

AGENDA



For a meeting of the	
DEVELOPMENT CONTROL COMMITTEE	
to be held on	
TUESDAY, 4 JUNE 2013	
at	
1.00 PM	
* PLEASE NOTE TIME OF MEETING *	
(THE LATE REPORT WILL BE EMAILED TO MEMBERS ON THE FRIDAY BEFORE THE MEETING)	
in the	
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM	
Beverly Agass, Chief Executive	

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

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

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

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members

2. APOLOGIES

3. DISCLOSURE OF INTERESTS

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

meeting

4. MINUTES OF MEETING HELD ON 14 MAY 2013

(Enclosure)

5. PLANNING MATTERS

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

The anticipated order of consideration is as shown on the index attached to this report however, this may be subject to change, at the discretion of the Chairman of the Committee.

6. S13/0260 DEVELOPMENT OF A FOOTBALL STADIUM, WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES TO INCLUDE MULTI-USE TRAINING PITCH. ERECTION OF SPORTS COLLEGE BUILDING TO INCLUDE DUAL USE FACILITIES FOR THE FOOTBALL STADIUM. PROVISION OF CAR AND COACH PARKING AREA WITH ADDITIONAL USE FOR CAR BOOT SALES ON UP TO 30 DAYS IN ANY CALENDAR YEAR. CREATION OF NEW MEANS OF ACCESS FROM RYHALL ROAD WITH ASSOCIATED HIGHWAYS ALTERATIONS. ON LAND WEST OF RYHALL ROAD, STAMFORD.

Report number PLA994 by the Development Management Service Manager. **(Enclosure)**

7. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA995 by the Development Management Service Manager. **(Enclosure)**

8. 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 2013/14 meetings are:

Meeting Date	Notification Deadline
Tuesday 14 May, 1pm	Monday 13 May 2013, 1pm
Tuesday 4 June 2013, 1pm	Monday 3 June 2013, 1pm
Tuesday 25 June 2013, 1pm	Monday 24 June 2013, 1pm
Tuesday 16 July 2013, 1pm	Monday 15 July 2013, 1pm
Tuesday 6 August, 1pm	Monday 5 August 2013, 1pm
Tuesday 27 August 2013, 1pm	Friday 23 August 2013, 1pm Early due to Bank Holiday
Tuesday 17 September 2013, 1pm	Monday 16 September 2013, 1pm
Tuesday 8 October 2013, 1pm	Monday 7 October 2013, 1pm
Tuesday 29 October, 1pm	Monday 28 October 2013, 1pm
Tuesday 19 November 2013, 1pm	Monday 18 November 2013, 1pm
Tuesday 10 December 2013, 1pm	Monday 9 December 2013, 1pm
Tuesday 31 December 2013, 1pm	Monday 30 December 2013, 1pm
Tuesday 21 January 2014, 1pm	Monday 20 January 2014, 1pm
Tuesday 11 February 2014, 1pm	Monday 10 February 2014, 1pm
Tuesday 4 March 2014, 1pm	Monday 3 March 2014, 1pm
Tuesday 25 March 2014, 1pm	Monday 24 March 2014, 1pm
Tuesday 15 April 2014, 1pm	Monday 14 April 2014, 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, 14 MAY 2013**



COMMITTEE MEMBERS PRESENT

Councillor Ashberry
Councillor Higgs
Councillor Howard
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor Parkin
Councillor Powell

Councillor Mrs Judy Smith
Councillor Jacky Smith (Vice-Chairman)
Councillor Stevens
Councillor Adam Stokes
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 Officer (Alan Harvey, Nigel Bryan and Paul Milne)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

115. MEMBERSHIP

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

116. APOLOGIES

Apologies for absence were received from Councillors King and Morgan.

117. DISCLOSURE OF INTERESTS

There were none declared.

118. MINUTES OF MEETING HELD ON 23 APRIL 2013

The minutes of the meeting held on 23rd April 2013 were accepted as a correct record of decisions taken, subject to the inclusion of Councillor Mrs Judy Smith in the list of apologies.

(1.05pm – Councillors Ashberry and Mrs Kaberry-Brown entered the meeting).

119. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S13/0728/FULL

Description: Replacement dwelling and new vehicular access

Location: 1A, Castlegate, Castle Bytham, Grantham, Lincolnshire

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor H Bakker – Castle Bytham Parish Council
Mr Patrick Candler – objecting
Susan Blunt – objecting
Mr D Lane – objecting
Mr R Garnett – agent

together with no objection from the Principal Conservation Officer or Environment Agency, objections from the Parish Council, comments from Lincolnshire Heritage, English Heritage and the Highway Authority and a number of objections from nearby residents; late information report circulated to Members prior to the meeting including comments from the Tree Officer, English Heritage and no objection from the Highway Authority, officer comment thereon and suggested alterations to conditions from the Highway Authority, and a changed recommendation to refuse, report of site inspection and comments made by Members at the meeting.

The Case Officer advised that since the late report had been produced, English Heritage had confirmed that they had no objection to the proposal, and that consequently the suggested second reason for refusal was not now appropriate.

It was proposed and seconded that the application be refused as being against

public feeling, against Policy EN1, neither enhancing nor protecting the Conservation Area, visually intrusive, detracting from the adjoining listed building, loss of privacy, detracting from the street scene, effect on the trees on the site and the proposed scale and size of the proposed dwelling were not acceptable.

The Development Management Service Manager advised that whilst he could accept most of the reasons given, which reflected the remaining reason on page 3 of the late report, the reference to the proposed development being against public opinion was not a reason, and the loss of privacy was not sustainable. The proposer of the motion accepted the comments and withdrew these from the suggested reasons for refusal, although expressing some reservations about the loss of privacy reason.

On being put to the vote the proposal was agreed and the application refused for the following reasons:-

- 1) A number of trees, which are worthy of protection and prominent within the streetscape are proposed to be removed, allowing their removal would be harmful to the character of the streetscene and wider Conservation Area by virtue of their location height, prominence and predicated longevity. The application is therefore deemed contrary to guidance contained in policy EN1 of the South Kesteven Core Strategy; with no other material planning considerations to indicate that the application should be determined otherwise.
- 2) The proposed replacement dwelling would, by virtue of scale and mass, neither respect nor preserve the character of the Conservation Area as well be harmful to the setting of the adjacent Listed Building with it being visually intrusive within the street scene. The application is, therefore, deemed contrary to policy EN1 of the South Kesteven Core Strategy and guidance contained in the National Planning Policy Framework.

NB2

Application Ref: S13/0729/CAC

Description: Demolition of existing bungalow

Location: 1A, Castlegate, Castle Bytham, Grantham, Lincolnshire

Decision: Refused

Noting comments made during the public speaking session from:-

Mr Patrick Candler – objecting
Mr R Garnett – agent

together with no objection from the Principal Conservation Officer or Lincolnshire Heritage and a number of objections from nearby residents, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be refused for the following reason:-

In the absence of a scheme that would enhance the character or appearance of the Conservation Area the application for the demolition of the bungalow is considered to be unacceptable. The loss of building would not preserve the character or appearance of the Conservation Area and would be contrary to Policy EN1 of South Kesteven Core Strategy along with the guidance in the National Planning Policy Framework.

AH1

Application ref: S13/0150/MJRF

Description: Erection of 15 no.dwellings with access (off Belvoir Close), parking, landscaping and associated works

Location: Land off Belvoir Close, Stamford

Decision: Deferred

Noting comments made during the public speaking session from:-

Neil Osborne – agent

together with no objection from Planning Policy, the Highway Authority, Consultant Arboriculturalist, Lead Local Flood Authority, Property and Facilities, Anglian Water and Environment Agency, comments from Stamford Town Council, Environmental Health, LCC Children's Services, SKDC Leisure and Communities, Heritage Trust of Lincolnshire, Affordable Housing Officer, Crime Prevention Design Advisor and Natural England, together with representations from local residents and a note of the proposed Section 106 Heads of Terms; late information report circulated to Members before the meeting including information in relation to the request made by Stamford Town Council about monies from the Section 106 agreement and officer comment thereon, report of site inspection and comments made by Members at the meeting.

(2.18pm – Councillor Stokes left the meeting).

(2.20pm – Councillor Stokes returned to the meeting).

It was proposed and seconded that the application be approved subject to the conditions set out in the report.

Following comments in regard to the lack of a pavement on the access road, it was suggested that the application be only approved subject to a requirement that a footpath be provided.

The proposer and seconder agreed to include this within the proposition.

Following further discussion in relation to the footpath issue and the provision and maintenance of hedgerows, the Chairman suggested that further consideration be deferred to enable the applicants to consider the issues raised by Members and come back with amended plans. The proposer and seconded of the motion to approve then withdrew this motion.

A Member proposed that further consideration be deferred for the reasons suggested by the Chairman. Further discussion then took place, in relation to the style and content of the development and in relation to the retention of the copper beech tree at the entrance to the site.

On the suggestion of the Chairman, the meeting adjourned to enable consideration to be given to the terms of a motion to defer consideration of the application.

(The meeting adjourned from 3.20pm to 3.42pm).

On the resumption of the meeting, the Committee Support Officer read the terms of a suggested motion for deferral, as follows:-

“That application S13/0150 be deferred for consideration by the applicant to include for a footpath to the driveway and for a planting scheme to incorporate new and existing hedgerows that shall be maintained by the householders for the lifetime of the development and for the inclusion of a mature copper beech tree as a replacement for the existing.”

The above motion was proposed and seconded.

Members then discussed whether or not it would be appropriate to include a requirement to consider bungalows on the site, and it was accordingly proposed and seconded that this be added to the above motion as an amendment. On being put to the vote the amendment was agreed, and the following was added to the original proposition:-

“Consideration should also be given to the inclusion of bungalows on this site.”

The amended motion was then put to the vote and agreed, and the application was deferred for the following reason:-

“That application S13/0150 be deferred for consideration by the applicant to include for a footpath to the driveway and for a planting scheme to incorporate

new and existing hedgerows that shall be maintained by the householders for the lifetime of the development and for the inclusion of a mature copper beech tree as a replacement for the existing. Consideration should also be given to the inclusion of bungalows on this site.”

PL1

Application ref: S12/2469/FULL

Description: Variation of Condition 5 (delivery hours) of p/p S09/2256 to 0600 to 2300 hours Monday to Saturday and 0700 to 2000 hours on Sundays

Location: Tesco Stores Ltd, Godsey Lane, Market Deeping, Peterborough

Decision: Withdrawn

This application had been withdrawn by the applicants.

(3.50pm – Councillor Mrs Brenda Sumner left the meeting).

PJM1

Application ref: S13/0821/HSB

Description: Ground floor rear extension and installation of lift.

Location: 29, Hobart Road, Grantham, Lincolnshire

Decision: Approved

Noting no representations following consultation, and comments made by Members at the meeting.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number: DFAMB29/03 dated 21st March 2013
Drawing Number: DFAMB29/04 dated 21st March 2013

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

(3.54pm – Councillor Mrs Brenda Sumner returned to the meeting).

**120. NEIGHBOURING AUTHORITY CONSULTATION - SOUTH HOLLAND
APPLICATION REF. H14-0110-13 - INSTALLATION OF NINE 126 METRE
(TIP HEIGHT), WIND TURBINES, SUB-STATION AND ACCESS TRACK AT
FEN FARM, SOUTH FEN, WEST PINCHBECK**

Decision:-

The Development Control Committee of South Kesteven District Council are not in favour of the proposed development, and South Holland District Council be advised that:

1. *It is considered that the proposed wind turbines, by virtue of their height and number, would have an adverse impact upon the character and appearance of the landscape in the vicinity of the site and upon the amenities of residents of South Kesteven who live in close proximity to the site.*
2. *This would be exacerbated by the cumulative impact of the proposed development together with the Deeping St Nicholas wind farm to the south of the application site.*

The Development Management Service Manager submitted his report PLA991, which had been circulated to Members prior to the meeting, in relation to an application which had been submitted to South Holland District Council for the installation of nine 126b metre (to tip) wind turbines, sub-station and access track at Fen Farm, South Fen, West Pinchbeck. South Kesteven District Council had been consulted on the application, as a neighbouring authority, and the purpose of the report was to consider this Council's response to the consultation. Parishes and individuals within South Kesteven and bordering the site had also been consulted by South Holland.

The report described the proposed development and went on to assess the likely impact of it on South Kesteven District, bearing in mind an existing wind farm approximately 2.5 miles from the application site, and the likely cumulative impact. The Committee were reminded that a site inspection had taken place

and Members reported their views following this inspection.

It was proposed, seconded and agreed that the Development Control Committee of South Kesteven District Council are not in favour of the proposed development, for the detailed reasons set out in paragraph 1.1 on page 6 of the late report.

121. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report 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 26th April 2013 was also submitted, together with a schedule showing planning applications performance between April 2012 and March 2013.

(4.05pm – Councillor Powell left the meeting).

122. GENERAL PERMITTED DEVELOPMENT ORDER

For the information of the Committee, the Development Management Service Manager outlined changes to the General Permitted Development Order, which were to come into force for a three year trial period on 30th May 2013. Current legislation removed certain types of development from planning control, principally rear extensions to residential properties, the current limits for which were 3 metres for semi-detached and 4 metres for detached properties. The new trial rules extended these limits to 6 metres and 8 metres respectively.

It was intended to send out a briefing note to Members, but if there were any issues, the advice was to refer these to the Development Management Team.

(4.12pm – Councillor Mrs Brenda Sumner left the meeting).

123. CLOSE OF MEETING

The meeting closed at 4.13pm

Agenda Item 5

COMMITTEE: 4 June 2013

	NO	PAGE	PROPOSAL AND LOCATION	REC
NB1	S13/0751	1	Erection of new dwelling Westfield House, 39a Empingham Road, Stamford, PE9 2RJ	R
KJC1	S10/1805	8	Residential development for the creation of nine flats including demolition 20b Swinegate, Grantham, NG316RJ	AC
KJC2	S12/0484	18	Erection of 55 residential units (including 8 affordable units) Outline Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham	AC
AH1	S13/0232	43	Change of Use from offices (B1) to Public House (A4), external alterations, associated works Mercury House, 7 Sheep Market, Stamford, PE9 2QZ	AC
PWM1	S12/3241	61	Erection of 4 Poultry Units, 2 control rooms, office and general purpose building Land off Fallow Lane, Foston, Grantham, Lincs	AC
PL1	S13/0991	77	Removal of Condition 1 of Planning Permission S12/2310 to allow 24 hour deliveries Tesco Store, Cherry Holt Road, Bourne, PE10 9LS	AC
LDPP1	S13/0980	86	Proposed terrace to rear of dwelling and erection of single storey double garage 106 Harrowby Road, Grantham, NG31 9DS	AC
PJM1	S13/1092	91	Single storey side extension 7 Applewood Drive, Grantham, NG31 8QN	AC

Applicant	Mr & Mrs E Treanor Westfield House, 39A, Empingham Road, Stamford, Lincolnshire, PE9 2RJ
Agent	
Proposal	Erection of dwelling
Location	Westfield House, 39A, Empingham Road, Stamford, Lincolnshire, PE9 2RJ
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	The application is considered to be locally controversial and at the request of local Councillors.
Recommendation Summary	Refuse permission The proposed dwelling would be sited to the side of 39A Empingham Road and rear of properties on Ermine Close. It would have a maximum ridge height of 8m, with accommodation in the roofspace, and would be set over 2m from the boundary to the north. However, being a two-storey property with accommodation in the roofspace, the dwelling would appear at odds with the character of the area, particularly given that the dwelling would be sited next to bungalows. Furthermore, the overall mass and siting of the dwelling would result in an overbearing impact that would be detrimental to the amenity of neighbouring properties through its close relationship with dwellings that surround it. It is not considered that the proposal would be detrimental to highway safety or that any trees to be lost are worthy of protection. The application is, therefore, deemed contrary to Core Strategy policy EN1 and guidance contained in the National Planning Policy Framework (paragraph 17); with no other material planning considerations to indicate that the application should be determined otherwise.

Key Issues

- Whether or not the dwelling would respect the character of the area
- Impact on residential amenity e.g. overlooking and overbearing issues
- Trees in the locality that would be affected
- Planning history to the site
- Highway safety

Technical Documents Submitted with the Application

- Design and Access Statement
- Elevation drawings – proposed and existing
- Floor plans - proposed and existing

REPORT

Application category

The application is categorised as a minor application.

Reason for referral to Committee

The application is considered to be locally controversial and at the request of local Councillors.

The proposal

The application is for the construction of a dwelling on the garden of 39A Empingham Road. Vehicular access to the site would be shared with the existing property.

The application site and its surroundings

The application site forms part of the extended garden of 39A Empingham Road. There are number of semi mature trees within the property curtilage, primarily Silver Birch along with a mixture of fencing and planting marking the northern boundary with properties on Ermine Close.

Within the locality there is a mixture of properties with bungalows to the north on Ermine Close; properties on Empingham Road are primarily two-storey.

Relevant history

94/0538 – ‘Demolition of existing bungalow and erection of dwellinghouse and garage’ the outline application was granted permission in July 1994.

96/1040 – ‘Erection of detached house with detached garage’ was refused permission in January 1997.

98/0065 - ‘Erection of detached house with detached garage’ was granted permission in April 1998

S99/0944 – ‘Extension to dwelling under construction’ was granted permission in November 1999.

Outline application S09/1191/OUT was refused permission in July 2009 for the following reason. The application was for the erection of one dwelling that would have been sited further away from 39A Empingham and been to the rear of number 41.

“In the opinion of the local planning authority the access to the proposed dwelling, which meanders between no.39a and no.35 Empingham Road and then continues around the perimeter of the garden of no.39a, will give rise to unacceptable levels of noise and disturbance to the existing and future of occupiers of no.39a and the neighbouring properties.

Furthermore, it is considered that the site is historically and characteristically an orchard rather than domestic garden leading to the conclusion that it is a Greenfield site. Without evidence to the contrary it is considered that this proposal is not in the general thrust of central Government's advice on re-using land that has been previously developed, which is one of the Government's key objectives.

It is therefore considered contrary to national guidance and local policies as contained in Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), saved policies H6 (bi, ii, iii) and EN1 (i, ii, iii, vi, vii) of the South Kesteven Local Plan (1995), and guidance contained in the Council's Supplementary Planning Guidance (SPG) for 'Backland Development'".

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1: Delivering sustainable development
Section 4: Promoting Sustainable Transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 10: Meeting the challenge of climate change, flooding and coastal change.
Section 11: Conserving and enhancing the natural environment

South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN2 - Reducing the Risk of Flooding
Policy EN4 – Sustainable Construction and Design
Policy H1 – Residential Development

Representations received

Heritage Lincolnshire note that the application would not affect any known sites of archaeological interest

Lincolnshire County Council, as Highway Authority, does not object to the application subject to the imposition of conditions.

The observations of Stamford Town Council are reproduced below;

"Following consultation with both the applicant and neighbouring residents Stamford Town Council's Planning Committee wish to object strongly against this proposed development for the following reasons;

- 1. It is back-land expansion which will overdevelop the site and will be visually intrusive.*
- 2. The new dwelling will be too close to neighbouring properties which will compromise neighbours amenities on both Empingham Road and Ermine Close.*
- 3. The removal of the mature trees will destroy the welcome environment for wildlife.*

It is strongly recommended that the views of LCC Highways are taken in to consideration in respect of the impact this development will have on an already very busy and pressured road, which is adjacent to a very busy junction at Roman Bank and Empingham Road.

It is recommended that a site visit is conducted and any decision is deferred to Development Control with a recommendation for refusal.

The Chairman of Stamford Town Council's Planning Committee agreed to speak at the Development Control meeting in respect of this application".

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement with the closing date for representations being the 24 April 2013. Following receipt of amended plans further consultation was undertaken with the closing dates for representations being the 28 May.

As a result of the initial consultation a total of 15 letters of objection have been received. A summary of their observations is set out below:

- The proposed dwelling is too large and out of character with the area;
- Residential amenity will be compromised through a dominating and overlooking impact;
- Mature trees will be lost in the rear garden harming both the amenity and outlook from neighbouring properties as well as the wider environment through a loss habitat;
- Previous applications were refused on the site and this one should be too;
- This would result in an overdevelopment of the plot as well as a tandem form of development;
- Increase noise from the gravel drive will be unacceptable;
- Sewers, which are already at capacity, pass through the site and neighbouring garden;
- The dwelling is too high and too close to neighbouring properties;
- Highway safety would be compromised through an increase in vehicles using the access point;
- Mature trees will be lost and inadequate screening provided;
- There is a covenant on the land that would restrict the erection of this dwelling;
- Previous dwellings on this site have been built larger than approved and required further applications to regularise the development;
- There is a protracted planning history to the site and this application will only be the start for future applications.

Officer evaluation

The application site falls within one of the four most sustainable settlements in the district and no objection has been raised to the application with regard to highway restrictions given that the access to the site is proposed to be widened to 4.1m for the first 10m and 3.7m thereafter. Furthermore, there are no trees within the application site that are worthy of a preservation order nor would any existing trees subject of a preservation order be affected. The primary consideration therefore is whether or not the dwelling would conform with the general character of the area and the amenities of adjoining residents.

The scheme has been amended following the submission of revised plans received on the 09 May and the application is considered on the basis of these amended plans which are subject to additional consultation.

The application as amended has set the property further away from properties on Ermine Close with the larger part of the house set between 2.28m to 2.8m from the northern boundary. The attached garage would be set 1m from both the boundary with 10 Ermine Close and 37 Empingham Road. The highest part of the dwelling would be some 8m tall with a lower aspect 7.5m. In addition it is proposed to have accommodation in the roof space with a front garage

extension that would also have accommodation above. Properties on Ermine Close would have views of the property and in particular the first floor side wall which would have an eave height of 4.7m and cover an area of 8.5m.

Whilst moving the property further away from properties on Ermine Close begins to address the concerns being raised, the overall mass of the property has not been significantly altered. In particular moving the dwelling closer to 39A Empingham Road, and increasing the bulk of the property along this boundary, would result in a significant overbearing impact that would justify a refusal of permission. Furthermore, with the property having accommodation in the roofspace this increases the impression of height as well as results in a dwelling that appears at odds with the character of the area, particularly with properties on Ermine Close being bungalows and 39A Empingham Road being a two-storey property.

The applicant contests that recent permissions at a site on 112 Empingham Road indicate that the overbearing impacts on this application are no worse than the Council has approved in the past. However, no two applications are alike and it is considered that the particular circumstances of this scheme, having regard to the fact that the properties on Waverley Gardens are larger than those on Ermine Close, would justify a refusal of permission.

It is noted that the previous refusal for a dwelling on the site expressed concern about the long drive and impact on amenity of existing occupiers. However, the drive proposed is much shorter; it is also proposed to be tarmac. It is accepted that the site would be Greenfield, as defined in the NPPF; however, the site is within Stamford where subject to certain criteria residential development is supported by the Core Strategy such that an objection to the principle of residential development cannot be sustained.

Therefore it is the size, scale and massing of the proposed property that results in a development that is too large and out of character with the plot, general area of and relationship with the dwellings that surround it. Furthermore, the scale of the property and relationship with surrounding properties is such that it would have a detrimental impact on the amenity of surrounding dwelling, most notably, but not exclusively, 39A Empingham Road.

Section 106 Heads of Terms

A section 106 is not required for this application.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right Implications

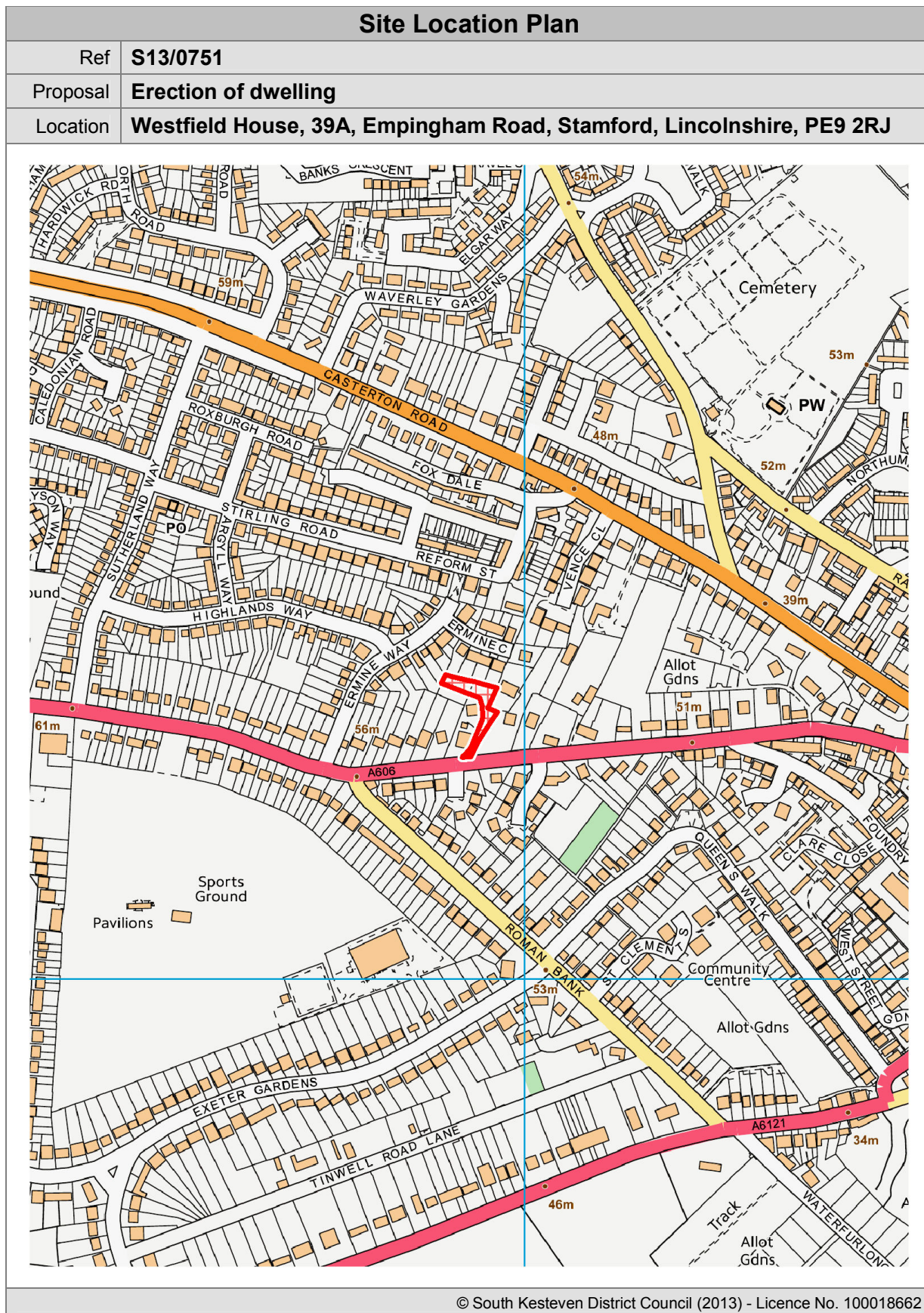
Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

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

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

The proposed dwelling, by virtue of its scale, mass, siting and design would result in a cramped form of development causing demonstrable harm to the character of the area and having an over-dominating visual impact upon the amenities of nearby residents. The application is, therefore, deemed contrary to Core Strategy policy EN1 and guidance contained in the National Planning Policy Framework (paragraph 17); with no other material planning considerations to indicate that the application should be determined otherwise.

* * * * *



Applicant	Mr S Turner, Grantham Roofing Services Ltd Withambrook Park, Alma Park, Grantham, NG31 9ST
Agent	Richard Diggle 194, Broad Gate, Weston Hills, Spalding, Lincs, PE12 6DQ
Proposal	Residential Development for the creation of nine flats including demolition of the existing building
Location	20b, Swinegate, Grantham, NG316RJ
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	This application has been referred to committee because the scheme requires a Section 106 legal agreement.
Recommendation Summary	It is considered that the scale, design and layout proposed is acceptable and would respect the character of the area, the conservation area and setting of adjacent listed buildings. Whilst concern has been raised in relation to overlooking and loss of privacy, given the relationship between the proposed and existing residential properties in the locality it is considered that the development would not be harmful to the residential amenity through a dominating, overlooking or overshadowing. The application is therefore deemed to comply with policies EN1, H1, SP1 and SP4 of the Core Strategy and sections 1, 3, 4, 6,7 and 11 of the National Planning Policy Framework; there are no other material planning considerations to indicate that the application should be determined otherwise.

Key Issues

- Residential Amenity
- Impact on Heritage Assets
- Parking Provision

Technical Documents Submitted with the Application

- Design and Access Statement
- Heritage Impact Assessment
- Contamination Report

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to committee because the scheme requires a Section 106 legal agreement.

The Proposal

This application is for full planning permission for the construction of 9 flats in two 3 storey blocks. Access to the site would be via a covered access off Swinegate and the retention of the existing access onto the adjacent public car park. There would be no vehicular access and the scheme does not propose any on site car parking as a town centre location.

The block fronting Swinegate would contain a one bedroom flat at ground floor and a two bedroom flat at first and second floor (three). The rear block would contain 2 two bedroom flats at ground, first and second floor, (six), giving a total of nine units.

Windows to the main habitable rooms would face east, south and west towards Swinegate, the adjacent car park and Watergate.

There would be a paved courtyard area, cycle shelter and bin storage.

The scheme would require the demolition of the existing commercial garage and car repair business. Conservation area consent has already been granted for the demolition of the existing building (Planning Ref: S09/0923).

The application site and its surroundings

The application site is approximately 0.05 hectares and is located off Swinegate adjacent to the Watergate Public Car Park approximately 30 metres from the junction of Swinegate and Brooks Street. The site is level and is currently occupied by a commercial garage which ceased operation a number of years ago.

There are a number of properties to the north, east and west of the site. These are a mix of commercial and residential premises.

Directly to the north of the site is 21 Swinegate, a listed building. There are a number of listed buildings to the south of the site along Swinegate and Watergate. The site is located within the Grantham conservation area.

The site has been advertised as affecting the setting of a listed building and the conservation area.

Site History

SK 1043/88 – Outline planning permission was granted for a mixed use development of public house, restaurant, flats, shops and offices on 13th September 1988.

SK 97/1074 – Planning permission was granted for a change of use of garage to timber retailing 19th March 1998.

S09/0923 – Conservation area consent was granted for the demolition of the existing building on 8th June 2009.

Policy Considerations

National Planning Policy framework

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

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy

Policy SP4 – Developer Contributions

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

Policy EN4 – Sustainable Construction and Design

Policy H1 – Residential Development

Policy H3 – Affordable Housing

Representations Received

Conservation Officer

The site lies adjacent to a grade II listed building and within Grantham Conservation Area which has been identified by English Heritage as a Conservation Area at Risk.

Swinegate is characterised by a mix of two and a half and three storey buildings constructed of red brick which date from the 18th century which are interspersed with 17th and early 18th century stone buildings. Clay pantiles, chimneys and sliding sash windows are key features of the street. Post war developments are relatively plain in design and are built to a similar scale as the traditional buildings although the use of UPVC windows and doors are inconsistent features which detract from the quality of the street.

