If any controlled waste is to be removed then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

   Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from us. Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

   If the operator would like more specific advice they can contact the Environment Management Team at our Kettering office on 01536 385155 or look at guidance available on our website at http://www.environment-agency.gov.uk/subjects/waste.

4. Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

   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.

5. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

   You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

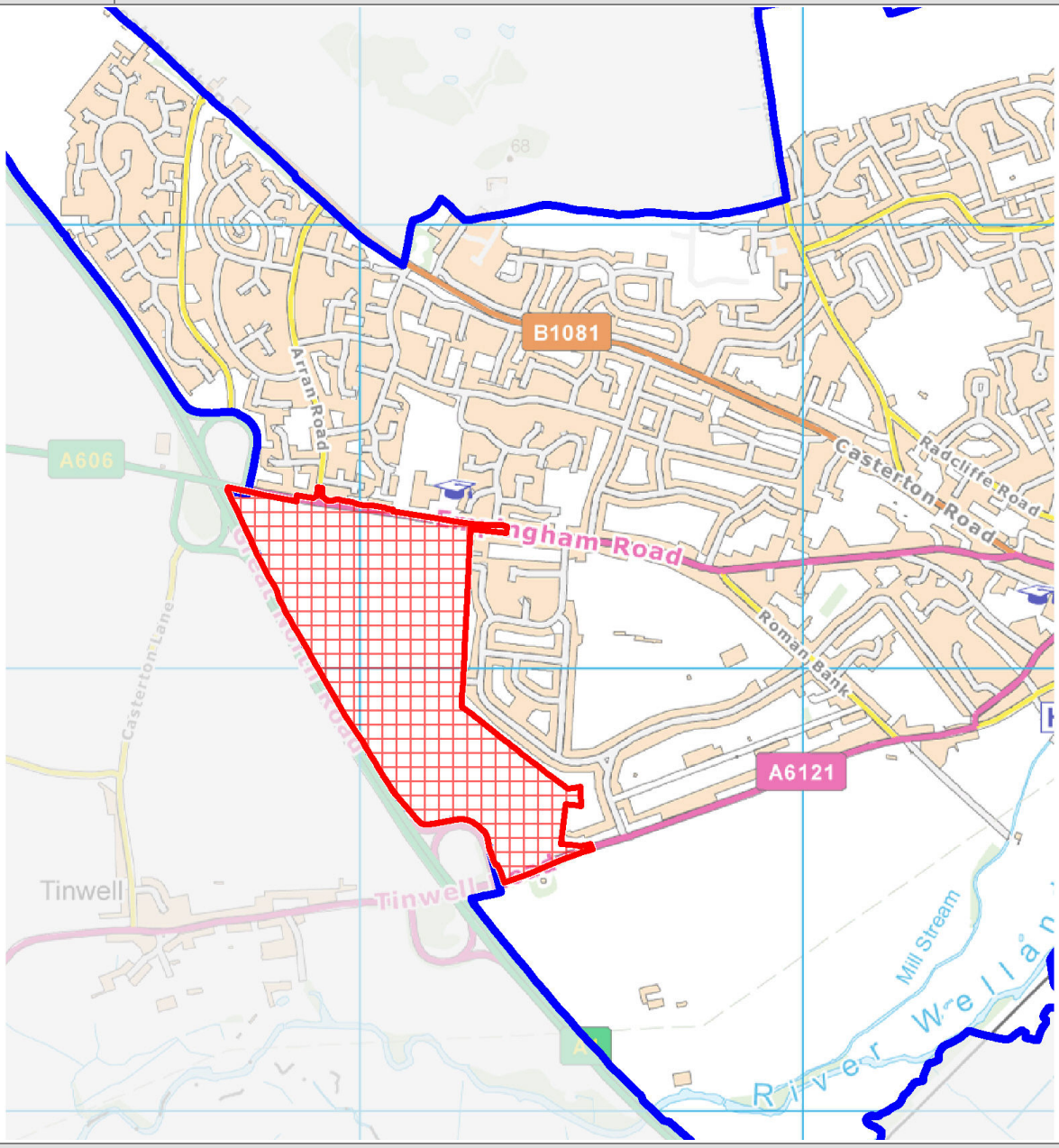
6. This permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to drainage may need to be submitted on request for thr approval of the Lead Local Floods Authority and any amendments to the approved scheme shall subsequently be implemented before occupation of the first unit to which this permission relates.

   Surface water off drives and other private areas shall not discharge onto adopted or future highway areas. Drioves that fall towards the highway shall have drainage channels at the interface connected into the house/building drainage.

7. * The landscape corridor referred to in condition 3 (d) shall be not less than 5m wide and include within it native trees, the final detail of which shall be approved via the submission of a reserved matters application. This can be accommodated within the larger rear gardens of properties that border the east of the site.

* * * * *

Site Location Plan	
Ref	**S12/0864**
Proposal	**Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements, pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network)**
Location	**Land between Empingham Road and Tinwell Road, Stamford**



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KJC1 **S11/2002/MJRO**

Target Decision Date: 23-Nov-2011
Committee Date: 05-Mar-2012

Applicant	**Andrew Rogers, JGP Properties Ltd** c/o Agent
Agent	Mr Andrew Rogers, Capita Symonds Architecture ICON Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT
Proposal	**Outline planning permission for residential development and the formation of new vehicular access**
Location	**Land Off Main Road, Long Bennington**
App Type	Major Outline (Residential)
Parish(es)	Long Bennington
Reason for Referral to Committee	Major application and likely to cause wider concern
Recommendation Summary	Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. The Site Allocations and Policies DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development in principal has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations. It is accepted that determining the application could prejudice the Examination of the Site Allocations and Polices DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan. Additionally, given the uncertainty of the timeframe for the progression and adoption of the Site Allocations DPD, and the Council's current lack of a five year supply of land it is considered that the scheme would provide a valuable contribution to the supply of deliverable housing land supply. Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable and the provision of a 5 year supply of land development endorsed by the National Planning Policy Framework. In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions noise/residential amenity concerns. As such, it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity
- Drainage

- Heritage Impact

Technical Documents Submitted with the Application

- Transport Statement (and Addendum)
- Reptile Survey/Habitat and Protected Species Assessment/Badger and Breeding Bird Survey
- Flood Risk Assessment
- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Statement
- Noise Assessment

REPORT

Reasons for Referral to Committee

Major application and likely to cause wider concern.

The Proposal

The application was originally submitted in outline form with all matters reserved for subsequent approval except access. However, at the request of the case officer details of layout were requested to be considered at outline stage in order for a reasoned assessment of the development to be undertaken.

Accordingly a plan was submitted to demonstrate how the site could accommodate 35 residential units.

The site would be served off Main Road with the main access road running roughly through the centre of the site terminating with a turning head. The proposed dwellings would either be accessed directly off this road or off shared surface areas.

The scheme has been amended during the life of the application to improve the relationship with a neighbouring property and to incorporate appropriate noise mitigation measures.

The application site and its surroundings

The application site is located on the northern edge of the existing village and is currently an open field. The site is bounded by Main Road to the west, residential properties off Water Lane and Westborough Lane to the south and properties off Riverview to the east. The north of the site is open fields.

There is a listed building, Mount Pleasant adjacent to the site to the south. The planning application has been advertised as affecting the setting of this listed building. Whether or not the development would result in any demonstrable harm to the setting of the listed building will be discussed as part of the officer evaluation.

Relevant Site History

SK.55/1444/89 - A scheme for residential development was submitted and subsequently refused on the grounds that the site was out of character with the rural nature of the village extending the built form into open countryside.

S03/0914 - A near identical proposal to the previous application was submitted earlier in 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S03/1510/55 – An outline planning application for the residential development of the site was submitted in November 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S04/1001 – Full Planning permission for 53 dwellings and garages was refused on 5th October 2004. The reasons for refusal are:

1. Full planning permission is sought for a residential development scheme on land at Town End Field at the northern extreme of the village of Long Bennington. The land is currently undeveloped open agricultural fields and is situated beyond the recognised confines of the settlement. In the opinion of the local planning authority the development forms an unwarranted extension of built development into an area of open countryside to the north of the village contrary to the aims of the Development Plan and contemporary central government planning guidance. The site is not allocated in the South Kesteven Local Plan for residential purposes and is therefore considered to be contrary to the aims and objectives of Policies EN1, H6 and H8 of the adopted Local Plan, Policy 5a of the adopted Lincolnshire Structure Plan and Policy 11 of the deposit draft replacement Structure Plan.

2. This authority is in the process of preparing the Local Development Framework which will emerge to replace the current Local Development Framework Plan. It is considered that the granting of permission for the development of the site with a major residential proposal would be premature and would prejudice the outcome of the Local Development Framework process by pre-determining decisions about the scale and location of new development that are most appropriately determined through the Local Development Framework preparation process, detrimental to the planned growth of the settlement and the district as a whole.

Policy Considerations

National Guidance

NPPF – Section 4 Promoting Sustainable Transport
NPPF – Section 6 – Delivering a wide choice of high quality homes
NPPF – Section 12 – Conserving and Enhancing the Historic Environment

Regional Guidance

Policy 1 – Regional Core Objectives
Policy 13a – Regional Housing Provision

Local Guidance

Core Strategy

Policy SP1 – Sustainable Communities
Policy H1 – Residential Development

Site Allocations DPD – Policy LSC1(f)

Representations Received

<u>Local Plans</u>

Initial Comments

The relevant Development Plan policies for the consideration of the principle of this application are policies SP1 and H1 of the adopted Core Strategy. Whilst these policies allow for some

modest housing development within the 16 Local Service Centres (which includes Long Bennington), both policy SP1 and the supporting text for H1 make it clear that housing development in the LSCs should be limited to brownfield sites within the built up part of the village, or sites which are allocated in the Site Allocation and policies DPD.

Preparation of the Site Allocation and Policies DPD (SAP DPD) is now quite advanced, and the plan is expected to be submitted to the Secretary of State before the end of this year. However until the DPD is adopted, only those sites which remain undeveloped from the adopted local plan remain as allocated housing sites. As this site is not allocated for development in the saved, adopted Local Plan it is not allocated. The application is therefore contrary to policies SP1 and H1 of the adopted Core Strategy.

The application site is, however, one of a large number of sites which has been considered and assessed as part of the preparation of the emerging Site Allocation and Policies Development Plan Document. As a result of this assessment process the application site has been identified by the Council as the preferred option for allocation in Long Bennington. However it should be noted that there were several other sites in Long Bennington which were also assessed as suitable for housing.

The DPD has just been published for the formal six week representation period prior to being submitted to the Secretary of State for Examination. A Public Examination will be held next year to consider whether the DPD is sound. As part of that Examination the Planning Inspector will consider the merits of this and other competing sites in the village. In addition, the Inspector will need to test the principle of an allocation in Long Bennington is a sound one.

Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector's consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard to the guidance in 'The Planning System: General Principles' [paragraph 17] regarding prematurity, I object to this application.

Further Comments

This memo updates and provides further policy advice to my consultation response about this application dated 11th October 2011. Since those comments were written the Government has published the National Planning Policy Framework (the Framework) which has replaced all PPGs and PPSs, and is therefore a material consideration in the determination of planning applications. In addition and the plan preparation process for the Site Allocation and Polices DPD has moved on to the Examination phase.

The Framework continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise; in this case the development plan is the Adopted Core Strategy, it also establishes a presumption in favour of sustainable development and Annex 1 indicates that decision makers should give weight to relevant policies in emerging plans; and that the amount of weight given to those policies will depend upon how advanced the plan preparation is, the extent of unresolved objections to the relevant policy and the degree of consistency of relevant policies with the Framework.

The relevant Development Plan policies for the consideration of the principle of this application continue to be policies SP1 and H1 of the adopted Core Strategy. The Site Allocation and

Policies DPD allocates the application site in policy LSC1(f), thereby the principle and suitability of the site for development has been accepted by the Council. Some weight should be afforded to this policy as it has progressed through to examination stage. However there are outstanding objections to the site which should be considered at the examination, in particular this site is one of a large number of sites in the village which were assessed, several other sites were also assessed as suitable for housing and a number of these sites are being pursued through the examination process. Those making representations about this have a right to have their concerns considered by the Inspector as part of the Examination. The emerging policy is considered to be consistent with the Framework.

The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan's strategy, applications should continue to be determined.

I conclude therefore that whilst some weight can be given to emerging policy LSC1f, I remain concerned that determining this application could prejudice the Examination process in relation to determining the scale and location of development in the LSCs, however I do not believe that the scale of development is sufficient to be considered "strategic" nor would it significantly affect the spatial strategy of the emerging plan. In all other respects the proposal is in accordance with the Core Strategy policies and in allocating the site in the council has agreed that it is suitable for development and can therefore be considered "sustainable development". In light of the NPPF's presumption in favour of sustainable development, the weight which can be afforded to the emerging policy and the proposals compliance with adopted policy, I withdraw my initial objection to the application.

Final Comments

This memo updates and provides further policy advice to my consultation response about this application dated 11th October 2011 and on 24th April 2012.

On Monday 8th January 2013 Cabinet resolved to withdraw the Grantham Area Action Plan in order to prepare changes to it for resubmission later this year. As such the Submission plan ceases to exist and we go back to the "Preferred Approach" version which was published in March 2011.

Work on revising the GAAP will be undertaken in the early part of the year with the intention of publishing a revised submission plan in the summer 2013.

The Inspector has also agreed to delay preparation and consultation on post examination hearing Modifications to the Site Allocation and Policies DPD, whilst it considers legal advice relating to recent case law surrounding legal challenges to adopted DPD's elsewhere. This process will inevitably delay progress toward adoption of the DPD, potentially by a number of months.

A number of planning applications have already been delayed a considerable period of time whilst the DPD examination process has been ongoing , with a potential further delay of a number of months it would be unreasonable to continue to delay the consideration of those applications.

In light of these events a number of issues relating to the determination of planning applications may need clarification:

- NPPF attributes weight to plans as they progress towards adoption. As the GAAP is to be withdrawn consideration can be given only to the content of the Preferred Approach plan published in March 2011, however whilst regard can be given to the policies and proposals contained within that document not much weight can be attributed to them.
- The SAP DPD has progressed through to the Examination stage and the NPPF para 216 would attribute a degree of weight to the policies contained within, however, the plan is not yet adopted and areas where there is unresolved objection should be attributed less weight.
- The NPPF introduces a presumption in favour of sustainable development which is a primary consideration in the determination of planning applications. For proposals which include new housing development, consideration must also be given to the requirements of the NPPF to ensure a continuous five year supply of deliverable housing land (plus a 5% buffer).

In preparing the most recent annual five year land supply paper for the period 2012-2017 an allowance was made for the development of additional housing on a number of sites allocated within both the GAAP and the SAP DPD. The withdrawal of the GAAP means that less certainty can be given to the allocations in that plan coming forward in the five year period – as a result the council has revisited the five year land supply position and concluded that it no longer has a five year supply (or buffer) of deliverable housing land.

In this context applications for sites which would deliver housing development which are located in accordance with the Spatial Strategy, pattern of housing distribution and the local criteria for site selection included within the Core Strategy (Policies SP1, H1 and paragraph 5.1.5 and the criteria of EN1) and which meet the NPPF requirements for sustainable development (in particular paragraph 14) should be considered favourably.

Open Space Officer

The calculation for the provision of equipped children's play space is detailed in the attached spreadsheet. Based on the potential number of residents (35 dwellings x 2.36 = 83) in this development the calculation gives a figure of 125 m2 (83 x 1.5 m2) to be provided for equipped children's play. 1.5m2 of equipped children's playing space per head of population is as per the SKDC commissioned open space study – "A Study of Open Space, Sport and Recreation in South Kesteven District 2009".

Long Bennington Playing Fields are located on the opposite side of the Main Road adjacent to this proposed site. As well as ensuring there is a safe crossing point to these facilities I would request a contribution of £18,750 to these play equipment on these facilities, based on the following calculation.

Calculated equipped play space for proposed development = 125 m2
This is equivalent to 1.25 x LAP provision
Financial contribution for LAP provision = £15,000
1.25 x £15,000 = £18,750

Partnerships Projects Officer (Affordable Housing)

Initial Comments

With regards to the above application I can confirm that affordable housing requirements are as follows:-

- All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of between 5-14 housing units

provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.
- Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of affordable rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need

With regards to this application the requirement is as follows:-

- Preference for the Council is that 35% affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.
- A minimum of 60% of the affordable housing to be affordable rent
- A maximum of 40% of the affordable housing to be shared ownership
- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RHP).
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RHP) partners and choice of partner to be agreed in writing with the council. The RHP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development.
- The consideration of the affordable housing units to be offered for sale to a RHP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Please find below response with regards to the provision of affordable housing.

- All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of between 5-14 housing units provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.
- Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of social rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need.

With regards to this application the requirement is as follows:-

- Preference for the Council is that 35% affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.
- A minimum of 60% of the affordable housing to be social rent
- A maximum of 40% of the affordable housing to be shared ownership

- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RHP).
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RHP) partners and choice of partner to be agreed in writing with the council. The RHP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
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- The consideration of the affordable housing units to be offered for sale to a RHP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Partnerships Projects Officer (Affordable Housing) further comments (2)

With reference to the layout of the potential development Main Road, Long Bennington.

I can confirm that the proposal includes the required 35% affordable housing on site consisting of 4 x 2 bedroom houses, 5 x 2 bedroom bungalows and 3 x 3 bedroom houses (12 units in total).

The greatest need in the district is for two bedroom properties. The Housing Needs Survey published in October 2010 also highlights the greatest need for two bedroom properties. The development proposes 9 x two bedroom properties which will meet local needs and 3 x 3 bedroom houses to meet larger family needs. It is possible that 1 or maybe 2 of the bungalows will need to provide adaptations such as a wet room, easy access for a wheelchair. The layout provides two bungalows which may be able to meet this criteria.

With regards to the general layout the affordable housing is well integrated into the site and provides the same level of amenity space and privacy as afforded the open market units.

Partnerships Projects Officer (Affordable Housing)

Final Comments

I am happy with the proposed affordable housing units. The proposal is for 12 (35%) affordable housing units on site. Consisting of 3x2 bed bungalows, 6x2 bed houses and 3x3 bed houses which meet some of the affordable housing need identified for Long Bennington. The affordable housing units are well located in the proposed development and meet the requirements to create a mixed sustainable community.

The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties.

<u>Police Architectural Liaison Officer</u>

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason; In the interest of security, crime reduction and community safety.

Environmental Protection

No known Contamination Issues

Property and Facilities (Drainage)

Upper Witham will want to comment on any outfall to existing watercourse. So may the EA.

Arboricultural Consultant

If you feel that significant trees, shrubs and hedgerows are growing inside and or just outside the site boundaries then a tree survey will be required to meet with the requirements of Section 197 of the Town and Country Planning Act 1990.

An accurate site survey showing all the existing trees, shrubs and hedges on and adjacent to the site should be submitted to the Local Planning Authority and be approved by it in writing.

The survey should be carried out by a competent and suitably qualified arboriculturist and shall show the position, species and crown radius at the four cardinal points, crown height and approximate heights of all the trees, shrubs and hedges and their apparent condition. The trunk diameters at 1.5m from ground level of each tree shall also be submitted. The Tree Survey and plan should be in accordance with BS5837 (2005) Trees in Relation to Construction and will provide details of root protection areas. Details of retention categories according to the guiding principles in Table 1 of BS5837 and proposed works must be provided.

Mitigation of issues relating to the trees and development should where appropriate be provided in the form of an Arboricultural Implication Study. Further details where deemed appropriate; including hard surface construction and on site tree protection should be submitted in the form of a Method Statement and Tree Protection Plan.

Local Highway Authority

Initial Comments

With reference to the above planning application which was passed to the Highway Authority for consultation on 2 September 2011, I inform you that all relevant information has not been provided to enable the Highway Authority to provide a substantive response. The 21 day consultation period will not commence therefore, until the Highway Authority is in receipt of the relevant information as detailed below.

Please can you go back to the Applicant/Agent and request a drawing is submitted showing the extent of the proposed cycleway/footway along Main Street which will form part of the Section 278 Agreement.

I hereby inform you that should you not agree to the request for delay of commencement of the consultation period, until the Highway Authority is in receipt of requested information, the Highway Authority will recommend refusal of the planning application.

Further Comments (1)

Requests that any grant of planning permission includes the following conditions:

HI00 - No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycleway along Main Road, Long Bennington (Distance as shown on drawing CS46981/T/002 Rev E) together with all ancillary works.

HI03 - Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

HI05 - You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

HP16 - 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 allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

HP21 - No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway along Main Road, Long Bennington (by means of a 3.0 metre wide footway/cycleway along with all associated ancillary works) have been certified complete by the local planning authority.

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

HP23 - 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/building in the interests of residential amenity, convenience and safety.

HP24 - 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.

HP26 - 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 and approved by the local planning authority.

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

Final Highway Comments (Explanation)

The local highway authority looked carefully at the proposals for development of this site and potential improvements to overcome a number of issues some of which include continuing liaison with the Parish Council.

It should be acknowledged that the current width of the carriageway in this location far exceeds the normal standard for a county class 'c' road. The 'narrowing' will reduce the carriageway width to 7.3m where it fronts the Pavilion, sports ground and southwards to that commensurate with the hierarchy type 3 road.

Essentially, it is envisaged that by introducing the 'narrowing' in such a manner this will discourage HGV parking but retain enough width to safeguard on-street parking used by the bowls club:etc.

You will understand that the narrowing of carriageway in itself is considered to be a means of reducing speeds.

My understanding is that the access to the bowls club/sports field is not used by members for the parking of cars of players or their supporters and relatives on any regular or irregular basis although it is noted that car boot sales take place a small number of times per year.

The provision of the footway/cycleway it is hoped will encourage alternative modes of travel.

The mitigating proposals therefore, in conjunction with a 'Gateway' scheme and extension to the speed limit northwards are considered suitable improvements with added factors of safety for users of the highway at this end of the village.

The issue of traffic regulation orders to control parking in the locale is being discussed with the Parish Council, but it is suggested that this be investigated more once (should the development be permitted) the improvements have been implemented as their imposition can affect normal accepted use and have wider implications elsewhere on the network.

Severn Trent Water

No objection subject to a condition regarding the submission of surface and foul drainage details to the local planning authority for approval.

Anglian Water

Pre Development Report (summary)

Wastewater Treatment

The foul drainage from this development is in the catchment of Long Bennington Sewerage Treatment Works that will have capacity for these flows.

Foul Sewerage

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If

pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate

Surface Water

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed

Environment Agency

Initial Response

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the granting of planning permission.

Reason

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not, therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

- The discharge rate has been calculated based on the total site area of 1.2 hectares rather than the impermeable area of 0.5 hectares;
- The surface water will enter the River Witham via a watercourse within the drainage area of the Upper Witham Internal Drainage Board (IDB). Accordingly, the written agreement of the IDB should be included within the FRA;
- Further information should be provided regarding how the minor watercourse enters the River Witham. Our records indicate that this is via a sluice and therefore details should be provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site;
- The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Further Comments (1)

In relation to the above application unless already consulted, we advise that Anglian Water Service Ltd are consulted to confirm whether or not there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. A copy of their response should be forwarded to the Environment Agency for comment.

Further Comments (2)

I refer to our previous letter of 14 September 2011, in which we objected to the above application on flood risk grounds.

We have now received a copy of the South Kesteven Detailed Water Cycle Study (WCS), Final Report, November 2011. This report has brought to our attention the lack of sewerage network capacity issues in Long Bennington. As a result of this, we wish to make a further objection to this application on pollution and sewer flooding grounds.

Page 93 of the WCS says that "Anglian Water Services has stated that there is no allowance for any development in Long Bennington until the sewerage system has been upgraded." The Study goes on to advise that all development will be subject to a minimum 5 year delay to resolve the sewerage constraint. Any additional development, even small scale, will increase the risk of, and be vulnerable to, sewer flooding until the strategic solution is implemented.

Planning Policy Statement 12: Local Spatial Planning states that "when it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted".

Similarly, Planning Policy Statement 23: Planning and Pollution Control (PPS23) highlights that possible adverse effects on water quality, the provision of sewerage and sewage treatment and the availability of existing sewerage infrastructure are material planning considerations for planning applications. PPS23 directs that the precautionary principle should be applied in such cases.

If you are minded to approve the application contrary to this advice, we request that we are reconsulted to allow further discussion and/or representations to be made.

Further Comments (3)

I refer to my previous letter dated 14 September 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have received an amended FRA in support of the application. However, we consider that the details in the FRA are not yet fully Planning Policy Statement 25 'Development and Flood Risk' (PPS25) compliant. Accordingly, we MAINTAIN our objection to the proposed development subject to the submission of an amended FRA, which addresses the following points:

Further information needs to be provided in respect of how the minor watercourse enters the River Witham. Our records indicate that this is via a sluice. Therefore, details should be provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site. The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Appendix E of the FRA has included the calculations for the required amount of attenuation storage. This has not considered a large enough range of storm durations. The volumes shown in the calculations keep increasing. Normally, if longer storm durations were considered you would expect to see the attenuation volume reach a peak amount and then start to reduce – the peak amount should be used as the amount of attenuation storage required. The amount of storage given in Table 6 of the report is not shown in the calculations in Appendix E. The calculations need to be expanded to include longer storm durations which should show the volume required reaching a peak value. We have carried out a check using the Windes Microdrainage software and this has produced a higher figure for the amount of attenuation storage that could be required.

Section 4.3 has considered the use of an above ground attenuation pond but this is not shown on any of the layout plans. An attenuation pond will inevitably have an impact on the development layout so it should be considered at an early stage. Alternative solutions, such as underground storage, may not be considered to be the most sustainable option. We would strongly recommend

that the site is discussed at the South Kesteven Flood Risk and Drainage Management Group, so that all relevant organisations can assist with finding a sustainable solution. Lincolnshire County Council runs this group in its capacity as Lead Local Flood Authority. In future this development may need the approval from the SUDS Approval Body (SAB) which will also be the County Council. Early discussions should help to avoid problems later on.

Further Comments (4)

I refer to our previous letter of 30 November 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have since received an amended FRA submitted to support the application. We consider that the details in the amended FRA have been undertaken in line with the guidance contained in Annex E of Planning Policy Statement 25 'Development and Flood Risk' (PPS25). Accordingly, we are prepared to withdraw our objection on flood risk grounds, subject to the imposition of the following condition:

Condition

Development shall not begin until a detailed 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions in Planning Permission'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our objection in respect of potential pollution and sewer flooding remains valid.

Information for applicant

We would also strongly advise the application to make contact with Lincolnshire County Council with regards to the sustainable drainage elements of the proposed drainage scheme. In the near future the development may require the approval of the SUDS Approval Body (SAB), which will also be the County Council.

Final Comments

I can confirm that we have since received a 'Pre-development report' prepared by Anglian Water, dated 3 January 2012. This report states that the sewerage treatment works and sewerage network have adequate capacity to accommodate the flows from this development. We therefore withdraw our objection subject to mains drainage being secured via condition. The following wording is suggested:

Condition

No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

Reason

To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

Please note that the condition requested in our previous letter in relation to surface water drainage is still relevant, and we request that it be included as part of any permission granted.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'The Use of Conditions in Planning Permissions'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Upper Witham IDB

The applicant states within the Flood Risk Assessment that surface water is being directed to a watercourse. The applicant form suggests that surface water is being directed to a SUDS system or Main Sewer.

The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse

Reason: To prevent the proposed development increasing flood risk in places outside the immediate vicinity of the development site.

No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Surface water discharges from this site should be flow regulated so as not to exacerbate flooding problems elsewhere in the catchment. Therefore no development should be commenced until a

Scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed. The maximum rate of discharge would not be expected to exceed that of a "greenfield site"

Reason: To prevent the increased risk of flooding.

The Applicant states that surface water is to be to a sustainable system but there is little or no information available as to what that means. It is therefore advised that no development should be commenced until a Scheme for the provision, implementation and maintenance of a SUDs system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. If it is found that a SUDs system is not suitable, the Applicant should be required to re-submit amended proposals showing how the Site is to be drained without increasing flood risk.

Reason: To provide an acceptable means of serving the development

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant and accepted/agreed by the Local Planning Authority in consultation with the Internal Drainage Board prior to works commencing.

Reason: To prevent an increase in flood risk

The applicant has provided an assessment of the agricultural discharge rate and this Board would not object if the rate quoted in the Flood Risk Assessment of 4.18 l/s is used as a maximum discharge rate from this location into a watercourse within the River Witham catchment under all conditions.

The Board wishes to make the following comments which should be included as INFORMATIVES with any Consent granted:-

It should be noted that the watercourse passing through, or adjacent to, the Site has insufficient capacity to accept additional surface water discharge that could be discharged from the Site. Any increase will result in the increased risk of flooding elsewhere.

Any watercourse adjacent to and/or affected by this development is not maintained by the Board. The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Further Comments

The original Flood Risk Assessment (FRA) and the original application were at variance. The FRA suggesting that surface water was being directed to a watercourse, the application form and SUDs system and public sewer. In both cases our comment to the planning authority was that the applicant should provide sufficient information to show that the watercourse into which the development site finally discharges is capable of accepting any increase in flow. We indicated that the site should have a regulated run-off rate not exceeding a maximum rate equivalent to "greenfield" run-off rates.

Taking each point that you raise separately. The Board does not currently maintain any watercourse in the area. The watercourses are maintained by the riparian owner who has no responsibility to maintain the watercourse to accept any increase in the natural flow. The Board may consider enmaining the watercourse under its permissive powers but there are issues to resolve. The majority of the site lies outside the Board's boundary therefore they will probably require some form of commuted sum to accept maintenance responsibilities. Your client should make contact with us to commence discussions. The Board are always concerned over development discharging into a riparian watercourse because of the potential impact that it may have.

As part of the response to the planning authority, and a letter dated 20th September, 2011 to Capita Symonds Ltd, Agent for the Applicant, we stated that:-

Under Section 23 of the Land Drainage Act. 1991 any works affecting a watercourse require the prior consent of the Board. Works in this instance will include outfalls, culverting etc.

Under the Board's Byelaws, made under Section 66 of the Land Drainage Act 1991

Any proposal to make a discharge to a watercourse, or amend an existing discharge, requires prior Consent. This Consent is in addition to any other Consent required from the Environment Agency with respect to discharge quality. This Consent is required even if the discharge is via a Public Sewer or other existing sewer network.

Any proposal to develop or undertake construction or landscaping works within a strip of 6.00 metres measured from the bank top of any watercourse requires prior Consent. In this instance works are any works, temporary or permanent, whether they have received planning consent or not, including such as fencing, walls, trees etc in addition to building above ground and/or underground services etc.

In general terms agricultural run-off rate in the area is considered to be 1.4 l/s/ha maximum discharge rate therefore a site of 0.5ha would have a maximum rate of 0.7 litres/sec. The non impermeable area will be contributing to the overall site rate "naturally". Of course this assumes that you show that the site currently discharges to the watercourse either via land drains or by natural methods.

The Board has no records of the watercourse in question as it is not currently maintained by them. Local feedback suggests that the field and area may suffer from water logging. We also consider the watercourses at return periods of up to 1 in 100 year events.

The 0.7 l/s is greater than that figure on the last page of the FRA and should be considered a maximum rate to the 1 in 100 year event.

