

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 19 MARCH 2013
at
<u>1.00 PM</u>
* 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

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 MARCH 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 of the applications is as shown on the index attached to this report, but this may be subject to change, at the discretion of the Chairman of the Committee.

EXCLUSION OF THE PUBLIC

IT IS ANTICIPATED THAT, IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC MAY BE EXCLUDED FROM THE MEETING DURING THE CONSIDERATION OF THE FOLLOWING ITEM BECAUSE OF THE LIKELIHOOD THAT OTHERWISE EXEMPT INFORMATION, AS DESCRIBED IN PARAGRAPH 2 OF SCHEDULE 12A OF THE ACT WOULD BE DISCLOSED TO THE PUBLIC

6. UNTIDY STATE OF GARDEN AREA, BOURNE

Report PLA953 from 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 MARCH 2013



COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry
Councillor Cook
Councillor Howard
Councillor Vic Kerr
Councillor King
Councillor Morgan

Councillor Parkin
Councillor Powell
Councillor Jacky Smith
Councillor Stevens
Councillor Mrs Brenda Sumner
Councillor Wilkins (Chairman)
Councillor Woolley

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Area Planning Officers (Nigel Bryan, Satu Pardivalla and Phil Moore)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Legal and Democratic Service Manager (John Armstrong)

85. MEMBERSHIP

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

86. APOLOGIES

Apologies for absence were received from Councillors Adam Stokes and Mrs Kaberry-Brown.

87. DISCLOSURE OF INTERESTS

Councillor Powell declared a disclosable pecuniary interest in application S13/0041 (PL1) as a Member and Town Mayor of Bourne Town Council.

Councillor Vic Kerr declared a disclosable pecuniary interest in application S12/3097 (PWM2), as he rented half the land associated with the site.

Councillors Morgan, Ashberry, Cook and Parkin queried whether, as Members of Grantham Charter Trustees, they had a disclosable interest in application S12/31787 (LDPP1), but were advised that they did not have a disclosable interest.

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

The minutes of the meeting held on 5th/19th February 2013 were accepted as a correct record of decisions taken, subject to it being recorded that Councillor Powell returned to the meeting after consideration of application S13/0041 (PL2), in which she had disclosed an interest.

89. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S12/0864/MJRO

Description: 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

Decision: Approved, subject to referral to the Secretary of State and

to the completion of a Section 106 agreement

Before the application was presented by the Case Officer, the Head of Development and Growth drew the attention of the Committee to the national and local policies relevant to the consideration of this application, in particular the National Planning Policy Framework (NPPF) and the Site Allocations Policy (SAP), and outlined the reason for reporting the application to Members and the significance of the five year land supply position. He also referred to a letter which had been received that day from Solicitors acting for Stamford Chamber of Trade and Commerce, which had been circulated to Members prior to the meeting.

Noting comments made during the public speaking session from:

Robert Conboy – objecting on behalf of the South West Approaches Protection Group
Mr E Gilman – objecting on behalf of Stamford Chamber of Trade and Commerce
Mr Chris Briance – objecting
Mrs Margaret Chirico - objecting
Mike Newton – applicants' agent

together with comments from the Rights of Way Officer, Lincolnshire Police, National Planning Casework Unit, Anglian Water and Consultant Arboriculturalist, support from Stamford Town Council, observations of the Education Authority, Primary Care Trust and Community Leisure Officer in regard to the Section 106 requirements and a note of the proposed Section 106 agreement Heads of Terms, no objection from the Highways Agency, Highway Authority, Principal Conservation Officer, English Heritage, Lincolnshire Wildlife Trust, Lead Local Flood Authority and Natural England, observations of Stamford Civic Society and Anglian Water, objections from Stamford Chamber of Trade and Commerce, objections from a number of local residents, one letter of support from a local resident and observations from Planning Policy; late information report circulated to Members before the meeting, including the observations from Environmental Health (no objection subject to conditions), an objection from Tinwell Parish Council (included in full in the report), comments and suggested highway conditions from the Highway Authority, further representations from Stamford Chamber of Trade and Commerce (included in full in the report), officer comment on the information received, and suggested alterations to conditions (all included within a full draft of the suggested revised notice, reproduced in the report); report of site inspection and comments made by Members at the meeting.

(2pm – Councillor Adams entered the meeting).

The Chairman quoted verbatim an answer given by the Planning Minister to a question put to him by Robert Halfon MP that related to those authorities without a local plan where there is also a continuing shortfall in the housing

land supply, as reported in Hansard on 27th February 2013.

It was then proposed and seconded that the application be approved, subject to referral to the Secretary of State and the completion of a Section 106 agreement, subject to the conditions listed in the late report and to a revision to include a requirement for noise monitoring in both wet and dry conditions.

Following further discussion on the proposition as made, the Chairman reviewed the proposition and suggested conditions, and further amendments, for the benefit of Members, as follows:-

- Condition 26 to be amended by the addition of a new paragraph:
(d) Noise monitoring should be carried out at various times and in various weather conditions.
- Delete condition 14 (same effect as condition 24)
- Add new condition regarding private drives:
“Any shared private driveway shall be hard surfaced.”

The proposer and seconder agreed to include these amendments within the proposition, and following further discussion in regard to landscaping, also agreed to include an amendment to condition 10, to include the following, after the word “landscaping” in line 3 – “including trees, shrubs and bushes of native species...”.

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 Secretary of State not calling in the application as a departure from the development plan, to the signing of a legal agreement to secure developer contributions and subject also to the conditions and notes set out in the late 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.

(Councillor Adams did not take part in the voting on the above application).

(The meeting adjourned from 3.27pm to 3.47pm).

KJC1

Application ref: S11/2002/MJRO

Description: Outline planning permission for residual development and the formation of new vehicular access

Location: Land Off Main Road, Long Bennington

Decision: Deferred

Noting comments made during the public speaking session from:-

Councillor S Pearson – objecting on behalf of Long Bennington Parish Council
Walter Hughes – objecting
Mike Sibthorp – objecting on behalf of Mr G Fearn
Andy Rogers – applicant

together with comments from Local Plans, Open Space Officer, Partnerships Projects Officer (Affordable Housing), Police Architectural Liaison Officer, Environmental Protection, Property and Facilities (Drainage), Arboricultural Consultant, Highway Authority, Anglian Water, Environment Agency, Upper Witham Internal Drainage Board, Heritage Lincolnshire (Archaeology), Principal Conservation Officer, Lincolnshire Wildlife Trust, Lincolnshire PCT, Lincolnshire Children's Services and Environmental Protection (Noise), no objection from Severn Trent Water, Natural England or the Highways Agency, objections from the Parish Council and a number of local residents, and a note of the proposed Section 106 Heads of Terms; late information report circulated to Members before the meeting including comment from the Upper Witham Internal Drainage Board and officer comment thereon, and comments made by Members at the meeting.

(4.25pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).

(4.25pm – Councillor Adams left the meeting).

It was proposed and seconded that the application be deferred for the following reasons:-

- To enable the Highway Authority to re-assess their observations in view of issues raised by them and by Members at the meeting;
- For the preparation of an ecological survey with specific reference to bats;
- For a site inspection, involving the whole committee, to assess the impact of the proposal on the listed buildings to the south of the site.

It was further suggested that for a subsequent report of this item detailed information on housing land supply, and on the programme and timetable for completing the SAP should be included. The proposer and seconder agreed to add this to their proposal.

On being put to the vote the proposition was agreed, and the application was deferred for the reasons given above.

(4.47pm – Councillor Powell left the meeting).

KJC2

Application ref: S12/0875/MJRF

Description: Retention of vehicular access

Location: Land North of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham

Decision: Approved

Noting comments from the Highway Authority and Senior Historic Environment Officer (Archaeology), objections from Fulbeck and Hough on the Hill Parish Council and objections from local residents, site inspection report 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. 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.

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.

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.
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.

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.

(4.52pm – Councillor Morgan left the meeting).

SP1

Application ref: S12/2016/FULL

Description: 3 x 15 meter high wind turbines

Location: Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT

Decision: Approved

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Cook and King) who had not been present when the application was discussed on 2nd October 2012).

(4.56pm – Councillor Morgan returned to the meeting).

(5.08pm – Councillor Cook left the meeting).

Members noted the Case Officer's detailed report on items in relation to which further information had been requested, together with no response from

Claypole Parish Council, no objection from the Highway Authority and no objection from the National Air Traffic System, Ministry of Defence and the Environment Agency, comments from the District Archaeologist, Natural England, Conservation Officer, SKDC Environmental Protection and MAS Environmental Protection, together with an objection from a local resident and comments made by Members at the meeting.

A Member suggested that condition 2 should be varied to add the words “vehicles and equipment used for the erection of the turbines” after the word “statement” in line 2 of condition 2 on page 83 of the report. It was proposed and seconded that the application be approved subject to this amendment.

(Councillor Morgan queried whether she would be eligible to vote as she had been absent from the meeting during part of the Case Officer's presentation. Following advice from the Committee Support Officer, Councillor Morgan confirmed that she had read this report fully. As the Case Officer's report was based entirely on the circulated report, she would be eligible to vote).

The proposition was put to the vote, and the application as amended was 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 commenced before the expiration of three years from the date of this permission.
2. The development shall not commence until details of the method and route of delivery of components (including a risk assessment and method statement), and vehicles and equipment used for the erection of the turbines 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.
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.
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.
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 measurement 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 measure 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.

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.

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

PWM1

Application ref: S12/2170/FULL

Description: 2 x 15 meter high wind turbines

Location: The Old Pump Cottage, Fen Road, Dowsby, Bourne,
Lincolnshire, PE10 0TX

Decision: Approved

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Adams and Woolley) who had not been present when the application was discussed on 4th December 2012).

Members noted the Case Officer's detailed report on items in relation to which further information had been requested, together with comments from the Senior Historic Environment Officer, Natural England, SKDC Environmental Protection and MAS Environmental, no objection from the Ministry of Defence, National Air Traffic System, Environment Agency, Anglian Water and Dowsby Parish Council, comments from Rippingale Parish Council and objections from nearby residents, 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 commenced before the expiration of three years from the date of this permission.

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.

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.
4. The noise emissions from the wind turbine shall not exceed a sound pressure level $L_{Aeq,T}$ 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 measurement 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 measure 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.

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.

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.

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

PWM2

Application ref: S12/3097/LB

Description: Alteration 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.
NG23 5HJ

Decision: Approved

(5.25pm – Councillor Woolley left the meeting).

Noting comments from the Conservation Officer and no objection from the Parish Council, together with 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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

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.

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.

4. When the roof covering of the barn referred to in condition 3 is removed, the local authority shall be notified and a representative allowed to inspect and make a record of any features of interest prior to the commencement of any works of repair or alteration.
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.
6. Any new or replacement rainwater goods shall be of either cast iron or black painted/coated aluminium on rise and fall brackets.
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.
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.
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

LDPP1

Application ref: S12/3187/LB

Description: Installation of DDA compliant handrails to steps outside

Arts Centre

Location: Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY

Decision: Approved, subject to no adverse observations from the Grantham Charter Trustees and Guildhall Centre Management

Noting comments from the Community Archaeologist and no objection from the Conservation Officer; late information report circulated to Members before the meeting referring to an extended consultation period, and a change to the recommendation, together with comments made by Members at the meeting.

During discussion, Members wondered if the proposed rails were insufficiently wide apart, on health and safety grounds, bearing in mind the use of the door and steps as a fire exit, and the possible interference with this exit.

It was proposed and seconded that further consideration be deferred to enable the Grantham Charter Trustees and Guildhall management to comment on the proposal, given the Health and Safety grounds outlined above, and that if there are no adverse observations authority be given to the Development Management Service Manager to approve the application, after consultation with the Chairman and Vice-Chairman, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to appropriate conditions.

PL1

Application ref: S13/0041/ADV

Description: 3 Non-Illuminated crests and signage

Location: Bourne Corn Exchange, Abbey Road, Bourne

Decision: Deferred

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Ashberry and Morgan) who had not been present when the application was discussed on 19th February 2013).

Noting no objection from the SKDC Conservation Officer, and comments made by Members at the meeting. Members noted that the applicants had advised

that they wished the application to be considered as submitted.