The application proposes a three storey development fronting Swinegate with two three storey blocks to the rear arranged on an inverted L shaped plan. There is a degree of separation from the proposed development and the adjacent listed building for access, whilst the mass of the rear blocks is broken up by the flat roofed stairwell which partially reduces the bulk of the rearward projection. Therefore the development will not overly dominate the setting of the listed building. The rear blocks will not obscure any important views within the conservation area as the northern view is restricted by the rear elevations of the three storey buildings which front Brook Street. Likewise

the view from Watergate is partially obscured by the outbuilding to No. 43 Watergate with only the roofs of the buildings along Swinegate visible.

The design incorporates some of the features present on the traditional buildings such as the dormer windows and arched brick lintels above the windows.

There is an issue over the proposed use of materials. The use of concrete interlocking concrete pantiles for the roof and UPVC windows and doors is not in keeping with the character of Swinegate and would cause further harm to the overall character of the conservation area.

Timber sliding sash windows and timber doors should be used together with red/orange clay pantiles for the roof in the interest of the visual amenity and character of the conservation area. Profiles and further details of the windows and joinery are requested prior to the commencement of work on site.

As chimneys are an important feature of Swinegate, the front elevation would benefit from the provision of a chimney, possibly at the gable adjacent to the listed building. Whilst it is acknowledged that this would be a mock feature, it is important to maintain the interest of the roofscape along the street.

It is noted that it is intended to build a new brick boundary wall with railings to the car park although this has not been illustrated on the plans and further details are requested.

A heritage impact assessment has been undertaken and it meets the requirements of relevant government guidance.

Community Archaeology

A condition should be attached to any grant of planning permission requiring a scheme of investigation.

Partnerships and Project Officer (Affordable Housing)

There is a requirement for the provision of 35% affordable housing. (3.15 units). Due to the size and layout of the development in this instance it would appear more appropriate for the units to be provided 'off site' through an agreed commuted sum.

Local Highway Authority

The local highway authority does not wish to restrict the grant of planning permission. It is considered that the proposed development will not be detrimental to highway safety or traffic capacity, due to its town centre location and such close proximity to public car parks.

Representations as a result of publicity

The application has been advertised in accordance with the adopted statement of community involvement. One letter of objection has been received. A summary of the main concerns are:

- I am the owner of the property next door and I object on the grounds that my property would be overlooked by the proposed development and would result in a huge loss of privacy.

- I also object to the development due to the height of the proposed buildings. At present the existing building is one storey tall and the proposal is for a building that would be three storeys which would result in a loss of light and a feeling of overcrowding of my property.

Supporting information from the Applicant

The applicant has submitted a letter to demonstrate why there is no requirement for any on site parking provision. A summary of the main points are listed below:

- the location of the site in close proximity to the Swinegate traffic lights is not ideally suited to a development requiring vehicular access.
- the location of the site, and the types of units proposed are such that the occupiers are unlikely to be car owners or car users. Purchasers/tenants would occupy knowing that there is no onsite parking.
- Swinegate has limited on-street car parking with yellow line restrictions elsewhere. The existing road side parking is generally at capacity for the majority of the day. The development in such circumstances will not affect traffic flow or parking levels from their present situation.
- the site immediately adjoins a public car park.
- within 300 metres of the application site there are 3 car parks offering annual or 6 month season tickets for long-term car parking (Conduit Lane, Conservative Club (Castlegate) and Elm House (Elmer Street). These are available and accessible from the site. Season tickets are also available at Welham Street (500m).
- LCC parking standards make clear that in the town centres of the large urban areas in the county, where there is good access to public transport, good facilities for walking and cycling and existing public car parking facilities a below standard level of provision may be appropriate.
- there are numerous examples of car free development permitted in and around the town centre. The development proposed in this case is broadly similar to those approvals (in terms of scale and relationship to town centre).
- a partial level of provision (i.e. less than one space per dwelling) could cause traffic congestion and circulation difficulties and unsatisfactory reversing manoeuvres onto Swinegate.

Examples of No parking Schemes

S07/0454 – Norton Street – Outline planning permission granted for 6 flats on a former garage site. No car parking.

S07/0070 – 105 - 107 Norton Street. Four residential units. No car parking.

S06/0983 – 32 Grantley Street. 2 Flats. No parking.

S09/2102 – Former Churchills Public House (corner Wharf Road and Grantley Street. Six flats and one bedsit. No parking.

S08/0493 – 27 Commercial Road, Grantham. 4 flats, no car parking.

Officer Evaluation

The main issues for consideration in relation to the proposed development are residential amenity, impact on heritage assets and parking provision.

Residential Amenity

The proposed redevelopment would remove the existing commercial building from the site and replace it with a residential scheme for nine flats. Whilst the built form on the site would increase in that the single storey building would be demolished and replaced by a three storey building the location of the building in relation to the existing properties would ensure that there would not be any significant overshadowing/loss of daylight/sunlight.

The internal layout of the building has been designed to ensure that the primary living accommodation would be located on the western and southern elevations looking out from the site. Whilst there would be a number of windows on the elevations overlooking the proposed courtyard towards the neighbouring properties, these windows would predominantly serve bathroom/en-suite and kitchens.

In relation to 20 Swinegate, in its current format, the proposed development would have some degree of impact on the rear elevation. There are ongoing negotiations looking to amend the scheme to improve this relationship.

In relation to 21 Swinegate, the built form would be located to the south of the existing rear elevation and whilst giving a sense of increased enclosure than currently experienced, the rear elevation of the property would not be significantly overshadowed to the detriment of reasonable residential amenity.

The proposed windows closest to 21, Swinegate would serve landing/hall/bathroom accommodation. As such overlooking from these rooms would be unlikely to be significant. The bedroom accommodation immediately adjacent to 21, Swinegate at first and second floors, would only afford a limited view over part of the neighbouring rear garden area at an oblique angle. This is unlikely to result in any significant loss of privacy.

The kitchen windows at first and second floor northern elevation are approximately 9 metres away from the neighbouring rear elevation at its closest point. This coupled with the orientation of the proposed building would ensure that there would be no significant overlooking/loss of privacy.

Due to the close proximity of residential properties it is appropriate to require a method statement controlling means of demolition and construction in order to protect the amenity of neighbouring occupiers from significant noise, disturbance, dust vibration etc.

Impact on Heritage Assets

The existing building is a negative feature in the street scene. The single storey modern structure is out of scale and design with the neighbouring properties.

The replacement building has been designed to fulfil the following key design considerations: Maintenance of a strong frontage form, a building of a minimum of two storeys in height, red brick and pantile roof to match adjoining and nearby properties, and locally referenced architectural detailing including sash style windows, brick arch detailing to windows and pitched dormer detailing.

It is difficult to disagree with the applicant's agent's assertion that taking into account the negative aspects of the existing building, the proposed development would materially enhance the character and appearance of the conservation area.

In relation to the adjacent listed building. The proposed development would improve its setting by removing the existing building and replacing it with building that reinforces the street scene with a building a sympathetic design, scale and materials.

Whilst the proposed development would be three storeys, it would not dominate the adjacent listed building or adversely affect any important views into the conservation area because of the disposition of the surrounding building would significantly screen the scheme.

Notwithstanding the submitted details, a condition requiring clay pantiles as an alternative to interlocking concrete tiles and timber windows and doors as an alternative to UPVC would ensure that there would be no significant harm to the overall character of the conservation area.

Parking Provision

Concern was initially raised by the local highway authority regarding the lack of on-site parking. The scheme reflects the nature of development that the authority has approved in similar town centre location where public modes of transport are readily available and in close proximity. For example, most recently planning permission S12/2286 – 6 apartments, 87 Norton Street, Grantham was granted planning permission on 6th February 2013. This scheme had no car parking provision.

This town centre location is an entirely sustainable location. It is within walking distance of the town centre and associated facilities and public transport. The national planning policy framework promotes sustainable development and alternatives to the motor vehicle. This scheme accords with this guidance.

Provision would be made for the provision of a cycle shelter.

Additional Matters

It is accepted that the existing garage/repairs business has not operated for a number of years. However, it remains the authorised use for the site. As such a new occupier could commence such as use without the need for planning permission. It is likely that such a use could result in noise and disturbance to the occupiers of nearby residential properties. This redevelopment of the site would remove this potential and provides for a positive redevelopment of the site.

Section 106 Heads of Terms

The threshold for affordable housing provision is 5 units. As this scheme proposes 9 there is a requirement for 35% provision. As set out earlier in this report this should be in the form of a commuted sum for off site provision.

Crime and Disorder

The 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.

No relevant Article of that Act will be breached.

Recommendation: Subject to the receipt of amended plans being received addressing the concerns in relation to the rear elevation of 20, Swinegate, that the development be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to

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

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the scale, design and layout proposed is acceptable and would respect the character of the area, the conservation area and setting of adjacent listed buildings. Whilst concern has been raised in relation to overlooking and loss of privacy, given the relationship between the proposed and existing residential properties in the locality it is considered that the development would not be harmful to the residential amenity through a dominating, overlooking or overshadowing. The application is therefore deemed to comply with policies EN1, H1, SP1 and SP4 of the Core Strategy and sections 1, 3, 4, 6,7 and 11 of the National Planning Policy Framework; there are no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modifications), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Floor Plans, Elevations Drawing No. 1099-01 A
Street Scene Elevations, Roof, Block Plan and location plan Drawing No. 1099-03
Elevations, Location Plan Drawing No. 1099-02
Elevations, Location Plan Drawing No. 1099-02 A

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

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

Reason: In the interests of visual amenity, and ensure that the development preserves or enhances the Grantham conservation area.

6. Notwithstanding the submitted details. All windows and doors shall be of timber construction in accordance with large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.

Reason: To ensure a satisfactory form of development and to preserve and enhance the Grantham conservation area.

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

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

8. Prior to the commencement of work on the site a method statement regarding the proposed demolition and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:
 - a) Hours of operation
 - b) Types of machinery and equipment to be used on site; and
 - c) Details of how noise, vibration and dust are to be controlled, using best practicable means.

The works shall be carried out in accordance with the approved method statement.

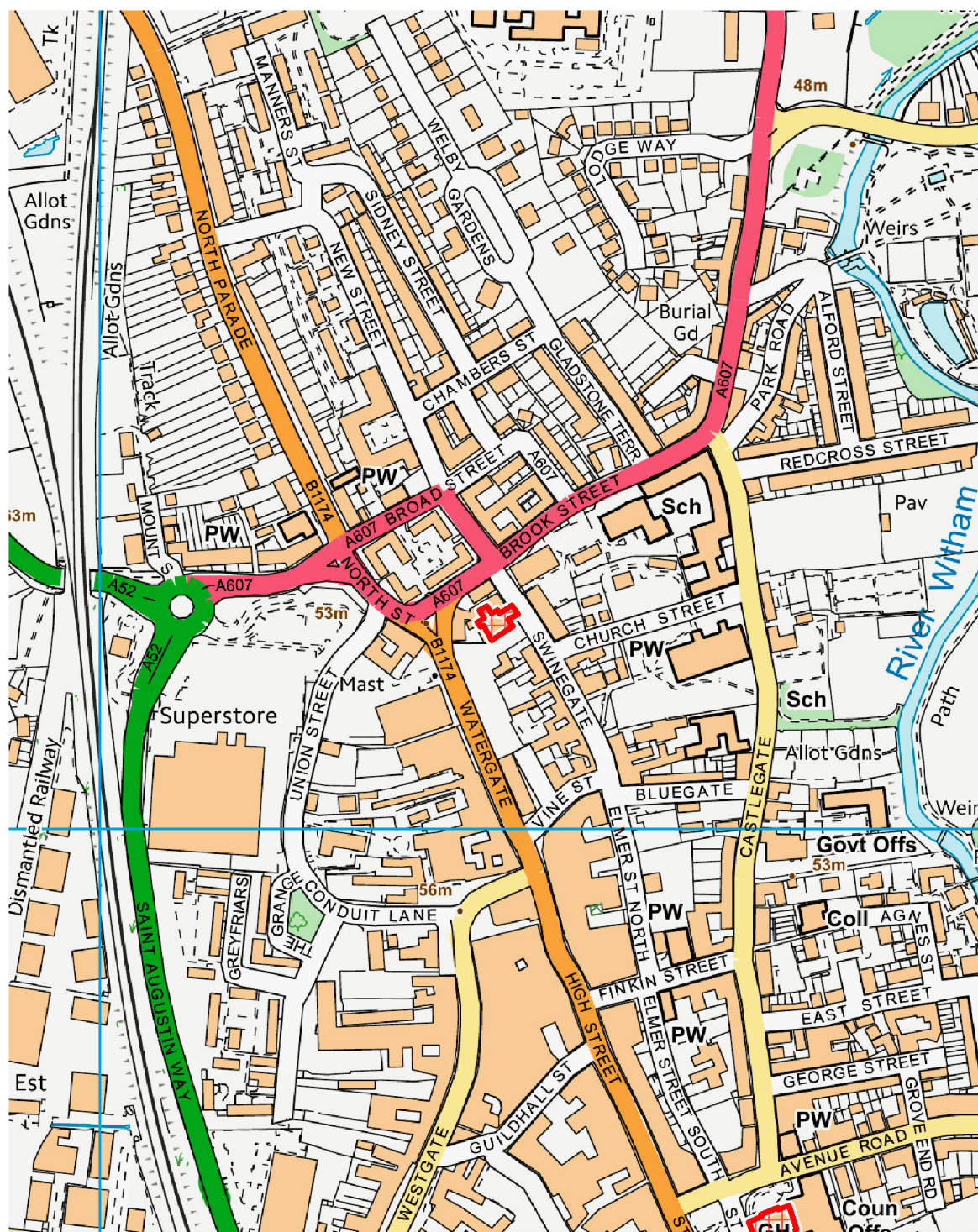
Reason: To ensure that the demolition and construction of the development is carried out according to best practice to minimise disruption to neighbouring occupiers.

Note(s) to Applicant

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

* * * * *

Site Location Plan	
Ref	S10/1805
Proposal	Residential Development for the creation of nine flats including demolition of the existing building
Location	20b, Swinegate, Grantham, NG316RJ



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Applicant	Stephen Holman, Yelcon Homes Ltd 1, St Mary's Court, Main Street, Hardwick, Cambs, CB23 7QS
Agent	Mr M Mann, Savills (L & P) Unex House, 132-134, Hills Road, Cambridge, CB2 8PA
Proposal	Erection of 55 residential units (including 8 affordable units) Outline
Location	Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham
App Type	Major Outline (Residential)
Parish(es)	Grantham
Reason for Referral to Committee	The proposed development would be the subject of developer contributions and previous applications on the site have been determined by the development control committee.
Recommendation Summary	Grant Planning Permission

Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity
- Impact on Heritage Assets
- Impact on Protected Species

Technical Documents Submitted with the Application

- Flood Risk Assessment
- Habitat Plan/Report
- Design and Access Statement
- Tree Survey
- Heritage Report

REPORT

Application Category

This application is categorised as a major planning application

Reasons for Referral to Committee

The proposed development would be the subject of developer contributions and previous applications on the site have been determined by the development control committee.

Addendum

The application was deferred from the meeting held on the 23rd April 2013 for the following reasons:

“Further information/clarification to be obtained in regard to the access and traffic (and for comments from the highway authority), the impact on the conservation area, density and ecology”.

These matters are addressed below:

Comments from the local highway authority

The additional comments from LCC Highways are set out in full below for clarity:

“I note your reference to ‘concern that the surrounding network was very busy (at certain times of the day)’. This is similar to what the local highway authority expressed when assessing the original planning application in that at certain periods, principally at peak hours the network did, from observation, experience some degree of traffic queuing.

“The Transport Assessment (TA) submitted at that time was based on calculations for a development in excess of that for which planning permission was sought. The same applies to the current application in that the TA is based on an assessment for 65 units.

“It must be borne in mind that the original application, the subject of a successful Appeal against the refusal of permission and which originally included highway reasons for refusal was supplemented by a Transport Assessment based on 51 units.

“The Planning Inspector in July 2009 when referring to the Transport Assessment as submitted considered the impact of a development of some 43 units at this location and concluded that such impact on the highway network was ‘negligible’.

“The local highway authority considered the previous assessment, and referred also to the comments of the Inspector.

“In the interim, the introduction of new guidance in the form of the National Planning Policy Framework (NPPF) presumes in favour of sustainable development.

“The site is within reasonable walking distance of the town centre, the nearest bus stop is within 250 metres of the site provided with a good level of service. The Applicant is entering into an Agreement to contribute to certain highway and bus service improvements that will go some way to mitigate the impacts of the development, and it has been determined that the

access layout is in accord with the specifications contained in the document 'Manual for Streets' and it will "not prejudice highway safety.

"Therefore in considering the Application in light of the submitted TA, the result of the Appeal heard in July 2009 and current guidance (NPFA) it would be for our respective Authorities to determine that the impact of the development would be sufficient to (to quote NPPF) "....be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

"In practical terms, it must be acknowledged that there is evidential queuing in the locale at peak hours. However, it has been demonstrated by the Applicant, and through the Inquiry that the additional movements associated with the proposal would be (quote) negligible.

"On that basis, the local highway authority requested Conditions be attached to any permission rather than consider the application be refused".

It is therefore clear that the current highway network can safely accommodate the proposed development.

The proposed development would involve significant improvements to the existing access. The improvements involve an increase in width to form an adoptable highway with footpaths down both sides. The overall width of the access would be 5.5 metre road with two 2 metre footways.

Impact on the Conservation Area

For clarity the comments of the Principal Conservation Officer are set out in full:

The application site is on former allotment land to the east of Sandon Road and to the north of Beacon Lane. The entrance to the site, for a distance of approximately 100m, lies within the recently designated St Anne's Conservation Area. There are two other statutorily designated heritage assets in the vicinity, The Militia Barracks at the corner of Beacon Lane and Sandon Road and Barracks Square, immediately to the east (rear) of the Barracks. Other, non-designated heritage assets in the area would include the original part of the Kesteven and Grantham Girls School on the western side of Sandon Road and Beacon Hillside, a suburban villa that is now subdivided into two properties, situated alongside the access to the allotment site but set back some 80m from Beacon Lane in well wooded grounds. The boundary of the Conservation Area also runs along the western boundary of the application site.

With regard to the layout of the development proposed for the former allotment site, I consider the current layout to be preferable to that originally approved by the Inspector on appeal, as there will be fewer buildings at the southern end of the site in proximity to both designated (The Barracks and Barracks Square) and undesignated heritage assets (Beacon Hillside). The actual built development will not compromise the setting of the listed buildings or unlisted buildings in the vicinity identified as being of local importance in the Grantham Townscape Character Assessment.

The entrance to the former allotments off Beacon Lane is currently overgrown through lack of use and goes virtually unnoticed in the streetscene. The formation of the new estate road to adoptable standards will inevitably be more prominent but this should not, in my opinion, be to the detriment of the overall character and appearance of the Conservation Area. Also, views within, and to and from the Conservation Area will not be unduly compromised.

Any important trees both alongside the entrance and adjacent to the western site boundary are within the curtilage of neighbouring properties and being within the designated Conservation

Area will be protected from unwarranted felling and lopping, if they have a stem greater than 75cm in diameter.

The important trees adjacent to the western site boundary are within the Kesteven Girls Grammar School (KGGS) playing field and, therefore, the Conservation Area. At the Reserved Matters stage, it is advised that a condition be imposed to ensure that the treatment (fence, walls etc) of the rear boundaries to the plots backing onto the KGGS playing field and the rear of Beacon Hillside and the College Annexe are consistent with this edge of Conservation Area location. We would want to avoid an unsightly mixture of differing boundary treatments.

Any harm caused by the development to heritage assets should, in my opinion, be less than substantial.

The scheme would not have any significant impact on the conservation area. The site is well screened by existing trees along the western boundary that are outside the application site, and are not at risk from this development. The protected trees adjacent to the access, again outside the application site, would not be affected by the proposed scheme. The access improvements at this point would be of a no dig construction. The trees/conifer hedge removed to allow the access improvements are not considered to be good specimens and add little to the appearance of the street scene or conservation area as a whole.

A condition has been attached in relation to boundary treatments as suggested by the Principal Conservation Officer.

Density

The density for the site would be 24.5 dwellings per hectare.

Immediately adjacent to the application site is Character Area 15 – Beacon Lane Environs as defined by the adopted townscape character assessment. This area is characterised as having a low density with houses generally set back from the road side in large gardens. However, the character of the area has been influenced by the division of the larger plots creating small infill developments which have increased the overall density of this part of the town. The character of the area is defined by a wider assessment of townscape than simply that immediately surrounding the site.

The density proposed by this development would not be out of character with this part of the town and would provide a logical transition between the Beacon Lane Environs character area and the very low density Riverside and Stonebridge character area to the north and west which is dominated by large areas of open space and institutional uses.

Current government guidance contained in the National Planning Policy Framework includes as its core principles promoting sustainable development and the effective use of land. This scheme is compliant with these principles in proposing a development within a highly sustainable location within Grantham.

Ecology

The application was deferred from the previous committee based on comments by Cllr Morgan relating to the impact of the development upon ecology. Specifically, that she would provide information on protected species at the site. At the time of drafting this addendum to the report notwithstanding requests, no information has been provided.

It must be noted that subject to the proposed conditions and enhancements neither Natural England or Lincolnshire Wildlife Trust object to the development.

Original Report – Committee 23rd April:

The Proposal

The application is in outline form with all matters reserved for subsequent approval with the exception of access. The scheme proposes 55 dwellings accessed off Beacon Lane.

There would be a mix of house types providing a range of properties from 5 bedroom detached properties to 2 bedroom terraced apartments.

Indicative street scenes have been provided throughout the site. This plan demonstrates how a mix of dwellings could be accommodated on the site including 2.5 storeys with a ridge height of approximately 9.2 metres and reduced ridge height and hipped roof dwellings adjacent to Brisson Close with a height of 7.8 metres.

The main access would be off Beacon Lane which would have a pavement on both sides. It would be designed to avoid the root protection areas of the adjacent protected trees. On entering the site it is proposed there would be a Locally Equipped Area of Play. Access beyond this would be via a shared surface of sufficient width for access by service vehicles.

The scheme has been amended as a result of issues of viability. Whilst the number of units has not reduced the number of affordable units has been reduced from 15no. to 8no. units. These units would be a mix of 2no. 4 bed two and a half storey houses, 2 no. 3 bed two and a half story houses, 2 no. two bed first floor flats and 2no. two bed specially adapted ground floor flats.

The application site and its surroundings

The application site is located approximately 1km from Grantham town centre, on the former Barrack Garden Allotments. The allotments have remained vacant since the grant of outline planning permission for residential development in 2009 by the planning inspectorate.

The site would be accessed from Beacon Lane via existing allotment access between Beacon lodge and Beacon Hillside. The site is bounded to the west by playing fields along Sandon Road. The north boundary adjoins Sandon School. The eastern boundary adjoins the gardens of properties along Brisson Close and New Beacon Road.

Parking on the site would be via garages, driveways and limited on street parking on garage courts adjacent to the terraced properties.

The overall site area is approximately 2.25 hectares or 5.6 acres. 55 dwellings would result in an overall density of 24.5 dwellings per hectare.

There are listed buildings to the south of the site, Barrack Square/The Old Barracks. The newly designated St Anne's Conservation area wraps around the application site to the south and west with the access within the Conservation Area.

Relevant Site History

S08/0013 – Outline Planning permission was refused for the erection of 43 residential units including 12 affordable units on the site the reason for refusal was two fold:

“The proposed development is considered contrary to PPG17 and Policy REC7 of the saved policies of the South Kesteven Local Plan which state that allotments should not be built on unless an assessment has been undertaken which has clearly shown them to be surplus to requirements. The applicant has failed to demonstrate that the site is no longer in use and that there is no demand for the site. Whilst the applicant mentions a possible contribution towards a 'community fund' for allotments via a S106 this is not considered as the equivalent to providing alternative facilities elsewhere.

The applicant has still not overcome some of the concerns raised by the local highway authority in respect of junction capacity issues and assessment of the highway network in accordance with Lincolnshire County Council's Development Guide on Transport and New Development in Lincolnshire.

Due to the absence of a composite report and analysis of traffic data, this authority cannot adequately assess the proposals and as such highway safety and convenience may be compromised.

As such the proposal is considered to be contrary to Policy EN1 (vi) of the Saved Policies of the South Kesteven Local Plan”.

This application was the subject of a planning appeal, and was granted planning permission on 25th August 2009. In granting planning permission the inspector concluded:

“Government advice in PPS3 supports the release of the site for housing and I am satisfied that matters of visual amenity and preventing harm to trees are capable of being satisfied. The proposal would not be contrary to saved LP policy REC7 as it has been demonstrated that there is no further need for the facilities in the locality and provision is made for improving and bringing back into use facilities elsewhere. In addition, the proposal would harm highway safety and the essential requirements are part of a Unilateral Undertaking. For these reasons, and taking into account all other matters, I conclude that the appeal should be allowed”.

S09/1160 – Planning permission was refused on 17th July 2009 for the following reason:

The evidence presented at the Development Control Committee and mainly from Assets and Facilities shows that there is a need at Princess Gardens/Harrowby Lane for allotments. There is a known waiting list and no unused plots.

This allotment site is within 480 metres or 10 minutes walking distance as stated in the recent open space study and so this site must be taken to be in the locality. REC7 says that permission will not normally be granted if there is a need for allotments in the locality of the proposal.

The proposal must be contrary to the Policy REC7 on the basis that there is a known need for plots at Princess Gardens which as stated above is in the locality. The proposed development should be refused for this reason.

(It should be noted that both planning applications were refused before the appeal was decided by the planning inspectorate. The appeal decision is a material consideration in the determination of this planning application).

Policy Considerations

Regional Planning Policy

East Midlands Regional Plan

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 57 Core Monitoring Indicators

Revocation of East Midlands Regional Spatial Strategy

On the 20th March 2013, the Secretary of State for Communities and Local Government, Eric Pickles, laid in Parliament a statutory instrument to revoke the Regional Strategy for the East Midlands.

The Regional Strategy for the East Midlands region comprised the East Midlands Regional Plan published in March 2009 and the Regional Economic Strategy for the East Midlands 2006-2020.

The Order will come into force on 12 April 2013, after which the Development Plan for the South Kesteven area will comprise the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Area Action Plan DPDs), and where they have been prepared, neighbourhood plans.

South Kesteven Core Strategy (adopted)

Policy EN1 – Protection and Enhancement of the character of the district

Policy EN4 – Sustainable Construction and Design

Policy SP1 – Spatial Strategy

Policy SP4 – Developer Contributions

Policy H1 - Residential Development

Policy H3 – Affordable Housing

Representations Received

Local Highway Authority

Any grant of planning permission should contain conditions in relation to highway improvements to the access on to Beacon Lane, details of parking turning and manoeuvring within the site, and estate road made up to adoptable standard.

Technical Response to the submitted Transport Statement

Introduction

This Technical Response has been prepared following a request from South Kesteven and Sleaford Division to comment on a Transport Statement by Sanderson Associates dated December 2011.

Existing Site and Location

The site lies on the north side of Beacon Lane, approximately 1km to the east of Grantham town centre. Approximately 150m west of the site lies the signal controlled junction of Sandon Road/Beacon Lane/Stonebridge Road.

Proposed Development

The proposed development comprises of 55 residential units. Vehicular access to the development would be gained from Beacon Lane. Pedestrian access to the site is provided via the access road onto Beacon Lane.

A development of 65 houses has been considered in the TS. Whilst this ensures the results are robust and present a worst case scenario it is not clear why this has been done. It would be clearer if the TS and the proposal as set out in the planning application were the same.

Therefore for the sake of this assessment I will use the trip rates presented but calculate them for 55 units as per the planning application.

Traffic generation

Assessment Period	Trip rate per unit		Traffic Generations (65 units)		Traffic Generations (55 units)	
0800 – 0900	0.166	0.426	11	28	9	23
1700 – 1800	0.402	0.238	26	15	22	13
Daily	2.746	2.839	178	185	151	156

It is not considered that the proposed 39 trips in the AM Peak and 41 Trips in the PM Peak as presented in the TA would have an adverse impact on highway capacity. The 55 dwelling sought would generate 32 Trips in the AM Peak and 35 Trips in the PM Peak.

Accidents

There have been a total of 7 accidents in the vicinity of the site. There is no significant trend to these accidents.

Sustainable Travel

The TA states that adequate cycle provision will be provided on site; however details have not been supplied as to how this would be achieved.

Bus stops are located on Sandon Road 400m and 490m from the centre of the site. Grantham Bus station is also located approximately 1km west of the site. The site is located approx 1.5km from Grantham Rail Station.

Conclusion/Recommendation

Given that the proposed application would see only a slight increase in vehicle trips on the previously approved application there would be minimal impact on highway capacity.

Natural England

Based on the information provided, Natural England has no objection to the proposal subject to the inclusion of the following planning condition:

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

We also welcome the ecologist’s recommendation for the provision of bird nest boxes on site”.

Lincolnshire Wildlife Trust

We have read the protected species report and consider that provided the consultant's recommendations are followed, there should not be any negative impacts on protected species as a result of this development.

We strongly support the recommendations for the inclusion of enhancements within the development, such as provision of nest boxes for a variety of bird species, planting of native trees and shrubs and sowing of verges with a native wildflower mix.

We are pleased to note and strongly support the recommendations for the inclusions of enhancements within the development for bats. Roosting spaces for bats can easily be built into the design of buildings or alternatively boxes can be fitted externally to buildings or any suitable mature trees around the site.

Environment Agency

Final Comments

I refer to our previous letter of 17 May 2012 our ref: AN/2012/114194/02-L01 where we maintained our objection to the above application in the absence of an adequate flood risk assessment (FRA).

Environment Agency Position

I can confirm that we have received further amended drainage details in support of the application which we received on the 23 May 2012. We consider that the details in the FRA and the additional amended drainage details have been undertaken in line with the technical guidance to the National Planning Policy Framework (NPPF) and these are considered appropriate for the scale and nature of the proposed development. Accordingly, we withdraw our objection and recommend the following condition:

Condition No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

Lincolnshire County Council (Children's Services)

The development would have a direct impact on local schools. In these cases both primary and secondary schools (including sixth form) are projected.

The level of contribution sought in this case equates to £355,287. This equates to the provision of 14 primary, 12 secondary and 2 sixth form places will be required as a direct consequence of this development.

NHS Lincolnshire

The Head of Property Management has confirmed that the scheme would not prompt any significant healthcare changes to the town's needs. As such the Primary Care Trust have decided not to request any developer contributions.

Arboricultural Consultant

To summarise:

Our consultant arboriculturalist has identified that the proposed access would be in close proximity to the protected trees in the garden of Beacon Hillside and recommends a no dig construction.

Additionally, he notes the detached buildings in the rear gardens of a number of the properties on the western edge of the application site would be in close proximity to the trees on the boundary of the site on neighbouring land. Accordingly, a construction method statement is required to ensure protection of the trees.

Environmental Protection

Environmental Protection Services have no comments on this application.

Police Architectural Liaison Officer

Thank you for the opportunity to comment on this application. I have studied the plans and note that a percentage of the development is intended to be allocated to affordable housing. In order to achieve a consistency of physical security thereby reducing the opportunity for criminal activity and removing the potential fear of crime throughout the development all boundary and sub divisional fencing treatment should be of the same standard. Assuming an application for Secured By Design is to be made the requirements for boundary treatments will be:

The perimeter fencing detail of the site and each plot should be of an 1800 mm robust fence or wall without footholds. The rails to any timber fence should face the properties.