We noted in the FRA that the Drainage Board, nor any other Drainage Authority was approached regarding this site other than the Environment Agency.

Perhaps in future you may wish to consider extending your consultations as, in addition to ourselves, the County Council may be involved as the Lead Local Flood Authority.

Highways Agency

Offers No objection

Heritage Lincolnshire (Archaeology)

The site officers a potential for archaeological remains to be encounters during the development. It is recommended that an archaeologist is contracted to undertake a staged approach archaeological evaluation as a scheme of works. This is to be undertaken post-determination and by condition on the outline planning permission but prior to the granting of detailed planning permission.

Principal Conservation Officer

I have read the revised Heritage Statement for the proposed development of land to the north of the grade II listed Mount Pleasant Cottages, Water Lane and can advise that I agree with the conclusions of the report that the proposed development will not have a significant impact on the setting of the heritage asset.

I would only suggest that a condition be imposed on any planning permission requiring retention of the mature hedging on the southern boundary of the application site and the northern side of Water Lane, in order to preserve the setting of the listed building and the character of the Lane.

Lincolnshire Wildlife Trust

We have read the ecological information submitted with the application and are satisfied that provided the recommendations are followed with regards to breeding birds, there should not be any significant negative impacts on protected species as a result of the proposed works.

We support the proposal to retain the boundary hedgerows and to infill with native species of shrub and standard trees. The Trust would strongly recommend that other biodiversity enhancements are incorporated within the development, such as features for roosting bats built into the buildings or fitted externally and nest boxes for declining urban birds such as swallows, swifts and house sparrows (all of which were recorded on site). We would expect there to be a net gain in biodiversity on the site as a result of the proposed development.

Natural England

Based on the information provided, Natural England has no objection to the above proposal in relation to species especially protected by law, subject to the following condition:

1. 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, to ensure that breeding birds are not adversely affected.

Three species of bird were recorded on site including in boundary vegetation which may be

removed in order to facilitate to the development.

We also advise that your authority seeks clarification as to whether Tree 1 (as defined in the ecological surveys) will be affected by the proposal. Should this tree require felling (or any significant alterations to it as part of this proposal) then your authority should not determine this application until a nocturnal survey has been undertaken on the tree which establishes whether or not bats are roosting in this tree. This is in line with the ecologist's recommendations and classification of Tree 1 as having bat roost potential. If this tree is to remain unaffected, then we have no concerns surrounding bats and your authority may determine the application.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Natural England would strongly welcome the incorporation of bat roosting features (e.g. – permanent roof voids and/or bat boxes) and bird boxes into the design of the dwellings. This would enhance the site post development for these species.

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by South Kesteven District Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Lincolnshire Primary Care Trust

Based on 35 Dwellings a contribution of 35x£904 is requested. Total: £31,640.

Lincolnshire Children's Services

The development would result in a direct impact on local schools. In this case the secondary schools at Grantham that serve Long Bennington are currently full to permanent capacity and projected, notwithstanding the proposed development to remain full in the future. A contribution is required to mitigate against the impact of the development at local level.

The level of contribution sought in this case equates to £98,708.

Environmental Protection (Noise)

Environmental Protection has reviewed the documents submitted with the above planning application and in particular the revised layout and acoustic report.

Environmental Protection are satisfied with the revised layout submitted. The applicant must consider all the recommendations made in the acoustic reports submitted and the comments made by MAS Environmental for the design and layout of the proposed development.

Long Bennington Parish Council

Initial Comments

- The application would appear premature on 2 accounts;
- site allocations plan has not been adopted and is not expected to be until July 2012;
- bringing the site forward due to a shortfall in the five year supply of housing and lack of affordable housing is not adequate justification for granting such consent;
- there are highway issues to be resolved on Main Road. These include heavy use of the Main Road adjacent to the site for sports events and in connection with frequent car boot sales;
- a traffic calming scheme has already been agreed with LCC but as yet not put in place;
- greenfield land and a further extension to the village envelope resulting in loss of agricultural land;
- there are a considerable number of permissions already granted but are still to be fully implemented. The cumulative effect of these would exceed the housing units required for Long Bennington over the plan period 2011-2026;
- there are concerns over the limited capacity of the mains drains in the village given the recent history of nearby flooding;
- there is already a degree of affordable/social housing in the village which is reportedly difficult to fill;
- this end of the village has limited access to public transport and is over 2/3 mile from the village school which is more than the comfortable walking distance for young children;
- there is no clear demonstration how 35 units can be accommodated on the site;
- the village primary school is already close to capacity and 35 new homes would almost certainly put further pressure on the school;
- anyone without a car would be adversely affected by the lack of public transport in Long Bennington as commuting to work is virtually impossible;
- the replacement of the countryside with the built environment will have a negative visual impact on the village;
- the village local plan 2005-15 suggest that this land is suitable for an additional sports field and no consideration has been paid to this allocation;
- (22 residents attended the meeting, all confirmed they were against the development).

Further Comments from the Parish Council (1)

In relation to the planning application and the non-technical summary of the water cycle study prepared to support the LDF:
-the comments in relation to the sewerage constraints that affect the site state that a minimum of five years may be required to resolve sewerage flooding issues in this location.

The report states:

“Potentially minimum of 5 years required to resolve sewerage constraint. This is not simply a local site specific problem. The whole of Long Bennington is vulnerable to sewer flooding and a strategic solution is required. All parties should be made aware of this situation when considering applications”.

The water cycle study also goes on to state:

“All wastewater treatment works serving the Local Service Centres to accommodate the modest levels of growth planned, except at Harlaxton and Marston. These constraints may affect the ability of these wastewater treatment works to accommodate development in the first phase of the plan period. In Long Bennington flooding in the sewer catchment requires a strategic solution, rather

than a local upgrade, development proposals may have to be restricted to a later phase in the plan period to allow the necessary upgrades to take place prior to the development".

Further Comments from the Parish Council (2)

The parish council confirms that they support the views of local resident in that the proposal will result in a detrimental effect on the environment (in particular the issues with regard to protested species on the site) and parking issues along Main Road especially during football training (at the sports field opposite).

Further Comments from the Parish Council (3)

Concerns have been raised regarding the effect on an important listed building and the proposed nearby development does not reflect the architectural vernacular of the area.

Concerns regarding the protection of the ancient hedgerow in this immediate area have been raised, these should not be removed.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 65 letters of objection have been received. A summary of their main concerns are listed below:

-Use of a Greenfield site
-Issues regarding highways, surface water, children's services, health services and highway improvements need to be addressed before the development takes place
-lack of quality of drains and sewers
-schools and surgery are at capacity
-bus service is poor
-vehicular access will cause problems to existing residents particularly if the road is narrowed as is already used by large vehicles
-already a busy road and this will add further traffic
-threat to safety of existing users of the playing field and bowling club opposite
-there have been increased incidences of flooding in the district. This development will exacerbate this
-previous reasons for refusal still
-sites within the confines of village are preferable
-visual impact on the approach to the village from the north
-frequent parking around the proposed access
-conflict with vehicles and children using the facilities opposite
-protected species could be affected
-is there a need for the housing
-will the affordable housing be available to residents of Long Bennington
-impact on utilities
-buildings will not be in keeping with the surroundings
-the village has a soft green edge. This would remove this.
- the determination of the application in advance of the consideration of the Site Allocations and Policies DPD could prejudice the outcome of the DPD examination and represents an inappropriate, and unreasonable pre-determination in advance of the consideration of the DPD by the secretary of state.
-The proposed development would materially conflict with the provisions of the Long Bennington Parish Plan. Specifically, a) it discourages development that would further extend the linear

character of the village. b) the application site is identified as being suitable and appropriate for the provision of further amenity space within the village.
-the development will extend the village beyond the existing curtilage into open countryside.
-There are no jobs in walking distance as per the submission. The jobs at Long Bennington Business Park are already taken.
-there are bats circling around the area and they are believed to roost in the trees and hedge on the south side of the development.
-overburden the infrastructure
-as this is a Greenfield site why is it being considered
-there is no provision of play equipment as part of the development. The sports facilities opposite are already at capacity.
-nothing has been done to address the concerns raised by residents during the pre-application consultation exercise.
-Long Bennington doesn't need anymore housing. If any are built they should be built in the centre.
-traffic calming is required on the road off the A1
-sewer network capacity issues which flood in wet weather
-previously considered inappropriate for housing when compared to more central sites such as Winters Lane
-existing village infrastructure cannot cope with the demand of the over 2000 residents
-more appropriate to extend south between Main Road and the A1
-hedge along the frontage of the site has parts which are over 300 years old and must be retained.
-there are no employment opportunities in Long Bennington
-poor connectivity with the village. It is too far to walk to the centre of the village. Especially for small children as it is a mile to the village school and there is no bus service.
-the village needs a break from all of the development to allow the village infrastructure to be provided.
-additional traffic would be a risk to public safety particularly due to the proximity of the playing fields opposite.
-school is at full capacity
-the only people to benefit from this would be the developers
-there should be additional planting along the boundary adjacent to the listed building (Mount Pleasant).
-there are more sustainable sites within the village
-the alternative sites do not have the associated visual impact of this development.
-access to the site off the slip road is dangerous. The access road is also used by articulated lorries for overnight parking and car parking for the bowls club etc. Lorries also park there during the day.
-35 units meets the total allocation for housing in Long Bennington in one location. This is unbalanced when they should be spread throughout the village.
-loss of privacy to properties on Riverview
-loss of agricultural land that provides food. Instead we have to rely on imported food.
-the proposal will result in more car journeys than indicated in the submitted information. Long Bennington is a village that most people commute to work. southbound traffic would need to travel the entire length of the village to access the A1. The opposite occurring when people return from work and/or collect their children from school.
-the proposed narrowing of the slip road will cause problems in relation to parking on the highway in relation to the adjacent facilities.
-this may impact on the attractiveness of these facilities and make them virtually unusable
-the site is at risk of flooding
-parking is not sufficient for the number of homes
-electricity supply to Long Bennington is at capacity and experiences power cuts. No details have been provided.
-the need for the dwellings is unproved.
-we wish to protect against further irreversible damage and reckless invasion of the rural environment.

-we have a duty to make the most of brownfield sites
-will the developer contribution be sufficient to improve the school
-capacity of the foul drainage system to accommodate the proposed units
-traffic calming measures would affect the parking for the bowls club and playing field.
-the village has expanded that much that it is becoming a suburb of Newark, not a village that most have opted to purchase houses in.
-there is already adequate social housing stock in the village
-proposal will result in increased traffic, noise, and pollution.
-de-value property (not a planning matter)
-cars will conflict with the comings and goings of the business park, sports facilities and car boor sales
-Long Bennington is not a suitable location for affordable housing as there is limited employment, no bus service which will allow you to work normal 9-5 hours. No effective grocery shopping that has extended hours. Each future occupier will need to have access to a car to maintain employment and shop cost effectively. This negates the affordability of the housing.
-the proposal is an accident waiting to happen. Will result in deterioration of road safety particularly for children and elderly
-village infrastructure stretched too much
-noise pollution
-impact on the character of the village
-greenfield sites should be preserved and not built on.
-the parish council does not support the site for housing
-it is perverse to determine the planning application ahead of the DPD allocations document
-I will be directly overlooked by the proposal. There is a bedroom window in my property that will either be overlooked or experience visual intrusion.
-there should be no substantial development in the village until there have been substantial improvements to the sewerage infrastructure (results of the local Water Cycle Study). This could take up to 5 years.
-the whole of Long Bennington suffers from a sewerage constraint. This is not a site specific problem and needs to be dealt with at a strategic level.
- determination of the application ahead of the allocations document would be premature and contrary to the plan led approach promoted by the NPPF.
- the application site is in open countryside and as such contrary to SP1 of the adopted South Kesteven Core Strategy
-the site selection methodology for the DPD Site Allocations is flawed (as indicated by the Inspector) as such determination of the application should be held in abeyance.
-if the proposals impacts on the ability of adjacent facilities to function would be contrary to the para 70 of the NPPF that guards against the loss of valued facilities and services
-the proposal would have a detrimental impact on the intrinsic character and beauty of the countryside which would be contrary to the core principle of the NPPF.
- Long Bennington is the subject of sewage constraints that are unlikely to be solved within 5 years.
-the comments of Anglian Water in relation to infrastructure capacity are flawed as they are not based on the best current information. The findings of the Water Cycle Study should not be ignored.
-hazard, risk to children. Would interfere with the recreational time of the many villagers via parking conflict
-proposed vehicular access is totally inappropriate as the traffic along the main road at this point is busy with vehicle leaving the A1. At this point any traffic calming proposals have not been passed.
-Long Bennington Priory Academy are over subscribed. This would leave the development without a school (in walking distance). I am aware of the developer contribution, however, unless this is substantial enough to expand the school it would not be a solution.
-drainage problems, flooding to Main Road, and 57/57a Main Road, not aware that this has been rectified
-overdevelopment of the site

-inadequate bus service
-plans for the village do not indicate a need for this size of development
-bat activity within the site not included in the habitat survey
-there are far more suitable sites in Long Bennington should further development be necessary
-considerable bat activity seen on/over the site
-prematurity ahead of the Site Allocations and Policies DPD
-proposed development would materially conflict with the provisions of the parish plan
-site is not the preferred choice of the parish council
-the site should be termed strategic due to the limited number of rural local service centre sites to be considered for allocation. It is certainly an issue f some considerable importance
-the spacious setting of Mount Pleasant combined with the undeveloped northern aspect would be significantly affected by the proposed development which would encircle the listed building to the north
-as the listed building has been materially affected by the development on three sides, further development on the remaining side, significantly closer than the existing development to the east and west
-as the application is in outline form assessment of impact on setting cannot be fully assessed at this time
-the development will be a highly visible backdrop to the listed building when viewed from Westborough Lane
-no assessment has been undertaken as per English Heritage Guide: The Setting of Heritage Assets
-the assessment fails to consider the impact on the development upon the setting of Mount Pleasant when viewed from the permissive footpath which crosses the site, and from pints along Main Road.
-key concern of impact on any development on the hedge that runs along the northern side of Water Lane
-any built form that impacts the hedge will no doubt impact the setting of the listed building
-if multiple future occupies individually attempt to manage the hedge it is likely to result in an unattractive and discordant feature to the detriment of the setting of the listed building
-openings may be made in the hedges by individual occupiers for access to rear gardens
-development immediately adjoining the hedge appears to be wholly incompatible with preservation of the setting of the listed building

Applicants Submission

In addition to the statutory planning application requirements the applicant has undertaken a comprehensive noise assessment to demonstrate that the future occupiers of the proposed development would not experience and significant harm to residential amenity from noise and disturbance from traffic/road noise and nearby commercial uses.

Officer Evaluation

The main issues for consideration in relation to this application are planning policy matters, impact on visual amenity and form and character of the area, residential amenity, drainage and highway safety.

Planning Policy

Has can be seen from the comments of our policy section there was an initial objection to the proposal on policy grounds. Specifically that the proposal would be premature in relation to the allocations process:

The planning policy officer initially states:

"Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector's consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard to the guidance in 'The Planning System: General Principles' [paragraph 17] regarding prematurity, I object to this application"

However, further comments were made following the meeting with the Inspector:

"The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan's strategy, applications should continue to be determined".

The conclusions of the policy officer are that the scale of the development is not 'strategic', as such it would not affect the overall spatial strategy or the site allocations policy.

Final comments of the policy officer indicate that there is a delay in the preparation of the Site Allocations and Policies DPD of a 'number of months'.

There are a number of planning applications that have been delayed a considerable period of time whilst the DPD examination process has been ongoing, and with a potential delay of a further number of months it would be unreasonable to continue to delay the consideration of this application further.

In relation to the weight that should be attributed to the various emerging documents, the NPPF attributes weight to plans as they progress towards adoption. In this instance the Site Allocation and Policies DPD has progressed through to the Examination stage so a degree of weight can be attributed to its polices, but not full weight as it has not been formally adopted.

The NPPF introduces a presumption in favour of sustainable development. As Long Bennington is identified as a Local Service Centre this development can be regarded as compliant with the thrust of the NPPF.

Visual Amenity and Form and Character of the Area

The proposed development would be for 35 dwellings served off a central access road. There would be a mix of properties on the site. The submitted Landscape and Visual appraisal states that the properties would be limited to two storeys. The site has substantial landscaping/hedgerows along the frontage of the site and along the southern boundary. This would be reinforced by additional planting to help screen and aid assimilation of the development.

It is accepted that the proposal would result in built form beyond the current confines of the village. However, it is considered that it can be seen as a logical 'rounding off 'of the village and would be seen as an infill between Westborough Lane and the Riverview development.

The proposed density and layout are comparable to that of the adjacent Riverview development and is not considered out of character. The proposed layout would provide ample opportunity for a comprehensive landscaping within and reinforcement of the existing boundary screening.

As such it is considered that the proposed development would not result in any significant impact on the visual amenity of the area.

The adjacent property, Mount Pleasant, to the south off Water Lane, is a listed building. A heritage assessment has been undertaken to asses the impact of the development on heritage asset(s). The conclusion of this assessment indicates that the impact on the listed building would not be significant. This conclusion is supported by our conservation officer.

Residential Amenity

Whilst the planning application is in outline form, layout was requested to form part of the submission to demonstrate how 35 units could be accommodated on the site. The submitted layout plan demonstrates how a mix of detached, semi-detached and terraced properties could be accommodated on the site. The proposed layout would ensure that there would be appropriate separation distances between the proposed dwellings and the existing residential properties to ensure there would not be any significant overlooking/loss of privacy or overshadowing/loss of daylight and/or sunlight.

The exception to this is the relationship of the proposed development with 1, Westborough Lane. It is considered that the proximity of the proposed development to the side facing bedroom window would result in a significant impact on amenity. Additionally it is considered that the proposed dwelling immediately adjacent to 1, Westborough Lane would be likely to be overlooked from this window. Accordingly and amended plan removing this dwelling from the scheme has been requested.

It is accepted that the occupiers of the properties that bound the site currently experience unrestricted views over open countryside and the proposed development would change this. This may not be welcomed by local residents. However, to ensure that local residents would experience no change as a result of a development is an unrealistic test for a planning application.

As such it is considered that there would be no significant loss of amenity to neighbouring occupiers that would justify refusal of planning permission on these grounds.

A noise assessment has been submitted by the applicant in relation to demonstrate that the future occupiers would not experience significant impact on residential amenity from noise and disturbance from the nearby trunk road and commercial uses. The submitted information has been assessed by our noise consultants. The conclusions are:

“The site revisions demonstrate an acceptable layout and design can be achieved.

The additional noise survey better informs on the impact risks and need for mitigation.

There are some differences over the analysis of industrial noise but the resulting risks of adverse impact are considered too small a risk to influence the development.

There are some differences in our advice on acceptable development form and the need to open windows compared to that proposed, but these can be negated and it is considered

acceptable noise impact levels can be achieved in the majority of rooms providing occupants with choice as to the individual use of rooms".

The noise assessment indicates that careful design at reserved matters stage will ensure adequate protection from noise disturbance. This would include acoustic glazing to bedrooms facing the A1 and/or avoid sensitive windows facing the A1.

Noise is a material consideration in this case but can be suitably mitigated. A noise mitigation scheme condition is needed to ensure written prior approval before development begins, fully implemented and maintained in accordance with any limitations on approval of the scheme. This will ensure that that at reserved matters stage when the detailed design of the dwellings is to be determined the findings and mitigation measures identified by the noise assessment is incorporated into the development.

Drainage

There have been significant discussions between all parties in relation to providing a satisfactory means of drainage on the site. Whilst initial comments indicated that there was insufficient capacity in the sewerage network to accommodate the development this was found not to be the case.

A Pre- Development report has been prepared by Anglian Water for the proposed development. It states:

"Foul Sewerage Network

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate".

A further letter from Anglian Water in relation to pumping rates states:

"The topographical information provided does tend to suggest that discharging floes by gravity would pose a problem for you and that pumping appears to be justified.

Should pumping be ultimately required, the pumped rate should not exceed the minimum self cleansing velocity of the required 80 millimetre rising main.

The amount of properties connected to a pumped facility should be kept to a minimum with the maximum number of properties being allowed to gravitate where possible".

Surface Water Disposal

In relation to surface water disposal Anglian Water states:

"The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed".

The Environment Agency also had initial concerns in relation to both surface and foul water disposal. But have withdrawn their objection subject to appropriate conditions on any grant of planning permission.

Based on the comments of Anglian Water and the Environment Agency it is considered that a means of disposal of both surface and foul water can be achieved and it would be unreasonable to refuse planning permission in relation to this matter.

Highway Safety

A significant number of residents have raised concern in relation to highway matters. The local highway authority has clearly fully assessed the proposed development and is aware of the wider issues in relation to neighbouring uses.

The comments of the highway authority state that the proposed highway improvements would improve highway safety by naturally performing a traffic calming function. The road narrowing would still allow on road parking and that the issue of parking restrictions/traffic regulation order would be a matter to be investigated should this planning permission be approved.

Notwithstanding the comments of local residents it is considered that the proposal would be acceptable from a highway perspective, and it would not be reasonable to refuse the planning application on highway grounds.

Other Matters

Need

5 Year Supply of Land

The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all previous national planning policy provided by PPGs and PPSs. The NPPF seeks to boost the supply of housing, and requires Planning Authorities to demonstrate a five year supply of deliverable housing land. SKDC has prepared a new five year land supply paper (2012-2017) which demonstrates a 5.2 year supply of deliverable sites across the district. This paper also demonstrates how the district has continued to deliver an appropriate amount of housing development over the period since 2006, and how an additional 5% buffer of housing land can be identified to be drawn forward should sites fail to be delivered, in accordance with the Framework requirements.

The preparation of the Site Allocation and Policies DPD and the Grantham Area Action Plan make an important contribution to providing a continuing supply of deliverable housing land, through the allocation and phasing of new sites across the district. The delivery of housing on sites or parts of sites allocated for housing in the first phase of these plans (2011-2016) over the next five year period has therefore been taken into account in preparing the five year supply paper. The contribution that these allocated sites make to the current five year supply is important. Together with the sites committed via planning approvals and other potential supply, they ensure that more than 5 year supply of deliverable housing land is available to meet the Core Strategy requirement across the district. If these allocations fail to be delivered the supply of housing land will be reduced and may fall below the required five years.

The recently withdrawn Grantham Area Action Plan has resulted in a degree of uncertainty in the number of dwellings that are to come forward for the District within the plan period. This is because allowances were made for the allocated sites to come forward within the 5 years.

Accordingly, the Council has revisited the 5 year land supply position and concluded that it will no longer has a 5 year supply of deliverable housing.

In conclusion the withdrawn GAAP and delay in the progress of the SAP DPD have a significant impact on the delivery of residential sites:

"It is noted by Planning Policy that the adoption of this document (SAP DPD) is to be delayed and that the Grantham Area Action Plan has been withdrawn. This has had knock on impacts on the ability of the Council to demonstrate a five year land supply as required by National Planning Policy Framework. Furthermore, in the absence of a five year land supply the National Planning Policy Framework establishes a presumption in favour of sustainable development to address identified housing shortfalls.

Therefore, whilst concern has been expressed about whether or not determining the application in advance of the Inspectors report on the DPD would be premature the overriding consideration now is the lack of a five year housing supply in the District. Under such circumstances it is preferable to grant permission for preferred sites within the District as opposed to granting permission for other less appropriate sites, particularly given that the site is deliverable in the short term and would make an important contribution to housing delivery. The identification of the site as a preferred allocation in the Site Allocation and Policies DPD was made following a detailed site assessment process, which included specialist reports on the: impact of development on landscape, flood risk, capacity of water and sewerage infrastructure".

This approach also supports the advice on decision-taking which is provided in the NPPF (para 14). This states that in these cases planning permission should be granted unless specific polices in the NPPF indicate development should be restricted because, for example, of the impact upon designated wildlife sites, landscape or heritage assets. There would be no such impact in this case.

Affordable Housing

The comments of the affordable housing officer indicate that there is an identified need for affordable housing in the village.

"The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties".

This scheme would contribute to meeting that need.

Protected Species

The site has been assessed in relation to protected species and the comments from both Natural England and Lincolnshire Wildlife indicate that the assessment is acceptable. Whilst there is a tree identified has having bat roost potential. It is outside of the application site and as such will not be directly affected by the proposed development.

Concerns have also been raised in relation to sightings of protected species within the site not identified in the report. However, there is a distinction between species foraging, feeding, and commuting through a site than actually residing on the site.

The submitted habitat survey suggests a further bat survey if tree T1 is directly affected by the site. This is not the case as the tree is outside the application site.

It also suggests a reptile survey in April to October and any removal of hedgerows, trees or scrub to be undertaken outside of the bird breeding season.

It is considered that these requirements can be successfully secured by an appropriately worded condition.

Section 106 Heads of Terms

The following Developer Contributions are sought:

NHS Trust - £31,640 based on 35 x £904

Affordable housing – 35%with a mix of 60% social rent and 40% shared ownership.

Open Space - £18,750 – off site contribution towards play equipment on the land opposite the application site.

Education - £98,708 based on the impact of 35 units.

Crime and Disorder

It is considered that the development would not result in any significant adverse crime and disorder implications.

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

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. 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 Development Management Service Manager acting in consultation with the Chairman and Vice Chairman of the Development Committee, there are no extenuating circumstances which justify a further extension of time, the 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.

SUMMARY OF REASON(S) FOR APPROVAL

Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications

should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. The Site Allocations and Policies DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development in principal has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations.

It is accepted that determining the application could prejudice the Examination of the Site Allocations and Polices DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan. Additionally, given the uncertainty of the timeframe for the progression and adoption of the Site Allocations DPD, and the Council's current lack of a five year supply of land it is considered that the scheme would provide a valuable contribution to the supply of deliverable housing land supply.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable and the provision of a 5 year supply of land development endorsed by the National Planning Policy Framework.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions noise/residential amenity concerns. As such, it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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 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) scale;
   (b) appearance; and
   (c) 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. No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

4. Development shall not begin until a detailed 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

   The scheme shall include:

   - Details of how the scheme shall be maintained and managed after completion;
   - Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
   - Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

   Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

5. When an application is made for approval of reserved matters details of biodiversity improvements as part of the development shall be submitted to and approved in writing by the local planning authority.

   The development shall be undertaken in accordance with any such details that are approved.

   Reason: in the interests of promoting biodiversity on the site.

6. 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 in writing by the Local Planning Authority.

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

7. The all existing hedgerows along the boundaries of the site shall be retained unless otherwise agreed in writing by the local planning authority.

   Reason: To aid assimilation of the development and in the interests of visual amenity.

8. Landscaping details pursuant to condition 2(c) above shall include specific plating details in relation to reinforcing the existing hedgerows along the boundaries of the site. Such details shall include species, numbers and location of additional planting.

   The development shall be undertaken in accordance with any such details that are approved.

   Reason: To help assimilation of the development with its surroundings.

9. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, 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: In the interests of visual amenity and to ensure a satisfactory form of development.

10. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

    Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

11. 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.

12. 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).

    *Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

    Reason: In the interests of highway safety.

13. No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway (by means of a 3.0 metre wide footway/cycleway with all associated) have been certified complete by the Local Planning Authority.

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

14. 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 forward gear.

    Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

15. No development shall take place within 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 to and approved by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

16. 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: In the interests of highway safety.

17. 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.

18. When an application is made to the local planning authority for approval of reserved matters that applicaiton shall be accompanied by further survey work in accordance with the recommendations of the approved Habitat Survey undertaken by Clear Environmental Concultants.

    Any mitigation required as a result of this survey work shall be undertaken prior to the commencement of development on site.

    Reason: In the interests of ecology and to ensure a satisfactory form of development.

19. When an application is made to the local planning authority for the approval of reserved matters the submitted details shall include noise mitigation measures as set out in the NVC Noise Impact Assessment Addendum Report R12.0704/Add1/DRK.

    Reason: To protect the residential amenity of future occupiers.

20. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    Site Location Plan - Drawing No. 07.169/02A
    Layout Plan Drawing No. CS507169/03 Rev C

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

Note(s) to Applicant

1. In accordance with the comments of Natural England it is recommended that bat roosting features and bird boxes are incorporated into the design of the dwellings. This would enhance the site post development.

2. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycle way along Main Road, Long Bennington (Distance as shown on drawing No. CS46981/T/002 Rev E) together with all ancillary works.

3. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

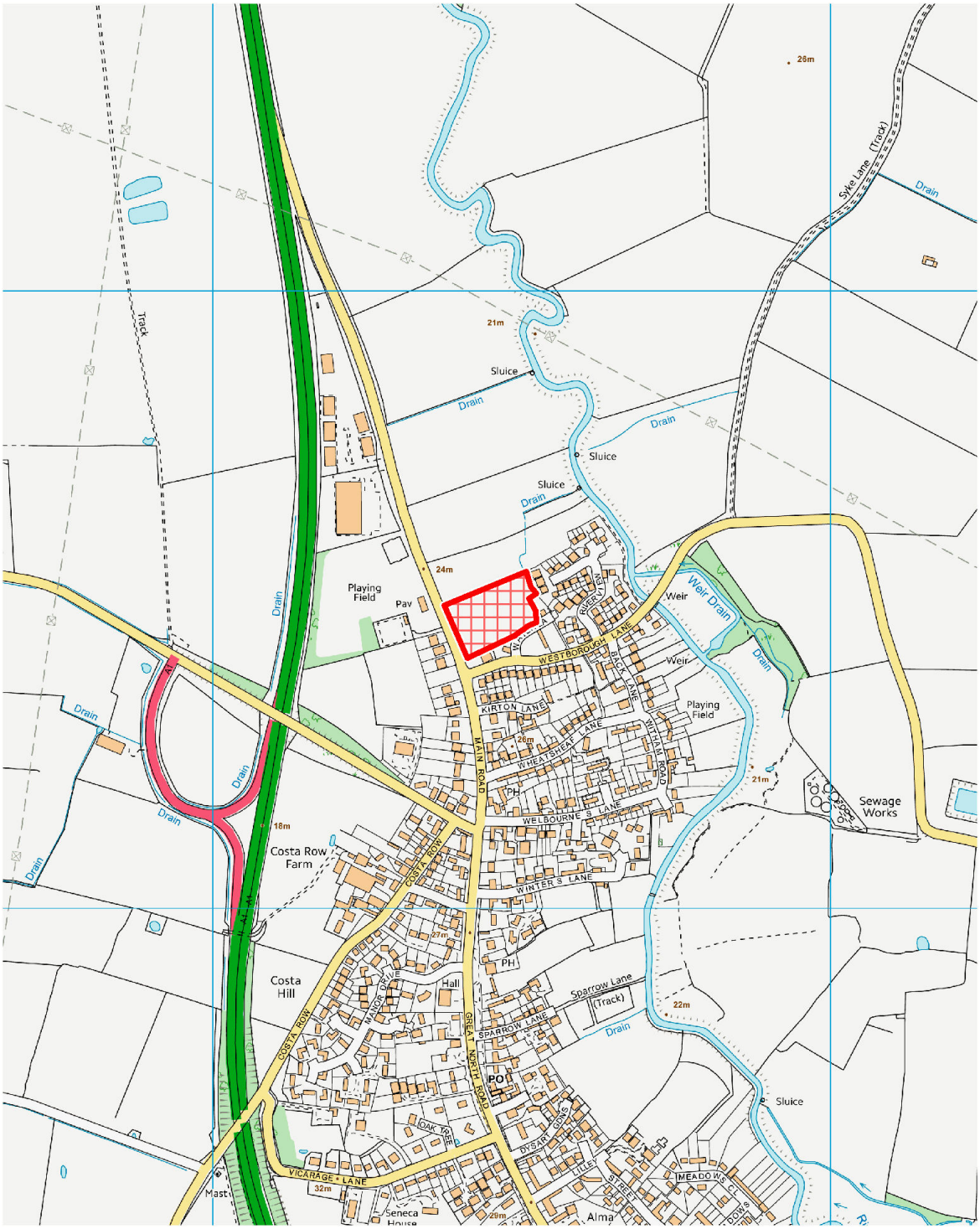
4. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

5. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

6. 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.