(5.36pm – Councillor Ashberry left the meeting).

(5.40pm – Councillor Ashberry returned to the meeting).

It was proposed that the application be approved. This proposition received no seconder.

It was then proposed and seconded that the application be deferred and that the applicants be requested to consult further with Bourne Town Council and the Conservation Officer, and that the applicants also look again at the design of the proposed signage, with the application being further considered by the Committee.

On being put to the vote the proposition was agreed, and the application deferred for the above reasons.

NO MEMBERS OF THE PRESS OR PUBLIC WERE PRESENT AT THIS POINT IN THE MEETING.

90. OPEN SPACE LAND IN THE DISTRICT OF SOUTH KESTEVEN - POSSIBLE INJUNCTION

Decision:-

- (1) That the Development Management Service Manager be given authority, in liaison with Legal Services, to seek an injunction under Section 187B of the Town and Country Planning Act 1990 (as amended), to restrain persons from carrying out a breach of planning control in relation to land within the district of South Kesteven, subject to legal consideration and sufficient evidence being obtained.*
- (2) That the Cabinet be recommended to look into the possibility of the compulsory purchase of the land to enable it to be retained as open space.*

The Planning Enforcement Officer gave a report (Report No. PLA 981) in relation to the background to his request for authority to be given to the Development Management Service Manager to potentially seek an injunction subject to sufficient evidence.

It was proposed, seconded and agreed that the request be acceded to, and that in addition the Cabinet be recommended to consider the exercise of compulsory purchase powers to ensure the retention of the land as open space.

91. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA979 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 18th February 2013 was also submitted, with a table showing planning applications performance as at January 2013.

92. CLOSE OF MEETING

The meeting closed at 6.18pm

Agenda Item 5

COMMITTEE: 19 March 2013

	NO	PAGE	PROPOSAL AND LOCATION	REC
SB1	S12/3277	1	Change of Use from residential dwelling (Class C3) to day centre for young adults with disabilities (Class D1) 4 St Gilberts Road, Bourne, PE10 9XB	AC
NB1	S12/3181	8	Erection of hotel (including 36 bedrooms and 18 parking spaces) Former Salvation Army site, East Street, Stamford, PE9 1QD	R
SP1	S12/2429	15	Pig Rearing and finishing building (unit 1) EIA development Land East of Keisby House, Keisby, Bourne, PE10 0RZ	AC
SP2	S12/2428	25	Pig rearing and finishing building *unit 2) EIA development Land East of Keisby House, Keisby, Bourne, PE10 0RZ	AC
JJ1	S12/3246	35	Construction of 34 residential dwellings Land off, Bourne Road, Morton	R

SB1 **S12/3277/FULL**

Target Decision Date: 04-Mar-2013

Committee Date: 19-Mar-2013

<u>Applicant</u>	Mrs M Avis 13, Stanley Street, Bourne, Lincolnshire, PE10 9BJ
<u>Agent</u>	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
<u>Proposal</u>	Change of Use from residential dwelling (Class C3) to day centre for young adults with learning disabilities (Class D1)
<u>Location</u>	4, St Gilberts Road, Bourne, Lincolnshire, PE10 9XB
<u>App Type</u>	Full Planning Permission
<u>Parish(es)</u>	Bourne
<u>Reason for Referral to Committee</u>	The application has been referred to Committee at the request of the Ward Member.
<u>Recommendation Summary</u>	Approval subject to conditions.

REPORT

Application Category

The application is categorised as a minor type of application.

Reason for Referral to Committee

The application has been referred to Committee following a request by the Ward Councillor as a proposal generating local concerns including noise and traffic impacts in relation to Core Strategy policy EN1.

The Proposal

The proposal is to change the use of a domestic bungalow to a day centre for a maximum of 8 people with learning disabilities (Class D1). The dwelling will be used to teach basic living skills such as cleaning, washing, cooking, shopping in the local area and using public transport, as well as social development skills; utilising the facilities typically present in a dwelling. No change to the appearance of the domestic character of the dwelling is proposed. The use will employ 3 people, including the applicant. People attending the centre will be collected from their home and brought to the centre by the applicant, and returned home at the end of the day. There will be four off-road parking spaces provided – three within the front garden and one in the garage. The day centre will operate from 9.00am to 4.00pm from Monday to Friday inclusive.

The application is accompanied by a Travel Plan that seeks to restrict the number of car journeys to and from the property in order to reduce the impact on the local area and promote more sustainable forms of transport. The Travel Plan states that the majority of clients would be brought to and from the site by the owner in a people carrier, only 2 staff would have private cars and that public transport would be used for journeys to activities outside the property where feasible.

The Application Site and its Surroundings

The bungalow is located on the northern side of St Gilberts Road. It is situated close to the commercial centre of Bourne with a health centre, petrol filling station and retail unit, a church and bus station close by, where St Gilberts Road meets North Street. There are no parking restrictions immediately outside the property but double yellow lines are found outside the commercial/civic uses to the east of the site. To the east of the site, between the application site and the commercial/civic uses, lies one residential property – a bungalow at 2 St Gilberts Road. The remainder of St Gilberts Road, to the west of the site, is in residential use.

The application site comprises a bungalow with an attached garage. The front garden has been hard landscaped. There is a parking space on the drive in front of the garage. A path leads along the eastern side of the property and around the dwelling to a small rear yard. There is timber fencing to the rear of the site and the boundary with 6 St Gilberts Road, however, the boundary to 2 St Gilberts Road is more open. The rear garden and property at 2 St Gilberts Road is set at a lower level than the application site. From the comments made by the adjoining occupier, an additional window has been inserted to the side elevation under permitted development rights for residential properties that overlooks the rear garden of 2 St Gilberts Road.

The reason for the application is to provide services that are anticipated to be withdrawn in Bourne by Lincolnshire County Council as part of changes being made in the sector.

Relevant Site History

There is no relevant planning history.

Policy Considerations

South Kesteven Core Strategy (2010)

Policy SP1 Spatial Strategy

Policy EN1 Protection and Enhancement of the Character of the District

National Planning Policy Framework (2012)

Core Planning Principles

Section 4 Promoting sustainable transport

Section 8 Promoting healthy communities

Representations Received

Bourne Town Council: No objections subject to the following conditions:

- The premises are used within Class D1 and the permitted hours of use are restricted as set out in the planning statement
- Use complies with all Health and Safety Regulation, PAT testing and Fire Regulations
- Any works required by the Disability Act or other relative legislation are met

Cllr Linda Neale states 'Several local residents have raised various concerns with me regarding the application and have asked that they be considered by the committee rather than being delegated to officers. As you will be aware, traffic and noise are of particular concern with the relevant council policy being EN1. As the application appears to be locally controversial, I believe it to be in the public interest for the committee to determine it.'

Cllr Helen Powell states 'Considers that the proposal will be a great asset to our community and meet a substantial local need in the area. This complies with EN1. The owner of the centre will collect clients herself in 2 trips.'

Lincolnshire County Council (Highways): Requests that any permission given by the local planning authority shall include the conditions below. These relate to the provision of parking spaces and the implementation of the submitted travel plan.

Environmental Health: No objections subject to a restriction on the occupation of the property to a day centre and no other use.

Heritage Trust of Lincolnshire: The application does not affect any known archaeological sites.

Representations Received as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. The occupiers of seven properties surrounding the application site were notified of

the proposal. In addition, the application was publicised by way of a site notice. Five letters of objection have been received on the grounds that (in summary):

- The character of the road will be materially affected by the residential bungalow being turned into a commercial property. The building of bungalows was specifically to provide homes for older residents.
- St Gilberts Road is a residential area, not a commercial area.
- Change of use to business use will be in breach of the restrictive covenant placed on the land in 1972.
- Proposal will remove an affordable residential property, the applicant has not discussed the proposal with neighbours, property will be very cramped, no mention of meeting Health and Safety, Fire Regulation or Disabled Access regulations, no mention of how the premises would be inspected, lack of space for gardening, need for vehicles to leave the site in forward gear and danger of clients wandering off site into the road due to lack of fencing.
- Residential bungalow is not a suitable place for this kind of work.
- The provision of car parking spaces to the front garden area will be an eyesore and add to the traffic and parking hazards that already impact the road.
- Traffic through St Gilberts Road is already higher than the road was designed due to on-street parking and the opening of Sainsburys with a high incidence of accidents. The proposal will increase the amount of traffic on St Gilberts Road.
- Concern about highway safety, especially on children, as St Gilberts Road is extremely busy and there are large numbers of cars parked there by workers at the health centre. Difficult to cross the road and exit from driveways at present.
- Concern that the property is large enough or the back garden spacious enough to accommodate up to 8 adults and 3-4 staff members.

There have been two letters of support on the basis that the proposal will be an enormous asset to the town, a good opportunity for the small group of people with learning disabilities who will have a lot of opportunities to learn new skills and that there is a desperate need for its services.

Some objectors support the provision of additional facilities for adults with learning difficulties in Bourne but feel that alternative, safer locations should be fully explored before residential property of this type is converted to commercial property given the risks outlined. Concerns about the potential devaluation of property are not considered to be material planning considerations that can be taken into account in the determination of this application.

Officer Evaluation

The main issues in relation to this application are on traffic generation, highway safety, residential amenity and whether the property is in a suitable location for the proposed use.

Suitability of the Site

The application site is located in close proximity to Bourne town centre as proposed to be designated in the emerging Site Allocations and Policies DPD. Indeed, the application site is within walking distance of the town centre. Close to the application site on St Gilberts Road lies a health centre, a petrol filling station and convenience store, a bus station and church. The edge of the commercial area, however, is strongly delineated with a predominantly residential part of the town being located to the west of and including 2 and 3 St Gilberts Road. There are residential properties on either side of the application site.

There is no planning policy designation that restricts that area or individual properties to a solely residential use, therefore, the acceptability of the proposal must be determined on its merits based

on the nature of the use and the likely impact on nearby residential occupiers. These matters are discussed more fully below.

Traffic Generation

In terms of traffic generation, the applicant has stated that there would be a maximum of three staff (including the applicant) and that people attending the centre would be taken and brought back to their homes by the applicant in a high occupancy car each day. There would be no calling members of the public, and no drop-off or collection by parents/carers. In terms of activities during the day, the applicant has stated that it would be unusual for the whole group to participate in a single event or activity, however, in these instances; two vehicles would be used and would be driven by a second member of staff. This member of staff would not be required to bring their car to work each day. A total of 4 car parking spaces would be provided, including the existing garage, within the front garden area of the dwelling.

In view of the low level of traffic generation likely to be associated with the proposed use, it is not considered that there would be a detrimental impact on congestion or highway safety in the vicinity of the site. The highway authority has not raised any objection to the proposals. It is considered that conditions are attached to ensure that the parking layout shown as Option 1 is provided on site and the proposed Travel Plan is implemented whilst the use is in operation.

Impact on Residential Amenity

The proposed change of use will result in a maximum of 11 people occupying the property during day time hours with associated movements to and from the property. In view of the likely traffic generation, discussed above, it is unlikely that this would result in a number of traffic movements that would have a detrimental impact on the amenity of neighbours. In addition, the hours of operation are proposed to be 9.00am to 4.00pm during a time of day when there is likely to be activity in the surrounding area from people going to the town centre and undertaking normal daytime activities. Most of the proposed activities would take place indoors with only gardening proposed outside in the small rear yard. It is thus considered that the likely noise and disturbance from the proposed use would not be out of keeping with that associated with a typical dwelling and, given that there is much activity along this stretch of St Gilberts Road, close to various commercial and public buildings and the town centre; it is not considered that it would cause an adverse impact on the residential amenity of nearby occupiers.

It is acknowledged, however, that a change of use to another use within Class D1 may generate an increased amount of traffic and disturbance to nearby residents. Any extension to the operating hours may also adversely impact on residential amenity. It is proposed that conditions be attached to any grant of planning permission to restrict the operation of the dwelling to a day centre and prevent a change to another use within Class D1 (Non Residential Institutions) that may cause disturbance to local residents. Similarly, it is considered necessary for the hours of operation to be restricted to that proposed by the applicant.