Sub divisional boundaries should be secured and at the same time enable interaction between neighbours. A suitable means to achieve this will be for the first sections of the boundary starting from the building provide an 1800 mm timber privacy screen. From the privacy screen to the end of the garden provide a 1200mm timber fence topped with 600 mm of timber trellis.

If only the affordable housing element receives this treatment standard then consistency and integration as stated in paragraph 6.17 of the DAS will not be met.

Historic Environment Officer (Heritage Trust Lincolnshire)

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

Anglian Water

Foul Sewerage

The sewerage system at present has capacity for these flows.

Surface Water

Request a condition requiring a drainage strategy covering the following issues:

No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the local planning authority. No dwellings shall be

occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing.

Planning Policy

The revised application seeks consent for 55 residential units, including 8 affordable homes, on the site of the former Beacon Lane allotments in Grantham. Planning permission was granted for 43 residential units on the site on appeal. In reaching this decision the Planning Inspector concluded that the proposal was not contrary to REC7 of the adopted local plan which sought to protect existing allotments, as it had been demonstrated that there was no further need for allotments in this locality, and that highway issues had been overcome by the applicant.

Since that appeal was considered both national and local planning policy has been updated. The South Kesteven Core Strategy was adopted in July 2010. Policies SP1 and H1 of the Core Strategy focus the majority of the districts housing growth in Grantham, particularly on appropriate sustainable sites. Policy H3 seeks to achieve up to 35% of new housing as affordable housing, and policy EN1 identifies a series of landscape, heritage, wildlife and amenity considerations against which all proposals should be assessed. This includes the protection of open space (including allotments).

In March 2012 the National Planning Policy Framework was published which introduces a presumption in favour of sustainable development, and continues the requirement for council's to ensure a continuous five year supply (plus 5% buffer) of deliverable housing land.

The Council is also preparing a Grantham Area Action Plan which will allocate land to meet requirements for housing and employment development in the town. A Preferred Approach version of this plan was published for consultation in March 2011. The plan included a policy (AT1) to protect existing allotment provision in the town as identified on the proposals map unless: it can be demonstrated that the allotments are not needed or that alternative provision is being made to replace them. The map accompanying this policy (Fig 11) does not identify the application site as an existing allotment in recognition of the extant planning permission S08/0013 for the development of the site. The Preferred Approach plan did not allocate the application site for any specific land use or development.

I conclude, therefore, that from a policy perspective the principle of development of this site has been accepted, and it has been established that the site is no longer required for allotment use, as determined by the Planning Inspector in approving S08/0013.

The proposal is for development of a sustainably located site which already makes a contribution to the five year supply of housing land, the proposal is therefore in accordance with the NPPF and Core Strategy policies SP1 and H1. Granting permission for this proposal will ensure that the site continues to count toward the five year housing land supply.

As a scheme of 55 homes it would be expected that 20 affordable homes would be provided to meet the full 35% affordable housing requirement of policy H3, however the applicant has shown that this level of affordable housing is not viable in the current market on this site. If the Council's Projects and Partnership Officer is satisfied that the affordable housing provision included within the application is sufficient and appropriate to meet the needs the application, it will also meet the requirements of policy H3. Subject to this proviso I have no policy objection to the proposal.

Upper Witham Internal Drainage Board

The Board has suggested a number of conditions to ensure no additional risk of flooding would occur.

(Officer comment: It is considered that this can be addressed by a single condition requiring a surface water drainage scheme based on sustainable drainage principles.)

Affordable Housing Officer

I can confirm that the affordable housing provision on this site for 8 units (2 x 4 bed house, 2 x 3 bed house, 2 x 2 bed ground floor adapted flat) is acceptable. This equates to an affordable housing provision of 15% on site.

I understand that the viability assessment submitted confirms that 15% affordable housing on the site is what can be achieved in order that the site remains a viable proposition.

Principal Conservation Officer

I have viewed the revised details and can advise that I have no comments to make.

I have also read the submitted Heritage Impact Assessment and agree with the conclusion that undesignated heritage assets adjacent to the site will not be adversely affected by the proposed development.

Grantham Civic Society

The additional houses will overload the site access onto Beacon Lane at critical times, particularly at arrival and departure times for many local schools and Grantham College.

We have seen no indication of true vernacular detailing of materials. The illustrative designs shown are of a type which can be seen anywhere around the country.

The entrance to the site is close to some of the best Victorian buildings in this part of the town and is on the very edge of the new conservation area and we feel this should be reflected in the new design detailing and materials used.

We are disappointed to see no proposals or mention of rainwater harvesting and it is hard to see how the houses can make optimal use of solar energy when the orientation of the roofs is principally facing east or west.

Extensive tree planting should be made a condition of any permission granted.

Representations received as a result of Publicity

The application has been advertised in accordance with the statement of community involvement. 22 letters of objection have been received. A summary of the main concerns are listed below:

- Scale, density and design of layout not in keeping with historic character of the area resulting in over-development with inadequate amenity space.
- Layout will create social issues, vandalism and security problems.
- Overlooking and loss of privacy.
- Overbearing with adverse impact of light and noise.
- Disturbance from parking areas close to boundary.
- Highway safety – will exacerbate existing problems – traffic assessment flawed.
- Create drainage problems and associated damage to neighbouring properties.
- No need for the development.

- Adverse impact upon views identified in townscape assessment.
- Loss of fruit trees on the site and impact on trees outside site.
- Further bat survey required in summer months.
- Impact upon protected species – assessments incomplete and flawed.
- Noise, dust and other problems during construction.
- Requests for scale/height of dwellings to be reduced and boundary walls to be erected.
- Requests for construction access, piling of foundations and hours of building works to be controlled.
- Loss of historic connection of site with Barrack Square.
- Affordable housing should be distributed across the site.
- Question whether numbers would increase at Reserved Matters stage.
- Adverse impact upon views from Conservation Area and impact upon heritage assets.
- Disturbance from access road.
- Existing trees of merit should be retained.
- Heritage assessment is inadequate.

Applicants Submission

The applicants have submitted a substantial response to the concerns raised by members of the public. A summary can be found below:

In many respects we consider that the proposed amendments (in relation to the scheme allowed at appeal) will not have any greater impact. In fact it is considered that the scheme would have a number of benefits compared to the existing outline consent.

For example in respect of scale, height parameters were clearly set out in the original application with the submitted drawing showing many of the buildings at 3.5 storeys in height. The current drawings show a maximum height of 2.5 storeys and therefore refusing the development on the grounds of impact on the townscape would be unreasonable.

The submitted heritage assessment indicates that the proposed development would enhance the nearby heritage assets such as Beacon Hillside and Hillside when compared to the existing consent. The assessment confirms that the development will have little impact on the nearby, historical assets.

A number of letters refer to the increase in density of the development and consider that it is too high. Notwithstanding the increase in numbers, the overall density of the development is still considered to be comparatively low at fewer than 25 units per hectare. The Townscape study advises that anything below 29 dwellings per hectare is considered to be low density development.

The area is therefore characterised by what was very low density development which has now been diluted by late 20th century development with much greater footprints which has compromised the setting of the older buildings. The newer buildings are even greater in scale than the original buildings and tend to dominate the character of the area.

Whilst the study acknowledges that this area is predominantly made up of large, single and two storey detached houses it does emphasise that this area is a transition area between the large institutional buildings which characterise area CA4 and the residential suburbs of CA7. It also acknowledges that: Later development is very much reflective of national house types and designs and has no strong architectural theme or use of materials which is distinctive.

The study seems to consider that the later developments such as at Brisson Close and Twyford's Gardens have failed to respect the character of the area and as a result changed the character of the area and introduced 'national house types' into the area.

Members of the public refer to the site providing important views from the historic core of the town to the surrounding open spaces and hills to the east from Areas CA1 and CA4. When looking east from Sandon Road (within Area CA4) across the site, the view is dominated at the moment by the trees alongside the application site and the school playing fields. These are to be retained and the view from this area will remain dominated by the trees, but glimpses of the development will be seen through the gaps in the trees.

Views west are dominated by the Grammar School and trees and hedging alongside Sandon Road. Views to the west do open up once you are past Sandon Close and you can see into the historic core of the town. However, at this point the view east is dominated by St Mary's School.

The suggestion that the designs are 'completely out of character' with the area is not substantiated by an assessment of the local area. There is a mix of styles in the vicinity but the character description for 4a refers to the form/origins being "mid-19th century" (i.e. Victorian). Some of the key buildings helping to form the character of the area are the Victorian or neo-Victorian (1950s) designs. Character Area 15 also refers to some of the surviving late 19th century buildings which it alludes to (and photographs) as being positive features. Therefore, in the interests of bolstering traditions, it is considered appropriate to make reference to these existing buildings of character rather than some of those with less interesting identity. Also, due to the somewhat 'land-locked' nature of the site, there is a need to establish a strong identity in the design of the units to help engender a strong sense of place. The adoption of the Victorian style, used in conjunction with materials which reflect the local context, is therefore considered to be appropriate and will help to ensure that the scheme has distinctiveness rather than a bland character like some of the ages of development referred to. This is one of the intentions of character-forming, and one of the reasons for the production of the Grantham Townscape Assessment.

The access road would not be a narrow, 'dark' or under-used route. It will be constructed to a standard agreed by the Highway Authority and is shown to be 5m wide with 2m footpaths. It will have clear footways and carriageway and it will be lit. It would be used by occupants of the development and will therefore have a degree of passive surveillance by those users.

A number of residents from Brisson Close have expressed concern about the relationship with the proposed dwellings and also in terms of the location of the boundary.

The eastern boundary of the site has been established for many years as detailed in the Design and Access Statement. The OS map of 1886 shows the site sub-divided into allotments on the edge of the town, connected back to Beacon Lane where the major built elements are the barracks, Beaconfield House and Hillside (now Beacon Hillside). The application site is, even at this date, clearly definable from the existing boundaries with the exception of the south-east corner where the eastern edge of the access road is not yet defined by a boundary. The eastern boundary is clearly shown as a field boundary running in a straight line from the north east corner of the site (adjacent to Brisson Close) all the way to Beacon Lane. The topographical survey plans confirm that the line of this boundary remains the same today to the rear of the properties on New Beacon Road and also now, the properties at Brisson Close. In addition the various Land Registry Plans for the properties at Brisson Close and the allotment site all show this to be a straight line.

Since the properties were built in 2009/2010 the occupiers of Nos. 4 & 5 Brisson Close have carried out works on the land beyond their boundary fences including the removal of mature trees and in the case of No. 4 removing the rear boundary fence altogether. Disregarding the issue of who actually owns this strip of land, the removal of mature trees and hedging as well as a 2m high boundary fence, knowing that development was planned, does not seem to be the best way to safeguard your privacy/outlook if you had real concerns about such matters.

In terms of the distance to the boundary fence, this was actually stated on the drawings (by GS Developments) as 12.35m for No. 5 and 10.0m for No. 4. On site these appear to be some 0.6m less than this dimension. Whether this is due to the buildings being set out wrong or the boundary fence being wrong is debateable. Either way it would appear that the difference is not significant and you will still be looking at over 15m from the rear wall of No. 5 to the side elevation of Plot 40F. This is considered acceptable relationship to a side elevation even with the removal of the tree, which would have helped to mitigate any impact on the outlook from this property. Also it is very unlikely that before purchasing these properties the owners had not known about the proposed development on the allotment site.

Transport

The current outline application relates to the development of 55 residential units and the site has the benefit of planning consent for 43 residential units which was granted at appeal.

The traffic and transportation issues relating to the consented development were supported by a comprehensive Transport Assessment that was based on 51 units and was therefore more robust than necessary, i.e. it was based on more units than actually applied for. At the Inquiry this assessment was found to be acceptable and the Council was found to have acted unreasonably in refusing the scheme on highway grounds and costs were awarded against the Council partly on this basis.

The Transport Assessment submitted in support of the current application considers the effect of 65 dwellings (again more than actually applied for) given the outline nature of the application and to consider a robust case for potential development on the site. This therefore equates to 14 additional dwellings with regard to the original Transport Assessment which considered 51 units or just 4 dwellings more with regard to the 55 dwellings for the current application.

The Highway Authority, Lincolnshire County Council (LCC) were consulted about the proposals prior to submission of the application and they examined the Transport Assessment and concluded that the application would see only a slight increase in vehicular trips over that previously approved and there would be no impact on highway capacity. The LCC consultation response forms part of the application documents.

Therefore in summary it is considered that the original consent in respect of highway matters was thoroughly examined at appeal based on 51 units and again the Highway Authority has examined the current proposals and has raised no objections to them.

The Transport Assessment includes details of a speed survey which was undertaken in the afternoon to ascertain the speed of traffic in free flow conditions in accordance with guidance, rather than peak hours.

Traffic capacity calculations are based on peak hour traffic flows and this aspect was considered in the original planning application and accepted at appeal.

With regard to parking on Beacon Lane (allegedly from the college) some of the letters intimate that this has been investigated by the police following complaints. The Highway Authority does have powers to investigate and impose waiting restrictions having regard to other legislation and this is not a matter with regard to the planning application.

It should be noted that the application proposals provides for adequate off street parking within the site and the proposals would have no effect on this situation.

Conclusion

Many of the other issues raised by local residents echo those raised earlier at the Inquiry into the original application. They were considered by the Inspector not to be significant at the time of the Inquiry and we consider that the proposed changes to the development will not alter this assessment. In respect of some of these issues, for example the impact on townscape and views across, into and out of the site, the reduction in the maximum height of the development will actually result in less impact on the townscape. But residents still argue it will have a greater impact. We do not consider such arguments to be justifiable and unreasonable.

In respect of the impact on the amenities currently enjoyed by those adjacent to the site these are no worse than the existing consented scheme and in some cases the current proposals are actually an improvement.

For example, to the rear of Beacon Hillside and Hillside is proposed an area of landscaped open space. This replaces the side elevations and rear gardens of 2 No. two storey dwellings on the original scheme. The separation distances between the new properties and the old have therefore been increased significantly in this latest scheme.

Elsewhere, for example the rear elevation of the two storey flats to the rear of No 5 has been replaced by the side elevation of a two storey house. This will ensure there are no issues of overlooking/loss of privacy to No.5. Some loss of outlook will occur but this will not be significant even though the tree, which would have mitigated any such impacts, has been removed. Nevertheless additional planting along the boundaries is still proposed in accordance with the recommendations of the ecology reports. To the rear of No. 3 & 4 the back to back relationship is maintained but the actual separation distances are improved. Bearing in mind that the original application for the development of the allotment site was submitted before the application to develop Brisson Close; the occupiers of those properties were likely to have known about the proposed development of the land to the rear of these properties before actually purchasing those properties.

In respect of No. 27 New Beacon Road the proposed dwellings to the rear of this property remain two storeys as before, but the separation distances have been reduced. Nevertheless, this property has quite a deep rear garden so the back to back distances are well in excess of the usual 21m. Again the additional planting that is proposed will ensure that any potential issues of overlooking etc will be mitigated.

Lastly in respect of the introduction of the NPPF since the application was submitted, we do not consider that this will have any significant implications in respect of determining the application. If anything the publication of the NPPF provides more justification for the granting of consent with its focus on the need for Council's to optimise development on sustainable sites such as this one and advising Councils that only in case where transport issues are severe should Councils refuse application on highway grounds.

Officer Evaluation

The main issues for consideration in relation to the proposed development are highway safety, residential amenity, visual amenity, impact on heritage assets and impact on protected species. An important material consideration is also the appeal decision in relation to S08/0013 granting planning permission for 43 residential units on 25 August 2009.

Unless there has been a material change in circumstances since the determination of the appeal the starting point of the assessment must be that the principle of the development is acceptable,

and the main issues are whether the changes as a result of the increase in numbers make the development no longer acceptable.

Highway Safety

The proposed development has been assessed by the local highway authority in relation to the wider impact of the development on the surrounding highway network and the internal layout and design of the scheme and access to Beacon Lane.

It is important that members have cognisance of the Inspectors reasoning and decision. It is accepted that the previous proposal was for less dwellings⁴³, compared to 55 units as part of this development. However, the comments of the local highway authority indicate that the increase is not substantial to justify a refusal of planning permission on these grounds.

The inspector concluded as part of the appeal decision that a junction on to Beacon Lane can be safely positioned at the proposed location without prejudicing highway safety. Issues of visibility and the parking of cars on the verges is a matter of highway enforcement. Notwithstanding the concerns of members of the public I have no reason to disagree with the conclusion of the Inspector or the local highway authority.

Residential Amenity

The proposed development is in outline form but is accompanied by a plan indicating how 55 residential units can be accommodated on the site. The layout of the site is designed to minimise any significant impact on the amenity of neighbouring occupiers. It is considered that there is sufficient separation distances between the proposed development and neighbouring occupiers to ensure that there would not be any significant overlooking/loss of privacy, or loss of daylight/sunlight that would justify a refusal of planning permission on these grounds.

Levels of privacy would be further enhanced by significant landscaping along the boundary of the site.

The proposed dwellings would be closest to the properties on Brisson Close. There would be a separation of approximately 17 metres between 5 Brisson Close and plot 40 and over 25 metres between 3, 4 Brisson Close and 27 New Beacon Road and plots 30-38.

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

Visual Amenity

The proposed scheme would include a mix of two and two and a half storey properties. Whilst the proposal would introduce built form into an area that is currently 'undeveloped' it is considered that there would not be any substantial harm to the character and appearance of the area. The site can be regarded as infill and would be substantially screened by existing and proposed landscaping.

Whilst the scheme is an increase in units from that previously approved, 43 to 55, the height of the buildings would be reduced as the extant planning permission includes 3.5 storey properties compared to 2.5 storey as part of this application. Accordingly it is reasonable to conclude that, notwithstanding the increase in density, visual impact would actually be less.

The Inspector in relation to the previous appeal did not raise any specific concerns regarding impact on the form and character of the area/visual amenity. It is considered that the additional units proposed would not result in any significant impact on the amenity of the area.

In his decision he concludes:

“Bearing in mind that this proposal is in outline, the matters of visual and residential amenity are capable of being resolved. I see no areas of conflict that cannot be resolved at the reserved matters stage”.

(Pins Ref: APP/E2530/A/09/2101377).

I have no reason to come to a differing conclusion than the Inspector. As such it is considered that the visual impact of the development would not be the basis for a refusal of planning permission.

Impact on Heritage Assets

A heritage assessment has been submitted as part of the planning application. This includes an addendum to take account of the Grantham St Anne's Conservation Area which was designated in January 2013. It concludes that:

The heritage value of both Beacon Hillside and Hillside would not be affected by the proposed development.

In accordance with Paragraph 135 of the National Planning Policy Framework the effect of an application on the significance of a non-designated heritage asset should be taken into account on determining an application. In this instance, no demonstrable harm to the low/moderate heritage value of Beacon Hillside and Hillside would be caused by the proposed development. The levels of architectural and historic interest of these buildings possess would not be altered by the proposals, and the location of the proposed development achieves efficient use of this land whilst retaining the assets setting without harm.

The Principal Conservation Officer has assessed the submitted information and agrees with the conclusion. As such it is considered that heritage impact has been adequately investigated and the development would not have any significant impact on any heritage assets.

Concern has been raised in relation to the impact of the proposed development on the Barrack Square Listed building. However, it is considered that there is sufficient separation between the Barrack Square and the site and there are a number of trees in the rear garden of the intervening property which provides a visual screen between the site and the listed heritage asset.

This coupled with the layout of Barrack Square, which is an inward looking, courtyard arrangement, which generally turns its back on the neighbouring land, would ensure that there would be no significant harm to the listed heritage asset.

In relation to the Conservation Area whilst the access road would be within the conservation area there would be limited impact as the access has been designed to minimise any impact on the adjacent protect trees.

The site is not readily visible from public vantage points and is well screened from the adjacent conservation area to the west by the existing trees. These trees are outside the application site and within the conservation area. Accordingly they are protected and form an important function as the logical boundary to the conservation area.

The proposed layout has taken into account the importance of the western boundary by positioning gardens as opposed to dwellings. This would ensure a soft transition between the conservation area and the built form proposed as part of this scheme.

The scheme proposes a mix of predominantly two and half storey properties with two storey properties adjacent to Brisson Close. The previous scheme included three storey properties. As such it is considered that the overall visual impact of the scheme, notwithstanding the increase in numbers, would be less.

Protected Species

Whilst the site is somewhat overgrown and has remained an inactive allotment for a period of time since the grant of planning permission at appeal on 25th August 2009 (planning ref: S08/0013) it is considered that it is unlikely that additional survey work would be required in relation to protected species.

This is confirmed by the comments of Natural England stating that their standing advice is that surveys should not be over 2-3 years old.

Lincolnshire Wildlife has confirmed that unless there have been changes to the habitats on site in the intervening period or there is more delay in determination of the application it would not expect further updates to be required.

The submitted survey indicates that there would be no detrimental impact on the natural environment. Despite having an allotment use the site is described as 'particularly poor'. No protected species have been found on the site.

In relation to bats the report indicates that the site is generally inaccessible to bats:

"Bats are inquisitive, highly mobile animals, which constantly investigate their surroundings, evaluating good feeding areas and potential roosting opportunities. Where suitable habitats such as woodland, woodland edge or sheltered pasture occurs bats will travel up to several kilometres to take advantage of a resource. To reach favoured sites bats will follow linear landscape features such as hedgerows, streams, lanes etc. The absence of such features can make an otherwise suitable site inaccessible to bats. In addition, new roosts will become established in such areas. For example the rapid colonisation of artificial bat roosts being occupied within year or two of completion of a development.

The evidence from the survey indicates that the site has no potential as a roosting place for bats. However, the boundary trees are likely to be used as a flight corridor and sheltered foraging area with the residential properties to the east and south of the site providing potential roosting place. In addition some species of bats are known to quickly colonise buildings and may do so once the development is completed. The provision of bat boxes may speed up this process.

Due to the removal of existing habitats of some value to nesting birds across the site, it is likely that the development proposals will result in the disturbance and displacement of some bird populations currently using the site".

To promote bat roosts post completion and to mitigate any impact on birds two conditions are requested:

-That site clearance/removal of vegetation on site is not undertaken during the months of March to August except when approved by the local planning authority. This would ensure that breeding birds are not adversely affected.

-That details of bat and bird box provision within the development.

Other Matters

Impact on Trees

There are a number of trees adjacent to the proposed access to the site. However the proposed access has been designed to be further from the trees than the existing access that served the allotments and can be of a no dig construction.

Similarly, the concerns regarding the impact of the outbuildings in the rear gardens of the western most properties can be addressed by specific construction techniques, e.g. block and beam construction as an alternative to more traditional methods.

Section 106 Heads of Terms

The developer has submitted a development appraisal that has been assessed by external consultants. The appraisal demonstrates that the scheme would not be viable if 35% affordable housing is sought in conjunction with the other developer contributions. The scheme would however remain viable with the affordable housing contribution reduced to 8 units (15%).

If the scheme is not viable, the development will not take place and as such the scheme will not contribute towards the 5 year supply of land or affordable housing provision.

In addition to the reduce level of affordable provision (15%) the scheme would provide the following developer contributions:

Education - £355,287. This equates to the provision of 14 primary, 12 secondary and 2 sixth form places will be required as a direct consequence of this development.

Highway Improvements - £85,000 – contribution towards Passenger Transport Provision in accordance with the Transport Strategy for Grantham and for improvements to footway/cycle ways in the locale of the development site.

The Council has adopted a Supplementary Planning Guidance document in relation to Developer Contributions. This document highlights the raft of contributions that should be sought depending on the size and nature of schemes. If additional contributions are sought in accordance with this document the scheme would become unviable.

If the scheme is not viable, the development will not take place and as such the scheme will not contribute towards the 5 year supply of land or affordable housing provision.

As such it is considered appropriate to accept a reduced package of contributions (including the reduced level of affordable housing provision) in an attempt to ensure that the scheme is built out. This accords with the advice from central government that highlights the importance of ensuring Section 106 agreements do not stifle development:

In his letter of 31st march 2011 to all Chief Planning Officers Steve Quartermain, Chief Planner for Communities and Local Government endorses the coalition Governments proposals set out in the Growth Review. Annex B of that letter notes that “There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.....Understanding the impact of planning obligations on the viability of development will be an important consideration

when obligations are reviewed, particularly where they are reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes.”

Crime and Disorder

It is considered that the development would not result in any significant adverse 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 the act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

This is an outline application for the construction of 55 dwellings and associated garaging. The area of the development is approximately 2.25 hectares and is located within Grantham in reasonable proximity to the town centre.

It is considered that the additional units proposed beyond that considered previously by the planning inspectorate do not raise any new material planning considerations not previously considered.

The proposal is for development of a sustainably located site which already makes a contribution to the five year supply of housing land, the proposal is therefore in accordance with the NPPF and Core Strategy policies SP1 and H1. Granting permission for this proposal will ensure that the site continues to count toward the five year housing land supply.

As such the proposal is considered to accord with national guidance contained in the National Planning Policy Framework Section 6 Delivering a wide choice of quality homes, Section 7 Requiring good design and Section 11 Conserving and enhancing the natural environment. Policy SP1, SP3, and EN1 of the adopted Core Strategy.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and drainage they are not considered to outweigh the policies referred to above.

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

1. Details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters' shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To define the permission.

2. Application for reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To define the permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: to define the permission.

4. No development shall take place until a method statement regarding construction works has been submitted to and approved in writing by the local planning authority. The statement shall cover the hours of operations and work on the site, the types of machinery and equipment to be used and details how noise, vibration and dust are to be controlled using best practicable means. Development shall be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity.

5. Before each dwelling is occupied, the roads and/or footways providing access to that dwelling from the public highway shall be constructed less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection of the penultimate dwelling is commenced.

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

6. No dwelling shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, has been completed. The visibility splays shall have an 'x' distance of 4.5 metres and a 'y' distance of 54 metres in an eastward direction and 47 metres in a westward direction.

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

7. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

8. A programme of removal of trees and other vegetation on site taking into account the presence of nesting birds. The details shall be submitted to and approved in writing by the local planning authority prior to the submission of reserved matters relating to layout and landscaping. Development shall be carried out in accordance with the approved details.

Reason: In the interests of minimising any significant impact on breeding/nesting birds.

9. Prior to the submission of reserved matters a scheme shall be submitted to and agreed in writing by the District Planning Authority for the type and location of bat and bird boxes to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development.

10. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 204.005C dated 21st February 2013, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

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

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

12. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

Reason: In the interests of highway safety.

13. Retained Trees

a) No retained trees on site shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(d) A 'no dig' construction method shall be used for all parts of the access road, driveways, footways and parking areas that fall within the root protection areas of retained trees. No development shall take place until details of such a construction method have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(e) Details of the proposed method construction of the outbuildings/garages along the western boundary of the site shall be submitted to and approved in writing by the local planning authority.

In this condition —retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; or trees that are located on land

adjacent to the site and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

14. No development shall take place until a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and a timetable for works, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed drainage scheme and timetable.

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

15. When an application is made for the approval of reserved matters, that application shall include details of boundary treatments for each individual plot and around the perimeter of the site. Details shall include a uniform boundary treatment along the western boundary of the site. The development shall be carried out in accordance with such details that are approved.

Reason: To ensure a satisfactory form of development and to preserve or enhance the character of the conservation area.

Note(s) to Applicant

1. The proposal to discharge surface water to the 525mm surface water sewer in Beacon Lane at a rate of 5 litres per second is acceptable. However, due to maintenance issues, the use of orifice plates within the onsite system is unlikely to be accepted for adoption by Anglian Water.

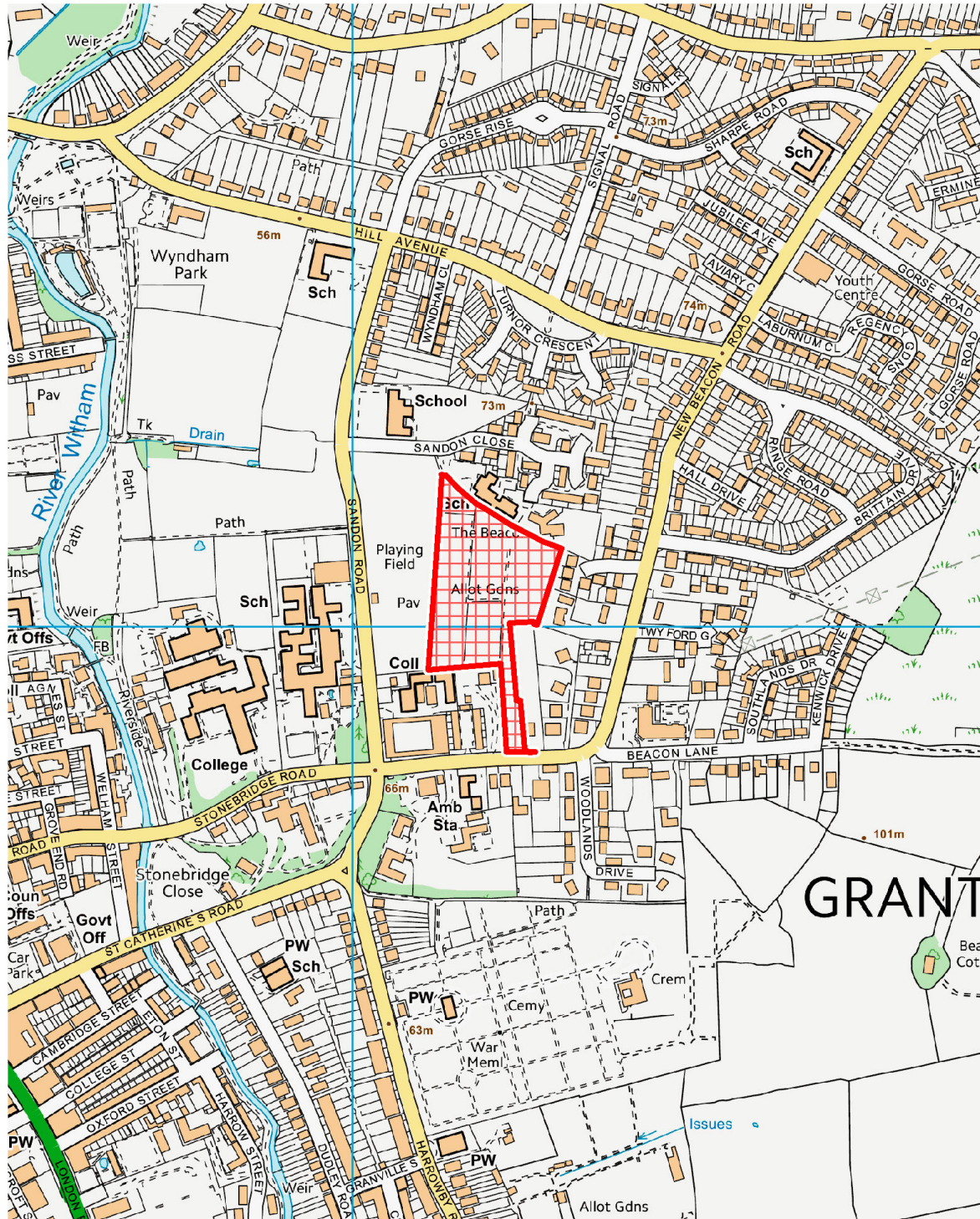
The applicant is advised to discuss the specific design of the system with our Developer Services when the submission is made under Section 104 of the Water Industry Act 1991.