* * * * *

Site Location Plan	
Ref	**S11/2002**
Proposal	**Outline planning permission for residential development and the formation of new vehicular access**
Location	**Land Off Main Road, Long Bennington**



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KJC2 **S12/0873/MJRF**

Target Decision Date: 27-Nov-2012
Committee Date: 05-Mar-2013

Applicant	**Mr T Bower & Others** Lowfield Paddocks, Stragglethorpe, Grantham, Lincs
Agent	Clive Davies Orchard House, 3, Farndon Road, Newark, Notts, NG24 4SB
Proposal	**Retention of vehicular access**
Location	**Land North Of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham**
App Type	Major Full (Residential)
Parish(es)	Fulbeck
Reason for Referral to Committee	The application has been referred to the Development Control Committee because the previous planning applications on the site were determined at committee and the proposal is likely to cause wider concern.
Recommendation Summary	The retention of the vehicular access is considered acceptable in that adequate visibility can be achieved to ensure that vehicles can safely enter and leave the site. Concern in relation to the maintenance of the visibility splays has been expressed. However, the local highway authority has powers under the 1980 Highways Act to cut back any hedges that overhang the adopted highway should the need arise. In light of the above it is considered that the retention of the access point in its current location would provide a satisfactory means of accessing the site which would not have a material harmful effect on highway safety. As such the proposal is considered to accord with The National Planning Policy Framework (Section 4 - Promoting sustainable transport) and Policy H4 of The South Kesteven Core Strategy. In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

Key Issues

- Highway Safety

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

Application Category

The application is categorised as a minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee because the previous planning applications on the site were determined at committee and the proposal is likely to cause wider concern.

The Proposal

This is an application to retain the existing vehicular access to serve the site. The access is located roughly centrally within the site and is bounded by a brick wall which runs along the frontage of the site.

Planning permission was granted at appeal for the vehicular access to be relocated approximately 12 metres to the north. Planning ref: S10/1081. This application seeks to demonstrate that adequate visibility can be achieved without the need to relocate the access.

The application site and its surroundings

The site is accessed of Stragglethorpe Lane. A derestricted carriageway with no lighting. The land was previously used as paddock and is located adjacent to a group of properties, Fallows End, Fulbeck Grange and Leatherbottle Farm. To the southwest of the site is an old airfield (MOD land) which is used by Fulbeck Karting Club. Further to the north is Stragglethorpe, Brandon is to the south. Fulbeck and Caythorpe are to the east of the site approximately 2.5 km away.

Relevant Site History

An Enforcement Notice against Mr Tim Bower was issued on 10 September 2008, and took effect on 10 October 2008. It relates to the making of a material change of use the land from use for paddock/agricultural purposes to the use as a residential caravan site. This resulted in the appellant's submission of planning application S08/1060.

An Enforcement Hearing was held on 15 July 2009 relating to ground (g) That the time given to comply with the Notice is too short.
Ground (a) That planning permission should be granted for what is alleged in the Notice was withdrawn by the appellant in correspondence to the Planning Inspectorate dated 13 July 2009.

Whilst ground (a) was withdrawn, the deemed application for planning permission still exists as the correct fee had been paid. At the Enforcement hearing both parties agreed that they did not wish the deemed application to be considered as they had attended the hearing on that basis.

The appellant's reason for withdrawing ground (a) of the enforcement appeal was to allow the planning merits to be properly presented and considered at the planning inquiry.

S08/1060 – 13 Mobile Homes and 13 Touring Caravans for Gypsies and Travellers as defined by paragraph 15 of the ODPM Circular 01/2006 and alterations to access was refused planning on 27 November 2008. The reasons for refusal are highway safety, sustainability and drainage. A copy of the decision notice can be found at Appendix B.

S09/0079 - 13 Mobile Homes and 13 Touring Caravans for Gypsies and Travellers as defined by paragraph 15 of the ODPM Circular 01/2006 and alterations to access was refused planning on 28 April 2009 and is the subject of this appeal. The reasons for refusal are highway safety and sustainability. A copy of the decision notice can be found at Appendix C.

The third reason for refusal (drainage) of planning refusal S08/1060 was addressed as part of the resubmitted application S09/0079.

Planning application S09/0079 was the subject of a public inquiry which was dismissed by the Inspector on 9 February 2010. The main reason for refusal relate to highway safety:

"I have found that the development would cause serious highway safety concerns and this could not be overcome by the imposition of conditions. On the other hand, the evidence of the need for sites for Gypsies and Travellers as identified in the RSS and the absence of any authorised alternative sites to which the appellants could move, together with the implications for their health and he children's education are matters which weigh in the appellants' favour.

Circular 1/06 advises that consideration should be given to granting a temporary planning permission where, as here, there is an unmet need, no available sites and a prospect that new sites will become available through the development plan process within a reasonable time period. It advises that substantial weight should be given to unmet need in these circumstances. A temporary planning permission would not set a precedent for any future applications for full planning permission. Nevertheless, I consider that the grant of planning permission, even for a temporary period of four years as suggested, would unacceptably perpetuate the dangers associated with the use of the access".

S10/1081 – This was a resubmitted planning application to address the issues raised in the inspector's decision notice in relation to planning application S09/0079 by relocating the access approximately 12 metres north. Planning permission was refused on 19 August 2010 for the following reason:

Visibility to the north of the proposed point of access to Stragglethorpe Lane is substantially below requirements due to the geometry of the road and existing features masking visibility. It is considered that vehicles emerging from the access will be in conflict with traffic travelling north-south due to lack of visibility along Stragglethorpe Lane contrary to the interests of highway safety.

As such the proposal is considered contrary to the advice in paragraph 66 and Annex C of Circular 1/06. It would also fail to comply with the Lincolnshire County Council's Highways and Traffic Note 34 (HAT 34) 'Designs Standards and Departures for Highway Schemes'.

Planning application S10/1081 was the subject of a public inquiry. The appeal was allowed and the Inspector granted planning permission on 4 March 2011. In her concluding statements she states:

"I have decided that the proposed access would not have a material harmful effect on highway safety in Stragglethorpe Lane. This, together with the weight that I have given to other material considerations has led me to conclude that the appeal should be allowed.

I accept that my conclusions differ from that of the previous Inspector but there have been several changes since February 2010, not least the fact that the appellants are now proposing to move the

access to a more favourable place. Furthermore, Manual for Streets 2 has been published and the County's 2005 design guide has been superseded by a development guide which directs developers ".

S11/1213 Submission of details in relation to condition drainage, lighting, tree/shrub planting, vehicle access, ancillary buildings and gates. Current application.

Policy Considerations

National Planning Policy Framework

Paragraphs 6 -17: Achieving Sustainable Development
Section 6: Delivering a wide choice of high quality homes
Section 4: Promoting sustainable transport
Section 7: Requiring good design
Section 11: Conserving and enhancing the natural environment

Other Relevant National Policy

Planning Policy for Traveller Sites (March 2012)

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 3: Distribution of New Development
Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy H4: Gypsies and Travellers

Representations Received

Local Highway Authority

Initial Comments

Requests that any planning permission given by the local planning authority shall include the conditions below:

Within 1 month of the grant of permission further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented on site within 3 months of the written approval 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.

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 6/61/2008 dated 28/08/12 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

Final Comments

I refer to my previous comments on this application and recent discussion. The local highway authority has requested conditions pertaining to this submission in order to formalise the access, and its construction.

The successful (latter) appeal by the applicants followed the change in national guidance in the form of Manual for Streets and the greater weight attached to the guidance by the Planning Inspectorate.

That guidance advocates reduced visibility splays from that promoted in the document(s) Design Manual for Roads and Bridges.

In addition to the previously requested conditions, it should be specified that a bituminous finis to the local highway authority's specification will be required for a distance of 10 metres from the western edge of the carriageway of Stragglethorpe Lane and any gates providing access to the public highway shall be set back a minimum of 15 metres from the carriageway's western edge.

I attach a plan showing the extent of maintainable highway coloured yellow which shows that visibility splays are either within control of the Applicants or within the highway.

Upper Witham Drainage Board

The Board has no comments to make on this application.

Senior Historic Environment Officer (Archaeology)

The following planning application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Fulbeck Parish Council

The majority of Fulbeck Parish Council with to object to the planning application on the following grounds:

The application is to retain the present site access arrangements contrary to the LCC highways recommendation and Condition 5i(d) of the Inspector's decision notice of 4th March 2011. The application would therefore be detrimental to highway safety.

In addition, for hedgerow removal application S11/1348 dated 6 June 2011, the Parish Council commented: "Whilst there were no objections, a wish that the hedge be reinstated was expressed". The current application relies upon any subsequent replanted adjoining hedgerow to the north being kept to an appropriate height to maintain the visibility splay. However, the applicants have no direct control over the hedgerow as it is in separate ownership.

Hough on the Hill Parish Council

The entrance is already in the position being applied for and to our knowledge has never been in the position required as a condition of the appeal decision.

The declaration on the planning application that works have not started is incorrect.

The current (applied for) site entrance is also partly screened from the north by foliage on the east side of the road.

If the current site entrance was deemed unsafe by highways/planning inspector we question why the conditions have not been enforced.

It appears that hardcore has been put down to form an access point to the road. Should this not require a separate planning application (especially given the concerns about road safety in this location).

Representations as a result of Publicity

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

The application was made after the works have already been undertaken in an attempt to circumvent the planning system
The site measurements to the south do not meet the requirements. Those to the north will not do so when the roadside hedge is replanted as it surely must be.
No membrane has been used under the crushed rubble
There is absolutely no chance of septic tanks and soakaways working. During wet times all the neighbouring properties have had major problems, the only way is a treatment plant to purify the water into drains down to the river. (Officer comment: There is a separate planning application in relation to drainage Planning Ref: S11/1213/DC).
There appears to have been a new access created to the adjacent field to the North, if a tractor and trailer is exiting, there is no chance of anyone leaving Lowfield Paddocks having adequate vision to the North.
(Officer comment: the access to the north is unauthorised and has not been the subject of a planning application).

Officer Evaluation

The main consideration in relation to the proposal is highway safety.

The comments of the local highway indicate that the visibility splays advocated at the second appeal can now be achieved without the need to relocate the access to the north of the site.

Additionally, the local highway authority has provided confirmation that the necessary visibility splays can be achieved without relying on any third party land. This ensures that the visibility splays can be maintained for the duration that the access is in use.

Notwithstanding the concerns raised in relation to highway safety, it is considered that the appropriate visibility splays can be achieved with the access retained in its current location that would ensure that there would be no significant harm to public/highway safety.

It is noted that the highway authority has requested, in the interests of highway safety, the gates are set back from the back edge of the highway by 15 metres and an appropriate finish to the access for the first 10 metres. As the works have already been undertaken it is considered these requests can be secured through an appropriately worded condition requiring the necessary remedial works to be undertaken within a period of 3 months from the date of the approval of such details.

Crime and Disorder Implications

The retention of the vehicular access appears to raise no concerns in relation to crime and disorder.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to a 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.

Race Relations

Section 19A of the Race Relations Act 1976 prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the RRA 1976 as amended to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. The duty of local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not give Gypsies and Travellers the right to establish sites in contravention of planning control.

SUMMARY OF REASON(S) FOR APPROVAL

The retention of the vehicular access is considered acceptable in that adequate visibility can be achieved to ensure that vehicles can safely enter and leave the site. Concerns in relation to the maintenance of the visibility splays has been expressed. However, the local highway authority has powers under the 1980 Highways Act to cut back any hedges that overhang the adopted highway should the need arise.

In light of the above it is considered that the retention of the access point in its current location would provide a satisfactory means of accessing the site which would not have a material harmful effect on highway safety.

As such the proposal is considered to accord with The National Planning Policy Framework (Section 4 - Promoting sustainable transport) and Policy H4 of The South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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

1. Within 1 month of the date of the permission hereby granted, details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to and approved in writing by the local planning authority.

   The submitted details shall include a bituminous finish for a distance of 10 metres from the nearest edge of the carriageway.
   .
   Any such details that are approved shall be implemented on site within a period of three months from the written approval and thereafter retained at all times.

   Reasons: In the interests of highway safety.

2. The vision splays indicated on Drawing No. 6/61/2008 dated 28 December 2012 shall be cleared of all obstructions exceeding 0.6 metres high and shall be kept free of obstacles exceeding 0.6 metres for the period that the access is in use.

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

3. Any gates to the access hereby permitted shall open away from the highway and be set back a distance of at least 15 metres from the nearside edge of the carriageway.

   Reason: In the interests of highway safety.

4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   Site Location Plan Drawing No. 2/6/2008 received by the local planning authority on 28 August 2012.

   Site Plan as Proposed Drawing 6/61/2008 received by the local planning authority on 28 August 2012.

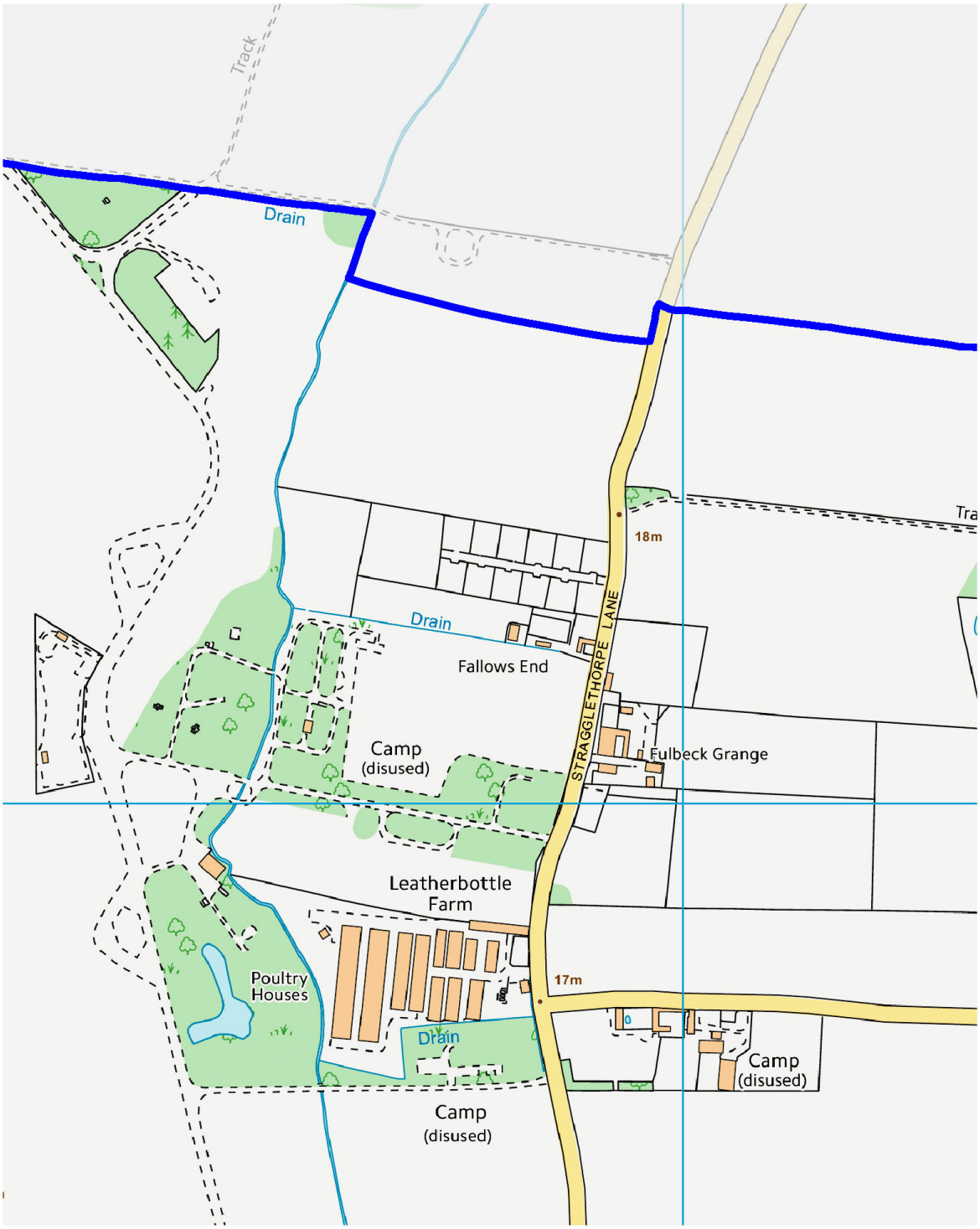
   Reason: To define the permission and for the avoidance of doubt.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

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Site Location Plan	
Ref	**S12/0873**
Proposal	**Retention of vehicular access**
Location	**Land North Of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham**



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SP1 **S12/2016/FULL**

Target Decision Date: 05-Oct-2012
Committee Date: 05-Mar-2013

Applicant	**Simon Daws** Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT
Agent	Windcrop Limited The Granary, Honingham Thorpe, Colton, Norwich, Norfolk, NR9 5BZ
Proposal	**3 x 15 meter high wind turbines**
Location	**Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT**
App Type	Full Planning Permission
Parish(es)	Claypole Westborough & Dry Doddington
Reason for Referral to Committee	The application has been referred to Committee following request by the Chairman as a proposal generating local interest. The application was deferred at the meeting held on 2 October 2012 with requests for further information.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with policy
- Landscape Impact
- Cumulative Impact
- Visual Amenity
- Heritage Impact.
- Noise and Amenity Issues.
- Wildlife and Biodiversity

Technical Documents Submitted with the Application

- Design and Access Statement
- Flood Risk Assessment
- Planning Distance Calculations
- Magic Check Report
- Magic Map

REPORT

Application Category

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

Reason for Referral to Committee

The application has been referred to Committee following request by the Chairman as a proposal generating local interest.

This application was deferred from the meeting held on 2 October 2012, and again on 20 November 2013 with requests for further information – this is discussed below under an addendum.

Addendum

At the committee meeting of 20 November 2012 Members requested the following information:

- The comments of Claypole Parish Council.
- The comments of the Highway Authority.

Further consideration of impacts of the turbines in relation to:

- Private air strips in the locality.
- Noise.
- Ecology (in particular bats and birds) and a requirement to consult Greater Lincolnshire Nature Partnership.
- Heritage Assets
- South Kesteven Landscape Character Assessment
- The Draft South Kesteven SPD on Wind Energy
- LCC Position Statement
- Cable Connection

Each of these issues are considered as follows:

Parish Council and Highway Authority

As mentioned below Claypole Parish Council had requested more information on possible impacts but had not responded further when informed that the consultees had no objections.

The Highway Authority has stated it has no objections to the development subject to a condition that requires the provision of parking/turning, and it is informed of the commencement of any works to the access. It is not clear why the highways authority have requested these conditions but they are not considered to be necessary or appropriate for the proposed development and would therefore not comply with the tests set out in govt circular 11/95 (The Use of Conditions). The applicant already has vehicular access to the site, which will remain available for any future occasional maintenance. However, a condition has been added requiring details of the method and route of delivery to be approved in order to ensure that the delivery of components is carried out in a manner that will not adversely affect the local road network or highway safety.

Private Air Strips

Members had expressed concerns that the turbines may potentially affect take off and landing of small aircraft using private air strips in the locality.

The responsibility for safeguarding civil aviation rests with the Civil Aviation Authority (CAA). Legislative provisions affecting development including wind turbines only apply to those aerodromes officially safeguarded when statutory consultations have to be carried out. Where officially safeguarded aerodromes are involved the statutory consultees are limited to the Ministry of Defence (MoD), National Air Traffic Services (Nats), EnRoute Ltd (NERL) and affected service providers. Essentially safeguarding relates to the protection of the operations of the aerodromes from buildings or structures and applies generally to the larger aerodromes.

Operators of licensed aerodromes which are not officially safeguarded and operators of unlicensed aerodromes (including farm-strips) are responsible for their own protection. In these instances HM Government advises that aerodrome owners should take steps to safeguard their own interests including signing up to the LPA's weekly list of planning applications.

In the instance of the proposal which is the subject of this application the Council is not aware of any 'farm strips' or unlicensed aerodromes in the vicinity of the application site. In the event there were any, the obligation for safety would rest with the operator and not the LPA. There is no requirement to consult (or enter into dialogue) with the operator. Additionally, it should be noted that planning permission may not be required for unlicensed aerodromes if they are to be used for less than 28 days in any calendar year. In other words, light aircraft may operate for limited periods from certain locations without the need for planning permission – the Council will have no knowledge of these operations.

To summarise, whether permission is required or not for an unsafeguarded aerodrome (licensed or not) the CAA places onus on the operator to establish dialogue with the local planning authority, and take responsibility for safety. The impact of the turbines on the safety of aircraft is not one that is therefore relevant in planning terms as it falls within a different regulatory regime where onus is specifically placed on the operator.

Noise

Previously some concern was expressed by members that the impact of noise arising from the turbines was not fully explained. Clarification on this point has been sought from the Council's independent noise consultants, MAS Environmental whose advice is summarise below.

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up in respect of large scale windfarms by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

Whilst ETSU is considered to be appropriate for the assessment of noise from large/medium scale turbines and windfarms, government guidance is less clear on small wind turbines. It is now generally accepted that there is no basis for applying the ETSU principles relating to large turbines to small turbines as their noise character differs and the energy per decibel is different. A more appropriate method for establishing acceptable noise limits for small turbines is by using the standards set by BWEA (British Wind Energy Association). This is a tighter standard than ETSU. ETSU allows a higher noise level at the nearest receptor as this is considered to be offset by the large output of large wind turbines and windfarms. The BWEA standard recognises that the lower

output from small wind turbines cannot justify this more relaxed noise limit and thus sets the acceptable limit at the nearest receptor much lower.

For these purposes a small wind turbine is classified as having a rotor swept area of 200m2 or less, which on a horizontal axis wind turbine would equate to a rotor diameter of approximately 16 metres. As a guide, turbines of power generations of approximately 50 KW or less are considered a small wind turbine. To put it into perspective the turbine diameter in this case is 5.6 metres, and a power rating of 5kw.

MAS Environmental state that in order to assess noise from a small scale wind turbine, the following information is required from the developer:

1. Make and model of the turbine(s) including the tower height / hub height and tower type.
2. Most recent manufacturer's noise data for the make and model of the turbine, including the BWEA Noise Label (where applicable) for the turbine to which the planning application relates. Field measurement data and spectrum data should also be made available were possible.
3. The nearest non involved noise sensitive premises (usually dwellings but may be schools, hospitals, care or residential homes).

Where it can be shown that the predicted noise from the turbine(s) will not exceed a sound pressure level of 35dB LAeq at the curtilage of any non involved noise sensitive premises, lawfully existing or with planning permission at the time of the application, up to and including wind speeds of 8m/s when measured at the hub height, then no further noise impact assessment need be made and a standard condition should be applied. This standard condition is applied as an additional safeguard and requires a survey (at the operators' expense) in the event of a reasonable complaint about noise and cessation of operations if acceptable noise levels are shown to have been exceeded.

From the information submitted by the developer, a noise map of the turbine can be created and then calculations undertaken taking into account potential background noise levels. In this case, the data provided in the applicant's report uses a predicted background noise level for a rural location of 26Db(a). This is very low and hence builds in a good degree of contingency when conducting the calculations for predicted noise levels when the turbine is operating at its maximum rotating speed when the wind speed is 8m/s+. The extract below details guidance from the BWEA about using background noise levels:

> For a given location, background sound levels depend greatly on the presence of trees, buildings, fences and also on the proximity of roads, railways, air routes and other sound sources (i.e. anything other than the turbine). In certain locations, wildlife noise, particularly from birds, is also a factor in background noise. Noise from passive sources (e.g. trees, fences, telephone wires, pylons, aerials, overhead cables etc..) is strongly affected by the wind strength and wind direction. Wind strength and direction also affect propagation from distant noise sources such as roads, railways and aircraft. As the turbine noise increases with wind strength, so will the background noise. From a range of wind turbine measurements (carried out by TUV NEL) on different test sites both in the UK and Europe, background noise, Lp,bgd, due to the wind was found to vary greatly from site to site but a typical level in the middle of a country field as a function of wind speed, V, at 10 m height is shown to approximately follow a line:
>
> Lp,bgd = 28 + 2.25 * V (Eq. A.1)
>
> It should be noted these measurements were obtained for a microphone on a ground mounted board and the microphone fitted with a primary windshield only. Lower background noise may be achievable by use of a primary and a secondary windshield. At 8

m/s the background noise might be expected to be ~46 dB(A) and vary from 37 to 70 dB(A) from cut-in wind speeds of 4 m/s through to cut-out wind speeds of 18 m/s. Basically the nearer to trees, power lines, telephone lines, fences, buildings etc… one is the higher the background noise so the 33-70 dB(A) figure could be an underestimate of the local background noise.

For very rural locations the background could be lower than what is suggested above. So the 26db(A) being used by the applicant is very low, effectively a worst case scenario, and hence there is no need to go out and take background noise measurements because they are highly likely to be above that level.

The turbines have a sound power level of 89 and the sound diminishes as the distance increases from the source. However consideration has been given to wind speeds increasing and hence increasing the noise emanating from the turbine. Calculations by MAS show that the combined noise level of the three turbines at the nearest sensitive receptor (Sandhills at some 378m), would be 34db at 8 M/S. For a small turbine the acceptable level is no more than 35db at the nearest sensitive property so this is within the limits of acceptability.

MAS Environmental consider this proposal to be well within acceptable limits subject to the standard condition referred to above. On the basis of this advice from MAS Environmental, the South Kesteven Environmental Protection team has reviewed the noise impact of the proposed development and have concluded that the combined sound pressure level of the three turbines at the nearest receptor would be within acceptable standards.

Ecology

Members had requested further clarification regarding the potential impact on wildlife. In respect of birds, the applicant's assessment appears to shows that by virtue of the small scale and characteristics of the site, there would be no adverse impact on birds. Being adjacent to a modern farmyard and dwelling, there are no buildings (such as vacant historic barns) or specific features in the immediate vicinity that suggest that the site is a "hotspot" for birds such as barn owls which may be affected. The proposal has been assessed in accordance with Natural England's standing advice, and it is considered that the specific characteristics of the site and surrounding area are such that there is a low probability of a detrimental impact on birds occurring.

In respect of bats, the applicant has taken independent ecological advice and is of the view that as the turbines would not be within 25 metres of the nearest hedges, an on site ecological survey would be an onerous requirement which is not reasonable or justified and therefore is contrary to government advice. They have referred to a recent study from Stirling University to back up their position. Furthermore, it is argued, a Phase 1 survey can only be undertaken during the bat season and so will add a considerable delay, and unlikely to contribute to an understanding of potential risks.

Natural England have questioned what benefits would be gained from further survey work and in this regard Members should be mindful that Natural England had no objections to the proposal when first consulted, and this advice has been reaffirmed. In the light of these comments, and when there is no statutory requirement in relation to minimum distances to hedges, it is considered that it would not be reasonable to require a Phase 1 survey in this instance.

Members were also concerned that Greater Lincolnshire Nature Partnership had not been consulted. Greater Lincolnshire Nature Partnership is an umbrella organisation representing a number of interest bodies, one of whom is Lincolnshire Wildlife Trust. Greater Lincolnshire Nature Partnership is not a statutory consultee and therefore there is no requirement to consult. The presence or otherwise of birds, bats and small mammals within the wider area does not necessarily materially affect the acceptability of small scale wind turbines on any given site, or necessitate

further consultation, particularly if the site is deemed to be of low sensitivity in accordance with NE's standing advice. Having said that, Lincolnshire Wildlife Trust were notified, and made no comments. Where no objections have been received from Natural England and Lincolnshire Wildlife Trust it is not considered any that meaningful contribution to the debate will ensue as a result of additional consultations with further interest bodies.

Heritage Assets

Members had expressed a need for clarity in terms assessment of impact on heritage assets where late papers were not received before consideration of the application at the last meeting. As mentioned in the main report below in the section titled "Heritage Impact" the proposal will have some impact on heritage assets but this is not considered to be significant.

Landscape Character Assessment & Wind Energy SPD

Members have expressed concern that undue weight had been afforded to the South Kesteven Landscape Character Assessment (LCA), whilst the emerging Supplementary Planning Document (SPD) on wind energy was afforded relatively little weight.

The LCA is not a policy, nor does it form part of the adopted Development Plan. It is a technical background document which was commission by and endorsed by the Council and helped to inform the environmental policy (EN1) of the South Kesteven Core Strategy. However, it is an important tool which is used to inform the assessment of planning applications insofar as it defines the established characteristics of different landscapes within South Kesteven and should be given due weight in that respect. Whilst it is acknowledged that there are some brief references to the sensitivity of each character area to wind energy developments, it must be stressed that these are not used by officers as the basis of assessing whether wind turbines are acceptable or otherwise in any given location. Each proposal is judged entirely on its own merits according to the specific context of the site.

In respect of the Draft Wind Energy SPD, as with all emerging planning policy or guidance, this cannot be given the full weight that it would be given if it were adopted, as it is still subject to changes. It has therefore been given due weight and it is considered that there is no fundamental conflict between the proposal and the aims and provisions of the SPD.

LCC Position Statement

Clarification was sought on why the LCC position statement was mentioned in the report and then dismissed without briefly saying how it would affect the situation? It is mentioned in the report because it is commonly mistakenly believed to form part of planning policy and has been referred to by objectors.

Cable Connection

The proposed route for cabling to connect to the grid/host dwelling is shown on the plans and whilst this is not within the application site, it is likely that the cable itself would be "De Minimis" and would not require planning permission in any case.

The Proposal

The proposal is to install three 15 metre (hub height) wind turbines which are required to provide Copley Farm with a renewable and efficient energy supply. With a rotor diameter of 5.6 metres, the maximum height would be 17.7 metres.

The application site and its surroundings

Copley Farm is a mixed arable and livestock holding covering some 130 hectares, located between and to the east of the road connecting the settlements of Claypole and Dry Doddington. The first turbine is to be located some 75 metres to the south of the farm yard in a grazing field for cattle, the second turbine will be 20 metres further south, and the third another 20 metres to the south of the second turbine. The turbines will be located in a field some 90 metres to the east of Doddington Lane, with some screening from the road by mature hedging running along its length.

Site History

There is an extensive planning history for Copley Farm. Since 1996 various applications have been submitted for farm buildings, dwellings, stabling industrial, material storage and extensions.