Impact on the Character of the Area

It is acknowledged that the proposal would result in a change of use to the property, however, it is noted that there would be no outward change to the appearance of the building. No changes are proposed to the exterior of the building. As the front garden is already hard surfaced, the provision of 3 car parking spaces would not significantly alter the appearance of the front garden area. There are some other properties along St Gilberts Road which have hard surfaced the whole or substantial parts of front garden areas. There will be no significant change in the character of the property due to the likely comings and goings from the use itself, the proposed hours of operation

or from the likely traffic generation given the low level of vehicle movements. Consequently, it is not considered that the proposal would result in a detrimental change to the character of the area.

Other Issues Raised by Local Residents

One local resident has raised the matter of a restrictive covenant that was placed on the site by the Bourne Urban Development Corporation preventing its use for business purposes. A covenant is legal obligation between a buyer and a seller. It sits outside the planning system and does not necessarily preclude the grant of planning permission. It is for the owner of a property to ensure that they do not contravene any other legislation or covenants. In a similar way, another resident has referred to various other pieces of legislation or regulations that they are concerned should be complied with. Again it is for the applicant to ensure that they comply with any other legislation, in addition to planning legislation, before carrying out the approved business. Given that the property would only be used during daytime hours, it is not considered that it would be too cramped for the number of proposed clients. The rear garden is very small but it would be expected that the applicant would regulate its use in a common sense way.

Crime and Disorder

The development raises no significant 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 that Act will be breached.

SUMMARY OF REASONS FOR APPROVAL

The likely impacts of the development in terms traffic generation would be relatively minor given the low numbers of staff and the travel arrangements for clients proposed in the Travel Plan accompanying the application. There is provision for 4 cars to be parked within the site. This conclusion is supported by the Highway Authority. The nature of the use and proposed hours of operation will be sufficiently limited not result in a detrimental impact on the residential amenity of nearby occupiers by way of noise disturbance. As there will be no alterations to the exterior of the building, the limited likely comings and goings, the restricted hours of use and as there are other properties nearby where proposed car parking spaces are located in the front garden; the proposals would not be out of keeping with the residential character of the area.

A number of conditions are proposed to restrict the hours of opening of the premises, to ensure development is in accordance with the submitted travel plan and to prevent any change of use in the future. In this way, the dwelling will retain a residential character and prevent a significant alteration to the character of the area.

It is considered that the proposed change of use from a dwelling to a day centre (Class D1) would be an acceptable use in a predominantly residential area located close to Bourne town centre. The proposals would be in accordance with policy EN1 of the adopted South Kesteven Core Strategy and the core planning principles of the National Planning Policy Framework. The comments of local residents have been taken into account in determining the application but it is not considered that they raise material considerations that would warrant a refusal of planning permission.

In reaching the decision, the Council has worked with the application in a positive and proactive manner through pre-application discussion. As such, it is considered the application 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.

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

2. The premises shall be used for a day centre and for no other purpose (including any other purpose in Class D1 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 use of the premises for any other purpose would be unacceptable in view of the likely detrimental impact on the amenity of nearby residential occupiers.

3. The premises shall not be used for the purposes authorised by this permission outside the hours of 09:00 and 16:00 from Monday to Friday.

Reason: Operation of the use outside these hours would result in unacceptable levels of noise disturbance to local residents.

4. The day care centre use hereby approved shall only be carried out in accordance with the Green Travel Plan (as amended) prepared by Mike Sibthorp Planning and submitted on 8 February 2013.

Reason: In order to reduce the impact of road transport on the local environment and to promote sustainable modes of transport to and from the site.

5. The arrangements shown on the approved plan MSP.912/003 Option 1 for the parking/turning/manoeuvring of vehicles shall be available at all times that the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of St Gilbert's Road and to allow vehicles to enter and leave the site in a forward gear in the interests of highway safety.

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

Block Plan MSP.912/002

Alternative Car Parking Options MSP.912/003

Block Plan MSP.912/004

Floor Plan and Proposed Use of Rooms MSP.912/005

Green Travel Plan (as amended) prepared by Mike Sibthorp Planning on 8 February 2013

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

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South Kesteven District Council

S12/3277



Scale - 1:1250
Time of plot: 09:36

Date of plot: 07/03/13

Change of Use from Res. Dwelling (C3) to day centre for young adults with learning disabilities D1

4 St Gilberts Road, Bournemouth

Applicant	Maiden Properties 8, Sheep Market, Stamford, Lincolnshire, PE9 2QZ
Agent	Jeff Brabban, Boyce Associates Ashton Studios, 28, Abercrombie Street, Chesterfield, S41 7LW
Proposal	Erection of hotel (including 36 bedrooms and 18 parking spaces)
Location	Former Salvation Army site, East Street, Stamford, Lincolnshire, PE9 1QD
App Type	Major Full (Non-residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application is a major and considered to be locally controversial
Recommendation Summary	<p>Refuse permission</p> <p>The application site forms a vacant site to the north of East Street, which formerly housed a Salvation Army building. The site is prominent within the town because of a change of levels and its locations between two Conservation Areas, as well as being close to a number of Lister Buildings.</p> <p>There is not considered to be any objection in principle to the redevelopment of the site given its location close to the town centre and use proposed.</p> <p>However, the development would be harmful to the character of the area because of the scale, bulk and design of the building which is at odds with the established form of the area and elevation treatment which derives little from the local vernacular which surrounds it.</p> <p>Due to the lack of transport and highways information it has not been possible to assess the likely impacts and any mitigation. Consequently, permission should be refused for this reason also.</p> <p>There have been previous refusals on the site but given the relationship and scale of the building with neighbouring properties it is not considered that a refusal on the grounds of overlooking or overbearing would be justified. The scale of the rear elevation of the hotel is similar to properties on Burghley Court.</p>

Key Issues

- Design and scale of development
- Impact upon character of area, including adjacent conservation areas
- Highway Safety and Parking
- Residential Amenity

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

Reason for Referral to Committee

Major application of local concern and interest.

The Proposal

This is a full application for the development of the former Salvation Army meeting room site to the north of East Street, Stamford. It proposes the construction of a three storey hotel, with 18 car parking spaces, reception and associated services on the basement/ground floor and a total of 36 bedrooms on the first and second floors. Due to the change in levels across the site the development would be three-storey at the front and two-storey at the rear.

It would be constructed in facing brickwork and render; the details of the roofing material remain to be agreed.

Vehicular and pedestrian access would be from East Street, where there is also proposed to be a drop-off and loading lay-by which could accommodate two vehicles. Soft landscaping is shown on the street frontage and at the rear of the proposed building.

To the south of the site, on the opposite side of East Street are a mix of buildings, behind which is the main Stamford Conservation Area, where most of the buildings on Broad Street are listed. To the north is the Northfields Conservation Area. The site is bounded predominantly by two storey traditional terraced and modern houses and flats.

Relevant Site History

S06/1427 – Re-development of site with 12 apartments (outline) - Refused - October 2006

S12/1149 – Pre-application – Hotel and car parking - July 2012

Policy Considerations

National Guidance

NPPF – Section 2 – Ensuring the vitality of town centres

NPPF - Section 7- Requiring good design

NPPF – Section 12 – Conserving and enhancing the historic environment

Decision-taking Pre-application engagement and front loading

East Midlands Regional Plan

Policy 1: Regional Core Objectives

Policy 2: Promoting better design

Policy 22: Regional Priorities for Town Centres and Retail Development

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27: Regional Priorities for the Historic Environment

Policy 42: Regional Priorities for Tourism

South Kesteven Core Strategy

SP1- Priority to development of sustainable sites within town centres

E2- Location of retail and other town centre development

Representations as a result of publicity

Highway Authority

Recommend that planning permission is refused because “all relevant information has not been provided to enable the Highway Authority to provide a substantive response”.

Consultant Architect

Notes that the site is surrounded by small scale traditional and modern buildings, close to conservation areas. Advises that the proposal should be resisted as the monolithic form of development would have a severe physical, visual and architectural impact in this prominent location in-between two conservation areas. It is also noted that the design of the building pays no regard to the style and character of traditional buildings in the area.

Stamford Town Council

Serious concern and objection relating to:

- height and size of development
- adverse impact upon amenities of neighbours
- not sympathetic to street scene and would have a serious impact upon traffic on the already very busy North Street
- only 18 parking spaces for 36 bedrooms
- roof space could provide additional accommodation

Strongly recommended that the application is refused.

Stamford Civic Society

Note that the site has been an eyesore and consider that following discussions between applicants and SKDC a more sympathetic scheme has been produced. Hope that what appears to be needed addition to the town goes ahead as soon as practicable.

Planning Policy Team

No objection to principle of hotel development on this edge of town centre site. Notes that comments in the Retail Needs and Town Centre Study appear to confirm lack of hotel accommodation in Stamford.

Environmental Protection

No comments

English Heritage

Standard response – the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Lincolnshire Police

Detailed comments regarding design and layout

Lincolnshire Fire Service

No objection –details would be considered through Building Regulations application

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. 20 letters of objection have been received. The main concerns may be summarised as:

- dominant and imposing scale of development
- design out of keeping with the area
- would not enhance the character of the area ,including two conservation areas
- overlooking and loss of privacy and light
- noise and disturbance in a predominantly residential area
- impact upon vehicular and pedestrian safety
- inadequate parking which would exacerbate existing parking problems
- inadequate service space
- adverse impact upon crime and disorder
- no need for the accommodation
- concerns about capacity of sewerage

In addition 3 operators of local guest accommodation referred to many of the comments summarised above and also emphasised that while the proposal may create jobs, others would be lost and also questioned the need for this type of development .

One letter stating that while they consider that it is a good use, there are too few parking spaces.

Applicant's Submission

The applicant's Design and Access Statement states that the development proposes a "budget hotel" for which there is no existing provision in the town. They note that following pre-application discussion the proposal has been reduced in height and re-designed to break up the bulk of the building. Concerns about parking have been addressed by the provision of 50% parking plus cycle storage. The lay-by would allow drop-off and collection of guests and services.

There is low potential for impact upon neighbours' privacy as the originally proposed upper floor has been omitted and note that rooms would be vacated by day.

Officer Evaluation

Principle of Hotel Development

National and local policy generally supports hotel development in town centres. Core Strategy policy SP1 seeks to maintain and support the role of Stamford as a market town. This policy gives priority to sustainable sites within the built-up part of the town where development would not compromise the nature and character of the town and allocated sites. This also allows for the use of appropriate edge-of-town sites where there is insufficient land available within the built-up part of the town.

Core Strategy policy E2 relates to town centre development, including hotels, and aims to strengthen town centres by locating such uses within identified town centre boundaries.

The NPPF (para 27) expects applications for town centre uses to be refused unless it can be demonstrated that the applicant has provided a sequential test of alternatives.

While this site is located just to the north of the identified town centre and no sequential evidence has been submitted, it is considered to be sufficiently well related to existing town centre uses and transport infrastructure to be a suitable location for this use.

Scale of Development and Impact upon the Character of the Area

The application relates to a prominent vacant site in-between two conservation areas, in close proximity to a number of listed buildings. There is a change in levels of about 2.5 metres across the site, rising from the road frontage (southern boundary) to the rear boundary (north) with neighbouring dwellings.

It is accepted that following pre-application discussions the scale of development has been reduced and the design has been amended. However, the proposal remains significantly out of character in this predominantly residential area. The frontage of the building has the appearance of a monolithic, single three storey block which dominates the site. The large areas of brickwork/render under a large roof add to the dominant appearance of the development.

The site is on one of the main thoroughfares through the town, adjacent to two conservation areas, where the scale of development is mainly two storey, typically small groups of buildings of domestic scale. This development is a bulky building, longer, deeper and higher than other buildings in the area.

The scale of the development and its impact upon the area is emphasised by the design and character of the building. It does not take account of the domestic architectural styles and details in this part of Stamford. The amended design following the pre-application submission takes insufficient account of the request to break up the design of the building. While there is some articulation in the main elevations; the changes in roof level and setting back or forward of some main walls do little to break up the bulk and scale of the building.