2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan

Ref	S12/0484
Proposal	Erection of 55 residential units (including 8 affordable units) Outline
Location	Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham



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Applicant	J D Wetherspoon plc c/o agent
Agent	Julian Sutton, Signet Planning Limited Signet Planning Limited, 56, Queen Anne Street, London, W1G 8LA
Proposal	Change of use from office (Class B1) use to public house (Class A4) use including external alterations and associated works along with the provision of an outside seating area and detached smoking shelter
Location	Mercury House, 7, Sheep Market, Stamford, Lincolnshire, PE9 2QZ
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee because of the level of local interest in the application.
Recommendation Summary	The proposed use of the premises as a Public House (a Class A4 use) in a secondary shopping frontage of Stamford Town Centre would in principle be in accordance with Policies SP1 and E2 of the adopted South Kesteven Core Strategy (2010) and Policy SAP7 of the emerging Site Allocations and Policies Development Plan Document. It is considered that the proposed works to the premises would be sympathetic to the character of the existing building and would preserve the character and appearance of the Stamford Conservation Area. The proposed development would not detract from the setting of nearby listed buildings. Furthermore, subject to restrictions on the hours of operation of the premises and its associated activities it is considered that the proposed development would not give rise to sufficiently increased levels of noise and disturbance in this town centre locality in relation to impacts on adjoining and nearby residential properties to warrant a refusal of planning permission. The development would not be detrimental to highway safety and would not have a negative impact on the archaeological interest of the site. The scheme would also not give rise to any significant overlooking of adjoining properties. The proposals are therefore also considered to be in line with Policy EN1 of the adopted South Kesteven Core Strategy (2010) and with national planning guidance contained in the National Planning Policy Framework

Key Issues

- Planning Policy Implications
- Highway Safety Implications
- Impact on heritage assets/visual amenities
- Impact on residential amenities

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans
- Elevation and floor plan drawings (Existing and Proposed)
- Design and Access Statement (including Heritage Impact Assessment)

- Wetherspoon's Code of Conduct of Responsible Retailing
- Planning Statement and Associated Supporting Submissions

REPORT

Application Category

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

Reason for Referral to Committee

The application has been referred to the Development Control Committee because of the level of local interest in the application.

The Proposal

This application submitted on behalf of J.D. Wetherspoon PLC relates to the proposed change of use of the existing Stamford Mercury Offices at No. 7 Sheep Market to a public house (Class A4) use including external alterations and associated works along with the provision of an outside seating area/beer garden. The proposed outside seating area/beer garden, which is proposed to have a natural stone paving surface, will be created in the enclosed courtyard fronting onto Sheep Market. The proposed changes to the exterior of the premises include the following:-

- Alterations to the modern industrial element of the building involving amendments to existing openings and the formation of new openings, the removal of one of the pitched roofs and its replacement with a flat roof to accommodate solar panels and air conditioning equipment behind a raised front parapet facing towards Sheep Market/Castle Street.
- Alterations to the eastern elevation of the modern industrial building, facing onto Gooches Court, involving new door openings for emergency exit purposes and a flush fitted, glazed atrium to the roof.
- The replacement of the existing roof covering of asbestos sheeting on the Gooches Court element of the premises with natural slate.
- Alterations to the western elevation that faces onto Castle Dyke, involving the insertion of obscure glazing to some existing windows and the doubling in width of a modern entrance door opening for fire escape purposes.
- The installation of a kitchen extract flue to the inward facing slope of the building element fronting onto Castle Dyke.

The application submission indicates that the intended proposed hours of operation of the public house would be 7.00 am to 1.00 am daily and the applicants agent points out that:-

- The scheme proposes to convert the existing building to a high specification fit out, whilst preserving and enhancing its character.
- The property is not an allocated employment site and is in an appropriate location for a public house given its location in the designated Stamford Town Centre.
- The occupation of the building by JD Wetherspoon will provide employment opportunities for approximately 50 staff (comprising 15 No. full time staff and 35 No. part time staff), the majority of which will be recruited from the local area.

- The occupation of the application premises by JD Wetherspoon will provide economic benefits for Stamford Town Centre. The development will increase shopper/visitor footfall in this part of the town and introduce light and vibrancy to the building.
- The application is in accordance with prevailing national and local policy and the economic and physical regeneration benefits resulting from the proposal, such as the creation of new jobs, should be supported.

The applicant's agent also states that the Stamford Mercury are relocating to alternative premises within Stamford.

The application - as submitted - was accompanied by a Planning Statement and a Design and Access Statement (including a Heritage Impact Assessment) along with the Wetherspoon's Code of Conduct of Responsible Retailing. The application as submitted also proposed a smoking shelter to be situated close to the Sheep Market frontage of the courtyard area adjacent to the side wall to No. 5 Castle Street. This element was omitted from the scheme in the light of objections raised by officers in relation to the negative impact on heritage assets and having regard to the comments of the Council's Environmental Protection Officer in respect of the proximity of the structure to the first floor side windows to the flat accommodation at No. 5 Castle Street.

The applicant's agent submitted further substantive supporting documentation accompanying the revised plans (omitting the smoking shelter) making the following points summarised below :-

- The employment and economic benefits of the scheme are re-iterated in pointing out that Wetherspoons are investing some £1 million on this project in Stamford.
- It is noted that the Town Council and Civic Society are supportive of the scheme in principle and that there are no objections from the County Highway Authority.
- The smoking shelter has been removed thus recognising the concerns raised by the Council Officers in the respect of the likely detrimental impacts of the structure on visual and residential amenities.
- That it is considered that the concerns of the Council's Environmental Protection Services Officer can be successfully mitigated by the use of appropriate conditions of any planning permission for sound insulation works, to provide for odour and noise controls to services and to prevent the use of amplified sound along with stringent management guidelines and restrictions on the hours of use for the outdoor seating area. An associated report provides a number of examples where time restrictions on outdoor seating areas have been controlled by conditions of planning permissions and/or premises licensing (with some planning appeal decisions also cited).
- The residents in such a town centre location would have expectations that there would be levels of noise and activity associated with the evening/night time economy; a matter which has been recognised in other town centres by appeal inspectors in allowing appeals (a number are cited as examples).
- That there is no requirement under national and local planning policies to demonstrate need for a public house, rather planning policies and planning appeal decisions (a number of which are cited) encourage competition.
- That it would be inappropriate for the Council to base any planning decision on the specific named applicant (appeal decisions are cited where this matter has been addressed).

The applicant's agent provided further submissions in response to correspondence from officers in relation to the comments of the Council's Environmental Protection Services - on the revised scheme - and a question put by planning officers as to whether the applicants would be prepared to accept a restriction on opening hours for the premises to between 8.00am to 11.30pm on Mondays to Saturdays and to between 8.00am and 11pm on Sundays on any grant of planning permission.

The applicant's agent indicates that the applicants would have no objection to the suggested conditions of the Council's Environmental Protection Services in relation to the provision of details of insulation of the plant room and stairwell, acoustic details relating to the external plant/odour control and a prohibition on any amplified music. The applicants would also have no objection to the imposition of an hours of operation restriction on the use of the beer garden from 8.00am to 11.30pm on Monday-Saturday and from 8.00am to 11.00pm on Sunday as suggested by the Council's Environmental Protection Services.

The applicant's agent notes, however, that the planning officers of the District Council have suggested that the hours of use limitations on the beer garden (as suggested by the Council's Environmental Protection Services) should equally apply to the public house premises itself and comments on this issue as follows :-.

"My client has previously set out his position in respect to the appropriateness of the site for a public house and its town centre location. My client considers that matters of the opening hours are most appropriately left to be determined by a licensing Hearing. I note that the London Inn opposite has opening hours until 1.00am. My client considers the opening hours of its site should reflect the London Inn opposite.

However, notwithstanding the above, my client recognises that in completing your Officer's Report (to the Development Control Committee) you have the discretion to impose those conditions which you see fit to make, in your opinion, an acceptable development acceptable. As such, whilst my client hopes that the above comments will be taken into consideration if you feel such a restrictive condition is necessary, then no doubt you will attach it to your recommendation."

The applicants have also submitted a plan demonstrating that a dray wagon can be parked within the Bath Row public car park to allow deliveries to be made to the premises without compromising the use of the car parking area by other motor vehicles. An alternative proposal indicates that a delivery lorry could be parked in an existing loading bay on the northern side of Sheep Market and deliveries transferred across to the proposed premises.

The application site and its surroundings

The Stamford Mercury Offices (No. 7 Sheep Market) are situated on the southern side of the Sheep Market at its junction with Castle Dyke within the town's conservation area. The premises comprise a nineteenth century built two storey stone and Welsh slate roofed L-shaped building fronting onto Castle Dyke and extending across the southern end of the site along with a modern single storey, double pitch, industrial building adjoining the nineteenth century structure that has its eastern side wall onto Gooches Court and its north facing frontage facing onto Sheep Market but which is set back considerably from the street. The area between the front of the modern building and Sheep Market is an open courtyard area which is presently used for the informal parking of motor vehicles.

A retail unit at No. 7A Sheep Market (Colin Bell of Stamford) is attached to the Sheep Market frontage of the range of buildings running alongside Castle Dyke. The attached two storey property to the east at No. 5 Castle Street is a Grade II listed building; the ground floor of which is presently vacant (having formerly been used as a restaurant) whilst the first floor level is used as residential flat accommodation. The approved hours of operation for the restaurant use on the relevant

planning permission are from 9.00am to 11.30pm on Monday-Saturday and from 9.00am to 10.00pm on Sunday. The western side wall to No. 5 Castle Street runs alongside the open courtyard area to the application premises and there are first floor windows to the residential accommodation overlooking this courtyard area.

Immediately to the south of the application premises is the detached dwelling at No. 1 Castle Dyke and its garden area and opposite the site on the western side of Castle Dyke are the residential properties within a walled enclosure on Warrene Keep. Retail units with flat accommodation above are attached to the south-eastern corner of the premises on Gooches Court beyond which is a public car parking area accessed by vehicles off Bath Row. Pedestrian access from the Bath Row car park to Castle Street/Sheep Market is obtained along Gooches Court and beneath an archway adjacent to No. 5 Castle Street.

The application premises are situated within the secondary shopping frontage of the town centre shopping area as defined in the emerging Site Allocations and Policies Development Plan Document.

Site History

No relevant planning history

Policy Considerations

National Planning Policy Framework
South Kesteven Core Strategy Policy SP1
South Kesteven Core Strategy Policy E2
South Kesteven Core Strategy Policy EN1
Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012) Policy SAP7

Representations Received

The following representations were received in relation to the application as originally proposed (and therefore incorporating the smoking shelter within the courtyard area):-

Stamford Town Council raised no objections.

Stamford Civic Society commented that:-

"This is a large development in the centre of town, and as such the Civic Society welcomes its renovation and use. We would not wish to see it standing unused.

Plus points are the removal of the asbestos roof and replacement with natural slate and the replacement/restoration of windows on 3 elevations. We also are very positive about the proposed glazed atrium; this is an exciting feature.

The Civic Society would like clarification regarding the proposed solar panels; SKDC and Civic Society policy has been to refuse these in the Conservation Area, especially where visible from the street. We would like reassurance that they will conform to SKDC policy and not be generally visible.

The Civic Society is concerned about the proposed "smoking area" in the current car park. This is an ugly construction, reminiscent of a bicycle shed, and it seems to the Society that this is a highly visible and unattractive feature. The nearby Cosy Club manages without such a facility, and The London Inn opposite has a well hidden area at the rear. If a smoking area is considered essential, the Society asks that a second look is taken to find somewhere less obtrusive for it."

Heritage Trust of Lincolnshire indicates that no archaeological intervention is required in this instance.

County Highways Authority raised no objections in principle.

District Council's Environmental Protection Services commented that there were concerns that the proposed new use could have a detrimental impact to surrounding residential properties that are close to and actually attached to the application building in stating the following :-

"Attached to the rear of the building is a first floor flat. The proposed plans show that the public house plant room would be positioned on the first floor of the building directly the other side of the party wall to the flats living/sleeping accommodation. The applicant has not submitted any scheme for the assessment or mitigation of the potential noise or vibration which may arise from the operation of plant equipment or the transfer of noise from any other associated licensed activities, such as people noise or music.

Overlooking the courtyard area which has been set out with tables and chairs for patrons are the opening windows of a residential flat which is located above the next door Chinese Restaurant. Directly underneath the window and attached the boundary wall depicted on the plans is a smoking shelter. There could be a potential significant noise impact on the above flat from the public use of the smoking shelter and outside tables and chairs until late at night. A party wall of the public house is also shared with the Chinese Restaurant and the above flat. No scheme for the assessment or mitigation of the transfer of noise from the public house activities to the adjoining property has been submitted by the applicant.

There are also other residential properties in the vicinity of the proposed public house which may experience additional impact from the activities of proposed public house. This though may be as a result of increasing the overall cumulative impact with other similar licensed activities in the vicinity.

The applicant has not submitted information relating to mitigating kitchen odours or noise from extract units which are being extracted through to first floor or at what height the extract ductwork will terminate.

It would be anticipated that the activities of the proposed public house would continue until late at night or even into the early hours of the next morning. The close proximity and even structural attachment of residential receptors to the proposed public house premise would have a detrimental impact on the amenity of the residential properties."

District Council's Principal Conservation Officer raised concerns in relation to the proposed siting of a smoking shelter against the gable wall of the adjacent listed building (No. 5 Castle Street) as it would compromise the setting of that heritage asset and the character and appearance of this part of the Stamford Conservation Area. In relation to the works to the principal building, the Council's Principal Conservation Officer indicated that he is satisfied that the proposals will not have an adverse impact on the significance of this part of the Stamford Conservation Area nor the setting of nearby listed buildings provided that the vertical timber boarding on the raised parapet is not stained or painted a colour at odds with the prevailing colour palette of the historic core of the town.

Reconsultation

Further to the receipt of the revised plans omitting the smoking shelter and the applicant's agents further supporting submissions, the Town Council, the Civic Society, the Highway Authority and the Council's Environmental Protection Services and Principal Conservation Officer were re-consulted on the submissions.

Stamford Town Council has no objections to the amendments proposed.

Stamford Civic Society advises that it now has no objections and is pleased that the detached smoking shelter has been removed from the plans.

County Highway Authority re-iterates that it has no concerns as the scheme will not be detrimental to highway safety or traffic capacity. County Highway Authority have also indicated that they are satisfied that the applicants have demonstrated that a dray wagon can be parked within the Bath Row public car park to allow deliveries to be made to the premises without compromising the use of the car parking area by other motor vehicles.

District Council's Environmental Protection Services advises that the supporting letter submitted by the applicants agent has addressed a number of the previous concerns about the application in making the following points summarised as follows :-

The further structural details provided by the applicant concerning the party wall and plant room to the residential flat at Gooches Court has provided a more informed picture. There is satisfaction that the potential impact of sound transfer would be minimal and that the applicant is also willing to submit for approval a scheme of internal insulation to the plant room and stairwell. The contents of the plant room (water tanks and switch gear etc) would not have the potential to generate significant amounts of noise. There is satisfaction with the condition being proposed by the applicant for sound insulation and that this will address those areas previously mentioned to the applicant. It is understood from the applicant's letter that the flats above the Chinese restaurant (5a Castle St) do not share a party wall with the application site. The applicant has removed the smoking shelter from the application which had been proposed to be located in the outside area. The revised document submitted by the applicant for management of outside areas and potential planning and licence conditions for such areas has been review and it is proposed that condition requiring "the hours of use of the beer garden shall be limited to between 8am and 11pm on Sundays and 8am to 11.30pm on Mondays to Saturdays" in line with conditions used for other JD Wetherspoons premises.

The Environmental Protection Services would like the applicant to submit details for the management of the outside area in line with the examples that they have submitted, such as CCTV in operation, signage that the outside area closes at a specific time, staff supervision of outside areas, regular clearing of glasses and food from such areas etc. This should go some way to managing the impact of the use of the outside area to the potential flats above the Chinese restaurant. It has been suggested to the applicant whether it was appropriate to mutually agree improvement to glazing to a third parties property in such circumstances. This can and has occurred in the past by the applicant at other locations, but these initial comments (as confirmed with the applicant's agent) are made with no detailed survey of the quality of bedroom window(s) that overlook the proposed outdoor area.

The applicant in their letter is proposing a condition that no amplified sound is used within the premises and it is recommended that such a condition is applied should the application be approved.

The noise and odours from extract units shall be addressed through the applicants proposed condition. There is satisfaction with the detail of the example condition given in the letter for control of extract points and extract/ac units.

The Environmental Protection Services therefore conclude that in general the proposals being made by the applicant for conditions to address the points previous raised and the technical discussions with the applicant's agent about the premises/application have addressed the initial concerns raised about the application. The technical documents and mitigation schemes for sound insulation and extract points odour/noise would still need to be subject to approval by the planning authority.

The Council's Principal Conservation Officer raises no objections to the revised submissions in the light of the removal of the smoking shelter structure.

Representations received as a result of publicity

Nineteen letters of representation were received in relation to the application as originally submitted with the objections/concerns raised summarised below as follows:-

- There are residential properties surrounding the application premises on all sides and residents in the locality already suffer noise and disturbance as result of the operation of existing restaurant and public house premises in the town centre and in relation to the use of on street car parking and the nearby public car parks. The opening of another premises will only exacerbate this situation day and night seven days a week.
- The generation of noise and smoke from the smoking shelter and beer garden/outdoor seating area will be detrimental to the amenities of surrounding residents.
- The proposed smoking shelter is detrimental to the character of the locality.
- Deliveries to the premises in the early mornings will cause noise and disturbance to the detriment of the amenities of residents in the locality.
- Delivery lorries serving the premises are likely to cause obstruction in relation to residents parking and give rise to highway safety concerns.
- The development will result in an increase in anti-social behaviour in the area to the detriment of residents, with activities such as urination in the surrounding streets and garden areas, sexual activities, vomiting and material damage to properties.
- There will be an increase in litter and broken glass in the locality.
- The development may lead to the increased use of the pathway through Warrene Keep with a resultant loss of privacy to residents.
- There are concerns that the fire escape to the western side elevation of the premises is onto a narrow path along Castle Dyke next to parked cars. The fire exit is also in close proximity to the residential property at No. 1 Castle Dyke.
- The existing fire escape access from No. 7a Sheep Market is into the proposed beer garden of the public house.

- The odours from the proposed kitchen facilities along with the noise generated by the gas flues and the air conditioning units will be to the detriment of residential amenities in terms of impacts on neighbouring properties and garden areas.
- The submissions do not indicate as to whether the premises will be soundproofed, have live/entertainment or utilise fire doors for access/egress; all matters which could negatively impact on the residential amenities of the adjoining property.
- The windows on the southern elevation of the Stamford Mercury building - presently obscure glazed - could give rise to the overlooking of the garden area to the adjoining property at No. 1 Castle Dyke.
- There is no need for another public house in Stamford as the town is already well served by such establishments. There are already four pubs in the immediately locality of the application premises.
- The proposals will encourage large numbers of drunken people – particularly the young – to gather in the areas surrounding the application premises making them areas that local residents are nervous/scared to enter. This has happened in other similar towns where Wetherspoons public houses have opened.
- JD Wetherspoon are a large national business which have a reputation for selling food and alcohol at reduced prices and as such the development is likely to result in the closure of existing local public houses and restaurants and the loss of jobs for local people.
- It is considered that Wetherspoons is not the type of establishment that reflects the unique and special ambience of Stamford and will 'bring the area down.'

Further to the receipt of the revised plans omitting the smoking shelter and the applicant's agents additional supporting submissions, local residents/interested parties were re-consulted on the submissions. Five further letters of representation were received raising objections to the scheme. The objection letters re-iterate a number of the points set out above and also point that contrary to the applicants submissions the fact that there are already noisy pubs in the town centre already does not provide justification for another establishment. Rather it would be more logical to claim that since existing noise levels are high, intolerably so to some local residents, they should not be increased by further development. It is also pointed out that the use of the proposed beer garden – even without the smoking shelter - would still give rise to detrimental impacts on surrounding residents.

In addition to the individual letters of representation, the District Council has been made aware - by the organiser - of an on-line petition titled "J D Wetherspoon: Keep out of Stamford." At the time of the preparation of this Committee report there were 227 'supporters' of the petition recorded on the relevant website. A number of 'supporters' have made individual comments on the proposals which reflect the objections/concerns raised in the individual letters of representation summarised above.

Key Issues

Planning Policy Implications
 Impact on residential amenities
 Impact on heritage assets/visual amenities
 Highway Safety Implications
 Other Matters

Officer Evaluation

Planning Policy Implications

The overarching Development Plan policies relevant to the proposed development are Policies SP1 and E2 of the adopted South Kesteven Core Strategy which place emphasis on promoting the vitality of the defined town centres in the District including Stamford. These policies are supplemented by the Council's emerging Site Allocations and Policies Development Plan Document; in particular Policy SAP7 of the Document which identifies the overall aims for the primary and secondary shopping frontages of Stamford town centre. The application premises are situated within the secondary shopping frontage and as such the proposed public house use (a Class A4 use) would in principle be compliant with Policy SAP7 which indicates that "within other defined shopping streets planning permission will be granted for retail, food and drink outlets, financial and professional services, and other leisure and tourist-related (Uses Classes A1-A5, B1, D1 and D2) and appropriate residential development."

With regard to the letters of representation received, a number of interested parties contend that because JD Wetherspoon are a large national business which have a reputation for selling food and alcohol at reduced prices the proposed development is likely to result in the closure of existing local public houses and restaurants in Stamford and the loss of jobs for local people. It is pointed out that, however, that it is not the role of Planning Acts to limit competition in a location such as Stamford town centre where such a public house use is otherwise acceptable in principle in planning policy terms.

Impact on Residential Amenities

It is recognised that in line with the applicants submissions that occupants of dwellings in such a town centre locality would have some expectations that there would be levels of noise and activity associated with the evening/night time economy. Nevertheless, having regard to the submissions made in the representations of interested parties clearly equally it can not be the case that because there are already public houses that have (negative) noise and activity impacts that there is justification for another establishment per se. Rather, as with any application submission the proposed development needs to be assessed on its own individual merits having the regard to the circumstances that prevail in its own locality. In this respect, it is recognised that there are objections raised by local residents to the proposed public house scheme at the Stamford Mercury Offices on the grounds that the opening of these new licensed premises will exacerbate the levels of noise, disturbance and anti-social behaviour endured by local residents as result of the operation of existing restaurant and public house premises in the town centre and in relation to the parking of cars and delivery vehicles along with noise and fumes associated with the services to the public house. Such concerns were shared by the District Council's Environment Protection Officer in relation to the scheme as originally submitted whereby it was indicated that the combined factors of the activities of the proposed public house continuing in operation until late at night/until the early hours of the next morning, and the close proximity and even structural attachment of residential receptors to the proposed public house premises would mean that the scheme would have a detrimental impact on the amenity of the residential properties.

However, in the light of the revised and additional submissions of the applicant, including the removal of the smoking shelter, the Council's Environment Protection Officer now concludes "that in general the proposals being made by the applicant for conditions to address the points previous raised and the technical discussions with the applicant's agent about the premises/application have addressed the initial concerns raised about the application. The technical documents and mitigation schemes for sound insulation and extract points odour/noise would still need to be subject to approval by the planning authority." These mitigation measures can be satisfactorily secured by

planning conditions. The applicant's agent has also indicated that their client is willing to accept a condition that no amplified sound is used within the premises, however, it is considered given the proximity of residential properties to this application site that any approval should incorporate a condition requiring that the premises shall not be used for the playing of live or recorded music unless agreed in writing by the local planning authority.

Accordingly, in the light of the overall conclusions of the Council's Environment Protection Officer and the imposition of the necessary mitigation measures by planning conditions that in principle the proposed change of use of the application premises to a public house use would not be likely to give rise to sufficient increased levels of noise and disturbance in this town centre location in relation to impacts on adjoining and nearby residential properties so as to warrant a refusal of planning permission.

In addition to any acceptability of the public house use in principle, it is also necessary to consider the hours of operation of the premises and its associated beer garden/open seating area to the Sheep Market frontage of the site. The application submission indicates that the proposed hours of operation of the public house premises would be between 7.00 am to 1.00 am daily. Further, the applicant's agent has indicated that in line with the suggestion of the District Council's Environmental Protection Services that the applicant would accept a planning condition restricting the use of the beer garden/open seating area to between 8.00am to 11.30pm on Monday-Saturday and to between 8.00am to 11.00pm on Sundays.

With regard to the applicants submissions on the hours of operation, including the cited inspectors appeal decision letters, it is recognised that there are many examples of public house premises where conditions have been attached to grants of planning permission to control the hours of operation of outdoor seating areas where these areas adjoin residential accommodation. In the specific case of the premises at No. 7 Sheep Market, however, the outdoor seating area also provides the pedestrian access to and from the entrance of the proposed public house premises alongside the property at No. 5 Castle Street, which has first floor window units to flat accommodation adjoining the western side of the courtyard area. As such, whilst in the case of other public house premises it might be possible to prevent customer access to a beer garden at specified times, in the case of the application site there would continue to be pedestrian activity through the beer garden area to secure customer access to the entrance to the public house from Sheep Market should the premises remain open until 1pm. As such, it is considered that the opening of the public house until 1pm would be likely to give rise to unacceptable levels of noise and disturbance to the occupants of the flats at No. 5 Castle Street as a result of the activity associated with the use by customers of the access to the premises into the early hours of the morning so as to warrant a recommendation of refusal of planning permission.

As noted earlier in this report, therefore, the planning officers of the District Council suggested to the applicants/applicant's agents that the limitations on the hours of use of the beer garden should equally apply to the public house itself in order for there to be favourable officer recommendation in respect of the application scheme. In response the applicants agent comments as follows:-

"My client has previously set out his position in respect to the appropriateness of the site for a public house and its town centre location. My client considers that matters of the opening hours are most appropriately left to be determined by a licensing Hearing. I note that the London Inn opposite has opening hours until 1.00am. My client considers the opening hours of its site should reflect the London Inn opposite.

However, notwithstanding the above, my client recognises that in completing your Officer's Report (to the Development Control Committee) you have the discretion to impose those conditions which you see fit to make, in your opinion, an acceptable development acceptable. As such, whilst my

client hopes that the above comments will be taken into consideration if you feel such a restrictive condition is necessary, then no doubt you will attach it to your recommendation.”

In the light of the agents response, therefore, and for the reasons set out in this section of the report in relation to the specific material circumstances which prevail at the application site - with these being materially different from those of the London Inn - it is recommended that any grant of planning permission at No. 7 Sheep Market be subject to restrictions on the hours of opening to customers on the premises and its beer garden/opening seating area from 8.00am to 11.30pm on Monday-Saturday and from 8.00am to 11.00pm on Sunday. It is also considered that in order to mitigate impacts on the residential amenities of surrounding residential properties that a restriction in terms of hours of operation be placed on any deliveries to the premises which will be executed from dray vehicles parked outside of the application site. It is suggested that a condition be attached to any approval requiring that there shall be no deliveries to the premises outside the hours of 0800 hours to 18.00 hours Monday to Sunday.

It is also noted that the Environmental Protection Services would like the applicant to submit details for the management of the outside seating area/beer garden in line with the examples that JD Wetherspoon have submitted to accompany the application, such as CCTV operation, signage indicating that the outside area closes at a specific time, staff supervision of the outside areas and regular clearing of glasses and food to such areas etc. Having regard to these issues, whilst it is considered reasonable to require by planning condition details of litter disposal provision for the outside seating area, it is considered that the proposed controls on the hours of operation would provide the necessary mitigation of impacts on surrounding residential amenities under the Planning Acts.

With regard to other residential amenity issues, it is noted that there are concerns that the proposed fire exit doors could be used to access/exit the public house, which has the potential to divert noise and activity to other external areas of the building; for example onto Castle Dyke in proximity to the dwelling at No. 1 Castle Dyke or onto Gooches Court adjacent to the flats above retail units. This is a matter, however, which it is considered can be satisfactorily mitigated by a condition effectively requiring the doors to remain closed unless they are being used to provide a means of escape in an emergency situation. It is also considered that a condition should also be attached to any approval to ensure that the window unit(s) on the southern elevation of the Stamford Mercury office building are obscure glazed - and are fixed - to ensure there would be no overlooking of the garden area to the adjoining property at No. 1 Castle Dyke. The development would not give rise to any overlooking of other properties. It is also considered that any increased use of the existing path through Warrene Keep would not give rise to any significant loss of privacy to surrounding residents.

Impact on Heritage Assets/Visual Amenities

It was considered that the originally submitted scheme which proposed the siting of a smoking shelter against the gable wall of the adjacent listed building (No. 5 Castle Street) would have compromised the setting of that heritage asset and detracted from the character and appearance of this part of the Stamford Conservation Area. However, with the subsequent removal of the smoking shelter from the application this concern has been successfully addressed.

Insofar as the proposed works to the Stamford Mercury office premises are concerned, it is considered that the proposals will not have an adverse impact on the significance of this part of the Stamford Conservation Area nor on the setting of nearby listed buildings. Indeed, the provision of the glazed atrium to the roof and the proposed replacement of the existing roof covering of asbestos sheeting on the Gooches Court element of the premises with natural slate are considered to represent notable enhancements within the historic streetscape. With regard to the proposed installation of solar panels behind the proposed parapet to the entrance area it is noted that the

Civic Society seek reassurance that these will not be visible from the street and it is considered that this matter can be suitably addressed by a condition of any grant of planning permission. Similarly, conditions will be attached to ensure that new joinery, external materials and finishes to be used to the external elevations of the premises are commensurate with the historic environment.

Highway Safety Impacts

It is noted that concerns have been raised by local residents in relation to delivery lorries to the premises being likely to cause obstruction in respect of residents parking and giving rise to highway safety problems. The County Highway Authority have, however, advised that it has no objections to the scheme as it will not be detrimental to highway safety or traffic capacity. County Highway Authority have also indicated that they are satisfied that the applicants have demonstrated that a dray wagon can be parked within the Bath Row public car park to allow deliveries to be made to the premises without compromising the use of the car parking area by other motor vehicles.

Other Matters

It is noted that the District Council's Environmental Protection Services have raised with the applicant a query as to whether it would be appropriate to mutually agree improvements to glazing to a third parties property - namely the adjoining property at No. 5 Castle Street - as this has occurred elsewhere in the past. It is pointed out, however, that as the premises at No.5 Castle Street are not within the applicants ownership or control that it would not be possible to seek to initiate such works as part of this application scheme. In any event, it is considered that sufficient mitigation measures would be put in place by the suggested conditions in the recommendation to this report should the scheme proceed. It is also pointed out that the requirement to retain existing fire exits from a building falls under other legislation.

The on-line petition and a number of the submitted representations contend that the District Council should in principle resist the opening of a JD Wetherspoon's public house in Stamford as it would undermine the local distinctiveness of the town. It is pointed out, however, that the District Council can not as a relevant planning consideration take into account the nature of the pub company that would occupy the proposed public house premises nor as to whether it is a local or a national business; merely the material impact of the proposed public house use on the locality. In this respect, and subject to the restrictions on the hours of opening/deliveries and the use of the premises set out in the conditions below, the application is recommended for approval.

Crime and Disorder Implications

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

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed use of the premises as a Public House (a Class A4 use) in a secondary shopping frontage of Stamford Town Centre would in principle be in accordance with Policies SP1 and E2 of the adopted South Kesteven Core Strategy (2010) and Policy SAP7 of the emerging Site Allocations and Policies Development Plan Document.