Policy Considerations

National Policy Statements

Overarching National Policy Statement for Energy (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Planning Policy Framework

NPPF Section 3 Supporting a prosperous rural economy
NPPF Section 11 Conserving and enhancing the natural environment
NPPF Section 10 Meeting the challenge of climate change and flooding
NPPF Section 7 Requiring good design

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment
Policy 31: Priorities for Management and Enhancement of the Region's Landscape
Policy 40: Regional Priorities for Low Carbon Energy Generation

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy EN3: Renewable Energy

Other Relevant Documents

South Kesteven Landscape Character Assessment (January 2007)
Companion Guide to PPS22 (Planning for Renewable Energy). NB. Although PPS22 itself has been superseded by the NPPF, the companion guide remains in force.
Emerging South Kesteven Supplementary Planning Document (SPD) on Wind Energy

Representations Received

The National Air Traffic System (NATS) has stated that the proposal does not conflict with its safeguarding criteria and therefore has no objections.

The Ministry of Defence (MOD) has no objections. The principal safeguarding concern of the MOD with respect to the development relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Lincolnshire Wildlife Trust has no comments.

The Environment Agency has no objection but it advises that any electrical components are above the predicted flood level for resilience.

The District Archaeologist has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Natural England's advice is that the proposal is unlikely to affect the population of any European Protected Species.

Lincolnshire Wildlife Trust has no comments to make.

The Conservation Officer has assessed the impact of the proposal on the setting of heritage assets: principally the Grade 1 St. Peters Church at Claypole and the Grade 11* Church of St. James, Dry Doddington. The Conservation Officer has concluded that the development will have an impact on the setting of the Grade 1 St. Peters Church, Claypole however this impact is not substantial enough to warrant a refusal.

Claypole Parish Council has expressed concern about the application, and requested more information on impacts relating to noise, vibration, flicker, environment and precedence. The Parish Council has been informed that the Environmental Health Officer is satisfied in relation to noise and flicker impact, and Natural England and Lincolnshire Wildlife Trust in relation to the environment.

Dry Doddington Parish Council supports this application and small scale (size and number) wind farm.

SKDC Environmental Protection (and MAS Environmental):
Summary of comments: They consider that the turbines would be within acceptable limits subject to the standard condition.

Anglian Water has no concerns form a groundwater perspective.

The Highway Authority has recommended a condition requiring parking and turning to be made available, and that it is informed of the commencement of any access works.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Representations have been received from a resident of Claypole who objects to the proposal on the grounds of cumulative visual impact (reference is made to the 5 turbines proposed near Templemans Barn), and that economic considerations should not influence a decision.

Officer Evaluation

KEY ISSUES

Local and national planning policy (through the NPPF, read in conjunction with National Policy Statements EN-1 & EN-3) encourages renewable energy development, including wind energy. Paragraph 98 of the NPPF states that:

> When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

On that basis, members should be aware that the need for renewable energy should be balanced against the potential environmental impact.

Taking the above into account, in this case the key issues that need to considered are:

- The national and local planning policy position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

NATIONAL & LOCAL POLICY POSITION ON RENEWABLE ENERGY

The Development Plan i.e. The South Kesteven Core Strategy and the East Midlands Regional Plan (RSS8) is the starting point in decision making, unless material consideration indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan sets out policies on wind energy at the regional and local level and is fully in accordance with national policy (NPPF) in its approach to wind energy development. RSS8 states that consideration should be given to the contribution of wind generation projects to regional renewable targets and national and international objectives on climate change. The South Kesteven Core Strategy (policy EN3) is generally supportive of renewable energy schemes as long as they accord with other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

National planning policy given in the Nation Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure is a very important material consideration. It promotes the development of renewable energy resources and stresses the need to reduce carbon dioxide emissions which are considered to be contributing to climate change.

Paragraph 97 of the NPPF states:

> To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The applicant would benefit from reduced energy costs, and any excess would be returned to the national grid. The government's view is that the wider positive benefits of small scale schemes such as this are through a reduction in demand for energy that would otherwise be produced from fossil fuel sources. The government, through the NPPF considers that this represents a benefit to

society as a whole and an indirect benefit, (albeit small scale) to the local community. Although it may be a relatively modest contribution, the NPPF is supportive of small scale schemes stating in paragraph 98 that:

> When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

LANDSCAPE IMPACT

The general thrust of policy is to restrict development in the open countryside. However there are some exceptions to this general rule including rural diversification projects and development which requires a location away from built up areas. Wind turbines are one type of development that require such a location.

Wind turbines are tall structures which by their nature, stand out to some degree and cannot be easily hidden or disguised in any landscape. The key issue here is not whether they would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

Core Strategy policy EN1 requires development to be assessed against a number of criteria. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy and identifies the general characteristics of seven landscape areas, each of which displays distinct characteristics of topography, agricultural usage, field systems and settlement patterns as well as historic building styles.

Although the LCA not itself a policy is an important tool in describing the character of different landscapes within the district and assessing their sensitivity to different types of development. The LCA divides the district into areas with a distinctive landscape character. The site lies within “The Trent and Belvoir Vales” which is characterised by flat or very gently undulating topography. It can be best described as basin shaped with a flat middle with gently rising ground to its sides. There are a number of villages of varying sizes within the Vale. The villages with their church towers and spires are noticeable in the views across the landscape and provide character.

In terms of landscape sensitivity in this part of the Vale, there are considered to be few individual landscape features of intrinsic sensitivity. in the Trent and Belvoir Vale. However, due to the relatively flat gently undulating terrain, there are long views in all directions. For this reason and to avoid dominance of the landscape through cumulative impact it is considered desirable for wind energy proposals in this area to be located close to existing man-made structures such as modern farm buildings, power lines and the A1.

The immediate landscape around the application site in which the turbines would be visible is relatively flat with long uninterrupted views and wide horizons. The site is located between the settlements of Claypole to its north, and Dry Doddington to the south, there are few landscape features of intrinsic sensitivity.

When viewed from the road connecting the settlements of Claypole and Dry Doddington the turbines will be screened behind a high hedge. Within the Vale, the turbines would appear as isolated features within a wide and fairly featureless landscape of intensively cultivated arable farmland dotted with trees and farmsteads. When viewed from the north, this landscape is framed by the higher ground of the escarpments surrounding Grantham and the turbines would be seen against this backdrop. The turbine would be visible from the higher ground to the east and south

but the distances involved and the relatively small scale of the structures proposed would mean that they would appear as low key features in the landscape.

As with all wind energy proposals, the turbines will have an impact on the landscape to some degree. However, taking into account the modest height of the turbines and expansive nature of the landscape, it is considered that the turbines would not be unduly prominent to such an extent as to dominate the landscape. For this reason it is felt that the immediate and wider landscape would not be unduly harmed.

CUMULATIVE IMPACT

National policy states that the cumulative impact of wind energy developments in the area should be taken into account.

Other turbines in the area include one (50 metre hub height) approved last April at Frinkley Farm (Hougham) S10/1759, another (24.6 metre hub height) at Pasture Farm, Allington (S12/0580) and others installed and under consideration south of Newark. The cumulative impact of the proposal set against these turbines would not be such as to warrant refusal, as it is unlikely the turbines proposed will be set in the same view with existing turbines except perhaps from some extremely long and elevated distance.

VISUAL AMENITY OF NEAREST RECEPTORS

There is no statutory minimum distance that turbines have to be sited from dwellings so each case has to be assessed according to its individual circumstances. The closest property to the site includes the applicant's dwelling at 389m and another dwelling around 660m to the west. The turbines would be apparent in the landscape when viewed from these distances and would impact to some degree on the outlook from some of these dwellings and their domestic curtilages. However, most of these dwellings are separated from the site by modern farm buildings and other structures. It is considered that the relatively small scale of the turbine combined with the separation distances and individual circumstance of each dwelling ensures that they would not result in an unacceptable dominance of outlook or undermine the living conditions of the occupants from visual harm.

Furthermore, wind turbines, whether large or small scale, are by their nature slender structures which do not block out the sunlight to any great degree or cast shadows over large areas and apart from the immediate area at the base, and are unlikely to result in a dominant and oppressive environment. Taking the above into account it is not considered that the turbines would cause unacceptable harm to the visual amenity of the occupiers of the nearest properties.

HERITAGE IMPACT

The proposed turbines would not be located close to any heritage assets. The main impacts are considered to be on the Church of St. Peter (Grade 1) in Claypole, and St. James Church (Grade II*) in Dry Doddington, both some 1.2 km away.

It is considered that any heritage assets are out of view or too far away to be significantly affected by the turbines and most will not be affected at all. There is no statutory definition of the extent of a heritage asset's setting. This will depend on the type and scale of the asset as well as the context. In respect of the listed buildings within the villages mentioned, the setting can be reasonably described as their immediate village context. The turbine may be visible as very distant features to some extent within the settings of these buildings and from some viewpoints the heritage assets and turbine would be visible together. However, the impact is not considered to be significant.

It is considered that the turbines would result in some limited impact on the setting of a number of heritage assets, which is not considered to be sufficient to resist the development.

NOISE & AMENITY ISSUES

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from wind farms". This position has been confirmed by the Council's independent noise consultant, MAS Environment, as not applicable to smaller wind turbines. The application has been assessed by the Environmental Health Officer in light of advice from MAS Environment and found to be acceptable subjecting to a condition requiring acceptable noise limits not being exceeded.

Shadow flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 5.6m, that would mean there would be no shadow flicker beyond 56m. It also states that shadow flicker only occurs inside buildings through narrow window openings during very limited periods throughout the year. As the nearest residential property is approximately 390m away, there would be no detrimental impact on domestic properties from shadow flicker.

Taking the above into account it is considered that the proposal would not be detrimental to the residential amenities of the occupiers of nearby properties through noise and disturbance.

WILDLIFE & BIODIVERSITY

The applicant has submitted a desktop bird survey indicating that the impact on birds would be minimal and that no further survey work is required. Natural England has stated that it has no objection and Lincolnshire Wildlife Trust has confirmed that it no comments. Natural England's advice has taken into account any suitable bat roosting features within 50 metres of the site.

Taking the above into account, it is considered that the proposal would not have an unacceptable detrimental impact on wildlife and biodiversity.

AIR TRAFFIC & RADAR

NATS and MOD have raised no safeguarding objection to the proposal.

HIGHWAY ISSUES

The County Highways Authority subject to a condition requiring parking/turning, and that it is informed of any works to the access.

OTHER MATTERS

Lincolnshire County Council has recently issued a Position Statement on wind turbines. It should be noted, for the avoidance of doubt, that this does not form part of planning policy, nor are LCC a statutory consultee for this type of application. Their statement is merely an indication of the position that they will take if they are consulted on wind energy proposals so carries little or no weight. It is mentioned here for clarification because it has been referred to by objectors.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. This document is in draft form and has been given due weight. It is considered that this proposal does not fundamentally conflict with the aims of the SPD.

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

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

It has been recognised in this assessment that this proposal would have a degree of impact on the landscape character of the immediate and wider area as well as the settings of nearby heritage assets. However in this case, on balance the various impacts are not considered to be substantial and therefore do not carry sufficient weight to warrant refusal**.**

In the circumstances, it is considered that the proposal should be approved in accordance with paragraph 98 of the NPPF.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character and the setting of heritage assets, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner. As such it is considered that the decision is in accordance with paras 186 -187 of the

National Planning Policy Framework.

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. The development shall not commence until details of the method and route of delivery of components (including a risk assessment and method statement) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

   Reason: In the interests of highway safety.

3. The development shall not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

   Reason: To minimise the impact on the landscape in accordance with the National Policy Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

4. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed as soon as practicably possible, and the land restored to its original condition.

   Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms-1 over the measurement interval.

   The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29 February 2008. The time period 'T' of the measurment shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

   Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to easure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of

the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and disturbance.

6. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance with these details.

   Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   1. 1:10000 Area Plan.
   2. Drawing ATC10070-1000*
   3. 1:2500 Site Location Plan.
   4. Distance calculations for Planning Applications.
   5. Biodiversity Checklist.
   6. Flood Risk Assessment Report.
   7. 1:500 Block Plan.
   8. Design and Access Statement.

   All received on 10 August 2012

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

* * * * *

Site Location Plan	
Ref	**S12/2016**
Proposal	**3 x 15 meter high wind turbines**
Location	**Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT**



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PWM1 **S12/2170/FULL**

Target Decision Date: 25-Oct-2012
Committee Date: 05-Mar-2013

Applicant	**Mrs Laila Podro** The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX
Agent	Tracey Dorling, Windcrop Ltd The Granary, Honingham Thorpe, Colton, Norwich, Norfolk, NR9 5BZ
Proposal	**2 x 15 metre high wind turbines**
Location	**The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX**
App Type	Full Planning Permission
Parish(es)	Dowsby
Reason for Referral to Committee	Requested by the local ward member
Recommendation Summary	It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy. For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

Key Issues

- Government Policy
- Landscape Impact
- Cumulative Impact
- Visual Amenity
- Heritage Impact
- Noise/Shadow Flicker
- Health and Safety
- Wildlife and Biodiversity
- Air Traffic and Radar
- Highway Matters

Technical Documents Submitted with the Application

- Biodiversity Checklist
- Details of delivery vehicles
- Design and Access Statement
- Distance calculations to nearest neighbours
- Flood Risk Assessment
- Desktop Noise Assessment
- Position Statement of Barn Owl Trust
- Guidance Document on the Siting of Micro Turbines by Wild Frontier Ecologists

REPORT

Application Category

The application is categorised as a minor application for planning permission

Reason for Referral to Committee

The application has been referred to Committee at the request of the Local Ward Member.

This application was deferred from the meeting held on 04 December 2012 with requests for further information – this is discussed below under an addendum.

Addendum

At the committee meeting of 04 December 2012 Members requested the following information:

Further consideration of impacts of the turbines in relation to:

- Private air strips in the locality
- Noise
- Ecology (in particular barn owls) and a requirement to consult Greater Lincolnshire Nature Partnership
- South Kesteven Landscape Character Assessment
- The Draft South Kesteven SPD on Wind Energy
- LCC Position Statement
- Cable Connection

Each of these issues are considered as follows:

Private Air Strips

Members had expressed concerns that the turbines may potentially affect take off and landing of small aircraft using private air strips in the locality.

The responsibility for safeguarding civil aviation rests with the Civil Aviation Authority (CAA). Legislative provisions affecting development including wind turbines only apply to those aerodromes officially safeguarded when statutory consultations have to be carried out. Where officially safeguarded aerodromes are involved the statutory consultees are limited to the Ministry of Defence (MoD), National Air Traffic Services (Nats), EnRoute Ltd (NERL) and affected service providers. Essentially safeguarding relates to the protection of the operations of the aerodromes from buildings or structures and applies generally to the larger aerodromes.

Operators of licensed aerodromes which are not officially safeguarded and operators of unlicensed aerodromes (including farm-strips) are responsible for their own protection. In these instances HM Government advises that aerodrome owners should take steps to safeguard their own interests including signing up to the LPA's weekly list of planning applications.

In the instance of the proposal which is the subject of this application the Council is not aware of any 'farm strips' or unlicensed aerodromes in the vicinity of the application site. In the event there were any, the obligation for safety would rest with the operator and not the LPA. There is no requirement to consult (or enter into dialogue) with the operator. Additionally, it should be noted

that planning permission may not be required for unlicensed aerodromes if they are to be used for less than 28 days in any calendar year. In other words, light aircraft may operate for limited periods from certain locations without the need for planning permission – the Council will have no knowledge of these operations.

To summarise, whether permission is required or not for an unsafeguarded aerodrome (licensed or not) the CAA places onus on the operator to establish dialogue with the local planning authority, and take responsibility for safety. The impact of the turbines on the safety of aircraft is not one that is therefore relevant in planning terms as it falls within a different regulatory regime where onus is specifically placed on the operator.

Noise

Previously some concern was expressed by members that the impact of noise arising from the turbines was not fully explained. Clarification on this point has been sought from the Council's independent noise consultants, MAS Environmental whose advice is summarised below.

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up in respect of large scale windfarms by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

Whilst ETSU is considered to be appropriate for the assessment of noise from large/medium scale turbines and windfarms, government guidance is less clear on small wind turbines. It is now generally accepted that there is no basis for applying the ETSU principles relating to large turbines to small turbines as their noise character differs and the energy per decibel is different. A more appropriate method for establishing acceptable noise limits for small turbines is by using the standards set by BWEA (British Wind Energy Association). This is a tighter standard than ETSU. ETSU allows a higher noise level at the nearest receptor as this is considered to be offset by the large output of large wind turbines and windfarms. The BWEA standard recognises that the lower output from small wind turbines cannot justify this more relaxed noise limit and thus sets the acceptable limit at the nearest receptor much lower.

For these purposes a small wind turbine is classified as having a rotor swept area of 200m2 or less, which on a horizontal axis wind turbine would equate to a rotor diameter of approximately 16 metres. As a guide, turbines of power generations of approximately 50 KW or less are considered a small wind turbine. To put it into perspective the turbine diameter in this case is 5.6 metres, and a power rating of 5kw.

MAS Environmental state that in order to assess noise from a small scale wind turbine, the following information is required from the developer:

1. Make and model of the turbine(s) including the tower height / hub height and tower type.
2. Most recent manufacturer's noise data for the make and model of the turbine, including the BWEA Noise Label (where applicable) for the turbine to which the planning application relates. Field measurement data and spectrum data should also be made available were possible.
3. The nearest non involved noise sensitive premises (usually dwellings but may be schools, hospitals, care or residential homes).

Where it can be shown that the predicted noise from the turbine(s) will not exceed a sound pressure level of 35dB LAeq at the curtilage of any non involved noise sensitive premises, lawfully existing or with planning permission at the time of the application, up to and including wind speeds

of 8m/s when measured at the hub height, then no further noise impact assessment need be made and a standard condition should be applied. This standard condition is applied as an additional safeguard and requires a survey (at the operators' expense) in the event of a reasonable complaint about noise and cessation of operations if acceptable noise levels are shown to have been exceeded.

From the information submitted by the developer, a noise map of the turbine can be created and then calculations undertaken taking into account potential background noise levels. In this case, the data provided in the applicant's report uses a predicted background noise level for a rural location of 26Db(a). This is very low and hence builds in a good degree of contingency when conducting the calculations for predicted noise levels when the turbine is operating at its maximum rotating speed when the wind speed is 8m/s+. The extract below details guidance from the BWEA about using background noise levels:

> For a given location, background sound levels depend greatly on the presence of trees, buildings, fences and also on the proximity of roads, railways, air routes and other sound sources (i.e. anything other than the turbine). In certain locations, wildlife noise, particularly from birds, is also a factor in background noise. Noise from passive sources (e.g. trees, fences, telephone wires, pylons, aerials, overhead cables etc.) is strongly affected by the wind strength and wind direction. Wind strength and direction also affect propagation from distant noise sources such as roads, railways and aircraft. As the turbine noise increases with wind strength, so will the background noise. From a range of wind turbine measurements (carried out by TUV NEL) on different test sites both in the UK and Europe, background noise, Lp,bgd, due to the wind was found to vary greatly from site to site but a typical level in the middle of a country field as a function of wind speed, V, at 10 m height is shown to approximately follow a line:
>
> Lp,bgd = 28 + 2.25 * V (Eq. A.1)
>
> It should be noted these measurements were obtained for a microphone on a ground mounted board and the microphone fitted with a primary windshield only. Lower background noise may be achievable by use of a primary and a secondary windshield. At 8 m/s the background noise might be expected to be ~46 dB(A) and vary from 37 to 70 dB(A) from cut-in wind speeds of 4 m/s through to cut-out wind speeds of 18 m/s. Basically the nearer to trees, power lines, telephone lines, fences, buildings etc… one is the higher the background noise so the 33-70 dB(A) figure could be an underestimate of the local background noise.

For very rural locations the background could be lower than what is suggested above. So the 26db(A) being used by the applicant is very low, effectively a worst case scenario, and hence there is no need to go out and take background noise measurements because they are highly likely to be above that level.

The turbines have a sound power level of 86 and the sound diminishes as the distance increases from the source. However consideration has been given to wind speeds increasing and hence increasing the noise emanating from the turbine. Calculations by MAS show that at 80m from the source, the noise would be <40 db at 8 M/S. For a small turbine the acceptable level is no more than 35db at the nearest sensitive property.

The closest non involved property to the site is Poplar Cottage at some 280m to the west. MAS Environmental have confirmed that this is well beyond the cut-off point where the noise level diminishes to 35db and that the turbine would not be audible at the nearest receptor. Whilst it may be theoretically possible to give a predicted noise level at the nearest receptor, this would not add

anything meaningful to the assessment as it is so far beyond the zone where the noise impact becomes acceptable. Furthermore the proposal has been assessed on a "worst case scenario" basis where it is assumed that the background noise is a very low 26db and that there are no other contributory noise factors such as trees in between.

MAS Environmental consider this proposal to be well within acceptable limits subject to the standard condition referred to above. They have also advised that a further condition should be added specifying the turbine type as the noise data refers to two different models. Although the application details clearly state which turbine is proposed, this condition has been added for the avoidance of doubt.

On the basis of this advice from MAS Environmental, the South Kesteven Environmental Protection team has reviewed the noise impact of the proposed development and have concluded that the combined sound pressure level of the two turbines at the nearest receptor would be within acceptable standards.

Ecology

The proposal was initially assessed in accordance with Natural England's standing advice, and it was considered that the specific characteristics of the site and surrounding area were such that there is a low probability of protected species being present or a detrimental impact on biodiversity occurring.

However a request was made by committee at the 04 December 2012 meeting to investigate this issue further. This was in the light of suggestions that barn owls were present in the area as well as a recent study by the University of East Anglia which found parts of the fens to be "hotspots" for rare species. The applicant was subsequently advised to investigate the possibility of barn owls being present and/or adversely affected and any provide mitigation measures if they were found to be necessary.

Following this request the applicant has submitted a report from an independent ecologist and The Wind Turbine Position Statement of The Barn Owl Trust.

Natural England (NE) have been reconsulted and have confirmed that they continue to have no objection to the proposal and are satisfied that the applicant has demonstrated that barn owls would not be adversely affected. NE also suggest that consideration could be given to providing barn owl habitat improvements off site but that any requirement should be proportionate and deliverable given the low impact of the scheme. This is not considered to be necessary or indeed possible in this case by virtue of the very small area of land in the applicant's ownership. NE also confirm that the UEA study applies to those parts of the fens actively managed as wetlands rather than intensively cultivated farmland and that it should not materially affect the assessment of this proposal.

Taking the above into account, it is considered that no further survey work is required and that the proposal would not have an unacceptable detrimental impact on wildlife and biodiversity.

Members were also concerned that Greater Lincolnshire Nature Partnership had not been consulted. Greater Lincolnshire Nature Partnership is an umbrella organisation representing a number of interest bodies, one of whom is Lincolnshire Wildlife Trust. Greater Lincolnshire Nature Partnership is not a statutory consultee and therefore there is no requirement to consult. The presence or otherwise of birds, bats and small mammals within the wider area does not necessarily materially affect the acceptability of small scale wind turbines on any given site, or necessitate further consultation, particularly if the site is deemed to be of low sensitivity in accordance with NE's standing advice. Having said that, Lincolnshire Wildlife Trust were notified, and made no

comments. Where no objections have been received from Natural England and Lincolnshire Wildlife Trust it is not considered any that meaningful contribution to the debate will ensue as a result of additional consultations with further interest bodies.

Landscape Character Assessment & Wind Energy SPD

Members have expressed concern that undue weight had been afforded to the South Kesteven Landscape Character Assessment (LCA), whilst the emerging Supplementary Planning Document (SPD) on wind energy was afforded relatively little weight.

The LCA is not a policy, nor does it form part of the adopted Development Plan. It is a technical background document which was commission by and endorsed by the Council and helped to inform the environmental policy (EN1) of the South Kesteven Core Strategy. However, it is an important tool which is used to inform the assessment of planning applications insofar as it defines the established characteristics of different landscapes within South Kesteven and should be given due weight in that respect. Whilst it is acknowledged that there are some brief references to the sensitivity of each character area to wind energy developments, it must be stressed that these are not used by officers as the basis of assessing whether wind turbines are acceptable or otherwise in any given location. Each proposal is judged entirely on its own merits according to the specific context of the site.

In respect of the Draft Wind Energy SPD, as with all emerging planning policy or guidance, this cannot be given the full weight that it would be given if it were adopted, as it is still subject to changes. It has therefore been given due weight and it is considered that there is no fundamental conflict between the proposal and the aims and provisions of the SPD.

LCC Position Statement

Clarification was sought on why the LCC position statement was mentioned in the report and then dismissed without briefly saying how it would affect the situation? It is mentioned in the report because it is commonly mistakenly believed to form part of planning policy and has been referred to by objectors.

Cable Connection

The proposed route for cabling to connect to the grid/host dwelling is shown on the plans and whilst this is not within the application site, it is likely that the cable itself would be “De Minimis” and would not require planning permission in any case.

The Proposal

The proposal is for the installation of 2 x small scale wind turbines - hub height 15m, blade diameter 5.6m and total height to blade tip of 17.77m

The application site and its surroundings

Single dwelling and associated field/paddock set in intensively farmed open fenland. There are several scattered dwellings between 300 and 600m to the west and other isolated farmsteads further afield.

Site History

There have been no previous planning applications on this site.

Representations Received

The Senior Historic Environment Officer (Environment): The proposed development does not affect any known archaeological sites.

The Highways Authority: The proposed development will not be detrimental to highway safety and traffic capacity.

Natural England

Summary of comments received 18 September 2012: Natural England do not normally give specific comments on most planning applications and refer to their standing advice. They have however welcomed the 50m buffer from potential bat roosts and 85m buffer from hedgerows and linear features.

Summary of further comments received 15 February 2013 (in respect of the extra submitted information): They consider that applicant has supplied satisfactory information to demonstrate that barn owls will not be adversely impacted upon as a result of the proposal and that the UEA study is not relevant to this part of the fens. They also suggest that consideration could be given to providing barn owl habitat improvements off site but that any requirement should be proportionate and deliverable given the low impact of the scheme.

Lincs Wildlife Trust: No comments received

MOD: No objection, subject to the developer notifying them of the height of any construction equipment etc before and after completion so the turbines can be plotted on flying charts and aircraft can avoid the area.

NATS: No objection

LCC Footpaths: No comments

SKDC Environmental Protection (and MAS Environmental):

Summary of comments received 21 November 2012: They consider that the turbines would be within acceptable limits subject to the standard condition

Summary of further comments received 04 January 2013: Following a further review of the proposal, they continue to advise that it is well within the 35db limit at nearest receptor and that it is therefore acceptable subject to the standard condition and an additional condition specifying the Quiet Revolution model for the avoidance of doubt.

Summary of further comments received 08 January 2013: They consider that the 26db background noise level given by the applicant is acceptable and likely to be well below the actual level and that an on-site noise survey therefore not necessary. The noise would be <40db at 80m beyond the site The turbines would not be audible at nearest sensitive receptor (280m) which is well beyond the cut off point where sound diminishes to <35db.

Environment Agency: No objection

Anglian Water: no objections from a groundwater perspective

Dowsby Parish Council: No objection

Rippingale Parish Council: Concern at the number of apparently randomly sited wind turbine developments in the area and a request that the application be deferred until the South Kesteven Wind Turbine SPD is adopted.

South Holland District Council: No observations

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, 3 letters of objection had been received. One objection is 62 pages in length and includes numerous research papers, many of which are not relevant. A summary of the main concerns are listed below:

- Will not fit in with surrounding area
- Detrimental to surrounding countryside
- Will compromise my views
- Intended purely to make profit
- Solar panels would be better
- Impact on health
- Safety
- No public benefit
- Legal issues
- Noise/disturbance
- Impact on biodiversity
- General arguments about the fundamental need/desirability or otherwise of wind turbines

Policy Considerations

National Policy Statements

Overarching National Policy Statement for Energy (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Planning Policy Framework

NPPF Section 3 Supporting a prosperous rural economy
NPPF Section 11 Conserving and enhancing the natural environment
NPPF Section 10 Meeting the challenge of climate change and flooding
NPPF Section 7 Requiring good design

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment
Policy 31: Priorities for Management and Enhancement of the Region's Landscape
Policy 40: Regional Priorities for Low Carbon Energy Generation

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy EN3: Renewable Energy

Other Relevant Documents

South Kesteven Landscape Character Assessment (January 2007)
Companion Guide to PPS22 (Planning for Renewable Energy). NB. Although PPS22 itself has been superseded by the NPPF, the companion guide remains in force.
Emerging South Kesteven Supplementary Planning Document (SPD) on Wind Energy

Officer Evaluation

KEY ISSUES

Local and national planning policy (through the NPPF, read in conjunction with National Policy Statements EN-1 & EN-3) encourages renewable energy development, including wind energy. Paragraph 98 of the NPPF states that:

> When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

On that basis, members should be aware that the need for renewable energy should be balanced against the potential environmental impact.

Taking the above into account, in this case the key issues that need to considered are:

- The national and local planning policy position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

NATIONAL & LOCAL POLICY POSITION ON RENEWABLE ENERGY

The Development Plan i.e. The South Kesteven Core Strategy and the East Midlands Regional Plan (RSS8) is the starting point in decision making, unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan sets out policies on wind energy at the regional and local level and is fully in accordance with national policy (NPPF) in its approach to wind energy development. RSS8 states that consideration should be given to the contribution of wind generation projects to regional renewable targets and national and international objectives on climate change. The South Kesteven Core Strategy (policy EN3) is generally supportive of renewable energy schemes as long as they accord with other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

National planning policy given in the Nation Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure is a very important material consideration. It promotes the

development of renewable energy resources and stresses the need to reduce carbon dioxide emissions which are considered to be contributing to climate change.

Paragraph 97 of the NPPF states:

> To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The applicant would benefit from reduced energy costs, and any excess would be returned to the national grid. The government's view is that the wider positive benefits of small scale schemes such as this are through a reduction in demand for energy that would otherwise be produced from fossil fuel sources. The government, through the NPPF considers that this represents a benefit to society as a whole and an indirect benefit, (albeit small scale) to the local community. Although it may be a relatively modest contribution, the NPPF is supportive of small scale schemes stating in paragraph 98 that:

> When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

LANDSCAPE IMPACT

The general thrust of policy is to restrict development in the open countryside. However there are some exceptions to this general rule including rural diversification projects and development which requires a location away from built up areas. Wind turbines are one type of development that requires such a location.

Wind turbines are tall structures which by their nature, stand out to some degree and cannot be easily hidden or disguised in any landscape. The key issue here is not whether they would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

Core Strategy policy EN1 requires development to be assessed against a number of criteria. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy and identifies the general characteristics of seven landscape areas, each of which displays distinct characteristics of topography, agricultural usage, field systems and settlement patterns as well as historic building styles. The site lies within "The Fens" character area the predominant characteristics of which are low flat terrain, level horizons and large skies, sparse trees and woodland cover and little settlement. In this part of the fens, all the fen margin villages on the edge of the higher ground to the west have long, mostly straight fen roads extending as far as the South Forty Foot Drain with rectangular open fields divided by drainage ditches on either side. The church towers of the villages and the higher ground beyond are visible in the distance across the landscape.

In terms of landscape sensitivity of the immediate and wider area around the application site, there are considered to be few individual landscape features of intrinsic sensitivity close to the site. However the openness of the fens and relative lack of prominent features is to a large extent the defining and most valued feature of the character of this landscape. It is acknowledged that by virtue of the open character of the landscape, with long views in all directions, tall structures such as wind turbines can be visible from some distance and have the potential to "clutter" the openness of the landscape or to detract from existing prominent features which add to the landscape's

character such as fen margin churches, if poorly sited. Although each proposal is considered on its own merits, it is considered desirable for wind energy proposals in this area to be located away from existing larger settlements and if possible close to existing man-made structures such as modern farm buildings.

The proposed turbines would be relatively small in scale and would have much less visual impact than large scale windfarms such as those at Bicker Fen and Deeping St Nicholas which can be seen from considerable distances. Within the immediate landscape, the turbines would appear from some angles as isolated features within a wide and fairly featureless landscape of intensively cultivated arable farmland. The impact would be softened somewhat by a number of individual clumps of trees and farmsteads surrounded by trees. From longer range vantage points including the fen edge villages and the higher ground beyond, the distances involved and the relatively small scale of the structures proposed would mean that they would appear as insignificant and low key features in the landscape.

As with all wind energy proposals, the turbines will have an impact on the landscape to some degree. However, taking into account the modest height of the turbines and wide open nature of the landscape, it is considered that the turbines would not be unduly prominent to such an extent as to dominate the landscape. For this reason it is considered that the immediate and wider landscape would not be unduly harmed.

CUMULATIVE IMPACT

National policy states that the cumulative impact of wind energy developments in the area should be taken into account.

The nearest wind energy developments in the area are large scale wind farms at Bicker Fen to the north east and Deeping St Nicholas to the south. Although visible on the horizon from this part of the fens, these windfarms are some distance away and have limited impact on this area. By virtue of the relatively small scale of the proposal and the considerable separation distances between it and the existing windfarms at Bicker Fen and Deeping St Nicholas, it is not considered that the proposal would result in an unacceptable dominance of the landscape through cumulative impact

VISUAL AMENITY OF NEAREST RECEPTORS

There is no statutory minimum distance that turbines have to be sited from dwellings so each case has to be assessed according to its individual circumstances. The closest property to the site includes the applicant's dwelling at 50m and another dwelling around 280m to the west with some other scattered dwellings and isolated farmsteads beyond. The turbines would be apparent in the landscape when viewed from these distances and would impact to some degree on the outlook from some of these dwellings and their domestic curtilages. However, most of these dwellings are separated to some degree by belts of trees and other structures. It is considered that the relatively small scale of the turbines combined with the separation distances and individual circumstance of each dwelling ensures that they would not result in an unacceptable dominance of outlook or undermine the living conditions of the occupants from visual harm.

HERITAGE IMPACT

The proposed turbines would not be located close to any heritage assets. The closest to the application site are some 4km to the east in the nearest village of Dowsby. There is no statutory definition of the extent of a heritage asset's setting. This will depend on the type and scale of the asset as well as the context. It is considered that the nearest heritage assets are too far away for their settings to be detrimentally affected by the turbines and most will not be affected at all. In respect of any listed buildings within the nearest villages, the setting can be reasonably described

as their immediate village context and in some cases such as churches, more distant views beyond the villages. The turbines may be visible as very distant features to some extent within the settings of some of these buildings and from some viewpoints the heritage assets and turbine maybe visible together. However, any impact is considered to be minimal.

NOISE & AMENITY ISSUES

The closest property to the site is Poplar Cottage at some 280m to the west.

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up in respect of large scale windfarms by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

ETSU is generally considered to be applicable to large/medium scale turbines and windfarms. However, government guidance is less clear on small wind turbines. It is now becoming generally accepted that a more appropriate method for establishing acceptable noise limits for small turbines i.e. 50kw or less, is by using the standards set by BWEA (British Wind Energy Association). This is a tighter standard than ETSU. ETSU allows a higher noise level at the nearest receptor as this is considered to be offset by the large output of large wind turbines and windfarms. The BWEA standard recognises that the lower output from small wind turbines cannot justify this more relaxed noise limit and thus sets the acceptable limit at the nearest receptor much lower.

The Council's Environmental Protection officers have been asked to assess the noise level using the relevant guidance. They have in turn commissioned an expert noise consultant (MAS Environmental) who consider that the distances involved will ensure that noise will be well within the limits of acceptability. They have recommended a standard condition.

Shadow flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 5.6m, that would mean there would be no shadow flicker beyond 56m. It also states that shadow flicker only occurs inside buildings through narrow window openings during very limited periods throughout the year. As the nearest residential property is approximately 280m away, there would be no detrimental impact on domestic properties from shadow flicker.

Taking the above into account it is considered that the proposal would not be detrimental to the residential amenities of the occupiers of nearby properties through noise and disturbance.

SAFETY

The companion guide to PPS22 states that "the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of blade or, in exceptional circumstances, of the whole blade". There would be no impact on public safety as the turbine would be located approximately 37m from the closest road, well beyond the recommended fall over distance of height + 10% and the reach or any ice thrown off. N.B. There is no statutory minimum distance of the siting of a turbine from a public right of way.

HEALTH

Some concerns have been raised about potential health implications. It is stated in the Companion Guide to PPS22 that there is no evidence of any damage to public health from wind turbines either from low frequency noise or vibration, and that electromagnetic radiation emissions from wind turbines create no greater risk to human health than most domestic electrical appliances.

WILDLIFE & BIODIVERSITY

In respect of bats, the turbines would be located >50m from any hedgerows and linear features where bats are likely to commute, forage and roost, in accordance with Natural England's guidance. Whilst there are some hedgerows and trees nearby the landscape is generally characterised by a lack of such features. Furthermore there are no buildings (such as vacant historic barns) or features in the immediate vicinity that are potential bat or barn owl habitats. It is acknowledged that the fens as a whole supports a wide variety of wildlife including protected species. However the proposal has been assessed in accordance with Natural England's standing advice, and it is considered that the specific characteristics of the site and surrounding area are such that there is a low probability of protected species being present or a detrimental impact on biodiversity occurring. As such in this case it is not considered necessary or appropriate to request an on site ecology survey.

Taking the above into account, it is considered that the proposal would not have an unacceptable detrimental impact on wildlife and biodiversity.

AIR TRAFFIC & RADAR

NATS and MOD have raised no safeguarding objection to the proposal.

HIGHWAY ISSUES

The County Highways Authority have raised no objection in terms of highway safety from the operation of the turbines or delivery of components. The companion guide to PPS22 states that "wind turbines should not be treated any differently to any other distraction a driver might face and should not be considered particularly hazardous." T aking the above into account, it is considered that the turbines would not be detrimental to highway safety, either during delivery and construction or during normal operation.

OTHER MATTERS

Lincolnshire County Council has recently issued a Position Statement on wind turbines. It should be noted, for the avoidance of doubt, that this does not form part of planning policy, nor are LCC a statutory consultee for this type of application. Their statement is merely an indication of the position that they will take if they are consulted on wind energy proposals so carries little or no weight. It is mentioned here for clarification because it has been referred to by objectors.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. This document is in draft form and has been given due weight. It is considered that this proposal does not fundamentally conflict with the aims of the SPD.

Some issues raised by objectors are not material planning considerations and have not been taken into account when making this recommendation. These include the loss of a view, fundamental arguments about the desirability or otherwise of wind energy and reference to various legal cases relating to negligence, public safety etc.

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

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

It has been recognised in this assessment that this proposal would have a limited degree of impact on the landscape character of the immediate and wider area. However in this case, on balance the various impacts are not considered to be substantial and therefore do not carry sufficient weight to warrant refusal.

In the circumstances, it is considered that the proposal should be approved in accordance with paragraph 98 of the NPPF.

Summary

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

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. The development shall not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

   Reason: To minimise the impact on the landscape in accordance with the National Policy Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

3. In the event that the wind turbines are no longer used for the generation of electricity, they shall be removed as soon as practicably possible, and the land restored to its original condition.

   Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

4. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms-1 over the measurement interval.

   The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29 February 2008. The time period 'T' of the measurment shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

   Following notification from the Local Planning Authority (LPA) that a complaint has been

received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to easure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and disturbance.

5. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.

   Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

6. This permission relates to 2 x wind turbines, each with a power output of 5kW, with a sound power output level of no greater than 86dB(A) at 8m/s.

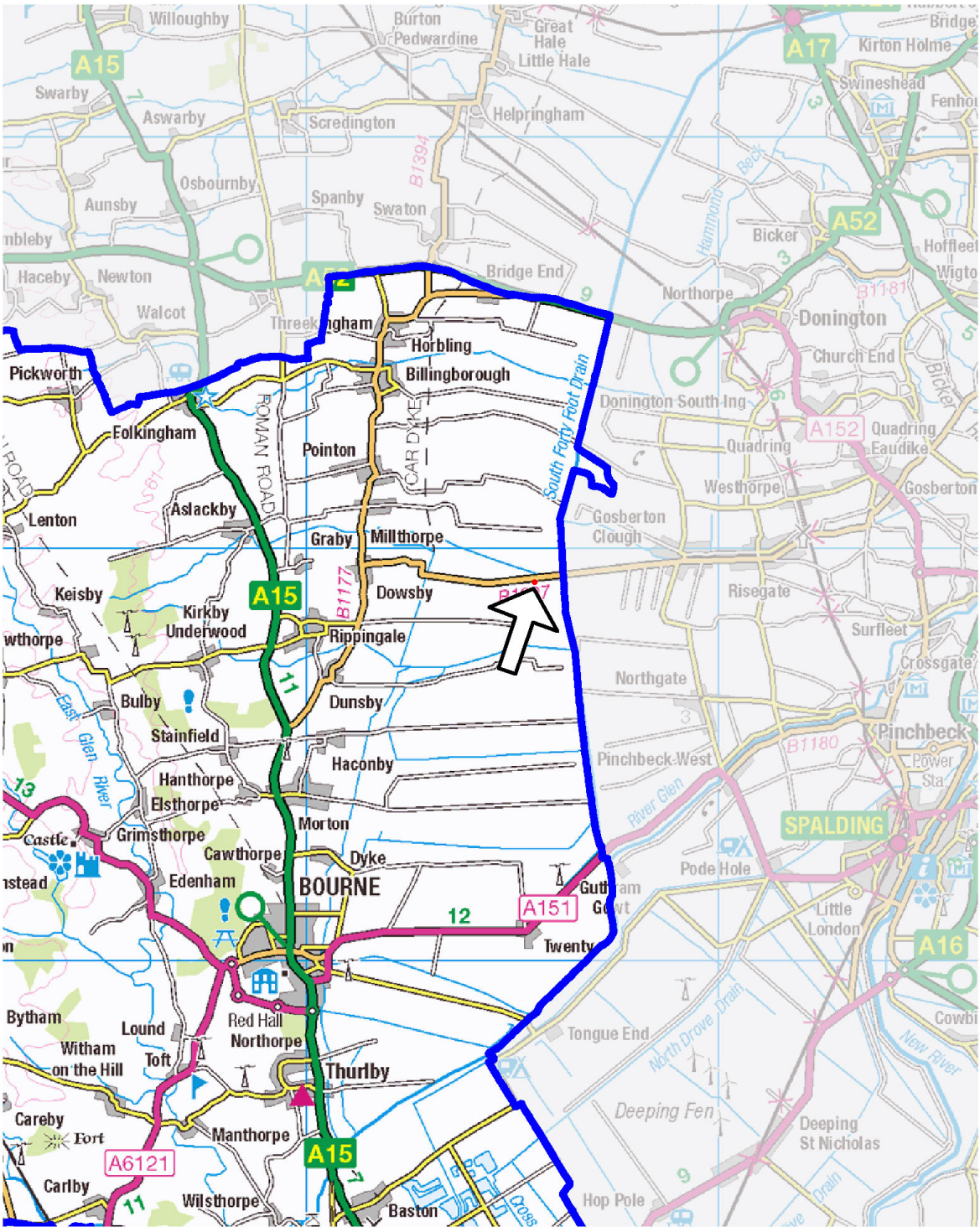
   Reason: To define the permission and for the avoidance of doubt.

7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 1:500 Block Plan and ATC10070-1000 (Tripod Assy, HY5) both received 29 August 2012

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

* * * * *

Site Location Plan	
Ref	**S12/2170**
Proposal	**2 x 15 metre high wind turbines**
Location	**The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX**



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PWM2 **S12/3097/LB**

Target Decision Date: 06-Mar-2013
Committee Date: 05-Mar-2013

Applicant	**Nottinghamshire County Council** Trent Bridge House, West Bridgeford, Nottinghamshire, NG2 6BJ
Agent	Mervyn Shipman, Notts City Council Property Group Trent Bridge House, West Bridgeford, Nottinghamshire, NG2 6BJ
Proposal	**Alterations to curtilage listed barns including demolition of lean–tos, replacement/repair of roofs and repairs to external walls.**
Location	**Westfield Farm, Town Street, Westborough, Newark, Lincolnshire, NG23 5HJ**
App Type	Listed Building Consent
Parish(es)	Westborough & Dry Doddington
Reason for Referral to Committee	This application has been referred to the committee as the occupier of the host property is an employee of South Kesteven District Council
Recommendation Summary	Approved subject to conditions

Key Issues

- Impact on the historic character and significance of the curtilage listed buildings.

Technical Documents Submitted with the Application

- Design and Access Statement
- Heritage Impact Assessment

REPORT

Application Category

This is an application for listed building consent

Reason for Referral to Committee

This application has been referred to the committee as the occupier of the host property is an employee of South Kesteven District Council

The Proposal

The application seeks consent for works to a range of curtilage listed farm buildings including

- demolition of a small dilapidated lean-to and corrugated steel outbuilding
- various works of re-roofing including replacement of asbestos roofing with corrugated steel and replacement pantiles on the main barn.
- various works of rebuilding to structurally unsound sections of the buildings

The application site and its surroundings

Range of barns within the curtilage of a grade II listed, early nineteenth century farmhouse within the Westborough Conservation Area. Most of the barns appear to date from the nineteenth century although the larger barn may be older. There are also some more modern additions such as a portal framed barn and some lean-tos and it is still a working farmyard. The historic barns are of red brick with either pantile or asbestos roofing and are in poor condition.

Relevant Site History

None

Policy Considerations

National Planning Policy Statement (NPPF)

Section 12: Conserving and Enhancing the Historic Environment

East Midlands Regional plan (RSS8)

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment

Other Relevant Documents

PPS5 – Planning Practice Guide (although PPS5 itself has been superseded by the NPPF, this guidance has not been withdrawn)
English Heritage: Conservation Principles – Policies and Guidance

Representations Received

South Kesteven Principal conservation Officer: The works are considered acceptable subject to conditions including that the re-roofing of the main barn be carried out using the original pantiles and works to the roof structure be monitored and recorded.

Parish Council: No objection

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, no letters of objection had been received.

Officer Evaluation

The key issue to be considered in this case is the impact on the historic character and significance of the curtilage listed buildings.

The main barn to the rear and orientated parallel with the farmhouse is constructed of brick and has a clay pantile roof covering. Although it has been subject to some crude intervention in the past and its front wall is buttressed by substantial timber props, it nonetheless retains a substantial part of its original roof structure, which may date from the eighteenth century. Whatever its precise age, it is a building of historic interest that needs to have as much of its surviving original fabric preserved as is practicable. This building may possibly be eligible for listing in its own right, solely because of its historic roof structure.

It is proposed to replace the existing pantiles on this barn with new Sandtoft Arcadia clay pantiles on a breathable membrane on new timber battens. It is noted that, also, the timbers of the roof are to be inspected for insect infestation and that some components may be replaced.

It is important that any works to the roof of this building are undertaken in a manner that is in the best interests of preserving its historic interest and a condition has been attached requiring the submission of a measured survey and a strategy for repairs be submitted for the Authority's approval prior to the commencement of any works on site.

It is considered that the roof of this particular barn should only be re-covered using pantiles salvaged from those existing, with any shortfall made good from the buildings on the site to be demolished or imported from elsewhere. The proposed use of new Sandtoft Arcadia pantiles, which are machine made and therefore lacking the subtle variations of colour that old ones display, will not be appropriate for this building as they will compromise its character and appearance to an extent that its significance as a heritage asset will be unduly undermined. The use of new pantiles would also compromise the setting of the principal listed building because the barn is prominent in many views of that building.

The single storey stabling block adjoining the main barn to the south is to have its corrugated asbestos sheet roof covering removed and replaced by corrugated powder-coated steel sheeting, as is the modern barn to the rear of the main barn and the middle section of the stables to the north. This is considered acceptable in this context, subject to submission of a sample of the replacement material for approval prior to the commencement of works.

Two buildings are to be demolished, a dilapidated, relatively modern brick lean-to on the eastern end of the stables that adjoin the main barn and a timber lean-to on the northern end of the northern stable block. Neither of these two buildings are of any historic significance and their removal is therefore considered acceptable.

The works of rebuilding only affect small parts of the buildings and involves renewing defective brickwork and it is therefore considered to be acceptable subject to the use of appropriate materials.

Taking the above into account, it is considered that the proposal would not lead to a loss of significance and would preserve and enhance the historic character of these curtilage listed buildings.

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.

OFFICER RECOMMENDATION: That the works be approved subject to the following conditions

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that by virtue of the design, scale and materials to be used, the proposal would preserve and enhance the historic character of the curtliage listed buildings.

It is therefore considered that the proposal is in accordance with National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan. and that here are no material considerations which indicate otherwise although conditions have been attached.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

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. Notwithstanding the information provided, the roof to the main brick and clay pantile barn shall be re-roofed using the existing pantiles and imported reclaimed matching pantiles to make up any shortfall and no other material, unless the local planning authority gives its written consent to any variation.

   Reason: The barn is an important heritage asset that is not only of significant interest in its own right but also makes an important contribution to the setting of the listed farmhouse within whose curtilage it is located and the character and appearance of this part of the Westborough Conservation Area.

3. Prior to the commencement of any works to the roof of the main red brick and clay pantile roofed barn (identified in green on the plan attached to this decision notice), a measured survey shall be undertaken of the existing roof structure and a survey drawing submitted to the local planning authority annotated to show the intentions for each timber and, if proposed, details of any new structural members and their means of installation. The works shall be undertaken strictly in accordance with such details as may be approved in writing by the local planning authority, unless the authority gives its written agreement to any variation.

   Reason: The barn retains an original roof structure that is of historic interest. The additional information is required in order to ensure that any works of repair and alteration are undertaken in a manner that preserves as much of the existing structure as is practicable.

4. When the roof covering of the barn referred to in condition 3 is removed, the local authority shall notified and a representative allowed to inspect and make a record any features of interest prior to the commencement of any works of repair or alteration.

   Reason: The barn retains an original roof structure that is of historic interest and it is important that prior to any alteration a record is made of the structure prior to any works of repair and/or alteration for inclusion in the Historic Environment Record.

5. A sample of the powder-coated corrugated steel sheeting to be used to re-cover the areas where there is currently asbestos sheeting, shall be submitted for the approval of the local planning authority and only such sample as may be approved in writing shall be used in the authorised works.

   Reason: To ensure that the colour and profile of the sheeting to be used is appropriate for the context and does not detract from the appearance of the buildings on which it is to be installed, the setting of the group of which it forms part, or the wider Westborough Conservation Area.

6. Any new or replacement rainwater goods shall be of either cast iron or black painted/coated aluminium on rise and fall brackets.

   Reason: To preserve the character and appearance of the buildings.

7. Any external remedial work to the walls should be carried out using original materials where possible and any new work should match the existing in every respect.

   Reason: To preserve the character and appearance of the buildings.

8. Raking out and preparation of joints prior to re-pointing shall be carried out using hand tools only and any re-pointing or new external brickwork shall be carried out using a lime based mortar.

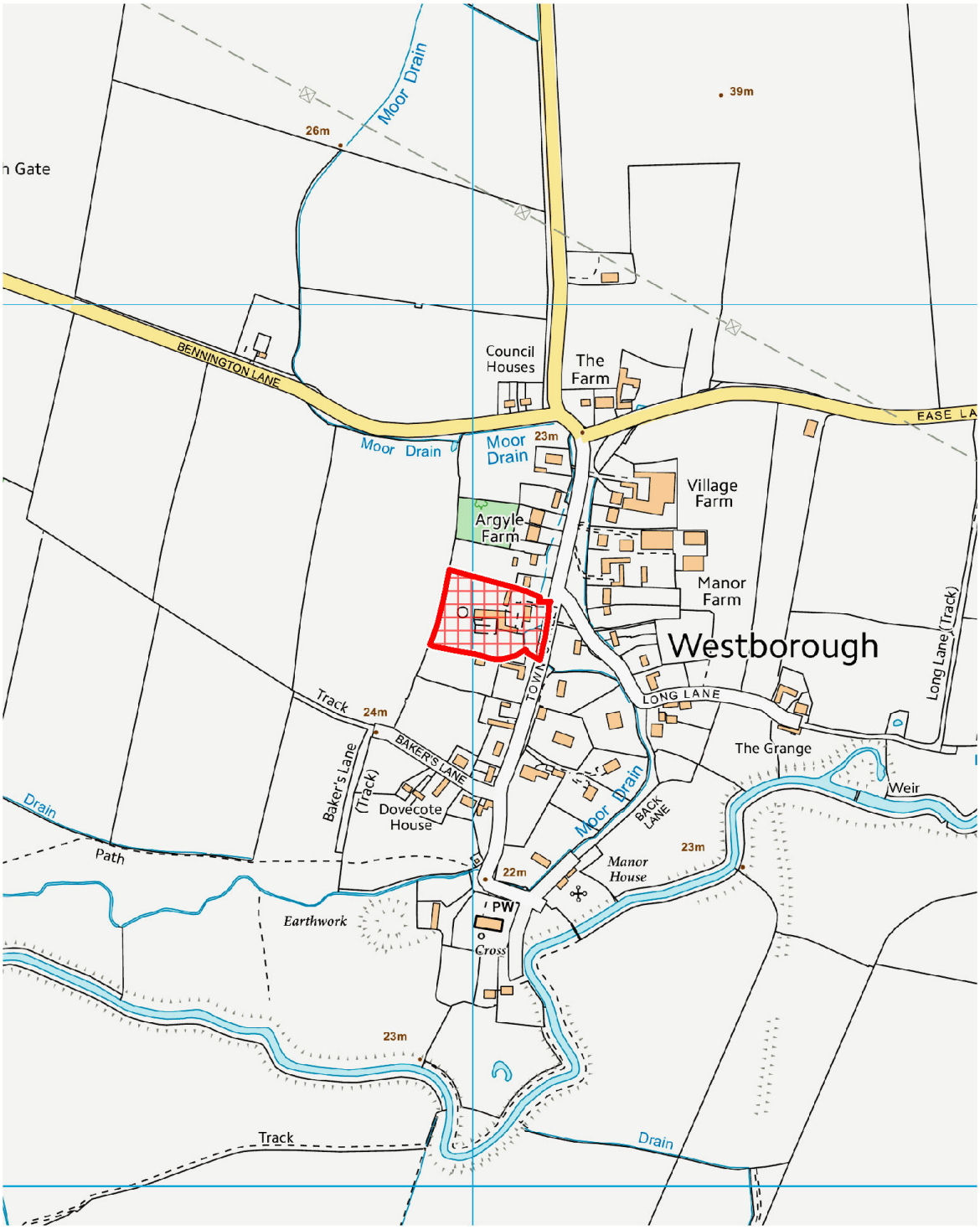
Reason: To prevent damage to the historic fabric of the building and preserve the historic character of the building in accordance with the NPPF.

9. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application (other than those works specified by condition): AL(0)002, AL(0)003, AL(0)004A, AL(0)005, AL(0)006 - all received 09 January 2013

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

* * * * *

Site Location Plan	
Ref	**S12/3097**
Proposal	**Alterations to curtilage listed barns including demolition of lean–tos, replacement/repair of roofs and repairs to external walls.**
Location	**Westfield Farm, Town Street, Westborough, Newark, Lincolnshire, NG23 5HJ**



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LDPP1 **S12/3187/LB**

Target Decision Date: 08-Mar-2013
Committee Date: 05-Mar-2013

Applicant	**Mr T Lepley (Property Development), South Kesteven District Council** Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY
Agent	
Proposal	**Installation of DDA compliant handrails to steps outside Arts Centre**
Location	**Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY**
App Type	Listed Building Consent
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee as the applicant is SKDC
Recommendation Summary	Approve subject to conditions

Key Issues

- Accordance with policy
- Impact on character of listed building

Technical Documents Submitted with the Application

- Site Plan
- Block Plan
- Elevational Drawings
- Sectional details
- Heritage Impact Assessment

REPORT

Application Category

This application is categorised as a listed building consent application

Reason for Referral to Committee

This application has been referred to the committee as it is an application by South Kesteven District Council and involves works to heritage asset, with the building being a grade II listed building.

The Proposal

The application involves the erection of handrails to the entrance steps to the main front entrance to the Guildhall.

A half-round black painted metal handrail will sit above black painted steel uprights, cored and set in coloured resin to match the existing stone steps.

The handrail will reach a height of 1.0m above the existing steps.

The application site and its surroundings

The Guildhall is a Grade II listed building dating from 1867-69 but with 20th century additions. The part of the building affected by the alterations is the stepped main entrance off St Peter's Hill.

The building has undergone significant alteration, both internally and externally in recent years with the conversion of the Council Chamber to a theatre, the introduction of a café and a tourist information centre. In the foyer an existing robust timber glazed partition divides the majority of the foyer from the staircase.

Relevant Site History

There have been numerous applications for alterations and extensions to the building, only the most recent of which is of relevance to this application.

At a Committee meeting on the 6 October 2009 Members resolved to grant consent for works of alteration involving the following:

- a glazed internal lobby
- a new reception desk in the foyer
- a ramp from the existing café up to an existing door in the south wall of the entrance foyer

Consent for those works was formally granted for these works, following the requisite referral of application to the Secretary of State, on the 20th November 2009.

An application made earlier that year for a canopy to the counter (S10/0259/LB) was withdrawn following concerns expressed by Members of the Development Control Committee.

A proposal involving internal alterations to the entrance foyer of the grade II listed Guildhall was granted on 3rd August 2010 (S10/0713).

Policy Considerations

National Planning Policy Statement (NPPF)

Section 12: Conserving and Enhancing the Historic Environment

East Midlands Regional plan (RSS8)

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment

English Heritage: Conservation Principles – Policies and Guidance

EN1 of the South Kesteven Core Strategy.

Representations Received

Community Archaeologist: This application does not affect any archaeological sites and therefore no archaeological intervention required.

Highways Authority: No observations

SKDC Principal Conservation Officer: I have viewed the amended proposals and can advise that the revised design of the proposed handrail and the means of securing it to the stone steps are now, in my opinion, acceptable.

The installation of the handrail will not compromise the significance of The Guildhall as a heritage asset.

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, no neighbour letters had been received.

Officer Evaluation

Key Issues

The key issues in this case are the impact of the works on the historic character of the listed buildings and whether there is sufficient justification for the works, taking into account the significance of the heritage assets involved and the requirements of current planning policy.

The fact that this proposal is to meet the requirements of the Disability Discrimination Act (DDA) it is not a material consideration and should not be taken into account when making a decision. Only the listed building merits or otherwise of the works should be considered.

The key issue is whether as a result of the proposed development there is an impact on the character and appearance of the building.

The alterations will not comprise the character or appearance of the building and it is therefore considered that there is no conflict with policy or policy guidance.

As the District Council are the applicants and own the building, it is statutory requirement, if Members are minded to grant consent, that the application be referred to the Secretary of State for him to decide whether to require it to be referred to him/her to a decision.

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.

OFFICER RECOMMENDATION: That the development be approved subject to the following conditions:

SUMMARY OF REASON(S) FOR APPROVAL

Metal Handrails are proposed to the entrance steps of the grade II listed 19th Century Guildhall.

It is considered that the proposed alterations would not have an adverse impact on the character or appearance of the building nor have an adverse impact on historic fabric.

The proposal is therefore in accordance with national Policy Guidance contained in Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy.

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.

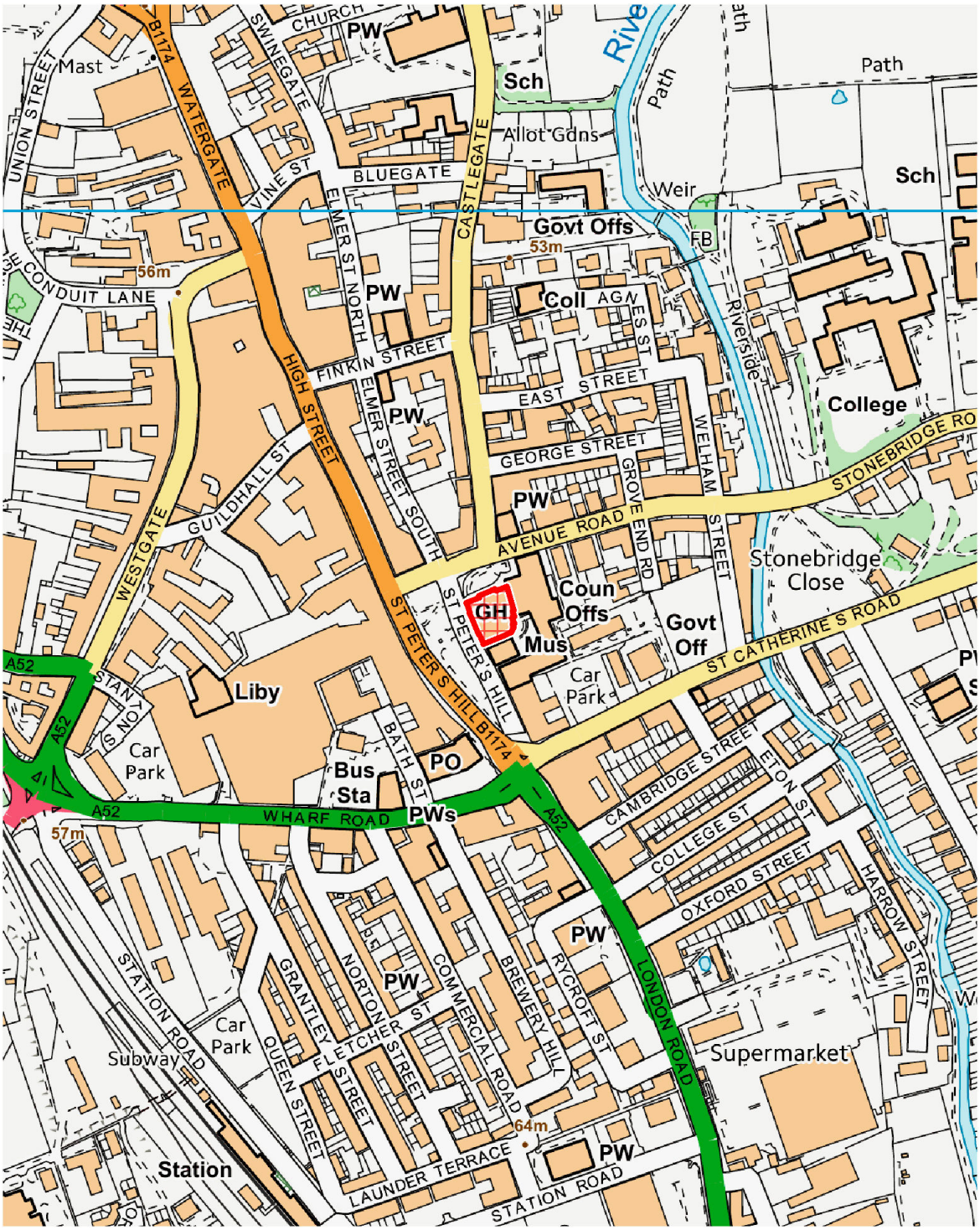
2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   Amended Drawing Number: Guildhall/IB dated 15th February 2013.