In summary, the development would harm the character of the area and nearby listed buildings and would neither enhance nor preserve the character or appearance of the adjacent conservation areas. Consequently, the proposal is considered to be contrary to Core Strategy Policy EN1 and sections 7 and 12 of the NPPF. A refusal of planning permission, based upon the views of the Council's specialist conservation advisor, would be in accordance with the comments of English Heritage.

Highway Safety and Parking

The site is on a main thoroughfare in the town, where parking and vehicular movements have been identified as important issues which needed to be addressed. Paragraph 36 of the NPPF requires all developments which generate significant amounts of transport movement to provide a Travel Plan. Consequently, at the pre-application stage the applicant was advised to submit a Travel Plan and a Transport Assessment to enable the impact of the development to be fully considered.

This information has not been provided and the Highway Authority recommends that permission should be refused.

Residential Amenity

The application relates to a large building in a predominantly residential area. The main impact would be upon the occupiers of houses in Stanley Street and Burghley Court to the rear (north) of the site. The rear of the proposed hotel is two storey, with ground and first floor windows looking towards the houses and their rear gardens. The hotel bedroom windows would be between 16 and 21 metres from the rear of the neighbouring houses and about 7 metres from the closest rear garden.

There would be some limited impact upon the occupiers of other houses to the rear of the site on Vine Street

The bulk of a large building, close to adjacent dwellings would have an impact upon neighbours and there would also be some overlooking. However, on balance, it is considered that this relationship in an edge of town centre location, where there is relatively high density development is acceptable.

Other Considerations – Planning History

In October 2006 outline planning permission was refused for the re-development of the site with a three storey apartment building (ref S06/1427). It was considered that the development would have an overbearing and overshadowing impact upon neighbouring residential dwellings, with associated loss of privacy.

No details of the precise relationship with neighbours were submitted with that outline application. The details submitted with the current application indicate that while there would be some impact upon neighbours, the harm is considered to be insufficient to justify refusing planning permission.

Conclusion

The development, because of the scale and bulk of the proposed building, would have an adverse impact upon the character of the area.

Due to the lack of transport and highways information it has not been possible to assess the likely impacts and any mitigation. Consequently, permission should be refused for this reason.

Crime and Disorder Implications

The development is not considered to raise any significant issues with regard to crime and disorder.

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.

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

1. The application site is located adjacent to two Conservation Areas and in close proximity to a number of Listed buildings. The development in the area is predominantly domestic scale two storey buildings. The proposed development, by virtue of its location, bulk, scale, height, design and materials, would have an adverse impact upon the character of the area

and the setting of nearby Listed buildings. It would also neither enhance nor preserve the character or appearance of the adjacent conservation areas.

Accordingly, the proposal is considered to be contrary to sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy.

2. The application site is on a busy thoroughfare in Stamford and proposes a use which would generate significant traffic movements which need to be assessed. All relevant information has not been provided to enable the Highway Authority to provide a substantive response. Consequently, in the absence of information to demonstrate otherwise, it is considered that the development would have an adverse impact upon highway safety. The lack of supporting information is contrary to section 4 (promoting sustainable transport) of the National Planning Policy Framework.

* * * * *




 SOUTH KESTEVEN DISTRICT COUNCIL
 Former Salvation Army site
 East St Stamford
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South Kesteven District Council



Scale - 1:1250
Time of plot: 09:24

Date of plot: 07/03/13

S12/3181
 Erection of Hotel (incl 36 Bedrooms
 and 18 parking spaces)

Applicant	Simon Richardson, Keisby Estate Ltd Villa Farm Cottages, Hawthorpe Road, Keisby, Bourne, Lincolnshire, PE10 0RZ
Agent	Ian Pick, Ian Pick Associates Ltd Llewellyn House, Middle Street, Kilham, Driffield, East Yorkshire, YO25 4RL
Proposal	Pig rearing and finishing building (unit 1) EIA development
Location	Land East of Keisby House, Keisby, Bourne, PE10 0RZ
App Type	Full Planning Permission
Parish(es)	Lenton, Keisby & Osgodby
Reason for Referral to Committee	The application has been referred to Committee following request by the Chairman as a proposal generating local interest.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Principle
- Impact on Residential Amenity and Pollution
- Highway Safety
- Other Issues

Technical Documents Submitted with the Application

- Design and Access Statement
- Environmental Statement

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.

The Proposal

The application is for one of two livestock buildings which is each subject to a separate planning application. This application relates to Unit (1) which is for a livestock building measuring some 61 metres in length, 15.2 metres in width, and a ridge height of 6.28 metres. Both units are of similar size, design, and of profiled cement sheeting, and concrete panels.

The units will be located side by side in the north eastern part of the farm. Access will be off a narrow track some 1.3 km long which connects to a classified road to the west.

The applicant intends to diversify and improve the sustainability of the business by reducing reliance on fertile through the introduction of a livestock enterprise. Each unit will house 995 pigs, with 1990 on site in total.

The pigs are brought in newly weaned at 28 days old (approximately 7 kg live weight). The pigs remain within the proposed buildings until they reach 1000 kg live weight at which time they are sold. The buildings operate on a batch system with 2.2 batches per annum.

The application site and its surroundings

Keisby Estate covers 970 acres of owner occupied agricultural land, currently operating as an arable unit producing 880 acres of combinable crops. The farm is located in a remote part of the district, between the settlements of Keisby to the south, and Lenton to the north. The farm is bounded on its eastern boundary by a former airfield.

Access to the application site will be through a track which connects onto the classified road linking Lenton and Keisby.

Existing planting screens the site from the east.

Site History

There is no relevant planning history for this part of the farm.

Policy Considerations

National Planning Policy Framework

Section 1: Building a strong competitive economy.
Section 3: Supporting a prosperous rural economy.
Section 7: Requiring good design.
Section 11: Conserving and enhancing the natural environment.

East Midlands Regional Policy
Policy 3: Distribution of new development.
Policy 24: Regional priorities for rural diversification.

South Kesteven Core Strategy 2010
Policy SP1: Spatial Strategy.
Policy E1: Employment Development.
Policy EN1: Protection and Enhancement.

South Kesteven Site Allocation and Policies Development Plan Document.
Policy SAP4: Business Development in the Countryside (Including Rural Diversification schemes).

Other Relevant Documents

None.

Representations Received

Natural England's interest is confined to sites of national designations within 5 km of the application site. In this case two SSSI's are within 3.7 km, The Hermitage SSSI, and The Sapperton and Pickworth Woods SSSI. Natural England has assessed the impact modelling provided for ammonia and has recommended it has no objections.

Lincolnshire Wildlife Trust concern is limited to sites of local designation and is concerned with ammonia impacts on SNCIs. In this instance these are at Temple Wood, Keisby Wood and Lordship Close which are all located some 1.5 km away. Lincolnshire Wildlife Trust has assessed the impact modelling provided for ammonia has recommended that it has no objections.

The Environment Agency has stated that permission should only be granted subject to the following conditions and informatives.

CONDITIONS

- The development hereby permitted shall not be commenced until details of a scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.
- The development hereby permitted shall not be commenced until a scheme for surface water disposal shall be submitted to and approved by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the agreed details.

ADVICE

- Due to the presence of watercourses and a aquifer in the area, as part of discharging the planning conditions the applicant will be required to demonstrate that these features will not be at risk of contamination before the commencement of any development.
- The site is located within an Nitrate Vulnerable Zone (NVZ). The activities will need to be in compliance with The Nitrate Pollution Prevention Regulations 2008 (amended 2009).
- The applicant should be aware that an environmental permit would be required if livestock capacity exceeds:
 - 750 sows.
 - 2,000 production pigs over 30 kg.
- The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use.
- The applicant is advised to refer to the Code of Good Agricultural practice (COGAP), published by DEFRA, particularly section 1.5 on incident and accident planning and 3.2 on manure management.
- The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The District Archaeologist has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

The Environmental Health Officer has recommended the following condition:

- The development hereby approved shall not be commenced until details of the methods of controlling and managing odour and waste have been submitted to and approved by the local planning authority. The agreed control and management systems shall thereafter be retained for the duration of the use of the unit for housing livestock.

The Grantham Group of the Rambles Association has noted that the public right of way will not be affected.

The Highway Authority has recommended conditions requiring parking and turning, and passing places to be made available.

It has confirmed that the public right of way will not be affected by the development.

In response to questions about the validity of the supporting information, and its decision not to oppose the development the Highways Authority has clarified its position. Its comments are reiterated below.

“The Applicants have been aware of a concern of the local highway authority that the proposal will introduce an increase in HGV movements to and from the locale.

They have consistently indicated through their submissions that the proposal will lead to a reduction in such movements.

This is the first time that the local highway authority has seen a summary of the number and types of movement associated with their farming activities and, whilst it is acknowledged that the number of existing movements would normally be considered to be intense for the standard of roads giving access to the farm it must be further acknowledged that these movements arise from lawful operations in the carrying out of such activities.

Farming, its techniques and management and the type and size of vehicles used in its operations have changed dramatically in the last 10-20 years and it is likely that there have been incremental increases in the size and number of vehicles used in operations over that period.

In the documents in support of the proposal it is stated that:

“The applicants currently bale and export straw from the farm. This equates to approximately 30 HGV loads per annum which will cease following the development....

The applicants also import biosolids in the form of cake and liquid for spreading on land as a fertiliser. In 2011, the import of biosolids amounted to 180 HGV lorries. The proposed pig unit will create farmyard manure which the applicants will utilise as an agricultural fertiliser. This will reduce the need for importing biosolids to the farm....

The amount of traffic which will be offset by the introduction of the pig rearing unit is such that the proposal will result in a net reduction in commercial traffic associated with the existing farming business”.

There is no overriding data or incontrovertible information available to dispute the figures provided by the Applicants.

The works will directly benefit the farming operations based for the foreseeable future on the figures quoted, and it has been requested the Applicants carry out works at their cost to improve the public highway by means of providing passing places along the route from Ingoldsby Road at Lenton to the site.

In considering the National Planning Policy Framework, this authority is mindful that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Evidence from Appeal decisions would indicate that where there have been roads of a similar nature on approaches to sites such as this, the Planning Inspectorate would be likely to allow an Appeal where evidence falls short of proving that either there will be an increase in traffic, or any increase would have a substantial effect over present use.

In respect of the Bridleway, this should be maintained and available for public use along the whole of its length as shown on the Definitive Map, and no building or machinery should interfere with the free-flow of permitted users.”

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 8 local residents. The objections are summarised as follows:

- Adverse impact on property value.

- Adverse impact on residents from odour emissions arising from the units, and from on site waste storage and spread of waste.
- Unacceptable traffic generation and impact on highway safety.
- Size and condition of local roads will not accommodate additional traffic generated by the development.
- Access will be from a track which combine as a bridleway where driving is not permissible.
- Possible future expansion of the enterprise will exacerbate adverse impacts.
- The validity of the existing and proposed traffic movements cited in the application and supporting information is questioned.
- Waste heaps should be kept near to the units and not spread across the farm.
- Water pollution arising from the waste.
- The Environmental Statement is not a full in-depth study.

A letter in support of the enterprise has been received from the National Pig association. This refers to:

- The need to support self sufficiency and reduce imports.
- Odour impacts will be mitigated by the use of straw, which will also help recycle nutrients; and through good practice.
- Strict regulation governs the storing and spreading of manure.

Officer Evaluation

KEY ISSUES

The main planning considerations in this case are considered to be:

1. Principle.
2. Impact on Residential Amenity and Pollution.
3. Highway Safety.
4. Other Issues.

Principle.

Policies at the national, regional and national level seek to support and promote economic growth in rural areas by taking a positive approach to sustainable new development and diversification. For policy purposes the term rural refers to the area outside the main settlements, and the term rural diversification is used to describe.

New economic activity in the countryside.

This application proposes to build one of two new farm units for the production of intensive livestock, on an existing livestock farm covering almost 1,000 acres. The intention is to diversify the business, and improve sustainability. This aim is supported by policy at the national, regional and local level.

Impact on Residential Amenity, and Pollution.

It is important to recognise that the proposed development is located on an existing working farm, the remote location of the application site and that some activities can be undertaken without the need of planning permission. This would include construction of farm buildings of up to a certain size, and operations such as spreading waste.