The proposed works to the premises would be sympathetic to the character of the existing building and would preserve the character and appearance of the Stamford Conservation Area. The proposed development would not detract from the setting of nearby listed buildings. Furthermore, subject to restrictions on the hours of operation of the premises and its associated activities, it is considered that the proposed development would not give rise to sufficiently increased levels of noise and disturbance in this town centre locality in relation to impacts on nearby residential properties to warrant a refusal of planning permission. The development would not be detrimental to highway safety and would not have a negative impact on the archaeological interest of the site. The scheme would also not give rise to any significant overlooking of adjoining properties. The proposals are therefore also considered to be in line with Policy EN1 of the adopted South Kesteven Core Strategy (2010) and with national planning guidance contained in the National Planning Policy Framework and that there are no material considerations which indicate otherwise although conditions have been attached.

In reaching this decision the Local Planning Authority has worked with the applicants at the formal application stage to address matters in relation to impacts on heritage assets and residential amenities. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

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

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

2. Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing No. 7027-001-A
Drawing No. 7027-110-B
Drawing No. 7027-111-B
Drawing No. 7027-112
Drawing No. 7027-201-D
Drawing No. 7027-202-C
Drawing No. 7027-203-C

Reason: To define the permission and for the avoidance of doubt; the original submissions incorporating an external smoking shelter having been considered to have a negative impact on the setting of heritage assets.

3. No development shall commence on the site until drawings showing full details (including cross-sections and external finishes) of the proposed new and replacement window units, the proposed new and replacement external door units and the proposed new atrium at a scale of 1:1/1:2/1:10/1:20 (or another scale first agreed in writing by the Local Planning

Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

Reason: To ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. No development shall commence on the site until samples of all new external materials and external finishes to the premises (including to all external services such as vents/flues) and samples of the proposed paving stones/slabs to be used to the open courtyard area have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

Reason: To ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. No development shall commence on the site until details of the siting and appearance of the proposed outdoor furniture and associated structures to be located within the open seating area/beer garden have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of residential amenities: to ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. No development shall commence on the site until the building has been modified to provide sound insulation/attenuation against internally generated noise in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The approved sound insulation/attenuation scheme shall be installed before the premises are first brought into use as a public house and shall thereafter be retained in situ at all times.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. Notwithstanding the details shown on the approved drawings no flues, extract grills, air condition systems or any other means of ventilation/extraction shall be installed to the premises and operated until details of equipment for the suppression of fumes, odours and/or dust including details of the noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be installed in accordance with the approved details and brought into operation before the premises are first brought into use as a public house. The approved scheme(s) shall thereafter be maintained in accordance with the approved maintenance scheme and retained in use at all times during the hours of operation of the premises.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. There shall be no live or recorded music played on the premises including the outside seating area/beer garden area unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. No development shall commence on the site until details of a scheme for the means of the collection of litter to the open seating area/beer garden have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the public house use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10. All fire exit doors as notated on the approved drawings shall be retained in a closed position at all times unless they are in use for the purposes of providing a means of escape in the case of an emergency/emergency fire drill.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

11. No customers shall be on the public house premises including the outside seating area/beer garden area outside the hours of 0800 hours to 2330 hours Monday to Saturday and 0800 hours to 2300 hours on Sundays.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

12. There shall be no deliveries to the premises outside the hours of 0800 hours to 18.00 hours Monday to Sunday.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

13. Notwithstanding the details shown on the submitted plans no part of any solar panel or its associated fixings/equipment shall exceed the height of any part of the parapet to the main entrance of the public house premises facing onto Sheep Market.

Reason: To ensure that the proposed development preserves the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

14. The window unit(s) to the southern elevation of the premises shall have obscure glazing to level 4 standard along with fixed lights (i.e. non-opening window units) at all times.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining residents at No. 1 Castle Dyke and in accordance with national guidance contained in National Planning Policy Framework.

* * * * *

Site Location Plan	
Ref	S13/0232
Proposal	Change of use from office (Class B1) use to public house (Class A4) use including external alterations and associated works along with the provision of an outside seating area and detached smoking shelter
Location	Mercury House, 7, Sheep Market, Stamford, Lincolnshire, PE9 2QZ



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Applicant	Mr Tim & Roger Marris, Marris Foston Ltd The Deauvilles, Fallow Lane, Foston, Grantham, Lincolnshire, NG32 2LJ
Agent	Mr Alison Parker, ADAS UK Ltd 4205, Park Approach, Thorpe Park, Leeds, LS15 8GB
Proposal	Erection of 4 poultry units, 2 control rooms, office and general purpose building, feed bins, hardstanding, gas tanks and electric substation. Upgrade/extension of access road to allow access from Newark Hill.
Location	Land off Fallow Lane, Foston
App Type	FP Environmental Impact Assessment
Parish(es)	Foston
Reason for Referral to Committee	The application has been referred to Committee as the application is accompanied by an Environmental Statement and is locally controversial.
Recommendation Summary	That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing a HGV routing agreement and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

Key Issues

- The principle of new development
- Impact on highway safety
- Visual impact
- Environmental and amenity impacts

Technical Documents Submitted with the Application

- Design and Access and Sustainability Statement
- Environmental Statement
- Environmental Statement Addendum (Access Track)
- Flood Risk Assessment

REPORT

Application Category

The application is categorised as an EIA type of application.

Reason for Referral to Committee

The application has been referred to Committee as the application is accompanied by an Environmental Statement and is locally controversial.

The Proposal

The proposal is for the erection of four new broiler poultry units with various ancillary buildings/structures including a general purpose building, feed bins, electricity substation, gas tanks and hardstanding, as well as a new/upgraded access track linking the site to Newark Hill.

The current application is a revised version of a previously withdrawn application (S11/3166). That application was withdrawn following objections from the Highways Authority. The current application is identical in respect of the poultry unit itself but includes an extended access track from Fallow Lane to Newark Hill, avoiding the need for traffic generated by the site to pass through Foston village.

The applicant currently farms 240 hectares of arable land. The applicant sees the proposed poultry units as a way of diversifying the business to increase its viability in the face of falling incomes from arable production. The applicant intends to supply birds to Moy Park Ltd who are currently seeking new sites for development as a result of growing demand for UK poultry products. New sites are seen as preferable to upgrading existing sites as they can provide much higher standards of environmental management, animal welfare, energy efficiency and bio security.

The poultry units themselves would measure 103.62m x 22.56m, with a combined area of 9576 square metres. Eaves and ridge heights would be 2.5m and 5.681m respectively. Each building would accommodate approximately 42500 broilers, therefore the maximum number of birds on site would be around 170000. The buildings would be equipped with 6 x feed bins.

The general purpose building would measure 18m x 6m. Eaves and ridge heights would be 2.5m and 5.681m respectively. This building would contain a farm office, WC, garage store, staff canteen, water tank room and generator room.

A new/upgraded access track would be constructed westwards from the site to Fallow Lane continuing west and then south across open countryside to Newark Hill. This track would partly consist of upgraded existing farm tracks although some sections would be entirely new. It would be approximately 2.1km in its entirety and 4m in width. A number of passing bays would be provided.

The units would operate on an all in/all out basis over a 35 – 37 day cycle. On completion of the rearing cycle the sheds would be emptied, cleaned and disinfected ready for restocking. The cleaning process would take 4 – 10 days. It is expected that this would equate to around 7 production cycles per annum.

The application is accompanied by an Environmental Statement.

The Application Site and its Surroundings

The area of the site itself which would be covered by buildings and hardstanding is approximately 1.6ha. It is located within currently open agricultural land, set within gently undulating countryside approximately 600m to the NE of the edge of Foston. The River Witham is approximately 900m to the NW with the village of Westborough beyond. The applicant's existing farmyard and dwelling are some 300m to the NW. An existing hardcore track runs from the application site to Fallow Lane. There is also an existing farm track running approximately 1km northbound from Newark Hill. The section where the proposed access track would run between these two existing tracks is currently open countryside.

Relevant Site History

A Scoping Opinion on the type of information and issues required to be covered by an Environmental Statement was issued by the local planning authority in 2010 (S10/2113).

A planning application for this scheme was originally submitted in 2011 (S11/3166) but was withdrawn on officer advice following objections from the Highways Authority who raised concerns about traffic accessing the site through Foston village. It was considered that the highway issue could not be resolved without undue delay and that withdrawal, followed by discussions with the highways authority and resubmission at a later date (should it be possible to resolve the highways issue), was the best option.

The current application is a revised version of this proposal which includes an extended access track to Newark Hill, avoiding the need for traffic to pass through Foston village.

Policy Considerations

South Kesteven Core Strategy (2010)

Policy SP1 - Spatial Strategy

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

Policy EN2 - Reducing the Risk of Flooding

Policy E1 - Employment Development

National Planning Policy Framework (2012)

Core Planning Principles

Section 3 - Supporting a prosperous rural economy

Section 11- Conserving and enhancing the natural environment

Section 7 - Requiring good design

Section 4 – Promoting sustainable transport

Representations Received

Highways Agency: No objections.

LCC Highways: At the time of writing, the local highway authority had not given final comments on the application. However they have stated that they are likely to support the application subject to conditions requiring submission of further details regarding specification for the access track and improvement of the junction with Newark Hill and the point where vehicles would cross the existing

highway of Fallow Lane, as well as a routing agreement backed up by a S.106 to ensure compliance. Any further comments will be included in the late background papers.

LCC Footpaths Officer: It is expected that the definitive line and customary width will not be affected by any proposed development.

Anglian Water: The extended access road crosses a sewer in an open field which has been subject to problems and remedial works. Consideration should be given to ensuring that the sewer is adequately protected prior to the road being constructed.

Upper Witham Internal Drainage Board: No objection subject to the development being constructed in accordance with the flood risk assessment

Environment Agency: (Comments on the current planning application): No objection subject to conditions requiring details of surface water drainage and any tanks, lagoons or pollution prevention measures. They also advise that various permits will have to be obtained from the EA including a Pollution Prevention and Control Permit, Hazardous Substance Permit (for storage of liquid petroleum gas) and a Discharge Consent for the package treatment plant.

The EA have also submitted the following comments which clarify the scope of the environmental permit and how it would relate to this proposal. The comments were submitted in relation to the previously withdrawn application (S11/3166), but apply equally to the current application, as other than the extended access track, the proposal is identical:

- The comments below relate to the activities within the site boundary only. We can not comment on activities outside the installation, such as traffic movements etc.
- The site will stock over 40,000 birds and will therefore require a permit from the Environment Agency (EA) under the Environmental Permitting (England and Wales) Regulations 2010. The applicant has already contacted the EA for pre-application discussions and as such a permit application was made simultaneously with the planning application. The permit application process will take at least four months to complete. However, the Agency would advise any new installation to be constructed and managed in accordance with best industry practice. A Best Available Techniques Reference document (BREF) is currently in production for the intensive farming sector which will provide technical guidance to the operators of relevant installations.
- The site should be constructed and operated in accordance with 'How to comply with your environmental permit for intensive farming' which can be found at: www.environment-agency.gov.uk/business/sectors/40069.aspx. Please note, however, that this document only refers to sites that have sensitive receptors within 400 metres.
- We will only issue a permit if we believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit (Waste and industrial sites, How we decide whether to grant a permit under the Environmental Permitting Regulations, May 2011). I have attached a copy of an example standard permit for your information.
- The applicant needs to consider the proximity of residential properties. There are a number of properties within 700m of the proposed site. The impact from odour, noise, flies, and dust on sensitive receptors should be assessed and mitigation measures considered. As the proposed site is over 400 metres away from the village and in a downwind direction, amenity issues should not be a significant problem.

- The closer the proximity of the site to receptors, the more likely the severity of impact from emissions such as odour. An Environmental permit will not prevent all emissions, it will only mitigate and control potential odour, dust, noise or pest pollution.
- It is not possible to say if the proposal will fully prevent odours emissions from the proposed development. This relies on full containment and managing operations to prevent odour releases at all times. It is expected that BAT for both infrastructure and management will be achievable and in place from the outset.
- The details submitted as part of the planning application indicate that the proposal will adhere to Best Available Technique (BAT) for odour abatement for the industry (H4, Odour Management-Environment Agency Technical Guidance Note).
- Extreme weather (especially warmer weather and in this case North West winds) and other incidents are liable to increase the odour impact at receptors. Such events would need to be controlled by an Odour Management plan as part of the requirements of an Environmental Permit. A standard Odour Management Plan was submitted with the permit application.
- Odour modelling was carried out and submitted as part of this planning application, but has not been assessed as part of this consultation. The modelling has not been submitted to the Environment Agency as part of the permit application.
- Noise issues are controlled through the permit.
- Pests are now also controlled through the permit. If pests are an issue on site the EA will require the site to produce a Pest Management Plan. Pests, such as flies, are not usually a significant problem on such sites.
- Dust is controlled under the fugitive emissions part of the permit.

Natural England: Refer back to original comments (03 February 2012 in relation to previously withdrawn application [S11/3166]) that they have no objection subject to a condition restricting site clearance to September – February to avoid adverse impacts to breeding birds. They welcome the proposed new hedgerow. They are also satisfied that in accordance with the ammonia screening that has been undertaken, there will be no adverse impact on Allington Meadows SSSI. The Environment Agency recognise that proposed amendments to the original application relate largely to access, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Lincolnshire Wildlife Trust: No comments received

Community Archaeologist: No archaeological intervention required

SKDC Environmental Protection: Under the Pollution Prevention and Control Act 1999 and the Environmental Permitting (England & Wales) Regulations (as amended) 2010 intensive livestock operations where more than 40,000 poultry are housed shall require an IPPC Permit issued by the Environment Agency. The permit will implement control measures for air and odour pollution, liquid and solid waste management, storage, noise and preventing pollution of groundwater and surface water. The applicant must make an application to the Environment Agency for an IPPC Permit. In general the location of the proposed development is in a rural and remote location whereby its potential for impact on other properties would be relatively minimal

Foston Parish Council: Object to the proposal on the grounds of the inadequacy of the highway network to cope with traffic generated, including the enforceability of requiring HGVs to use new

access track, the impact on living conditions of nearby residents from smell, noise, traffic etc and the impact on the character and appearance of the area.

Marston Parish Council: Supports the view of Foston parish council and emphasise their concern regarding odour (dependent on wind direction) in relation to Marston.

Long Bennington Parish Council: Objection to the proposal on the grounds of the large scale being inappropriate in a rural location, concerns about the quoted vehicle movements being grossly underestimated, enforceability of requiring HGVs to use new access track and concerns about increased HGV traffic through Long Bennington.

Representations Received as a Result of Publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, 51 representations had been received. Of these (47) the majority were objections. A summary of the main concerns are listed below:

- Health - Vermin and flies.
- Odours
- Noise from the poultry units – fans etc
- Noise from traffic
- Concerns about waste disposal
- Light pollution
- The development is too close to the village
- Highway safety and traffic capacity concerns including visibility from the access at Newark Hill, access to the A1, enforceability of requirement to use new access track, traffic through Foston village
- New access track is unsuitable
- Concerns that the traffic statement is inaccurate
- Drivers sat-navs may send them through Foston
- Impact on countryside – visually intrusive, would detract from area's rural character
- The scale is inappropriate for a rural location
- The proposal is not in accordance with Local Plan policy AG1 and should be located adjacent to existing farm
- Impact on recreational users of the countryside including users of the Viking Way
- Impact on sewer which the track would cross
- Reduction in house prices
- Would set a precedent
- Animal welfare concerns
- Loss of view
- There are more suitable sites
- Applicant has a duty of care to villages having sold off other land for development
- Impact on archaeology

4 representations have been received which are broadly in favour (issues raised summarised):

- Foston is a farming village and occasional smells from fertiliser etc can be expected
- The highways issue has been addressed
- No loss of visual amenity as there are already a number of sheds visible from Viking Way and Fallow Lane and new sheds will be some distance from these routes

- Speed limit along Marshall Way and Newark Hill should be reduced to 30mph and road surface improved.
- Enhancements/screening to the access track and appropriate traffic management

Officer Evaluation

The key issues in considering this application are:

- the principle of new development
- impact on highway safety
- visual impact
- environmental and amenity impacts

Principle of New Development

National and local policy generally supports agricultural development in the countryside. Core Strategy policy SP1 states that proposals for development in the countryside will only be considered acceptable for specified types of development including agriculture. Paragraph 28 of the NPPF encourages local planning authorities to promote a strong rural economy by, amongst other things, promoting the development and diversification of agricultural and other land-based rural businesses. Core Strategy policy E1 supports rural diversification proposals which are necessary to meet the needs of farming and for which a rural location is essential.

The proposal meets the criteria outlined above as it is agricultural in nature and represents a diversification from a wholly arable to a mixed farm. The proposal would help to ensure the continued viability of the farm business but would be linked to another rural business, Moy Park Ltd, which has a factory approximately 20km away and the production of locally sourced food which would help to support a sustainable rural economy. Taking the above into account, it is considered that in principle, this type of development is acceptable in this type of rural location, subject to compliance with other national and local policies.

Highway Safety

The previously withdrawn application (S11/3166) proposed access to and from the site at Fallow Lane. This would have meant that all traffic generated by the site would have no alternative but to pass through the centre of Foston village. The applicant submitted a report and swept path analysis as part of that application following objections from the Highways Authority, in an attempt to show that the roads through Foston could accommodate the extra traffic generated without an adverse impact. However, the Highways Authority continued to object on the grounds of highway safety and traffic capacity stating:

“Clearly the road is considered unsuitable for the proposed use in terms of width, construction and general physical layout, and the local highway authority maintain their previously declared stance”

For that reason, that application was withdrawn. The applicant subsequently entered into pre-application discussions with the highway authority (although the District Council was not directly involved) to try to find ways of resolving the highways issue.

The current application proposes an extended access track from the west side of Fallow Lane running westwards approximately 700m and then turning southwards for approximately 1km to join the C442 at Newark Hill adjacent to Foston Lodge. The east- west section from Fallow Lane would be entirely new whilst the north – south section towards Newark Hill would utilise an existing hardcore farm track which would be upgraded to an appropriate standard. A short section of the

new track immediately to the west of Fallow Lane would run parallel to the Viking Way long distance path for approximately 200m, but would be physically separated from it by a hedgerow and buffer zone.

The proposed extended access track would effectively by-pass Foston village, and avoid the need for HGVs to negotiate the narrow roads through the village, particularly the sharp bends close to where Long Street meets Main Street.

The applicant has submitted extra speed readings taken at the Newark Hill access point, at the request of the highways authority following concerns that the original speed readings did not give a true indication. At the time of writing, the local highway authority had not given final comments on the application. However they have stated that they are likely to support the application subject to conditions requiring submission of further details regarding specification for the access track and improvement of the junction with Newark Hill and the point where vehicles would cross the existing highway of Fallow Lane, as well as a routing agreement backed up by a S106 to ensure compliance. On the basis of the comments received so far from the highways authority it is considered that highway safety would not be compromised at this access, within Foston itself or the wider area subject to conditions and a Section 106 agreement. Any further comments from the highways authority will be reported in the late background papers.

The applicant will be required to enter into a section 106 agreement, which would consist of a routing agreement that would ensure that all vehicles over 3.5 tonnes enter and leave the site via the new access track onto the C422 Newark Hill in order to avoid HGVs from the site going through Foston.

Conditions are suggested, should Members be minded to approve the application, to ensure a) that the access track is completed to the required standard before the use commences, b) that the track is of an appropriate construction where it would cross an Anglian Water sewer.

The volume of traffic generation is considered to be relatively low and the main periods of vehicular activity are expected to be concentrated at seven periods during the year due to the 35 -37 day growing cycle that will be implemented. Taking the above into account, and on the basis of the comments received so far from the highways authority the concerns which led to the withdrawal of the previous application have been satisfactorily overcome and that subject to conditions and a S.106 agreement, there would be no detrimental impact on highway safety or traffic capacity.

Visual Impact

The nature of the development means that it would not be appropriate to locate it close to or within villages or towns and can only be reasonably accommodated in relatively remote rural areas. This would inevitably have some impact by introducing a new feature into the landscape which would stand out to some degree. The key issue here is not whether the development would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

The site is located within the Trent and Belvoir Vales landscape character area which is described as "... a relatively simple, medium to large scale open or mixed farming landscape." The immediate area is fairly flat and consists of large intensively cultivated fields with few features of sensitivity, although some of the fields retain their hedgerow boundaries. The landscape is not statutorily designated and therefore not deemed to warrant the highest degree of protection.

Both the applicant and objectors refer to 1995 Local Plan policy AG1 which sought to locate new agricultural developments adjacent to existing farms or groups of buildings. This policy has not been in force since 2010 when the 1995 South Kesteven Local Plan was superseded by the South Kesteven Core Strategy. There is no direct equivalent in the Core Strategy. The nearest

equivalent is policy EN1 which seeks to ensure that development is appropriate for its context. It is acknowledged that in many cases, it is preferable to locate new agricultural developments within or adjacent to existing collections of buildings although this depends on the individual circumstances of each case.

In this case, whilst the poultry units would be some 300m away from the applicant's farmyard, the visual impact is considered to be low. The choice of site has been influenced by the constraints of the existing farmyard, including the fact that it lies within high risk flood zones 2 & 3 which are not appropriate for this type of development and the presence of high voltage power lines close to the site. The applicant states that the availability of an existing access track and water/power supplies was also a factor. Apart from the immediate environs, the buildings would appear as low key features within a wide open landscape and whilst noticeable, would not be overly prominent or uncharacteristic. Furthermore, the flat nature of the terrain combined with the relatively low height of the buildings would limit visibility from longer distance vantage points. Conditions requiring additional landscaping and the use of appropriate external colours and materials would further help to assimilate the buildings into the landscape. Given the expansive nature of the landscape and the relatively low height and rural appearance of the buildings, the proposal would not undermine the general character of the landscape. It is noted that the proposal has much in common with a similar poultry unit development that was approved by committee in 2011 (S10/2884) at Gonerby Lane, Allington, in terms of scale, appearance and the impact on the landscape character.

The nearest heritage assets are some distance away in the villages of Foston and Westborough. Taking into account the scale of the development and considerable separation distances involved, the setting of any heritage assets would not be affected.

In respect of the access track, the new section west of Fallow Lane would introduce a new feature into what is now open agricultural land. However, the visual impact of the track is low with no impact on the openness of the countryside, plus it would be mitigated by the planting of new hedgerow boundaries within what is currently a large field which itself is the result of the amalgamation of a number of smaller fields.

In summary, the proposal is appropriate to the character of the landscape and its natural, historic and cultural attributes and features.

Environmental and Amenity Impacts

In terms of odour, dust and noise/disturbance, the site is sufficiently well separated from the nearest sensitive receptors. The nearest dwellings (not in the applicant's ownership) are some 580m to the SW. SK Environmental Protection have stated that:

"In general the location of the proposed development is in a rural and remote location whereby its potential for impact on other properties would be relatively minimal".

Additionally, due to the scale of the operation, the applicant has applied for and obtained an Integrated Pollution, Prevention and Control (IPPC) licence from the Environment Agency (EA) that will provide detailed control over the operation including noise, odour, emissions, pests and waste etc and will ensure that no polluting effects will occur from the units themselves. Although the IPPC permit will not eliminate all emissions from the units, it will ensure that they are kept within acceptable limits. In respect of this application the EA has stated:

"We will only issue a permit if we believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit".

and

“As the proposed site is over 400 metres away from the village and in a downwind direction, amenity issues should not be a significant problem”.

In addition, the applicant will need to comply with various MAFF Codes of Practice on certain aspects of the operation.

In view of the significant separation distance from the nearest dwellings (approximately 580m) and fact that the environmental impacts and emissions from the poultry units themselves are controlled by other legislation, it is not necessary to attach planning conditions to mitigate any impacts from the poultry units. Concerns have been raised about odour from manure stored on or near the site and the spreading of manure on the applicant's fields. This is not covered by the environmental permit as it may involve land beyond the application site, and has the potential to create adverse effects on the nearest sensitive receptors, so it is considered prudent in this case to attach a condition requiring a waste management plan.

The Viking Way long distance footpath passes close to the site (approximately 300m to the south at the nearest point) and runs parallel to the access track for 200m west of Fallow lane. Concern has been raised that the development would have an unacceptable impact on recreational users of this route and other local footpaths and roads both visually and from noise and odours. The buildings would be apparent in the landscape to users of these routes and it is recognised that this route is a well used recreational facility. However, the Viking Way is a long distance path and there are wide ranging views from it in this area and the sight of the poultry units would only form a small part of the overall experience of using the path. There may be some localised odour or background noise but again it is not of such magnitude to warrant refusal. Subject to appropriate landscaping/materials etc, the units are compatible with the adjacent rural footpaths nor would they appear incongruous to users. Equally, the introduction of a relatively low key access track running parallel with the Viking Way for a short distance would have minimal impact on users experience of it, particularly as the two would be separated by a new hedgerow. Therefore neither the poultry units nor the access track would affect or dominate recreational users' experience of the path.

In respect of noise and disturbance from traffic entering and leaving the site, the level of traffic likely to be generated is not of such magnitude to give rise to unacceptable living conditions to nearby residents or recreational users of the countryside.

Lastly lighting on the site would not have an unacceptable impact on the character of the area.

Floodrisk

The site is located within Flood Risk Zone 1 which is designated as land not at risk of flooding. A SUDS drainage system is proposed which the EA and Upper Witham IDB are satisfied with in principle. Details of the final scheme will be required by condition. The proposal would not lead to an increased risk of flooding on or off the site. Whilst the access track passes briefly through floodzone 2 which is slightly more at risk of flooding, the porous construction of the track will ensure no increased risk of flooding.

Ecology

The land to be developed is of low ecological value being in intensive agricultural use. The phase 1 habitat reports submitted as part of the ES shows this to be the case. The effect of ammonia within the nearby statutory wildlife sites is low given that emissions are deemed to be insignificant. Although a short section of hedge would be removed, the landscaping condition would ensure that there is a net increase in hedgerows and vegetation which would enhance the biodiversity of the area in accordance with Section 11 of the NPPF.

Other Issues

Some issues raised by objectors are not material planning considerations and have not been taken into account when making this recommendation. These include the loss of a view, reduction in property values and fundamental opposition to poultry broiler production.

Notwithstanding the proximity to the Viking Way, by virtue of the earlier commentary in this report the proposal would not have a direct impact on tourism resulting in job losses or endangering the local economy.

Concern has been raised that if this application is approved it will set a precedent and pave the way for other such developments in the area or further expansion of the site at some future date. Any future planning applications would be assessed on their own individual merits.

Section 106 Heads of Terms

The application has not been accompanied by a draft planning obligation. However a S.106 agreement is necessary to ensure any vehicles over 3.5 tonnes enter and leave the land by way of the extended access track onto the C422 at Newark Hill. The obligation is a requirement of the Highway Authority in order to prevent heavy goods vehicles using roads unsuitable for this size of vehicle.

Crime and Disorder

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

Human Rights Implications

Articles 6 (Right to Fair Decision Making) and Article 8 (Right to Private Family Life and Home) of the Human Rights Act have been taken into account in making this recommendation.

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be an appropriate form of agricultural development in the countryside which is in accordance with national and local policies and would support the rural

economy. The impact of the development on highway safety has been taken assessed and considered to be acceptable subject to a routing agreement. The Environmental Statement has assessed the impact of the development on a number of considerations: water pollution, flood risk, disposal of litter, volume of traffic, access, odour, dust, noise, pests, visual impact and ecology. It concludes that there would be a low overall impact on the environment taking into account the mitigation measures proposed. The comments of nearby local residents and the Parish Council have been taken into account in the determination of the application and are considered as part of the assessment of the various impacts of the development. On balance, therefore, the various impacts of the development are not considered to be substantial and do not carry sufficient weight to warrant refusal.

The application is considered to comply with the National Planning Policy Framework Core Principles and Section 3 Supporting a Prosperous Rural Economy and Core Strategy, Section 7 – Requiring good design and Section 11 – Conserving and enhancing the natural environment and policies SP1, EN1, EN2 and E1.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through discussions during the course of the application. As such, it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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

1. 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.
2. The development shall not commence until details of the external finish and colour of the proposed buildings and structures 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 buildings/structures without the local planning authority's prior approval in writing.

Reason: To minimise the impact on the landscape in accordance with the National Planning Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

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

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. The implementation of the scheme is therefore necessary to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Core Strategy.

4. The development shall be built in accordance with the principles of the submitted Floodrisk Assessment and Surface water Drainage Strategy.

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

5. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

6. Development shall not begin until design details of any tanks, lagoons, pipework including materials and any proposed pollution prevention mechanisms have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To protect ground water quality from pollution from slurry collected in underground dirty water tanks.

7. Before development commences, details shall be submitted to and agreed in writing with the local planning authority of a scheme to protect the sewer which would be crossed by the new access track at OS ref SK854131 43990 from damage during construction and use. The development shall be carried out in accordance with the agreed details.

Reason: In order to ensure that this sewer is not damaged by the development.

8. Notwithstanding the submitted plans, before the development is commenced, further details shall be submitted to and approved in writing with the local planning authority regarding the final specification for the upgraded/extended access track between Fallow Lane and Newark Hill, improvement of the junction with Newark Hill, and improvement of Fallow Lane at the point where it would be crossed by the access track. The approved details shall be implemented prior to the occupation of the poultry units hereby approved.

Reason: In the interests of highway safety.

9. The development shall be built in accordance with the recommendations of the Phase One Habitat Reports submitted as part of this application.

Reason: To ensure that ecology is not adversely affected.

10. Before the use is commenced, details shall be submitted to and approved by the local planning authority of a waste management plan. The plan shall include details of outdoor storage and disposal of used litter. The development shall be operated in accordance with the agreed details.

Reason: In order to protect the amenities of nearby residents and recreational users of nearby public rights of way.

11. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: PA 263, PA 263 BP, PA 263 FP, PA 263 GP, PA 263 - Roadway, PA 263 - Access Plan, Proposed Access Plan, Passing Place Plan - Page 1, Passing Place Plan - Page 2, Passing Place Plan - Page 3, all received 04

January 2013.

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

Note(s) to Applicant

1. You are advised to the following comments of the Environment Agency into account when submitting a surface water drainage scheme:

The surface water drainage scheme should address the following issues:

1. There should be no direct discharge to groundwater;
2. All infiltration structures (permeable pavements, infiltration trenches, soakaways etc.) to be a shallow a depth as possible to simulate natural attenuation;
3. The base of the infiltration structures is to be at least 1m above the highest seasonal water-table;
4. Roof water should discharge to separate infiltration systems to those used for road and vehicle parking areas;
5. Roof water down-pipes should be connected to the drainage system directly, via re-use devices such as water butts or by means of back inlet gullies provided with sealing plates. There should be no open gratings;
6. Drainage systems should be constructed in line with guidance provided in CIRIA C697 as well as referring to the details given in C609.

The drainage scheme should ensure that it addresses any risks to groundwater quality as well as any surface watercourses. Details of the drainage system should be submitted to us as soon as possible. Please submit these details as soon as possible to Oma Onuiri in the Ground Water and Contaminated Land Team please contact via email:

[\(oma.onuiri@environment-agency.gov.uk\)](mailto:oma.onuiri@environment-agency.gov.uk)

2. As the application is for a poultry unit above the 40,000 limit the site will requires a Pollution Prevention and Control (PPC) permit for intensive poultry before the development goes ahead. Details of this are available on the Environment Agency website:

<http://www.environment-agency.gov.uk/business/sectors/32795.aspx> Please note that planning permission is required prior to the determination of a permit.

The package treatment plant will require a discharge consent from the Agency. Details of this are available on the Environment Agency website:

<http://www.environment-agency.gov.uk/business/regulation/32038.aspx>

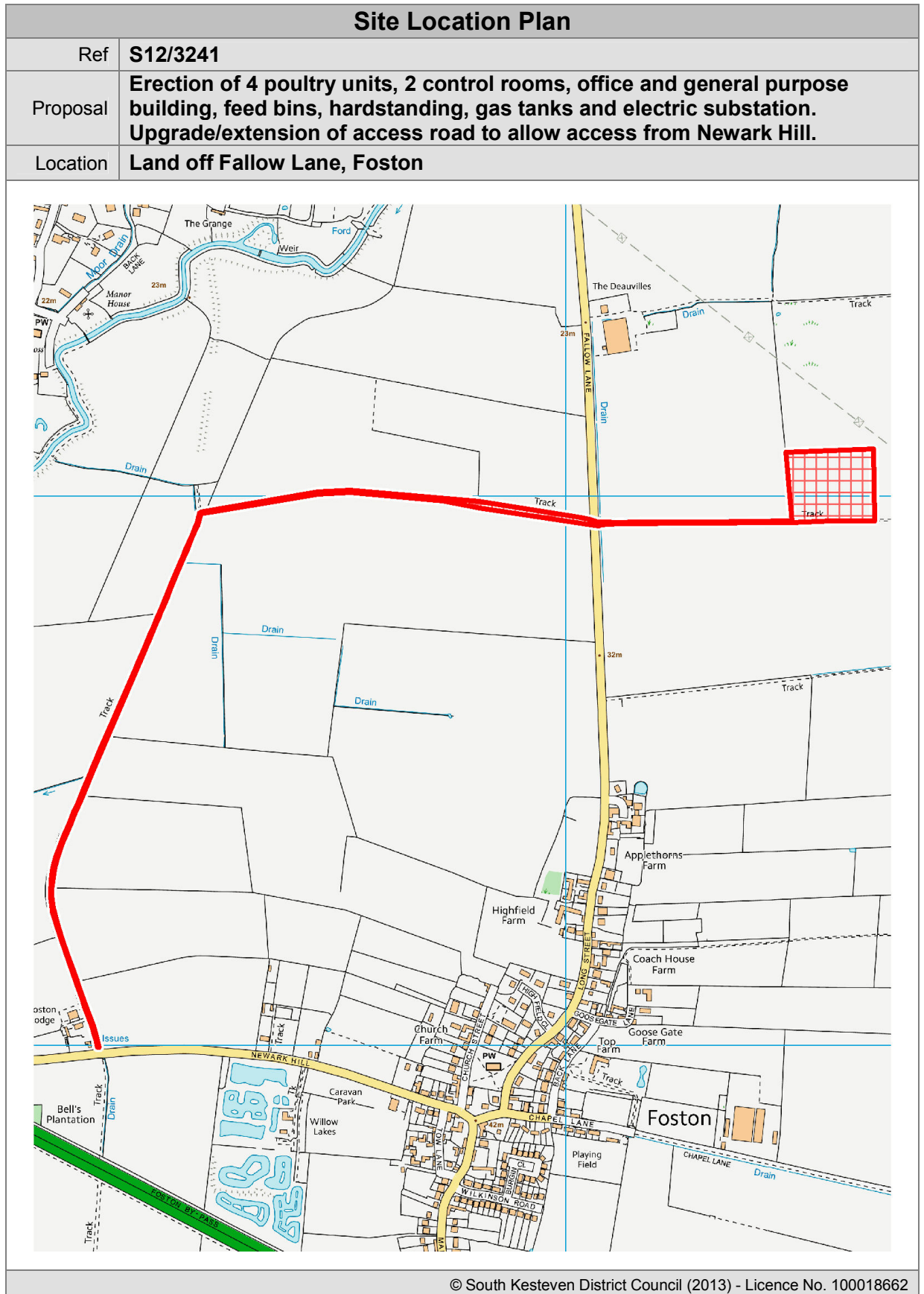
It is noted from the application that Liquid Petroleum Gas will be stored on site which is a hazardous substance. To find out more about hazardous substances and the permits you need please visit the Environment Agency website: <http://www.environment-agency.gov.uk/business/topics/hazsubstances/default.aspx>

If you wish to discuss these matters please contact Kathryn Carr, in Environment Management at the EA on 01536 385181.

3. It will be necessary to enter into a Section 278 Agreement of Highways Act 1980 with the local highway authority, Lincolnshire County Council for works to improve Fallow Lane at the point where it is crossed by the access track.
4. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187)

to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *



Applicant	Tesco Stores Limited c/o agent
Agent	Mrs Rachel Wilbraham, DPP One Ltd Abbey Business Centre, 53, Fountain Street, Manchester, M2 2AN
Proposal	Removal of condition 1 of p/p S12/2310 to allow 24 hour deliveries
Location	Tesco Store, Cherry Holt Road, Bourne, Lincolnshire, PE10 9LS
App Type	Major Full (Non-residential)
Parish(es)	Bourne
Reason for Referral to Committee	The application has been referred to the Development Control Committee because the application is for major development.
Recommendation Summary	The proposal seeks consent to allow 24 hour deliveries to the store. Since the approval of the Service Yard Management Plan (S12/3255) in January 2013 the site has operated 24 hour deliveries and Environmental Protection have received no noise complaints regarding the operation. The Council's Environmental Protection Officer has raised no objection to the current proposal having regard to the distances to residential properties, the nature of the unloading bay and the agreed Service Yard Management Plan. On this basis it is recommended that the proposal for the removal of condition 1 of application S12/2310 is approved to allow 24 hour deliveries.

Key Issues

- Affect on surrounding residential properties.

Technical Documents Submitted with the Application

- Noise report.

REPORT

Application Category

This application is categorised as a major.

Reason for Referral to Committee

The application has been referred to the Development Control Committee because the application is for major development.

The Proposal

This is an application under section 73 of the Town and County Planning Act 1990 to remove condition 1 of application S12/2310 which states:

The delivery hours hereby permitted shall be discontinued and the store shall revert back to the delivery hours approved under application S10/0069 on or before 6 months from the date of approval of the servicing management plan submitted in respect of condition no.9 of this planning permission.

Reason: The Council wish to monitor the extended opening hours for a 6 month period in order to assess potential impact on the residential amenity of the occupiers of adjacent properties.

The applicants have submitted a Noise Assessment in support of the application.

In support of the S12/2310 application the following was submitted by the agents:

- The additional delivery hours would enhance the operation of the store by ensuring the continued availability of fresh produce throughout the week. During the week, additional delivery hours in the evenings would provide greater flexibility and improved operation, and would ease the current concentration of deliveries in the morning.
- The timing of deliveries is important to ensure that the movement of goods, staff and customers through the store are optimised. This approach can seek to ensure that stock levels are replenished effectively, and in a manner which allows the customer experience to be maximised.
- The variation of delivery hours would enhance customer satisfaction, due to less congestion on the shop floor, as the shelves can be stacked throughout the day, which would help reduce the risk of slip or trip hazards.
- Having regard to the above, it is considered that the existing condition relating to deliveries is unduly restrictive. It places an unnecessary constraint on the operation and management of the store, which hinders the ability to serve local residents.
- No building work was proposed as part of the application. The existing access to the site will be retained as the proposed development does not require any modification of the access arrangements.

- The Sharps Redmore Environment Noise Assessment has demonstrated the proposed hours will not affect residential amenity. Additional safeguards are suggested to ensure that there would be no material adverse impacts upon residential amenity are proposed.
- The additional deliveries would improve the operation of the store, whilst the technical assessments prepared by Sharps Redmore Partnership, clearly demonstrate that no demonstrable harm would arise. This conclusion has previously been supported by the Council's EHO officer subject to the following conditions;
 1. At no time during the night shall any delivery vehicle remain stationary with its engine idling whilst waiting to undertake a delivery or whilst its delivery is being offloaded.
 2. No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00pm and 7:00am.
 3. Reversing alarms to delivery vehicles operating during the night shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.

The application site and its surroundings

The application site is located at the junction of South Road and Cherry Holt Road, approximately 1km to the south of Bourne town centre. The site measures approximately two hectares (five acres).

Residential properties are located to the north and west of the site on the opposite side of Cherry Holt Road and South Road, with to the south a medical centre and key workers accommodation. The Car Dyke (a historic roman canal) runs north south along the sites eastern boundary. Beyond the Car Dyke lies Victor Way Industrial Estate.

Site History

Relevant Planning History

S03/0384 – Change of use from light industry to retail (B1 to A1). This application was withdrawn.

S05/1078 – Demolition of factory and construction of food store, 4 non-food store retail units, A3 takeaway and ancillary works. This application was withdrawn.

S06/0756 – Demolition of existing factory unit and erection of 1 foodstore, 4 non-food retail units with service yard and associated car parking. The Development Control Committee considered the application on the 14 November 2006 where the decision was deferred to the Chairman and Vice Chairman subject to referral of the application to the Secretary of State. Following confirmation from the Government Office that the Secretary of State did not want to call-in the application and following the completion of a Section 106 Agreement the application was approved on 17 April 2008.

S08/0443 – Erection of a food store, 3 non-food stores, garden centre, car park, vehicular access and associated development. The Development Control Committee considered the application on the 1 July 2008 but the decision was deferred to the Chairman and Vice Chairman subject to referral of the application to the Secretary of State. Following confirmation from the Government Office that the Secretary of State did not want to call-in the application and following the completion of a Section 106 Agreement the application was approved on 11 August 2008.

S10/0069 - Erection of foodstore with car parking and associated works. This development was approved in June 2010.

S12/2310 – Removal of condition 12 of pp S10/0069 to allow 24 hour deliveries. This was approved for a 6 month temporary period to assess the impact on surrounding development.

S12/3255 – Approval of details condition 9 S12/2310 Service Yard Management Plan. Approved 23 January 2013.

Representations Received

Bourne Town Council:

At the time of preparing the committee report the Town Council comments had not been received. Any representation will be included in the late papers.

Environmental Protection:

Environmental Protection has reviewed the documents submitted with the above application and the conditions contained in the decision notice for planning application S12/2310.

Given that the delivery area to the rear of the store is at a reasonable distance from residential properties, there is a purpose built vehicle dock to the store, no public complaints have been received by Environmental Protection and that Tesco will be carrying out deliveries to the submitted Service Yard Management Plan for Bourne (email of 15/01/2013) I am therefore satisfied that condition 1 of Planning Application S12/2310 can be removed.

Lincolnshire County Council Highways:

Does not wish to restrict the grant of permission.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. At the time of writing this report 2 responses have been received from local residents and the comments raised are summarised below:

- Object to proposal on the same grounds as previously stated.
- Increase noise and disturbance detrimental to residential amenity.
- Increase in traffic movements with waiting lorries parked on double yellow lines.
- Not clear if noise survey has taken into account effect on residential houses from vehicles parking on the road.
- Vehicles will park on Cherry Holt Road and cause further disruption and noise.
- increase noise and pollution from HGV's
- Deliveries should be restricted to current store opening times, 6am to midnight.

Policy Considerations

Policy EN1: Protection and Enhancement of the Environment

This policy seeks generally to protect the visual quality and amenity of the built and countryside environments. The policy lists seven points which development proposals should comply with and point seven deals with noise issues:

Avoid pollution of their surroundings by noise, toxic or offensive odour or by release of waste products.

Key Issues

The main key issue to be considered in the determination of this application is the impact of noise and disturbance upon the amenities of nearby properties.

Evaluation

Noise and disturbance

The original approval (S10/0069) permitted 24 hour trading from the store with a condition restricting deliveries to between 0600 and 2330 - Monday to Saturday and 0830 and 2000 on Sunday.

Since the approval of the Service Yard Management Plan (S12/3255) in January 2013 the site has operated 24 hour deliveries and Environmental Protection have received no noise complaints regarding the operation.

The Council's Environmental Protection Officer has raised no objection to the current proposal having regard to the distances to residential properties, the nature of the unloading bay and the agreed Service Yard Management Plan. On this basis it is recommended that the proposal for the removal of condition 1 of application S12/2310 is approved to allow 24 hour deliveries.

Crime and Disorder Implications

It is considered that the proposed development will not result in any 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.

SUMMARY OF REASON(S) FOR APPROVAL

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

The proposal seeks to amend the hours of delivery for the Tesco supermarket to 24 hour deliveries by removing condition 1 of S12/2310.

In the opinion of the local planning authority it is considered that the proposed new delivery hours will not have a significant adverse impact on the private amenities, by way of noise and disturbance, of occupiers of nearby residential dwellings.

It is therefore considered that the proposal is in accordance with National Planning Policy Framework and policies EN1 of the South Kesteven Core Strategy (2010).

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

1. The arrangements shown on the approved plan 6514/P02 Rev C received 14 January 2010 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 South Road/Cherry Holt Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

2. The development shall operate in accordance with the Travel Plan submitted to and approved in writing by the local planning authority on 12 January 2011 under planning permission S10/2544. An annual staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.

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

3. Within seven days of the new access being brought into use, the existing access onto the A151 Cherry Holt Road shall be permanently closed in accordance with a scheme to be agreed in writing by the local planning authority.

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

4. Prior to occupation of the hereto permitted development being brought into use, the works to improve the public highway indicatively identified on drawing 6512/P02 Rev C 14 January 2010 (by means of widening with a Ghost Island Right Turn Lane on Cherry Holt Road together with all ancillary works) shall be completed to the satisfaction of the local planning authority.

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

5. The surface water drainage scheme shall be implemented in accordance with the details approved on 23 September 2010 under planning permission S10/1761.

Reason: To ensure that there is no increase in the risk of flooding, both at the site and to third parties, as a result of the proposed development.

6. The development hereby approved shall be carried out in strict accordance with the amended lighting plan LS182 11/1 dated 10 March 2010.

Reason: To protect the residential amenity of the occupiers of adjacent properties in

accordance with saved policy EN1 of the South Kesteven Local Plan.

7. The acoustic fence/wall as agreed on 23 september 2010 under planning permission S10/1761 shall be maintained in perpetuity.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

8. The development shall be carried out on accordance with the servicing management plan as agreed under planning permission S12/3255 to ensure that nearby residential areas are protected from noise related to the delivery movements.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

9. The development hereby approved shall only be carried out in strict accordance with the conclusions and recommendations of the Contaminated Land Report submitted by Delta Simons reference 09-3121.03 received on 13 January 2010 and in accordance with the approved ground gas remediation scheme details agreed on 23 September 2010 under planning permission S10/1761.

Reason: To protect the residential amenity of the occupiers of adjacent properties in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

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

Reason: To ensure that any unexpected contamination encountered during development is dealt with appropriately.

11. The development shall be constructed to accord with the finished floor levels indicated on plan ref. 6514/P06 received 14 January 2010.

Reason: To ensure that the development is built in accordance with the approved plans and to accord with PPS25.

12. The development shall be constructed from the materials indicated on drawing number 6514/P03 Rev C unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory development of the site.

13. No more than 2,814 sq.m. of floor area shall be used for direct retail sales.

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

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

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

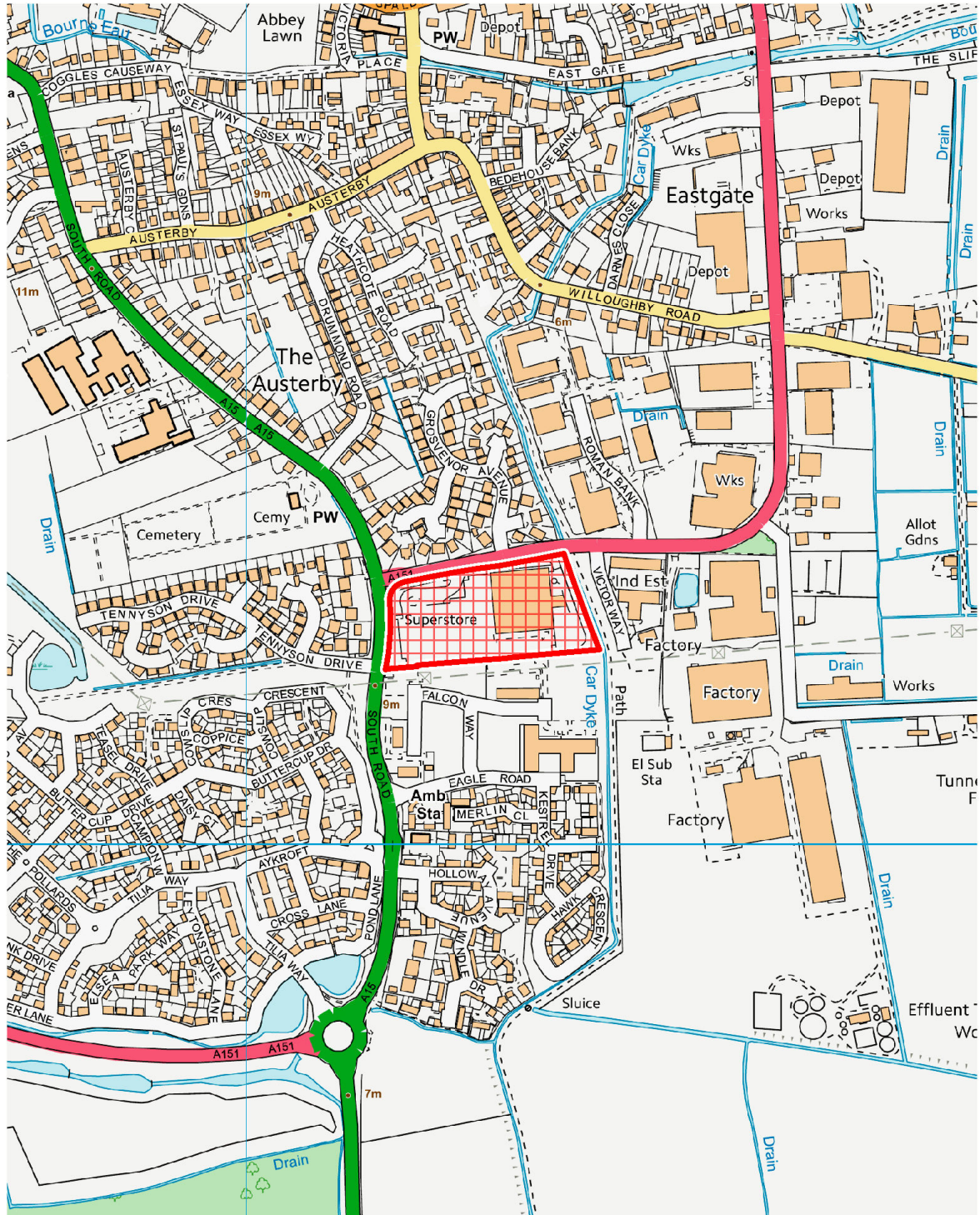
15. No more than 2,129 square metres of the net sales floorspace shall be used for the sale of convenience shopping goods including everyday essentials including food, drinks, newspapers, magazines and confectionary. The remaining 684 square metres of net sales floorspace shall only be used for the sale of comparison shopping goods including clothing, electrical goods, books, toys, entertainment media, kitchenware and hardware.

Reason: To protect the viability and vitality of the nearby shopping centre.

* * * * *

Site Location Plan

Ref	S13/0991
Proposal	Removal of condition 1 of p/p S12/2310 to allow 24 hour deliveries
Location	Tesco Store, Cherry Holt Road, Bourne, Lincolnshire, PE10 9LS



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Applicant	Rachel Armstrong 106, Harrowby Road, Grantham, Lincolnshire, NG31 9DS
Agent	
Proposal	Proposed terrace to rear of dwelling and erection of single storey double garage
Location	106, Harrowby Road, Grantham, Lincolnshire, NG31 9DS
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The applicant is a member of staff.
Recommendation Summary	The proposals do not introduce any unacceptable highway safety issues and are not detrimental to neighbouring occupiers' residential amenities or the character of the area and complies with Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework requiring Good Design.

Key Issues

- Highway Safety
- Residential Amenity
- Impact on Conservation Area

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

Application Category

This application is categorised as a Householder Development application.

Reason for Referral to Committee

The applicant is a member of staff.

The Proposal

This is a householder application for a proposed terrace to rear of the dwelling and construction of single storey double garage.

The Application Site and its Surroundings

The application site is located in a residential area of Harrowby Road. 106 Harrowby Road is a terraced house with a small front garden and sloping rear garden. The property benefits from existing off road parking accessed from Granville Street. The parking for neighbouring properties comprises single and double garages; few spaces remain as open parking. The application site lies within the recently designated St Anne's Conservation Area.

Relevant Site History

There is no relevant planning history on this site.

Policy Considerations

National Policy

NPPF – Section 7 Requiring good design

South Kesteven Core Strategy

EN1 – Protection and Enhancement of the Character of the District

Representations Received

Lincolnshire County Council Highways – Does not wish to restrict the grant of permission.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and at the time of drafting this report, no representations have been received. Any comments that are received will be presented within the late items paper.

Officer Evaluation

The key issues are the impact of the garage upon highway safety; the impact of the terrace upon the amenities of neighbours and whether the overall development would preserve or enhance the character or appearance of the Conservation Area.

The proposed garage will take the place of the existing hard standing and will be situated approximately 13 metres from the main dwelling house and therefore having little impact upon either Harrowby Road or Dudley Road. No objection has been received from the Highways Authority as the garage will have no impact on highway safety.

The garage will occupy the full width of the plot with a height of 3 metres. Given the fall in levels from the applicant's dwelling and the existence of similar structures in the vicinity, the garage will have no detrimental impact upon the nearby designated Conservation Area.

The proposal includes a raised terrace which is to be constructed from timber and will have timber balustrade, sited a maximum of 1.4 metres off the rear garden ground floor level. Extending approximately 2.4 metres from the rear face of the dwelling house, the terrace will be accessed from the property through a pair of doors that are already in-situ.

The terrace is close to the rear/side boundary of 108 Harrowby Road but 2.0 metre high timber fence is to be erected to this side along the full length of the terrace. This mitigation together with the extent of the existing boundary planting will mitigate against any potential of overlooking or loss of privacy to this neighbouring property.

A suitable distance of separation exist between the terrace and the curtilage of the other neighbouring properties to ensure that the residential amenities will not be adversely affected.

In conclusion the proposals will preserve the character and appearance of the St Anne's conservation area; there will be no impact upon highway safety and sufficient measures have been undertaken to ensure the development does not cause unacceptable levels of overlooking.

It is recommended that planning permission should be granted for the proposal.

Crime and Disorder

It is considered that the development would not result in any significant adverse 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 proposals do not introduce any unacceptable highway safety issues and are not detrimental to neighbouring occupiers' residential amenities or the character of the area and complies with Policy

EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework requiring Good Design.

SUMMARY OF REASON(S) FOR APPROVAL

The proposals do not introduce any unacceptable highway safety issues and are not detrimental to neighbouring occupiers' residential amenities or the character of the area and complies with Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework requiring Good Design.

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 be carried out in accordance with the following list of approved plans submitted as part of the application:

Design and Access Statement received 16-4-2013

Drawing Number 004 Proposed garage and terrace received 16-4-2013

Drawing Number 002 Dimensioned Block Plan received 16-4-2013

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

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan	
Ref	S13/0980
Proposal	Proposed terrace to rear of dwelling and erection of single storey double garage
Location	106, Harrowby Road, Grantham, Lincolnshire, NG31 9DS



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Applicant	Mr L Warner & Miss K Black 7, Applewood Drive, Grantham, Lincolnshire, NG31 8QN
Agent	Mr Bruce Watt, Hilltop Design Hill Top, Harrowby Lane, Harrowby, Grantham, Lincolnshire, NG31 9HB
Proposal	Single storey side extension
Location	7, Applewood Drive, Grantham, Lincolnshire, NG31 8QN
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee at the request of the Chairman of the Development Control Committee as the applicant is related to staff member.
Recommendation Summary	Recommendation to Approve

Key Issues

- Accordance with policy
- Impact on residential amenity
- Impact on visual amenity

Technical Documents Submitted with the Application

- Site Plan
- Block Plan
- Elevational Drawings
- Floor plans

REPORT

Application Category

This is a Householder Application.

Reason for Referral to Committee

The application is being referred to the Development Control Committee because the applicant is related to a member of staff.

The Proposal

The application is for a single storey side extension.

The extension will have a pitch roof and a window to the front elevation and glazed double doors to the rear.

Internally the extension will provide a study and dining room.

The Application Site and its Surroundings

The application site is located on Applewood Drive.

The existing property forms part of a pair of semi detached properties.

The immediate area is predominantly residential with neighbouring properties consisting of dwellings of a matching design to the applicant's property.

Site History

There is no history of previous planning applications on the site.

Policy Considerations

National Planning Policy Framework

Section 7 Requiring Good Design
Section 11 Conserving and enhancing the natural environment

Policies of South Kesteven Core Strategy

Policy EN1

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. .

At the time of writing this report no representations had been received. Should any further objections be received then these will be reported within a late items paper.

Key Issues

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

Crime and Disorder Implications

The proposal raises no significant crime and disorder implications

Human Rights Implications

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

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

Conclusion

The single storey extension is to the side of the dwelling and a suitable distance from neighbouring properties. Having regards to the scale of the extension and the relationship with the surrounding neighbouring properties the proposal is acceptable as it would not have a detrimental or overbearing impact on the occupants of any nearby property.

Due to the single storey nature of the extension and the appropriate siting of the openings the proposal would not have an overlooking impact.

The proposed development has been suitably designed and scaled to respect the character of the area and is acceptable.

SUMMARY OF REASON(S) FOR APPROVAL

The single storey extension is to the side of the dwelling and a suitable distance from other neighbouring properties. Having regards to the scale of the extension and the relationship with the surrounding neighbouring properties the proposal is considered acceptable not impacting adversely on residential amenity or the character of the street scene.

Accordingly the proposal is in accordance with sections 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay.

As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

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

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

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

2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

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

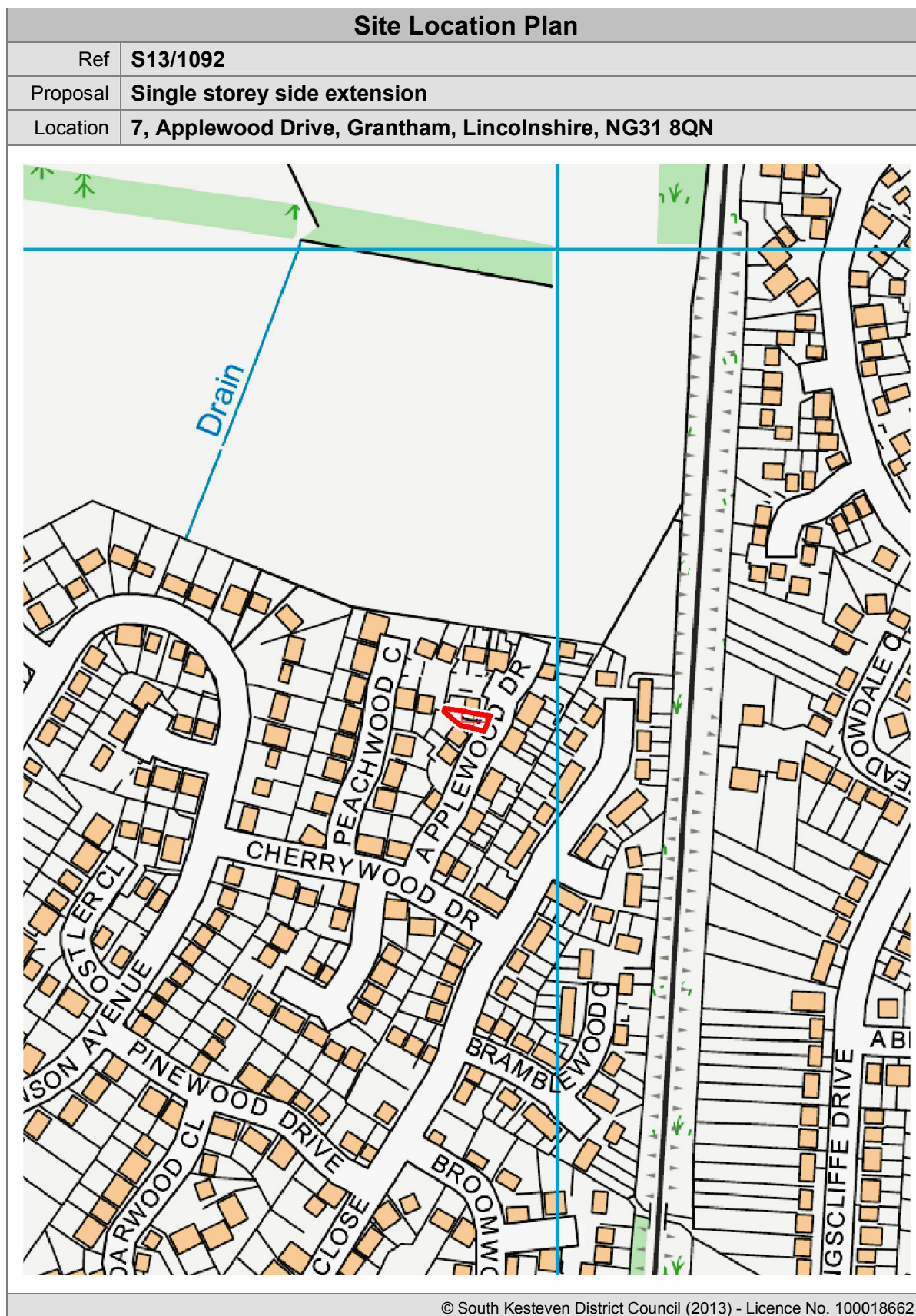
Drawing Sheet Number 1 dated 19th April 2013

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

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *



REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF: **Development Management Service Manager**

REPORT NO: **PLA 994**

DATE: **4 June 2013**

TITLE:	S13/0260 Development of a Football Stadium, with associated infrastructure and facilities to include multi-use training pitch. Erection of sports college building to include dual use facilities for the football stadium. Provision of car and coach parking area with additional use for car boot sales on up to 30 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations. On land west of Ryhall Road, Stamford	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Mrs Frances Cartwright Portfolio: Grow the Economy – Economic Development	
CONTACT OFFICER:	Justin Johnson – Principal Planning Officer, South Team Tel: 01476 40 63 92 E-mail: j.johnson@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below Not applicable	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Planning application S13/0260 and Development Control Committee Agenda and Munities from meeting on Tuesday 26 March 2013.	

1. RECOMMENDATIONS

- 1.1 That the application be approved, subject to minor amendments to conditions 27 & 30 referred to in this report that are required to update both the architectural site layout drawings and the technical highway drawings.
- 1.2 Authority be delegated to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman subject to the signing of a legal agreement to secure the necessary highways contributions and subject also to the conditions and notes set out in the report circulated at the meeting on the 26 March 2013 with the amended highways conditions (conditions 27 & 30) set out in this report.
- 1.3 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.

2. PURPOSE OF THE REPORT

- 2.1 At the meeting of the Development Control Committee on the 26 March 2013 it was resolved that planning permission be granted subject to a Section 106 agreement, but it has not been formally determined as the legal agreement has not yet been completed. Since that date the applicant has submitted updated access plans to clarify the relationship between the technical highway specifications and the architectural drawings.
- 2.2 The amendments are considered acceptable by the Local Highway Authority as the revised details do not significantly amend the access arrangements but more accurately tie the highways technical drawings in with the architectural layout plans. The proposed changes require conditions 27 and 30 to be slightly amended to refer to the new plan numbers to address the timing of the implementation of the access works. The purpose of this report is to explain to Members the rationale behind these minor amendments to the conditions and how this does not fundamentally affect the earlier decision of Members at their meeting on 26 March 2012.

3. DETAILS OF REPORT

- 3.1 The principle of the development has already been accepted at the 26 March 2013 committee meeting and the proposal itself has not changed. The only aspect of the development which is under consideration is the proposed changes to conditions 27 and 30 which are relatively minor and do not affect the fundamental acceptability or otherwise of the development. The amended conditions are required to update both the architectural site layout drawings and the technical highway drawings.

- 3.2 The proposed access position will not change from that shown on the site layout and block plans originally considered by the development control committee. The basis upon which the earlier decision was made remains sound. The amended highways drawings are acceptable to the local highway authority and it is recommended that conditions 27 and 30 be amended from:

27. Before the development commences the land between the highway boundary and the vision splays indicated on drawing number 10000/04/01 & 10000/04/02 dated January 2013 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

30. No development shall be commenced before the works to improve the public highway (by means of ghost island right turn facility and 2 metre combined foot/cycleway together with all necessary lighting, drainage, marking and ancillary works as indicatively identified on drawing number 10000/04/01) or as specified have been certified complete by the local planning authority.

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

to state the following:

27. Before the development commences the land between the highway boundary and the vision splays indicated on drawing number 10000/04/01 & 10000/04/02 received on 14/5/2013 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

30. No development shall be commenced before the works to improve the public highway (by means of ghost island right turn facility together with all necessary lighting, drainage, marking and ancillary works as indicatively identified on drawing number 10000/04/01 received on 14/5/2013) or as specified have been certified complete by the local planning authority.

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

4. OTHER OPTIONS CONSIDERED

- 4.1 None

5. RESOURCE IMPLICATIONS

5.1 No significant impact on resources

6. RISK AND MITIGATION

6.1 No significant risks identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 N/A

8. CRIME AND DISORDER IMPLICATIONS

8.1 None

9. COMMENTS OF FINANCIAL SERVICES

9.1 There are no specific financial implications associated with this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 In circumstances where amendments to planning conditions are required following the submission of updated access plans and subsequent to the matter having been considered by the Development Control Committee ("the Committee") on 26th March 2013, it is appropriate that the planning application be brought back to the Committee for further consideration.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 N/A

12. APPENDICES:

12.1 Minutes of Development Control Committee 26 March 2013

**Extract from Development Control Committee minutes
26 March 2013**

Extract from minute number 103

JJ1

Application ref: S13/0260/MJNF

Description: Development of a Football Stadium, with associated infrastructure and facilities to include multi-use training pitch. Erection of Sports College building to include dual use facilities for the football stadium. Provision of car boot sales on up to 30 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations.

Location: Land west of, Ryhall Road, Stamford

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

In presenting the application, the Case Officer referred to a further letter which had been received, and drew the attention of Members to a complete revised list of conditions which had been circulated to Members at the meeting.

(2.43pm – Councillor Adams left the meeting).

(2.45pm – Councillor Adams returned to the meeting).

(3.15pm – Councillor Stokes left the meeting).

(3.17pm – Councillor Stokes returned to the meeting).

(The meeting adjourned from 3.19pm to 3.35pm).

Noting comments made during the public speaking session from:-

Mr P Williams – Ryhall Road Residents' Association – objecting
Egerton Gilman – objecting
County Councillor John Hicks
Mr Paul Huyton – objecting
John Burrows – Stamford AFC – supporting
Gary McPartland – Director of Learning for Construction, Motor Vehicle, Sports and Public Services, New College, Stamford – supporting
Geoff Capes – supporting
Andrew Patience – Principal and Chief Executive, New College, Stamford – supporting
David Pennell – applicants
Peter Hepworth – applicants' noise consultant

together with comments from the Highway Authority, Ryhall and Uffington Parish Councils, Sport England, Lincolnshire Wildlife Trust, Lincolnshire Police, Lincolnshire

Fire and Rescue, Natural England, Consultant Arboriculturalist and the SKDC Landscape Consultants, objections from nearby residents and the Ryhall Road Residents' Association, and a note of the Section 106 Heads of Terms; late information report circulated to Members before the meeting, including a note of 10 further letters of objection, support from Stamford Town Council, comments from Uffington Parish Council, no objection from Environmental Protection, comments from MAS Environmental, a statement of objection from a local resident, information in support from the applicant and officer comment on all the information received; together with comments made by Members at the meeting.

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

It was proposed and seconded that the application be approved in accordance with the conditions set out in the list circulated at the meeting.

Following comments in relation to the access into the site off Ryhall Road, the Chairman drew the attention of Members to condition 30, which required the provision of a ghost island. He also suggested an amendment to condition 27, to require works to the access to be carried out before the commencement of development on site. The proposer and seconder accepted this amendment.

A Member requested that the discharge of condition 9 be brought before the Committee, but the Chairman advised that as this would require an application, any Member could request committee consideration at the time the application was submitted.

Following comments in regard to the opening hours of the sports hall, it was proposed and seconded that the hours be 7am to 12 midnight, seven days a week. The proposer and seconder of the original motion declined to accept this amendment. On being put to the vote, the amendment was lost.

The Chairman suggested an amendment to condition 18, to require the submission of details of the noise management scheme prior to the commencement of development, rather than the commencement of the use. This was agreed by the proposer and seconder of the motion.

Comments were made in relation to the effect of lighting on wildlife, and it was suggested that there should be an appropriate condition. Advice on conditions was available within the Wildlife and Countryside Act. The Solicitor advised that any condition must be necessary, and the test to consider was whether or not the application would be refused if the condition was not imposed. In the circumstances, he suggested that it was debateable whether the suggested condition was in fact necessary and reasonable. The Member withdrew the suggestion.

The proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman subject to the summary of reasons set out in the Case Officer's report, to the signing of a legal agreement to secure the necessary highways contributions and subject also to the conditions and notes set out in the report circulated at the meeting, 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.

Agenda Item 7

AGENDA ITEM

Report No: PLA. 995

DEVELOPMENT CONTROL COMMITTEE

4 June 2013

REPORT BY DEVELOPMENT MANAGEMENT SERVICE MANAGER

Information relating to development control and other planning activity

TABLE 1 Applications not determined within statutory period

This table, broken down into Major applications and Others, lists those applications that have not been determined within the recommended 13 week (for Majors) or 8 week (for Others) time period. These applications are listed by application number stating a brief reason for the decision not being made.

Applications outstanding (at the date the report was compiled) =

TABLE 2 Applications dealt with under delegated powers from 29 April – 17 May 2013

This table lists those applications upon which decisions have been made under the Powers of the Council Exercisable by Officers (as adopted by the District Council on 27 October 2006).

TABLE 3A Outstanding Planning Appeals TABLE 3B Appeal Decisions with Summary (to 17 May 2013) DOCUMENT 3C Copy of Appeal Decisions (to 17 May 2013)

Table 3A lists outstanding appeals including newly submitted appeals and Table 3B lists recent decisions accompanied by a summary. Document 3C gives the full appeal decision received from the Planning Inspectorate.

TABLE 4 Planning applications performance

This table displays new end to end times for determining applications.

DEVELOPMENT MANAGEMENT**Applications not determined within the statutory period**

Report No: PLA.995

Date Prepared: 20 May 2013

No of applications over 8 weeks: 35

MAJOR APPLICATIONS
(13 weeks)**S12/0484/MJRO/KJC**

Date received:

27-Feb-2012

No of days: 448

Stephen Holman, Yelcon Homes Ltd

Erection of 55 residential units (including 8 affordable units)

Outline

Barrack Gardens/Beacon Lane Allotments, Beacon Lane,
GranthamReason for non-determination:

Viability report received January 2013 and being reviewed.

Reported to Committee 4 June 2013.

S12/2495/MJNF/JJ

Date received:

10-Oct-2012

No of days: 222

Mr A Freeman

Application to vary Conditions 5 and 12 of application

SK.07/1569/90 relating to wardens accommodation,
associated with the leisure parkBaston Fen Leisure Park, Cross Road, Baston, Peterborough,
Lincolnshire, PE6 9PXReason for non-determination:

Subject to S106 - due end of June 2013

S11/2002/MJRO/KJC

Date received:

24-Aug-2011

No of days: 635

Andrew Rogers, JGP Properties LtdOutline planning permission for residential development and
the formation of new vehicular access

Land Off Main Road, Long Bennington

Reason for non-determination:

Awaiting signing of S106 – due end June 2013

S13/0260/MJNF/JJ

Date received:

30-Jan-2013

No of days: 110

**D Pennell Burghley Estates Leisure Ltd &, Burghley
House Preservation Trust**Development of a Football Stadium, with associated
infrastructure and facilities to include multi-use training pitch.Erection of sports college building to include dual use facilities
for the football stadium. Provision of car and coach parking
area with additional use for car boot sales on up to 30 days in
any calendar year. Creation of new means of access from
Ryhall Road with associated highway alterations.

Land west of, Ryhall Road, Stamford

Reason for non-determination:

Awaiting for completion of S106 – June 2013

S12/2348/MJNF/SB

Date received:
09-Nov-2012
No of days: 192

Blue Sky Plastic Recycling

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

South Fen Road, Bourne, PE10 0DN

Reason for non-determination:

S106 Agreement to be completed – awaiting highways to amend plan

S13/0150/MJRF/AH

Date received:
11-Feb-2013
No of days: 98

Barry Maynard, Linden Homes

Erection of 15 no.dwellings with access (off Belvoir Close), parking, landscaping and associated works
land off Belvoir Close, Stamford

Reason for non-determination:

Deferred by Committee – target date for return to Committee is 25 June 2013

ALL OTHER APPLICATIONS (8 weeks)

S13/0041/ADV/PL

Date received:
07-Jan-2013
No of days: 133

Mr P Stokes, South Kesteven District Council

3 Non - Illuminated crests and signage
Bourne Corn Exchange, Abbey Road, Bourne

Reason for non-determination:

Deferred by Committee - awaiting amendments

S10/1805/FULL/KJC

Date received:
13-Oct-2010
No of days: 950

Mr S Turner, Grantham Roofing Services Ltd

Residential Development for the creation of nine flats including demolition of the existing building
20b, Swinegate, Grantham, NG316RJ

Reason for non-determination:

Amended plans sought in relation to impact on neighbouring property. Will be reported to Committee 4 June 2013

S13/0535/FULL/PJM

Date received:
12-Mar-2013
No of days: 69

Vets 4 Pets Ltd

Change of Use to veterinary surgery with ancillary retail use including external alterations
95-97 London Road, Grantham, Grantham, Lincolnshire, NG31 6HS

Reason for non-determination:

Awaiting Highways comments – to determine by 7 June 2013

S13/0438/ADV/PJM

Date received:
15-Feb-2013
No of days: 94

Mr Robert Hodgson, J Hodgson & Sons Ltd

Erection of 3 No. externally illuminated fascia signs
29 & 30 Market Place, Grantham, Lincolnshire, NG31 6LR
Reason for non-determination: to determine by 7 June 2013
Awaiting amended plans - to determine by 7 June 2013

S13/0447/LB/PJM

Date received:
15-Feb-2013
No of days: 94

Mr Robert Hodgson, J Hodgson & Sons Ltd

Erection of fascia signage
29/30, Market Place, Grantham, Lincolnshire, NG31 6LR
Reason for non-determination: to determine by 7 June 2013
Awaiting amended plans - to determine by 7 June 2013

S13/0232/FULL/AH

Date received:
04-Feb-2013
No of days: 105

J D Wetherspoon plc

Change of use from office (Class B1) use to public house (Class A4) use including external alterations and associated works along with the provision of an outside seating area and detached smoking shelter
Mercury House, 7, Sheep Market, Stamford, Lincolnshire, PE9 2QZ
Reason for non-determination:
Awaiting Committee – on Agenda 4 June 2013

S13/0312/LB/AH

Date received:
20-Mar-2013
No of days: 61

Mr John D & Mrs I L Regis

External and internal alterations in relation to conversion of first floor accommodation into 2 no. one bedroom flats

Castle House, 5, Castle Street, Stamford, Lincolnshire, PE9 2RA
Reason for non-determination:
Resolving Certificate A (Ownership) issues – target date for decision now 24 May 2013

S12/2213/FULL/NB

Date received:
18-Sep-2012
No of days: 244

Mr A Copland

Erection of 4 dwellings
Land off, Stephens Way, Deeping St James
Reason for non-determination:
Reported to DC Committee 5 February 2013 and waiting signing of S106 to determine by 3 June 2013

S13/0361/LB/NB

Date received:
27-Feb-2013
No of days: 82

Mr A Kachra, Country Court Care

Demolition of conservatory and increase height of boundary wall to 2.5m
Holland House Nursing Home, 35, Church Street, Market Deeping, Peterborough, Lincolnshire, PE6 8AN
Reason for non-determination:
Targeted for 25 June Committee

S12/3046/LB/PJM

Date received:
04-Feb-2013
No of days: 105

Miss Imogen Wall, Belvoir Antiques

Alterations to entrance door, replacement sash windows, erection of lettering to front elevation and hanging sign
11, Vine Street, Grantham, Lincolnshire, NG31 6RQ
Reason for non-determination:
Awaiting Conservation Officer comments

S13/0751/FULL/NB

Date received:
20-Mar-2013
No of days: 61

Mr & Mrs E Treanor

Erection of dwelling
Westfield House, 39A, Empingham Road, Stamford, Lincolnshire, PE9 2RJ
Reason for non-determination:
Reported to 4 June 2013 Committee

S10/2020/FULL/JJ

Date received:
03-Sep-2010
No of days: 990

Mr C Riddle

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Reason for non-determination:

Heritage Enabling Development advice received January 2013. Awaiting comments from applicant on development costings.

S10/2021/LB/JJ

Date received:
03-Sep-2010
No of days: 990

Mr C Riddle

Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Reason for non-determination:

Heritage Enabling Development advice received January 2013. Awaiting comments from applicant on development costings.

S13/0690/LB/NB

Date received:
11-Mar-2013
No of days: 70

Mr Steve Chadwick

Alteration and extension to curtilage listed building (amendments to Listed Building Consent S12/2788)
r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE

Reason for non-determination:

Referred to SoS to decide whether to call-in

S12/3187/LB/LDPP

Date received:
11-Jan-2013
No of days: 129

Mr T Lepley (Property Development), South Kesteven District Council

Installation of DDA compliant handrails to steps outside Arts Centre
Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY

Reason for non-determination:

Awaiting further consultation responses – to determine by 3 June 2013

S12/2702/LB/IVW

Date received:
06-Nov-2012
No of days: 195

Mrs Lillian Popple, Clerk to the Governors, Governors of Brownes Hospital

Alterations to listed building (installation of hand rail to entrance steps)
Brownes Hospital, Broad Street, Stamford, Lincolnshire, PE9 1PF

Reason for non-determination:

Awaiting English Heritage response to amendments. Then refer to Secretary of State.

S13/0760/FULL/PJM

Date received:
20-Mar-2013
No of days: 61

Mr R Pearce

Erection of two semi-detached dwellings
Land adjacent to former Odd House Public House, Fletcher Street, Grantham, Lincolnshire, NG31 6BP

Reason for non-determination:

Awaiting further comments – determine by 3 June 2013

S12/3209/FULL/LDPP

Date received:
17-Jan-2013
No of days: 123

Mr Colin Tebb, Chesterton Humberts

Change of use of first and second floors from office to residential use C3 (2no. units)
14, Finkin Street, Grantham, Lincolnshire, NG31 6QZ
Reason for non-determination:
Awaiting access to property

S13/0268/HS/PL

Date received:
07-Feb-2013
No of days: 102

Mr D Tilley

Retention of fence
10, Church Street, Market Deeping, Peterborough, Lincolnshire, PE6 8DA
Reason for non-determination:
Additional plans submitted, reconsultation – determine by 14 June 2013

S12/3241/EIAFP/PWM

Date received:
04-Jan-2013
No of days: 136

Mr Tim & Roger Marris, Marris Foston Ltd

Erection of 4 poultry units, 2 control rooms, office and general purpose building, feed bins, hardstanding, gas tanks and electric substation. Upgrade/extension of access road to allow access from Newark Hill.
Land off Fallow Lane, Foston
Reason for non-determination:
On agenda for Committee 4 June 2013

S12/2957/FULL/NB

Date received:
17-Jan-2013
No of days: 123

Mr D Ivtsan

Extension to equine building
Spa House, Spa Road, Braceborough, Stamford, Lincolnshire, PE9 4NS
Reason for non-determination:
Flood risk assessment delayed – determine by 3 June 2013

S12/2038/EIAFP/PWM

Date received:
25-Sep-2012
No of days: 237

Mr Joe Ward Caythorpe Farmers, GR Ward & Co

Erection of poultry broiler unit - including 8 new broiler sheds with service buildings & associated stores, feed bins & associated equipment and new access track.
Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ
Reason for non-determination:
Awaiting signing of S106

S13/0538/FULL/SP

Date received:
05-Mar-2013
No of days: 76

Mr Geoff Sharp

Demolition of existing dwelling/out buildings and proposed detached chalet bungalow with integral garage
The Old Barn, Main Street, Allington, Grantham, NG32 2DN
Reason for non-determination:
Design alterations and need to re-advertise

S13/0652/CAC/SP

Date received:
05-Mar-2013
No of days: 76

Mr & Mrs G M Sharp

Demolition of existing dwelling/out buildings and proposed detached chalet bungalow with integral garage
The Old Barn, Main Street, Allington, Grantham, NG32 2DN
Reason for non-determination:
Design alteration and need to re-advertise, determine by 14 June 2013

S13/0217/FULL/PL

Date received:
22-Mar-2013
No of days: 59

Alston Country Homes Limited

Replacement Dwelling
Park Farm Cottage, Langtoft Outgang Road, Langtoft,
Peterborough, Lincolnshire, PE6 9LG
Reason for non-determination:
Additional information requested

S13/0570/FULL/RV

Date received:
06-Mar-2013
No of days: 75

Mr N O'Bryan-Tear

Front extensions to day nursery
The Arc Nursery, Foundry Road, Stamford, Lincolnshire, PE9
2PY
Reason for non-determination:
Highways concerns re parking. Applicant in direct contact
with them to try to resolve – Determine by 14 June 2013

S13/0552/FULL/SP

Date received:
08-Mar-2013
No of days: 73

Mr & Mrs A Arden

Conversion of farm outbuildings to create single dwelling
Barns adj Manor Farm, 21, Hough Road, Frieston, NG32 3BY
Reason for non-determination:
Awaiting drawings with design alterations - to determine by 14
June 2013

S13/0691/HSH/RV

Date received:
11-Mar-2013
No of days: 70

Belinda Fraser

Two storey side extension to existing dwelling
2, Doughty Street, Stamford, Lincolnshire, PE9 1UT
Reason for non-determination:
Highways concerns over parking amended scheme submitted

S13/0777/RM/JJ

Date received:
18-Mar-2013
No of days: 63

Allison Homes Eastern Ltd

Reserved Matters application for residential development
Plots 64-65 Zone 1 Elsea Park (revised house types)
Plots 64 and 65, Area 2, Zone 1, Bourne, PE10 0QT
Reason for non-determination:
Decision due at end of May 2013

APPLICATIONS DECIDED UNDER DELEGATED POWERS
FROM 29 April – 17 May 2013

S13/0666/HS

Applicant: Mr T Lennon
 Proposal: Erection of outbuilding
 Location: Manor House, 91, Main Road, Uffington, Stamford, PE9 4SN
 Decision: Approved conditionally - 07 May 2013
 End to End time: 50

S13/0655/FULL

Applicant: Mr & Mrs D Yiend
 Proposal: Creation of drive
 Location: Warren Farm, Little Bytham, Grantham, NG334RD
 Decision: Approved conditionally - 14 May 2013
 End to End time: 56

S12/2818/DC

Applicant: Mr C Wright
 Proposal: Approval of details reserved by Conditions 1 (Elevations & Sections), 5 (Noise mitigation) & 6 (Acoustic fencing) of S07/0352
 Location: Land adjacent Downtown, Gonerby Moor
 Decision: Approved - 17 May 2013
 End to End time: 60

S13/0653/ADV

Applicant: Dr Jason Wong
 Proposal: 3 illuminated signs.
 Location: The Maltings, Commercial Road, Grantham, Lincolnshire, NG31 6DE
 Decision: Withdrawn - 08 May 2013
 End to End time: 54

S13/0541/DC

Applicant: Mr R Hazelwood
 Proposal: Approval of details of condition 2 (materials, including colour) & 3 (surface and foul water drainage) required by S10/0560
 Location: Golf Course, Somerby Road, Ropsley, Grantham
 Decision: Approved - 29 April 2013
 End to End time: 60

S13/0675/ADV

Applicant: Mr Paul Bunn, Rumours Lounge Bar
 Proposal: Erection of illuminated fascia sign and vinyl sticker sign above front entrance door
 Location: 11, Market Place, Grantham, Lincolnshire, NG31 6LJ
 Decision: Approved conditionally - 30 April 2013
 End to End time: 50

S13/0253/LB

Applicant: Mrs L Roe
 Proposal: Alterations to listed building (Internal)
 Location: 10, Rutland Terrace, Stamford, Lincolnshire, PE9 2QD
 Decision: Refused - 29 April 2013
 End to End time: 60

S12/3227/LB

Applicant: Mr Nicholas Bell
 Proposal: Retrospective application for replacement windows to dwelling including alteration of openings for windows in north elevation
 Location: Red House, Grantham Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2BQ
 Decision: Refused - 17 May 2013
 End to End time: 72

S12/3228/LB

Applicant: Mr Nicholas Bell
 Proposal: Retrospective application for replacement door and fanlight, installation of door surround
 Location: Red House, Grantham Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2BQ
 Decision: Refused - 17 May 2013
 End to End time: 72

S12/3229/LB

Applicant: Mr Nicholas Bell
 Proposal: Retrospective application for alterations to curtilage listed barn, reduction in height of garden wall, satellite dish and replacement rainwater goods
 Location: Red House, Grantham Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2BQ
 Decision: Approved conditionally - 17 May 2013
 End to End time: 72

S13/0621/HSB

Applicant: Mr R Smith
 Proposal: Side entrance porch and lean-to to cover over rear patio area
 Location: Virginia House, 48, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
 Decision: Approved conditionally - 30 April 2013
 End to End time: 49

S13/0597/HSB

Applicant: Ian McBain
 Proposal: Erection of two storey rear extension
 Location: Tythorne Lodge, Village Street, Oasby, Grantham, Lincolnshire, NG32 3NA
 Decision: Approved conditionally - 07 May 2013
 End to End time: 56

S13/0565/HS

Applicant: Mr Mark Scott
 Proposal: Single storey rear extension
 Location: 2, Old Orchard, Barrowby, Grantham, Lincolnshire, NG32 1EJ
 Decision: Approved conditionally - 29 April 2013
 End to End time: 49

S13/0491/FULL

Applicant: Philip Heath
 Proposal: Proposed new dwelling adjacent to 1 Albert Road and alterations and improvements including demolition of existing extension and erection of new extension at 1 Albert Road
 Location: 1, Albert Road, Stamford, Lincolnshire, PE9 2EA
 Decision: Refused - 14 May 2013
 End to End time: 71

S13/0610/ADV

Applicant: Lloyds Banking Group
 Proposal: Replacement signage
 Location: Lloyds Bank Chambers, 8, North Street, Bourne, Lincolnshire, PE10 9EA
 Decision: Approved conditionally - 01 May 2013
 End to End time: 56

S13/0657/HS

Applicant: Mr G Gaynor
 Proposal: Erection of replacement garage and boundary wall with railings to No. 28 Main Street
 Location: 28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
 Decision: Approved conditionally - 08 May 2013
 End to End time: 54

S13/0558/ADV

Applicant: Mr Benn Handley, Pizza Express
 Proposal: Erection of 3no. non-illuminated projecting signs, 2 no. internal panel signs, 1 no. internal hanging illuminated roundel sign, 1no. free standing internally illuminated menu stand, 2 no. internally illuminated wall mounted signs, 1 no. internally illuminated take away sign and 1no. internally illuminated roundel sign to shopping centre entrance
 Location: 14-14A, The George Shopping Centre, High Street, Grantham, Lincolnshire, NG31 6LH
 Decision: Approved conditionally - 29 April 2013
 End to End time: 53

S13/0569/LB

Applicant: Mr Benn Handley, Pizza Express
 Proposal: Erection of 3no. non-illuminated projecting signs, 2 no. internal panel signs, 1 no. internal hanging illuminated roundel sign, 1no. free standing internally illuminated menu stand, 2 no. internally illuminated wall mounted signs, 1 no. internally illuminated take away sign and 1no. internally illuminated roundel sign to shopping centre entrance
 Location: 14-14A, The George Shopping Centre, High Street, Grantham, Lincolnshire, NG31 6LH
 Decision: Approved conditionally - 29 April 2013
 End to End time: 55

S13/0385/DC

Applicant: Mr Keith Robertshaw
 Proposal: Approval of details reserved by Conditions 3 (drainage) and 5 (levels) of Planning Approval S11/0120
 Location: Land Adjacent To 11, Wheatsheaf Lane, Long Bennington, NG23 5DU
 Decision: Approved - 01 May 2013
 End to End time: 62

S13/0617/FULL

Applicant: Mr Graham Park, T Balfe Construction
 Proposal: Erection of storage building within existing building contractors yard
 Location: Richmond House, Brant Road, Fulbeck, Grantham, NG32 3JZ
 Decision: Approved conditionally - 08 May 2013
 End to End time: 63

S13/0604/LB

Applicant: Mr Graham Anderson
 Proposal: Underpinning Listed Building
 Location: Eastleigh, The Green, Allington, Grantham, NG32 2EA
 Decision: Approved conditionally - 14 May 2013
 End to End time: 75

S13/0531/HSB

Applicant: Mr & Mrs S Harley
 Proposal: Single storey rear extension including alteration to roof
 Location: 2, Westside Avenue, Grantham, Lincolnshire, NG31 7UB
 Decision: Approved conditionally - 29 April 2013
 End to End time: 66

S13/0278/LB

Applicant: Mrs A Murray Smith
 Proposal: Alterations to listed building
 Location: Cawthorpe Farm, Cawthorpe Road, Cawthorpe, Bourne, Lincolnshire, PE10 0AB
 Decision: Approved conditionally - 16 May 2013
 End to End time: 70

S12/2297/FULL

Applicant: Ronald Bateman, Batemans Auctioneers
 Proposal: Retrospective permission for one poly-tunnel and additional window in office building
 Location: The Saleroom, Batemans Auctioneers & Valuers, Ryhall Road, Stamford, PE9 1XF
 Decision: Approved conditionally - 09 May 2013
 End to End time: 111

S13/0677/HSB

Applicant: Mr & Mrs J Topham
 Proposal: Single storey side extension
 Location: 35, Lime Grove, Grantham, Lincolnshire, NG31 9JD
 Decision: Approved conditionally - 14 May 2013
 End to End time: 56

S13/0377/DC

Applicant: Mrs Sarah Patton, Grantham Tennis Club
 Proposal: Approval of details reserved by Conditions 3 (Access), 5 (Drainage), 7 (Landscape Management), 12 (Drainage Management) & 23 (Leaves and Cross Sections) of S12/1919
 Location: Grantham Tennis Club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU
 Decision: Approved - 29 April 2013
 End to End time: 69

S13/0503/HSB

Applicant: Mr & Mrs Allun Smith Evans
 Proposal: Construction of orangery, new entrance lobby to link garage to house. Conversion of first floor garage roof space to living accommodation and conversion of loft space to living accommodation.
 Location: Priory Barn, Church Street, Long Bennington, Newark, Lincolnshire, NG23 5ES
 Decision: Withdrawn - 02 May 2013
 End to End time: 56

S13/0661/FULL

Applicant: Mr J, Hansen
 Proposal: Conversion of barn to dwelling
 Location: 13, Market Place, Folkingham, Sleaford, Lincolnshire, NG34 0SE
 Decision: - 17 May 2013
 End to End time: 58

S13/0271/HSB

Applicant: Mr N Lavender
 Proposal: Single storey extension
 Location: 46, Meadow Gate, Bourne
 Decision: Approved conditionally - 30 April 2013
 End to End time: 77

S13/0679/LB

Applicant: Mr Tom Woodcock, Canal & River Trust
 Proposal: Alteration to Grade II Listed bridge
 Location: Vincents Bridge, Lower Lodge Lane, Harlaxton
 Decision: Approved conditionally - 29 April 2013
 End to End time: 49

S13/0486/HS

Applicant: Mr Charlie Mitchell
 Proposal: Construction of single storey side/rear extension with demolition of neighbouring wall and party wall created
 Location: 11, Kings Road, Stamford, Lincolnshire, PE9 1HD
 Decision: Approved conditionally - 08 May 2013
 End to End time: 72

S13/0579/LDP

Applicant: Paul Warrington, Warrington Builders
 Proposal: Signal storey side/rear extension (Lawful Development Certificate for proposed development)
 Location: 18, Blasson Way, Billingborough, Sleaford, Lincolnshire, NG34 0NL
 Decision: Lawful Development - 07 May 2013
 End to End time: 68

S13/0608/HS

Applicant: Mrs D Clarke
 Proposal: Construction of front porch
 Location: 38, Hazelwood Drive, Grantham, Lincolnshire, NG31 8GZ
 Decision: Approved conditionally - 29 April 2013
 End to End time: 53

S13/0180/FULL

Applicant: J H Dorrington & Son (Dunsby) LTD
 Proposal: New vehicular access off a classified road
 Location: Pickworth Cottage, 1, Main Road, Dunsby, Bourne, PE10 0UB
 Decision: Approved conditionally - 15 May 2013
 End to End time: 56

S13/0658/HS

Applicant: Mr P Cardus
 Proposal: Erection of single storey open sided lean-to
 Location: Brydon House, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX
 Decision: Withdrawn - 09 May 2013
 End to End time: 49

S13/0659/LB

Applicant: Mr P Cardus
 Proposal: Formation of new door to side elevation, blocking up of existing door to rear elevation and erection of open sided lean-to
 Location: Brydon House, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX
 Decision: Withdrawn - 09 May 2013
 End to End time: 55

S13/0744/CAC

Applicant: Mr T Lennon
 Proposal: Demolition of outbuilding
 Location: Manor House, 91, Main Road, Uffington, Stamford, PE9 4SN
 Decision: Approved conditionally - 07 May 2013
 End to End time: 50

S13/0907/HS

Applicant: Mr & Mrs D Mayfield
 Proposal: Single storey rear extension.
 Location: 4, Drury Park, Long Bennington
 Decision: Approved conditionally - 17 May 2013
 End to End time: 28

S13/0686/HS

Applicant: Mr F Davis
 Proposal: Demolition of existing conservatory and replace with single storey extensions
 Location: Stoke Gabriel Cottage, 27 Hough Road, Frieston, Grantham, NG32 3BY
 Decision: Approved conditionally - 14 May 2013
 End to End time: 52

S13/0811/FULL

Applicant: Mr J E Charity
 Proposal: Use of land for the siting of mobile home in connection with cattery
 Location: Truesdale Lodge, Deeping Road, Baston, Peterborough, Lincolnshire, PE6 9NW
 Decision: Approved conditionally - 10 May 2013
 End to End time: 50

S13/0933/NMA

Applicant: Mrs Jennifer Sherlock, Grantham Investments & Alderforce North
 Proposal: Alterations to fenestration: windows to South West elevation repositioned, window to South East elevation omitted
 Location: Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
 Decision: Approved - 02 May 2013
 End to End time: 28

S13/0784/LB

Applicant: Mr Martin Stevens
 Proposal: Variation of condition 4 of S12/2791/LB to allow blocking up of opening with bricks instead of stone
 Location: 12, High Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2AZ
 Decision: Approved conditionally - 13 May 2013
 End to End time: 55

S13/0731/HS

Applicant: Mr Nicholas Perry
 Proposal: Two storey side extensions, new porch and single storey rear extension
 Location: 11, Lime Grove, Grantham, Lincolnshire, NG31 9JD
 Decision: Approved conditionally - 14 May 2013
 End to End time: 56

S13/0766/FULL

Applicant:

Proposal:

Mrs Lorna Worsley, Enhance Beauty (Grantham) Ltd
Change of use of 33 Brook Street from offices to beauty room and change of use of 31C Brook street from beauty room to offices.

Location:

33, Brook Street, Grantham, Lincolnshire, NG31 6RX

Decision:

Approved conditionally - 02 May 2013

End to End time:

48

S13/0961/DC

Applicant:

Proposal:

Ms Sarah King, The White Company
Approval of details reserved by conditions 3 (details of stall riser), 4 (materials) & 5 (air conditioning units) required by listed building consent S12/3278

Location:

Clinton Cards plc, 19, High Street, Stamford, Lincolnshire, PE9 2AL

Decision:

Approved - 17 May 2013

End to End time:

39

S13/0769/TCA

Applicant:

Proposal:

Location:

Mr Paul Southwell

Felling of Ornamental Cherry tree

7, Manor Drive, Harlaxton, Grantham, Lincolnshire, NG32 1HU

Decision:

TC&P - Work allowed - 30 April 2013

End to End time:

43

S13/0697/LB

Applicant:

Proposal:

Location:

Decision:

End to End time:

Mr David Heeley

Works to roof

11, St Leonards Street, Stamford, Lincolnshire, PE9 2HN

Approved conditionally - 30 April 2013

50

S13/0816/FULL

Applicant:

Proposal:

Location:

Decision:

End to End time:

Mr Peter Burrows, Lindpet Properties Ltd

Change of use of first floor retail storage to two residential flats

93, Harlaxton Road, Grantham, Lincolnshire, NG31 7AE

Approved conditionally - 17 May 2013

56

S13/0850/HSB

Applicant:

Proposal:

Location:

Decision:

End to End time:

Mr Bill Whyte

Removal of conservatory and construction of garden room

11, Bristol Close, Grantham, Lincolnshire, NG31 8SL

Approved conditionally - 07 May 2013

42

S13/0815/ADV

Applicant:

Proposal:

Location:

Decision:

End to End time:

Joules Limited

Replace existing fascia sign with a new one and repaint the existing projecting sign

9A, St Marys Hill, Stamford, Lincolnshire, PE9 2DP

Approved conditionally - 08 May 2013

48

S13/0808/DC

Applicant: Mr Steve Chadwick
 Proposal: Discharge of Conditions 2, 11 and 12 (materials, render and external wood work) for Listed Building Consent S12/2788.
 Location: r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
 Decision: Approved - 29 April 2013
 End to End time: 35

S13/0761/LB

Applicant: Mr John Kendall
 Proposal: Internal Alterations of Listed Building
 Location: The Kings School, Brook Street, Grantham, Lincolnshire, NG31 6RP
 Decision: Approved conditionally - 03 May 2013
 End to End time: 38

S13/0823/FULL

Applicant: Mr John Kendall
 Proposal: Erection of fence and gates to quad creation of pedestrian access with gates within existing boundary fence.
 Location: The Kings School, Brook Street, Grantham, Lincolnshire, NG31 6RP
 Decision: Approved conditionally - 17 May 2013
 End to End time: 45

S13/0795/HSB

Applicant: Mrs K Taylor
 Proposal: First floor side and two storey side extension
 Location: 7, Broadlands Avenue, Bourne, Lincolnshire, PE10 9BG
 Decision: Approved conditionally - 15 May 2013
 End to End time: 55

S13/0785/HSB

Applicant: Mr Darren Blakey
 Proposal: Erection of garage
 Location: 1, The Hawthornes, Market Deeping, Peterborough, Lincolnshire, PE6 8DH
 Decision: Approved conditionally - 09 May 2013
 End to End time: 52

S13/0831/FULL

Applicant: Rachel Parker
 Proposal: Change of use of agricultural land to domestic gardens and relocation of drainage ditch
 Location: Barley View, 14, Blasson Way, Billingborough, Sleaford, Lincolnshire, NG34 0NL
 Decision: Approved conditionally - 07 May 2013
 End to End time: 46

S13/0757/HSB

Applicant: Mr & Mrs M Blythe
 Proposal: First Floor Rear Extension
 Location: 21, Mill Drove, Bourne, Lincolnshire, PE10 9BX
 Decision: Approved conditionally - 30 April 2013
 End to End time: 43

S13/0911/HS

Applicant: Mr & Mrs M Croft
 Proposal: Two storey side extension
 Location: 78, Willoughby Road, Bourne, Lincolnshire, PE10 0DQ
 Decision: Approved conditionally - 09 May 2013
 End to End time: 28

S13/0837/FULL

Applicant: Arena UK Ltd
 Proposal: Extension to existing Equestrian arena.
 Location: Arena UK, Allington Lane, Allington, Grantham, Lincolnshire, NG32 2EF
 Decision: Approved conditionally - 17 May 2013
 End to End time: 50

S13/0787/FULL

Applicant: Mr Richard Foster
 Proposal: Use of conservatory as a Barber's shop
 Location: 33, Harrowby Lane, Grantham, Lincolnshire, NG31 9HZ
 Decision: Approved conditionally - 14 May 2013
 End to End time: 56

S13/0791/FULL

Applicant: Mr Carl Gibson
 Proposal: Demolition of 2 agricultural buildings and erection of new agricultural barn
 Location: Dock Furrows Farm, North Road, Bourne, Lincolnshire, PE10 0AD
 Decision: Approved conditionally - 14 May 2013
 End to End time: 56

S13/0799/HS

Applicant: Mr & Mrs C Chalmers
 Proposal: Single storey side extension
 Location: 25, Swallow Hill, Thurlby, Bourne, Lincolnshire, PE10 0JB
 Decision: Approved conditionally - 10 May 2013
 End to End time: 51

S13/0848/HS

Applicant: Mr P Walsh
 Proposal: Porch to front
 Location: 63, New Beacon Road, Grantham, Lincolnshire, NG31 9JS
 Decision: Approved conditionally - 01 May 2013
 End to End time: 34

S13/0720/TCA

Applicant: Mr Roldano Morselli
 Proposal: Various works to trees including pruning, reducing and reshaping
 Location: Willow Lodge, Water Lane, Woolsthorpe By Colsterworth, Grantham, Lincolnshire, NG33 5PD
 Decision: TC&P - Work allowed - 14 May 2013
 End to End time: 42

S13/0830/HS

Applicant: Mr Anthony Hall
 Proposal: Two storey rear extension and pitched roof over existing flat roof extension.
 Location: Woodlands, Willoughby Road, West Willoughby, Grantham, Lincolnshire, NG32 3SH
 Decision: Approved conditionally - 16 May 2013
 End to End time: 34

S13/0739/FULL

Applicant: Mr M Gilbert, Enviromaxx
 Proposal: Change of Use of building from a waster transfer station to general industry (B2)
 Location: Pmk Recycling, Baston Outgang Road, Baston, Peterborough, Lincolnshire, PE6 9PB
 Decision: Approved conditionally - 07 May 2013
 End to End time: 54

S13/0829/HS

Applicant: Mr A Yafai & Mrs D Billard
 Proposal: First floor extension
 Location: 22, Long Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LN
 Decision: Approved conditionally - 16 May 2013
 End to End time: 55

S13/0847/LB

Applicant: Mr J, Hamsem
 Proposal: Conversion of barn to dwelling
 Location: 13, Market Place, Folkingham, Sleaford, Lincolnshire, NG34 0SE
 Decision: - 17 May 2013
 End to End time: 58

S13/0754/HS

Applicant: Sir Simon Benton-Jones, Irnham Estate Company
 Proposal: Single and two storey rear extensions and detached double garage
 Location: 1, Corby Road, Irnham, Grantham, Lincolnshire, NG33 4JB
 Decision: Approved conditionally - 29 April 2013
 End to End time: 45

S13/0693/DEM

Applicant: Mr P Turner
 Proposal: Demolition of dwelling
 Location: Tall Trees, Harvey Close, Bourne, PE10 9QJ
 Decision: Approved - 01 May 2013
 End to End time: 16

S13/0704/FULL

Applicant: Andrew Dodds
 Proposal: Change of use of agricultural land to tennis court.
 Location: Land adj to Graby Farm, Graby, Sleaford, NG34 0HS
 Decision: Approved conditionally - 17 May 2013
 End to End time: 50

S13/0960/DC

Applicant: Ms Sarah King, The White Company
Proposal: Approval of details required by conditions 3 (details of stall riser), 4 (materials) and 5 (air conditioning) of planning permission S12/3275
Location: The White Company, 19, High Street, Stamford, PE9 2AL
Decision: Approved - 17 May 2013
End to End time: 37

S13/0742/HS

Applicant: Mr S Dunn, Witham Hall School
Proposal: Demolish existing extension and replace with enlarged single storey extension to the rear of the property
Location: Elm Avenue, Witham On The Hill, Bourne, PE10 0JH
Decision: Approved conditionally - 10 May 2013
End to End time: 45

S13/0762/HS

Applicant: Mr & Mrs N Potter
Proposal: Single storey rear extension, replacement garage and conversion of roof space to living accommodation (including dormer window and roof light)
Location: 59, Harrowby Road, Grantham, Lincolnshire, NG31 9ED
Decision: Approved conditionally - 17 May 2013
End to End time: 52

S13/0889/FULL

Applicant: Mr & Mrs M Whitehead
Proposal: Variation of Condition 2 and 4 of planning permission S12/0718
Location: Church Farmhouse, Manthorpe, Bourne, PE10 0JE
Decision: Approved conditionally - 09 May 2013
End to End time: 31

S13/1004/HS

Applicant: Mrs Emma Brewer
Proposal: First floor extension over garage, single storey extension to front, two storey and single storey extension to rear.
Location: 35, Kingscliffe Road, Grantham, Lincolnshire, NG31 8ET
Decision: Approved conditionally - 17 May 2013
End to End time: 35

S13/1307/DC

Applicant: Mr Gary Fisher, Lilley Ltd
Proposal: Approval of details reserved by Condition 2 of S12/3182
Location: Gregory Arms, Grantham Road, Harlaxton, Grantham, Lincolnshire, NG32 1AD
Decision: Approved - 17 May 2013
End to End time: 4

S13/1043/NMA

Applicant: Oldrid and Co Ltd
 Proposal: Non material amendments to S13/0196 (Amendments to steel and wall cladding details and removal of old plant screen on the roof)
 Location: Downtown Superstore, Old Great North Road, Great Gonerby, Grantham, Lincolnshire, NG32 2AB
 Decision: Approved - 17 May 2013
 End to End time: 30

S13/1039/CDC

Applicant: Lincolnshire County Council
 Proposal: Station a temporary classroom unit adjoining existing unit (PL/0070/13)
 Location: St Augustines Rc Primary School, Kesteven Road, Stamford, Lincolnshire, PE9 1SR
 Decision: No objections made - 30 April 2013
 End to End time: 13

S13/1020/NMAH

Applicant: Mr Simon Willows
 Proposal: Non material amendment to S11/0690 to allow reduction in roof height and eaves height, additional window to utility room and 0.93m increase in length to extension
 Location: The Old Stables, 14 Ermine Street, Ancaster, Grantham, NG32 3PP
 Decision: Approved - 13 May 2013
 End to End time: 28

S13/1149/DC

Applicant: Mike Wade
 Proposal: Approval of details of condition 2 (materials) required by planning application S13/0574
 Location: 15, Glen Road, Castle Bytham, Grantham, Lincolnshire, NG33 4RJ
 Decision: Approved - 08 May 2013
 End to End time: 7

S13/1035/NMA

Applicant: Mr M Berridge
 Proposal: Non material amendment to permission S11/0216 (to omit first and second floor extensions and a roof terrace)
 Location: Former Royal Mail Delivery Office, Horseshoe Lane, Stamford, PE9 2EY
 Decision: Approved - 14 May 2013
 End to End time: 27

S13/1306/DC

Applicant: Mr Alexander Gordon, National Trust
 Proposal: Approval of details reserved by Condition 2 of S13/0444
 Location: Stable Block, Belton House, The Drive, Belton, Grantham, Lincolnshire, NG32 2LS
 Decision: Approved - 17 May 2013
 End to End time: 24

S13/1055/TCA

Applicant: Simon Caunt
Proposal: Fell Sycamore tree.
Location: Rosebank, Scotts Hill, Fulbeck, Grantham, Lincolnshire,
NG32 3JU
Decision: TC&P - Work allowed - 02 May 2013
End to End time: 14

S13/1030/LDP

Applicant: Mr Fenton
Proposal: Single storey rear extension (Lawful Development
Certificate - Proposed)
Location: 3, Bishopdale Close, Grantham, Lincolnshire, NG31 8FG
Decision: Lawful Development - 29 April 2013
End to End time: 11

PLANNING APPEALS 2011-2013 (excluding Enforcements)

NO OF APPEALS DETERMINED (based on Decision Date) 22
APPEALS OUTSTANDING AT 17 May 2013

<u>S11/1401/LDE</u> LDPP Mr Martin Foster Lawful Development Certificate (Existing) - Use of land as residential garden Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH	Written Evidence	Start Date 06-Sep-2012 <u>Date of H / I</u> N/A	
<u>S12/0123/HS</u> PL Mr & Mrs P Smith First floor front and rear/side extension, ground floor rear extension and reinstate garage 70, Gladstone Street, Bourne, Lincolnshire, PE10 9AX	Written Representation	Start Date 11-Jun-2012 <u>Date of H / I</u>	
<u>S12/1135/OUT</u> SB Mr DJ & FE Creasey Erection of single storey dwelling (outline including access, layout and scale only) land to south of, 39, Stainfield Road, Hanthorpe, Bourne, Lincolnshire, PE10 0RE	Written Evidence	Start Date 24-Sep-2012 <u>Date of H / I</u> N/A	
<u>S12/1407/FULL</u> AH Mrs H Dulieu Provision of external staircase (fire exit) to second floor landing to eastern side elevation, flat roofed terrace with associated external staircase to western side of property and provision of solar panels Caudle House, 43, High Street, Market Deeping, Peterborough, PE6 8ED	Written Evidence	Start Date 01-Feb-2013 <u>Date of H / I</u> N/A	
<u>S12/1408/LB</u> AH Mrs H Dulieu Provision of external staircase (fire exit) to second floor landing to eastern side elevation, flat roofed terrace with associated external staircase to western side of property and provision of solar panels Caudle House, 43, High Street, Market Deeping, Peterborough, PE6 8ED	Written Evidence	Start Date 01-Feb-2013 <u>Date of H / I</u> N/A	

<u>S12/1561/CAC</u> NB Messrs Hartley/Munton Demolition of bungalow High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	Written Evidence	<u>Start Date</u> 23-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1562/FULL</u> NB Messrs Hartley/Munton Erection of 3 dwellings High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	Written Evidence	<u>Start Date</u> 23-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1584/FULL</u> PL Mr P Gregory Proposed on site dwelling associated with Fishery with office space to serve Fishery White House Farm Fishery, Cross Road, Baston Fen	Written Evidence	<u>Start Date</u> 15-Feb-2013 <u>Date of H / I</u> N/A	
<u>S12/1727/FULL</u> PJM Mr Gary Sharp, InterM2 Ltd Demolition of Dutch Barn and Nissen Hut, conversion of former barn to 2 dwellings, erection of 3 bay detached garage and erection of detached dwelling Oak Farm Barns, Church Street, Harlaxton, Grantham, NG32 1HB	Written Evidence	<u>Start Date</u> 31-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1755/MJRF</u> SB Larkfleet Limited Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works. Land Off, Chesham Drive, Baston	Informal Hearing	<u>Start Date</u> 08-Apr-2013 <u>Date of H / I</u>	
<u>S12/1852/FULL</u> NB Mr C Dunmore Erection of 3 detached dwellings, following demolition of Casterton House Casterton House Rest Home, Casterton Road, Stamford, Lincolnshire, PE9 2UA	Written Evidence	<u>Start Date</u> 13-May-2013 <u>Date of H / I</u> N/A	
<u>S12/1929/FULL</u> LDPP Mr P Pick Conversion and extension of barn to dwelling land to rear of 14 Ermine Street, Ancaster, Grantham, NG32 3PP	Written Evidence	<u>Start Date</u> 25-Jan-2013 <u>Date of H / I</u> N/A	

<u>S12/1986/FULL</u> NB Mr C Smith Erection of bungalow and outbuilding The Paddock, Swinstead Road, Corby Glen, Grantham, NG33 4NU	Written Evidence	<u>Start Date</u> 04-Apr-2013 <u>Date of H / I</u> N/A	
<u>S12/2127/OUT</u> AH Mr & Mrs R Bontoft Erection of dwelling (outline application with details of access, layout and scale provided) Land adjacent, 29, Station Road, Castle Bytham, Grantham, Lincolnshire, NG33 4QA	Written Evidence	<u>Start Date</u> 25-Jan-2013 <u>Date of H / I</u> N/A	
<u>S12/2202/HR</u> SP Mr Richard Dring G E Dring & Partners Removal of 100m of hedgerow The Farm, Costa Row, Long Bennington, Newark, Lincolnshire, NG23 5DY	Written Evidence	<u>Start Date</u> 22-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/2422/ADV</u> PJM Mr Robert Holland, Helen Flowers Erection of internally illuminated projecting sign 12, St Catherines Road, Grantham, Lincolnshire, NG31 6TS	Written Representation	<u>Start Date</u> 22-Jan-2013 <u>Date of H / I</u>	
<u>S12/2730/FULL</u> PJM Mr & Mrs J Clark Erection of dwelling Plot adjacent 3, Casthorpe Road, Barrowby, NG32 1DW	Written Evidence	<u>Start Date</u> 25-Feb-2013 <u>Date of H / I</u> N/A	
<u>S12/2920/FULL</u> LDPP Mr W Addison Erection of dwelling (retention of and alterations to existing unauthorised dwelling) Adj 3 High Street, Pointon, Sleaford, NG34 0LX	Public Inquiry	<u>Start Date</u> 20-Feb-2013 <u>Date of H / I</u>	
<u>S12/2940/HSH</u> PWM Mr & Mrs Spencer Wright Single storey side & rear extension to dwelling Drift Cottage, The Drift, Syston, Grantham, NG322BY	Written Evidence	<u>Start Date</u> 18-Mar-2013 <u>Date of H / I</u> N/A	
<u>S12/2951/HSH</u> SB Mr & Mrs N Steen Erection of garage/annex building 28, Towngate West, Market Deeping, Peterborough, Lincolnshire, PE6 8DG	Written Representation	<u>Start Date</u> 08-Apr-2013 <u>Date of H / I</u>	

<u>S13/0141/HS</u> AH Mr Paul Branch Erection of ground floor and first floor extensions to property and associated alterations 8, Caledonian Road, Stamford, Lincolnshire, PE9 2TG	Written Evidence	<u>Start Date</u> 16-Apr-2013 <u>Date of H / I</u> N/A	
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RECENT APPEAL DECISIONS TO 17 May 2013

Application Ref: S11/2762/FULL TF

Planning Inspectorate No: APP/E2530/A/12/21836

Appeal Type: **Written Evidence**

Appellant:	Mr R Dean, Adastone Limited
Proposal:	Installation of portakabin for use of daytime cafe and evening security office
Site:	The Fox Inn, Great North Road, South Witham, Grantham, Lincolnshire, NG33 5LN

Appeal Decision – Date:	Appeal allowed - 15 May 2013
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SUMMARY

This application was refused at the planning committee on 27 March 2012 for the following reasons:

In the opinion of the Local Planning Authority the proposed building, by way of its location, design and materials of construction, falls below the standards required along the A1 corridor. The proposal would be out of character with the adjoining development, represent visual clutter, and impact detrimentally to an unacceptable degree upon the visual amenity of the locality. All being contrary to National Policy PPS1 and Policy EN1 of the adopted South Kesteven Core Strategy (2010).

In allowing the appeal the Inspector whilst agreeing with the Council that the temporary nature of the building would have an unsatisfactory visual impact on the surroundings. However the Inspector considered that the visual harm would be limited with the potential economic impact of the proposal outweighing the harm. A time limit condition was imposed to test the viability of the proposal.

Application Ref: S12/1687/OUT PJM

Planning Inspectorate No: APP/E2530/A/12/2188043/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr P Collin
Proposal:	Erection of single storey dwelling (outline)
Site:	Tree Tops, Gonerby Road, Grantham, Lincolnshire, NG31 8HU

Appeal Decision – Date:	Appeal dismissed - 16 May 2013
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SUMMARY

The application was for outline planning permission, with approval sought for access, layout and scale, and appearance and landscaping being reserved matters.

The main issue was the effect that the proposal would have on the character and appearance of the area.

The appeal site is part of the rear garden of a detached bungalow on a large plot in a row of five similar properties set back from Gonerby Road with the host property.

The Inspector noted that the proposed dwelling would be surrounded by residential properties, and front on to the neighbouring back garden. Such a relationship he considered, between the dwelling and its surroundings would be quite at odds with the prevailing layout of the area.

RECENT APPEAL DECISIONS TO

The Inspector considered that when viewed from neighbouring dwellings and gardens, the dwelling would appear as an intrusive and incongruous feature, with only limited space around it, and poorly related to the surrounding pattern of development. The proposal would therefore, he noted, detract from the pleasant, landscaped character of the remaining open land to the rear of the surrounding dwellings.

The Inspector agreed with the council that, were the appeal allowed, it would be more difficult to resist possible future development proposals on the remaining two back gardens in the row.

The appeal was dismissed accordingly.



Appeal Decision

Site visit made on 18 March 2013

by Roger C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

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

Decision date: 15 May 2013

Appeal Reference: APP/E2530/A/12/2183606

'The Fox Inn', A1 Southbound, Colsterworth, Grantham NG33 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Dean, Adastone Limited, against the decision of South Kesteven District Council.
- The application (reference S11/2762/FULL, dated 8 November 2011) was refused by notice dated 27 March 2012.
- The development proposed is the installation of a "portakabin – for use of daytime cafe and evening security office".

Decision

1. The appeal is allowed and planning permission is granted for the installation of a "portakabin" (for use as a daytime cafe and an evening security office) at 'The Fox Inn', A1 Southbound, Colsterworth, Grantham NG33 5LN, in accordance with the terms of the application (reference S11/2762/FULL, dated 8 November 2011), subject to the following conditions.
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved drawings: drawing number 02-RD-11B ("Location Plan") and 01-RD-11 ("Proposed Cafe / Security Office").
 3. The "portakabin" hereby permitted shall be removed and the land restored to its former condition on or before the date which is three years from the date of this decision, in accordance with a scheme of work which shall have been previously submitted to and approved in writing by the local planning authority.

Main issues

2. The main issues to be determined in this appeal concern, first, the visual impact of the proposed development on the surroundings and, second, the economic and practical benefits of the scheme.

Reasons

3. 'The Fox Inn' is a relatively substantial building in a traditional style, which is located alongside the A1, on the southbound carriageway near Colsterworth. It

shares the location with other development, notably a relatively new café, the 'OK Diner', which is built of brickwork under a tiled roof. A large area associated with these facilities is surfaced, for the convenience of passing vehicles, whose drivers make use of the site. There is a scatter of other development in the vicinity but the locality is essentially rural in character, even though the A1 is a particularly busy highway.

4. The proposed "portakabin" would provide a facility for lorry drivers and others to stop and use it as a "dining area", during the day, with the potential for additional use to be made of facilities in the 'Fox Inn'. The "portakabin" could also be used as a "security office", as envisaged in the application.
5. The "portakabin" is described as a "semi-permanent building" but it would be of basic construction and would not be a particularly pleasing feature in the streetscape. It would not be in keeping with other development and would undermine the qualities of the countryside, adding to the visual clutter along the A1 corridor. In short, the proposed development would have an unsatisfactory visual impact of on the surroundings.
6. On the other hand, the new "portakabin" would be a relatively modest structure and would be set back from the road frontage (in accordance with the amended plan), thus reducing its visual impact to some degree. It is also argued that it would provide "a facility for HGV and other road users to obtain food and rest". It is implied that a more permanent building would be intended, if the venture proves to be successful.
7. The practical benefits of the project support the proposal and, on balance, would justify the grant of planning permission at least on a trial basis, although the retention of the building on a permanent basis would be unacceptable in visual terms, especially if the venture did not prove to be a success and the "portakabin" were allowed to become run down or dilapidated.
8. The 'National Planning Policy Framework' lays emphasis on the importance of good design and the need to protect the qualities of the landscape. The adopted South Kesteven 'Core Strategy' also points out the need to maintain visual qualities, notably at Policy EN1. Nevertheless, such Policies are to be applied proportionately and national planning policies, in particular, stress the desirability of economic growth. In this case, the visual harm would be limited while there is a potential planning benefit to be secured in the provision of a useful facility and the promotion of economic activity.
9. On balance, therefore, I have concluded that the proposals can properly be allowed, in accordance with planning policies taken as a whole (including the provisions of the Development Plan), but subject to strict conditions. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.
10. I have also considered the need for conditions carefully. Conditions are necessary, to define the planning permission, of course. Notwithstanding the observations made by the Council, I am also convinced that a condition is necessary to ensure that the proposed "portakabin" does not become a permanent feature of the site. Such a condition would be in accordance with the guidance given in Circular 11/95: 'The Use of Conditions in Planning Permissions'. If the enterprise is successful there would be good reasons to

permit a better designed and more permanent building but, otherwise, it would be necessary and reasonable to require the "portakabin" to be removed. Neither of the main parties to the appeal has suggested how such a condition should be limited and I have imposed a three year time limit as being a reasonable period for the viability of the scheme to be tested. Of course, any alternative scheme would need to be the subject of a new planning application in any case, as would any proposal to vary the condition which I have imposed.

Roger C Shrimplin

INSPECTOR



Appeal Decision

Site visit made on 23 April 2013

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 16 May 2013

Appeal Ref: APP/E2530/A/12/2188043

Tree Tops, Gonerby Road, Gonerby Hill Foot, Grantham NG31 8HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Collin against the decision of South Kesteven District Council.
 - The application Ref S12/1687/OUT, dated 3 July 2013, was refused by notice dated 18 October 2012.
 - The development proposed is the erection of a single-storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is for outline planning permission, with approval sought for access, layout and scale, and appearance and landscaping being reserved matters.

Main Issue

3. The main issue is the effect that the proposal would have on the character and appearance of the area.

Reasons

4. The appeal site is part of the rear garden of a detached bungalow on a large plot in a row of five similar properties set back from Gonerby Road on an essentially uniform building line. The surrounding area is predominantly residential, although there are some commercial premises on the other side of the main road. Dwellings nearby are varied in terms of design and layout, and densities are generally low.
 5. The proposed detached bungalow be positioned on the centre of the site, and would share the existing vehicular access to Gonerby Road with the host property. The driveway would be extended to run along the side of the existing dwelling following the removal of part of an attached garage. Existing hedges along the sides of the site, and on the main road frontage, would be retained.
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6. To the rear of the site stands a large two-storey detached house at the end of Kings Gardens, a small housing estate of somewhat higher density than that along Gonerby Road. To one side of the site are the extensive landscaped back gardens of two of the other bungalows in the row of five. Beyond those gardens is a dwelling fronting a private road from a nearby residential estate. That dwelling was built in the back garden of the chalet bungalow at the end of the Gonerby Road row following the granting of planning permission a few years ago.
7. Following a successful appeal in 2011, there is an extant planning permission for the erection of a detached two-storey house on part of the back garden of Spring Croft adjoining the appeal site¹. That dwelling would be sited in a similar position between the host bungalow and the houses on Kings Gardens to the current proposal, with access from Gonerby Road. It would, however, represent an unusual form of backland development in that it would front a large area of public open space along Hazelwood Drive. The Inspector in that case concluded that the proposed dwelling, which would face the open space rather than the backs of dwellings, would relate well to its surroundings. From what I saw during my site visit, and on the basis of the approved plans, I agree that would be the case.
8. The back gardens at either end of the row in which the appeal site is located have, therefore, either been developed, or are likely to be so. However, the appeal site differs significantly in nature to the plots at either end of the row because it does not have a frontage to a road or open space. Rather, the proposed dwelling would be surrounded by residential properties, and front on to the neighbouring back garden. Such a relationship between the dwelling and its surroundings would be quite at odds with the prevailing layout of the area.
9. The proposed dwelling would not be readily visible from Gonerby Road. However, despite being single-storey, it would be clearly seen from surrounding dwellings and gardens, and parts of its roof from the open space on Hazelwood Drive. From these perspectives, the building would appear as an intrusive and incongruous feature, with only limited space around it, and poorly related to the surrounding pattern of development. The proposal would, therefore, detract from the pleasant, landscaped character of the remaining open land to the rear of the surrounding dwellings.
10. Whilst I have considered the proposal on its own merits, I agree with the Council that, were the appeal to be allowed, it would be more difficult to resist possible future development proposals on the remaining two back gardens in the row. The cumulative impact of such an eventuality would be a greater reduction in the quality of the area.
11. Policy SP1 of the South Kesteven Core Strategy does not rule out greenfield development in Grantham. It is necessary, however, for development proposals to accord with other relevant development plan policies, including policy EN1.

¹ Appeal ref APP/E2530/A/11/2147323, allowed 10 August 2011.

12. I conclude on this issue that the proposal would materially harm the character and appearance of the area and be contrary to the objectives of core strategy policy EN1 which seeks to protect and enhance the character of the district and ensure that development takes account of local distinctiveness, and the quality and character of the built fabric and its setting. Furthermore, the National Planning Policy Framework advises that inappropriate development of residential gardens should be resisted where it would cause harm to the local area, and that planning permission should be refused for development that fails to improve the character and quality of an area².
13. The proposal would have the benefit of providing an additional, modern dwelling of sustainable design in a location with good access to services and facilities. However, these benefits would not outweigh the harm that I have identified to the character and appearance of the area, and the proposal would not therefore represent a sustainable form of development as defined in the Framework.
14. A local resident has raised a number of additional concerns, but none of these affect my overall conclusions.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

² National Planning Policy Framework (2012) paragraphs 53 and 63.

PLANNING APPLICATIONS PERFORMANCE**Apr 2013**

New end to end times for determining applications	Days	Target (days)
Average no of days to determine Major's (small scale)	400	90
Average no. of days to determine Minor's	84.9	55
Average no. of days to determine Other's	71.6	50
Average no. of days to determine Householder's	50.8	45