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

* * * * *

Site Location Plan	
Ref	**S12/3187**
Proposal	**Installation of DDA compliant handrails to steps outside Arts Centre**
Location	**Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY**



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PL1 **S13/0041/ADV**

Target Decision Date: 04-Mar-2013
Committee Date: 05-Mar-2013

Applicant	**Mr P Stokes, South Kesteven District Council** Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	
Proposal	**3 Non - Illuminated crests and signage**
Location	**Bourne Corn Exchange, Abbey Road, Bourne**
App Type	Advertisement Consent
Parish(es)	Bourne
Reason for Referral to Committee	This application has been referred to the Development Control Committee as the applicant is SKDC.
Recommendation Summary	Approved subject to conditions(s)

Key Issues

- Affect upon buildings appearance
- Affect upon Bourne Conservation Area

Technical Documents Submitted with the Application

- None

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 as the applicant is SKDC.

The Proposal

This is an application for advertisement consent for the installation of 3 non-illuminated crests and related signage to the northern side of the building, with the signage fronting onto the car park.

The application site and its surroundings

The application site is located to the rear of commercial buildings fronting Abbey Road within the Bourne Conservation Area and is currently used as an entertainment and function venue. To the north of the application site there is a car park with further commercial buildings to the east.

Relevant Planning History

In January 2012 planning permission was granted for a ground floor extension, removal of doors & replace with windows and the creation of 3 new windows.

Representations Received

Bourne Town Council – at the time of compiling the committee agenda no comments had been received, any comments received will be included in the late papers or reported verbally.

Conservation Officer – The application relates to a modern extension at the rear of the nineteenth century Corn Exchange that is located within the Bourne Conservation Area.

The original building fronts onto Abbey Road but the much larger modern element to the rear faces northwards onto the car park behind the Town Hall that also nowadays serves as the location for the weekly market.

Signage is to be installed on the north elevation of modern building, facing onto the car park, off which there is the main entrance to the building. The signage as proposed will not, in my opinion, impact on the character or appearance of the Conservation Area and I would not wish therefore to raise objection to the proposal.

Archaeological – no affects on any known sites.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. No representations have been received.

Planning Considerations

NPPF

Section 7 - Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

South Kesteven Core 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.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings.

Officer Evaluation

The proposed signage will have no detrimental affect upon the overall appearance of the building itself or on the character and appearance of the Conservation Area. Having regard to the location of the proposed signs there will be no detrimental affect upon the surrounding commercial units many of which also have signage facing onto the car parks.

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 Approved subject to condition(s)

1. This consent shall expire 5 years from the date of this notice.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisment shall be sited or displayed so as to: -

   endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

   obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

   hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

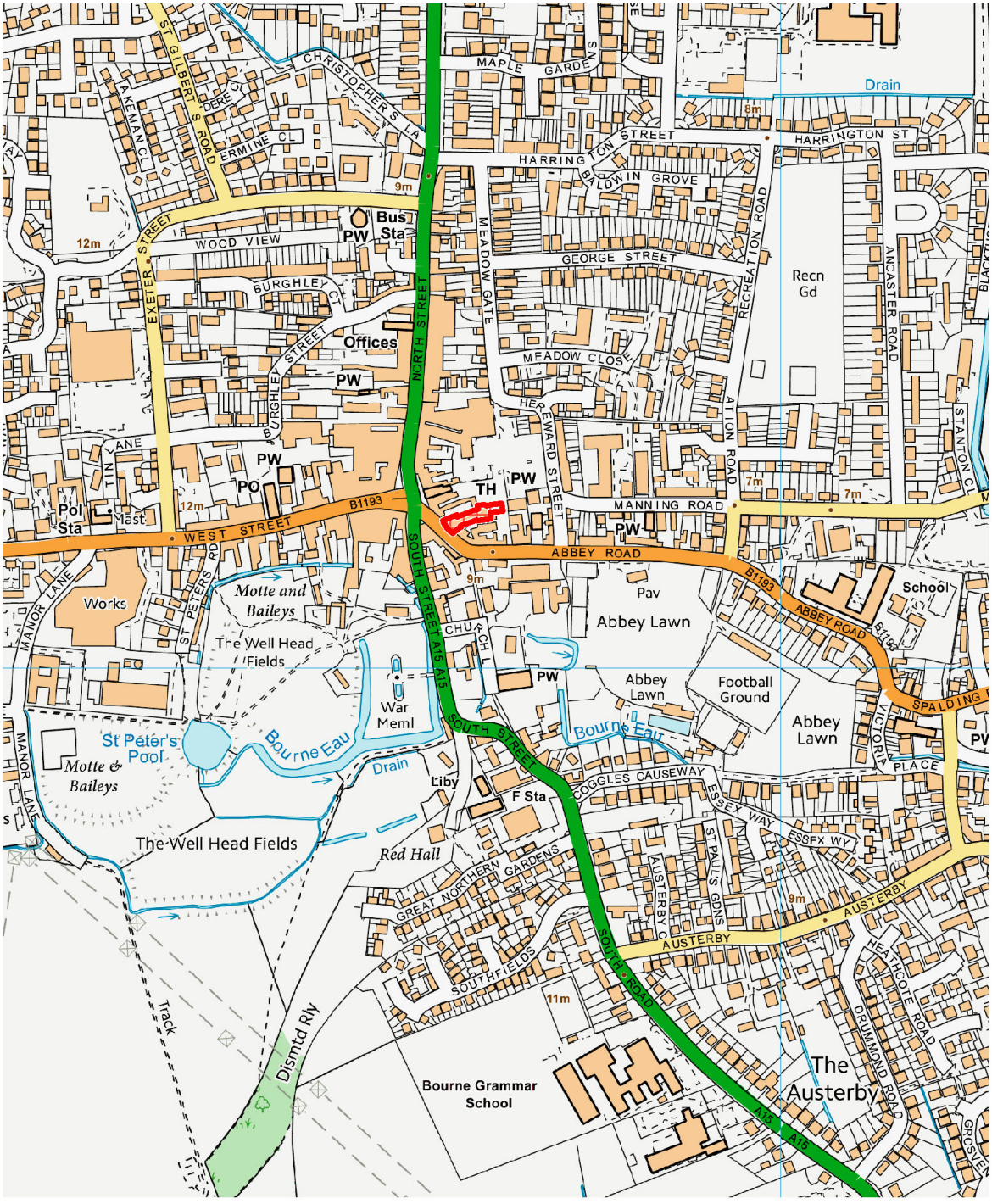
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisments shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

* * * * *

Site Location Plan	
Ref	**S13/0041**
Proposal	**3 Non - Illuminated crests and signage**
Location	**Bourne Corn Exchange, Abbey Road, Bourne**



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Report No: PLA. 979

DEVELOPMENT CONTROL COMMITTEE
18 FEBRUARY 2013

REPORT BY DEVELOPMENT MANAGEMENT SERVICE MANAGER

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) = 63

TABLE 2 **Applications dealt with under delegated powers from 21 January 2013 – 15 February 2013**

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 to 18 February 2013**
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.

TABLE 4 **Planning applications performance**

This table displays new end to end times for determining applications.

DEVELOPMENT MANAGEMENT

TABLE 1

Applications not determined within the statutory period

Report No: PLA 979
Date Prepared: 18 February 2013
No of applications over 8 weeks: 40

MAJOR APPLICATIONS
(13 weeks)

S06/1151/MJNF/JJ

Date received:
14-Aug-2006
No of days: 2380

Wm Morrison Supermarkets plc
Non food retail development (6 units) with associated parking, servicing and access
Former Mirlees Blackstone Site, Uffington Road, Stamford
Reason for non-determination:
Waiting for S106 to be signed, decision to be issued end February/early March 2013.

S11/2002/MJRO/KJC

Date received:
24-Aug-2011
No of days: 544

Andrew Rogers, JGP Properties Ltd
Outline planning permission for residential development and the formation of new vehicular access
Land Off Main Road, Long Bennington
Reason for non-determination:
Noise issues now resolved. To be reported to Committee 5 March 2013.

S12/0438/MJRF/JJ

Date received:
01-Mar-2012
No of days: 354

Mr D Pallett, Anvils of Stamford
Demolition of existing retail warehouse building and erection of 10 dwellings
2A, Radcliffe Road, Stamford, Lincs
Reason for non-determination:
S106 awaiting signatures decision due end of February 2013.

S12/0484/MJRO/KJC

Date received:
27-Feb-2012
No of days: 357

Stephen Holman, Yelcon Homes Ltd
Erection of 55 residentail units (including 15 affordable units) Outline
Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham
Reason for non-determination:
Viability report received January 2013 and being reviewed. Will be reported to Committee March 2013.

S12/0864/MJRO/NB

Date received:
05-Apr-2012
No of days: 319

Commercial Estates Group and, Cecil Estate Family Trust
Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements, pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network)
Land between Empingham Road and Tinwell Road, Stamford
Reason for non-determination:
Agreement with applicants to determine post SAP decision - March 2013 DC Committee.

S12/0873/MJRF/KJC

Date received:
28-Aug-2012
No of days: 174

Mr T Bower & Others
Retention of vehicular access
Land North Of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham
Reason for non-determination:
Report to DC Committee 5 March 2013.

S12/1198/MJNF/NB

Date received:
25-May-2012
No of days: 269

Nick Sewell, New River Retail Limited
Erection of two retail units (non food)
Former R F Witt & Sons and adjacent car park, Godsey Lane, Market Deeping, Peterborough, PE6 8HT
Reason for non-determination:
Highways and ownership issues. Report to DC Committee 26 March 2013.

S12/2348/MJNF/SB

Date received:
09-Nov-2012
No of days: 101

Blue Sky Plastic Recycling
Erection of 2no. new industrial buildings to accommodate plastic recycling plant and associated storage. Development to also include new landscaping, car parking, access, weighbridge and sub station.
South Fen Road, Bourne, PE10 0DN
Reason for non-determination:
Reported to 19 February 2013 Committee, S106 to be signed.

S12/2495/MJNF/JJ

Date received:
10-Oct-2012
No of days: 131

Mr A Freeman
Application to vary Conditions 5 and 12 of application SK.07/1569/90 relating to wardens accommodation, associated with the leisure park
Baston Fen Leisure Park, Cross Road, Baston, Peterborough, Lincolnshire, PE6 9PX
Reason for non-determination:
Subject to S106 - due end of February 2013

ALL OTHER APPLICATIONS
(8 weeks)

S09/2827/FULL/JJ

Date received:
27-Nov-2009
No of days: 1179

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:
Linked to application S10/2020 below

S09/2829/LB/JJ

Date received:
27-Nov-2009
No of days: 1179

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:
Linked to application S10/2020 below

S10/0962/FULL/PL

Date received:
13-Apr-2010
No of days: 1042

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:
Additional information on contamination report to be provided and or withdrawn.

S10/1805/FULL/KJC

Date received:
13-Oct-2010
No of days: 859

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:
Concerns re parking provision - negotiations concluded, report to DC Committee April 2013.

S10/2020/FULL/JJ

Date received:
03-Sep-2010
No of days: 899

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:
Heritage Enabling Development advice received January 2013. Applicants to appraise and report to DC Committee April 2013.

S10/2021/LB/JJ

Date received:
03-Sep-2010
No of days: 899

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:
Heritage Enabling Development advice received January 2013. Applicants to appraise and report to DC Committee April 2013.

S11/1431/FULL/PJM

Date received:
16-Jun-2011
No of days: 613

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:
Additional information on contamination report to be provided or application determined February 2013.

S11/2619/FULL/AH

Date received:
15-Nov-2011
No of days: 461

Mr G Bremner
Use of land as grass airstrip and erection of building for storage of aircraft and agricultural machinery
Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX
Reason for non-determination:
Specialist Equine Assessment awaited – scheduled to go to Committee 26 March 2013

S12/1322/LB/IVW

Date received:
23-Jun-2012
No of days: 240

Mr Mick Lai, Hop Sing Chinese Restaurant
Alterations to Listed Building
21, Westgate, Grantham, Lincolnshire, NG31 6LU
Reason for non-determination:
Amended drawings due. Determine by 28 February 2013.

S12/1665/FULL/JJ

Date received:
03-Jul-2012
No of days: 230

Burghley House Preservation Trust
Retrospective application for retention of Marquee with associated bar/servery and toilets
The William Cecil, High Street, St Martins, Stamford, Lincolnshire, PE9 2LJ
Reason for non-determination:
Noise report received, to determine February 2013.

S12/2016/FULL/SP

Date received:
10-Aug-2012
No of days: 192

Simon Daws
3 x 15 meter high wind turbines
Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT
Reason for non-determination:
Deferred by Committee for further information relating to ecology. To report back to DC Committee 5 March 2013.

S12/2170/FULL/PWM

Date received:
30-Aug-2012
No of days: 172

Mrs Laila Podro
2 x 15 metre high wind turbines
The Old Pump Cottage, Fen Road, Dowsby, Bourne, Lincolnshire, PE10 0TX
Reason for non-determination:
Referred from DC Committee. Awaiting applicant to carry out search of local wildlife records. Report back to DC Committee 5 March 2013.

S12/2183/LB/SP

Date received:
13-Sep-2012
No of days: 158

David Seamen
Demolition of porch, existing garden walls & outbuildings, installation of new floors and removal of suspended floors at first floor, repairs & minor alteration.

Chestnut Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EW
Reason for non-determination:
Awaiting amended plans relating to details. Determine by 28 February 2012.

S12/2213/FULL/NB

Date received:
18-Sep-2012
No of days: 153

Mr A Copland
Erection of 4 dwellings
Land off, Stephens Way, Deeping St James
Reason for non-determination:
Reported to DC Committee 19 February 2013.

S12/2328/HSH/SP

Date received:
13-Sep-2012
No of days: 158

David Seamen
Demolition of porch, existing garden walls & out buildings, Installation of new floors and removal of suspened floors at first floor, repairs & minor alteration.
Chestnut Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EW
Reason for non-determination:
Awaiting amended plans relating to details. Determine by 28 February 2012.

S12/2411/FULL/PWM

Date received:
05-Dec-2012
No of days: 75

Yew Tree Farms
Wind turbine (500kw, hub height 50m, height to blade tip 74m and rotor diameter 48m) and associated works
Land off Green Lane, Marston, Grantham
Reason for non-determination:
Awaiting further information (photomontages etc) to report to Committee April 2013.

S12/2428/EIAFP/SP

Date received:
26-Sep-2012
No of days: 145

Simon Richardson, Keisby Estate Ltd
Pig rearing and finishing building (unit 2) EIA development
Land East of Keisby House, Keisby, Bourne, PE10 0RZ
Reason for non-determination:
Waiting Environmental Protection comments and additional highways comments. To be reported to DC Committee March 2013.

S12/2429/FULL/SP

Date received:
26-Sep-2012
No of days: 145

Simon Richardson, Keisby Estate Ltd
Pig rearing and finishing building (unit 1) EIA development
Land East of Keisby House, Keisby, Bourne, PE10 0RZ
Reason for non-determination:
Awaiting Environmental Protection comments and additional highways comments. To be reported to DC Committee March 2013.

S12/2469/FULL/PL

Date received:
05-Oct-2012
No of days: 136

Tesco Stores Ltd
Variation of Condition 5 (delivery hours) of p/p S09/2256 to 0600 to 2300 hours Monday to Saturday and 0700 to 2000 hours on Sundays
Tesco Stores Ltd, Godsey Lane, Market Deeping, Peterborough, PE6 8UD
Reason for non-determination:
Deferred from DC Committee 20 November 2012 for aditional information. Environmental Health monitoring to be undertaken by mid Feb 2013

S12/2702/LB/IVW

Date received:
06-Nov-2012
No of days: 104

Mrs Lillian Popple, Clerk to the Governors, Governors of Brownes Hospital
Alterations to listed building (installation of hand rail to entrance steps)
Brownes Hospital, Broad Street, Stamford, Lincolnshire, PE9 1PF
Reason for non-determination:
Additional information received. Re-consulted English Heritage prior to referral to Secretary of State by 28 February 2013.

S12/2769/FULL/PJM

Date received:
09-Nov-2012
No of days: 101

Ms Gill Noon, Great Gonerby Parish Council
Proposed new community building/sports pavillion and additional associated parking
Great Gonerby Playing Field, Belton Lane, Great Gonerby, Grantham
Reason for non-determination:
To go to Committee March 2013

S12/2787/FULL/NB

Date received:
30-Oct-2012
No of days: 111

Mr Steve Chadwick
Conversion and extension of outbuilding to dwelling
r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
Reason for non-determination:
Due to be determined week commencing 18 February 2013

S12/2788/LB/NB

Date received:
30-Oct-2012
No of days: 111

Mr Steve Chadwick
Alteration and extension to curtilage listed building
r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
Reason for non-determination:
Referred to Secretary of State January 2013, Due to be determined week commencing 18 February 2013.

S12/2839/FULL/PL

Date received:
05-Nov-2012
No of days: 105

Mrs S Waltham, Elsea Park Community Trust
Fitness trail (5 items of adult gym equip) retrospective
Linear Park, Bourne, PE10 0GE
Reason for non-determination:
Additional information requested from agent. To be determined end February.

S12/2975/OUT/SB

Date received:
19-Nov-2012
No of days: 91

Mr J Wherry, J Wherry Discretionary, Settlement of 12 March 2003
Erection of 2 x two storey dwellings (Outline including access and layout)
Land adjacent, 63, Willoughby Road, Bourne, Lincs
Reason for non-determination:
Additional noise survey requested. To be determined March 2013.

S12/3014/OUT/AH

Date received:
06-Dec-2012
No of days: 74

Mr R Harwood
Erection of one no. dwelling - outline application with details of access provided
1, Bourne Road, Corby Glen, Grantham, Lincolnshire, NG33 4NR
Reason for non-determination:
Completion of additional neighbour consultation – delegate decision by determination by 25 February 2013.

S12/3082/DEM/PL

Date received:
17-Jan-2013
No of days: 32

Edward Greaves, Lincoln Corn Exch & Markets (1991) Ltd
Demolition of outbuilding
R/o 19, North Street, Bourne
Reason for non-determination:
Awaiting Conservation Officer comments determine by 10 March 2013

S12/3178/FULL/KJC

Date received:
17-Dec-2012
No of days: 63

Mrs Hugh Caseley, Grantham Investments & Alderforce North
Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use
Former Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
Reason for non-determination:
19 February 2013 Committee

S12/3179/HSH/RV

Date received:
12-Dec-2012
No of days: 68

Mrs Nicola Ferguson
Single storey rear extension and additional second storey extension
64, Tinwell Road, Stamford, Lincolnshire, PE9 2SD
Reason for non-determination:
Awaiting amended plans from applicant's agent. Determine mid March 2013.

S12/3211/FULL/PJM

Date received:
17-Dec-2012
No of days: 63

Mr John Ward
Demolition of existing property and erection of bungalow
Tweedsdale, Aviary Close, Grantham, Lincolnshire, NG31 9LF
Reason for non-determination:
Amended plan to address parking provision requested. To determine by mid march 2013.

S12/3233/LDE/PL

Date received:
17-Dec-2012
No of days: 63

Mr T Barnatt, Morton & Hanthorpe Parish Council
Use of land for dog training purposes (Lawful Development Certificate existing)
Land off, Folkingham Road, Morton, Bourne
Reason for non-determination:
Awaiting additional information to support claimed Lawful Use.
To assess and determine by end February 2013.

APPLICATIONS DECIDED UNDER DELEGATED POWERS FROM 21 JANUARY 2013 – 15 FEBRUARY 21013

S10/0054/DC

Applicant:	Mr Javaheri
Proposal:	Approval of details required by Condition 5 of S04/1722
Location:	Unit 2, 12/20, Bridge End Road, Grantham
Decision:	Refused - 30 January 2013
End to End time:	1120

S11/1380/DC

Applicant:	Mr David Hoskins
Proposal:	Approval of details reserved by conditions 3 (protected species protection), 4 (tree protection), 5 (installation details), 6 (soft landscaping) & 8 (ground levels and cross-section) of S11/0062
Location:	Hanby Grange, Hanby, Grantham, Lincolnshire, NG33 4HJ
Decision:	Approved - 12 February 2013
End to End time:	517

S11/2782/OUT

Applicant:	Wm Morrison Supermarkets Plc
Proposal:	Erection of pub/restaurant (with associated parking)
Location:	Former Mirrlees Blackstone Site, Uffington Road, Stamford
Decision:	Approved conditionally - 07 February 2013
End to End time:	442

S11/2921/LB

Applicant:	Mr Niall Brady
Proposal:	Conversion of listed outbuilding to ancillary accommodation
Location:	The Laurels, Main Street, Denton, Grantham, NG32 1JZ
Decision:	Approved conditionally - 04 February 2013
End to End time:	425

S11/3007/HSH

Applicant:	Mr N Brady
Proposal:	Conversion of outbuilding to ancillary accommodation
Location:	The Laurels, Main Street, Denton, Grantham, NG32 1JZ
Decision:	Approved conditionally - 04 February 2013
End to End time:	425

S11/3068/FULL

Applicant:	Mr J Cooke
Proposal:	Use of land for the siting of 39 serviced touring caravan pitches
Location:	Wagtail Country Park, Cliff Lane, Marston, Grantham, NG322HU
Decision:	Approved conditionally - 08 February 2013
End to End time:	379

S11/3144/FULL

Applicant:	Mr S C Daws
Proposal:	Temporary dwelling for a key agricultural worker
Location:	Copley Farm, Doddington Lane, Claypole, Newark, NG23 5AT
Decision:	Withdrawn - 30 January 2013
End to End time:	194

S12/0318/OUT

Applicant:	Mr Lloyd Courtenay
Proposal:	Erection of single storey dwelling (outline)
Location:	The Harbour, Kintore Drive, Grantham, Lincolnshire, NG31 9DH
Decision:	Approved by SoS conditionally - 28 January 2013
End to End time:	354

S12/0319/OUT

Applicant:	Mr & Mrs S Orme
Proposal:	Erection of two 2-storey dwellings
Location:	R/o 12 West Street, Barkston, Grantham, NG32 2NL
Decision:	Refused - 15 February 2013
End to End time:	370

S12/0802/FULL

Applicant:	Mrs Catherine Clarke, Claypole Parish Council
Proposal:	Change of use of agricultural land to recreational use.
Location:	Land at Oster Fen Lane, Claypole, Newark, NG23 5BN
Decision:	Withdrawn - 07 February 2013
End to End time:	34

S12/1094/DC

Applicant:	Kim Lavin, Barratt East Midlands
Proposal:	Approval of details reserved by Conditions 6 (private driveway lighting) & 8 (management of permeable paved areas) of S11/3064
Location:	Plots 66-81 and 85-106, Neales Crescent, Grantham, NG31 7GD
Decision:	Approved - 12 February 2013
End to End time:	286

S12/1118/FULL

Applicant:	Mr A Cordial
Proposal:	Change of use of ground floor to exercise room (D2) and part of first floor to theatre school (D1)
Location:	Midland Language Centre, 9A St. Peters Hill, Stamford, PE9 2PE
Decision:	Approved conditionally - 01 February 2013
End to End time:	211

S12/1271/FULL

Applicant:	Mr & Mrs N & H Smith
Proposal:	Change of use from field used for agriculture to storage of leisure vehicles/touring caravans
Location:	Casthorpe House Farm, Denton Lane, Casthorpe, Grantham, Lincolnshire, NG32 1DS
Decision:	Refused - 31 January 2013
End to End time:	226

S12/1470/HSH

Applicant:	Mr & Mrs A & R, Heritage
Proposal:	Single storey side extension to dwelling (including conversion of garage/store) to form annex and detached studio/store
Location:	Bramblewood House, Green Lane, Dry Doddington, Newark, Lincolnshire, NG23 5HY
Decision:	Approved conditionally - 06 February 2013
End to End time:	54

S12/2106/MJNF

Applicant:	Arena UK Ltd
Proposal:	Retrospective planning application for site offices, food cabins, extension to menage, judges towers, access arrangements including resurfacing of the access lane and parking and lunge area
Location:	Arena UK, Allington Lane, Allington, Grantham, Lincolnshire, NG32 2EF
Decision:	Approved conditionally - 29 January 2013
End to End time:	98

S12/2136/OUT

Applicant:	Mr David Rawnsley
Proposal:	Outline application for erection of dwelling
Location:	Plot Adjacent, 62, Rosemary Crescent, Denton Avenue, Grantham, Lincs, NG31 7JQ
Decision:	Approved conditionally - 13 February 2013
End to End time:	57

S12/2139/FULL

Applicant:	Colin Wright
Proposal:	Retrospective application for the retention of three static caravans for housing chickens
Location:	6, Pointon Fen, Pointon, Sleaford, Lincolnshire, NG34 0LF
Decision:	Approved conditionally - 11 February 2013
End to End time:	109

S12/2160/FULL

Applicant:	Mr & Mrs Robert Spencer
Proposal:	Continuation of use of former stable block as day nursery accommodation including retention of alterations/extensions and other associated works; link extension and conversion of part of adjacent stable block to form additional day nursery accommodation.
Location:	White House Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EN
Decision:	Approved conditionally - 08 February 2013
End to End time:	39

S12/2161/LB

Applicant:	Mr & Mrs Robert Spencer
Proposal:	Retention of alterations/extensions to curtilage listed former stable block; link extension and conversion of part of adjacent curtilage listed stable block to form additional day nursery accommodation.
Location:	White House Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EN
Decision:	Approved conditionally - 08 February 2013
End to End time:	39

S12/2198/HSH

Applicant:	Sam Fells
Proposal:	Extension to rear and front of dwelling, with detached double garage to front
Location:	The Old Coach House, Waterloo Road, Caythorpe, Grantham, Lincolnshire, NG32 3DX
Decision:	Withdrawn - 08 February 2013
End to End time:	112

S12/2267/FULL

Applicant:	Mr Andrew Scoffield
Proposal:	Wind turbine (hub height 14.97m, blade dimension 5.6m, total height to tip 17.77m)
Location:	Keepers Cottage, Westborough Road, Hougham, Grantham, Lincolnshire, NG32 2JG
Decision:	Refused - 15 February 2013
End to End time:	156

S12/2535/HSH

Applicant:	Mr & Mrs Shaun & Jo, Maidment
Proposal:	Single storey extensions to front and side, and provide pitched roof over the garage
Location:	13, Tinsley Close, Claypole, Newark, Lincolnshire, NG23 5BS
Decision:	Withdrawn - 01 February 2013
End to End time:	108

S12/2567/ADV

Applicant:	Mr M Newton, Newton Fallowell
Proposal:	Illuminated fascia advertisement
Location:	2, North Street, Bourne, Lincolnshire, PE10 9EA
Decision:	Approved conditionally - 06 February 2013
End to End time:	113

S12/2655/MJRR

Applicant:	Miss K Lavin, David Wilson Homes
Proposal:	Application under Section 73 for a variation of Condition 1 of S11/2923 to allow minor amendments to layout
Location:	Land west of The Ridings, Elsea Park, Bourne
Decision:	Approved conditionally - 23 January 2013
End to End time:	96

S12/2730/FULL

Applicant:	Mr & Mrs J Clark
Proposal:	Erection of dwelling
Location:	Plot adjacent 3, Casthorpe Road, Barrowby, NG32 1DW
Decision:	Refused - 12 February 2013
End to End time:	112

S12/2798/FULL

Applicant:	Belvoir Estates
Proposal:	Subdivision of single dwelling into 2 x dwellings; conversion of attached outbuilding to a single dwelling; demolition of detached outbuilding and replacement with single storey detached dwelling
Location:	Vine House, 71, Main Street, Woolsthorpe By Belvoir, Grantham, Lincolnshire, NG32 1LX
Decision:	Refused - 12 February 2013
End to End time:	43

S12/2828/FULL

Applicant:	Mr Steve Roebuck, Tesco Stores Ltd
Proposal:	Demolition of existing lean-to extension and canopy and replacement infill extension
Location:	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL
Decision:	Approved conditionally - 30 January 2013
End to End time:	82

S12/2850/ADV

Applicant:	Mr Steve Roebuck, Tesco Stores Ltd
Proposal:	One externally illumiated fascia with pinned off lettering; two pinned off 'Tesco Express' logos attached directly to the unit, externally lit by trough lights from above; two non-illuminated di-bond panels; reburbishment of exisitng trough lit gangry sign; one steel composite panel ATM surround and one pole mounted 'welcome/goodbye' car park sign
Location:	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL
Decision:	Approved - 31 January 2013
End to End time:	80

S12/2880/FULL

Applicant:	Mark Newton, Newton Fallowell
Proposal:	New shop front
Location:	2, North Street, Bourne, Lincolnshire, PE10 9EA
Decision:	Approved conditionally - 06 February 2013
End to End time:	57

S12/2914/HSH

Applicant:	Mr David Askew
Proposal:	Erection of conservatory to rear with lantern roof
Location:	33, Lime Grove, Grantham, Lincolnshire, NG31 9JD
Decision:	Approved conditionally - 21 January 2013
End to End time:	56

S12/2918/FULL

Applicant:	Mr Anthony Bailey, Grantham Engineering Ltd
Proposal:	Convert existing open covered store to new enclosed store
Location:	Grantham Engineering Ltd, Harlaxton Road, Grantham, Lincolnshire, NG31 7SF
Decision:	Approved conditionally - 24 January 2013
End to End time:	64

S12/2920/FULL

Applicant:	Mr W Addison
Proposal:	Erection of dwelling (retention of and alterations to existing unauthorised dwelling)
Location:	Adj 3 High Street, Pointon, Sleaford, NG34 0LX
Decision:	Refused - 21 January 2013
End to End time:	56

S12/2923/LB

Applicant:	Mr Tim Redmile
Proposal:	Pitched roof extension to rear of dwelling (Listed Building Consent)
Location:	Corner House, 10, Vine Street, Grantham, Lincolnshire, NG31 6RQ
Decision:	Refused - 30 January 2013
End to End time:	56

S12/2933/FULL

Applicant:	Miss A Knox
Proposal:	Change of use of section of agricultural land to garden land
Location:	29, Green Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LE
Decision:	Approved conditionally - 12 February 2013
End to End time:	47

S12/2934/HSH

Applicant:	Mr Mick Ryan
Proposal:	Single storey rear and 2 storey side extension to dwelling
Location:	19, Cavendish Way, Grantham, Lincolnshire, NG31 9FN
Decision:	Approved conditionally - 21 January 2013
End to End time:	56

S12/2951/HSH

Applicant:	Mr & Mrs N Steen
Proposal:	Erection of garage/annex building
Location:	28, Towngate West, Market Deeping, Peterborough, Lincolnshire, PE6 8DG
Decision:	Refused - 07 February 2013
End to End time:	83

S12/2958/HSH

Applicant:	Tim Radford
Proposal:	Demolition of outbuildings and erection of two storey rear extension and single storey conservatory
Location:	School House, Church Lees, Heydour, Grantham, Lincolnshire, NG32 3NG
Decision:	Approved conditionally - 21 January 2013
End to End time:	54

S12/3003/OUT

Applicant:	Mr F Sandall
Proposal:	Residential development (outline)
Location:	Land off, Eastgate, Bourne
Decision:	Refused - 23 January 2013
End to End time:	49

S12/3010/HSH

Applicant:	Mr & Mrs I Wardell
Proposal:	Erection of single storey rear extension
Location:	10A, Beech Close, Market Deeping, Peterborough, Lincolnshire, PE6 8LL
Decision:	Approved conditionally - 01 February 2013
End to End time:	52

S12/3013/FULL

Applicant:	Mr R Swinscoe, Harley's Diner
Proposal:	Erection of side and rear extensions and new vehicular access to restaurant, alterations to frontage
Location:	2-4, High Street, Market Deeping
Decision:	Approved conditionally - 06 February 2013
End to End time:	72

S12/3030/HSH

Applicant:	Mr & Mrs M McLean
Proposal:	Demolition of previous 2 storey side extension, erection of single and two storey side extension and erection of detached garage with store above
Location:	Berberene, Main Street, Allington, Grantham, Lincolnshire, NG32 2DN
Decision:	Approved conditionally - 06 February 2013
End to End time:	65

S12/3033/RM

Applicant:	Miss Caroline Grindal
Proposal:	Variation of condition 2 of application S02/0459/72 (reserved matters)
Location:	Plots 4 & 5, Castle Bytham Road, Swayfield, Grantham, NG33 4LW
Decision:	Approved conditionally - 21 January 2013
End to End time:	48

S12/3036/HSH

Applicant:	South Kesteven District Council
Proposal:	Ground floor extension and construction of decking
Location:	29, Hobart Road, Grantham, Lincolnshire, NG31 9QF
Decision:	Withdrawn - 22 January 2013
End to End time:	55

S12/3040/FULL

Applicant:	Mrs C Lister
Proposal:	Erection of dwelling (and retention of mobile home for 12 month period)
Location:	Langtoft Livery Stables, Cross Road, Langtoft Fen, Peterborough, PE6 9NX
Decision:	Approved conditionally - 24 January 2013
End to End time:	51

S12/3049/TPO

Applicant:	Mrs Back
Proposal:	Works to TPO's - pollard willow & remove or pollard sycamore, works to trees is Conservation Area - remove ash & reduce red horse chestnut by 2m
Location:	Mcgregor House, Washdyke Lane, Fulbeck, Grantham, Lincolnshire, NG32 3LD
Decision:	TC&P - Work allowed - 28 January 2013
End to End time:	63

S12/3056/TCA

Applicant:	David Hobbs
Proposal:	Removal of dead wood from 3 x Limes and pruning of 1 x Lime tree
Location:	The Old Rectory, Church Lane, Burton Coggles, Grantham, Lincolnshire, NG33 4JZ
Decision:	TC&P - Work allowed - 28 January 2013
End to End time:	56

S12/3071/DC

Applicant:	Mr T Williamson
Proposal:	Discharge of conditions 4 (rainwater goods), 5 (joinery details), 7 (means of attaching to building), 8 (cross sections), 11 (surfacing of access) and 12 (surface water drainage) of planning permission S12/1869
Location:	42, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
Decision:	Approved - 23 January 2013
End to End time:	55

S12/3072/LB

Applicant:	Mr Michael Newland, Star Pubs and Bars
Proposal:	Internal alterations to premises to provide new snug area and managers office
Location:	Rigbys, 13, Market Place, Market Deeping, Peterborough, Lincolnshire, PE6 8EA
Decision:	Approved conditionally - 31 January 2013
End to End time:	44

S12/3073/DC

Applicant:	Mr Tony Williamson
Proposal:	Discharge of conditions 4 (rainwater goods), 5 (joinery details), 7 (means of attaching to building), 8 (cross sections), 9 (method statement), 10 (method statement), 11 (cross sections) and 12 (method statement) required by listed building consent S12/1746
Location:	42, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
Decision:	Approved - 23 January 2013
End to End time:	56

S12/3081/DC

Applicant:	Mr M Berridge
Proposal:	Approval of details of condition 3 (joinery details) required by planning permission S11/0216/FULL
Location:	Former Royal Mail Delivery Office, Horseshoe Lane, Stamford, PE9 2EY
Decision:	Approved - 01 February 2013
End to End time:	53

S12/3084/FULL

Applicant:	Mrs D Nock, Nock & Segrave Builders
Proposal:	Removal of Condition 4 (Drainage Scheme) of Planning Approval S09/0954
Location:	Adjacent Fairfield House, Main Street, Claypole
Decision:	Approved conditionally - 15 February 2013
End to End time:	64

S12/3093/FULL

Applicant:	Mr Michael Lovett, Lovett Properties Limited
Proposal:	Erection of 4 bedroom semi-detached house and garage (extension of time limit for permission S09/2479)
Location:	32, Broadgate Lane, Deeping St. James, Peterborough, PE6 8NW
Decision:	Approved conditionally - 31 January 2013
End to End time:	55

S12/3101/HSH

Applicant:	Mrs S Sharpley
Proposal:	Erection of single storey and two storey rear extension
Location:	15, Rutland Terrace, Stamford, Lincolnshire, PE9 2QD
Decision:	Approved conditionally - 31 January 2013
End to End time:	56

S12/3102/LB

Applicant:	Mrs S Sharpley
Proposal:	Demolition of single storey rear extension; erection of single storey and two storey rear extension and internal alterations
Location:	15, Rutland Terrace, Stamford, Lincolnshire, PE9 2QD
Decision:	Approved conditionally - 31 January 2013
End to End time:	56

S12/3108/LB

Applicant:	Miss A Knox
Proposal:	Erection of fencing
Location:	29, Green Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LE
Decision:	Approved conditionally - 12 February 2013
End to End time:	56

S12/3109/HSH

Applicant:	Colin Kistrucki
Proposal:	Proposed single storey side and rear extensions to existing dwelling including garage (affecting TPO)
Location:	123, Harrowby Road, Grantham, Lincolnshire, NG31 9EA
Decision:	Approved conditionally - 30 January 2013
End to End time:	56

S12/3115/HSH

Applicant:	Mr P J Hawkins
Proposal:	Erection of garage
Location:	1, West End, Harlaxton, Grantham, NG32 1HE
Decision:	Approved conditionally - 24 January 2013
End to End time:	52

S12/3123/LB

Applicant:	Peter Burrows
Proposal:	Replace ground floor window with door (west elevation), infill ground floor window (north elevation), infill door (east elevation) and internal alterations
Location:	The Old Rectory, School Lane, Old Somerby, Grantham, Lincolnshire, NG33 4AG
Decision:	Approved conditionally - 29 January 2013
End to End time:	57

S12/3133/HSH

Applicant:	Mr Andrew Beale
Proposal:	Two storey rear extension to barn conversion
Location:	Gonerby Grange, Belton, Grantham, NG32 2NX
Decision:	Refused - 12 February 2013
End to End time:	55

S12/3134/HSH

Applicant:	Mrs Linda Neale
Proposal:	Single storey rear extension
Location:	66, Bridge Street, Deeping St James, Peterborough, Lincolnshire, PE6 8HA
Decision:	Approved conditionally - 30 January 2013
End to End time:	56

S12/3137/SCH2PART 11

Applicant:	Antony Parker, Consents & Wayleave Specialist, Western Power Distribution
Proposal:	Prior approval for design and external appearance of new switchgear building.
Location:	land off, Manor Lane, Bourne, Lincolnshire
Decision:	Approved - 29 January 2013
End to End time:	54

S12/3147/OUT

Applicant:	Graham Henton, Daraton Developments
Proposal:	Application under section 73 of the Town and Country Planning Act 1990 to allow for the removal of Condition 7 of S08/0005
Location:	Daraton, 36, Newton Way, Woolsthorpe By Colsterworth, Grantham, NG335NP
Decision:	Approved conditionally - 14 February 2013
End to End time:	56

S12/3148/CAC

Applicant:	Mr & Mrs M McLean
Proposal:	Demolition of west elevation extension
Location:	Berberene, Main Street, Allington, Grantham, Lincolnshire, NG32 2DN
Decision:	Approved conditionally - 06 February 2013
End to End time:	65

S12/3154/ADV

Applicant:	Dunelm Mill
Proposal:	Installation of 2 externally illuminated flexface signs
Location:	Dunelm Mill Shop, South Parade, Grantham, Lincolnshire, NG31 6HT
Decision:	Approved conditionally - 21 January 2013
End to End time:	38

S12/3183/HSH

Applicant:	Mr M Bentley
Proposal:	Increase roof pitch to garage/games room
Location:	23, Maple Gardens, Bourne, Lincolnshire, PE10 9DW
Decision:	Approved conditionally - 21 January 2013
End to End time:	61

S12/3193/HSH

Applicant:	Mr Vick
Proposal:	Construction of front porch
Location:	78, Kesteven Road, Stamford, Lincolnshire, PE9 1SR
Decision:	Approved conditionally - 07 February 2013
End to End time:	52

S12/3199/HSH

Applicant:	Mr Paul Wingfield
Proposal:	Rear extension to existing dwelling
Location:	39, Empingham Road, Stamford, Lincolnshire, PE9 2RJ
Decision:	Approved conditionally - 07 February 2013
End to End time:	50

S12/3210/LB

Applicant:	Mr Colin Tebb, Chesterton Humberts
Proposal:	Installation of window to rear and internal alterations to form 2 No. residential units.
Location:	14, Finkin Street, Grantham, Lincolnshire, NG31 6QZ
Decision:	Approved conditionally - 15 February 2013
End to End time:	60

S12/3215/LDE

Applicant:	Mr R Palframan
Proposal:	Use of existing building as a residential dwelling (Lawful Development Certificate - Existing)
Location:	The Annexe, Hall Lane, Harrowby, Grantham, Lincolnshire, NG31 9HA
Decision:	Lawful Development - 12 February 2013
End to End time:	53

S12/3221/FULL

Applicant:	Marstons Inns & Taverns
Proposal:	Variation of Condition 16 of p/p S11/2957/FULL (For the erection of public house) to allow a 01:00 opening on New Years Eve
Location:	Land At, South Road, Bourne
Decision:	Approved conditionally - 08 February 2013
End to End time:	51

S12/3238/FULL

Applicant:	Farcastle Ltd
Proposal:	Chage of use of first floor of premises from ancillary storage to 4no. flats including external alterations
Location:	21, High Street, Grantham, Lincolnshire, NG31 6PH
Decision:	Approved conditionally - 15 February 2013
End to End time:	50

S12/3251/DC

Applicant:	Mr David Nock, Nock & Seagrave Builders
Proposal:	Submission of details in relation to Condition 4 (Materials), 6 (Storage of Refuse) and 7 (Levels and Cross Sections) of Planning Approval S09/0944
Location:	Fairfield House, Main Street, Claypole, Newark, Notts, NG23 5BA
Decision:	Approved - 07 February 2013
End to End time:	28

S12/3262/HSH

Applicant:	Mr & Mrs J Priestly
Proposal:	Erection of conservatory
Location:	10, Harvey Close, Bourne, Lincolnshire, PE10 9QJ
Decision:	Approved conditionally - 31 January 2013
End to End time:	48

S12/3276/HSH

Applicant:	Mr & Mrs Maber
Proposal:	Alteration to porch including replace existing flat roof with pitched roof
Location:	45, Pastures Road, Barrowby, Grantham, Lincolnshire, NG32 1BA
Decision:	Approved conditionally - 15 February 2013
End to End time:	43

S12/3280/HSH

Applicant:	Mr Clive Flanders
Proposal:	Single storey rear extension
Location:	7, Vence Close, Stamford, Lincolnshire, PE9 2LZ
Decision:	Approved conditionally - 13 February 2013
End to End time:	48

S13/0017/TCA

Applicant:	Mr Brian Smith
Proposal:	Felling of 1 no. silver maple tree
Location:	The Leazes, Main Street, Braceborough, Stamford, Lincolnshire, PE9 4NT
Decision:	TC&P - Work allowed - 12 February 2013
End to End time:	40

S13/0018/TCA

Applicant:	Mr David Davies
Proposal:	Remove one sycamore tree
Location:	4, Steele's Yard, North Street, Stamford, Lincolnshire, PE9 2ZS
Decision:	TC&P - Work allowed - 12 February 2013
End to End time:	40

S13/0046/CM

Applicant:	Kirsten Hannaford-Hill, Cemex UK Operations Ltd
Proposal:	To continue to extract sand and gravel without complying with Condition numbers 2,3,and 5 of planning permission S7/2737/10 and Condition numbers 4, 31 and 32 that were carried forward to that permission from planning permission (LCC) reference S7/1083/03. (The proposal seeks to amend the scheme of working and restoration; to amend the details relating to the construction of the amenity mounds; to revise the specification for the clay seal; and to temporarily retain the conveyor) (PL/0186/12)
Location:	Manor Pit Quarry, Baston Outgang Road, Baston, Market Deeping, PE6 9PE
Decision:	No objections made - 23 January 2013
End to End time:	16

S13/0081/CM

Applicant:	Ivor Crowson, Stamford Stone Company Limited
Proposal:	To extract limestone (dimension stone) from a northern extension with the restoration of the proposed extension area, the existing working area and the quarry tips to pasture, woodland and calcareous grassland at land within and adjacent to Holywell Quarry in the parish of Careby, Aunby and Holywell (PL/0199/12)
Location:	Holywell Quarry, Holywell
Decision:	No objections made - 29 January 2013
End to End time:	18

S13/0144/CM

Applicant:	Environment England Ltd
Proposal:	Erect a galvanised palisade fence, new yard slab with associated surface water drainage, new rainwater harvesting tank, relocation of an existing vehicle weighbridge, additional new vehicle weighbridge, siting of modular weighbridge office building, vehicle unloading/loading and product storage to serve yard area
Location:	Environcom Ltd, Great North Road, Grantham, Lincolnshire, NG31 7UH
Decision:	No objections made (cons) - 30 January 2013
End to End time:	21

S13/0171/LCON

Applicant:	Irena Kundrotaite
Proposal:	Application for premises licence
Location:	9a, Bridge End Road, Grantham, NG316JW
Decision:	No objections made - 12 February 2013
End to End time:	28

S13/0188/DC

Applicant:	Mark Goodwill-Hodgson, Mark Goodwill-Hodgson Limited
Proposal:	Approval of details of condition 3 (materials) required by S12/2402
Location:	St Michael & All Angels, Main Road, Uffington, Stamford, PE9 4SU
Decision:	Approved - 31 January 2013
End to End time:	10

PLANNING APPEALS 2011/2012 (excluding Enforcements)

NO OF APPEALS DETERMINED (based on Decision Date) 19
APPEALS OUTSTANDING AT 18 FEBRUARY 2013

S11/1401/LDE LDPP Mr Martin Foster Lawful Development Certificate (Existing) - Use of land as residential garden Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH	**Written Evidence**	Start Date 06-Sep-2012 **Date of H / I** **N/A**	
S11/2762/FULL TF Mr R Dean, Adastone Limited Installation of portakabin for use of daytime cafe and evening security office The Fox Inn, Great North Road, South Witham, Grantham, Lincolnshire, NG33 5LN	**Written Evidence**	Start Date 19-Oct-2012 **Date of H / I** **N/A**	
S12/0123/HSH PL Mr & Mrs P Smith First floor front and rear/side extension, ground floor rear extension and reinstate garage 70, Gladstone Street, Bourne, Lincolnshire, PE10 9AX	**Written Representation**	Start Date 11-Jun-2012 **Date of H / I**	
S12/1016/FULL SP Mr & Mrs Machin Non- Determination - Conversion of existing two storey building, build two storey extension and demolish single storey garage and storey room to form a separate dwelling, and the formation of a new vehicle access for a classified road The Barn, Main Street, Allington, NG32 2EA	**Written Evidence**	Start Date 19-Oct-2012 **Date of H / I** **N/A**	
S12/1020/LB SP Mr & Mrs Machin Appeal against Non Determination - Conversion of existing two storey building, build two storey extension and demolish single storey garage and storey room to form a separate dwelling, and the formation of a new vehicle access for a classified road The Barn, Main Street, Allington, NG32 2EA	**Written Evidence**	Start Date 19-Oct-2012 **Date of H / I** **N/A**	

S12/1135/OUT SB Mr DJ & FE Creasey Erection of single storey dwelling (outline including access, layout and scale only) land to south of, 39, Stainfield Road, Hanthorpe, Bourne, Lincolnshire, PE10 0RE	**Written Evidence**	Start Date 24-Sep-2012 **Date of H / I** **N/A**	
S12/1407/FULL AH Mrs H Dulieu Provision of external staircase (fire exit) to second floor landing to eastern side elevation, flat roofed terrace with associated external staircase to western side of property and provision of solar panels Caudle House, 43, High Street, Market Deeping, Peterborough, PE6 8ED	**Written Evidence**	Start Date 01-Feb-2013 **Date of H / I** **N/A**	
S12/1408/LB AH Mrs H Dulieu Provision of external staircase (fire exit) to second floor landing to eastern side elevation, flat roofed terrace with associated external staircase to western side of property and provision of solar panels Caudle House, 43, High Street, Market Deeping, Peterborough, PE6 8ED	**Written Evidence**	Start Date 01-Feb-2013 **Date of H / I** **N/A**	
S12/1429/LB AH Croft Commercial Developments Ltd Regularisation of works undertaken to window and door heads to provide water drips BLACK BULL, Stamford Walk, St Marys Street, Stamford, Lincolnshire, PE9 2JE	**Written Evidence**	Start Date 01-Oct-2012 **Date of H / I** **N/A**	
S12/1561/CAC NB Messrs Hartley/Munton Demolition of bungalow High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	**Written Evidence**	Start Date 23-Oct-2012 **Date of H / I** **N/A**	
S12/1562/FULL NB Messrs Hartley/Munton Erection of 3 dwellings High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	**Written Evidence**	Start Date 23-Oct-2012 **Date of H / I** **N/A**	
S12/1687/OUT PJM Mr P Collin Erection of single storey dwelling (outline) Tree Tops, Gonerby Road, Grantham, Lincolnshire, NG31 8HU	**Written Evidence**	Start Date 29-Nov-2012 **Date of H / I** **N/A**	

S12/1692/FULL LDPP Mr & Mrs T Digan Drop kerb and create parking area 67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED	**Written Representation**	Start Date 30-Jan-2013 **Date of H / I**	
S12/1727/FULL PJM Mr Gary Sharp, InterM2 Ltd Demolition of Dutch Barn and Nissen Hut, conversion of former barn to 2 dwellings, erection of 3 bay detached garage and erection of detached dwelling Oak Farm Barns, Church Street, Harlaxton, Grantham, NG32 1HB	**Written Evidence**	Start Date 31-Oct-2012 **Date of H / I** **N/A**	
S12/1929/FULL LDPP Mr P Pick Conversion and extension of barn to dwelling land to rear of 14 Ermine Street, Ancaster, Grantham, NG32 3PP	**Written Evidence**	Start Date 25-Jan-2013 **Date of H / I** **N/A**	
S12/2127/OUT AH Mr & Mrs R Bontoft Erection of dwelling (outline application with details of access, layout and scale provided) Land adjacent, 29, Station Road, Castle Bytham, Grantham, Lincolnshire, NG33 4QA	**Written Evidence**	Start Date 25-Jan-2013 **Date of H / I** **N/A**	
S12/2202/HR SP Mr Richard Dring G E Dring & Partners Removal of 100m of hedgerow The Farm, Costa Row, Long Bennington, Newark, Lincolnshire, NG23 5DY	**Written Evidence**	Start Date 22-Oct-2012 **Date of H / I** **N/A**	
S12/2422/ADV PJM Mr Robert Holland, Helen Flowers Erection of internally illuminated projecting sign 12, St Catherines Road, Grantham, Lincolnshire, NG31 6TS	**Written Representation**	Start Date 22-Jan-2013 **Date of H / I**	
S12/2833/TPO RV Brian Coleby Fell one sycamore tree (numbered 2 on the attached plan) within group of trees covered by A273 - Stamford (Windmill Way) Windmill Lodge, Windmill Way, Stamford, Lincolnshire, PE9 2RH	**TPO Fast track**	Start Date 16-Jan-2013 **Date of H / I**	

RECENT APPEAL DECISIONS TO 18 FEBRUARY 2013

Application Ref: S11/2892/OUT PL

Planning Inspectorate No: APP/E2530/A/12/2176619/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs E M Pignatiello
Proposal:	Creation of two building plots
Site:	34, Coggles Causeway, Bourne, Lincolnshire, PE10 9LL

Appeal Decision – Date:	Appeal allowed with conditions - 22 January 2013

SUMMARY

This application was refused under delegated powers on 17 January 2012 on the following grounds:

It is considered that by reason of the overall size of the site and its relationship with surrounding residential properties, the erection of two dwellings in these locations would form an over-development of the site resulting in a cramped form of development and would be contrary to the form, character and general appearance of the area with the large rear gardens to the properties fronting Coggles Causeway being a feature which distinguishes them from the surrounding higher density development to the rear in Essex Way. Furthermore, the provision of a dwelling to the rear will result in an increase in vehicular movements and residential activity causing noise and disturbance to the detriment of residential amenity to the surrounding properties.
For these reasons, the proposal would be contrary to national policies PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and EN1 (Protection and Enhancement of the Character of the District) of the South Kesteven Core Strategy.

In allowing the appeal the Inspector disagreed with the Council and did not consider that the development would affect the character of the area or result in a cramped appearance. Furthermore the Inspector considered that the proposal would have no affect on the privacy of adjacent dwellings or any detrimental impact in terms of noise and disturbance. The Inspector imposed six conditions, standard outline conditions, limiting the rear dwelling to single storey only and defining the sub-division of the plots.

Application Ref: S11/3006/FULL PWM

Planning Inspectorate No: APP/E2530/A/12/2180014/NWF

Appeal Type: **Informal Hearing**

Appellant:	Mr Richard Porter
Proposal:	Conversion of domestic garage to accommodation for seasonal workers and use as holiday let
Site:	Stone Horse Farm, Hough Lane, Carlton Scroop, Grantham, NG32 3BB

Appeal Decision – Date:	Appeal dismissed - 29 January 2013

SUMMARY

This application was refused under delegated powers on 09 February 2012 on two grounds:

1. That the proposal was in an unsustainable location and did not fall into any of the categories of development allowed in such a location under the SK Core Strategy. Specifically no functional need had been demonstrated for an agricultural worker's dwelling and that no unmet need for tourist accommodation had been demonstrated.
2. That the building was not suitable for conversion to a self contained residential unit by virtue of its close relationship with the main dwelling and the constraints of the site, and that it would be detrimental to the residential amenities of occupiers of the proposed unit and existing dwelling.

RECENT APPEAL DECISIONS TO 18 FEBRUARY 2013

The inspector was not convinced that the conversion would be unacceptable in terms of occupiers or neighbours' residential amenities. However she agreed with the Council's assessment on the principle of the development and found that there was no functional need for agricultural workers accommodation or unmet demand for tourist accommodation in a location where new dwellings would not normally be permitted. The appeal was **dismissed**

No application for costs was made by either party.

Application Ref: S11/3021/HSH AH

Planning Inspectorate No: APP/E2530/E/12/2176759/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs S Uszkurat
Proposal:	Erection of two storey rear extension following demolition of existing outbuildings, dormer window to rear elevation and external and internal alterations
Site:	27, St Peters Street, Stamford, Lincolnshire, PE9 2PF

Appeal Decision – Date:	Appeal dismissed - 29 January 2013

SUMMARY

These applications for planning permission and listed building were determined under delegated powers and related to proposed extensions and alterations to No. 27 St Peters Street, a Grade II listed building within the Stamford Conservation Area. The scheme included the erection of a two storey rear extension of a contemporary design with timber cladding/a glazed link (following the demolition of existing outbuildings); the installation of a flat roofed rear dormer window/internal alterations in connection with the conversion of the roofspace to a bathroom; the insertion of a round window to the side elevation; the raising of the height of the boundary wall along Foundry Lane and various internal alterations. The applications were both refused for the reason that :-

"The proposed replacement two storey extension to the rear of the property, would by reason of its scale, design and its proposed materials of construction, be severely detrimental to the special architectural or historic interest of the listed building and the character and appearance of the Stamford Conservation Area. The contributing factors to this severely detrimental impact are its physically overbearing impact on the main building and on the character of Foundry Lane, the uncomplimentary form and design of the proposed extension which will be architecturally and visually at odds with the form and style of the principal building and the proposed use of inharmonious external materials. It is also considered that the proposed flat roofed dormer to be inserted in the rear (north-west facing) roof slope of the principal building will be ill-fitting architecturally and visually. Furthermore, the proposed various internal and external alterations to the existing historic built fabric and features of the principal building are insufficiently detailed so as to demonstrate that the scheme would be sympathetic to the special architectural or historic interest of the host listed building. Accordingly, it is considered that the proposed development would be contrary to Policy EN1 of the South Kesteven Core Strategy and central government advice set out in PPS5: Planning for the Historic Environment."

In dismissing the appeal the Inspector upheld the Council's refusal reason in full in commenting that the proposed extension, dormer window unit and other external alterations would be overwhelming and harmful to the host listed building and the character of this part of the town's conservation area. The Inspector also commented that the proposed works within the existing roofspace in relation to the formation of the bathroom would be to detriment of the building and that other internal alterations had not been sufficiently detailed to provide for a full assessment of the implications of the proposals.

RECENT APPEAL DECISIONS TO 18 FEBRUARY 2013

Application Ref: S11/3022/LB AH

Planning Inspectorate No: APP/E2530/E/12/2176794/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs S Uszkurat
Proposal:	Erection of two storey rear extension following demolition of existing outbuildings, dormer window to rear elevation and external and internal alterations
Site:	27, St Peters Street, Stamford, Lincolnshire, PE9 2PF

Appeal Decision – Date:	Appeal dismissed - 29 January 2013

SUMMARY

These applications for planning permission and listed building were determined under delegated powers and related to proposed extensions and alterations to No. 27 St Peters Street, a Grade II listed building within the Stamford Conservation Area. The scheme included the erection of a two storey rear extension of a contemporary design with timber cladding/a glazed link (following the demolition of existing outbuildings); the installation of a flat roofed rear dormer window/internal alterations in connection with the conversion of the roofspace to a bathroom; the insertion of a round window to the side elevation; the raising of the height of the boundary wall along Foundry Lane and various internal alterations. The applications were both refused for the reason that :-

"The proposed replacement two storey extension to the rear of the property, would by reason of its scale, design and its proposed materials of construction, be severely detrimental to the special architectural or historic interest of the listed building and the character and appearance of the Stamford Conservation Area. The contributing factors to this severely detrimental impact are its physically overbearing impact on the main building and on the character of Foundry Lane, the uncomplimentary form and design of the proposed extension which will be architecturally and visually at odds with the form and style of the principal building and the proposed use of inharmonious external materials. It is also considered that the proposed flat roofed dormer to be inserted in the rear (north-west facing) roof slope of the principal building will be ill-fitting architecturally and visually. Furthermore, the proposed various internal and external alterations to the existing historic built fabric and features of the principal building are insufficiently detailed so as to demonstrate that the scheme would be sympathetic to the special architectural or historic interest of the host listed building. Accordingly, it is considered that the proposed development would be contrary to Policy EN1 of the South Kesteven Core Strategy and central government advice set out in PPS5: Planning for the Historic Environment."

In dismissing the appeal the Inspector upheld the Council's refusal reason in full in commenting that the proposed extension, dormer window unit and other external alterations would be overwhelming and harmful to the host listed building and the character of this part of the town's conservation area. The Inspector also commented that the proposed works within the existing roofspace in relation to the formation of the bathroom would be to detriment of the building and that other internal alterations had not been sufficiently detailed to provide for a full assessment of the implications of the proposals.

Application Ref: S12/0318/OUT PJM

Planning Inspectorate No: APP/E2530/A/12/2178863/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr Lloyd Courtenay
Proposal:	Erection of single storey dwelling (outline)
Site:	The Harbour, Kintore Drive, Grantham, Lincolnshire, NG31 9DH

Appeal Decision – Date:	Appeal allowed with conditions - 28 January 2013

SUMMARY

TO BE REPORTED AT NEXT COMMITTEE

The Planning Inspectorate

Appeal Decision

Site visit made on 15 November 2012

by R W Moon BSc MCD MRTPI

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

Decision date: 22 January 2013

Appeal Ref: APP/E2530/A/12/2176619
34 Coggles Causeway, Bourne, Lincolnshire, PE10 9LL

- 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 Mrs EM Pignatiello against the decision of South Kesteven District Council.
- The application Ref. S11/2892/OUT, dated 18 November 2011, was refused by notice dated 17 January 2012.
- The development proposed is the development of the site to provide 2 new building plots.

Development & Growth
25 JAN 2013
Admin Team

Decision

1. The appeal is allowed and planning permission is granted for the development of the site to provide 2 new building plots at 34 Coggles Causeway, Bourne, Lincolnshire, PE10 9LL in accordance with the terms of the application, Ref. S11/2892/OUT, dated 18 November 2011, subject to the following conditions:

   1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

   2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

   4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

   5) The dwelling on the rear part of the site fronting onto Essex Way (Plot A) shall be of single storey height only.

   6) The development hereby permitted shall be carried out in accordance with the following approved plan: *Drawing No. 11/13/02,* only in so far as it defines the location of the site and the subdivision of the site into Plots A and B.

Procedural Matter

2. The application was submitted in outline with all matters reserved for further approval. In the supporting statement the appellant has indicated that the detailed site layout is illustrative to give an idea of the likely arrangement for 2 houses on the site. In the event of the appeal being allowed submitted Drawing Nos. 11/13/03 and 11/13/04 would not be included as approved plans, leaving the appellant and the authority free to decide what details should follow.

Main Issues

3. I consider the main issues in this case to be:

   a) the effect of the proposed development on the character and appearance of the area; and,

   b) the impact of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance.

Reasons

4. The character of the area is somewhat mixed with mostly 2-storey development. A 2-storey dwelling in Coggles Causeway would be appropriate as its plot would be between several houses of a similar scale as demonstrated by the submitted drawing. There are also 2 bungalows in the vicinity at both ends of this road so that a bungalow at the rear of the site would not be completely alien. The proposed bungalow would be seen in the context of Essex Way against the foreground of the rear gardens of Coggles Causeway. Essex Way is a contemporary estate of 2-storey dwellings. The plot sizes of dwellings here are small, as are those dwellings in Coggles Causeway at the western end of the row. Although the length of the gardens of the 2 immediate properties to the east of the host property match that of the appeal site I do not consider that the character of the area is such that rear plot sizes are a dominant feature of the area as a whole or that the subdivision of the appeal site would be harmful to that character.

5. Examining the densities of the area and the space that would be left around the host dwelling and the new proposed dwellings I do not consider the development would be cramped. No adopted standards for private amenity space have been provided by the Council. Policy EN1 of the Local Development Framework for South Kesteven Core Strategy (CS) has the objective of ensuring new development is sympathetic to the existing character of the area by requiring it to meet a number of considerations. One of these is the need to protect existing open space including open spaces important to the character, setting and separation of built-up areas. The National Planning Policy Framework (NPPF) excludes garden land from the definition of previously developed land but that does not rule out the use of such land if the harm to an area is minimal and other aspects of the guidance are met. The open areas at the back of the Coggles Causeway properties are not fundamentally important to the character, setting and separation of the local built up area.

6. Turning to the impact on nearby residents from increased activity levels, the proposed bungalow would have an access onto Essex Way where the level of

activity would be no different from anywhere else in that road. Being a small dwelling the level of activity is not likely to very high. Being of single storey height the privacy of the neighbours would be assured. To guarantee this and in so far as the proposal is for the development of 2 plots I consider that any decision in favour of the appellant should specify that the rear plot should be of single storey height notwithstanding the wording of the standard outline conditions. No vehicles would pass directly by or close to any habitable rooms in the host dwelling or any other neighbour, particularly those in Coggles Causeway. The activity in the garden would likewise be similar to any residential area. I conclude that there would not be any harm to the living conditions of neighbours from the proposed development from noise or disturbance.

Conditions

7. The Council has suggested 2 conditions should be imposed in addition to the standard outline conditions. One is to require details of drainage prior to development taking place. No evidence has been provided to indicate any particular problems with drainage at this site, the site is flat, and this matter can be adequately dealt with via other legislation. The other is a condition I consider is necessary to secure access and egress for vehicles in a forward gear in the interests of road safety. I also consider that a condition defining the permitted plans should be imposed so that the development is carried out in accordance with the application, for the avoidance of doubt and in the interests of proper planning.

Conclusion

8. I conclude that the proposed development would not have a harmful effect on the character or appearance of the area or have any material impact on the living conditions of the occupiers of neighbouring properties and would conform with the objectives of CS Policy EN1.

R W Moon

INSPECTOR

The Planning Inspectorate

Appeal Decision

Hearing held on 12 December 2012
Site visit made on 12 December 2012

by Sarah Colebourne MRTPI

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

Decision date: 29 January 2013

Appeal Ref: APP/E2530/A/12/2180014
Stonehorse Farm, Hough Lane, Carlton Scroop, Grantham, Lincs, NG32 3BB

- 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 Richard Porter against the decision of South Kesteven District Council.
- The application Ref S11/3006/FULL, dated 1 December 2011, was refused by notice dated 9 February 2012.
- The development proposed is the alteration of a garage to form accommodation for seasonal farm worker and holiday let.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:-

    - whether there is a genuine need for a rural worker's dwelling that cannot be met elsewhere that would outweigh its unsustainable location;
    - whether there is an identified need for a holiday let in this location that would outweigh its unsustainable location;
    - the effect of the proposal on the living conditions of neighbouring residential occupiers and those of the future occupiers.

Reasons

Need for a rural worker's dwelling

3. The most relevant policies regarding this issue are policies SP1, E1 and H1 in the Council's Core Strategy (CS) which set out the Council's spatial, employment and housing strategies for the district and seek to direct development to the most sustainable locations in order to support the Council's strategy for development. One of the exceptions to the policies' restrictions on development in the countryside is for agricultural development.

4. The government's *National Planning Policy Framework ('the Framework')* was published after the Council's decision but is a material consideration in this appeal. It supports economic growth in rural areas and in paragraph 55 recognises that there are special circumstances when isolated new homes in the countryside will be acceptable such as the essential need for a rural worker

to live permanently at or near their place of work. These policies apply to the conversion of existing buildings as well as to new build development.

5. Whilst the Framework does not set out how to assess such proposals and has replaced the technical advice on dealing with temporary agricultural workers dwellings in Annex A of the former PPS7, I consider that those tests provide an appropriate basis for assessing this application. Although this part of the proposal relates to its use for only part of the year, the garage building is a permanent structure and I have determined the proposal as a permanent agricultural dwelling.

6. The first of the tests is evidence of a clearly established functional need. The appellant owns some 11ha of land around the farmstead and some 6.7ha of land nearby to the east. It includes a number of ponds and bunds, some of which are still under construction and two paddocks for horses for domestic use. Some of the land is used for the appellant's existing business as a stock unit for around 50 sheep and the growing of hay. Some of the land to the east is cultivated and future plans include the growing of crops. Groundworks have been started for the erection of a building for storage and feedstuffs in the south west corner of the site for which planning permission has been granted. The existing stock of some 50 sheep increases to 150 when lambed. The business is managed by the appellant and a permanent part time worker.

7. In the future he expects to have up to 1500 ewes, possible in two separate flocks of highland and lowland sheep which would require separation. These would stay in batches of 250 for between four and six weeks. Although I have not been provided with any evidence of industry guidelines, the appellant says that these indicate that a full time worker would be required. He says that an on site presence is necessary to enable 24 hour availability at short notice during any lambing emergencies and during the four to six weeks of haymaking which requires long hours and is subject to unpredictable weather. It would also allow a worker to bring his own dogs for use in the business. Although those plans do not depend on further buildings or land, the appellant also intends to submit planning applications for buildings in which to house the sheep and for lambing and to obtain further land. I understand that the intention to increase his stock depends on the outcome of this appeal but, on the basis of the current stock numbers and the existing nature of the business, I have insufficient evidence of a clearly established functional need.

8. Even if a functional need had been demonstrated, as the requirement would not amount to a full time need over the course of the year, the proposal would also fail the second test.

9. The appellant has not provided any evidence of accounts for the business and I am therefore unable to conclude that the business has been profitable for at least a year and is financially sound and sustainable. The proposal would, therefore, also fail the third test of financial soundness.

10. Although the existing bungalow may not be capable of providing the necessary accommodation without disturbance to the occupiers and other short term accommodation in the area might be too expensive, I see no compelling reason why a temporary caravan or mobile home could not provide suitable, short term accommodation which could also offset the cost of wages. The fact that the appellant would prefer permanent accommodation does not justify

overriding national and local planning policy and the proposal also fails the test of alternative accommodation.

11. I conclude that, for these reasons, the proposed development would conflict with CS policies SP1, E1 and H1 as it does not constitute a genuine need for a permanent agricultural worker's dwelling that cannot be met elsewhere. It would cause significant harm to the Council's strategy for a sustainable pattern of development.

Need for a holiday let

12. CS policies SP1 and E1 are also the most relevant policies with regard to this matter. They follow the Framework in making an exception to the presumption against development in the countryside for identified tourism development needs where it can be demonstrated that a rural location is essential.

13. Although the letter from the Tourism Development Manager at Lincolnshire County Council refers to a shortage of holiday accommodation in the county and the advantages of rural accommodation generally, it does not refer to a specific need for accommodation within this particular area. The appeal site is located within a very small group of dwellings outside the village of Carlton Scroop in a rural area, close to the Viking Way, a long distance footpath. There are few tourist attractions in the immediate area and whilst some visitors may only wish to walk or cycle in the area and enjoy the rural experience, most would be likely to be car dependent to access attractions, shops, pubs and restaurants.

14. Although the proposal is for a very small scale development, there could be many others who would like to set up their own rural business and live in the countryside. The repetition of similar proposals across the district would result in a cumulative effect and a significant level of unnecessary car journeys that national guidance and local policies seek to discourage.

15. The appellant has suggested that a condition could be imposed to prevent the building from being sold off or used independently. However, Circular 11/95 *'The use of conditions in planning permissions'* says that conditions affecting land ownership would be *ultra vires* and that any condition which would put a severe limitation on the freedom of owners to dispose of their property should be avoided on the grounds that it would be unreasonably restrictive. This would not, therefore, overcome the harm I have identified in terms of this or the previous issue.

16. I conclude, therefore, that the proposed development would conflict with CS policies SP1 and E1 as it would not meet any identified need for holiday accommodation in this location. It would cause significant harm to the Council's strategy for a sustainable pattern of development.

Living conditions

17. The Framework seeks to ensure that development proposals are appropriately integrated into the built environment and says that developments should create attractive and comfortable places to live.

18. Although the front door of the proposed development would be close to a door in the existing bungalow, there is adequate separation between the two that would ensure that the comings and goings of the occupiers of either dwelling

would not disturb one another to a great degree. The existing bungalow has a bedroom window in the side elevation facing the proposed parking spaces for the new dwelling. However, as this is already used for parking there would be little additional noise and disturbance or loss of privacy. The proposal would not, therefore, result in a harmful impact on the living conditions of the existing occupiers at Stonehorse Farm or the future occupiers of the proposed dwelling.

19. I have considered carefully the relationship between the proposal and the neighbouring dwellings at Highfield Farm and the Stable Flat at Carlton Scroop Hall. However, I am satisfied that although the building, its rear garden and the access may be seen from one or both of those dwellings, given the distance between them, it would not result in a harmful impact on the living conditions of the neighbouring or future occupiers and I note that the Council has not objected to the impact on those neighbours.

20. I conclude then that the proposal would not cause significant harm to the living conditions of either the existing, neighbouring or future occupiers and would accord with the Framework in this respect.

Other matters

21. Neighbouring residents have also objected to the impact of the proposed development in terms of water supply, drainage and flooding. However, I have insufficient evidence to conclude that any significant harm would result in these terms.

22. At the hearing, the Council introduced the issue of the effect of the proposal on the character and appearance of the countryside. However, given the small scale nature of the proposal, the very limited physical changes and its location on a minor country lane, generally well screened from public viewpoints, I am satisfied that there would not be any significant harm in this regard.

Conclusion

23. Notwithstanding my findings regarding living conditions and the other matters, my findings regarding the first two issues are significant and overriding. I conclude that, for the reasons given above, the appeal should be dismissed.

Sarah Colebourne

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Porter	Appellant
M F Kelby	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Phil Moore	Development Management Officer
Donna Cant	Support Officer

INTERESTED PERSONS:

Michael and Monica Blades	Highfield Farm
Gillian Worth	Carlton Scroop Hall
Robert Doughty	Robert Doughty Consultancy Limited

DOCUMENTS

1 Email from agent to Lincs Tourism Development Manager
2 Letter from Lincs Tourism Development Manager

The Planning Inspectorate

Appeal Decisions

Site visit made on 4 December 2012

by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

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

Decision date: 29 January 2013

Appeal A Ref: APP/E2530/E/12/2176794
27 St Peter's Street, Stamford, Lincolnshire PE9 2EF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Stephanie Uszkurat against the decision of South Kesteven District Council.
- The application Ref: S11/3022/LB, dated 28 November 2011, was refused by notice dated 29 February 2012.
- The works proposed are described as alterations to property to include minor alteration to main listed building; new dormer window, additional window and staircase alteration, other works involve replacement of annexe with a two storey building.

Appeal B Ref: APP/E2530/A/12/2176759
27 St Peter's Street, Stamford, Lincolnshire PE9 2EF

- 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 Mrs Stephanie Uszkurat against the decision of South Kesteven District Council.
- The application Ref: S11/3021/HSH, dated 28 November 2011, was refused by notice dated 29 February 2012.
- The development proposed is described as alterations to property to include minor alteration to main listed building; new dormer window, additional window and staircase alteration, other works involve replacement of annexe with a two storey building.

Decisions

1. The appeals are both dismissed.

Main Issues

2. The main issues in the case of both appeals are the whether the proposed works/development would preserve 27 St Peter's Street, a grade II listed building, or its setting or any features of special architectural or historic interest which it possesses and; whether or not the proposed works/development would preserve or enhance the Stamford Conservation Area.

Reasons

3. The appeal property dates from C18 and is of 2 storeys with an attic floor. It is a cottage and is now in residential use although it has previously been used as a public house. It is constructed of coursed stone, of varying course depth, set on a small plinth. The mansard roof is covered in stone slate. Within the front

roof slope there are 2 dormers each with small paned casement windows. The cottage faces towards St Peter's Street, where it is set at the back of the footway. The main building has been extended with a rear extension covered in slate (C19). In addition a more recent, rather unsympathetic, single storey extension of brick with a concrete tile roof is sited along the boundary with Foundry Lane, a narrow pedestrian route between buildings. The vernacular architectural form of the listed building, its age and materials (which includes evidence of the former thatched roof) establish its very special architectural and historic interest.

4. The Stamford Conservation Area is characterised by its mix of tight-knit development of natural stone buildings, often following historic burgage plots, and more open areas. The whole appearance of the area is one of high quality.

5. The removal of the existing rear projection, because of its unsympathetic materials and detailing, is acceptable in principle. The proposed new extension would be significantly taller than the existing structure being of 2 storeys. It would have a blind wall along Foundry Lane, with a glazed link between the new building and the host building. From within the curtilage, the bulk of the proposed extension would have a dominating impact upon the listed building. The length, height and mass of the extension would appear overwhelming.

6. Modern materials can be appropriate for use with listed buildings. However, in this case the timber and glass panels proposed for the courtyard and rear gable elevations of the extension would exacerbate the harm arising from the mass of the proposed building as they would add to its dominance. This is because the scale and arrangement of the proposed panels would not sit comfortably with the modest features of the listed building. Moreover, the timber panels would prevent the courtyard elevation from appearing as a 'lightweight' addition. Thus the height, size, massing and materials are such that the proposed extension would harm this grade II listed building.

7. The buildings on the opposite side of Foundry Lane are significantly taller than the existing building at the appeal site. The appellant suggests a tall wall would reintroduce an enclosing boundary to Foundry Lane. I noted other enclosed lanes within the area. However, I saw that Foundry Lane has a mix of low and high walls, giving interest and light to this passageway as well as views of parts of the rear of the listed building. The extent of enclosure proposed would detract from those public views. Moreover, the height, with eaves at the same height as those for the main building, combined with the extent of its unbroken ridge length would dominate the host property even taking into account the proposed glazed link, a feature that itself would be uncharacteristic.

8. The existing front facing dormers are within a mansard roof with gable ends. The proposed rear facing dormer would be within the rear facing hipped gable. Because that roof is of a different form to the front roof slope the proposed dormer would not appear well related despite it being of similar form to the front dormers. Instead it would appear awkward and dominant within the roof slope and thus it would be harmful.

9. Proposed internal works to the listed building include works to reconfigure the lower flight of stairs. Whilst physical evidence uncovered on site suggests that this may have been an earlier position for this part of the staircase, the lack of detailed analysis means that the suitability of this approach cannot be properly

assessed. This has implications for assessing the suitability of the walls proposed for a new ground floor cloakroom. Similarly, there is no site specific reason to justify the introduction of a round window in the side elevation of the cottage, rather it is suggested as chosen to look aesthetically better and be in tune with a building of its period. There may be some local reference for such an approach. However, simply introducing a circular window as appears to be proposed (based on the limited design details), when viewed externally would appear awkward and poorly related to this particular elevation.

10. In terms of creating a bathroom in the rear attic, the dormer referred to above would be harmful. To achieve access to this space a roof timber (a rafter) would be partially removed, the attic boarded out and plastered, and services installed. However, again there is limited detail in this regard. The Design and Access Statement (DAS) indicates that works are proposed to the front (St Peter's Street) ground floor windows but no detailed plans are provided for this or the enlargement of an opening to create a niche which is also set out in the DAS.

11. For the reasons set out the proposed extension, dormer window and circular window would harm the special architectural and historic interest of 27 St Peter's Street. Moreover, there is insufficient information and detail to assess the implication of other alterations and internal works.

12. The proposed extension, due to its massing and effect on the listed building and its setting would also detract from the character and appearance of the Foundry Lane townscape and so would neither preserve nor enhance, but would harm the character and appearance of the Stamford Conservation Area.

13. I find that the proposed works would conflict with policy EN1 of the Local Development Framework for South Kesteven Core Strategy (2010) which seeks, amongst other things, that development must be appropriate to the historic features of the area and contribute to its conservation, enhancement or restoration, with particular consideration given to heritage assets, local distinctiveness, historic character, settings of buildings, public access to and community value of the landscape and visual intrusion. That is a recent policy which broadly accords with the advice of the National Planning Policy Framework (the Framework) such that I accord it weight. However, the Framework explains that where a proposal will lead to less than substantial harm to heritage assets, as is the case here, this harm should be weighed against the public benefits of the proposal.

14. Whilst there might be some public benefit from upgrading the property as part of the housing stock, this is a very modest benefit; the greater part of the benefit is essentially personal. Additionally, the benefits of removing the existing unsympathetic extension would not be realised given the proposed extension would have a more harmful effect. I do not find that the public benefits are sufficient to outweigh the harm identified.

Other Matters

15. I appreciate that the appellant feels that communication with the Council regarding the application and its progress has been difficult. However, this is not a matter for my consideration in dealing with the planning and listed building appeals before me.

16. Interested parties question whether or not the proposal is for a new dwelling and the implications this might have, including for parking. The proposal relates to an annexe rather than a separate dwelling; the Council considered the proposal on that basis and so have I.

Conclusions

17. For the reasons set out above and having had regard to all other matters raised, both appeals shall fail.

Zoë H R Hill

Inspector

The Planning Inspectorate

Appeal Decisions

Site visit made on 4 December 2012

by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

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

Decision date: 29 January 2013

Appeal A Ref: APP/E2530/E/12/2176794
27 St Peter's Street, Stamford, Lincolnshire PE9 2EF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Stephanie Uszkurat against the decision of South Kesteven District Council.
- The application Ref: S11/3022/LB, dated 28 November 2011, was refused by notice dated 29 February 2012.
- The works proposed are described as alterations to property to include minor alteration to main listed building; new dormer window, additional window and staircase alteration, other works involve replacement of annexe with a two storey building.

Appeal B Ref: APP/E2530/A/12/2176759
27 St Peter's Street, Stamford, Lincolnshire PE9 2EF

- 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 Mrs Stephanie Uszkurat against the decision of South Kesteven District Council.
- The application Ref: S11/3021/HSH, dated 28 November 2011, was refused by notice dated 29 February 2012.
- The development proposed is described as alterations to property to include minor alteration to main listed building; new dormer window, additional window and staircase alteration, other works involve replacement of annexe with a two storey building.

Decisions

1. The appeals are both dismissed.

Main Issues

2. The main issues in the case of both appeals are the whether the proposed works/development would preserve 27 St Peter's Street, a grade II listed building, or its setting or any features of special architectural or historic interest which it possesses and; whether or not the proposed works/development would preserve or enhance the Stamford Conservation Area.

Reasons

3. The appeal property dates from C18 and is of 2 storeys with an attic floor. It is a cottage and is now in residential use although it has previously been used as a public house. It is constructed of coursed stone, of varying course depth, set on a small plinth. The mansard roof is covered in stone slate. Within the front

roof slope there are 2 dormers each with small paned casement windows. The cottage faces towards St Peter's Street, where it is set at the back of the footway. The main building has been extended with a rear extension covered in slate (C19). In addition a more recent, rather unsympathetic, single storey extension of brick with a concrete tile roof is sited along the boundary with Foundry Lane, a narrow pedestrian route between buildings. The vernacular architectural form of the listed building, its age and materials (which includes evidence of the former thatched roof) establish its very special architectural and historic interest.

4. The Stamford Conservation Area is characterised by its mix of tight-knit development of natural stone buildings, often following historic burgage plots, and more open areas. The whole appearance of the area is one of high quality.

5. The removal of the existing rear projection, because of its unsympathetic materials and detailing, is acceptable in principle. The proposed new extension would be significantly taller than the existing structure being of 2 storeys. It would have a blind wall along Foundry Lane, with a glazed link between the new building and the host building. From within the curtilage, the bulk of the proposed extension would have a dominating impact upon the listed building. The length, height and mass of the extension would appear overwhelming.

6. Modern materials can be appropriate for use with listed buildings. However, in this case the timber and glass panels proposed for the courtyard and rear gable elevations of the extension would exacerbate the harm arising from the mass of the proposed building as they would add to its dominance. This is because the scale and arrangement of the proposed panels would not sit comfortably with the modest features of the listed building. Moreover, the timber panels would prevent the courtyard elevation from appearing as a 'lightweight' addition. Thus the height, size, massing and materials are such that the proposed extension would harm this grade II listed building.

7. The buildings on the opposite side of Foundry Lane are significantly taller than the existing building at the appeal site. The appellant suggests a tall wall would reintroduce an enclosing boundary to Foundry Lane. I noted other enclosed lanes within the area. However, I saw that Foundry Lane has a mix of low and high walls, giving interest and light to this passageway as well as views of parts of the rear of the listed building. The extent of enclosure proposed would detract from those public views. Moreover, the height, with eaves at the same height as those for the main building, combined with the extent of its unbroken ridge length would dominate the host property even taking into account the proposed glazed link, a feature that itself would be uncharacteristic.

8. The existing front facing dormers are within a mansard roof with gable ends. The proposed rear facing dormer would be within the rear facing hipped gable. Because that roof is of a different form to the front roof slope the proposed dormer would not appear well related despite it being of similar form to the front dormers. Instead it would appear awkward and dominant within the roof slope and thus it would be harmful.

9. Proposed internal works to the listed building include works to reconfigure the lower flight of stairs. Whilst physical evidence uncovered on site suggests that this may have been an earlier position for this part of the staircase, the lack of detailed analysis means that the suitability of this approach cannot be properly

assessed. This has implications for assessing the suitability of the walls proposed for a new ground floor cloakroom. Similarly, there is no site specific reason to justify the introduction of a round window in the side elevation of the cottage, rather it is suggested as chosen to look aesthetically better and be in tune with a building of its period. There may be some local reference for such an approach. However, simply introducing a circular window as appears to be proposed (based on the limited design details), when viewed externally would appear awkward and poorly related to this particular elevation.

10. In terms of creating a bathroom in the rear attic, the dormer referred to above would be harmful. To achieve access to this space a roof timber (a rafter) would be partially removed, the attic boarded out and plastered, and services installed. However, again there is limited detail in this regard. The Design and Access Statement (DAS) indicates that works are proposed to the front (St Peter's Street) ground floor windows but no detailed plans are provided for this or the enlargement of an opening to create a niche which is also set out in the DAS.

11. For the reasons set out the proposed extension, dormer window and circular window would harm the special architectural and historic interest of 27 St Peter's Street. Moreover, there is insufficient information and detail to assess the implication of other alterations and internal works.

12. The proposed extension, due to its massing and effect on the listed building and its setting would also detract from the character and appearance of the Foundry Lane townscape and so would neither preserve nor enhance, but would harm the character and appearance of the Stamford Conservation Area.

13. I find that the proposed works would conflict with policy EN1 of the Local Development Framework for South Kesteven Core Strategy (2010) which seeks, amongst other things, that development must be appropriate to the historic features of the area and contribute to its conservation, enhancement or restoration, with particular consideration given to heritage assets, local distinctiveness, historic character, settings of buildings, public access to and community value of the landscape and visual intrusion. That is a recent policy which broadly accords with the advice of the National Planning Policy Framework (the Framework) such that I accord it weight. However, the Framework explains that where a proposal will lead to less than substantial harm to heritage assets, as is the case here, this harm should be weighed against the public benefits of the proposal.

14. Whilst there might be some public benefit from upgrading the property as part of the housing stock, this is a very modest benefit; the greater part of the benefit is essentially personal. Additionally, the benefits of removing the existing unsympathetic extension would not be realised given the proposed extension would have a more harmful effect. I do not find that the public benefits are sufficient to outweigh the harm identified.

Other Matters

15. I appreciate that the appellant feels that communication with the Council regarding the application and its progress has been difficult. However, this is not a matter for my consideration in dealing with the planning and listed building appeals before me.

16. Interested parties question whether or not the proposal is for a new dwelling and the implications this might have, including for parking. The proposal relates to an annexe rather than a separate dwelling; the Council considered the proposal on that basis and so have I.

Conclusions

17. For the reasons set out above and having had regard to all other matters raised, both appeals shall fail.

Zoë H R Hill

Inspector

The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2012

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

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

Decision date: 28 January 2013

Appeal Ref: APP/E2530/A/12/2178863
The Harbour, Kintore Drive, Grantham, Lincolnshire NG31 9DH

- 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 L Courtenay against the decision of South Kesteven District Council.
- The application Ref S12/0318/OUT, dated 29 February 2012, was refused by notice dated 18 April 2012.
- The development proposed is the erection of a single storey dwelling (outline).

Decision

1. The appeal is allowed and outline planning permission granted for the erection of a single storey dwelling at The Harbour, Kintore Drive, Grantham, Lincolnshire NG31 9DH, in accordance with the terms of the application Ref S12/0318/OUT, dated 29 February 2012, subject to the conditions set out in the Annex.

Procedural Matters

2. I note from the appeal submissions that Certificate B was submitted with the planning application on 7 February 2012 serving notice on two other part owners of the application site. A third part owner was also served notice subsequently on 29 February 2012 and the application amended accordingly. I have therefore referred to this later, amended, date of the application in the details above.

3. The planning application was submitted in outline, with matters of access, layout and scale to be considered at this stage. Drawing 834/001 and the enlarged extract from it give details of the siting and size of the dwelling, together with access points for it and the existing dwelling. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are the effect of the development on:

   - The character and appearance of the area; and
   - Highway safety.

Development & Growth
29 JAN 2013
Admin Team

Reasons

Character and appearance

5. The appeal site is located within a predominantly residential part of Grantham, within walking distance of the town centre, local services and facilities and, as such, is in a sustainable location. The pattern of development in the area around the appeal site is varied in terms of plot size, layout, age and design. Single-storey dwellings exist on three sides of the appeal site. There are a number of street trees and boundary hedges within the local area, including along Kintore Drive. Given the boundary screening and the layout of surrounding development, public views of the appeal site and neighbouring dwellings are limited. Based on the scale parameters submitted, I consider that views of the appeal proposal would be similarly constrained.

6. The proposal would broadly follow the pattern of existing development along Kintore Drive. Although it would be sited relatively close to the boundary with the host dwelling, a significantly greater separation would exist to the neighbouring property on the other side. Although narrower than others along Kintore Drive, the plot would provide for relatively generous rear gardens for both the host property and the proposed dwelling, together with access and parking to each site frontage. Consequently, I consider that the visual relationship with other properties of a dwelling of the scale and layout proposed would not appear cramped and the relationship of built form to plot size would be acceptable.

7. I therefore conclude that the proposal would not be out of keeping with the local character or appearance of the area, but would integrate positively with and complement the existing development around it. As such it would meet the requirements of the *South Kesteven Core Strategy 2010* (CS) policy EN1, which requires development to be appropriate to the local character of an area and contribute to its conservation or enhancement. Although I have been referred to CS policy SP1, I consider that it is not directly relevant to this proposal. The proposal would also be in accordance with the aims of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve a good standard of design for new development, taking account of the character of different areas.

Highway safety

8. Kintore Drive is located close to the junction of Beacon Lane with New Beacon Road, which is an important route for local traffic, linking this area to the town centre. The existing access drive serves four dwellings and, as agreed by the appellant and the Council at the site visit, at its junction with Beacon Lane it has a width of 4.1 metres. The access drive is enclosed by boundary hedges and fences along both sides, with the exception of the individual points of access serving each dwelling.

9. Although the access drive is of limited width and with no turning facilities, there is no evidence of problems of conflict between existing users, including service and refuse vehicles. Parking areas are provided within individual plots, there is clear visibility along its length and it seems likely that, in practice, the individual access points along it are used to provide passing opportunities. Given this, I consider that the proposal would be unlikely to result in significant

problems of vehicles turning, parking, waiting or manoeuvring on Beacon Lane adjacent to the access.

10. Although parking is not restricted, the access drive is one of three junctions located close to a significant bend in the main road. In the circumstances, I consider on-street parking around this bend unlikely to occur. Consequently, traffic approaching Kintore Drive from New Beacon Road is unlikely to cross the centre line of the carriageway. I observed a road traffic sign on New Beacon Road warning approaching drivers of the bend in the road and its junctions. The road is within a built up urban area and contains several individual access drives and other road junctions likely to lead to turning and waiting vehicles. Accordingly, I consider that road users on New Beacon Road travelling towards Beacon Lane would be likely to be exercising caution and travelling at a relatively low speed. Therefore, whilst I acknowledge that the visibility available in this direction is limited, I am not persuaded that the proposal would cause material harm to highway safety from potential conflict with other vehicles by additional traffic emerging from Kintore Drive.

11. The restriction of visibility from the access drive towards the town centre by parked vehicles on the appeal site side of the road was drawn to my attention by the occupier of 24 Beacon Lane during my site visit. However, although these vehicles may result in some potential conflict for traffic on Beacon Lane, for reasons similar to those above, I consider the visibility available in this direction is unlikely to cause significant problems in using Kintore Drive. I note that some road accidents have occurred locally, although from the details provided none of them appear to have been associated with the Kintore Drive junction. Consequently, this does not change my assessment of the likely impact of the proposal.

12. I therefore conclude that the proposed development would not be materially harmful to highway safety or detrimental to other road users. As such, it would not conflict with the aims of paragraph 32 of the Framework to achieve a safe and suitable access to the site.

Other matters

13. Kintore Drive is a private road and concerns have been raised about rights of way for future occupiers of the proposed dwelling, liability for repairs and the deterioration of the surface of the access drive. Whilst I acknowledge that such issues may need to be resolved, my decision on this appeal does not negate any private legal rights in these respects. I have therefore only attached very limited weight to these concerns and consider that they should not be decisive in this case.

Conclusions and conditions

14. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of Circular 11/95; for clarity and to ensure compliance with the Circular, I have amended some of the Council's suggested wordings.

15. For the avoidance of doubt, a condition requiring development in accordance with the submitted plans in respect of access, scale and layout is necessary. In the interests of visual and residential amenity, it is necessary to require that reserved matters be approved in respect of appearance and landscaping, to include boundary treatments. A separate requirement for samples is not

necessary. These should also encompass room layouts since the details have not been provided at this stage. To prevent an increased risk of flooding and pollution of controlled waters, it is necessary to control details of surface and foul water drainage. In the interests of highway safety, it is necessary to ensure appropriate access and parking for the existing and proposed dwellings is provided before the first occupation of the approved dwelling.

16. The Council has suggested that a range of householder permitted development rights should be withdrawn. Taking into account the relationship of the proposed dwelling with other properties and the limitations imposed by the Order, I consider that insufficient justification has been made for the removal of these rights and, consequently, it is not appropriate to include conditions in these respects.

17. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions listed in the Annex the appeal should be allowed.

Anne Napier-Derere

INSPECTOR

Annex

Conditions

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.

2. The development hereby permitted shall be carried out in accordance with the scale parameters, access arrangements and layout shown on the approved plan 834/001.

3. Details of the reserved matters set out below shall be submitted to the local planning authority within three years of the date of this permission:

   (a) Appearance, including room layouts; and

   (b) Landscaping.

   In respect of landscaping, the reserved matters shall include a timetable for implementation and management and the position, design, materials and type of boundary treatments. No development shall take place until the approval of all reserved matters has been obtained from the local planning authority in writing. Development shall be carried out in accordance with the approved details and timetable.

4. No development hereby permitted shall take place until a scheme for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved details.

5. No development hereby permitted shall take place until details of the proposed access and parking arrangements for the dwelling hereby approved and the existing dwelling known as The Harbour have been submitted to and approved in writing by the local planning authority. Details shall include a construction specification with materials and surface water drainage details (where not covered by condition 4 above). The dwelling shall not be occupied until the accesses and parking areas for both dwellings have been laid out in accordance with the approved details. The accesses and parking areas shall be retained thereafter for those specific uses.

TABLE 4

PLANNING APPLICATIONS PERFORMANCE

Apr 12 - Jan 13

New end to end times for determining applications	Days	Target (days)
Average no of days to determine Major's (small scale)	144	90
Average no. of days to determine Minor's	74.6	55
Average no. of days to determine Other's	67.3	50
Average no. of days to determine Householder's	50.4	45