Strong objections have been received in relation to problems relating to odour and waste. The application site is currently part of an arable farm and is located some 1300 metres from the nearest dwelling. The planning system acknowledges that intensive farming units within 400m of dwellings have the potential to impact on the amenity of residential neighbours. In this case the unit will be almost one kilometre away from the "protected distance". It is therefore considered, in light of comments received from the Environment Agency and the Environmental Health Officer, impact should not be significant enough to warrant refusal as mitigation can be achieved through conditions.

With regard to the impact of odour and waste it is important to understand to the different regulatory regimes that are applicable. The Environment Agency (EA) controls intensive farming through a regime of Environmental Permits. At the present time there are not sufficient livestock proposed to justify an application for a permit. The permits are issued and enforced by the EA and should the numbers and size of pigs increase above the limits set then permitting will be required by the EA. On consultation, the EA has recommended conditions and informatives which are reiterated above.

Where permitting is not required, control falls upon the Council through the regime exercised by its Environmental Health Section. The Environmental Health Section has been consulted and has recommended the condition mentioned above relating to the control and management of odour and waste.

It is important to note that whilst issues relating to nuisance are important planning considerations the planning system cannot be used to enforce other legislation. Indeed any conditions which sought to do so would not meet the requirements of guidance and law, and would be 'ultra vires' (beyond the Council's power to impose). Therefore conditions are suggested in relation to detailing of the building works and management of control systems, and informatives recommended drawing the applicant's attention to best available techniques.

Highway Safety.

Strong objections have been received in relation to the capacity and condition of the local road network to support the development, and the validity of supporting information. In this regard the Highway Authority does not oppose the proposal and has recommended conditions in relation to parking, turning and passing places. The Highway Authority has confirmed this advice by providing a more detailed reasoning as mentioned above.

Other Issues.

In relation to other issues raised by objectors:

- Adverse impact on property values is not a material planning consideration.
- The access road to the application site combines as a public right of way, which continues through the application site along its northern boundary and some 4.5 metres north of the topmost unit proposed.
The Grantham Group of the Ramblers Association has inspected the planning application and has noted that the public right of way is not affected.
The County Council has also confirmed that the public right of way will not be affected by the proposed development.
To this end an informative is recommended drawing attention that the public right of way must remain unobstructed.
- Any further expansion of the enterprise beyond that subject of the current applications will require permitting by the Environment Agency when exacerbation of environmental impacts will be assessed.

- It should be noted that this is currently a working farm, where the spread of waste has not previously arisen as an issue. The Environmental Health Officer has recommended a condition to mitigate against any future odour or waste problems. Adherence to good practice guidance produced by DEFRA would also mitigate impact.
- With regards to water pollution the Environment Agency has recommended conditions which require details of an underground tank, and surface water disposal prior to the commencement of any development. These conditions and requirements of other regimes Water Resources (Control of Pollution, Silage, Slurry and Agricultural Fuel Oil) Regulations would control contamination impact on water.

EIA Development

The development proposed does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 where an assessment is mandatory. However, the development falls within Schedule 2, Category 1(c) as an intensive livestock installation where the proposal exceeds the 500 m² floor area threshold which stipulates that an Environmental Statement may be required.

In respect of Schedule 2 development, an assessment is only required if the development is likely to have significant effects on the environment by virtue of factors such as nature, size or location. In this instance the agent was advised that the development was likely to be considered an EIA development and an Environmental Statement duly submitted as part of the application.

The Environmental Statement has attracted criticism that it lacks weight and does not cover and detail all impacts. In this regard it should be noted that the application(s) have been subject to statutory and non-statutory consultation (including notification to the Secretary of State). No requests have been received in relation to the need for further information on. In the absence of any technical requests for further information the contents of the Environmental Statement are considered sufficient to enable the proposal to be assessed.

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 in environmental and highway terms on 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 national, regional and local policy.

SUMMARY OF REASON(S) FOR APPROVAL

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In the circumstances, it is considered that the proposal should be approved in accordance with national, regional and local policy.

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 hereby permitted shall not be commenced until details of a scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.

Reason: In the interests of the protection of the amenities of the occupiers of neighbouring buildings and buildings in the surrounding area.

3. The development hereby permitted shall not be commenced until a scheme for surface water disposal shall be submitted to and approved by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of the protection of the amenities of the occupiers of neighbouring buildings and buildings in the surrounding area.

4. The development hereby approved shall not be commenced until details of vehicle passing places along the route from Ingoldsby Road at Lenton to the site have been provided and approved by the local planning authority. The agreed works shall thereafter be fully implemented before the commencement of the development.

Reason: In the interests of safety and convenience in the highway.

5. The arrangements shown on the approved plan IP/KE/01 dated September 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of [TEXT] and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

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

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

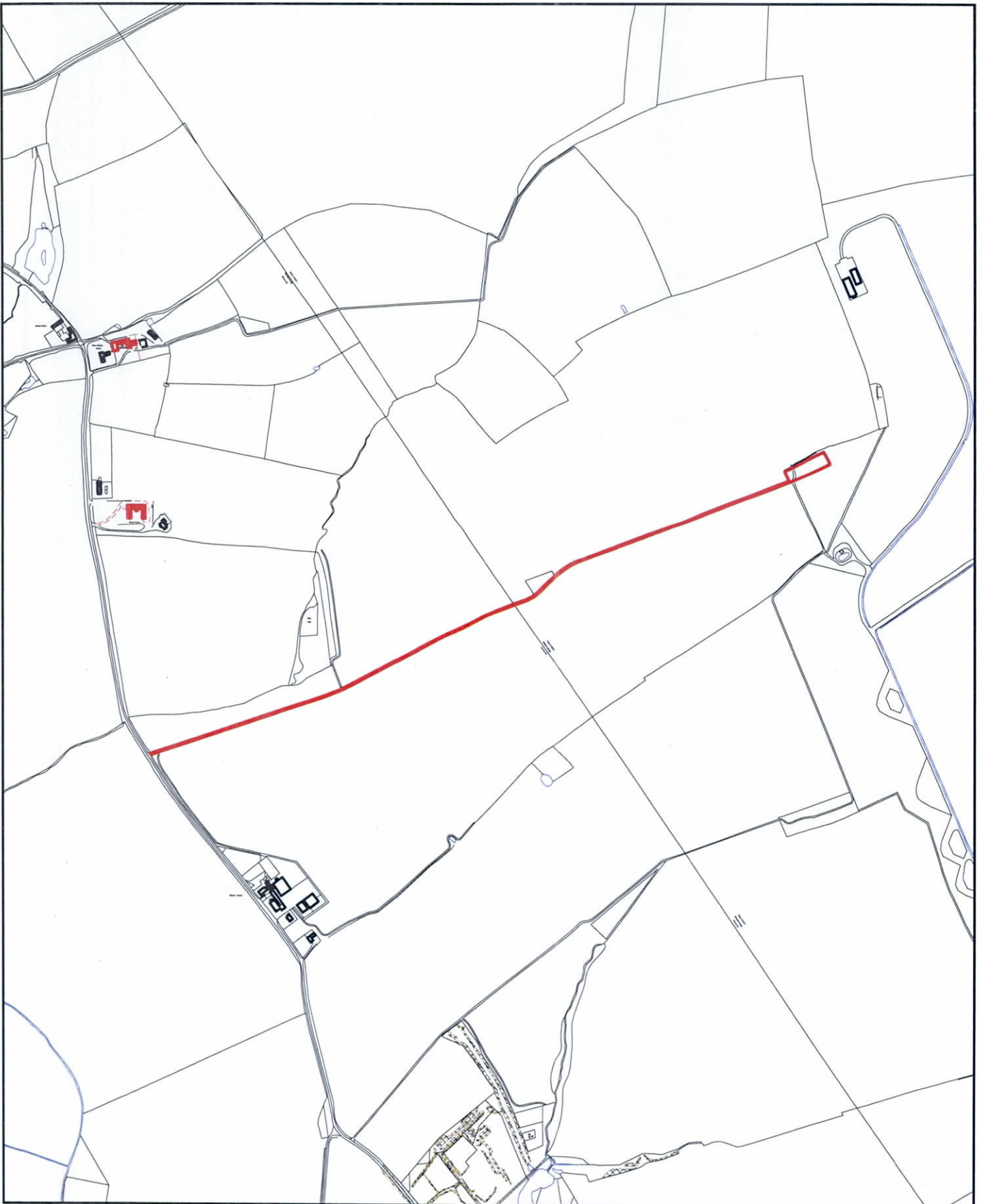
7. The development shall be carried out in accordance with following list of approved plans submitted as part of the application.
 - Drawing No IP/KE/01 Dated September 2012 and received on 25.09.2013.
 - Drawing No IP/KE/02 Dated February 2012 and received on 1.03.2013.

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

Note(s) to Applicant

1. The site is crossed by a public right of way which shall remain unobstructed.
2. Due to the presence of watercourses and a aquifer in the area, as part of discharging the planning conditions the applicant will be required to demonstrate that these features will not be at risk of contamination before the commencement of any development.
3. The site is located within an Nitrate Vulnerable Zone (NVZ). The activities will need to be in compliance with The Nitrate Pollution Prevention Regulations 2008 (amended 2009).
4. The applicant should be aware that an environmental permit would be required if livestock capacity exceeds:
 - o 750 sows.
 - o 2,00 production pigs over 30 kg.The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use.
5. The applicant is advised to refer to the Code of Good Agricultural practice (COGAP), published by DEFRA, particularly section 1.5 on incident and accident planning and 3.2 on manure management.
6. The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

* * * * *



South Kesteven District Council 512/2429



Scale - 1:10000
Time of plot: 09:01

Date of plot: 07/03/2013

Pig Rearing and Finishing Building
(Unit 1) EIA Development

Land East of Keisby House, Keisby

Applicant	Simon Richardson, Keisby Estate Ltd Villa Farm Cottages, Hawthorpe Road, Keisby, Bourne, Lincolnshire, PE10 0RZ
Agent	Ian Pick, Ian Pick Associates Ltd Llewellyn House, Middle Street, Kilham, Driffield, East Yorkshire, YO25 4RL
Proposal	Pig rearing and finishing building (unit 2) EIA development
Location	Land East of Keisby House, Keisby, Bourne, PE10 0RZ
App Type	FP Environmental Impact Assessment
Parish(es)	Lenton, Keisby & Osgodby
<u>Reason for Referral to Committee</u>	The application has been referred to Committee following request by the Chairman as a proposal generating local interest.
<u>Recommendation Summary</u>	Approval subject to conditions.

Key Issues

- Principle
- Impact on Residential Amenity and Pollution
- Highway Safety
- Other Issues

Technical Documents Submitted with the Application

- Design and Access Statement
- Environmental Statement

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.

The Proposal

The application is for one of two livestock buildings which is each subject to a separate planning application. This application relates to Unit (2) which is for a livestock building measuring some 61 metres in length, 15.2 metres in width, and a ridge height of 6.28 metres. Both units are of similar size, design, and of profiled cement sheeting, and concrete panels.

The units will be located side by side in the north eastern part of the farm. Access will be off a narrow track some 1.3 km long which connects to a classified road to the west.

The applicant intends to diversify and improve the sustainability of the business by reducing reliance on fertile through the introduction of a livestock enterprise. Each unit will house 995 pigs, with 1990 on site in total.

The pigs are brought in newly weaned at 28 days old (approximately 7 kg live weight). The pigs remain within the proposed buildings until they reach 1000 kg live weight at which time they are sold. The buildings operate on a batch system with 2.2 batches per annum.

The application site and its surroundings

Keisby Estate covers 970 acres of owner occupied agricultural land, currently operating as an arable unit producing 880 acres of combinable crops. The farm is located in a remote part of the district, between the settlements of Keisby to the south, and Lenton to the north. The farm is bounded on its eastern boundary by a former airfield.

Access to the application site will be through a track which connects onto the classified road linking Lenton and Keisby.

Existing planting screens the site from the east.

Site History

There is no relevant planning history for this part of the farm.

Policy Considerations

National Planning Policy Framework
Section 1: Building a strong competitive economy.

Section 3: Supporting a prosperous rural economy.
Section 7: Requiring good design.
Section 11: Conserving and enhancing the natural environment.

East Midlands Regional Policy
Policy 3: Distribution of new development.
Policy 24: Regional priorities for rural diversification.

South Kesteven Core Strategy 2010
Policy SP1: Spatial Strategy.
Policy E1: Employment Development.
Policy EN1: Protection and Enhancement.

South Kesteven Site Allocation and Policies Development Plan Document.
Policy SAP4: Business Development in the Countryside (Including Rural Diversification schemes).

Other Relevant Documents

None.

Representations Received

Natural England's interest is confined to sites of national designations within 5 km of the application site. In this case two SSSI's are within 3.7 km, The Hermitage SSSI, and The Sapperton and Pickworth Woods SSSI. Natural England has assessed the impact modelling provided for ammonia and has recommended it has no objections.

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The Environment Agency has stated that permission should only be granted subject to the following conditions and informatives.

CONDITIONS

- The development hereby permitted shall not be commenced until details of a scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.
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 - 750 sows.
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The District Archaeologist has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

The Environmental Health Officer has recommended the following condition:

- The development hereby approved shall not be commenced until details of the methods of controlling and managing odour and waste have been submitted to and approved by the local planning authority. The agreed control and management systems shall thereafter be retained for the duration of the use of the unit for housing livestock.

The Grantham Group of the Rambles Association has noted that the public right of way will not be affected.

The Highway Authority has recommended conditions requiring parking and turning, and passing places to be made available.

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The development proposed does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 where an assessment is mandatory. However, the development falls within Schedule 2, Category 1(c) as an intensive livestock installation where the proposal exceeds the 500 m² floor area threshold which stipulates that an Environmental Statement may be required.

In respect of Schedule 2 development, an assessment is only required if the development is likely to have significant effects on the environment by virtue of factors such as nature, size or location. In this instance the agent was advised that the development was likely to be considered an EIA development and an Environmental Statement duly submitted as part of the application.

The Environmental Statement has attracted criticism that it lacks weight and does not cover and detail all impacts. In this regard it should be noted that the application(s) have been subject to statutory and non-statutory consultation (including notification to the Secretary of State). No requests have been received in relation to the need for further information on. In the absence of any technical requests for further information the contents of the Environmental Statement are considered sufficient to enable the proposal to be assessed.

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 in environmental and highway terms on 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 national, regional and local policy.

SUMMARY OF REASON(S) FOR APPROVAL

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 in environmental and highway terms on 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 national, regional and local policy.

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 hereby permitted shall not be commenced until details of a scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.

Reason: In the interests of the protection of the amenities of the occupiers of neighbouring buildings and buildings in the surrounding area.

3. The development hereby permitted shall not be commenced until a scheme for surface water disposal shall be submitted to and approved by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of the protection of the amenities of the occupiers of neighbouring buildings and buildings in the surrounding area.

4. The development hereby approved shall not be commenced until details of vehicle passing places along the route from Ingoldsby Road at Lenton to the site have been provided and approved by the local planning authority. The agreed works shall thereafter be fully implemented before the commencement of the development.

Reason: In the interests of safety and convenience in the highway.

5. The arrangements shown on the approved plan IP/KE/01 dated September 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of [TEXT] and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

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

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

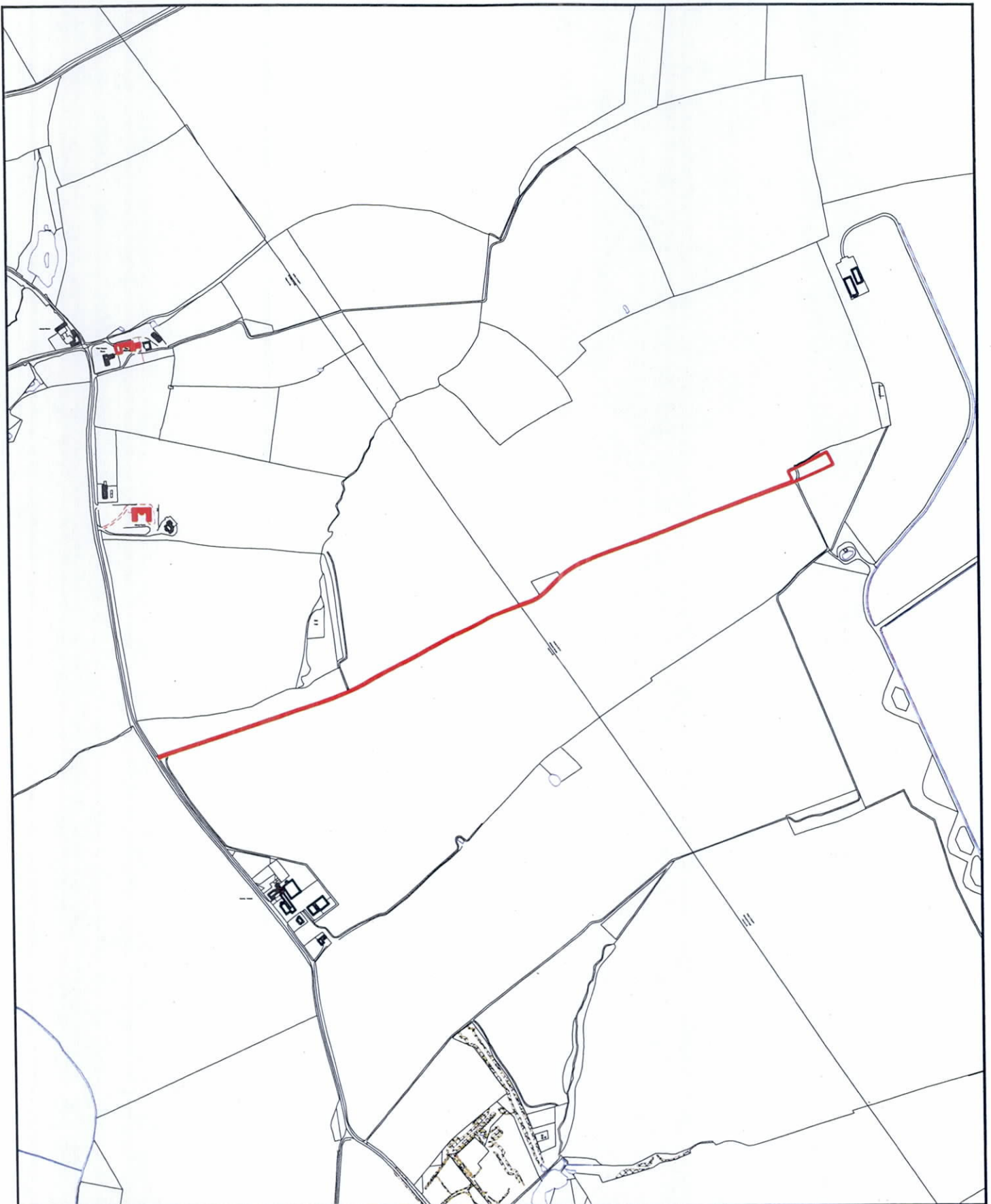
7. The development shall be carried out in accordance with following list of approved plans submitted as part of the application.
 - Drawing No IP/KE/01 Dated September 2012 and received on 25.09.2013.
 - Drawing No IP/KE/02 Dated February 2012 and received on 1.03.2013.

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

Note(s) to Applicant

1. The site is crossed by a public right of way which shall remain unobstructed.
2. Due to the presence of watercourses and a aquifer in the area, as part of discharging the planning conditions the applicant will be required to demonstrate that these features will not be at risk of contamination before the commencement of any development.
3. The site is located within an Nitrate Vulnerable Zone (NVZ). The activities will need to be in compliance with The Nitrate Pollution Prevention Regulations 2008 (amended 2009).
4. The applicant should be aware that an environmental permit would be required if livestock capacity exceeds:
 - o 750 sows.
 - o 2,00 production pigs over 30 kg.
5. The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use.
6. The applicant is advised to refer to the Code of Good Agricultural practice (COGAP), published by DEFRA, particularly section 1.5 on incident and accident planning and 3.2 on manure management.
7. The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

* * * * *



South Kesteven District Council **S12/2428**



Scale - 1:10000
Time of plot: 09:01

Date of plot: 07/03/2013

**Pig Rearing + Finishing Building
(unit) EIA Development
land East of Keisby House, Keisby**

Applicant	Mrs A Lea, Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF
Agent	
Proposal	Construction of 34 residential dwellings
Location	Land off, Bourne Road, Morton
App Type	Major Full (Residential)
Parish(es)	Morton
<u>Reason for Referral to Committee</u>	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
<u>Recommendation Summary</u>	<p>That the application be refused for the following reasons:</p> <ol style="list-style-type: none"> 1. This site is a Greenfield, in the open countryside, located outside of the existing built framework of the village and divorced from the majority of village facilities by the busy A15. As an unallocated greenfield site on the edge of the village the proposal is contrary to Policy SAP H1 of the emerging Site Allocation and Policies DPD. Further development to the south of the village in this location would encroach upon the open countryside and fundamentally change the existing linear pattern of development of the village. The Landscape Character Assessment (LCA) (2007) identifies Morton as lying within the Fen Margins. The linear nature of villages is identified as a key characteristic of this area. The LCA identifies that large scale development proposals within the rural parts of this character area are unlikely to be successfully assimilated into this landscape. Policy EN1 of the Core Strategy requires development to be appropriate to the character of the landscape within which it is located, the policy also requires consideration to be given to local distinctiveness and sense of place and the historic character, pattern and attributes of the landscape. <p>The historic core of Morton is designated a Conservation Area although the site lies outside of the designated area. It is considered that the application site contributes to the open rural approach to the village from the south. An estate development of this type in the location proposed would be contrary to the established, and still prevailing, linear settlement pattern of Morton. Furthermore, neither the submitted layout nor the proposed house types give any reassurance that local distinctiveness will be reinforced by the proposed development, which has a regimented layout and will not appear at all like a natural extension of the village. It is therefore considered that development in this location to the south of the village is contrary to the requirements of the National Planning Policy Framework and policy EN1 of the Core Strategy and Policy SAP H1 of the emerging Site Allocation and Policy DPD.</p> <p>Notwithstanding the National Planning Policy Framework presumption in favour of sustainable development it is considered that the adverse impacts of this proposal in terms of its impact upon the open</p>

	<p>countryside and the existing form and pattern of development clearly outweigh any small benefit which might be achieved by the delivery of a small number of additional houses, which will have little overall affect on the supply of housing land in the district.</p> <p>2. The Local highway authority has requested a Transport Assessment to be submitted in support of the application. The applicant has not submitted the requested Transport Assessment and therefore all relevant information has not been provided to enable the Council to fully assess the potential highway implications of the development. The development is therefore considered to be contrary to the requirements of the National Planning Policy Framework and policy SP3 of the adopted South Kesteven Core Strategy 2010.</p>
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Key Issues

- Impact on residential amenity
- Planning Policy and the five year housing land supply
- Impact on the character and appearance of the surrounding area
- Access and Highway Safety

Technical Documents Submitted with the Application

- Application form
- Bourne road Morton phase 2 - street scenes
- Brick illustrations
- Colour street scene
- Ecological scoping survey
- House type plans and elevations
- Landscape schedule
- Letter dated 8 January 2013 from Larkfleet Homes
- Location plan
- Planning, design and access statement
- Plot materials schedule - Morton phase 2
- Proposed layout phase 2
- Scoping survey
- Soft landscaping proposals
- Street scenes
- Topographical survey
- Tree constraints plan
- Tree protection plan
- Tree report

REPORT

Application Category

This application is categorised as a major application

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Development Control Committee Chairman and because it relates to a major application which is considered to be a departure from the development plan.

The Proposal

This is a full application for the erection of 34 residential dwellings on land to the west of Bourne Road, Morton. The development comprises 14 two bedroom houses, 15 three bedroom houses and 5 four bedroom houses. The mix and type of accommodation consists of 22 open market houses and 12 affordable houses. The site area measures approximately 0.9 hectares in size. The 34 units therefore represent a development density of approximately 37 dwellings to the hectare.

Access to the site is proposed by continuing the cul-de-sac to the adjacent affordable housing development through on to this site. The proposed dwellings are arranged primarily fronting on to the proposed access road. An area of open space is also proposed located directly to the south of the existing affordable housing scheme.

The Application Site and its Surroundings

The application site is located on the western side of Bourne Road in the village of Morton, approximately 200m south of the High Street / A15 crossroads. Morton essentially comprises ribbon development running along High Street, leading eastwards from the crossroad junction with the A15 and Hanthorpe Road leading westwards from this junction towards Hanthorpe.

The application site comprises a rectangular shaped area of land situated to the west of Bourne Road. The sites northern most boundary is located to the south of an existing affordable housing development currently under construction. Numbers 22 and 24 Bourne Road are set slightly apart from the ribbon development running along Bourne Road and are located towards the north east corner of the site. To the south and west of the site lies open agricultural land.

The site currently comprises an area of paddock located to the south of the main village and is approximately 0.9 hectares (2.2 acres) in size.

Relevant Site History

SK.1281/88 – In October 1989 planning permission was refused for residential development of the application site. The application was refused for the following reasons:

1. The site lies outside the main confines of the village and its development would constitute a consolidation in depth of ribbon development along the southern approaches to Morton, and be

detrimental to the character of the open countryside and the periphery of Morton in particular. The proposal would also be contrary to Policy 3 of the Lincolnshire Structure Plan.

2. The proposal if permitted would be likely to set a precedent for similar proposals on the periphery of Morton to the detriment of the character of the village and open countryside.

3. The Director of Highways and Planning, Lincolnshire County Council so requests as this proposal is for the commencement of residential depth development outside the existing built up frontage of the class I county road at Morton. At this location the A15 is subject to no speed limit other than the national 60 mph limit for this type of road. In the circumstances the Highway Authority considers that vehicles entering, leaving, waiting, and calling at this development would prove hazardous in terms of conflict with passing vehicles travelling at relatively high speeds, to the detriment of safety of all such vehicles.

SK.173/90 – In March 1990 planning permission was refused for the erection of a dwelling on the site. The application was refused for the following reason:

1. The application site is located on the County Class 1 route, the A15, where there is no speed restriction other than the national 60 mph limit for this class of road and where traffic is in free-flowing conditions. In the circumstances, the Highway Authority considers that vehicles entering, leaving, waiting and calling at this development would prove hazardous in terms of conflict with passing vehicles, to the detriment of the safety of all such vehicles.

S09/2397 – In January 2011 planning permission was granted on land directly to the north of the application site for the erection of 20 affordable dwellings. The application was considered to be an exception site under policy H3 of the Core Strategy which allows for the provision of affordable housing in locations where there is a proven need demonstrated.

Policy Considerations

National Planning Policy Framework

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

East Midlands Regional Plan March 2009 (RSS8)

Policy 1 Regional Core Objectives

Policy 2 Promoting Better Design

Policy 3 Distribution of New Development

Policy 4 Development in the Eastern Sub-area

Policy 13a Regional Housing Provision

Policy 14 Regional Priorities for Affordable Housing

Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 29 Priorities for Enhancing the Region's Biodiversity

Policy 35 A Regional Approach to managing Flood Risk

Policy 45 Regional Approach to Traffic Growth Reduction

Policy 46 A Regional Approach to Behavioural Change

Policy 48 Regional Car Parking Standards

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

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

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

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

South Kesteven Core Strategy

SP1 – Spatial Strategy
SP2 – Sustainable Communities
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
EN4 – Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing

Site Allocation and Policies DPD

SAP H1 – Other Housing Development

Representations Received

Anglian Water – No objections to the proposed development

Lead Local Flood Authority – Request the following to be included as conditions on any consent:

1. A scheme for the provision of surface water disposal is to be submitted by the applicant, and be approved by the drainage authority before the development commences.
2. The applicant must submit a detailed design and construction proposals for a sustainable drainage system, and include a management plan which is to include proposals for future maintenance and ownership of such a system.

Police Crime Prevention Design Advisor – Raises no objections but suggests conditions be attached to any consent ensuring the development complies with principles of Secured By Design.

SKDC Assets and Facilities (Drainage) – The developer needs to provide evidence that the proposed soakaways will be functional in the form of percolation tests and calculations to determine the proposed size of each soakaway. Consideration should be given to rainwater harvesting.

Highways – The highway authority has requested that a Transport Assessment is provided in support of this application. With the amount of dwellings proposed and that already under construction the threshold of 50 dwellings has been exceeded.

Lincolnshire PCT – Confirm that the Trust will not be making an application for S106 monies associated with this scheme.

LCC Education – Advise that the County Council are about to apply for planning permission to add a classroom at Morton Primary School and therefore should be able to have space for the pupils generated by this development. Therefore the County Council will not be pursuing a S106 contribution at this stage as they have already committed to the scheme financially using basic need funding.

Community Leisure Officer – has advised that the adopted Supplementary Planning Document indicates that the proposed development requires a contribution of 1,552sq m of informal open space and 233sq m formal equipped play space. The application drawings show it is proposed to provide approximately 625sq m of informal open space on site along with 100sq m of equipped play space. The developers will therefore need to provide an additional S106 contribution of £21,515 towards off-site informal open space provision and £12,350 towards off-site equipped play spaces in order to make up for the shortfall of on-site provision.

Partnership and Projects Officer (Affordable Housing) – has requested a 35% contribution to affordable housing based on the Council's adopted policy.

Conservation Officer – Objects to the development on the grounds that the proposals would be contrary to the established, and still prevailing, linear settlement pattern of Morton. Furthermore the development does not reinforce local distinctiveness of sense of place and would not respect the quality and character of the traditional built fabric of the settlement.

Planning Policy – The Planning Policy Team consider the site to be a greenfield countryside site, located outside the existing built up part of the village where development would encroach into the open countryside changing the linear form and nature of the settlement. As such the proposal is considered to be contrary to policies SP1 and EN1 of the adopted Core Strategy and policy SP H1 of the emerging Site Allocation and Policies DPD. Paragraph 12 of the NPPF makes it clear that as part of the presumption in favour of sustainable development the statutory status of the development plan has not changed. Where development conflicts with the development plan it should be refused, unless other material considerations indicate otherwise. This proposal is contrary to the development plan and should therefore be refused.

Morton and Hanthorpe Parish Council –

Additional Local Traffic. The number of properties proposed added to the present development will considerably multiply the number of vehicles needing to use the one access point to/from this 'estate' directly onto the A15 at peak periods. For a number of years there have been concerns about road safety at the crossroads only a short distance to the north of this access. With such likely resulting concentrations of vehicles the possibility of more accidents could arise.

Pedestrian Road Crossing - The provision of a crossing was surely one of the main reasons for the first application to be given the go ahead and is a requirement of the 106 agreement. Any such

crossing would have to benefit all parish residents to the W of the A15. Even before this development was considered meetings have taken place to consider the possibility of providing an A15 pedestrian crossing. So far it has not been possible to find a suitably safe/practical point for such a crossing. Any thoughts of a further increase in people needing to cross the A15 should not even be considered until, if at all, this problem can be solved.

Village Amenities - This point is entirely connected to the two previous points. Residents of the development, of whatever size, will need to cross the A15 to shops, churches and the school.

Lack of School Places - The village primary school is already refusing entry to local children. The headmaster, Mr Trafford, has already expressed concern at the first application. The school is presently planning to add extra rooms to the buildings just to be able to cope with the present number of pupils. Mr Trafford is not planning to add to the school numbers/classes. Other local schools are also fairly full at the present time.

Visual intrusion & out of character - The proposed additional development will add to the visual intrusion on entering Morton village from the south. The village is fortunate in having a large area of grassland which adds to the scenic value of the area, especially at this point. The plans show a row of cramped urban-type terraced properties sited alongside the A15. This is entirely out of character with this area, especially an established village.

Drainage - The applicants' own topographical survey shows the ground to be substantially lower at the south east corner, where water has been lying in recent weeks. It is noted that the applicant answers 'No' to the question 'will the proposal increase flood risk elsewhere?'

Although a 'soakaway' is planned for the development it would seem inevitable that water would flow from the hard surfaces of the site towards the next field, farmed by Mr Taylor, with the likelihood of flooding the field. Any foul water/sewage entering the village system would add to problems already being experienced in High Street, which require some repairs to cope with present requirements.

Affordable Homes Requirement - It is our understanding that the local requirement, according to the 2010 survey, is less than 20 dwellings. We are not aware of any change in this figure. This is adequately provided for by the 20 properties already being built. The Parish Council has been asked to 'help' with local publicity to encourage people with local connections to register to join the SKDC housing waiting list. This would indicate that even these 20 homes cannot be filled with the required 'needy' people.

Impact on adjacent dairy farm - Inevitably the activities/aromas of the nearby dairy farm, with a field adjacent to the site, will be cause of complaint, in time, from residents on this development. This is a long-established family business and would be badly affected by any such dispute.

The Parish Council and residents of the parish in general would ask you not approve the application."

Natural England – This application is in close proximity to the Dunsby Wood Site of Special Scientific (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Heritage Lincolnshire – The application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's adopted Statement of Community Involvement and 10 letters of comment have been received. The issues raised can be summarised as follows:

- Poorly managed and overrunning road works on Phase 1 causing significant inconvenience to Morton Villagers and users of the A15,
- Potential for increase in crime levels with social housing as seen in Elsea Park in Bourne,
- Increase in traffic at an already busy and dangerous traffic junction,
- General concerns about highway and pedestrian safety,
- Increase drain of village already inadequate phone and broadband infrastructure,
- Impact on village primary school which is already at capacity,
- Increase number of youths loitering on street corners with nothing to keep them occupied,
- Concern relating to noise and disturbance from the proposed construction of the new dwellings,
- Concerns about damage caused to road verges from existing development on the adjacent Larkfleet site,
- Concern about additional dwellings in this location,
- Where is the pedestrian crossing and speed reduction required under the S106 linked to the previous planning permission on the adjacent site? Who is responsible for enforcing these requirements?
- The proposed development is out of character with Morton,
- Concern that back gardens will face onto Bourne Road,
- The proposed development will have an adverse impact on the rural approach to the village,
- Concern about damage to existing trees close to the site,
- Why do we need more housing in Morton when there are already so many for sale in the village,
- Concerns raised in relation to drainage and flooding,
- Concerns relating to overlooking and loss of privacy,
- The proposed properties are of no architectural value,
- The proposed development density is not appropriate in this countryside location,
- Concern relating to noise and pollution from additional 34 dwellings,
- Concerns about adverse impact on local wildlife on the site including voles and barn owls. The surrounding fields also have surrounding wetland areas which support newts and frogs. There is also an established Rookery in the ash tree immediately adjacent to the most intensive section of the proposed housing,
- Two terraces blocks of 5 houses plus semi detached adding up to 12 houses backing directly on the A15 adversely impacting on the approach to the village,
- The proposed dwellings will dwarf existing properties and appear out of scale with the existing properties in the area,
- Concerns about increase in crime as a result of the development,
- No work in Morton which will further add to the traffic problems with people driving to work,
- No facilities in Morton to entertain younger people and teenagers,
- Inappropriate for Larkfleet to offer the community money to carry favour when none of the improvements originally proposed by Larkfleet have been carried out in relation to the adjacent development,
- Adverse impact on the viability of the adjacent farm to operate profitably, in particular may result in complaints from noise and odours,
- The district already has a 5 year housing land supply,
- Using the existing bus service requires crossing the busy main road,
- Concern about pressure on existing medical services,
- The proposed open spaces is not considered to be appropriate for the size of the development,

The Headteacher of Morton CE Primary School has submitted the following comments:

"I will focus only on the implications for the school as a result of the application for 34 homes but also feel that there are further implications from the original 20 home application that remain unresolved and could be compounded by this new application.

We note the planning permission comes with an additional letter which we assume is a precursor to the 106 agreement. It states:

'Education

There will be a 35% affordable housing provision delivered to meet a proven local need in Morton, as confirmed by the Council's Housing Services department. As such the future occupiers of the scheme are, by definition, local people that are likely to already be living in the community (i.e. hidden households). Therefore if many of the future occupiers of the scheme are already resident in Morton then they must already be using the existing education facilities and be already accounted for in the County Council's assessment of the projected impact. We are aware that many of the existing pupils that frequent the primary school in Morton are not resident in the village. Numerous pupils live outside the village and are brought in by motor car through parental choice. However, if deemed necessary, we are prepared to enter into negotiations to agree an appropriate contribution.'

The current 20 house build did not include anything within the 106 agreement for education provision. Based on the statement above, this seems to be the position taken for the latest development, one that seems at odds with a 106 which could include a commitment to education. Presumably there will be an overall impact of 54 homes on the population of the village. If only 35% of those is affordable housing for the people of Morton then that leaves a large number of homes which don't fall into this category.

We continue to see huge pressure on school number in most of our classes. As a school we are already unable to admit children who live as little as 50 metres from the school. Even a small development of 20 homes and then 34 homes will surely have an impact on the provision that we can offer.

The school has been open and honest with the developers and have offered to support them in sharing current and projected pupil numbers. No such request has been made and yet the developers seem to state that they are aware of the demographics that affect the school. We are pleased to note that in the letter detailed above there is a proposal that the developers may seek to 'agree an appropriate contribution'.

The school submitted a comment on the last planning permission for 20 homes and stated the need for a crossing over the A15. We see the consequences of a highly dangerous road which will inevitably become busier and more dangerous with this new development."

Officer Evaluation

The application site lies outside of the existing built up part of the village of Morton. Policy SP2 of the adopted Core Strategy identifies that the village of Morton is a Local Service Centre, and goes on to state that a modest amount of development will be permitted within local service centres in order to maintain their viability. The Core Strategy qualifies this, however, (through policy SP1) by making it clear that this modest development will be on allocated sites and brownfield or infill sites only. The application site is a Greenfield site which forms part of the open countryside outside the

settlement. The proposal does not therefore accord with the criteria of the Core Strategy in this respect and is considered to be contrary to policy SP1.

The application site is connected to the village by virtue of the affordable housing scheme immediately north of the application site. This scheme, which is now under construction, was permitted as an affordable housing exception scheme, and as such it was permitted as an exception to normal policy restrictions. The principle objective of that permission was to meet a demonstrated need for affordable housing in this location. In considering that application it was noted that a site to the east of the A15 would have been preferable, but that none was available or suitable to meet the identified need at that time. That proposal has satisfied the full identified need for affordable housing in Morton. This application is for market housing, as such, the normal housing policy restrictions apply.

This site is a Greenfield, in the open countryside, located outside of the existing built framework of the village and divorced from the majority of village facilities by the busy A15. Further development to the south of the village in this location would encroach upon the open countryside and fundamentally change the existing linear pattern of development. The Landscape Character Assessment (LCA) (2007) identifies Morton as lying within the Fen Margins. The linear nature of villages is identified as a key characteristic of this area. Paragraph 4.417 of the LCA states that "the villages generally have a linear form following the main roads that run through the villages. Some villages exhibit a denser urban form close to the village centre, near the church, with a more open or fragmented form towards the village edge." The LCA identifies that large scale development proposals within the rural parts of this character area are unlikely to be successfully assimilated into this landscape. Policy EN1 of the Core Strategy requires development to be appropriate to the character of the landscape within which it is located, the policy also requires consideration to be given to local distinctiveness and sense of place and the historic character, pattern and attributes of the landscape.

The Council's Conservation Officer has advised that whilst Morton has been the subject of much, unsympathetic modern estate development, the linearity of the historic core is still legible. The historic core of the settlement is designated a Conservation Area although the site lies outside of the designated area.

The Council's Conservation officer goes on to advise that this Greenfield site contributes to the open rural approach to the village from the south. An estate development of this type in the location proposed would be contrary to the established, and still prevailing, linear settlement pattern of Morton. Furthermore, neither the submitted layout nor the proposed house types give any reassurance that local distinctiveness will be reinforced by the proposed development, which has a regimented layout and will not appear at all like a natural extension of the village. It is therefore considered that development in this location to the south of the village is contrary to the requirements of policy EN1 of the Core Strategy.

The recent withdrawal of the Grantham Area Action Plan (GAAP) raises additional policy issues relevant to the consideration of this application. The National Planning Policy Framework attributes weight to plans as they progress towards adoption. The Site Allocation and Policy DPD (SAP) has progressed through to the Examination stage. The NPPF para 216 attributes more weight to the policies contained within emerging plans the nearer they have progressed to adoption, whilst making it clear that areas where there is unresolved objection should be attributed less weight. Policy SAPH1 of the SAP DPD provides additional criteria against which housing proposals should be considered to supplement Core Strategy policy H1. As this policy was not the subject of objection at Submission more weight can be attributed to it. It is therefore considered relevant in the consideration of this application.

The NPPF also requires Local Planning Authority's to demonstrate 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. The removal of those allocations in the GAAP which were considered likely to be developed in the five year period 2012-2017 results in a reduction of deliverable supply of 240 homes or 5.2 years supply down to 4.8 years supply. In the context of a five year land supply where the five year requirement is 3310 homes (plus 165 as a 5% buffer) this is a small under supply (of 293 homes).

It should also be noted that this shortfall will reduce further if the major application in Stamford (ref S12/0864) is approved by Development Control Committee on Tuesday 5 March 2013 (the outcome is not known at the time of preparing this report).

If that application is approved it is reasonable to assume that somewhere in the region of 180 homes could be completed on the site by 2017 (this assumes a build rate of 45 per annum with construction commencing in 2014). This will increase the five year land supply to 5.1 years (or 4.8 when taken against the requirement plus 5% buffer)

Table showing revised five year supply (at March 2013)

	Number of Dwellings	
Core Strategy Policy H1	13600	
<u>5 year requirement: 2012-2017</u> (Residual annual average of 662 dwellings x 5 years)	3310	
<u>5% buffer required by NPPF</u>	165	
<u>Total five year requirement plus 5% buffer</u> (Residual annual average of 695 dwellings)	3475	
Supply of sites	Revised supply Feb 2013	With approval of S12/0864
Under construction on sites with planning consent:	1446	1446
Dwellings on large sites with planning permission which are considered deliverable and likely to come forward within five years on	288	468
Windfall sites (of less than 10 houses) expected to contribute to supply in later years (2014-2017) @ 100 per annum	300	300
Remaining 1995 Local Plan allocations (assumed delivery for 2012-2017)	625	625
SHLAA sites (large sites) without planning consent within towns and LSCs and assessed as being deliverable within five years	223*	223
Number of dwellings expected to be delivered in five year period on allocations in emerging Local Plan documents	295**	295
<u>TOTAL</u>	<u>3177</u>	<u>3357</u>
<u>Number of Years supply</u> (total supply divided by residual annual average dwellings) <u>3372/662</u>	<u>4.8 years</u> (<u>4.5 years when taken against total with 5% buffer</u>)	<u>5.1 years (4.8 years when taken against total with 5% buffer)</u>

* Excludes Stonebridge House (50 capacity) but includes Wherry's Yard (45) approved on appeal

** Excludes all allocations in GAAP except the Southern Quadrant (which is allocated in the Core Strategy)

The NPPF also states that planning applications for new housing development should be considered in the context of the presumption in favour of sustainable development. However it must be noted that in defining how this presumption should be applied to decision making, paragraph 14 of the NPPF clearly states that proposals should be approved in accordance with the development plan, and where the plan is absent, silent or out of date planning permission should not be granted if the adverse impacts demonstrably outweigh the benefits of the proposal. It is considered that the adverse impact of this proposal in terms of its impact upon the open countryside and the existing form and pattern of development clearly outweigh any small benefit which might be

achieved by the delivery of a small number of additional houses, which will have little overall affect on the supply of deliverable housing land in the district.

The Local Highway Authority has requested a Transport Assessment to be submitted with the application. This information has not been submitted at the time of writing this report it is therefore recommended that the lack of this information be included as a reason for refusing the application.

Concerns have been raised in relation to drainage and flood risk. The application site is not located within an area identified on the Environment Agency's Flood Plain Maps. Anglian water has been consulted on the application and has raised no objections to the proposals. It is considered that subject to suitable conditions issues relating to drainage and flood risk could be adequately mitigated.

Concerns have been raised in relation to the impact the development would have on the local school and medical facilities. Both Lincolnshire County Council as the education authority and the Local NHS PCT have been consulted on the development. Both consultees have responded to the consultations advising that they will not be seeking any additional contributions from this development as there is already sufficient capacity. The Education Authority has advised that they already have plans in place to extend the existing local school facilities in the near future.

The submitted plans take into account the relationship of the proposed development and the properties on Bourne Road by ensuring that there is adequate separation distance between the proposed and existing dwellings. This insures that development would not cause any significant loss of privacy or loss of light to adjoining properties.

In relation to ecological impacts of the development a Survey of the site was undertaken and this indicates that the site is of relatively low ecological value. It is considered that the development would not have any significant impact on local wildlife subject to conditions mitigating any possible impact on the local bird population. Natural England has been consulted and raised no objections to the proposed development.

Section 106 Heads of Terms

35% Affordable Housing

£21,515 towards off-site informal open space provision and £12,350 towards off-site equipped play spaces in order to make up for the shortfall of on-site provision. The on-site element would also need to form part of any agreement.

Crime and Disorder

The proposed development raises no significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The proposal is for development of a rural Greenfield site, located outside the existing built up part of the village where development would encroach into the open countryside changing the linear form and nature of the settlement. As such the proposal is contrary to policies SP1 and EN1 of the adopted Core Strategy and policy SAP H1 of the emerging Site Allocation and Policies DPD.

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

1. There are fundamental policy objections to the proposal and it is considered that these cannot be overcome. The applicant has been made aware of the situation in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal and a decision has been issued in a timely fashion.
2. This site is a Greenfield, in the open countryside, located outside of the existing built framework of the village and divorced from the majority of village facilities by the busy A15. As an unallocated greenfield site on the edge of the village the proposal is contrary to Policy SAP H1 of the emerging Site Allocation and Policies DPD. Further development to the south of the village in this location would encroach upon the open countryside and fundamentally change the existing linear pattern of development of the village. The Landscape Character Assessment (LCA) (2007) identifies Morton as lying within the Fen Margins. The linear nature of villages is identified as a key characteristic of this area. The LCA identifies that large scale development proposals within the rural parts of this character area are unlikely to be successfully assimilated into this landscape. Policy EN1 of the Core Strategy requires development to be appropriate to the character of the landscape within which it is located, the policy also requires consideration to be given to local distinctiveness and sense of place and the historic character, pattern and attributes of the landscape.

The historic core of Morton is designated a Conservation Area although the site lies outside of the designated area. It is considered that the application site contributes to the open rural approach to the village from the south. An estate development of this type in the location proposed would be contrary to the established, and still prevailing, linear settlement pattern of Morton. Furthermore, neither the submitted layout nor the proposed house types give any reassurance that local distinctiveness will be reinforced by the proposed development, which has a regimented layout and will not appear at all like a natural extension of the village. It is therefore considered that development in this location to the south of the village is contrary to the requirements of the National Planning Policy Framework and policy EN1 of the Core Strategy and Policy SAP H1 of the emerging Site Allocation and Policy DPD.

Notwithstanding the National Planning Policy Framework presumption in favour of sustainable development it is considered that the adverse impacts of this proposal in terms of its impact upon the open countryside and the existing form and pattern of development clearly outweigh any small benefit which might be achieved by the delivery of a small number of additional houses, which will have little overall effect on the supply of housing land in the district.

3. The Local highway authority has requested a Transport Assessment to be submitted in support of the application. The applicant has not submitted the requested Transport Assessment and therefore all relevant information has not been provided to enable the Council to fully assess the potential highway implications of the development. The development is therefore considered to be contrary to the requirements of the National

* * * * *



South Kesteven District Council S12/3246

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Scale - 1:1250
 Time of plot: 09:41
 Date of plot: 07/03/13

Construction of 34 Residential Dwellings
 hand off, Bourne Road, Mortar

Agenda Item 6

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted