

AGENDA



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

For a meeting of the
DEVELOPMENT MANAGEMENT COMMITTEE

to be held on

TUESDAY, 24 JULY 2018

at

1.00 PM

in the

**COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL,
GRANTHAM. NG31 6PZ**

Aidan Rave, Chief Executive

Chairman

Councillor Martin Wilkins

Councillor Ashley Baxter

Councillor Phil Dilks

Councillor Mike Exton

Councillor Mrs Rosemary Kaberry-Brown

Councillor Michael King

Councillor Robert Reid

Councillor Jacky Smith

Councillor Mrs Judy Smith

Councillor Judy Stevens

Councillor Adam Stokes

Councillor Ian Stokes (Vice-Chairman)

Councillor Brian Sumner

Councillor Mrs Brenda Sumner

Councillor Paul Wood

Committee Support Jo Toomey Tel: 01476 40 60 80 (Ext. 6152)

Officer: E-mail: democracy@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 FOR ABSENCE

3 DISCLOSURE OF INTERESTS

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

4 MINUTES OF THE MEETING HELD ON 26 JUNE 2018

(Enclosure)

5 PLANNING MATTERS

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

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

- (a) **Application ref:** S18/0543
Description: Erection of 25 (20 no. apartments and 5 no. townhouses) with associated access, car parking and landscaping
Location: Land at Wherry's Lane, Bourne, PE10 9HQ
- (b) **Application ref:** S18/0064
Description: Demolition of existing buildings and the erection of a single storey club house, alterations to vehicular access and associated car parking
Location: Stamford Rugby Club, Hambleton Road, Stamford, PE9 2RZ
- (c) **Application ref:** S18/0452
Description: Residential development (outline with all matters reserved)
Location: Ferndale House, Swinstead Road, Corby Glen, NG33 4NU
- (d) **Application ref:** S18/0645
Description: Demolition of existing buildings and erection of 3 blocks of 12 apartments
Location: 31 North Street, Bourne, Lincolnshire, PE10 9AE
- (e) **Application ref:** S18/0499
Description: Erection of dwelling
Location: Land to south of Roxholme Haven, Glen Road, Castle Bytham, NG33 4RJ
- (f) **Application ref:** S16/1197
Description: Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2). Outline application with the matter of access included
Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR
- (g) **Application ref:** S16/1155
Description: Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR
- (h) **Application ref:** S16/2285
Description: Residential development for up to 19 dwellings (outline)
Location: Falcon Way, Bourne, PE10 0FF

6 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 2017/18 meetings are:

Meeting Date	Notification Deadline
Tuesday 24 July 2018, 1pm	Monday 23 July 2018, 1pm
Tuesday 21 August 2018, 1pm	Monday 20 August 2018, 1pm
Tuesday 18 September 2018, 1pm	Monday 17 September 2018, 1pm
Tuesday 16 October 2018, 1pm	Monday 15 October 2018, 1pm
Tuesday 13 November 2018, 1pm	Monday 12 November 2018, 1pm
Tuesday 11 December 2018, 1pm	Monday 10 December 2018, 1pm
Tuesday 15 January 2019, 1pm	Monday 14 January 2019, 1pm
Tuesday 5 February 2019, 1pm	Monday 4 February 2019, 1pm
Tuesday 5 March 2019, 1pm	Monday 4 March 2019, 1pm
Tuesday 2 April 2019, 1pm	Monday 1 April 2019, 1pm
Tuesday 23 April 2019, 1pm	Monday 22 April 2019, 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.

The Council is currently operating a trial, during which Committee members may only ask questions of the applicant, the applicant's agent or technical experts speaking for or against an application.

The Chairman and Vice-Chairman of the Committee may ask questions of members of the public but only to verify the source of any material facts stated by a public 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 MANAGEMENT COMMITTEE

TUESDAY, 26 JUNE 2018



SOUTH
KESTEVEN
DISTRICT
COUNCIL

COMMITTEE MEMBERS PRESENT

Councillor Ashley Baxter
Councillor Phil Dilks
Councillor Mike Exton
Councillor Michael King
Councillor Robert Reid
Councillor Nick Robins
Councillor Jacky Smith

Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Ian Stokes (Vice-Chairman)
Councillor Rosemary Trollope-Bellew
Councillor Martin Wilkins (Chairman)
Councillor Paul Wood

OFFICERS

Head of Development (Sylvia Bland)
Principal Planning Officer (Phil Moore)
Planning Officer (Phil Jordan, Peter Lifford)
Legal Adviser (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

7. MEMBERSHIP

The Committee was notified that under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received appointing: Councillor Robins for Councillor Brian Sumner and Councillor Trollope-Bellew for Councillor Brenda Sumner.

8. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs Kaberry-Brown.

9. DISCLOSURE OF INTERESTS

No interests were disclosed.

10. MINUTES OF THE MEETING HELD ON 29 MAY 2018

The minutes of the meeting held on 29 May 2018 were agreed as a correct record.

In response to questions raised by members, the Chairman stated that at its meeting on Monday 4 June 2018 the Constitution Committee had considered the pilot relating to the questioning of members of the public at Development Management Committee meetings. The Constitution Committee recommended to Council that the pilot should become permanent; this would be considered by Council at its meeting on 26 July 2018. The Constitution Committee stated that the arrangements used during the pilot should continue until the Council had made its decision.

11. PLANNING MATTERS

(a) **Application Ref:** S18/0543

Description: Erection of 25 dwellings (20 apartments and 5 townhouses) with associated access, car parking and landscaping

Location: Land at Wherry's Lane, Bourne, PE10 9HQ

This application was withdrawn from the agenda.

As applications S18/0196 and S18/0197 related to the same development, the Chairman stated that the applications would be considered together but voted on separately.

(b) **Application Ref:** S18/0196

Description: Demolition of former social club, erection of three dwellings and associated access and parking arrangements. Demolition of existing wall adjacent to no 3 and to the rear of existing outbuilding to accommodate access

Location: Land rear of 3 Long Street, Great Gonerby, NG31 8LN

Decision:

To grant the application subject to conditions

Noting:

- Comments from Lincolnshire County Council Highways and SUDS Support
- No objection from Great Gonerby Parish Council
- Comments from the SKDC Historic Buildings Adviser
- Comments from SKDC's Environmental Protection Team
- One representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the

South Kesteven Core Strategy and supplementary planning documents

- Site visit observations
- Comments made by members at the meeting

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

Time Limit for Commencement

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

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. 15.3143.11D received 21 May 2018
 - ii. 15.3143.12 received 1 February 2018
 - iii. 15.3143.13A received 1 February 2018
 - iv. 15.3143.14A received 1 February 2018
 - v. 15.3143.15A received 30 May 2018

Unless otherwise required by another condition of this permission.

Before the Development is Commenced

- 3 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including walling, roofing, rainwater goods, colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.
- 4 Before the works to provide the boundary treatments hereby permitted are commenced, a plan indicating the heights, positions, design, materials, sections and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.
- 5 Prior to the commencement of the development hereby approved, details of a domestic fire fighting/prevention sprinkler system to be installed within the dwelling on plot 3 shall have been submitted to the Local Planning Authority for written approval. The details shall include design, life span and maintenance.

- 6 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties shall have been submitted to and approved in writing by the Local Planning Authority.

During Building Works

- 7 The development hereby approved shall be carried out in accordance with the recommendations made in the submitted Protected Species survey dated October 2017.
- 8 The development hereby approved shall be carried out in accordance with the recommendations made in the submitted Contamination Assessment report dated September 2017.

Before the Development is Occupied

- 9 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.
- 10 Before the buildings are first occupied, the boundary walls shall have been constructed in accordance with the approved details.
- 11 Before the proposed dwelling on plot 3 hereby approved is first occupied, the domestic fire fighting sprinkler system shall have been installed in accordance with the approved details and retained as such thereafter.
- 12 Before any building/dwelling hereby permitted is occupied/brought into use, the finished floor levels for that building shall have been constructed in accordance with the approved land levels details.
- 13 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Ongoing Conditions

- 14 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed within the curtilage of the dwellinghouse on plot 1 without Planning Permission first having been granted by the Local Planning

Authority.

- 15 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 15.3143.11D dated 21/05/2018 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.
 - 16 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window, rooflight or other shall be inserted into the elevations of the property on plot 1 other than those expressly authorised by this permission without Planning Permission first having been granted by the Local Planning Authority.
 - 17 The arrangements shown on the approved plan 15.3143.11D dated 21/05/2018 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
 - 18 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property on plot 1 other than those expressly authorised by this permission shall be carried out without Planning Permission first having been granted by the Local Planning Authority.
- (c) **Application Ref:** S18/0197
Description: Demolition of existing wall adjacent to no 3 and to the rear of existing outbuilding to accommodate access and erection of new boundary walls
Location: 3 Long Street, Great Gonerby, NG31 8LN

Decision:

To grant the application subject to conditions

Noting:

- Comments from the Historic Buildings Adviser
- No objection from Great Gonerby Parish Council
- No representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

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

Time Limit for Commencement

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

Approved Plans

- 2 The works hereby consented shall be carried out in accordance with the following list of approved plans:
 - i. 15.3143.11D received 21 May 2018
 - ii. 15.3143.12 received 1 February 2018
 - iii. 15.3143.13A received 1 February 2018
 - iv. 15.3143.14A received 1 February 2018
 - v. 15.3143.15A received 30 May 2018

Unless otherwise required by another condition of this permission.

Before the Development is Commenced

- 3 Before the works hereby permitted are commenced details (elevations/cross sections) of the existing and proposed boundary walls shall have been submitted to and approved by the Local Planning Authority.
- 4 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

Before the Development is Occupied

- 5 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.
- 6 Before the buildings are first occupied, the boundary walls shall have been constructed in accordance with the approved details.

As applications S16/1197 and S16/1155 related to the development of different phases at the same site, the Chairman stated that the applications would be considered together but voted on separately.

(d) **Application Ref:** S16/1197

Description: Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included

Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR

Decision:

To defer the application

As the application was part-heard and Councillors Baxter, Dilks, Judy Smith, Trollope-Bellew and Wood had not been present when it had been considered previously, they did not participate in discussion or vote on the application.

Noting:

- Comments from Billingborough Parish Council together with a further letter submitted regarding a further contribution of £15,400 for sports facilities in the village
- No objection from Lincolnshire County Council Highways and SUDS Support subject to conditions
- No contribution required from Lincolnshire County Council Education and Cultural Services
- No objection from the Environment Agency subject to conditions
- Comments from the Council's Environmental Protection Services
- Comments from the SKDC Affordable Housing Officer
- No contribution required from NHS England
- Comments from Anglian Water Services
- Comments from the Black Sluice Internal Drainage Board
- Comments from Heritage Lincolnshire
- The applicant's viability appraisal and assessment of the Valuation Office Agency together with further expert advice
- Further information submitted by the applicant together with an updated viability appraisal and comments from the Council's Environmental Protection Team
- 5 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Comments made by members at the meeting
- Comments made during the public speaking session on 25 July 2017
- Comments made by members on 25 July 2017 when the application

was first considered

Members discussed the viability assessment and the band within which the developer's profit was considered reasonable. Committee was advised that 17.5% to 20% is normally considered an acceptable range of developer profit and a number of members commented that the 20% profit that the developer would achieve if they did not provide any affordable housing was at the top of that band. Reference was also made to emerging Government guidance that indicated that 20% was a suitable return to developers to establish viability. While there was acknowledgement that providing the full 35% quotient of affordable housing may render the development unviable, it was suggested that the developer could make a smaller contribution and still achieve a profit that was within the acceptable range.

A proposition was made that the application be approved for the reasons set out in the case officer's report and subject to conditions. This was not seconded.

A new proposition was put forward: to approve the application subject to the completion of a Section 106 Agreement comprising £15,400 for sports equipment and a contribution of £111,000 for affordable housing, which would leave the developer's profit at approximately 17%. When combined with the current decision regarding phase 1 of the scheme this would generate 2 affordable houses. This was seconded. Members expressed a wish that these be delivered on site as part of phase 2 of the development.

The Committee was advised that the most appropriate way to proceed was to put the proposition to the applicant before making a decision.

14:40 to 14:58 – the meeting adjourned to enable officers to speak to the applicant

Following the adjournment Members were advised that the applicant had requested a deferral to re-assess whether they could agree to the Committee's proposal. Consequently the proposition was withdrawn and a new proposition made to defer the application until the next meeting of the Committee (24 July 2018). This was seconded and, on being put to the vote, carried.

(e) **Application Ref:** S16/1155

Description: Variation of S106 Agreement to waive affordable housing contribution re S14/0927

Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR

Decision:

To defer the application

As the application was part-heard and Councillors Baxter, Dilks, Judy Smith, Trollope-Bellew and Wood had not been present when it had been considered previously, they did not participate in discussion or vote on the application.

Noting:

- Noting the applicant's viability appraisal and the assessment of the Valuation Office Agency together with further expert advice
- Further information submitted by the applicant together with an updated viability appraisal and comments from the Council's Environmental Protection Team
- No representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Comments made by members at the meeting
- Comments made by members on 25 July 2017 when the application was first considered

It was proposed, seconded and agreed that the application be deferred until the next meeting of the Committee (24 July 2018) to enable discussion with the applicants regarding S106 contributions.

(f) **Application Ref:** S18/0179

Description: Provision of ramped and stepped access to main entrance of the church

Location: Stamford Methodist Church, 11 Barn Hill, Stamford, Lincolnshire, PE9 2AE

Decision:

To refuse the application contrary to officer recommendations

As the application was part-heard and Councillor King had not been present when it had been considered previously, he left the meeting and did not return.

Noting:

- A meeting held on site on 11 May 2018 to discuss alternative options
- Analysis of an alternative option submitted by the applicant together with justification for the original proposal as the preferred scheme
- Clarification of the committee presentation given on 3 April 2018
- Comments from the Historic Buildings Adviser expressing no objection but requiring a condition

- No objection and comments from Historic England
- An objection from Stamford Civic Society
- No objection from Lincolnshire County Council Highways and SUDS Support
- An objection from Stamford Town Council
- Comments from East Midlands Building Control
- 41 representations (19 supporting and 22 against the proposal) received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting
- The additional information report from the meeting held on 3 April 2018
- Comments made during the public speaking session on 3 April 2018
- Comments made by members on 3 April 2018 when the application was first considered

In considering the application Members discussed whether adjustments could be made to reduce the gradient of ramps to enable the repositioning of the proposed ramp, the space between the side of the ramp and 12 Barn Hill, the impact of the ramp on the outlook from 10 Barn Hill and its visual impact on the gable end of the Grade II* listed 10 Barn Hill and alternative level access into the church.

It was proposed, seconded and agreed that the application be refused contrary to officer recommendations for the following reason:

The proposal would result in a degree of less than substantial harm to the setting of the Grade II* listed 10 Barn Hill, which is of the highest significance, and the street scene in this very important part of the Stamford Conservation Area.

Whilst the provision of an improved ramped access would provide a public benefit it is considered to have less weight as there is already a ramped access and disabled parking to the rear of the church. The harm to the heritage assets in this instance is not considered to be outweighed by the public benefits of the proposal and therefore planning permission should be refused in accordance with paragraph 134 of the National Planning Policy Framework.

12. CLOSE OF MEETING

The meeting was closed at 16:02.

Agenda Item 5

COMMITTEE: 24th July 2018

AGENDA ITEM 5

	NO	PAGE	PROPOSAL AND LOCATION	REC
KJC1	S18/0543	1	Erection of 25 dwellings (20 no. apartments and 5no. townhouses) with associated access, car parking and landscaping. Land At Wherry's Lane Bourne PE10 9HQ	AC
AL1	S18/0064	19	Demolition of existing buildings and the erection of a single storey club house, alterations to vehicular access and associated car parking. Stamford Rugby Club Hambleton Road Stamford PE9 2RZ	AC
PWM1	S18/0452	31	Residential development (outline with all matters reserved) Ferndale House Swinstead Road Corby Glen NG33 4NU	AC
PL1	S18/0645	48	Demolition of existing buildings and erection of 3 blocks of 12 apartments. 31 North Street Bourne Lincolnshire PE10 9AE	AC
PL2	S18/0499	62	Erection of dwelling Land To South Of Roxholme Haven Glen Road Castle Bytham NG33 4RJ	REF
PWM2	S16/1197	70	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included. Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR	AC
PWM3	S16/1155	100	Variation of S106 Agreement to waive affordable housing contribution re S14/0927 Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR	AP
MGS1	S16/2285	120	Residential development for up to 19dwellings (outline) Falcon Way Bourne PE10 0FF	AC

Agenda Item 5a

KJC1	S18/0543	Target Decision Date:26th June 2018
		Committee Date:24th July 2018

Applicant	Gravitas Housing Ltd c/o Lincs Design Consultancy Ltd 12 Vickers Lane Louth LN11 9PJ
Agent	Mr Daniel Sharp Lincs Design Consultancy Ltd 12 Vickers Lane Louth LN11 9PJ United Kingdom
Proposal	Erection of 25 dwellings (20 no. apartments and 5no. townhouses) with associated access, car parking and landscaping.
Location	Land At Wherry's Lane Bourne PE10 9HQ
Application Type	Full Planning Permission (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	The applicant - Gravitas Housing Ltd, is a Local Authority Commercial Company
Recommendation	That the application is:- Approved conditionally
Report Author	Kevin Cartwright - Principal Planning Officer 01476 406080 Ext: 6390 k.cartwright@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of Development
Impact on the character of the area
Impact on heritage assets
Impact on residential amenity
Highway matters
Contamination
Drainage
Affordable Housing
Open Space

Technical Documents Submitted with the Application

Contamination Report
Planning Supporting Statement
Heritage Impact Assessment
Drainage Strategy



Key



Application
Boundary



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1.0 Description of the Site

- 1.1 The application site is approximately 0.17 hectares and is located within the defined town centre of Bourne between Burghley Street and North Street. The site is currently grassed but previously contained a number of commercial buildings that have been demolished. The site is located within the Bourne Core Area an area identified in the local plan as suitable for redevelopment.
- 1.2 Directly to the south of the site is the parade of shops with apartments above along Wherry's Lane which were constructed as part of phase one of the Wherry's Mill redevelopment which was completed in 2015. This site can be regarded as phase 2 of that development.
- 1.3 The wider area is characterised by retail properties that front North Street with Burghley Street providing access to the rear of these properties, public car park to the south west and a number of residential properties of varying styles and designs along Burghley Street.
- 1.4 The site is bounded by the conservation area to the east and west. There are a number of listed buildings that front North Street close to the application site. Wherry's Mill is a positive unlisted building located on the corner of Wherry's Lane and Burghley Street. It forms part of phase 1 of the Wherry's Mill redevelopment.

2.0 Description of Proposal

- 2.1 The proposed buildings would be in the form of 2no. L shaped blocks which would be four storey at the corner locations with the remainder being three storey in height surrounding a communal parking and turning area.
- 2.2 The 20no. apartments would be accessed by 2no. communal stair and lift cores both accessing 3no. apartments from each floor. The internal layout of the apartments would follow an contemporary design containing a double bedroom, second bedroom, bathroom, open-plan kitchen, dining and living space.
- 2.3 The 5no. townhouses would be three storey providing kitchen, dining and living space and WC at ground floor, secondary living area, and study/bedroom at first floor and 2no. double bedrooms and bathroom at second floor.
- 2.4 The communal area would provide a landscaped area and parking and turning for vehicles within the site. 25 car parking spaces would be provided.
- 2.5 The contemporary design would be constructed of predominantly red facing bricks with slate tile roofs interspersed with render providing a frontage to both Burghley Street and Wherry's Lane with four storey focal points at the important corner of Burghley Street and Wherry's Lane and a further focal point along Wherry's Lane. Full height fenestration is a key design feature of the development.
- 2.6 The southern and western elevations fronting Wherry's Lane and Burghley Street would be bounded by low black finished gates and railings providing pedestrian access to the properties and defining the boundary of the development with the wider public realm.
- 2.7 The applicants have provided a letter in support of the application. A summary of its content is listed below:

"Gravitas was established to support the delivery of market housing in the district and to do this on a commercial basis.

The Wherry's lane scheme proposals and housing mix has been developed following the analysis of demand for market housing to support town centre living and improve the vitality of Bourne town centre.

The original scheme included a higher density development. However, in recognition of a demand for market housing the density was reduced to address this and five town houses included. The development will therefore provide new homes for first time buyers, buyers wishing to downsize and those wanting to live in a sustainable location, close to local services without a reliance on the car.

Gravitas fully acknowledges its obligation on the provision of affordable homes and is fully committed to work in partnership with the Council to see how local housing needs to be best met. In recognition of a demand for affordable homes and Government policy on home ownership Gravitas will develop an affordable discounted market sale option, of 4 on-site units of the proposed scheme.

These homes will be targeted at first time buyers with a local connection to Bourne. The scheme, which will be developed and managed by South Kesteven District Council, will be designed to enable households, who meet eligibility criteria, to benefit from a 20% discount in perpetuity, creating ongoing opportunities for local people to access affordable home ownership.

The balance of the affordable housing contribution has been calculated from assumed sales figures and currently totals £454,000. This will be paid as a commuted sum to contribute to the proposed development of a further 7no. dwellings for affordable or social rent on the land currently owned by the Council at Meadow Close in Bourne".

3.0 Relevant History

Reference	Proposal	Decision	Date
S11/2953	Demolition of all buildings on site (except mill building which is to be retained and refurbished) and redevelopment of site to create 7 retail units at ground floor level (Use Classes A1, A2, A3) 4 new apartments in refurbished mill building and 10 new build apartments at 1st/2nd floor over new retail space. Future phase 2 land to be grassed and landscaped. Alterations to adjacent Burghley Street car park	Approved Conditionally	12/03/2012

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 6 - Wide choice of high quality homes
 Section 7 - Requiring good design
 Section 11 - Enhancing the natural environment
 Section 12 - Enhancing the historic environment
 Section 4 - Promoting sustainable transport
 Section 8 - Promoting healthy communities
 Section 10 - Meeting the challenge of climate change

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement
 Policy EN2 - Reduce the Risk of Flooding
 Policy H1 - Residential Development
 Policy H3 - Affordable Housing
 Policy SP1 - Spatial Strategy
 Policy SP2 - Sustainable Communities
 Policy SP4 - Developer Contributions
 Policy SP3 - Sustainable Integrated Transport

4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development

Policy SAP9 - Bourne core area

Policy SAP7 - Development in defined town centres

Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

Support good housing for all

6.0 Representations Received

Lincolnshire Fire & Rescue Services	No objection. There is sufficient access and water supplies to the site.
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Parish Council	Objections from the Town Council after several members of the public attended the meeting and under several reasons - limited access to the houses, limited parking spaces, not in keeping with the surrounding area, over development, and no affordable housing.
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LCC Highways & SuDS Support	Vehicles are not travelling along here at speed, most probably because of the carriageway width and the sharp bend just to the north of the application site. This is not an obvious route through the town and therefore drivers using it are more likely to be locals. There are other accesses of Burghley Street that have restricted visibility.
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The access arrangements, as submitted, are acceptable without the need for speed readings to be taken.

Environmental Protection Services (SKDC)	The phase 2 survey has been completed. A condition requiring the development to be undertaken in accordance with the conclusion of the report is required.
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Heritage Lincolnshire	The area is of interest, located within the historic medieval core of Bourne trial trenching would be an appropriate means of determining the potential for the survival of any archaeological deposits in this area. The trial trenching should be undertaken prior to development groundworks commencing to determine the presence of any significant deposits.
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Historic Buildings Advisor (SKDC)	No objection to the proposals which have been sensitively designed to complement the conservation area, listed buildings and other buildings of note such as Wherry's Mill. For example, the four storey gable element of the new development relates well with the existing Wherry's Mill in terms of height and the fenestration. The attractive mix of render, brick and slate is consistent with the material palette of the conservation area and the high density of development is appropriate to the town centre location.
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Conditions relating to material samples for walling, roofing, rainwater goods and render.

Affordable Housing Officer (SKDC) The proposal would provide 11 housing units for applicants with a direct local connection with Bourne. This would be in the form of:

Four affordable units on site and offered at discounted open market value (minimum discount will be 20% Open Market Value for first time buyers with a local connection to Bourne and be available in perpetuity.

Seven affordable units be provided/developed offsite with the assistance of a commuted sum of £454,000 on land provided by SKDC. These units would be provided at social or affordable rent to local applicants.

The advantage of this proposal is that four applicants from Bourne would be offered the opportunity of getting onto the housing ladder and that seven affordable/social rented units would be developed by the assistance of the commuted sum to local applicants with a connection in Bourne. Overall this will provide two additional rented units rather than five if they were to be provided on site.

NHS England The development is proposing 25 dwellings which, based on an average of 2.4 people per dwelling would result in patient population of 60. This will place extra pressure on existing provisions.

As such the s106 funding would go towards the Hereward practice (who are approximately 0.1 miles from the development).

The contribution requested for the development is £11,100.00 based on £444 per residential unit).

Anglian Water Services Foul sewerage system at present has available capacity for these flows.

Recommends conditions on surface water for the submission of a surface water management strategy and to control the construction of hard standing areas.

Welland & Deeping Internal Drainage Board No objections.

Environment Agency No comments to make on the application.

7.0 Representations as a result of publicity

7.1 The application has been advertised in accordance with adopted statement of community involvement. 9no. representations have been received. A summary of the main concerns are listed below:

- Not in keeping with the historical centre or Bourne.
- Inadequate access
- Site would be better of shops
- Enough building at Elsea Park
- Inadequate parking which will impact on nearby parking areas such as the post office

- Cramming in cheap housing
- SKDC not listening to the people of Bourne
- Bourne is dying because of the lack of parking
- Exit onto Burghley Street would be an accident waiting to happen
- No affordable dwellings included in the plans when local council's should be helping young people onto the housing ladder
- Completely at odds with the conservation area/Georgian and Victorian buildings
- Entrance/exit on a narrow road next to a blind corner will only result in an accident possibly fatal
- Few job opportunities in Bourne
- As this is a major development why is it not included in the local plan?
- Site better suited to extra parking or left as a green space
- Schools, doctors and dentists are at or close to capacity
- No recreational area is included
- Will restrict deliveries to the retail units opposite which is already a problem
- Choice of materials is inappropriate
- Should SKDC be determining something in which they have a financial interest?
- This will result in the retailing being pushed out of the town centre
- Should replicate the shops opposite
- Proposal will result in loss of trees and seating area which we have few left in the town
- Bourne Civic Society consider that there should be provision for retail on the site in accordance with current policy to encourage footfall in Wherry's Lane to improve the town centre.

7.2 The applicant has undertaken an extensive pre-application consultation exercise including a public consultation in February 2018. The feedback from the public consultation exercise resulted in an additional five parking spaces being provided.

8.0 Evaluation

8.1 Principle of Development

- 8.1.1 The thrust of national planning policy contained in the NPPF is that development should be in sustainable locations wherever possible. The Core Strategy (CS) has a clear strategy for the location of new development based on these principles. Whilst CS strategy H1 restricts residential development in Bourne, this policy has been updated by Site Allocations Policy Development Plan Document SAP H1 that permits new housing development in Bourne within the built up parts of these settlements.
- 8.1.2 CS Policy SP1 and SAP H1 therefore supports, in principle, new housing development which helps to maintain and support the role of Bourne as a market town.
- 8.1.3 SAP 9 promotes mixed use development schemes in the Bourne Core Area which will contribute to the Council's vision of comprehensive mixed use development of the area. This development can be regarded as phase 2 of a wider redevelopment scheme. Phase 1 being completed in 2015 and provides a mix of retail and residential uses. (S11/2953).
- 8.1.4 Notwithstanding that this scheme would be solely residential it would, when viewed in conjunction with phase 1 provide a mixed use development. As such the scheme is considered to comply with this policy.

8.2 Impact on the character of the area

- 8.2.1 The proposed buildings would improve the character and appearance of the area and be seen as a logical extension to the existing Wherry's Mill redevelopment. The development seeks to reflect the building heights and massing of this scheme particularly in relation to the retained section of the original 19th building.

- 8.2.2 It would infill a currently vacant piece of land adjacent to the conservation area with a contemporary building fronting both Burghley Street and Wherry's Lane. This would provide a strong frontage to both Burghley Street and the main pedestrian route through to North Street. The proposal would provide integrity to the street scene with the four story features at the corners providing focal points when viewed along Burghley Street. The remainder of the building would be three storeys in height thereby not competing with surrounding buildings.
- 8.2.3 As such the proposed development is considered to accord with CS Policy EN1 and NPPF Section 7 - Requiring good design, Section 8 - Promoting Healthy Communities and Section 11 - Conserving and enhancing the natural environment.

8.3 Impact on Heritage Assets

- 8.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Any adverse impact on a heritage asset, even slight or minor, would not preserve the asset or its setting.

- 8.3.2 CS Policy EN1 seeks to ensure that development does not harm heritage assets. NPPF para 134 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

- 8.3.3 The proposal would utilise a mix of render, brickwork and slate which relates well to the positive unlisted building, Wherry's Mill opposite, and the wider conservation area. The form of the buildings are simple pitched roof terraced buildings with uniform fenestration and building heights similar to the historic part of Wherry's Mill.
- 8.3.4 The listed buildings on North Street are a sufficient distance away from the site with a number of intervening buildings between that would ensure that their setting would not be affected.
- 8.3.5 The Council's Conservation Officer is satisfied that the development would complement the character of the conservation area and would preserve the setting of the listed buildings and Wherry's Mill.
- 8.3.6 Given the location of the site within the historic medieval core of Bourne there is potential for the presence of archaeological remains. Trial trenching would be an appropriate means of determining the potential for the survival of any archaeological deposits in the area. The trial trenching should be undertaken prior to development ground works commencing to determine the presence of any significant deposits. The number/arrangement of trenches can be revised in line with any on-site constraints. A condition is required to secure this archaeological works.
- 8.3.7 As such the proposal would not result in any harm to the setting of heritage assets and in this respect the proposal is in accordance with CS Policy EN1 and NPPF Section 12: Conserving and enhancing the historic environment.

8.4 Impact on Residential Amenities

- 8.4.1 The nearest residential properties to the site are no. 15 Burghley Street immediately to the north, no.30a and no. 32 Burghley Street to the west. To the south of the site are a number of apartments at the Wherry's Mill redevelopment, located above the retail premises along Wherry's Lane.
- 8.4.2 Whilst the site access is located adjacent to the side elevation of no. 15 Burghley Street there would be a 3 metre landscape buffer between the access driveway and the side elevation to

ensure that the occupiers would not experience any significant noise and disturbance from vehicles coming and going to the site. There would be a distance of 10 metres between the side elevation of the proposal and the side elevation of no. 15 Burghley Street. This would be sufficient to ensure no significant overshadowing or loss of light. There would be no windows in the northern end elevation facing no.15 Burghley Street.

- 8.4.3 A separation distance of 11 metres would exist between the proposal and 30a Burghley Street to the north-west. This coupled with the more oblique relationship would ensure no direct overlooking or loss of privacy to justify a refusal of planning permission.
- 8.4.4 There would be a separation distance of 10.5 metres between the proposed elevation fronting Burghley Street and no.32 Burghley Street to the west. Whilst there would be a number of windows facing the side and rear garden of this property it is considered that the separation distance is sufficient to ensure no significant overlooking/loss of privacy or overshadowing would occur. Particularly as the proposal would face the side elevation coupled with the fact that No.32 has a number of outbuildings which to a degree would screen their immediate rear garden areas and ensure that the existing occupiers would not experience any significant loss of residential amenity.
- 8.4.5 There would be a distance of approximately 12 metres between the proposed buildings along the southern boundary of the site and the residential apartments above the retail units along Wherry's Lane. This is considered to be an acceptable front elevation to front elevation relationship similar to that which often occurs with properties facing each other in an urban context.
- 8.4.6 As such the proposal is considered to accord with CS Policy EN1 and NPPF Section 7.

8.5 Highway Matters

- 8.5.1 The proposed development has been fully assessed by the local highway authority including a site visit to assess the access in relation to road alignment and visibility. As it is unlikely that vehicles would be travelling at speed along this road they consider the proposed access arrangements to be acceptable.
- 8.5.2 Whilst Burghley Street does connect to North Street it is not an obvious route through the town. As such it is likely to be used predominantly by locals and not heavily trafficked. In turn the proposed development of 25 residential units is unlikely to result in a significant number of vehicle movements to and from the site that would result in a risk to highway/public safety. The test for the refusal of planning permission on highway grounds is now set very high. The NPPF at para 32 is explicit in that:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe."

- 8.5.3 25no. parking spaces would be provided which is considered acceptable for this sustainable town centre location. The development is predominantly apartment accommodation where there is a wide range of shops, services, facilities and employment opportunities within easy walking distance. Whilst there is not a railway service in Bourne, there is a bus terminus within easy walking distance.
- 8.5.4 There are no parking restrictions on the highway in the immediate vicinity of the application site.
- 8.5.5 As such it is considered that the residual cumulative transportation impacts of the proposal would not be expected to be severe and the scheme is acceptable in highway terms and would not be detrimental to highway safety or traffic capacity in accordance with CS Policy SP3 and NPPF Section 4.

8.6 Contamination

- 8.6.1 The Council's Environmental Protection team have confirmed that the findings of the submitted report indicate that there are potential contaminants on the site as a result of the previous uses. Specifically a depot that may have stored vehicles and machinery. Further on site survey work has concluded that the contamination would be effectively mitigated by the removal and importation of a clean cover of not less than 394mm of top soil to the landscaped areas. Outside of the landscaped areas i.e. beneath the buildings and the hard surfaced areas a suitable barrier will exist so no remediation is required in these areas.
- 8.6.2 A condition requiring the remediation to be undertaken as per the report is required with a further condition requiring a verification report to be submitted for approval to ensure appropriate remediation has taken place.
- 8.6.3 As such the proposal complies with CS Policy EN1 and NPPF Section 11.

8.7 Drainage

- 8.7.1 Section 10 of the NPPF and CS Policy EN2 seeks to direct development to areas with the least probability of flooding. The site is located in Environment Agency flood zone 1 and is therefore not in a high flood risk zone.
- 8.7.2 The generally accepted minimum surface water discharge rate controllable by a hydro-brake or similar device is 5 litres per second.
- 8.7.3 A surface water drainage scheme would be required for the site. This would be controlled through an appropriately worded condition requiring details of surface water drainage details achieving the 5 litres per second to be submitted to and approved in writing by the local planning authority.
- 8.7.4 Foul water would be connected to the existing foul sewer. Anglian water has confirmed that there is sufficient capacity.
- 8.7.5 There is no evidence to suggest that an appropriate means of surface and foul drainage could not be achieved for the site. In this respect the proposal is in accordance with Section 10: Meeting the challenge of climate change, flooding and coastal change and CS Policy EN2.

8.8 Affordable Housing

- 8.8.1 CS Policy H3 requires developments of 11 or more dwellings to provide a target of 35% affordable housing. In this instance this would equate to 9no. affordable units on site.
- 8.8.2 As the development would have a shared access and shared communal areas, experience has shown that a mix of affordable and open market housing is often problematic. It poses problems for the overall management of the development, the responsibility for repairs and payment and upkeep of shared areas.
- 8.8.3 Notwithstanding the above, it is proposed that this scheme would provide 4no. on site discounted market sale units with the balance of the affordable housing contribution being a commuted sum contribution of £454,000.
- 8.8.4 The on-site units would have a 20% discount in perpetuity. The £454,000 commuted sum would provide 7no. units for affordable or social rent.
- 8.8.5 The scheme would provide both provision on site and much needed affordable or social rent off site.

8.9 Open Space

8.9.1 Site Allocations Policy SAP 10 requires appropriate provision of open space within developments of 11 or more dwellings in areas where there is currently inadequate open space provision. In this instance the site is located approximately 500 metres from the recreation ground off Recreation Road and approximately 400 metres to the Abbey Lawns. As such there is adequate open space provision in the vicinity without the need for additional provision on site.

8.10 Refuse Collection

8.10.1 The scheme would provide a bin storage area for 8no. 1100 litre wheeled bins. The refuse vehicle would reverse back adjacent to the bin storage area. Individual bins for the town houses would be presented at the edge of the car park but not obstructed by park cars.

8.11 Sections 106 Heads of Terms

8.11.1 The Section 106 requirements for this development are:

- Provision of 4no. on-site discounted market units
- Commuted sum for off-site provision of affordable/social rent housing - £454,000
- Contribution towards the Hereward Medical Centre - £11,100

8.11.3 These obligations are considered to meet the tests of Sections 122 and 123 of the Community Infrastructure Levy Regulations (2010) (as amended) and accord with the NPPF Sections 6 and 8 and Decision Taking. Planning Practice Guidance and CS Policies H3, SP4 and the South Kesteven Planning Obligations SPD.

9.0 **Crime and Disorder**

9.1 It is considered that the proposal would not result in any crime and disorder implications.

10.0 **Human Rights Implications**

10.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to a private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

11.0 **Conclusion**

11.1 It is considered that redevelopment of this site for residential development, in a sustainable location, is in accordance with the sustainability aims of national and local policy. The proposed development would result in a form of development which is in keeping with the character and appearance of the surrounding area, including the adjacent conservation area, would not result in any increase risk to flooding or be detrimental highway safety or result in any significant harm to the amenities of neighbouring occupiers.

11.2 As such the proposal is considered to accord with Policies SP1, SP2, SP3, SP4, H1, H3, EN1, EN2 of the adopted South Kesteven Core Strategy, Policies SAP 7, SAP 9, SAP 10, and SAP H1 of the South Kesteven Site Allocations and Policies Plan and the National Planning Policy Framework Section 4 Promoting Sustainable Transport, Section 6 Delivering a wide choice of high quality homes, Section 7 Requiring Good Design, Section 8 Promoting Healthy Communities, and Section 10 Meeting the Challenge of climate change, flooding and coastal change, Section 11 Conserving and Enhancing the Natural Environment and Section 12 Conserving and enhancing the historic environment. Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and impact on heritage assets they are not considered to outweigh the policies referred to above.

12.0 Recommendation

- 12.1 That the development is deferred to Chairman and/or Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement in accordance with the conditions set out below. Where the section 106 has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.
- 12.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation, 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The works hereby consented shall be carried out in accordance with the following list of approved plans:
- i. Proposed Plans and Elevations - Dwg No. LDC 1685-PL03_B - Ground Floor Plan
 - ii. Proposed Plans and Elevations - Dwg No. LDC 1685-PL04_A - First Floor Plan
 - iii. Proposed Plans and Elevations - Dwg No. LDC 1685-PL05_A - Second Floor Plan
 - iv. Proposed Plans and Elevations - Dwg No. LDC 1685-PL06_A - Third Floor Plan
 - v. Existing Plan - Dwg No. LDC 1685-PL01_A - Site area

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

- 3 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 4 No development shall take place until a surface water drainage scheme for the site, based on sustainable urban 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;

- a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5.0 litres/second/hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

- 5 The remediation of the site shall be undertaken in accordance with the approved phase 2 Intrusive Ground investigation report dated 25th January 2018.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in the NPPF paragraphs 120 and 121.

- 6 Before any construction work above d.p.c level hereby permitted is commenced details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. means of enclosure;
 - ii. car parking layouts;
 - iii. other vehicle and pedestrian access and circulation areas;
 - iv. hard surfacing materials;
 - v. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - vi. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
 - vii. retained historic landscape features and proposals for restoration, where relevant.

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

- 7 Before any construction work above d.p.c level is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

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

- 8 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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).

- 9 Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the Local Planning Authority.

The archaeological investigations shall also have been completed in accordance with the approved details before development commences unless otherwise agreed in writing 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) and Paragraph 141 of the NPPF.

Before the Development is Occupied

- 10 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.

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

- 11 Before any building/dwelling hereby permitted is occupied/brought into use, the finished floor levels for that building shall have been constructed in accordance with the approved land levels details.

Reason: 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).

- 12 Before any part of the development hereby permitted is occupied/brought into use, a verification report confirming that remedial works have been completed shall have been submitted to and approved in writing by the Local Planning Authority. The report shall have been submitted by the nominated competent person approved, as required by condition above. The report shall include:

- i. A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
- ii. As built drawings of the implemented scheme;
- iii. Photographs of the remediation works in progress; and
- iv. Certificates demonstrating that imported and/or material left in situ is free from contamination.

The scheme of remediation shall thereafter be maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in the NPPF paragraphs 120 and 121.

- 13 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 14 Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details.

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

- 15 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

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

Ongoing Conditions

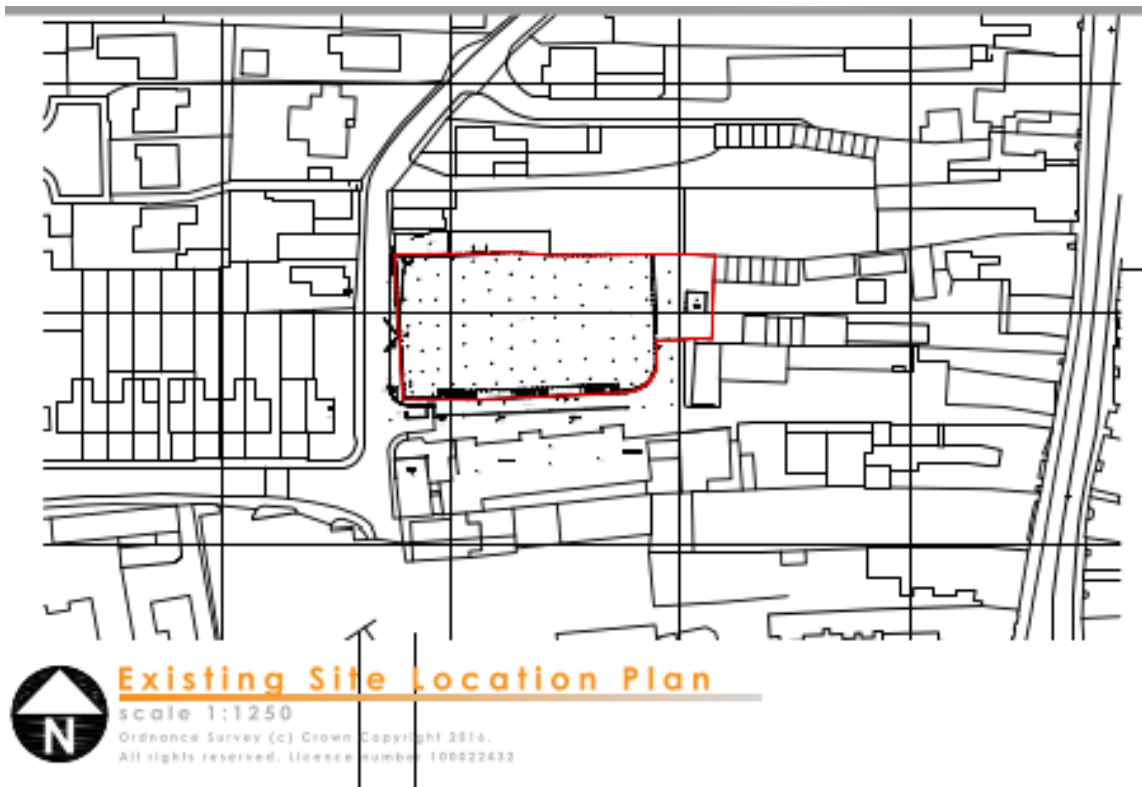
- 16 The arrangements shown on the approved plan Dwg. No. LDC 1685-PL02_B received 20 June 2018 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the dwellings are in use.

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

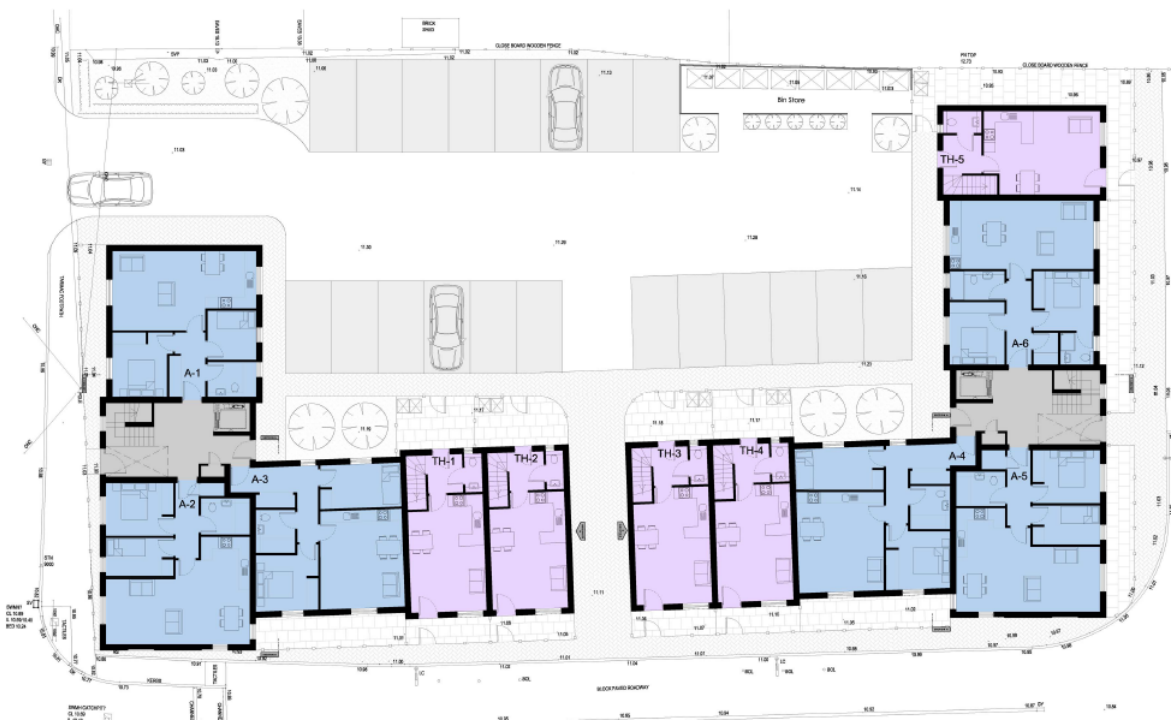
Standard Note(s) to Applicant:

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

Site Location Plan



Block Plan



West and East Elevations



North Elevation



South Elevation



Visualisation



Agenda Item 5b

AL1	S18/0064	Target Decision Date:5th April 2018
		Committee Date:24th July 2018

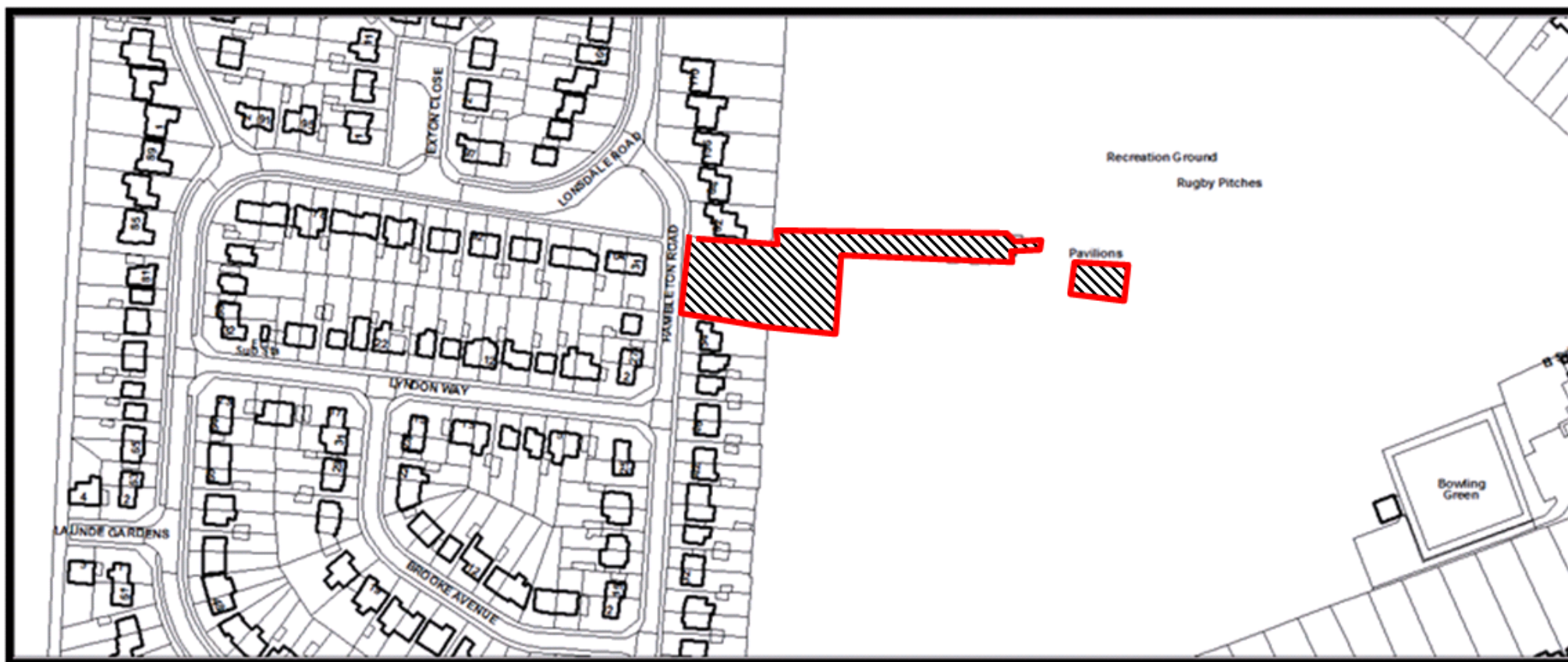
Applicant	Stamford Rugby Club Stamford Rugby Club, Hambleton Road STAMFORD PE9 2RZ
Agent	Mr Ross Thain Ross Thain Architects 20 Belton Street Stamford PE9 2EF United Kingdom
Proposal	Demolition of existing buildings and the erection of a single storey club house, alterations to vehicular access and associated car parking.
Location	Stamford Rugby Club Hambleton Road Stamford PE9 2RZ
Application Type	Full Planning Permission
Parish(es)	Stamford Town Council
Reason for Referral to Committee	At the request of Cllr Griffin for reasons relating to noise, loss of privacy and traffic issues.
Recommendation	That the application is:- Approved conditionally
Report Author	Abiola Labisi - Area Planning Officer 01476 406080 Ext: 6632 a.labisi@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of Development
Impact on the character of the area
Impact on the neighbouring properties
Highway issues

Technical Documents Submitted with the Application

Design and Access Statement
Proposed plans and elevations



Key



Application
Boundary



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1.0 Description of site

- 1.1 The application site comprises of sports and recreational grounds to the west of Stamford Town Centre which is owned by South Kesteven District Council. The site is currently leased out to various organisations including Stamford Rugby Club with an access off Hambleton Road to the west of the grounds and another access off Empingham Road. The site is surrounded by two storey residential properties. The site is marked out with sports pitches and there are currently two pavilions sited centrally within the site and which are proposed to be demolished to accommodate a new club house. Adjacent to the Hambleton Road entrance is a single storey club house owned by Stamford Rugby Club and a small gas compound.
- 1.2 The original club house was stated to have been built around 1902. However, due to a fire incident, the club house was rebuilt in the early 1970s.
- 1.3 There is a parking area to the front of the existing club house and an overflow parking area adjacent the Empingham Road entrance.

2.0 Description of proposal

- 2.1 This application seeks planning permission for the demolition of the existing club house and pavilions and the erection of a single storey club house. The single storey building will accommodate a lobby, toilets, shop, storage, clubhouse with bar, kitchen, cellar, clubroom and four changing rooms. There will also be two officials' changing rooms and a first aid room and external store. The building will have a footprint measuring 15.33m by 47m with two outside terrace areas. The main building will have an eaves height of 2.9m and a ridge height of 5.9m.
- 2.2 The front wall of the building would be of Ashlar stone whilst the sides and rear would be of timber and it would have a blue slate roof.
- 2.3 An additional marked out pitch would be created following the demolition of the existing pavilions. It should be noted that planning permission is not required for this or the re-organisation of existing pitches on the site.
- 2.4 The proposal includes widening of the existing access on Hambleton Road, and the creation of additional parking spaces.
- 2.5 The existing 2.5m access would be widened by 2m and the access drive would be of grasscrete. The applicant has stated that there are 20 parking spaces on site and additional 60 parking spaces would be provided. However, the revised parking arrangement as shown on the proposed site layout plan indicates that a total of 57 parking spaces would be provided. This is an increase of 37 and not 60 as stated in the application form and this aspect of the scheme has been considered on this basis.
- 2.6 Foul water would discharge into the mains sewer while surface water would discharge into soakaways.

3.0 Relevant planning history on the site includes

- 3.1 SK.1027/77 - Permission granted for the use of premises for playground
SK.1497/79 - Permission granted for rear extension to existing clubhouse
S12/2103 - Permission granted for extension to clubhouse
S12/3249 - Permission granted for the siting of storage container on site.
- 3.2 Having reviewed the planning history for the site, particularly in relation to the existing clubhouse which was stated to have been rebuilt in 1973, Officers consider that the building has a lawful and established use for sports as well as ancillary social purposes and that there are no restrictions (such as hours, type of use, noise limits etc) by virtue of conditions or other planning

obligations. In particular, no restrictions were imposed on the site in the granting of permission under the 1979 permission for an extension to the club house (SK.1497/79).

- 3.3 The use of the club house for social purposes is confirmed by the club's premises licence which states that the following are allowed on site:

- a) Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- b) Sale by retail of alcohol by or on behalf of a club to a guest or a member of the club for consumption on the premises where the sale takes place.

- 3.4 It is noted that the original permission for the use of the premises as playground also does not include a restriction on hours of use and places no restriction on the type of use.

3.5 Relevant History

Reference	Proposal	Decision	Date
S12/2103	Single storey extension	Approved	05/10/2012
S12/3249	Siting of storage container	Conditionally Approved Conditionally	01/03/2013

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 7 - Requiring good design
Section 8 - Promoting healthy communities

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement
Policy SP1 - Spatial Strategy

4.3 Site Allocation and Policies Development Plan Document

Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

- 5.1 Promote leisure, arts and culture

6.0 Representations Received

Environmental Services (SKDC)	Protection	No objection subject to conditions relating to noise and odour management and submission of details relating to light.
Sport England		No objection
Parish Council		No decision can be made on this application until permission is sought from SKDC Assets Department (Paul Stokes). More information is needed regarding the existing covenant and the lease from SKDC. Serious concerns about losing green field space and the attempt to change the use of the facilities regarding different opening times and different patrons. This application should be deferred to a later date and called to Development Management Committee. Serious concerns from neighbours
LCC Support	Highways & SuDS	No objection subject to conditions relating to the submission of a Traffic Management Plan and provision of an overflow parking area.

7.0 Representations as a Result of Publicity

- 7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 18 letters of representation have been received, 3 letters in support of the scheme and 18 letters of objection raising issues which can be summarised as follows:
- 7.2 Letters of objection:
1. Impact on highway safety due to increase in traffic, on-street parking causing reduction in road width, damage to grass verges and pavements.
 2. Amenity issues such as noise, odour, light pollution and anti-social behaviours.
 3. Development contrary to the character of the area.
 4. Loss of public open space
 5. Impact on wildlife
- 7.3 Letters of support based on:
1. Existing buildings are an eyesore
 2. Let's a thriving club continue
 3. Existing buildings should be demolished to allow for the erection of a modern facility

8.0 Evaluation

8.1 Principle of Development

- 8.1.1 Core Strategy Policy SP1 (Spatial Strategy) sets out a framework guiding the location of new development within the district and provides that:
- 'The majority of all new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. New development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings, will also be allowed.'*
- 8.1.2 Section 8 of the National Planning Policy Framework (NPPF) addresses issues relating to the promotion of healthy communities and provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. In this regard, para 73 of the NPPF provides that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 8.1.3 Accordingly, the NPPF advises both on the protection of open spaces and also to 'plan positively' for new and improved facilities. It is noted that the proposal would not affect any of the marked out pitches.
- 8.1.4 The site is within the built up part of Stamford and forms part of an existing sporting facility. The proposal would lead to the provision of modern facilities as a replacement for the existing club house and pavilions and the additional pitch would further enhance the facilities on site. The proposal would therefore contribute towards the health and well-being of members of the community. It is therefore considered that the proposal would be in accordance with relevant provisions of Core Strategy Policy EN1 and Section 8 of the NPPF and would be acceptable in principle.

8.2 Impact of the use on the character of the area

- 8.2.1 Core Strategy Policy EN1 (Protection and enhancement of the character of the district) relates to impact of new development on the character of the area and states that:

'Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.'

- 8.2.2 Similarly, para 58 of the NPPF requires that Planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 8.2.3 Whilst the proposed club house would be larger than the existing club house in terms of footprint, it would however be similar to the cumulative footprint of the buildings to be demolished and replaced by the club house. The height is in keeping with that of existing buildings on site and in relation to its position on the playing field, the proposed club house would replace existing structures, be located in a central position to serve all pitches whilst not resulting in the loss of marked out pitches.
- 8.2.4 Having regard to the foregoing therefore, the scheme would comply with Sport England guidance and it is considered that the development would not lead to any significant adverse impact on the character of the area.
- 8.2.5 The proposals are considered to be of an acceptable scale, form, design and location and would be compliant with relevant provisions of Core Strategy Policy EN1 and Section 7 of the NPPF.

8.3 Impact on the neighbouring properties

- 8.3.1 There would be a separation distance of at least 60m between the proposed club house and the closest dwelling. Having regard to the scale and massing of the development as well as the separation distance from the nearest neighbouring property, it is considered that the development would not lead to any impacts relating to dominance, overshadowing or loss of privacy.
- 8.3.2 Due regard has been given to the lawful existing use of the land and buildings which can and does result in a degree of noise. The club house would be used for both social and sporting purposes. This is not uncommon where incidental activities take place to sustain and support clubs and facilities financially. Such activities would fall within the use identified and in addition, they would be subject to other legislations.
- 8.3.3 In terms of intensification in activities at the site as a result of the development, as stated elsewhere, this could already occur. Given this fall back position, it is not considered that an objection based on intensification could be sustained. In addition, due regard should be given to the existence of other regimes for dealing with amenity impacts, such as the Environmental Protection Act 1990, as identified by Para 122. of the NPPF which states:
- 'Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively'.*
- 8.3.4 In order to minimise any noise impact, the Environmental Protection Unit has requested that a condition relating to the submission of a noise management plan for approval be attached to any grant of permission. Similarly, it has been requested that details relating to odour mitigation and external lighting be submitted for approval prior to commencement of the development. Whilst conditions relating to odour mitigation and light pollution have been recommended, it is considered that issues relating to noise from the proposed clubhouse can be adequately dealt

with by way of a premises licence which controls issues relating to playing of amplified music. As a result, no conditions relating to noise has been recommended.

8.3.5 The revised parking layout shows that the parking areas would adjoin domestic gardens. However, it is noted that the existing parking spaces are close to private gardens and whilst there will be some level of noise disturbance, it is not considered that such level of disturbance would be so significant as to refuse permission.

8.3.6 It is noted that some residents of the area have requested that restrictions on hours of operation and range of activities should be attached to any grant of permission. Having regard to the established lawful use of the building, the proposed controls in relation to planning conditions and other legislation such as licensing; it is considered that the amenity impacts of the development would be no worse than what exists currently. Importantly, as the development mainly relates to a replacement clubhouse, planning conditions relating to hours of operation would be an unreasonable imposition in this instance as the existing clubhouse has always operated without such restrictions.

8.4 Highway issues

8.4.1 The proposal includes the provision of additional 37 car parking spaces. The access would also be widened to enable vehicles enter and exit the site without the need to wait on the public road. As such, it is considered that the development would not lead to any severe detrimental highway issue. Importantly, the Highway Authority has raised no objection to the scheme. Although the Highway Authority recommended that the overflow parking area be retained for designated purpose, it is not considered necessary to attach that as a condition to any grant of permission as the proposal already includes provision for a significant increase in parking spaces and importantly, the overflow parking area is outside the red line boundary of the current proposal.

8.5 Other matters

8.5.1 Issues relating to damage to footpaths, on-street parking, blocking of private entrances and antisocial behaviours are issues that are dealt with under different legislations. Importantly, it is considered that the additional car parking spaces to be provided would reduce problems relating to on-street parking.

8.5.2 In relation to the issue of covenants raised by the Town Council, this is not material planning consideration.

9.0 **Crime and Disorder**

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

10.0 **Human Rights Implications**

10.1 Articles 6 (Rights 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.

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

11.0 **Conclusion**

11.1 It is considered that the scheme to provide improved and additional sporting facilities on the site would help in the promotion of healthy communities which is one of the core planning principles set out under para 17 of the NPPF and reinforced within Section 8 of the NPPF. Whilst a development of this nature will be likely to cause some impact on neighbours' amenities, it is considered that such impacts can be adequately addressed and mitigated by way of conditions.

- 11.2 On balance, having regard to the scale, design and nature of the existing use of the site, it is considered that the development would not lead to any significant adverse impact on the character of the area and would also not lead to any significant adverse impact on the amenities of the occupiers of neighbouring properties. The development would therefore be in accordance with relevant provisions of Core Strategy Policy EN1 and Sections 7 and 8 of the National Planning Policy Framework and accordingly, it is recommended that permission be granted, subject to conditions.

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Drawing No. 1096-01 Rev B (Site Plan Block Plan) received 27/03/2018
 - ii. Drawing No. 1096-02 (Proposed Plan and Elevations) received 08/02/2018
 - iii. Drawing No. 1096-01 Rev A (Proposed Site Layout Plan) received 22/05/2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

- 3 Prior to the commencement of the construction of the clubhouse hereby approved, details of all mechanical equipment to be installed to control odour and the location of such equipment shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure that the development does not lead to a significant adverse impact on the amenity of occupiers of neighbouring properties through odour in accordance with Core Strategy Policy EN1.

- 4 Prior to the commencement of the development hereby approved, details (including hours of illumination) and plans showing the location and specification of all proposed external lighting of the building and car parking areas shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure that the development does not lead to any significant light pollution in accordance with Core Strategy Policy EN1.

Before the Development is Occupied

- 5 Prior to the club house being brought into first use, the odour mitigation measures shall have been implemented in accordance with the approved details. No other odour mitigation equipment shall be installed without the written approval of the Local Planning Authority.

Reason: To ensure that the development does not lead to a significant adverse impact on the amenity of occupiers of neighbouring properties through odour in accordance with Core Strategy Policy EN1.

- 6 Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 Prior to being brought into first use, the lighting for the building and car park shall have been implemented in accordance with the approved external lighting details. No other lighting shall be installed on the building or within the car park without the written approval of the Local Planning Authority.

Reason: To ensure that the development does not lead to any significant light pollution in accordance with Core Strategy Policy EN1.

Ongoing Conditions

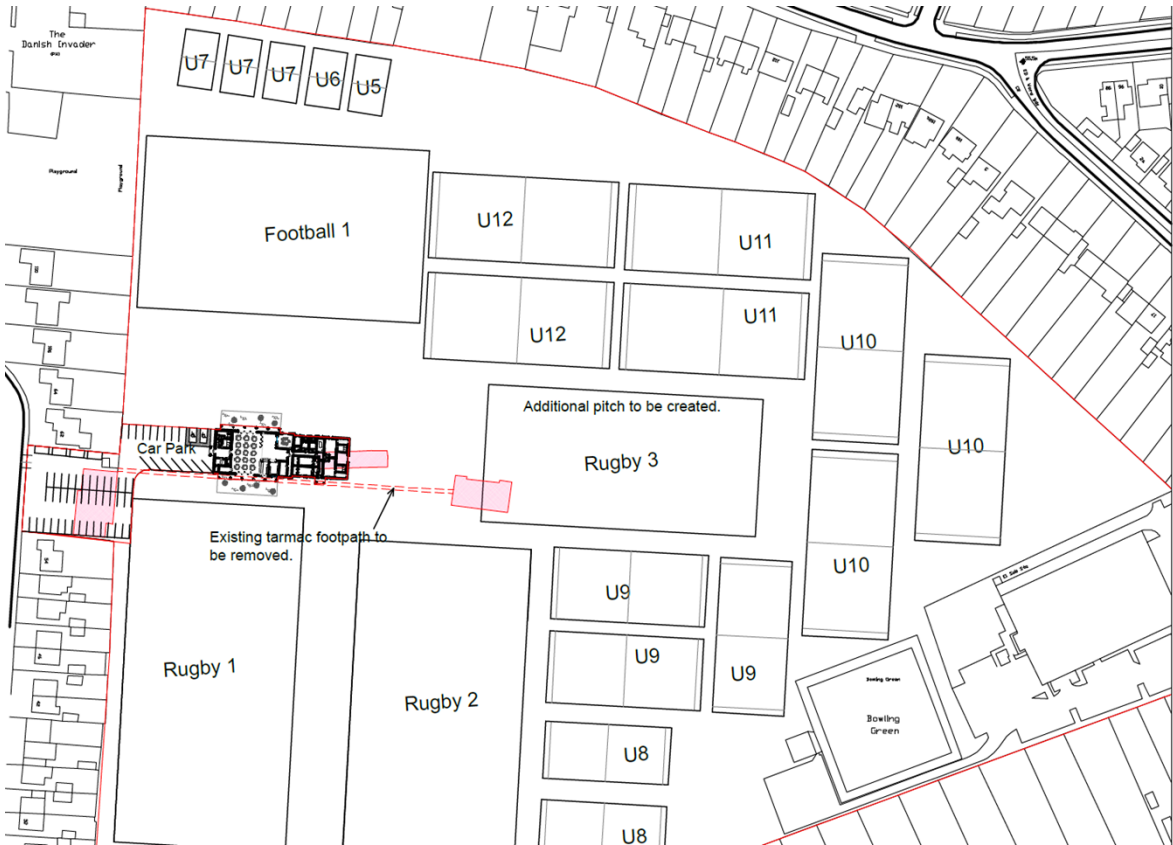
- 8 The parking spaces shown on approved Drawing No. 1096-01 Rev A received 22/05/2018 shall be made available for the approved purpose at all times that the clubhouse is available for or in use. Adequate space shall at all times be made available when the clubhouse is in use to allow vehicles to enter and leave the site in a forward gear.

Reason: To ensure the development does not lead to indiscriminate parking on the public highway in the interest of highway safety.

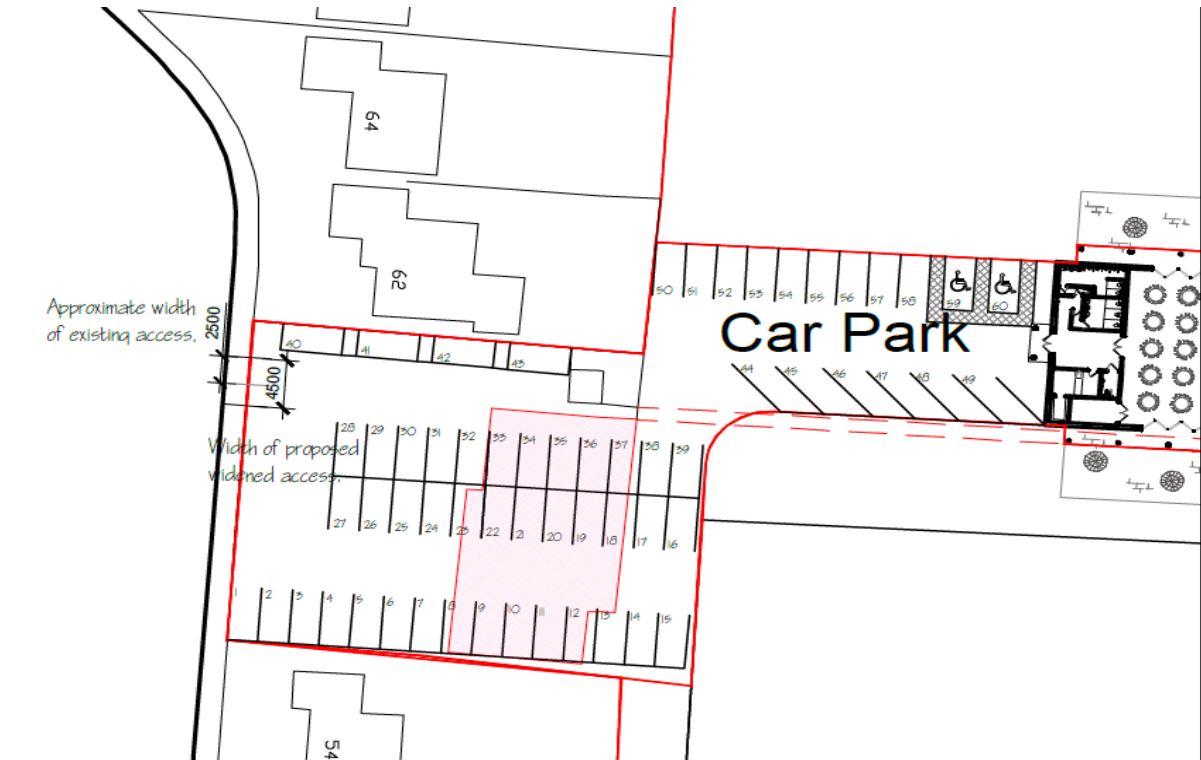
Standard Note(s) to Applicant:

- 1 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.

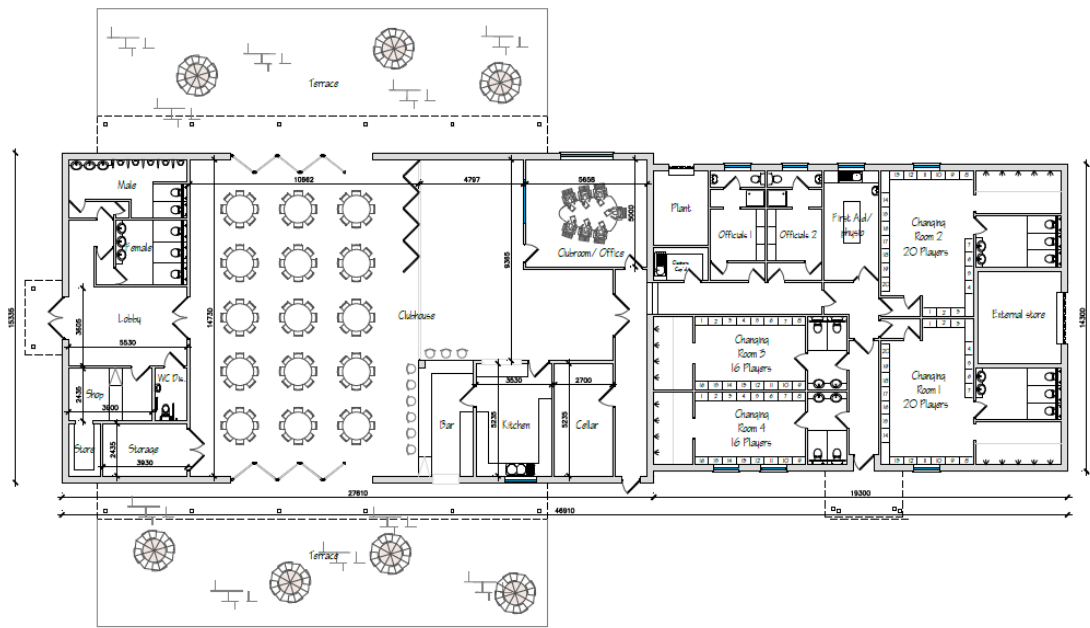
BLOCK PLAN



PROPOSED ACCESS AND PARKING ARRANGEMENT



FLOOR PLAN:



Proposed Floor Plan
1:100

ELEVATION PLANS



Proposed Front (West) Elevation
1:100



Proposed Side (South) Elevation
1:100



Proposed Rear (East) Elevation
1:100



Proposed Side (North) Elevation
1:100



PWM1	S18/0452	Target Decision Date:6th June 2018
		Committee Date:24th July 2018

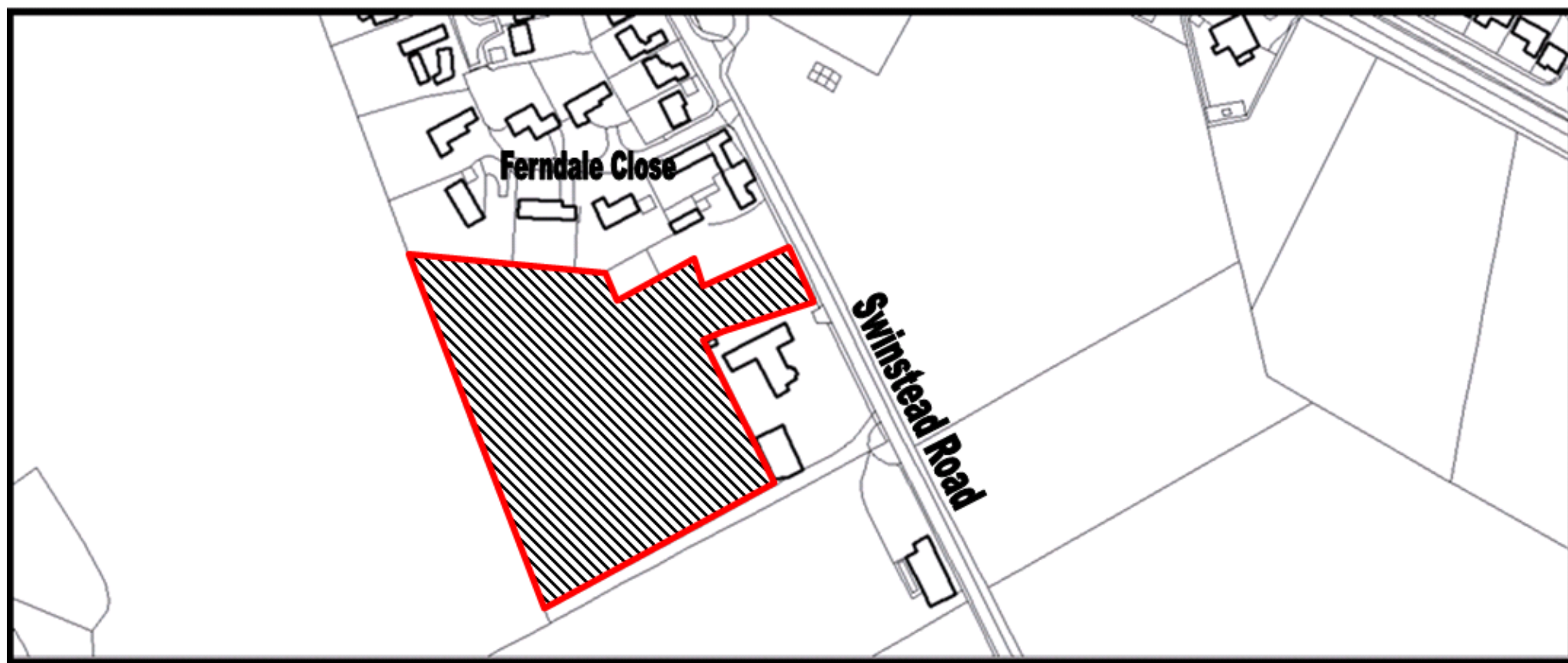
Applicant	Mr & Mrs Golby Ferndale House Swinstead Road CORBY GLEN NG33 4NU
Agent	Steve Dunn Steven Dunn Architects Limited Hadleigh House High Street Walcott Lincoln
Proposal	Residential development (outline with all matters reserved)
Location	Ferndale House Swinstead Road Corby Glen NG33 4NU
Application Type	Outline Planning Permission (Major)
Parish(es)	Corby Glen Parish Council
Reason for Referral to Committee	The application requires financial contributions via a section 106 agreement
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of development
Impact on character of the area
Neighbours' residential amenities
Highways/traffic

Technical Documents Submitted with the Application

Geotechnical Ground Investigation
Soakaways Report
Flod Risk Assessment and Drainage Strategy
Minerals Assessment
Design Statement
Access Statement



Key



Application
Boundary



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1.0 Description of site

- 1.1 Roughly rectangular parcel of flatish land of approximately 1.48ha located at the southern edge of the existing built area part of Corby Glen. The site is mostly agricultural land apart from the section adjacent to Swinstead Road which is part of the domestic garden of Ferndale House. The site is bounded by gently undulating open countryside on the western side. To the east is a dwelling known as The Paddock and beyond Swinstead Road is the sports ground of the Charles Read Academy. To the south is the Ron Dawson Memorial sports field and community hall.

2.0 Description of proposal

- 2.1 This application seeks outline planning permission for a residential development of up to 25 dwellings with all matters reserved. Matters of access, scale, layout, appearance and landscaping are not included for consideration and would be the subject of future reserved matters applications.
- 2.2 The application is essentially an amended version of a previously withdrawn outline application (S17/0512) which proposed 31 dwellings on the site.
- 2.3 As originally submitted, the current application proposed 31 dwellings. The application was amended and the number further reduced to 25 on officer advice. The amended plans are currently the subject of a public reconsultation. Any comments received from consultees and members of the public will be reported in the Additional Items Paper prior to the committee meeting.
- 2.4 The illustrative site layout plan submitted with the application shows vehicular access from Swinstead Road between the properties known as Ferndale House and The Paddock. The Illustrative layout and description in the design and access statement shows a mixture of 1 and 2 storey detached dwellings set around cul-de-sacs with a central area of open space.

3.0 Relevant History

Reference	Proposal	Decision	Date
S17/0512	Residential development (outline)	Withdrawn	14/06/2017

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 10 - Meeting the challenge of climate change
Section 11 - Enhancing the natural environment
Section 4 - Promoting sustainable transport
Section 6 - Wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities

4.2 South Kesteven District Council Core Strategy

Policy SP1 - Spatial Strategy
Policy SP3 - Sustainable Integrated Transport
Policy SP4 - Developer Contributions
Policy H1 - Residential Development
Policy H3 - Affordable Housing
Policy EN1 - Protection and Enhancement
Policy EN2 - Reduce the Risk of Flooding

4.3 Site Allocation and Policies Development Plan Document

Policy LSC1 - Housing allocations in the LSC
Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

- 5.1 Keep SK clean, green and healthy
- 5.2 Support good housing for all

6.0 Lincolnshire Minerals and Waste Local Plan

- 6.1 Policy M11 - Safeguarding of Mineral Resources

7.0 Representations Received

Minerals And Waste Planning (LCC)	No objections as site is allocated.
Environmental Protection Services (SKDC)	No objection subject to condition requiring an on-site contaminated land survey and any necessary remediation.
Education & Cultural Services (LCC)	No objection but Section 106 contribution of £103,384 requested towards expansion of Charles Read Academy and Corby Glen Primary School
Affordable Housing Officer (SKDC)	35% affordable housing to be provided on site
NHS England	No section 106 contribution requested
Anglian Water Services	Corby Glen Water Recycling Centre will have available capacity to serve the development but mitigation in the form of a drainage strategy will be required to ensure that the sewerage network can cope with the additional flows. Recommend a condition to this effect.
Parish Council	Object on the following grounds: <ul style="list-style-type: none">- Highway safety and traffic capacity- Insufficient parking- Insufficient open space- Drainage system unable to cope with additional dwellings- Scale and density out of keeping- Visually intrusive to surrounding area and properties- Parish Council did not want this site allocating- Lack of commitment to S106 contributions
LCC Highways & SuDS Support	No objection subject to conditions requiring details, future management and implementation of a SuDS drainage system, as well as highway specification, implementation and future management and provision of a footway along the frontage.

8.0 Representations as a Result of Publicity

- 8.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 13 letters of representation have been received. The points raised can be summarised as follows:
 - 1. The village needs additional homes to ensure young people can live locally
 - 2. Would benefit local economy
 - 3. Highway safety/traffic concerns

4. Density too high - overdevelopment
5. Out of character with rural context
6. Loss of property value
7. Loss of view across open countryside
8. 2 storey housing inappropriate
9. Insufficient open space
10. Strain on local infrastructure
11. Disturbance from street lighting
12. The village is already large enough - no need for more homes
13. Loss of light, overlooking, dominance of outlook
14. Potential flooding/drainage issues
15. Concern affordable housing may not be provided
16. Impact on trees

9.0 Evaluation

9.1 Principle of Development

- 9.1.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. This is repeated in the NPPF at para 196. NPPF para 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework and that the closer the development plan policies to the framework, the greater the weight that they may be given. NPPF para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development (PFS) and that relevant policies of the Local Plan should not be considered up to date in the absence of a five year land supply.
- 9.1.2 The Context for the Council's consideration of this application is that the Council can currently demonstrate a full five year housing land supply with the required 5% buffer. The Development Plan which consists of the Core Strategy (2010) and the Site Allocations and Policies DPD (2014) and the Lincolnshire Minerals and Waste Core Strategy (2016) is considered to be up to date and all relevant policies relating to this application are in conformity with the NPPF. The Draft Consultative Local Plan (up to 2036) carries very little weight at this stage although it is noted that this site is allocated for residential development under the emerging plan.
- 9.1.3 Taking the above into account, it is considered that in consideration of this application, full weight can be given to the current development plan.
- 9.1.4 The thrust of national and local policy is that development should be in sustainable locations wherever possible. The Core Strategy (CS) has a clear spatial strategy for the location of new development based on these principles. Core Strategy policies SP1 and H1 support development of allocated sites in local service centres such as Corby Glen. The application site is allocated under SAP policy LSC1c (Housing Allocations in the Local Service Centres). The allocation gives an indicative quantum of development as 30 dwellings with 35% of those being affordable dwellings.
- 9.1.5 The indicative figure of 30 dwellings given in policy LSC1c is based on a very broad brush analysis of the site carried out as part of the plan making process. This does not preclude a higher or lower number subject to detailed site specific analysis submitted with a planning application demonstrating compliance with all relevant policies. As this is an outline application, the Council needs to be satisfied that the site is capable of satisfactorily accommodating the stated number of up to 25 dwellings, whilst complying with all relevant policies, making efficient use of the land and maintaining a good standard of design. Whilst the detailed access, layout, scale, appearance and landscaping would be assessed as part of a future reserved matters application, the illustrative site layout plan that has been submitted with the application demonstrates that this can be satisfactorily achieved. Equally the various technical assessments

submitted with the application as well as consultee responses demonstrate that the proposal would not result in adverse highways or environmental impacts.

- 9.1.6 Taking the above into account, the principle of development of this allocated site is acceptable and in accordance with CS policies SP1, H1, SAP policy DE1, and NPPF Section 6. Specific environmental and technical issues, which support this conclusion, are discussed in detail in the following sections below.

9.2 Impact on the character of the area

- 9.2.1 CS Policy EN1 requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. This policy is consistent with NPPF Section 11 (Conserving and enhancing the natural environment) which among other things requires that valued landscapes should be protected and enhanced.
- 9.2.2 The site is currently open countryside, located on the edge of the built up area of Corby Glen. The adjacent open countryside is gently undulating agricultural land which slopes down toward the valley of the River West Glen. Trees and hedgerows are notable features of the landscape. As mentioned in the previous section, this site has been allocated for development under policy LSC1c of the SAP and therefore already deemed to be fundamentally suitable for residential development. Nevertheless, any development of the site needs to respect the rural context including the low density character of the adjacent existing development and the open countryside setting of the village.
- 9.2.3 The number of dwellings proposed was initially 31, which is just above than the indicative number of 30 given in policy LSC1c. However, the indicative density is based on a very broad brush analysis and does not mean that such a density would be acceptable or that an appropriately designed development of lower density would not be acceptable. Following concerns raised by officers and from the consultation feedback, the applicant has reduced the number of dwellings from 31 to 25.
- 9.2.4 The reduced density, not including open space or principal roads, would be approximately 20 dph which is appropriate for this rural context. Detailed matters of layout, scale, appearance and landscaping are not included for consideration in this application and would be dealt with by a future reserved matters application. However, the indicative site layout plan and design and access statement submitted with the application show how the site could be potentially developed in accordance with the principles of good design, whilst maintaining the rural edge of village character of the area.
- 9.2.5 Taking the above into account the development is appropriate and would not compromise the form and character of the area in accordance with the NPPF (Core Planning Principles, Section 7: Requiring good design, Section 11: Conserving and enhancing the natural environment), SAP policy SAP10 and CS policy EN1.

9.3 Residential Amenity

- 9.3.1 The NPPF (Section 7 - Requiring good design and Core Principles para 17) and CS policy EN1 seek to ensure a good standard of amenity for existing and future occupiers of developments.
- 9.3.2 Concerns have been raised about potential overlooking, loss of light and overbearing impact on existing adjacent properties, due to the close proximity of the new dwellings shown on the illustrative site layout plan, as well as noise/disturbance during construction. These concerns are noted. However, the plan is for illustrative purposes only and the detailed layout, scale and appearance would be determined at reserved matters stage where detailed issues of neighbours' amenities would be assessed. It is considered that the site is sufficiently large to accommodate up to 25 appropriately designed and sited dwellings, without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings.

- 9.3.3 It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.
- 9.3.4 In respect of noise/disturbance during construction, whilst there will inevitably be some additional noise/disturbance, it would not be necessary or appropriate in this instance to impose any restrictive conditions as this is covered by other legislation.
- 9.3.5 Taking the above into account, It is considered that the proposal would not lead to unacceptable living conditions for occupiers of existing properties or future occupiers of the proposed development in accordance with the NPPF (Core Planning Principles and Sections 7 and 11) and CS policy EN1.

9.4 Highway issues

- 9.4.1 Access is not included as a matter for consideration, and the exact location of the access would be the subject of a future reserved matters application. However, the only realistic location for the access (as shown on the illustrative site layout) would be from Swinstead Road between the two properties known as Ferndale House and The Paddock and the highways/traffic impacts have been considered on that basis.
- 9.4.2 The NPPF is very clear that when assessing developments that generate significant amounts of traffic, decision makers should apply the following tests and take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.4.3 These requirements are broadly reflected in CS policy SP3, which requires the sustainable location of new development and also that it meets the objectives of the local transport plan for Lincolnshire.
- 9.4.4 It is already accepted through the site's allocation under SAP policy LSC1c, that in transport and accessibility terms that the proposed development is in a sustainable location with good access to the main road network, good local connections to the public footpath network, and local services, and that a satisfactory access is achievable.
- 9.4.5 Whilst concerns raised about the impact of additional traffic by the parish council and members of the public are noted, LCC Highways do not object on highway safety or traffic capacity grounds (subject to conditions), and they do not consider that the proposal would result in a severe impact in NPPF terms.
- 9.4.6 Taking the above into account, it is considered that the development in this respect complies with the NPPF (Core Planning Principles, and Section 4: Promoting sustainable transport) and CS policies SP3 and SP4.

9.5 Drainage

- 9.5.1 The NPPF (Section 11) and CS (policy EN2) seek to direct residential development to areas with the least probability of flooding and implementation of SuDS drainage where possible to minimise surface water runoff. The site is in EA flood zone 1 and therefore not in a high flood risk zone.

The proposal has been designed around a SuDS drainage strategy (permeable surfaces, swales, attenuation facilities and soakaways) based on the recommendations of a comprehensive flood risk assessment and which would ensure floodrisk is minimised both on and off site. The Local Lead Flood Authority (LCC) raises no objections subject to conditions to ensure that the SuDS system is implemented and that appropriate provisions are made for future maintenance.

9.5.2 Anglian Water have advised that whilst the Corby Glen Recycling Centre will have available capacity, the development would put pressure on the foul sewage network that may lead to flooding issues downstream. However, they do not object and recommend a condition requiring a foul water drainage strategy to ensure that the development does not put undue stress on the existing system and that additional capacity can be provided when it is needed.

9.5.3 In this respect the proposal is in accordance with the NPPF (Core Planning Principles and Section 10: Meeting the challenge of climate change, flooding and coastal change) and CS policy EN2.

9.6 Ecology

9.6.1 The submitted ecological assessment shows that the site has a low ecological value being intensively cultivated arable farmland with few sensitive features. The assessment concludes ecology would not be adversely affected. Appropriate new planting/landscaping using appropriate native species and SuDs drainage features would result in an overall enhancement to biodiversity. A condition has been attached to ensure the development is carried out in accordance with the recommendations of the submitted ecology report.

9.6.2 In this respect the proposal is acceptable and in accordance with the NPPF (Core Planning Principles and Section 11: Conserving and enhancing the natural environment) and CS policy EN1.

9.7 Affordable Housing

9.7.1 CS Policy H3 (read in conjunction with the National Planning Practice Guidance) requires developments of 11 or more dwellings to provide 35% affordable housing which on a development of this size and type would be expected to be provided on site. For a scheme of 25 homes, this would entail the provision of 8 affordable homes. A reduction in this figure would only be considered where it could be demonstrated that provision of the full amount would make the development unviable.

9.7.2 In the submitted design and access statement, the applicant initially indicated that the percentage of affordable housing would be less than 35% due to viability concerns, although no evidence was submitted to substantiate this and viability is unlikely to be an issue on a greenfield site with no abnormal costs. However, the applicant has now expressed a willingness to enter into a S106 agreement for the full 35% of affordable housing. In line with good practice and policy expectations, the proposed affordable housing would be expected to be well spread out throughout the site rather than grouped together in a single location. The exact location and design of the affordable housing would be determined through the section 106 agreement and as part of a future reserved matters application.

9.7.3 Taking the above into account, in this respect the proposal accords with CS Policies SP4 and H3, the South Kesteven Planning Obligations SPD, and, the NPPF (Core Planning Principles and Section 6: Delivering a wide choice of high quality homes)

9.8 Other issues

9.8.1 Contamination - the applicant's contamination report has identified potential sources of contamination from nearby past uses. Whilst the risk is low, the Council's Environmental Protection team have recommended a condition requiring appropriate surveys and remediation (if necessary) to ensure that the health and wellbeing of future occupiers is not unduly affected.

- 9.8.2 Minerals Safeguarding - Although the site lies within a minerals safeguarding area (limestone), the proposed development is on an allocated site and therefore comes under one of the exemptions identified in Minerals and Waste Core Strategy policy M11 as shown in the submitted minerals assessment. LCC, in their capacity as Minerals and Waste authority, are satisfied that the relevant tests of the policy have been met and that mineral resources would not be unduly sterilised by the proposal, in accordance with Policy M11 of the Lincolnshire Minerals and Waste Local Plan and NPPF Section 33 (Facilitating the sustainable use of minerals).
- 9.8.3 Open Space - An area of open space would have to be provided within the site in order to accommodate SuDS drainage features and it would therefore not be necessary to include this in the section 106 agreement. Furthermore the site is directly adjacent to a community sports field and hall. In accordance with the formula in the South Kesteven Planning Obligations SPD, a financial contribution would be required to provide off site children's play equipment, either on the adjacent land or other suitable land identified by the parish council.
- 9.8.4 Property values and loss of a view over countryside are not material considerations and have not been taken into account.

10.0 Section 106 Heads of Terms

- 10.1 The proposed development would necessitate financial contributions via a section 106 agreement. Whilst the submitted design and access statement was unclear, the applicant has now expressed a willingness to enter into a section 106 agreement for the full requirements including:
- Education - £103,384 towards expansion/improvement of Corby Glen Primary School and Charles Read Academy,
 - Children's Play equipment - £16,740 towards off site provision elsewhere in Corby Glen
 - Affordable Housing - 35% to be provided on site
- 10.2 These contributions will ensure that local infrastructure is suitably upgraded to cope with the additional population. It is considered that these requirements would be compliant with the statutory tests of the CIL regulations as well as South Kesteven Core Strategy Policies SP1, SP4, South Kesteven Site Allocation and Policies Development Plan policy SAP 10, the South Kesteven Planning Obligations SPD and the NPPF (paras 203 - 206).

11.0 Crime and Disorder

- 11.1 It is considered that the proposal would not result in any significant crime and disorder implications.

12.0 Human Rights Implications

- 12.1 Articles 6 (Rights 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.
- 12.2 It is considered that no relevant Article of that act will be breached.

13.0 Conclusion

- 13.1 The proposal would see the development of an allocated site, in a sustainable location, which would provide a significant number of new market and affordable homes to meet local need. The development would be well integrating with its context, and with good connectivity to the surrounding area and local services.

- 13.2 Overall the proposal is considered to sustainable form of development which is appropriate for its context and will not prejudice future growth of the town, and is in accordance with Policies EN1, SP1, H1, SP3 and SP4 of the South Kesteven Core Strategy, policies LSC1c and SAP10 of the South Kesteven Site Allocations and Policies DPD and the NPPF (Sections 4, 6, 7, 8, 10, 11 and 12). There are no material considerations that indicate otherwise although conditions have been attached.

14.0 Recommendation

- 14.1 Defer to Chairman and / or Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement and in accordance with the conditions set out below. Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.
- 14.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. layout;
- ii. scale
- iii. appearance
- iv. access
- v. landscaping

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

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

- i. Site Location Plan 2479-A2-02

Unless otherwise required by another condition of this permission.

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

- 4 The development hereby permitted is for no more than 25 dwellings.

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

Before the Development is Commenced

- 5 When application is made for approval of reserved matters, that application shall show detailed access arrangements and dimensions for standard clear visibility splays of 2.4 x 43.0 metres at the junction of the new access with Swinstead Road.

Reason: In the interests of highway safety.

- 6 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 7 No development shall take place until a scheme relating to the survey of the land for contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- ii. A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.
- iii. Shall include the nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in the NPPF paragraphs 120 and 121.

- 8 The reserved matters submissions required by condition 2 shall show the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to an off site datum point

Reason: 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).

- 9 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable urban 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:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker

and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Reason: To minimise the risk of flooding within and beyond the site.

During Building Works

- 10 No development shall be occupied before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8m footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

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

- 11 No development consisting of construction of any highways proposed for adoption, as well as any shared private roads/drives shall be commenced until full engineering, drainage, street lighting and construction details of these works have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

- 12 The development shall be carried out in accordance with the recommendations of the submitted Ecological Survey dated June 2015 read in conjunction with the update dated February 2018 unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology and biodiversity.

- 13 In the event that a detailed scheme of contamination remedial works is required, a verification report confirming that such remedial works have been completed shall have been submitted to and approved in writing by the Local Planning Authority, before any part of the development hereby permitted is occupied/brought into use. The report shall be submitted by the nominated competent person approved, as required by condition 3 above. The report shall include:

- i. A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
- ii. As built drawings of the implemented scheme;
- iii. Photographs of the remediation works in progress; and
- iv. Certificates demonstrating that imported and/or material left in situ is free from contamination.

The scheme of remediation shall thereafter be maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in the NPPF paragraphs 120 and 121.

Before the Development is Occupied

- 14 Before each dwelling is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed in accordance with the approved details, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

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

- 15 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall be maintained in accordance with the agreed details.

Reason: To ensure that the future maintenance of the streets serving the development thereafter, are secured and shall be maintained by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company.

- 16 The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To minimise the risk of flooding within and beyond the site.

- 17 No dwellings shall be occupied until the works required by the approved foul water strategy have been carried out unless otherwise approved in writing by the Local Planning Authority.

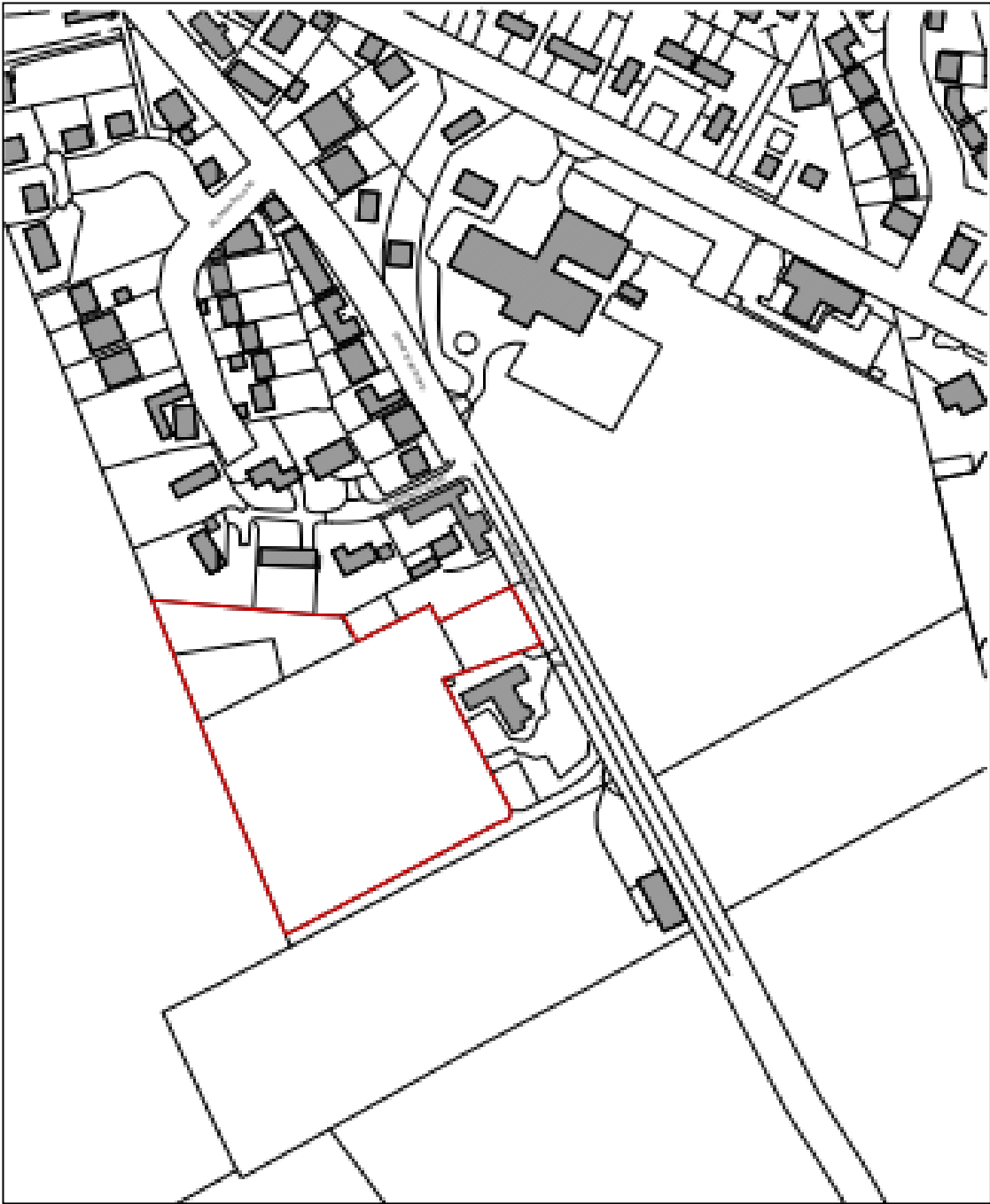
Reason: To prevent environmental and amenity problems arising from flooding.

Ongoing Conditions

Standard Note(s) to Applicant:

- 1 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.
- 2 The highway design parameters for the new access road will require 6.0 metre radii with suitable turning head facilities of sufficient dimensions to accommodate a refuse truck, fire tender and delivery vehicles to enter and leave in a forward gear. For the avoidance of doubt, there will be a requirement to provide a frontage footway in front of the development site, extending northwesterly along Swinstead Road, to make connection with the existing, including all ancillary works, kerbing, street lighting and associated drainage to ensure safe access for pedestrians to the development site in the interests of residential amenity, convenience and safety.
- 3 The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the County Council as Highway authority and the landowner.
- 4 You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
- 5 Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.
- 6 Where private drives are proposed as part of any development you should be aware of the requirements laid down in Manual for Streets and Manual for Streets 2.

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



Illustrative Layout Plan



PL1	S18/0645	Target Decision Date:5th July 2018
		Committee Date:24th July 2018

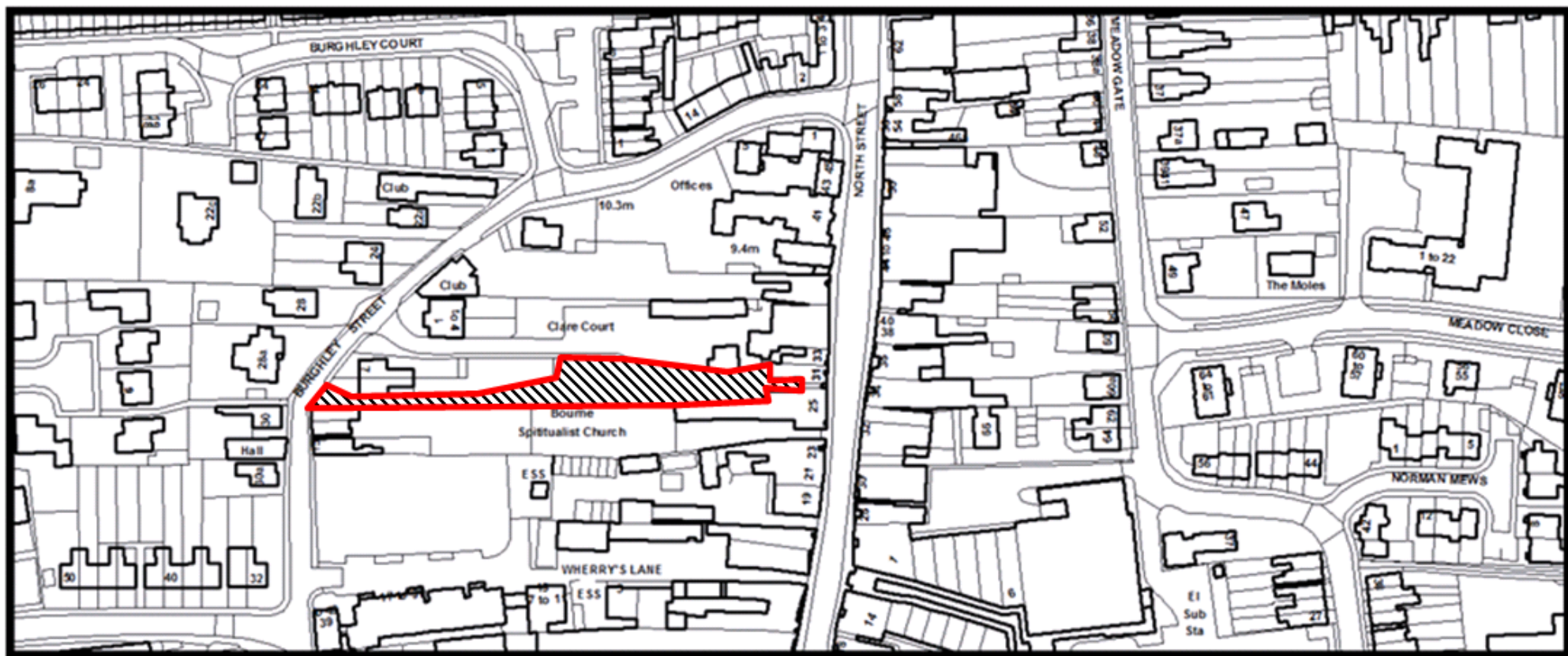
Applicant	Mr Jason Murray 1 Main Road Dyke Bourne PE10 0AF
Agent	Mr Mike Sibthorp Mike Sibthorp Planning Logan House Lime Grove Grantham NG31 9JD
Proposal	Demolition of existing buildings and erection of 3 blocks of 12 apartments.
Location	31 North Street Bourne Lincolnshire PE10 9AE
Application Type	Full Planning Permission (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	The proposal involves a Section 106 agreement for affordable housing.
Recommendation	That the application is:- Approved conditionally
Report Author	Peter Lifford - Area Planning Officer 01476 406080 Ext: 6391 p.lifford@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of Development
 Impact on the character of the area
 Impact on heritage assets
 Impact on residential amenity
 Highway matters
 Drainage
 Affordable Housing
 Open Space

Technical Documents Submitted with the Application

Planning Supporting Statement
 Heritage Impact Assessment



Key



Application
Boundary



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1.0 Description of site

- 1.1 The site is located to the rear of 31 North Street within the Conservation Area of Bourne Town Centre. It is a relatively flat site which has an area of 0.12 hectares and currently has vehicular access from Burghley Street to the west.
- 1.2 There are a number of existing buildings on the site including the old 'Bourne Cinema' to the east end of the site which is understood to have operated in the 1980's with a pedestrian access from North Street to the east via a covered access to between 25 and 31. To the west of this single storey cinema building is a range of vacant lock up garages.
- 1.3 Smiths Public House and its beer garden/children's play area lies to the south of the site with the rear parking area serving Burghley Street and North Street properties to the north. For the most part site boundaries are formed with brick walls and/or close boarded fencing.

2.0 Description of proposal

- 2.1 The application proposes the demolition of the existing buildings on site which comprise an old single storey cinema building and a range of lock up garaging and the erection of three blocks of 12 apartments with associated hard and soft landscaping.
- 2.2 Each two storey block will provide 4 x two bedroom flats with the entrances to the south side and a secure cycle store accessed to the north side. A pedestrian walkway is to be created to the south side of the site to provide access with a communal amenity area to the east end of the site.
- 2.3 Planning permission was granted in September 2017 for the erection of 4 dwellings on the site. These dwellings were sited on the north boundary of the site with their main aspect facing south. They were of a similar height to the buildings proposed within the current application. four car parking spaces were proposed to the west end of the site with a pedestrian walkway through from North Street to Burghley Street.

3.0 Relevant History

Reference	Proposal	Decision	Date
S17/0703	Demolition of buildings and erection of 4 no. dwellings with associated hard and soft landscaping.	Approved Conditionally	13/09/2017

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 6 - Wide choice of high quality homes
Section 7 - Requiring good design
Section 12 - Enhancing the historic environment
Section 4 - Promoting sustainable transport
Section 10 - Meeting the challenge of climate change
Section 8 - Promoting healthy communities

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement
Policy H1 - Residential Development
Policy SP1 - Spatial Strategy
Policy SP2 - Sustainable Communities
Policy SP3 - Sustainable Integrated Transport
Policy SP4 - Developer Contributions
Policy H1 - Residential Development
Policy H3 - Affordable Housing

4.3 Site Allocation and Policies Development Plan Document

Policy SAP7 - Development in defined town centres

Policy SAP9 - Bourne core area

Policy SAPH1 - Other housing development

Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

6.0 Representations Received

Affordable Housing Officer (SKDC) No objection subject to the provision of suitable on site affordable housing.

Historic Buildings Advisor (SKDC) No objections to the proposal as it respects the existing linear plan form of this part of the conservation area, derived from the historic use of the site as rear burgage plots.

The proposals will also involve demolition of a former cinema and derelict outbuildings of limited architectural and historic significance and redevelopment of the site that will preserve and enhance the character and appearance of the conservation area.

In terms of design, it could be improved if at least some architectural references to the conservation area were included in the proposals. For example, the flat brick arches that are commonly found on North Street could be easily incorporated.

Given the location within the conservation area conditions should be placed on any approval in relation to samples of materials, unless they are able to submit samples prior to determination.

Parish Council Objections from the Town Council after several members of the public attended the meeting and under several reasons; limited access to houses, limited parking spaces, not in keeping with surrounding area, overdevelopment, and no affordable housing. Also plans are very vague.

LCC Highways & SuDS Support The application site is sufficiently close to the services, facilities, employment opportunities and public transport options within the town for the proposed dwellings to be suitable for occupation by those without the use of a private motor vehicle.

The absence of any car parking provision within the proposed development removes the issues with access visibility that had given cause for concern with previous residential proposals on this site.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

7.0 Representations as a Result of Publicity

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and representations have been received from three addresses. The points raised can be summarised as follows:

1. Overlooking and loss of privacy
2. Dominant and oppressive environment
3. Traffic impact, inadequate vehicular access to the site.
4. Could lead to parking on our private car park
5. No parking allocated
6. No details of demolition of existing buildings on site
7. No details of landscaping, private amenity areas, refuse storage, surface water drainage
8. Loss of daylight
9. Sterilises surrounding area due to overlooking

8.0 Evaluation

8.1 Principle of Development

- 8.1.1 The application site is in Bourne Town Centre and the relevant policies for residential development in this location are SP1, H1, SAPH1 and EN1.
- 8.1.2 Policy SP1 states that the majority of new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. However, new development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings, will also be allowed. Priority will be given to sustainable sites within the built up part of the town where development would not compromise the nature and character of the town and sites which are allocated in the Site Specific Allocations and Policies DPD.
- 8.1.3 Policy EN1 of the adopted Core Strategy states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. Policy H1 relates to housing allocations and states that residential development in Bourne should be restricted to that already committed via planning approval at the date of adoption of this Core Strategy.
- 8.1.4 Policy SAP H1 of the adopted Site Allocations and Policy DPD (2014) states that new housing development will be provided in Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built up parts of these settlements.
- 8.1.5 The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Local Planning Authorities should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).
- 8.1.6 Core Strategy Policy H1 establishes a requirement for 2310 houses for the 20 year period 2006-2026. However, the policy also proposes no housing allocations in Bourne to that which is already committed via planning permission at the time the Core Strategy was adopted. This is in recognition of the high level of housing commitments in the town. Policy SAPH1 however of the Site Allocations and Policies DPD states new housing will be provided in Bourne through the development of suitable brownfield redevelopment sites and small infill sites within the built up parts of these settlements.

8.1.7 The site is within the built up area of Bourne and is considered to be a sustainable site in accordance with the development plan taken as a whole, as it would comprise the re-development of a brownfield site within this town centre location. Specifically it would comply with Core Strategy policy SP1 and SAP policy SAPH1 subject to detailed criteria discussed below.

8.2 Impact on the character of the area

8.2.1 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Policy EN1 of the adopted Core Strategy states that planning permission will be granted provided that the proposal reflects the character of the area and the existing property in terms of design and materials.

8.2.2 The site lies within the designated Conservation Area for Bourne. The Local Planning Authority has a general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation areas s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').

8.2.3 North Street is a principal commercial street in the town with a phased development radiating from the town centre northwards ranging from retail and commercial uses to residential properties.

8.2.4 The existing buildings on site comprise mid/late 20th century single storey structures - lock up garages and an old cinema building. None of the buildings have any environmental or historic significance and all of them are proposed to be demolished.

8.2.5 The scheme comprises a linear form of development and the design of the dwellings creates a mews style development which reflects the general form and character of this part of Bourne Town Centre.

8.2.6 The dwellings would result in a combined built footprint of 420 sq m which is in keeping with the character and form of the area and does not constitute over-development of the site. The proposed dwellings would enjoy an acceptable level of private amenity space. The proposed development is not considered to harm the character and appearance of the area or designated Conservation Area and would comply with Policy EN1 of the Core Strategy and the NPPF.

8.2.7 As such the proposed development is considered to accord with CS Policy EN1 and NPPF Section 7 - Requiring good design, Section 8 - Promoting Healthy Communities and Section 12 - Conserving and enhancing the historic environment.

8.3 Impact on Listed Buildings

8.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Any adverse impact on a heritage asset, even slight or minor, would not preserve the asset or its setting.

8.3.2 CS Policy EN1 seeks to ensure that development does not harm heritage assets. NPPF para 134 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

8.3.3 There are two listed buildings either side of the application site area no. 25/29 (Smiths Public House) to the south and no. 39 (Formerly Six Bells Public House) located to the north. The

setting and location of the application site and the relationships with the listed buildings is such that the proposed development is not considered to cause harm to either of these Listed Buildings with the new buildings sited to the rear. In fact it is considered that the removal of the existing poor quality buildings in favour of a Mews style development would serve to improve and enhance the character of the Conservation Area setting.

- 8.3.4 As such the proposal would not result in any harm to the setting of heritage assets and in this respect the proposal is in accordance with CS Policy EN1 and NPPF Section 12: Conserving and enhancing the historic environment.

8.4 Impact on Residential Amenities

- 8.4.1 The NPPF states as one of its core principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy EN1 of the Core Strategy states that development proposals should be assessed in relation to visual intrusion.
- 8.4.2 Due to the design of the buildings, the location of windows and the relationship with the surrounding properties the proposed buildings would have no significant impact on the surrounding commercial and residential properties. The proposed block to the west end of the site is fairly close to the purpose built block of flats to the north but having regard to the relationship between the buildings and the effect of the new development on this block will not be significant to warrant refusal of the application. The majority of the new buildings will be looking onto car parking to the north and the beer garden to the public house to the south. The proposal is considered compatible with the surrounding uses. As such the proposal is considered to accord with CS Policy EN1 and NPPF Section 7.

8.5 Highway Matters

- 8.5.1 Given the location of the site with Bourne Town Centre it is considered to be a sustainable location where parking would not be a necessity. Visibility out of the site onto Burghley Street is poor and given the previous use of the site it would be a reduction in vehicle movements and accordingly represents an improvement in highway safety. Lincolnshire County Council Highways have raised no objection to the proposal.

8.6 Affordable Housing

- 8.6.1 CS Policy H3 requires developments of 11 or more dwellings to provide a target of 35% affordable housing. In this instance this would equate to 4no. affordable units on site. The applicant has confirmed that this is acceptable and would be similar to a development in Billingborough where they operate and manage the affordable housing themselves. This arrangement is acceptable to the Council's Affordable Housing Officer.

8.7 Open Space

- 8.7.1 Site Allocations Policy SAP 10 requires appropriate provision of open space within developments of 11 or more dwellings in areas where there is currently inadequate open space provision. In this instance the site is located approximately 500 metres from the recreation ground off Recreation Road and approximately 400 metres to the Abbey Lawns. As such there is adequate open space provision in the vicinity without the need for additional provision on site.

9.0 **Sections 106 Heads of Terms**

- 9.1 The Section 106 requirements for this development are:

4 affordable housing units provided on site.

- 9.2 These obligations are considered to meet the tests of Sections 122 and 123 of the Community Infrastructure Levy Regulations (2010) (as amended) and accord with the NPPF Sections 6 and 8 and Decision Taking. Planning Practice Guidance and CS Policies H3, SP4 and the South Kesteven Planning Obligations SPD.

10.0 Crime and Disorder

- 10.1 It is considered that the proposal would not result in any crime and disorder implications.

11.0 Human Rights Implications

- 11.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to a private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

12.0 Conclusion

- 12.1 It is considered that redevelopment of this site for residential development, in a sustainable location, is in accordance with the sustainability aims of national and local policy. The proposed development would result in a form of development which is in keeping with the character and appearance of the surrounding area, including the adjacent conservation area, would not be detrimental highway safety or result in any significant harm to the amenities of neighbouring occupiers.
- 12.2 As such the proposal is considered to accord with Policies SP1, SP2, SP3, SP4, H1, H3, EN1, EN2 of the adopted South Kesteven Core Strategy, Policies SAP 7, SAP 9, SAP 10, and SAP H1 of the South Kesteven Site Allocations and Policies Plan and the National Planning Policy Framework Section 4 Promoting Sustainable Transport, Section 6 Delivering a wide choice of high quality homes, Section 7 Requiring Good Design, Section 8 Promoting Healthy Communities, and Section 10 Meeting the Challenge of climate change, flooding and coastal change, Section 11 Conserving and Enhancing the Natural Environment and Section 12 Conserving and enhancing the historic environment. Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and impact on heritage assets they are not considered to outweigh the policies referred to above.

13.0 Recommendation

- 13.1 That the development is deferred to Chairman and/or Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement in accordance with the conditions set out below. Where the section 106 has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.
- 13.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation, 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

- i. 2901/01 received 5 April 2018
- ii. 2901/DD1 received 5 April 2018
- iii. 2901/DD2 received 5 April 2018
- iv. 2901/DD3 received 5 April 2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

- 3 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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).

- 4 Before any construction work above d.p.c level hereby permitted is commenced details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- i. means of enclosure;
 - ii. pedestrian access and circulation areas;
 - iii. hard surfacing materials;
 - iv. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - v. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
 - vi. retained historic landscape features and proposals for restoration, where relevant.

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

- 5 No development shall take place until a surface water drainage scheme for the site, based on sustainable urban 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;

a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to 5.0 litres/second/hectare;

- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

- 6 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 Before any construction work above d.p.c level is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

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

- 8 Before the development hereby permitted is commenced (including any demolition works), the method of demolition of the existing building(s) shall have been submitted to and approved by the Local Planning Authority.

Reason: The site is in a very sensitive location with respect to groundwater and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Before the Development is Occupied

- 9 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.

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

- 10 Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details.

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

- 11 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 12 No construction work shall commence on site until the demolition works have been completed in accordance with the approved demolition details.

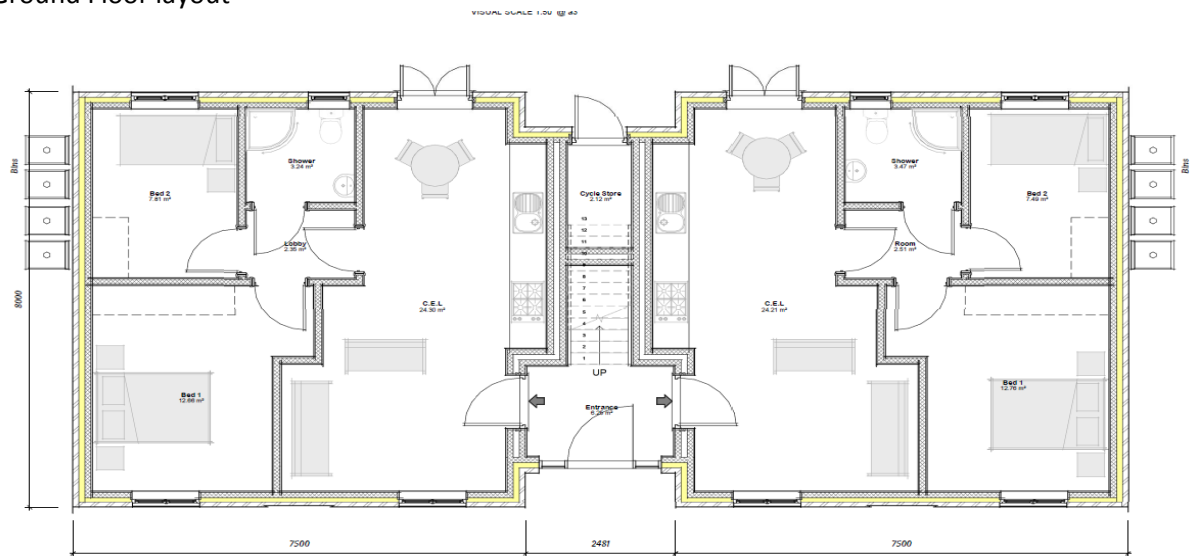
Reason: The site is in a very sensitive location with respect to groundwater and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Ongoing Conditions

- 13 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

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

Ground Floor layout

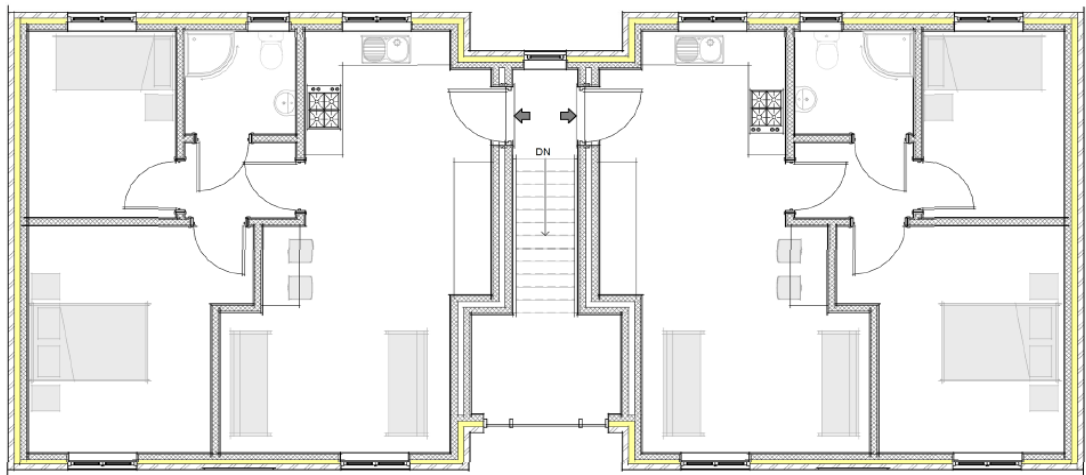


Ground Floor Layout

2901 / DD2 rev A



First Floor Layout



First Floor Layout

2901 / DD3



Elevations



Agenda Item 5e

PL2	S18/0499	Target Decision Date:10th May 2018
		Committee Date:24th July 2018

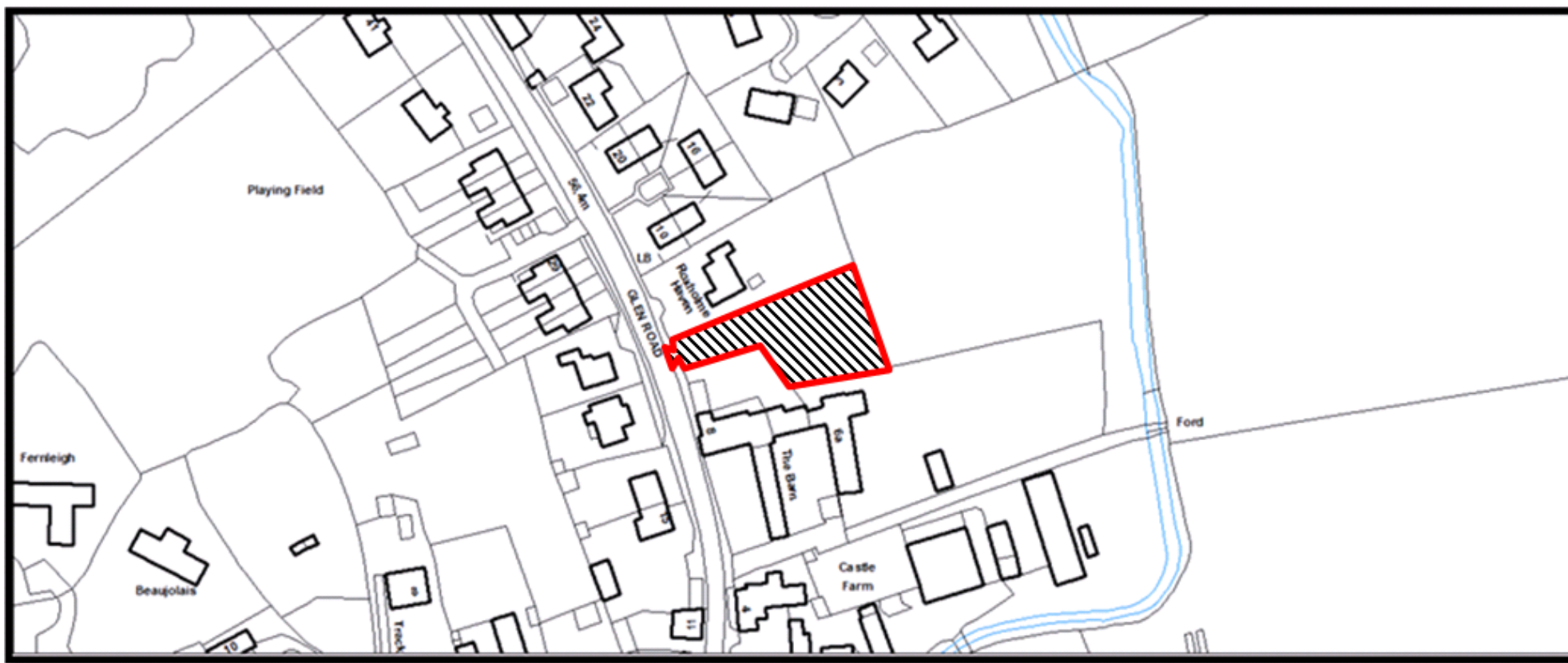
Applicant	Mr & Mrs J Bontoft 8 High Street Swayfield Grantham NG33 4LL
Agent	Mr Mike Sibthorp Mike Sibthorp Planning Logan House Lime Grove Grantham NG31 9JD
Proposal	Erection of dwelling
Location	Land To South Of Roxholme Haven Glen Road Castle Bytham NG33 4RJ
Application Type	Full Planning Permission
Parish(es)	Castle Bytham Parish Council
Reason for Referral to Committee	Cllr Wilkins call-in on the grounds of impact on the street scene and heritage assets.
Recommendation	That the application is:- Refused
Report Author	Peter Lifford - Area Planning Officer 01476 406080 Ext: 6391 p.lifford@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Impact on Conservation Area
Impact on adjacent Grade II Listed Building

Technical Documents Submitted with the Application

Design and Access Statement



Key



Application
Boundary



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1.0 Description of site

- 1.1 The application site is located on the east side of Glen Road. Access to the site is gained from the south of the property known as Roxholme Haven. This property is a bungalow with accommodation in the roof space. To the south of the application site there is a complex of farm buildings (with the front section being Listed) that have been converted to residential dwellings. To the rear of the site are open fields with views of the scheduled ancient monument, Castle Hill to the east.

2.0 Description of proposal

- 2.1 The proposal is to construct a detached one and a half storey 4 bedroom dwelling with a maximum ridge height of 7.9 metres sited to the rear of Roxholme Haven to the north and beyond the rear of the Listed building to the south but in line with the attached, unlisted section of this range of buildings. The new dwelling is located towards the southern side of the plot being at least 2m from the south site boundary with an attached double garage on the south side.

3.0 Relevant History

Reference	Proposal	Decision	Date
S17/0763	Erection of single 4-bedroom detached dwelling	Refused	06/10/2017
S00/1175	Erection of dwelling	Refused	02/01/2001

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 12 - Enhancing the historic environment
Section 7 - Requiring good design

4.2 South Kesteven District Council Core Strategy

Policy SP2 - Sustainable Communities
Policy EN1 - Protection and Enhancement
Policy SP1 - Spatial Strategy

4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development

5.0 SKDC Corporate Priorities

Good housing for all

6.0 Representations Received

Historic Buildings Advisor (SKDC) The 0.12Ha. application site lies within the Castle Bytham Conservation Area and the neighbouring property to the south west, Red Barn Farmhouse, is a Grade II Listed Building. The site is currently a paddock with access off Glen Road via a narrow strip of land between the current northern boundary to Red Barn Farmhouse and Roxholme, a modern chalet style bungalow.

The current application follows one (S17/0763) for a dwelling of a different design and positioned more to the north of the Listed Building where it would have obstructed views from Glen Road to the rising open countryside beyond the River Glen. It should be noted, however, that this view is not

historical as there was until recently the surviving section of a high stone wall that was apparently demolished because it was structurally unsound.

Planning permission is sought to erect a detached dwelling on land immediately to the north east of Red Barn House, a grade II Listed seventeenth century farmhouse that was re-fronted in the nineteenth century. The house is positioned at right angles to the highway and is built up to the back edge of the footpath. The principal, front elevation faces south and overlooks a lawn enclosed by a stone wall on the western boundary and the rear wall of a former stable range on the eastern side. Although the main aspect of the Listed Building faces south the house is nowadays mainly accessed from its north, rear side. It was first Listed in 1986.

The present boundary between the application site and the listed property is defined by a Laurel hedge but historically it included the application land.

The land is currently a paddock and photographic evidence has been provided that confirms the presence of agricultural buildings on the site, slightly more to the east of the position for the proposed dwelling. These buildings no longer exist and although the former presence of buildings is something to be taken into account, it does not automatically mean that development is acceptable in a location. The removal of the largely modern agricultural buildings has enhanced the setting of Red Barn Farmhouse.

The development should be refused on the grounds that the proposed dwelling, by reason of its size and position cause harm to the setting of the grade II Listed Building, Red Barn Farmhouse and would not constitute an enhancement of the Conservation Area. Nor could its impact be considered to be neutral.

The level of harm is less than substantial. The NPPF (March 2012) requires that in such circumstances the degree of harm is weighed against any public benefits arising from the proposal and there are no public benefits that outweigh the harm that would be caused to both the Conservation Area and the setting of the Listed Building.

Parish Council

The proposed dwelling, which has a larger mass than the previous application, would be in close proximity to 'Red Barn' a Grade II Listed Building; it was felt that all efforts should be made to protect Listed Buildings and their environment in the village.

The issue of overlooking and privacy was also raised - the proposed 1.5 height dwelling would overlook a partial one storey dwelling with ground floor bedrooms and lie very close to the boundary with another dwelling. Its roof-line would be higher than two out of three parts of 'Red Barn'; the latter's garden and bedroom windows would be overlooked. Another dwelling, 'Riverside Barn' would suffer from loss of light in three occupied ground floor bedroom windows.

The Design and Access statement (ref Scale; para93), offers

'Roxholme Haven' as an appropriate comparative 1.5 storey dwelling adjacent to the site, however the height of the ridge of 'Roxholme Haven' is 1.6 metre lower than the proposed new dwelling.

The proposed dwelling would have an adverse impact on the character of the Conservation Area and would be contrary to Policy EN1 of SKDC's Core Strategy and to Section 12 of the Planning Policy Framework contained in PPG.

The proposed dwelling would mean the loss of a green space and of views to the open countryside towards Castle Mound, an Ancient Monument.

The Councillors agreed that the proposed dwelling and garage were too tall for the surroundings, their scale and scope would adversely dominate the Street Scene.

Due to the importance the Parish Council places on maintaining the character of this historical Conservation village we ask that this application shall go before Committee for consideration.

LCC Highways & SuDS Support

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

7.0 Representations as a Result of Publicity

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 12 letters of representation have been received. The points raised can be summarised as follows:

1. Impact on adjacent Grade II Listed building
2. Need housing that is affordable for locals
3. Development no different from previous refused scheme
4. Front boundary wall should be re-instated
5. Serious detrimental effect upon the street scene.
6. Adverse impact on the character of the Conservation Area
7. Loss of open paddock
8. Overdevelopment in Conservation Area
9. View of surrounding countryside would be seriously restricted
10. Submission should have been for a single storey property
11. Dwelling is too high
12. Development would not enhance the Conservation Area
13. No change since previous refusal

8.0 Evaluation

8.1 Principle of Use

8.1.1 The site is located within Castle Bytham which is identified as a Local Service Centre in Policy SP1 and SP2 of the Adopted Core Strategy where development will be allowed in accordance with the Spatial Strategy and preference will be given to brownfield sites within the built up part of the settlements which do not compromise the nature and character of the village. Policy SAP H1

of the adopted Site Allocations and Policy DPD (2014) states that new housing development will be provided in Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built up parts of these settlements.

- 8.1.2 In terms of principle, the application site could be considered a small infill site within the existing built up area of Castle Bytham and therefore is a suitable location for residential purposes in line with national planning policy set out in the National Planning Policy Framework and local development planning policy set out in Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010) and Policy SAP H1 of the adopted Site Allocations and Policy DPD (2014).

8.2 Impact of Designated Heritage Assets

- 8.2.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The Local Planning Authority has a general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation areas s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). The site is within the conservation area and adjacent to a listed building.
- 8.2.2 The appeal site is located within the Castle Bytham Conservation Area. The objectives of policy EN1 of the Core Strategy controls development in Conservation Areas and is consistent with this test.
- 8.2.3 The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are irreplaceable resources. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
- 8.2.4 It is considered that the proposal will result in the loss of the remaining length of the stonewall on the road frontage, which is an important feature in the street scene in this part of the Conservation Area that has already been reduced in length.
- 8.2.5 The site is also adjacent to the Grade II Listed Red Barn House. It is considered that the proposals would have a detrimental impact on the setting of the Listed Building. It is considered that this would result in harm to the significance of the Listed building.
- 8.2.6 Historically the application site formed part of the overall land holding of the agricultural buildings to the south which have now been converted into residential dwellings and with its current use as a paddock would still be viewed as such. The redevelopment of the converted agricultural buildings to the south has seen changes to the north elevation of the Listed Red Barn House facing the application site to incorporate a rear domestic entrance.
- 8.2.7 The construction of a new, modern dwelling on the application site will introduce an urbanising and domestic feature in the immediate setting of the Listed building. This could reduce its significance by limiting the appreciation of its previous agricultural character.
- 8.2.8 The proposed development would cause less than substantial harm to the significance of statutorily designated asset. In such circumstances the NPPF requires the degree of harm to be weighed against any public benefit arising from the development. In this case, the provision of housing and the short term economic benefits arising from the construction of the dwelling does not outweigh the harm caused by the proposed development to the setting of Red Barn House.
- 8.2.9 On balance it is therefore considered the proposal would not comply with the NPPF, Policy SAPH1 of the SAPDPD and EN1 of the Core Strategy.

8.2.10 A previous recent application (S17/0763) was refused for the erection of a detached dwelling and detached garage. This proposal showed the dwelling sited centrally within the plot with a detached garage adjacent to the north side boundary. One of the reasons for refusal related to the loss of views to the surrounding countryside. This current layout retains these views and a refusal reason on these grounds could not be sustained.

8.3 Impact on the neighbouring properties

8.3.1 The dwelling is located towards the southern side of the application site with the attached garage sited on the south side adjacent to the common boundary with the property to the south. Having regard to the distances between dwellings and the internal layout of the proposed new property the resulting impacts on existing properties to the north and south in terms of loss of privacy, light levels and outlook are not considered significant to warrant refusing the development on grounds of loss of residential amenity.

8.3.2 Taking into account the nature of the proposal, layout and adequate separation distances, it is considered that there would be no significant unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 7, and Policy EN1 of the South Kesteven Core Strategy.

8.4 Highway issues

8.4.1 The Highway Authority have no objection to the development, subject to conditions. The proposal provides suitable off road car parking, turning areas and visibility splays.

9.0 **Crime and Disorder**

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

10.0 **Human Rights Implications**

10.1 Articles 6 (Rights 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.

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

11.0 **Conclusion**

11.1 The application should be refused on the grounds that the proposed development, by reason of its position and proximity to the Grade II Listed Building, would compromise the setting of Red Barn House.

RECOMMENDATION: that the development is refused for the following reasons

- 1 The dwelling and attached garage by reason of its siting, position and design, coupled with the proximity to Red Barn Farmhouse would result in detrimental impact on the setting such as to harm the significance of a Grade II Listed Building. Although this would be less than substantial harm, the public benefits of the proposal would not outweigh the identified harm. The proposal, therefore, is contrary to central government policy on conservation and enhancement of the historic environment contained in Section 12 of the National Planning Policy Framework, guidance contained in current PPG and Policy EN1 of the South Kesteven District Council Core Strategy.

The architectural drawings for the proposed dwelling at 1125/8-9 are as follows:

- FRONT ELEVATION:** A two-story house with a gabled roof, three dormer windows, and a central entrance. A garage is attached to the right side.
- REAR ELEVATION:** A two-story house with a gabled roof, four dormer windows, and a central entrance. A garage is attached to the right side.
- GROUND FLOOR:** A plan showing the layout of the ground floor, including a living room, kitchen, dining room, and bedrooms.
- FIRST FLOOR:** A plan showing the layout of the first floor, including a living room, kitchen, dining room, and bedrooms.
- NORTH ELEVATION:** A two-story house with a gabled roof, four dormer windows, and a central entrance.
- SOUTH ELEVATION:** A two-story house with a gabled roof, four dormer windows, and a central entrance.

Notes on the drawings:

- Scale of 1:100 (unless otherwise stated)
- Dimensions are in meters (m)
- Materials are as indicated on the drawings
- Structural details are as indicated on the drawings
- Electrical and plumbing details are as indicated on the drawings
- Landscaping details are as indicated on the drawings
- Site plan details are as indicated on the drawings
- Foundation details are as indicated on the drawings
- Roofing details are as indicated on the drawings
- Window and door details are as indicated on the drawings
- Staircase details are as indicated on the drawings
- Garage details are as indicated on the drawings
- Other details are as indicated on the drawings

Architect: Mr & Mrs J. Smith
 Land and South of Birmingham (North, Glen Road, Castle Broom)
 Proposed Dwelling Plans and elevations
 Scale: 1:100 (8-9)

Architect: Mr & Mrs J. Smith
 Land and South of Birmingham (North, Glen Road, Castle Broom)
 Proposed Dwelling Plans and elevations
 Scale: 1:100 (8-9)

Architectural elevation drawing of the rear of the property. The drawing shows the Poplar House on the left and the Red Barn House on the right. The drawing includes labels for the 'Outline of proposed dwelling', 'Outline of previously proposed dwelling', 'Hedge to southern side boundary', 'Site entrance', and 'Site entrance'. The drawing is on a grid background.

STREET ELEVATION SCALE 1:100

Agenda Item 5f

PWM2	S16/1197	Target Decision Date:5th August 2016
		Committee Date:24th July 2018

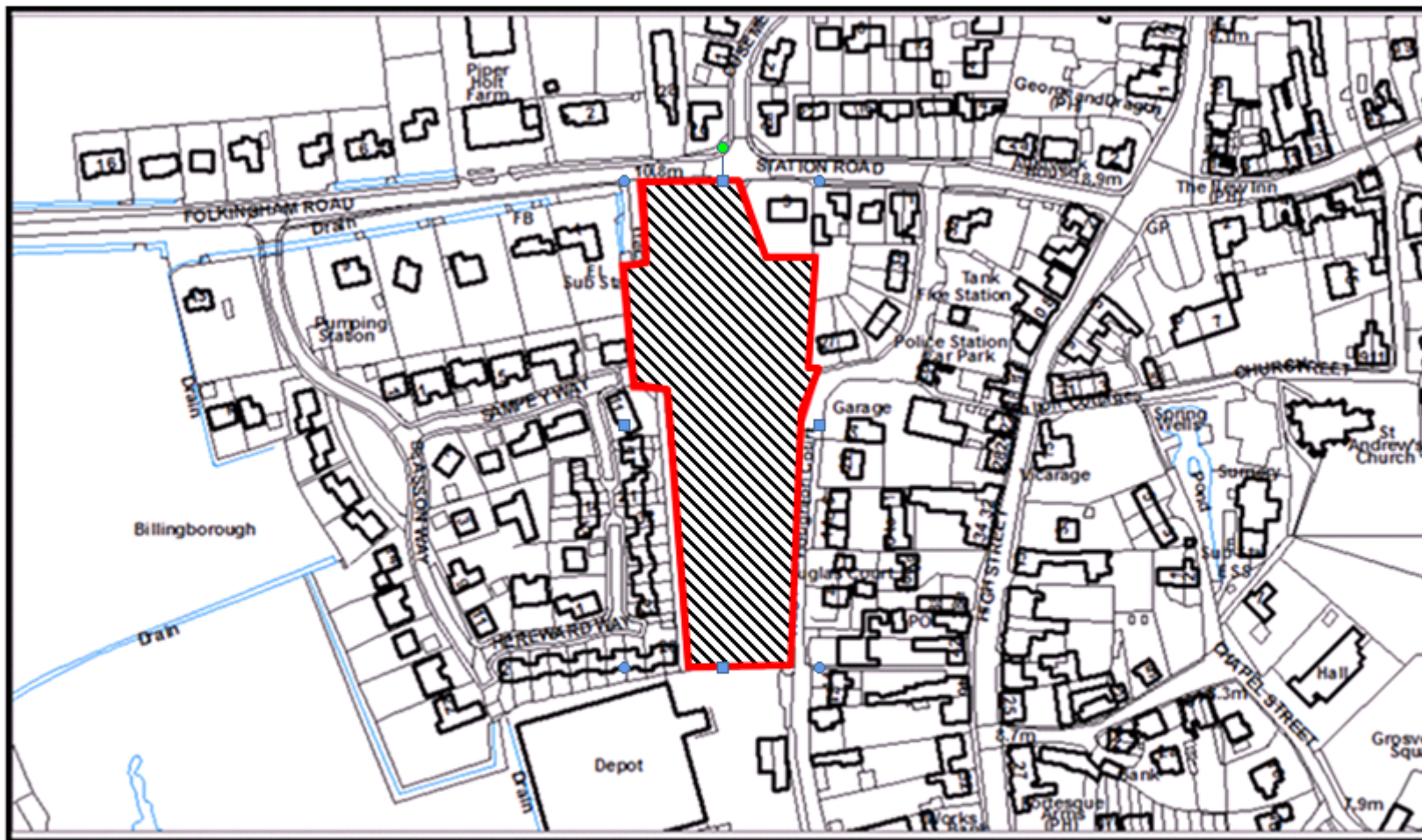
Applicant	Peter Burrows Lindpet Properties Limited Lindpet House Market Place Grantham
Agent	Matt Hubbard The Planning Hub Limited Jubilee House 79 Gertrude Road West Bridgford
Proposal	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included.
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Outline Planning Permission (Major)
Parish(es)	Billingborough Parish Council
Reason for Referral to Committee	This is a major application raising issues of financial viability.
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of development
Drainage
Contamination
Highways
Viability

Technical Documents Submitted with the Application

Viability Appraisal
Flood Risk Assessment
Drainage Strategy and Statement
Contamination Report
Ground Investigation Report
Heritage Impact Assessment
Ecological Report
Planning Statement
Design and Access Statement



Key



Application
Boundary



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1.0 Introduction

Members will recall that this application was originally discussed at the Committee meeting of 25 July 2017 and deferred to allow for Members to view and consider information relating to viability. (Report for that meeting Appendix 2).

The application was further considered by the Committee at the last Committee meeting of 26 June 2018. (Report for that meeting Appendix 1). The application was deferred to allow the applicants to consider amending the proposal in accordance with the wishes of the Committee. The minutes of that meeting are set out below:

“Members discussed the viability assessment and the band within which the developer’s profit was considered reasonable. Committee was advised that 17.5% to 20% is normally considered an acceptable range of developer profit and a number of members commented that the 20% profit that the developer would achieve if they did not provide any affordable housing was at the top of that band. Reference was also made to emerging Government guidance that indicated that 20% was a suitable return to developers to establish viability. While there was acknowledgement that providing the full 35% quotient of affordable housing may render the development unviable, it was suggested that the developer could make a smaller contribution and still achieve a profit that was within the acceptable range.

A proposition was made that the application be approved for the reasons set out in the case officer’s report and subject to conditions. This was not seconded.

A new proposition was put forward: to approve the application subject to the completion of a Section 106 Agreement comprising £15,400 for sports equipment and a contribution of £111,000 for affordable housing, which would leave the developer’s profit at approximately 17%. When combined with the current decision regarding phase 1 of the scheme this would generate 2 affordable houses. This was seconded. Members expressed a wish that these be delivered on site as part of phase 2 of the development.

The Committee was advised that the most appropriate way to proceed was to put the proposition to the applicant before making a decision.

14:40 to 14:58 – the meeting adjourned to enable officers to speak to the applicant

Following the adjournment Members were advised that the applicant had requested a deferral to re-assess whether they could agree to the Committee’s proposal. Consequently the proposition was withdrawn and a new proposition made to defer the application until the next meeting of the Committee (24 July 2018). This was seconded and, on being put to the vote, carried.”

At the time of writing, the applicant had not confirmed whether or not they were willing to make amendments or to allow the application to be determined as submitted. However they have expressed a desire for the application to be determined at the 24th July Committee to avoid any further delays. This view had also expressed by Members of the Committee at the 26th June meeting.

Any further correspondence and/or amendments from the applicant, together with any change to the officer recommendation will be reported in the Additional Items Paper prior to the Committee meeting.

At the time of writing the officer recommendation continues to be to approve subject to the conditions set out in the original report (Appendix 2)

Appendix 1
Officer Report Ref: S16/1197
Committee Date 26 June 2018

PWM1	S16/1197	Target Decision Date:5th August 2016
		Committee Date:26th June 2018

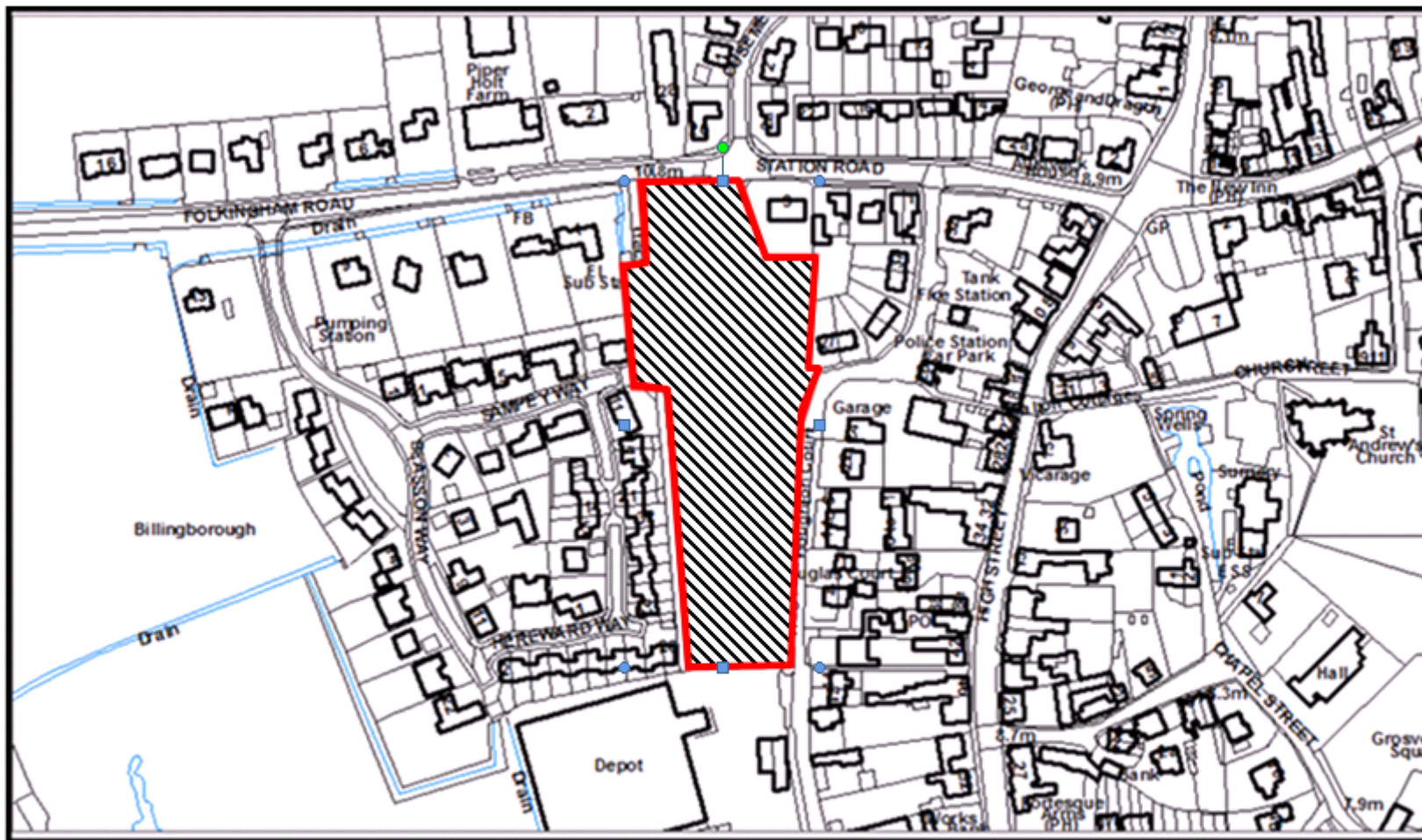
Applicant	Peter Burrows Lindpet Properties Limited Lindpet House Market Place Grantham
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Proposal	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included.
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Outline Planning Permission (Major)
Parish(es)	Billingborough Parish Council
Reason for Referral to Committee	Major scheme with issues of viability
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of development
Drainage
Contamination
Highways
Viability

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Flood Risk Assessment
Drainage Strategy and Statement
Contamination Report
Ground Investigation Report
Heritage Impact Assessment
Ecological Report
Planning Statement
Design and Access Statement



Key



Application
Boundary



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1.0 Introduction

- 1.1 Members will recall that this application was originally discussed at the Committee meeting of 25 July 2017 and deferred to allow for Members to view and consider information relating to viability. (Report for that meeting Appendix 1). The issues raised were summarised in the Committee Minutes as follows:

"One of the considerations in determining the application was a Section 106 Agreement. For a development of 23 houses there was a target to provide up to 35% affordable housing. In this instance a viability assessment had been submitted, which was tested by the Council's viability consultant and found that, because of abnormal costs, the scheme would not be viable if it included the affordable housing element. It was proposed, seconded and agreed that determination of the application be deferred to enable Committee members to view the Valuation Officer's report on the viability of the development."

- 1.2 Following the 25 July 2017 Committee meeting, officers circulated the applicant's viability appraisal and the Valuation Office Agency's (VOA) report and appraisal to Members of the Committee and the application was scheduled to go before the 28 August 2017 Committee meeting with a continued recommendation for approval.

- 1.3 However, prior to the meeting, further concerns were raised by Members regarding the level of "abnormal costs" quoted in the applicant's viability assessment and the fact that these had been accepted as reasonable by the Council's viability consultant – the Valuation Office Agency (VOA). The VOA had stated:

"The total abnormal costs (Phase 1 £529,548 & Phase 2 £673,265) presented in HEB Chartered Surveyors appraisal reports are not supported by any further information. However, I am satisfied that the list of required works is relevant to the conditions witnessed on site, and consequently I am prepared to accept them to consider viability."

However it should be recorded that I am not suitably qualified to comment on whether the work and associated cost is or is not proportionate to the issue. Ideally abnormal costs would be examined by a DVS QS or an independent expert as part of this review."

For the purpose of this report I am prepared to rely on the professional integrity of the applicant and HEB Chartered Surveyors and accept that such works are necessary, and that the associated costs are a true reflection of the actual costs that would be incurred."

You may wish to confirm this acceptance is reasonable with your relevant expert."

- 1.4 Members considered that the quoted abnormal costs required further scrutiny from a suitably qualified independent expert. Some further clarification on viability issues was also requested. The application was subsequently withdrawn from the 28 August 2017 Committee agenda at the request of the Chairman, and officers were instructed to obtain the required expert opinion.

2.0 Policy Framework (Relating to Viability)

- 2.1 Both national and local planning policy recognise that viability is an important consideration, and a flexible approach should be taken where developments would be rendered unviable by planning obligations.

3.0 National Planning Policy Framework (NPPF)

- 3.1 The NPPF in para 205 states that:

"Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled."

4.0 National Planning Practice Guidance (NPPG)

4.1 The NPPG gives the following advice on viability:

"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

4.2 It goes on to say:

"Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations."

4.3 The NPPG also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the value of land should reflect policy requirements and Planning Obligations.

5.0 South Kesteven Core Strategy

5.1 CS policy H3 (Affordable Housing) requires a target of up to 35% affordable housing provision on new residential developments. H3 states:

"In negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. An Affordable Housing Supplementary Planning Document will set out in detail how these requirements will be calculated on a site by site basis."

5.2 Policy SP4 (Developer Contributions) confirms that developer contributions will be required via Section 106 agreements where necessary and states:

"Site specific requirements will be secured using dedicated Section 106 Agreements negotiated on an individual site basis."

6.0 South Kesteven Planning Obligations SPD

6.1 The SPD recognises that in some cases, provision of the full level of contributions would make a proposal unviable and that reductions will be considered in certain circumstances:

"In cases where applicants claim that the scale and/or range of items for which provision and/or contributions are being sought, would be too burdensome, inappropriate, not justified or otherwise unreasonable, the onus will be on the applicant to make a convincing case for any reduction in the scale and/or scope of the contributions. In considering the applicants' cases, the Council will, where appropriate, involve other stakeholders such as service providers in assessing priorities."

6.2 In respect of affordable housing the SPD states:

"The general presumption will be that the cost of providing affordable housing will be offset in the negotiation of the land purchase or option. Where the applicant proposes to demonstrate that there are abnormal costs that cannot be offset by depreciated land value or where they cannot be recouped in the open market sale price for the new homes then viability will need to be assessed."

In all cases it should be assumed that public funding will not be available at the outset, and the site value will be calculated at the time of assessing viability. The viability assessment will consider a range of factors that impact upon viability, including:

- *Site considerations (including land value at existing, or in the case of a vacant or derelict site, its last use, before any application for residential development, not its purchase price or hope value).*
- *Local sales values and development costs including reasonable applicants profit.*
- *Policy constraints (e.g. cost of compliance with other LDF policies).*
- *Scheme mix (e.g. design, type and tenure of housing).*
- *Unknown abnormal site development costs.*
- *Necessary infrastructure costs.*
- *Greenfield/Brownfield site.*
- *Availability of public funding.*

If following completion of a viability assessment (in the form of a development industry standard development appraisal) the applicant is able to demonstrate that there are genuine viability problems then a revision may be agreed either to the overall scale of affordable provision or to the property mix and/or tenure type."

7.0 Evaluation

7.1 How Viability is Assessed

- 7.1.1 In summary, viability is assessed by subtracting the total costs of development i.e. construction and site preparation costs, professional fees etc, minimum developer's profit and any section 106 requirements, from the gross development value i.e. how much it can be sold for. The resulting figure is known as the residual land value.
- 7.1.2 If the residual land value is negative or less than the existing use value (EUV) + a reasonable premium to incentivise the landowner to sell, development is normally considered to be unviable. In such cases a reduction in planning obligations to allow the development to become viable is justified.
- 7.1.3 It should be noted that there is no figure set in stone for a reasonable minimum developer profit or premium on the land value. However between 17.5% - 20% is normally considered an acceptable range for minimum developer profit depending on the type of development and level of risk involved. Equally EUV + 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.
- 7.1.4 In this case the applicant has already purchased the land, so it important to consider whether the price paid was reasonable and took into account the requirements of planning.
- 7.1.5 The applicant submitted a viability appraisal in support of the application which claims that the development would not be viable with section 106 planning obligations and would make minimal developer profit with no section 106 planning obligations. The Council's viability consultants, the Valuation Office Agency (VOA) were asked to carry out a detailed assessment of the applicant's appraisal and give their professional opinion on the viability of the development.

7.2 Characteristics of Application Site and Abnormal Costs

- 7.2.1 The application site is brownfield land. It was originally a railway station and goods yard, and was later used as a road transport depot and industrial/storage units. Much of the ground is made up and is almost totally covered with buildings or hardstanding. There are significant abnormal costs involved in the development of this site including:
- Demolition and site clearance

- Removal of hardstanding
- Contamination remediation (removal/capping of contaminated material and import of clean topsoil)
- Special foundations
- Special drainage requirements (no infiltration to contaminated land)
- Renewal of culvert crossing the site

7.3 Applicant's Viability Appraisal

7.3.1 In support of the application, the applicant has submitted appraisals for both Phase 1 (considered elsewhere on the agenda) and Phase 2 of the development.

7.3.2 The applicant's appraisal for phase 2 included £673,365 of abnormal costs and concluded that even with no affordable housing or other planning obligations, the scheme would only make a profit of 3.74%.

7.4 Valuation Office Agency (VOA) Report and Appraisal

7.4.1 Notwithstanding some differences in the figures, the VOA generally considered that the applicant's appraisal was robust and did not significantly disagree with its overall conclusions. The VOA considered that the price paid for the land was not excessive, having regard to the requirements of planning. Taking into account the land value, with no section 106 planning obligations, the VOA concluded that the developer profit would 11.4% which is greater than the 3.74% stated in the applicant's appraisal but still well below the normal 17.5 -20% minimum profit threshold. Even if it was possible to reduce the abnormal costs, or if the sales values were higher to boost the profit to a normal level, based on the VOA's appraisal, the scheme could not be made viable with section 106 contributions and affordable housing.

7.4.2 For Phase 2, as well as the appraisal of 23 dwellings as submitted, the VOA were also asked to appraise a theoretical scheme of a higher density comprising 30 dwellings. The reason for this was to test whether the density would significantly affect viability and the provision of section 106 obligations and therefore whether the proposal was the most efficient use of the land in planning terms.

7.4.3 The appraisal on a development of 30 dwellings would result in the development only being viable with no affordable housing but could potentially afford the play provision contribution of £15,400. However, due to the characteristics of the site, including the desirability of retaining the station building, provision of SuDS drainage and an additional footpath, as well as the low density village context, it would not be reasonable to refuse the application on the grounds that the density is not high enough and does not represent an efficient use of the land.

7.5 Further Expert Advice

7.5.1 Following concern raised by Members that the applicant's quoted abnormal costs (whilst accepted by the VOA) required further scrutiny, officers consulted a firm of independent experts - Portway Remediation. The brief was drawn up in conjunction with Members and was as follows:

"To carry out a desk top appraisal on the information submitted by the developer (including site visit but only if this is felt to be necessary) and give a professional opinion as to whether the cost allowances are reasonable at this early stage bearing in mind an optimum reclamation method.

Based on the information provided, give an initial estimate of the cost of abnormal works, to the nearest £50,000, to allow the housing developments on both phases to go forward including dealing with the contamination, made ground and any remediation necessary for foundations, services, gardens and surface water. This will require a brief method statement for dealing with each problem, working with existing information."

- 7.5.2 Portway advised that that the likely abnormal costs would be significantly less than those quoted in the applicant's viability appraisal. They estimate that overall abnormal costs of Phase 1 and Phase 2 would be £438,701, a figure which is lower than £1,122,725 quoted by the applicant. For phase 2, Portway's estimate is £268,001 whilst the applicant's estimate is £673,365. The key reason for the lower figure is that by using the latest best practice in contamination remediation, and by recycling material on site, it would not be necessary to remove or import the quoted quantity of materials from site. Some other inconsistencies and overestimates were also noted in the applicant's costs.
- 7.5.3 The Council's Environmental Protection team were also consulted and they generally concur with Portway's conclusion on the optimal method and extent of contamination remediation.
- 7.6 Further Information from the Applicant
- 7.6.1 Following receipt of Portway's comments, the applicant has submitted further information and viability appraisals which they claim rebut some (although not all) of Portway's conclusions. Additional costs have been factored in that were not previously included such as the cost of renewing the culvert which crosses the site.
- 7.7 Updated Viability Appraisal
- 7.7.1 As stated above, the Council's expert advisors Portway Remediation, together with the Council's Environmental Protection Team have advised that the abnormal costs are likely to be significantly less than those quoted by the applicant and that the site can be appropriately remediated without the need to remove significant quantities of material from the site. Other costs have been double counted or quoted at higher than current prices and credits for selling scrap metal etc have not been included.
- 7.7.2 The applicant's latest viability assessment, whilst backed by some further information, and including some additional legitimate costs not previously mentioned, does not convincingly rebut the conclusions reached by Portway.
- 7.7.3 Costs and values in a viability statement are necessarily estimates based on available evidence and can never be 100% accurate. There will always be a margin for error and the figures should be viewed as being within reasonable parameters. When the site is developed it is likely that the actual abnormal costs will be somewhere between the two figures although it is our estimation they will be closer to those estimated by Portway.
- 7.7.4 As there have been no significant changes in build costs and property values in Billingborough since the originally Committee report, the VOA's viability appraisal is considered to be reasonably up to date and relevant and has been used by officers as the basis to assess the viability of the proposals. This is illustrated in the tables below using the estimated abnormal costs provided by Portway with no other changes made to the other estimated costs and development value provided by the VOA. It should also be noted that whilst the developer has already paid for the land, the VOA consider that the price paid was reasonable and not excessive.
- 7.7.5 The updated viability appraisals for phase 2 are summarised in tables 1 and 2 below which show 2 scenarios illustrating the viability of the development with and without the section 106 requirements included. Table 3 shows phases 1 and 2 combined without the section 106 requirements.

Table 1 – Phase 2 (with 35% affordable housing and £15,400 play equipment)

Gross Development Value (GDV)		
GDV (full market value)	£5,219,775	
loss of income from provision of affordable housing	-£714,780	
Total GDV	=	£4,504,995
Costs (including developer profit)		
Standard Build Costs	£3,272,151	
Abnormals	£268,001	
Developer's Profit	£269,695 (6%)	
Professional fees, marketing etc	£410,153	
S106 play provision	£15,400	
Land Value	£269,595	
Total Costs	=	£4,504,995
GDV		£4,504,995
Costs	-	£4,504,995
	=	£0

7.7.6 Taking into account that the applicant has already paid for the land, this scenario would result in 6.6% profit for the developer which given the margin for error and risks involved in developing brownfield sites is not considered viable.

7.7.7 Notwithstanding the significant reduction in estimated abnormal costs, the conclusion of the updated viability appraisal is that the proposal would still not be viable with any affordable housing or other section 106 requirement. The profit level would be significantly lower than 17.5 - 20% which is generally regarded as a reasonable minimum level of developer profit in government and other professional (e.g. RICS) guidance in order to achieve a viable scheme.

Table 2 – Phase 2 (with no S106 obligations)

Gross Development Value (GDV)		£5,219,775
Costs (including developer profit)		
Standard Build Costs	£3,272,151	
Abnormals	£268,001	
Developer's Profit	£999,875 (19%)	
Professional fees, marketing etc	£410,153	
Land Value	£269,595	
Total Costs	=	£5,219,775
GDV		£5,219,775
Costs	-	£5,219,775
	=	£0

7.7.8 Taking into account that the applicant has already paid for the land, this scenario with no affordable housing would result in 19% profit for the developer which is within the accepted 17.5-20% minimum profit level in order to achieve a viable scheme.

Table 3 - Phases 1 and 2 combined (No S106 obligations)

Gross Development Value (GDV)		£9,837,630
Costs (including developer profit)		£9,837,630
Standard Build Costs	£6,194,173	
Abnormals	£438,701	
Developer's Profit	£1,968,761 (20%)	
Professional fees, marketing etc	£765,617	
S106 play provision	£16,907	
Land Value	£453,471	
Total Costs	=	£9,837,630
GDV		£9,837,630
Costs	-	£9,837,630
	=	£0

7.7.9 Taking into account that the applicant has already paid for the land, this scenario with phases 1 and 2 combined with no section 106 obligations except £16,703 for play equipment already agreed) would result in 20% profit for the developer which is within the accepted 17.5-20% minimum profit level in order to achieve a viable scheme

8.0 Conclusion

- 8.1 National and local planning policy recognises that not all proposals will be capable of the full section 106 requirements and allows for section 106 contributions to be waived in such circumstances.
- 8.2 Whilst the provision of affordable housing and other section 106 contributions would be desirable in order to comply with the targets set out in planning policy, the evidence available shows that such provision would make development of this site unviable. The developer would make little or no profit and redevelopment would be unlikely to go ahead.
- 8.3 There are considerable public benefits from the redevelopment of this site, including removal of a non-conforming land use (and associated noise and pollution), removal of unsightly buildings and hardstandings, visual enhancement to this part of the village and the setting of the Conservation Area, together with the provision of new housing to meet local demand.
- 8.4 Taking into account the available evidence, the margin for error and the public benefits of ensuring development of the site, it is considered that in this case it would not be appropriate to require any affordable housing or other section 106 contributions for phase 2 as any contribution would render the development unviable. The proposals as submitted are therefore in accordance with CS Policies H3 and SP4 of the South Kesteven Planning Obligations SPD, the NPPF and NPPG guidance.

PWM1	S16/1197	Target Decision Date:5th August 2016
		Committee Date:25th July 2017

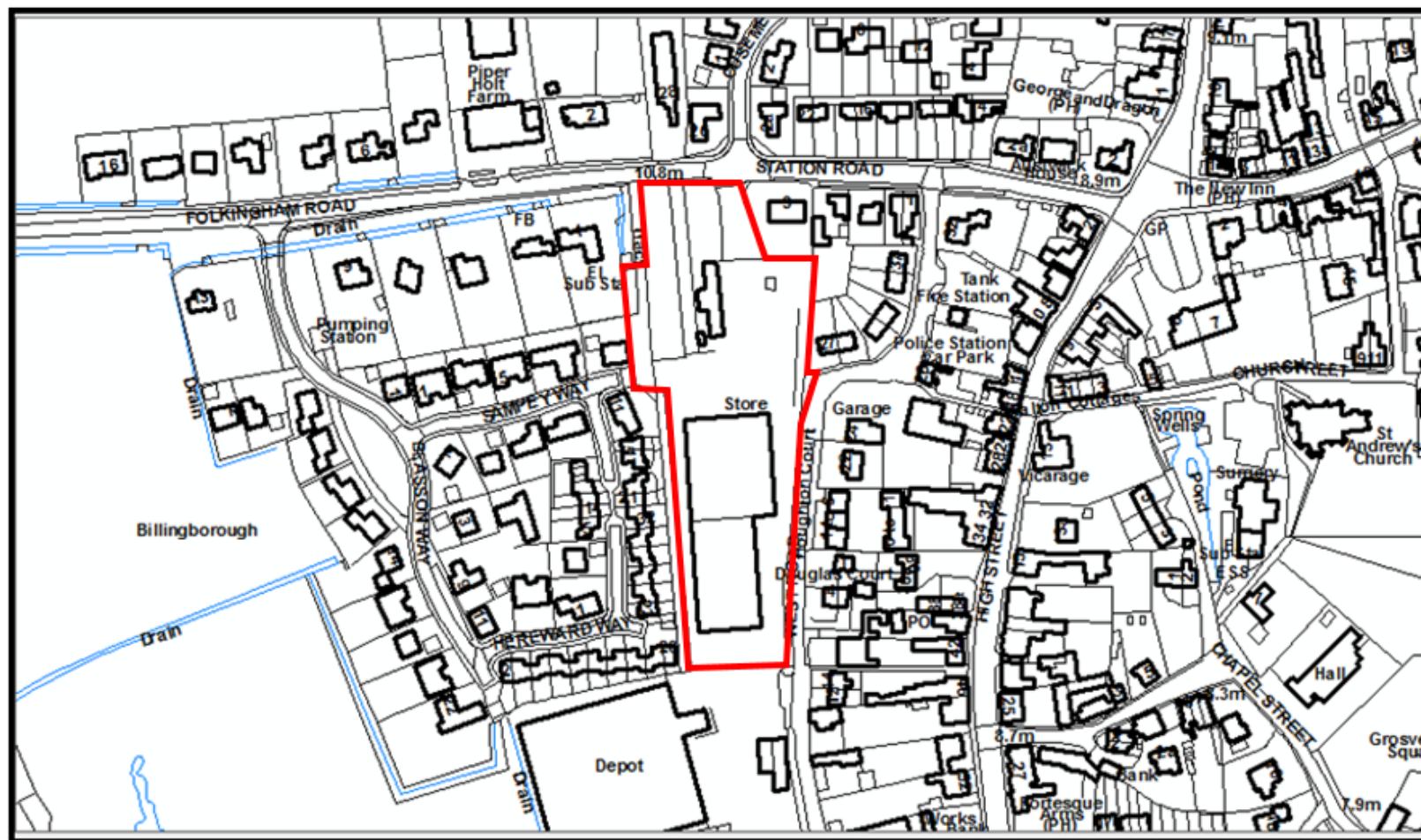
Applicant	Peter Burrows Lindpet Properties Limited Lindpet House Market Place Grantham
Agent	Matt Hubbard The Planning Hub Limited Jubilee House 79 Gertrude Road West Bridgford
Proposal	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included.
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Outline Planning Permission (Major)
Parish(es)	Billingborough Parish Council
Reason for Referral to Committee	This is a major application which requires a s106 planning obligation
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland – Business Manager – Development Management & Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

- Principle of development
- Drainage
- Contamination
- Highways
- Viability

Technical Documents Submitted with the Application

- Viability Appraisal
- Flood Risk Assessment
- Drainage Strategy and Statement
- Contamination Report
- Ground Investigation Report
- Heritage Impact Assessment
- Ecological Report
- Planning Statement
- Design and Access Statement



Key



Application
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1.0 Description of proposal

- 1.1 This application seeks outline planning permission for demolition of an existing industrial unit and replacement with a residential development of 23 dwellings. Access has been included as a matter for consideration with this application. The development would be served by four separate vehicular separate accesses. On West Street, there would be two accesses serving internal roads and a double driveway serving two dwellings and on Folkingham Road there would be a further access serving an internal road. A footpath access is shown on the corner of West Road. Matters of layout, scale, appearance and landscaping are reserved for future reserved matters applications.
- 1.2 This application is the second phase (phase 2) of a residential development of the whole of the former Grimer's Transport site. The northern half of the Grimer's site (phase 1) already has outline planning permission for 23 dwellings. A separate application has been submitted for phase 1 (S16/1155) to modify the section 106 obligation in order to waive the affordable housing requirement. That application is also on this agenda.

2.0 Description of site

- 2.1 The site is roughly rectangular shaped with an area of 1.17ha. It is part of a wider commercial site which was historically railway land, including the Billingborough station and subsequently used as a depot for a haulage firm - Grimer's Transport. The application site itself has more recently been used for light industrial or storage and distribution purposes and having been vacant for several years is now temporarily occupied for storage use. The southern half of the application site is currently occupied by a large portal framed warehouse building surrounded by hardstanding. The northern half is covered by hardstanding and the remaining railway station buildings and platforms.
- 2.2 Other than the commercial buildings to the south, the site is set within a predominantly residential area with recently completed estates to the west and more established development to the north and east. Beyond West Street is the village centre.
- 2.3 Billingborough is a 'Large Village' designated as a Local Service Centre under Core Strategy Policy SP2.

3.0 Relevant History

Reference	Proposal	Decision	Date
S16/1155	Variation of S106 Agreement to waive affordable housing contribution re S14/0927	Pending Decision	
S14/0927	Demolition of existing industrial buildings and redevelopment of site for residential purposes (23 x dwellings)	Approved Conditionally	08/10/2015

4.0 Policy Considerations

- 4.1 **National Planning Policy Framework (NPPF)**
Section 10 - Meeting the challenge of climate change
Section 12 - Enhancing the historic environment
Section 6 - Wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities

4.2 South Kesteven District Council Core Strategy

Policy H1 - Residential Development
Policy H3 - Affordable Housing
Policy SP1 - Spatial Strategy
Policy SP2 - Sustainable Communities
Policy SP3 - Sustainable Integrated Transport
Policy SP4 - Developer Contributions
Policy E1 - Employment Development
Policy EN1 - Protection and Enhancement
Policy EN2 - Reduce the Risk of Flooding

4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development

5.0 SKDC Corporate Priorities

5.1 Keep SK clean, green and healthy

5.2 Grow the economy

5.3 Support good housing for all

6.0 Representations Received

Parish Council	No fundamental objection raised to development of the site. However the parish council have indicated that they would like to see retention of the whole of the railway station buildings as well as a footpath link through to Sampey Way. Concerns have been raised about how contamination would be dealt with, surface water drainage and potential for contamination of the aquifer. The PC acknowledges that affordable housing may not be viable although they would like to see this fully demonstrated. They have also requested a S106 financial contribution towards recreational facilities in the village if possible.
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LCC Highways & SuDS Support	No objection in highway terms subject to conditions
	In respect of drainage - Initial concerns raised about the drainage strategy and surface water drainage. However, following submission of an amended drainage strategy, LCC Highways do not object subject to conditions, including conditions relating to investigation of the existing culvert crossing the site.

Education & Cultural Services	No education contribution required
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Environment Agency	No objection subject to a number of conditions to ensure that contamination is adequately remediated and that no infiltration is allowed through to the underlying aquifer.
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Environmental Protection Services	Request a further contamination remediation report before development begins.
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SKDC Affordable Housing Officer	35% affordable housing required on site unless it can be demonstrated that it would make the development unviable
NHS England	no contribution required
Anglian Water Services	Horbling Water Recycling Centre and the local sewerage system has adequate capacity to accommodate this development
Black Sluice Internal Drainage Board	The IDB welcomes the decrease in the overall impermeability of the site. Notes that any drainage system must be proved to be suitable and discharge restricted to greenfield run-off rates. The culvert crossing the site is noted and the IDB advise that it should be ensured that this is fit for purpose and that no dwellings should be built over it
Heritage Lincolnshire	No archaeological intervention required

7.0 Representations as a Result of Publicity

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 5 Letters of representation have been received. The points raised can be summarised as follows:

1. Impact of dust/disturbance from demolition work on neighbours
2. Drainage and flood issues
3. Impact of additional traffic on existing narrow village roads
4. Concerns about the layout and neighbours' residential amenities
5. The station building should be retained in its entirety
6. Enough houses already in Billingborough
7. Site should be retained for employment use
8. Concern that there could be bats in the area

8.0 Evaluation

8.1 Principle of development

8.1.1 The thrust of national and regional and local policy is that development should be in sustainable locations wherever possible. The CS has a very clear spatial strategy for the location of new development. CS policies SP1(Spatial Strategy) and H1 (Residential Development) direct the majority of new housing development in the rural area towards the more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). Billingborough is designated as an LSC under CS policy SP2.

8.1.2 CS policy SP1, read together with CS policy H1, states that preference will be given to residential development on allocated sites or brownfield sites within the built up area of LSCs.

8.1.3 SAP policy H1 states:

Planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites provided that the development:

i) can be satisfactorily accommodated by:

the existing local highway network; the waste water treatment and sewerage network and; the local education and health provision.

ii) will not have a detrimental impact upon the quality of life of adjacent residents and properties.

iii) will not compromise the nature and character of the settlement.

iv) is in accordance with the criteria of Policies EN1, EN2, and EN4 of the Core Strategy.

- 8.1.4 The site is not allocated but is a suitable brownfield site which satisfies the criteria above, as assessed in the remainder of this report, thus residential development of the site is in accordance with these policies.
- 8.1.5 Core Strategy policy E1 - Employment Development, however, seeks to retain existing areas of employment use in LSCs. The policy sets out four criteria which should be addressed by development proposals for non-employment generating uses on sites in existing employment use. Policy SAP5 of the SAP reiterates the requirements of this policy and identifies sites which are considered "locally important existing employment sites". This site is not identified as such in policy SAP5, however, it is an existing employment site and the criteria of E1 must be satisfied. To this end the applicant has provided an Employment Market Report which demonstrates how the proposal addresses the criteria of policy E1 and why in this particular case the loss of the land to a non-employment generating use can be justified.
- 8.1.6 The applicant has demonstrated that the application site is no longer in long term employment use and that the site and buildings are unattractive to the market because of their design, layout and location. The current use for storage is a temporary contract at below market rates. Equally, the use of the site for unrestricted employment and distribution uses in the past has caused conflict with neighbouring residential development, and the proposed residential use will resolve this conflict. The continuation of employment use of this site is therefore unsuitable and unviable for modern employment uses. Furthermore, redevelopment of this site would help to regenerate and improve the appearance of this part of the village including the setting of the conservation area. The applicant's statement identifies the existence of a substantial amount of vacant and available employment land and premises both within Billingborough and across the district which would satisfy any latent demand for premises. The proposal therefore satisfies the criteria of CS policy E1 and is in accordance with this policy.
- 8.1.7 It should also be noted that the site has been identified for a potential housing allocation in the consultative Draft South Kesteven Local Plan. However the plan is at an early stage of consultation and little weight can be given to this allocation.
- 8.1.8 Taking the above into account, the benefits of redevelopment of the site outweigh any disbenefits and the principle of residential development of this site is acceptable in accordance with CS policies SP1, H1, E1 and SAP policy SAP5.

8.2 Impact on the character of the area

- 8.2.1 Layout, scale, appearance and landscaping are not included for consideration in this application and would be dealt with by a future reserved matters application. However an indicative plan has been submitted showing how the site could be potentially developed and demonstrating that the site is capable of accommodating the number of dwellings proposed without compromising the character and appearance of the area. The applicant has also confirmed that the intention is to retain the existing railway station building and convert it to a dwelling. This is welcome as it is considered an undesignated heritage asset of local historical and architectural merit.
- 8.2.2 The site offers the opportunity to improve connectivity between the estate to the west and the village centre via a footpath connection to Sampey Way. There is a small strip of grassed open land between the application site boundary and the adopted highway of Sampey Way which is understood to be owned by the original developer of the Sampey Way estate and maintained by Billingborough Parish Council. The indicative site layout plan shows a footway connection between West Road and the internal cul-de-sac from Folkingham Road. However, there is no fundamental reason why the detailed layout could not include an extension of this footway to the boundary of the site adjacent to Sampey Way.
- 8.2.3 The proposed density is low and reflects that of adjacent residential development and whilst lower than the already approved Phase 1, this is justified by the need to retain the station building and to incorporate footpaths and SuDS features such as attenuation ponds. The overall density

of this part of Billingborough would be of an appropriate level and would ensure that the land is utilised in an efficient manner. The removal of the current industrial buildings and yard and redevelopment of the site (subject to detailed design), would be an enhancement to the area including the setting of the adjacent conservation area and the settings of nearby listed buildings.

8.2.4 Conditions have been attached to ensure that future reserved matters applications included retention of the original remaining 19th century parts of the station buildings and that a footway is provided to the site boundary with Sampey Way.

8.2.5 Taking the above into account, in terms of the character and appearance of the area and settings of heritage assets, the proposal is in accordance with the NPPF and CS policy EN1.

8.3 Impact on the residential amenities of neighbouring properties

8.3.1 The detailed layout, scale and appearance will be determined at reserved matters stage where detailed issues of neighbours' amenities will be assessed. However, it is considered that the site is sufficiently large to accommodate 23 appropriately designed and sited dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

8.3.2 In terms of residential amenities, the proposal is in accordance with the NPPF and CS policy EN1.

8.4 Highway issues

8.4.1 The position of the accesses has been included as a matter for consideration as part of this planning application. The position of the access from Folkingham Road is in a similar position to the existing access to the site. The accesses on West Street are appropriately spaced. All have good visibility splays and the Highways Authority does not object (subject to conditions) either to the position of the accesses or the number of dwellings to be served from the accesses.

8.4.2 Currently West Road does not have pedestrian footways but the indicative plan shows the provision of footways within the site and a new footway along the frontage. It is expected that the estate roads would be built to adoptable standards. A condition has been added to ensure provision of a footway along the frontage of West Road. It is anticipated the reserved matters applications should make provision for a footpath to the boundary of the site with Sampey Way. The site is well connected to the village centre via an existing footpath opposite the site which provides a link between West Road and High Street.

8.4.3 In highway terms, the proposal is in accordance with the NPPF and CS policy SP3.

8.5 Drainage

8.5.1 About two thirds of the site lies within the Environment Agency's flood risk zone 2. CS policy EN2 and the NPPF seeks to direct residential development to areas with the least probability of flooding.

8.5.2 Parts of Billingborough, including West Street adjacent to the site have previously experienced surface water flooding issues. As a result, LCC in their capacity as Local Lead Flood Authority (LLFA) have recently carried out a flood Investigation under section 19 of The Flood and Water Management Act 2010. Section 19 obliges LLFAs to investigate any flood issues that it becomes aware of and find solutions in consultation with other relevant drainage bodies. As part of the investigation, it has been identified that a culverted drain runs across the site which then connects to Anglian Water's surface water sewers before discharging into the Ousemere Lode stream. Remedial works to the sewer have been carried out further downstream at Vine Street

which appear to have resolved or partially resolved the problem. A condition has been added at the request of the LLFA requiring details of an investigation and appropriate protection of the existing drainage culvert understood to be running across and under the ground of the application site to ensure that the development can be undertaken without impairing the efficiency of this existing culvert.

8.5.3 Notwithstanding the above, the flood risk assessment submitted with this application shows that ground levels within the site are slightly elevated above the surrounding area and that it is capable of accommodating an adequate drainage system. Furthermore, development would result in a significant reduction in hard surfaces which would greatly reduce surface water runoff and therefore the risk of flooding beyond the site.

8.5.4 In conclusion, subject to conditions, the proposal would result in a betterment in terms of flood risk and drainage and is therefore in accordance with the NPPF and CS policy EN2.

8.6 Contamination

8.6.1 The site is known to be contaminated from its previous railway and road transport uses. A Site Investigation Report has been submitted as part of the application. The Environment Agency and the Council's Environmental Protection Team have considered the findings of the report and advised that they have no objections to the proposed scheme subject to further survey work being carried out and mitigation measures put in place to deal with any of the identified contaminants. In order to prevent contamination of groundwater the EA has recommended a condition requiring that infiltration from surface water drainage should not be allowed in areas of contamination.

8.6.2 In respect of contamination, the proposal complies with Core Strategy policy EN1, and NPPF Core Section 11.

8.7 Viability and Planning Obligations

8.7.1 CS Policy H3 (read in conjunction with the PPG guidance) requires developments of 11 or more dwellings to provide a target of 35% affordable housing which on a development of this size and type would normally be expected to be provided on site. For a proposed development of 23 units it is expected that 8 would be affordable. A financial contribution of £15,400 would also be required for improvements to existing local recreation facilities.

8.7.2 It is important to consider how any section 106 contribution would affect the viability and deliverability of the development. The NPPF in paragraph 205 states that:

Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

8.7.3 The PPG gives the following advice on viability:

Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.

It goes on to say:

i Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

- 8.7.4 The PPG also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the value of land should reflect policy requirements and Planning Obligations.
- 8.7.5 In accordance with CS policies H3 and SP4, on all sites a reduction or total omission of affordable housing and other planning obligations is only acceptable if there is clear evidence that there are additional exceptional development costs that would render the development unviable with the full section 106 obligations. In this case there are significant abnormal costs involved including demolition of buildings and contamination remediation which add to the overall build costs.
- 8.7.6 The applicant has submitted a viability assessment concluding that development of the site would not be viable if it were to provide any affordable housing or any other planning obligation. Officers have sought the advice of its external viability consultant (Valuation Office Agency - District Valuer Services) and they agree with the conclusions of the assessment. Whilst the VOA have confirmed it is theoretically possible that a significantly higher density scheme could potentially provide the financial contribution towards recreational facilities (although no affordable housing), it is not considered appropriate to require such a density for the reasons previously mentioned. The application has therefore been considered on the density and number of dwellings indicated by the applicant (23 dwellings).
- 8.7.7 As such it is considered that it would not be appropriate to require the provision of affordable housing and financial contribution for recreational facilities through a section 106 agreement. In this respect the proposal accords with CS policies H3 and SP4 as well as the NPPF and PPG guidance.

8.8 Conclusion

- 8.8.1 It is considered that the redevelopment of this vacant brownfield site for residential development, within a sustainable local service centre is in accordance with the sustainability aims of national, and local policy. It is considered that the proposal would result in a form of development which is appropriate and compatible with the surrounding area and would not increase the risk of flooding or be detrimental to highway safety or neighbours' amenities.
- 8.8.2 It is therefore considered that the current proposal is in accordance with policies SP1, SP2, H1, H3, E1, EN1 & EN2 of the South Kesteven Core Strategy, and policy SAP H1 of the South Kesteven Site Allocations and Policies Plan and the National Planning Policy Framework (Section 4 - Promoting sustainable transport, Section 6 - Delivering a wide choice of high quality homes, Section 10 - Meeting the challenge of climate change, flooding and coastal change, Section 12- Conserving and enhancing the historic environment, Section 7 - Requiring good design and Section 4 - Promoting sustainable transport) and that there are no material considerations that indicate otherwise, although conditions have been attached.

9.0 Section 106 Heads of Terms

- 9.1 For the reasons of viability given above, there are no section 106 requirements for this application

10.0 Crime and Disorder

- 10.1 It is considered that the proposal would not result in any significant crime and disorder implications.

11.0 Human Rights Implications

- 11.1 Articles 6 (Rights 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.

12.0 RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

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

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

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

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

Approved Plans

- 3 The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:
 - i. Site Layout Plan
 - ii. 1994 (03)012 (in respect of the position of the site accesses only)

both received 06 May 2016

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

Before the Development is Commenced

- 4 When an application is submitted for reserved matters, that application shall include in the detailed layout, a pedestrian footway linking West Road with the boundary of the site adjacent to Sampey Way

Reason: To increase connectivity within the village in the interests of good planning.

- 5 When an application is submitted for reserved matters, that application shall include the retention and conversion of the whole of the C19 station building.

Reason: This building is considered to be an undesignated heritage asset of local historical and architectural importance.

- 6 No development other than demolition and site clearance operations shall take place until further infiltration testing, undertaken in accordance with BRE Digest 365 has been completed at locations within the application site which will provide a representative assessment of the infiltration capacity of the whole site.

Reason: The infiltration testing undertaken to support this application is not considered to give a sufficiently truly representative indication of the natural ground conditions.

- 7 No development other than demolition and site clearance operations shall take place until a surface water drainage scheme for the site, based on sustainable urban 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:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to a rate appropriate and agreed to the ground conditions;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason : To minimise the risk of flooding

- 8 When the application is submitted for Reserved matters that application shall include details of the investigation and appropriate protection of the existing drainage culvert understood to be running across and under the ground of the application site.

Reason: To ensure that the permitted development can be undertaken without impairing the efficiency and on future maintenance of this existing culvert.

- 9 No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- o all previous uses;
- o potential contaminants associated with those uses;
- o a conceptual model of the site indicating sources, pathways and receptors;
- o potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reasons: The site is underlain by superficial River Terrace deposits and bedrock of the Cornbrash Formation, both classified as Secondary A Aquifers. The site is also within a Source Protection Zone (SPZ) 1 for public water supply, abstracted from the deeper limestone Principal Aquifer.

During Building Works

- 10 No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination.

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

Reasons: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner to protect controlled waters.

Before the Development is Occupied

- 12 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

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

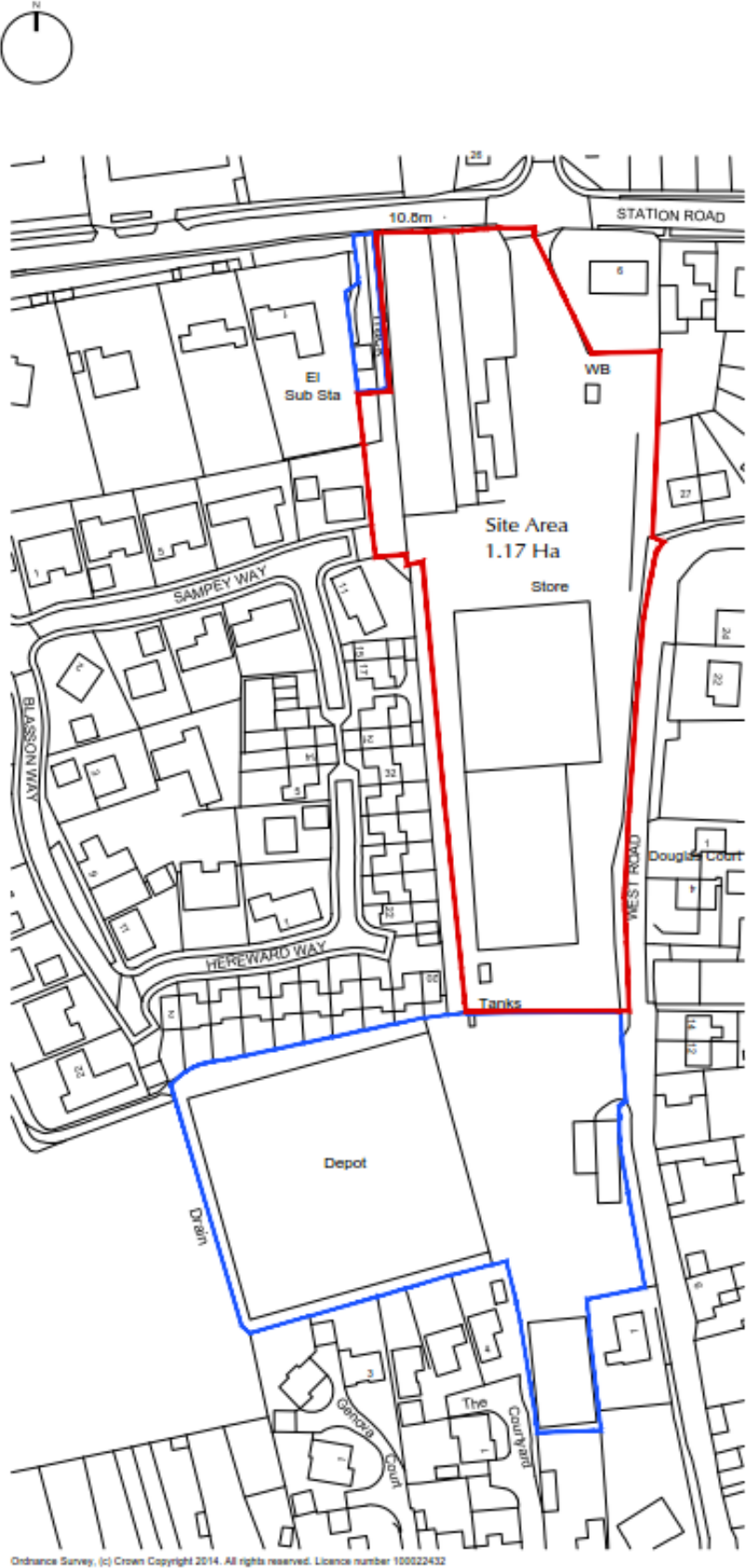
- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure that any remediation, if required, is verified as completed to the agreed standards for the protection of controlled waters.

Standard Note(s) to Applicant:

- 1 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.

Site location Plan



Indicative Layout Plan



Proposed Site Plan
1:0000

Agenda Item 5g

PWM3	S16/1155	Target Decision Date:23rd June 2016
		Committee Date:24th July 2018

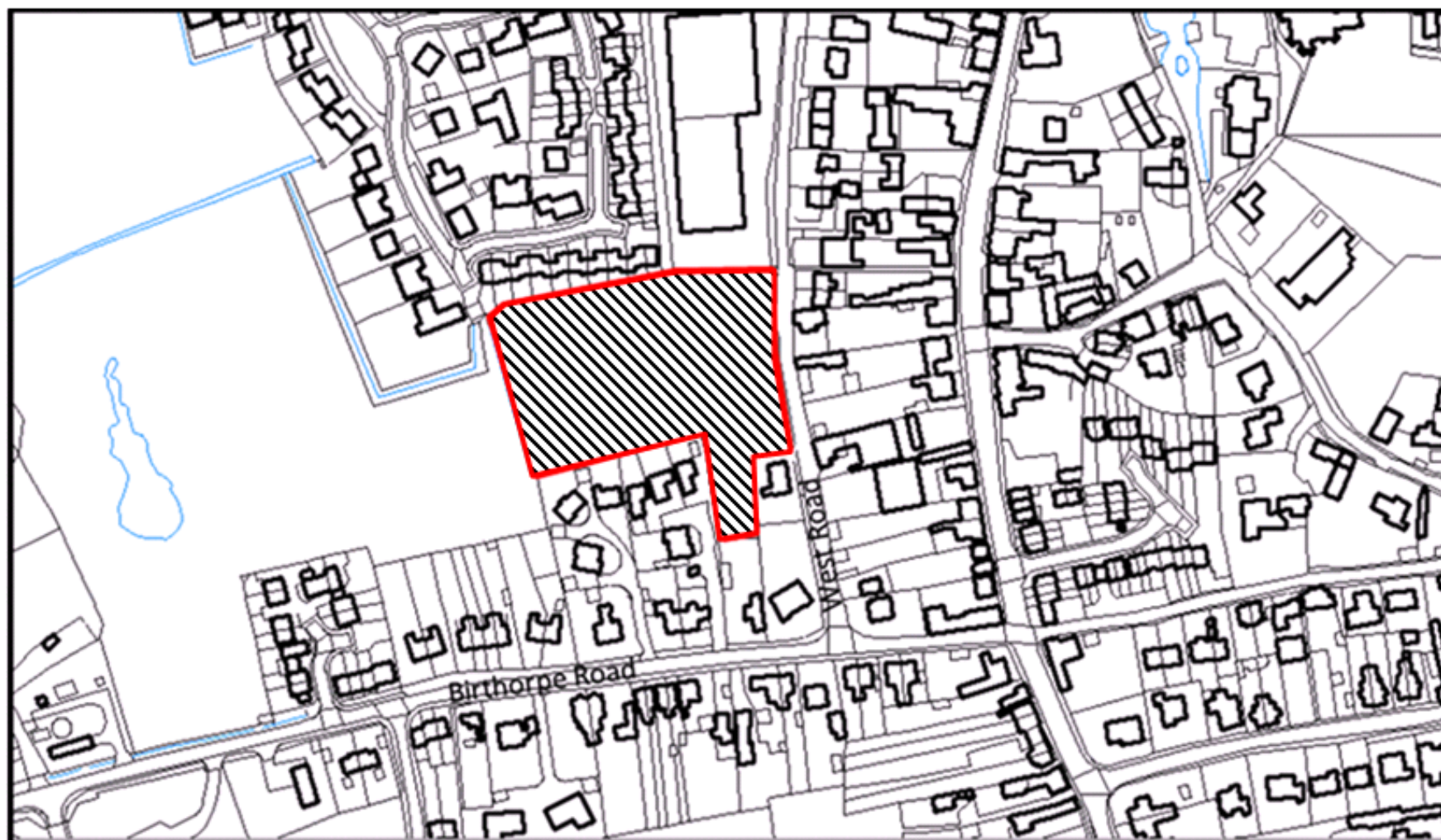
Applicant	Mr Mike Downes Aspbury Planning 20 Park Lane Business Centre Park Lane Basford
Agent	
Proposal	Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Modify or discharge planning obligation
Parish(es)	Billingborough Parish Council
Reason for Referral to Committee	The proposal involves a section 106 agreement with financial contributions
Recommendation	That the application is:- Approved without conditions
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Whether there is sufficient justification to delete the affordable housing requirement from the section 106 agreement, specifically evidence that the affordable housing contribution would make the development unviable.

Technical Documents Submitted with the Application

Viability Appraisal
Ground Investigation Report



Key



Application
Boundary



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1.0 Introduction

1.1 Members will recall that this application was originally discussed at the Committee meeting of 25 July 2017 and deferred to allow for Members to view and consider information relating to viability. (Report for that meeting Appendix 2).

1.2 The application was further considered by the Committee at the last Committee meeting of 26 June 2018. (Report for that meeting Appendix 1). The application was deferred to allow the applicants to enable further discussion on the S106 requirements. The minutes of that meeting are set out below:

“It was proposed, seconded and agreed that the application be deferred until the next meeting of the Committee (24 July 2018) to enable discussion with the applicants regarding S106 contributions.”

1.3 At the time of writing, the applicant had not confirmed whether or not they were willing to make amendments or to allow the application to be determined as submitted. However they have expressed a desire for the application to be determined at the 24th July Committee to avoid any further delays. This view had also expressed by Members of the Committee at the 26th June meeting.

1.4 Any further correspondence and/or amendments from the applicant, together with any change to the officer recommendation will be reported in the Additional Items Paper prior to the Committee meeting.

1.5 At the time of writing the officer recommendation continues to be to approve.

Appendix 1
Officer Report Ref: S16/1155
Committee Date: 26 June 2018

PWM2	S16/1155	Target Decision Date:23rd June 2016
		Committee Date:26th June 2018

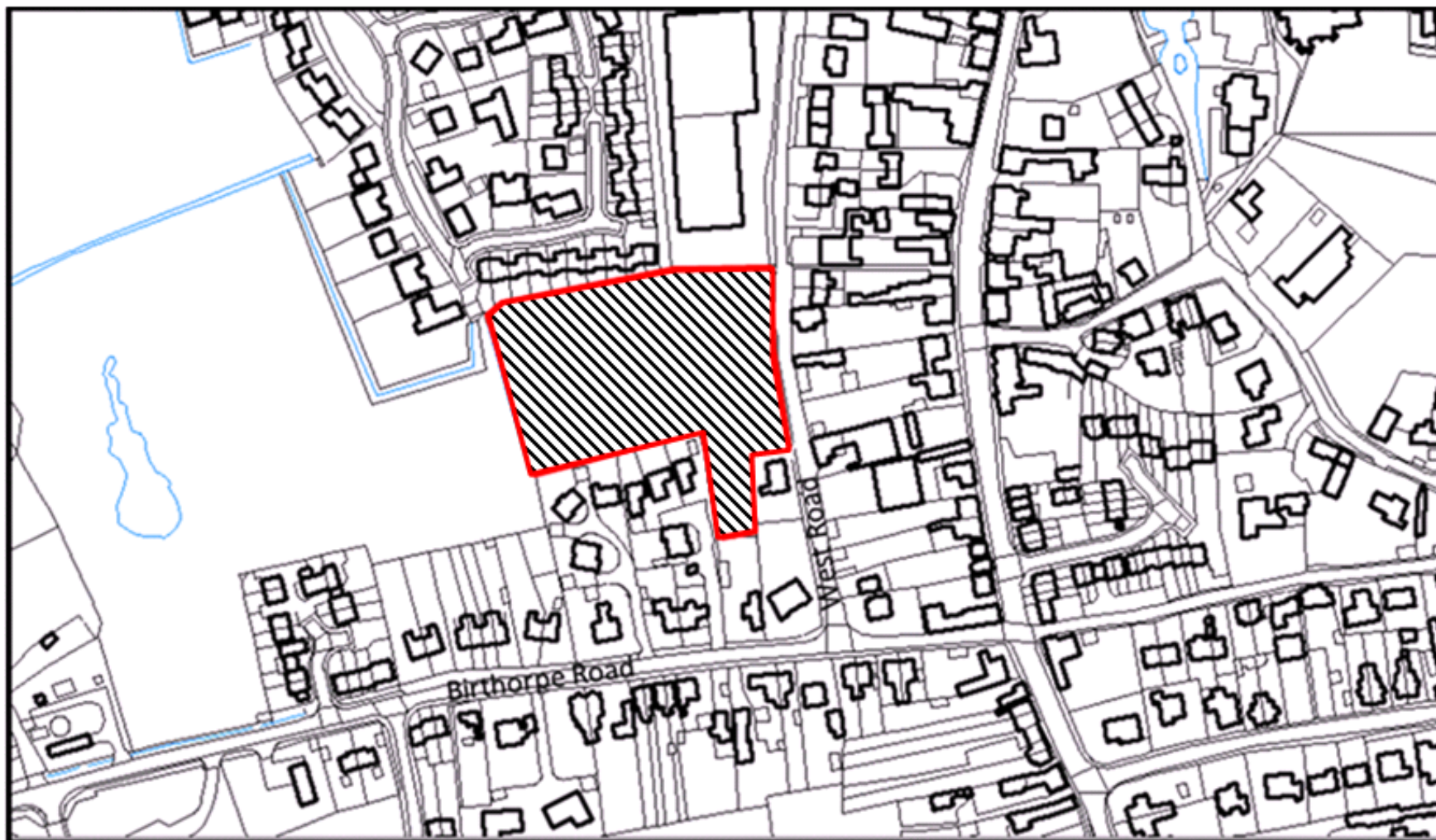
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Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

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Key



Application
Boundary



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1.0 Introduction

- 1.1 Members will recall that this application was originally discussed at the Committee meeting of 25 July 2017 and deferred to allow for Members to view and consider information relating to viability. (Report for that meeting Appendix 1). The issues raised were summarised in the Committee Minutes as follows:

"One of the considerations in determining the application was a Section 106 Agreement. For a development of 23 houses there was a target to provide up to 35% affordable housing. In this instance a viability assessment had been submitted, which was tested by the Council's viability consultant and found that, because of abnormal costs, the scheme would not be viable if it included the affordable housing element. It was proposed, seconded and agreed that determination of the application be deferred to enable Committee members to view the Valuation Officer's report on the viability of the development."

- 1.2 Following the 25 July 2017 Committee meeting, officers circulated the applicant's viability appraisal and the Valuation Office Agency's (VOA) report and appraisal to Members of the Committee and the application was scheduled to go before the 28 August 2017 Committee meeting with a continued recommendation for approval (Report for that meeting Appendix 2).

- 1.3 However, prior to the meeting, further concerns were raised by Members regarding the level of "abnormal costs" quoted in the applicant's viability assessment and the fact that these had been accepted as reasonable by the VOA. The VOA had stated:

"The total abnormal costs (Phase 1 £529,548 & Phase 2 £673,265) presented in HEB Chartered Surveyors appraisal reports are not supported by any further information. However, I am satisfied that the list of required works is relevant to the conditions witnessed on site, and consequently I am prepared to accept them to consider viability."

However it should be recorded that I am not suitably qualified to comment on whether the work and associated cost is or is not proportionate to the issue. Ideally abnormal costs would be examined by a DVS QS or an independent expert as part of this review."

For the purpose of this report I am prepared to rely on the professional integrity of the applicant and HEB Chartered Surveyors and accept that such works are necessary, and that the associated costs are a true reflection of the actual costs that would be incurred."

You may wish to confirm this acceptance is reasonable with your relevant expert."

- 1.4 Members considered that the quoted abnormal costs required further scrutiny from a suitably qualified independent expert. The application was subsequently withdrawn from the 28 August 2017 Committee agenda at the request of the Chairman, and officers were instructed to obtain the required expert opinion.

2.0 Policy Framework (Relating to Viability)

- 2.1 Both national and local planning policy recognise that viability is an important consideration, and a flexible approach should be taken where developments would be rendered unviable by planning obligations.

2.2 National Planning Policy Framework (NPPF)

- 2.2.1 The NPPF in para 205 states that:

"Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled."

2.3 National Planning Practice Guidance (NPPG)

2.3.1 The NPPG gives the following advice on viability:

"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

2.3.2 It goes on to say:

"Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations."

2.3.3 The NPPG also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the value of land should reflect policy requirements and Planning Obligations.

2.4 South Kesteven Core Strategy

2.4.1 CS policy H3 (Affordable Housing) requires a target of up to 35% affordable housing provision on new residential developments. H3 states:

"In negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. An Affordable Housing Supplementary Planning Document will set out in detail how these requirements will be calculated on a site by site basis."

2.4.2 Policy SP4 (Developer Contributions) confirms that developer contributions will be required via Section 106 agreements where necessary and states:

"Site specific requirements will be secured using dedicated Section 106 Agreements negotiated on an individual site basis."

2.5 South Kesteven Planning Obligations SPD

2.5.1 The SPD recognises that in some cases, provision of the full level of contributions would make a proposal unviable and that reductions will be considered in certain circumstances:

"In cases where applicants claim that the scale and/or range of items for which provision and/or contributions are being sought, would be too burdensome, inappropriate, not justified or otherwise unreasonable, the onus will be on the applicant to make a convincing case for any reduction in the scale and/or scope of the contributions. In considering the applicants' cases, the Council will, where appropriate, involve other stakeholders such as service providers in assessing priorities."

2.5.2 In respect of affordable housing the SPD states:

"The general presumption will be that the cost of providing affordable housing will be offset in the negotiation of the land purchase or option. Where the applicant proposes to demonstrate that there are abnormal costs that cannot be offset by depreciated land value or where they cannot be recouped in the open market sale price for the new homes then viability will need to be assessed."

In all cases it should be assumed that public funding will not be available at the outset, and the site value will be calculated at the time of assessing viability. The viability assessment will consider a range of factors that impact upon viability, including:

- *Site considerations (including land value at existing, or in the case of a vacant or derelict site, its last use, before any application for residential development, not its purchase price or hope value).*
- *Local sales values and development costs including reasonable applicants profit.*
- *Policy constraints (e.g. cost of compliance with other LDF policies).*
- *Scheme mix (e.g. design, type and tenure of housing).*
- *Unknown abnormal site development costs.*
- *Necessary infrastructure costs.*
- *Greenfield/Brownfield site.*
- *Availability of public funding.*

If following completion of a viability assessment (in the form of a development industry standard development appraisal) the applicant is able to demonstrate that there are genuine viability problems then a revision may be agreed either to the overall scale of affordable provision or to the property mix and/or tenure type."

3.0 Evaluation

3.1 How Viability is Assessed

- 3.1.1 In summary, viability is assessed by subtracting the total costs of development i.e. construction and site preparation costs, professional fees etc, minimum developer's profit and any section 106 requirements, from the gross development value i.e. how much it can be sold for. The resulting figure is known as the residual land value.
- 3.1.2 If the residual land value is negative or less than the existing use value (EUV) + a reasonable premium to incentivise the landowner to sell, development is normally considered to be unviable. In such cases a reduction in planning obligations to allow the development to become viable is justified.
- 3.1.3 It should be noted that there is no figure set in stone for a reasonable minimum developer profit or premium on the land value. However between 17.5% - 20% is normally considered an acceptable range for minimum developer profit depending on the type of development and level of risk involved. Equally EUV + 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.
- 3.1.4 In this case the applicant has already purchased the land, so it important to consider whether the price paid was reasonable and took into account the requirements of planning.
- 3.1.5 The applicant submitted a viability appraisal in support of the application which claims that the development would not be viable with section 106 planning obligations and would make minimal developer profit with no section 106 planning obligations. The Council's viability consultants, the Valuation Office Agency (VOA) were asked to carry out a detailed assessment of the applicant's appraisal and give their professional opinion on the viability of the development.

3.2 Characteristics of Application Site and Abnormal Costs

- 3.2.1 The application site is brownfield land. It was originally a railway station and goods yard, and was later used as a road transport depot and industrial/storage units. Much of the ground is made up and is almost totally covered with buildings or hardstanding. There are significant abnormal costs involved in the development of this site including:
- Demolition and site clearance

- Removal of hardstanding
- Contamination remediation (removal/capping of contaminated material and import of clean topsoil)
- Special foundations
- Special drainage requirements (no infiltration to contaminated land)
- Renewal of culvert crossing the site

3.3 Applicant's Viability Appraisal

3.3.1 In support of the application, the applicant has submitted appraisals for both Phase 1 and Phase 2 (considered elsewhere on the agenda) of the development.

3.3.2 The applicant's appraisal for phase 1 included £529,548 of abnormal costs and concluded that even with no affordable housing or other planning obligations, the scheme would only make a profit of 7.2%.

3.4 Valuation Office Agency (VOA) Report and Appraisal

3.4.1 Notwithstanding some differences in the figures, the VOA generally considered that the applicant's appraisal was robust and did not significantly disagree with its overall conclusions. The VOA considered that the price paid for the land was not excessive, having regard to the requirements of planning. Taking into account the land value, with no section 106 planning obligations, the VOA concluded that the developer profit would be 13.2% which is greater than the 7.2% stated in the applicant's appraisal but still well below the normal 17.5-20% minimum profit threshold. Even if it was possible to reduce the abnormal costs, or if the sales values were higher to boost the profit to a normal level, based on the VOA's appraisal, the scheme could not be made viable with section 106 contributions and affordable housing.

3.5 Further Expert Advice

3.5.1 Following concern raised by Members that the applicant's quoted abnormal costs (whilst accepted by the VOA) required further scrutiny, officers consulted a firm of independent experts - Portway Remediation. The brief was drawn up in conjunction with Members and was as follows:

"To carry out a desk top appraisal on the information submitted by the developer (including site visit but only if this is felt to be necessary) and give a professional opinion as to whether the cost allowances are reasonable at this early stage bearing in mind an optimum reclamation method.

Based on the information provided, give an initial estimate of the cost of abnormal works, to the nearest £50,000, to allow the housing developments on both phases to go forward including dealing with the contamination, made ground and any remediation necessary for foundations, services, gardens and surface water. This will require a brief method statement for dealing with each problem, working with existing information."

3.5.2 Portway advised that the likely abnormal costs would be significantly less than those quoted in the applicant's viability appraisal. They estimate that overall abnormal costs of Phase 1 and Phase 2 would be £438,701, a figure which is lower than £1,122,725 quoted by the applicant. For phase 1, Portway's estimate is £170,700, whilst the applicant's estimate is £596,586. The key reason for the lower figure is that by using the latest best practice in contamination remediation, and by recycling material on site, it would not be necessary to remove or import the quoted quantity of materials from site. Some other inconsistencies and overestimates were also noted in the applicant's costs.

3.5.3 The Council's Environmental Protection team were also consulted and they generally concur with Portway's conclusion on the optimal method and extent of contamination remediation.

3.6 Further Information from the Applicant

3.6.1 Following receipt of Portway's comments, the applicant has submitted further information and viability appraisals which they claim rebut some (although not all) of Portway's conclusions. Additional costs have been factored in that were not previously included such as the cost of renewing the culvert which crosses the site.

3.7 Updated Viability Appraisal

3.7.1 As stated above, the Council's expert advisors Portway Remediation, together with the Council's Environmental Protection Team have advised that the abnormal costs are likely to be significantly less than those quoted by the applicant and that the site can be appropriately remediated without the need to remove significant quantities of material from the site. Other costs have been double counted or quoted at higher than current prices and credits for selling scrap metal etc have not been included.

3.7.2 The applicant's latest viability assessment, whilst backed by some further information, and including some additional legitimate costs not previously mentioned, does not convincingly rebut the conclusions reached by Portway.

3.7.3 Costs and values in a viability statement are necessarily estimates based on available evidence and can never be 100% accurate. There will always be a margin for error and the figures should be viewed as being within reasonable parameters. When the site is developed it is likely that the actual abnormal costs will be somewhere between the two figures although it is our estimation they will be closer to those estimated by Portway.

3.7.4 As there have been no significant changes in build costs and property values in Billingborough since the originally Committee report, the VOA's viability appraisal is considered to be reasonably up to date and relevant and has been used by officers as the basis to assess the viability of the proposals. This is illustrated in the tables below using the estimated abnormal costs provided by Portway with no other changes made to the other estimated costs and development value provided by the VOA. It should also be noted that whilst the developer has already paid for the land, the VOA consider that the price paid was reasonable and not excessive.

3.7.5 The updated viability appraisals for phase 1 are summarised in tables 1 - 3 below which show 3 scenarios illustrating the viability of the development with the full section 106 requirements, with the reduced level already agreed and without the section 106 requirements included. Table 3 shows phases 1 and 2 combined without the section 106 requirements.

Table 1 – Phase 1 (with 35% affordable housing and £16,907 play equipment)

Gross Development Value (GDV)		
GDV (full market value)	£4,617,856	
loss of income from provision of affordable housing	-£732,650	
Total GDV	=	£3,885,206
Costs (including developer profit)		
Standard Build Costs	£2,922,022	
Abnormals	£170,700	
Developer's Profit	£236,237 (6% profit)	
Professional fees, marketing etc	£355,464	
S106 play provision	£16,907	

Land Value	£183,876	
Total Costs	=	£3,885,206
GDV		£3,885,206
Costs	-	£3,885,206
	=	£0

3.7.6 Taking into account that the applicant has already paid for the land, this scenario would result in 3% profit for the developer which given the margin for error and risks involved in developing brownfield sites is not considered viable.

3.7.7 Notwithstanding the significant reduction in estimated abnormal costs, the conclusion of the updated viability appraisal is that the proposal would still not be viable with the full requirement for affordable housing. The profit level would be significantly lower than 17.5 – 20% which is generally regarded as a reasonable minimum level of developer profit in government and other professional (e.g. RICS) guidance in order to achieve a viable scheme.

Table 2 – Phase 1 - Already approved scheme with S106 contributions - £51,937 affordable housing contribution and £16,907 play equipment

Gross Development Value (GDV)		
GDV		£4,617,855
Costs (including developer profit)		
Standard Build Costs	£2,922,022	
Abnormals	£170,700	
Developer's Profit	£916,949 (19.85% profit)	
Professional fees, marketing etc	£355,464	
S106 off site affordable housing contribution	£51,937	
S106 play provision	£16,907	
Land Value	£183,876	
Total Costs	=	£4,617,855
GDV		£4,617,855
Costs	-	£4,617,855
	=	£0

3.7.8 Taking into account that the applicant has already paid for the land, this scenario with a contribution of £51,937 towards provision of off site affordable housing would result in 19.85% profit for the developer which is within the accepted 17.5 -20% minimum profit level in order to achieve a viable scheme.

Table 3 – Phase 1 - No affordable housing (N.B. the £16,907 play provision contribution is not affected).

Gross Development Value (GDV)		
GDV		£4,617,855
Costs (including developer profit)		

Standard Build Costs	£2,922,022	
Abnormals	£170,700	
Developer's Profit	£968,887 (21% profit)	
Professional fees, marketing etc	£355,464	
S106 play provision	£16,907	
Land Value	£183,876	
Total Costs	=	£4,617,855
GDV		£4,617,855
Costs	-	£4,617,855
	=	£0

3.7.9 Taking into account that the applicant has already paid for the land, this scenario with no affordable housing would result in 21.1% profit for the developer which is marginally above the accepted 17.5-20% minimum profit level in order to achieve a viable scheme. This scenario would generate a surplus of £45,316 over and above 20% profit.

Table 4 - Phases 1 and 2 combined (No S106 obligations)

Gross Development Value (GDV)		£9,837,630
Costs (including developer profit)		£9,837,630
Standard Build Costs	£6,194,173	
Abnormals	£438,701	
Developer's Profit	£1,968,761 (20%)	
Professional fees, marketing etc	£765,617	
S106 play provision	£16,907	
Land Value	£453,471	
Total Costs	=	£9,837,630
GDV		£9,837,630
Costs	-	£9,837,630
	=	£0

3.7.10 The Grimer's site is under a single ownership, has the same characteristics throughout, and phases 1 and 2 are likely to be developed as part of a single overall development including a shared SuDS drainage system, rather than entirely separate entities. It is therefore reasonable to consider the overall viability of the site as a whole. Notwithstanding the minor surplus illustrated in table 3, the development of phases 1 and 2 combined, with no section 106 obligations (except £16,703 for play equipment already agreed) would result in 20% profit for the developer which is within the accepted 17.5-20% minimum profit level in order to achieve a viable overall scheme.

4.0 Conclusion

4.1 National and local planning policy recognises that not all proposals will be capable of the full section 106 requirements and allows for section 106 contributions to be waived in circumstances where the local planning authority are satisfied that viability and therefore delivery of development will be affected.

- 4.2 Whilst the previously agreed affordable housing contribution for phase 1 would be desirable in order to comply with the targets set out in planning policy, the evidence available shows that such provision would affect the overall viability of the development (phases 1 and 2 combined). It is acknowledged that the retention of the previously agreed £51,937 affordable housing contribution would not reduce the profit (as calculated using VOA and Portway's figures above) below the 17.5% minimum. However, as previously mentioned, it is our estimate that whilst the actual abnormal costs are likely to be closer to those estimated by Portway, than those quoted by the applicant, they are almost certainly somewhere in between. On that basis, there is a significant risk that overall viability and therefore delivery could be affected any additional cost.
- 4.3 There are considerable public benefits from the redevelopment of this site, including removal of a non-conforming land use (and associated noise and pollution), removal of unsightly buildings and hardstandings, visual enhancement to this part of the village and the setting of the Conservation Area, together with the provision of new housing to meet local demand.
- 4.4 Taking into account the available evidence, the margin for error and the public benefits of ensuring development of the site, it is considered that in this case, on balance, the removal of the previously agreed affordable housing from the section 106 agreement can be justified, and is therefore in accordance with CS Policies H3 and SP4 of the South Kesteven Planning Obligations SPD, the NPPF and NPPG guidance.

APPENDIX 2
Officer Report Ref – S16/1155
Committee Date – 25 July 2017

PWM2	S16/1155	Target Decision Date:23rd June 2016
		Committee Date:25th July 2017

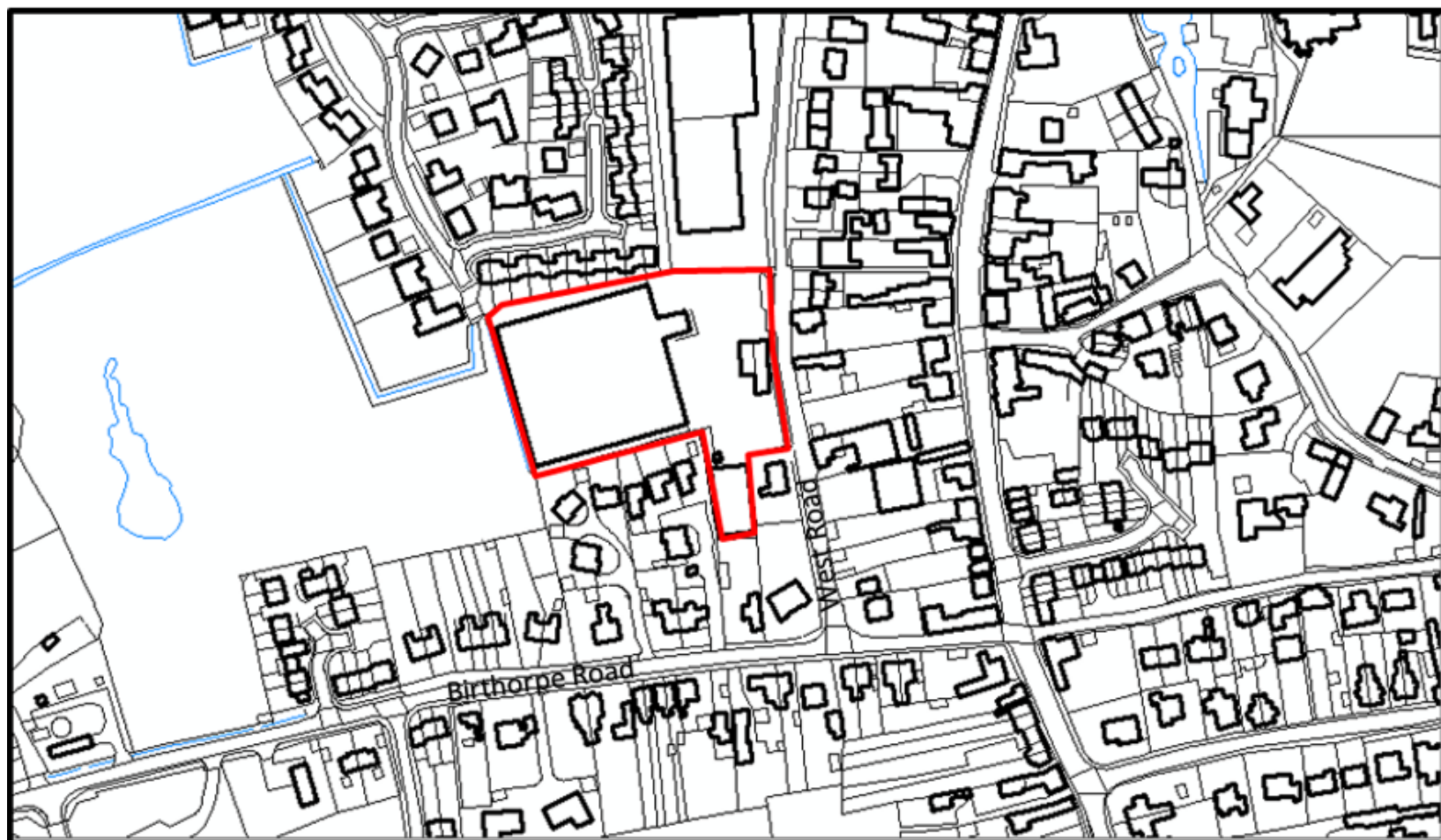
Applicant	Mr Mike Downes Aspbury Planning 20 Park Lane Business Centre Park Lane Basford
Agent	
Proposal	Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Modify or discharge planning obligation
Parish(es)	Billingborough Parish Council
Reason for Referral to Committee	The proposal involves a section 106 agreement with financial contributions
Recommendation	That the application is:- Approved without conditions
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland – Business Manager – Development Management & Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

- Whether there is sufficient justification to delete the affordable housing requirement from the section 106 agreement, specifically evidence that the affordable housing contribution would make the development unviable.

Technical Documents Submitted with the Application

- Viability Appraisal
- Ground Investigation Report



Key



Application
Location



Application
Boundary

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1.0 Description of proposal

- 1.1 This application is one of 2 separate applications on this agenda relating to residential development of the former Grimer's Transport site in Billingborough.
- 1.2 This application proposes a modification of the section 106 agreement associated with extant permission S14/0927 to allow for removal of the affordable housing requirement.
- 1.3 A separate outline planning application (which is also on this agenda) has been submitted for phase 2 (S16/1197) for 23 dwellings

2.0 Description of site

- 2.1 The site is roughly L shaped with an area of 0.89ha. It is part of a wider commercial site which was historically railway land and subsequently used as a depot for a haulage firm - Grimer's Transport. The application site itself has more recently been used for light industrial or storage and distribution purposes and having been vacant for several years is now temporarily occupied for storage use. The western half of the application site is currently occupied by a large portal framed warehouse building. The eastern half is covered by hardstanding and some smaller ancillary buildings.
- 2.2 Other than the commercial buildings to the north, the site is set within a predominantly residential area with recently completed estates to the north and south. To the west there is open countryside and to the east beyond West Street is the village centre.
- 2.3 The site has outline planning permission for 23 dwellings (S14/0927) which was granted by committee on 08 October 2015.

3.0 Relevant History

Reference	Proposal	Decision	Date
S14/0927	Demolition of existing industrial buildings and redevelopment of site for residential purposes (23 x dwellings)	Approved Conditionally	08/10/2015
S16/1197	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included.	Pending Decision	

4.0 Policy Considerations

- 4.1 **South Kesteven District Council Core Strategy**
Policy H3 - Affordable Housing

5.0 SKDC Corporate Priorities

- 5.1 Support good housing for all

6.0 Representations as a Result of Publicity

- 6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of representation have been received.

7.0 Background

- 7.1 Members may recall that outline planning permission for 23 dwellings was granted by committee on 08 October 2015 on the northern half of the Grimers site (phase 1). Permission was granted subject to a section 106 agreement requiring a contribution of £16,907 towards the upgrade of recreational facilities in Billingborough and £38,030 for off site affordable housing in nearby villages where there is an identified need.
- 7.2 The application seeks a modification to the section 106 application to remove the affordable housing requirement. The contribution towards recreational facilities would not be affected.
- 7.3 In 2013, the government amended the Town and Country Planning Act 1990 by introducing section 106BA. The purpose of this new section was to kick start development that had been stalled by the economic recession by providing an application and appeal procedure for the review of affordable housing obligations based on economic viability without taking into account other aspects of the planning consent. Section 106BA only applies to affordable housing obligations and cannot be used to modify other obligations.
- 7.4 These provisions were repealed for new applications at the end of 30 April 2016 but continue to apply to applications received before the end of April 2016. The current application was submitted 28 April 2016 so must be determined in accordance with section 106BA.

8.0 Evaluation

- 8.1 Under section 106BA, when a developer makes an application to vary an affordable housing obligation, the local planning authority (LPA) have to assess the affordable housing obligation and decide whether it prevents the development from being economically viable. After making this assessment, if the LPA finds that the development remains economically viable then it has no choice but to keep the obligation as it is. If the LPA finds that the obligation prevents the development from being economically viable then it has to deal with the application in a way that safeguards and promotes the economic viability of the development proposal to which it relates. In order to achieve this, the LPA has three options:
1. it can modify the obligation either in the way the application suggests or in another way if more appropriate;
 2. it can replace the obligation again in the way suggested by the application or with another obligation if more appropriate; or
 3. it can remove the obligation altogether.
- 8.2 When the original application (S14/0927) was submitted, it was accompanied by a viability appraisal which was scrutinised by the Council's viability consultant (Valuation Office Agency - District Valuer Services) and it was concluded, based on the information available at the time, that the development would only be viable with a reduced contribution - £16,907 towards the upgrade of recreational facilities in Billingborough and £38,030 for off site affordable housing. The application was approved and the S106 agreement signed on that basis.
- 8.3 The applicant has since carried out more detailed site surveys and concluded that the abnormal costs of remediating contaminated land and provision of special foundations were significantly underestimated in their original viability appraisal and that these additional costs would make the development unviable with the section 106 affordable housing contribution.
- 8.4 The applicant has submitted a new viability assessment together with evidence from technical surveys which shows this to be the case. Officers have again sought the advice of the Valuation Office Agency - District Valuer Services and they agree with the conclusions of the assessment.

9.0 Conclusion

- 9.1 It is considered that in the circumstances, sufficient evidence has been submitted to justify the removal of the affordable housing contribution from the section 106 agreement in accordance with the requirements of Section 106BA of the Town and Country Planning Act 1990.

10.0 Crime and Disorder

- 10.1 It is considered that the proposal would not result in any significant crime and disorder implications.

11.0 Human Rights Implications

- 11.1 Articles 6 (Rights 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.

- 12.0 RECOMMENDATION:** To approve the removal of the requirement for an affordable housing contribution from the section 106 agreement relating to S14/0927

Standard Note(s) to Applicant:

- 1 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.

Site Location Plan



Agenda Item 5h

MGS1	S16/2285	Target Decision Date:2nd February 2017
		Committee Date:24th July 2018

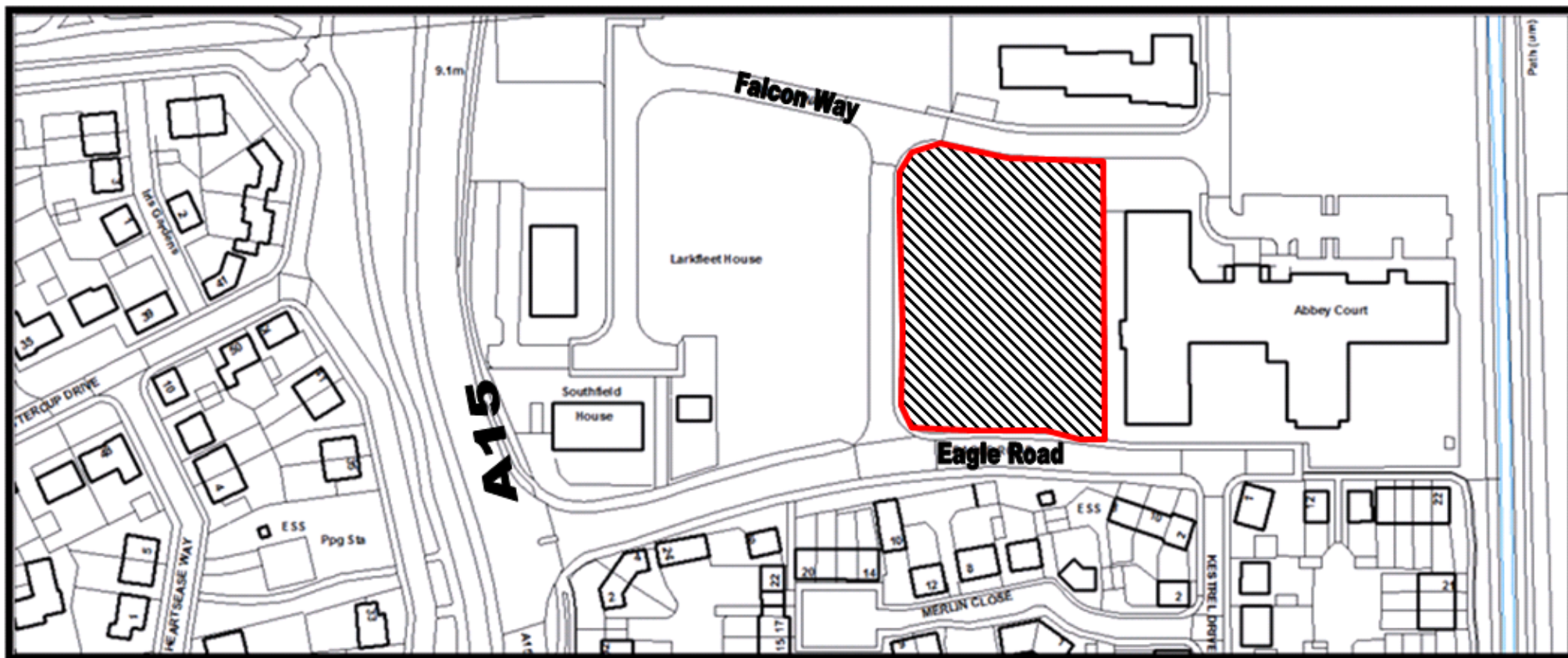
Applicant	One Medical Ltd C/O Agent
Agent	Mr Stephen Sadler Walker Morris LLP (Solicitors) Kings Court 12 Kings Court Leeds
Proposal	Residential development for up to 19dwellings (outline)
Location	Falcon Way Bourne PE10 0FF
Application Type	Outline Planning Permission (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	
Recommendation	That the application is:- Approved conditionally
Report Author	Mike Gildersleeves - Principal Planning Officer 01476 406080 Ext: 6383 mike.gildersleeves@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland Head of Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Impact on the character of the area
Impact on gas pipeline
Highways
Provision of affordable housing

Technical Documents Submitted with the Application

Design and Access Statement
Planning Statement
Contamination Report
HSE Consultation



Key



Application
Boundary



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Addendum to Committee Report S16/2285

1.0 Introduction

- 1.1 This addendum report is presented as a result of further submissions by the applicant following the resolution of the Development Management Committee on 7th February 2017. The original committee report is attached for information as **Appendix 1**.
- 1.2 The Members resolved to grant planning permission, subject to the completion of a S106 Agreement pertaining to the matters discussed within the report, namely Affordable Housing, Education contributions (£84,803.00), and Public Open Space contributions (£13,838), as set out in the minutes.
- 1.3 Following the resolution, Officers commenced discussions regarding the S106 Agreement and an initial draft was produced. However, in June 2017, the applicant's agent contacted the Local Planning Authority to advise that their client had concerns regarding the viability of the scheme with the identified S106 requirements, and subsequently presented a viability report.
- 1.4 The Valuation Office Agency (VOA/DVS) were instructed to prepare a report on the viability of the scheme, considering the applicants submissions in October 2017. The report was duly completed and submitted to the LPA in January 2018.
- 1.5 Since the submission of the report, Officers have been in discussion with the applicant's agent in respect of the outcomes of the VOA appraisal. This has culminated in some minor changes to the submission and a revised 'offer' in respect of S106 contributions by the applicant. This is as follows:
- The Public Open Space contribution is accepted.
 - They suggest that the LPA revisit the request for Education contributions with LCC Education as they do not consider that the request meets the relevant tests outlined in the NPPG, specifically they identify a lack of evidence as to where the monies would be spent.
 - They encourage the LPA to place a preference on Affordable Housing as opposed to Education contributions and would be agreeable to the identified education contribution being diverted towards affordable housing.
 - Based on the viability report and VOA findings, they advise that a financial contribution towards affordable housing based on 40% of Open Market Value (OMV) of 2x1-bed apartments is achievable if a view is taken on the education contribution, or 40% of OMV of 1x1-bed if not. The applicants would be agreeable to an overage clause in either scenario in the event of timely resolution of the application.
 - The applicants agree to amend the description of development to enable the application to provide for 'up to 19 dwellings' thereby providing an upper-limit for the development in line with the submitted viability information. The applicants also indicated their agreement to a condition to specify this upper-limit within any grant of permission.
- 1.6 Further to the aforementioned, the applicant's agent also comments that they wish to work practically, positively and co-operatively with the Council to bring this application to a conclusion. They believe this can be done through a speedy resolution of a revised S106 reflecting the aforementioned terms. They believe that their position on viability is sound and have referenced the relevant paragraphs in the NPPF and PPG, whilst also advising that they believe the current offer is compliant with the current policies of the Development Plan. They have indicated however that in the event of a refusal, they would proceed to challenge any decision at Appeal and note the resource implications for both parties as a result of such actions. An extension of time has been agreed until the 31st August to allow the amended scheme to be re-considered by the Development Management Committee, and any subsequent decision to be issued.

- 1.7 Whilst it is appreciated that Members may be disappointed that this matter has not been resolved in accordance with the original resolution, given the applicants request that the viability information be considered, the onus is on the LPA to consider it. Matters relating to development viability and deliverability are material planning considerations, and in light of the current planning policy position in respect of such matters, they must form part of the decision-making process.
- 1.8 In light of the above, and the alterations that have been made since the original resolution by Committee, Officers wish to re-report the application for determination and an updated resolution. Assessment of the scheme in light of the changes made is included in the following sections of this report.
- 2.0 Planning Policy
- 2.1 The previous report to Development Management Committee (Appendix 1) identified the relevant policies for the application at that time. These policies remain relevant and are supplemented by those detailed below which specifically relate to development viability.
- 2.2 Both national and local planning policy recognise that viability is an important consideration, and a flexible approach should be taken where developments would be rendered unviable by planning obligations.
- 3.0 National Planning Policy Framework (NPPF)
- 3.1 The NPPF in para 205 states that:
- "Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled."*
- 4.0 National Planning Practice Guidance (NPPG)
- 4.1 The NPPG gives the following advice on viability:
- "Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."*
- 4.2 It goes on to say:
- "Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations."*
- 4.3 The NPPG also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the value of land should reflect policy requirements and Planning Obligations.
- 5.0 South Kesteven Core Strategy
- 5.1 CS policy H3 (Affordable Housing) requires a target of up to 35% affordable housing provision on new residential developments. H3 states:

"In negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. An Affordable Housing Supplementary Planning Document will set out in detail how these requirements will be calculated on a site by site basis."

- 5.2 Policy SP4 (Developer Contributions) confirms that developer contributions will be required via Section 106 agreements where necessary and states:

"Site specific requirements will be secured using dedicated Section 106 Agreements negotiated on an individual site basis."

6.0 South Kesteven Planning Obligations SPD

- 6.1 The SPD recognises that in some cases, provision of the full level of contributions would make a proposal unviable and that reductions will be considered in certain circumstances:

"In cases where applicants claim that the scale and/or range of items for which provision and/or contributions are being sought, would be too burdensome, inappropriate, not justified or otherwise unreasonable, the onus will be on the applicant to make a convincing case for any reduction in the scale and/or scope of the contributions. In considering the applicants' cases, the Council will, where appropriate, involve other stakeholders such as service providers in assessing priorities."

- 6.2 In respect of affordable housing the SPD states:

"The general presumption will be that the cost of providing affordable housing will be offset in the negotiation of the land purchase or option. Where the applicant proposes to demonstrate that there are abnormal costs that cannot be offset by depreciated land value or where they cannot be recouped in the open market sale price for the new homes then viability will need to be assessed. In all cases it should be assumed that public funding will not be available at the outset, and the site value will be calculated at the time of assessing viability. The viability assessment will consider a range of factors that impact upon viability, including:

- *Site considerations (including land value at existing, or in the case of a vacant or derelict site, its last use, before any application for residential development, not its purchase price or hope value).*
- *Local sales values and development costs including reasonable applicants profit.*
- *Policy constraints (e.g. cost of compliance with other LDF policies).*
- *Scheme mix (e.g. design, type and tenure of housing).*
- *Unknown abnormal site development costs.*
- *Necessary infrastructure costs.*
- *Greenfield/Brownfield site.*
- *Availability of public funding.*

If following completion of a viability assessment (in the form of a development industry standard development appraisal) the applicant is able to demonstrate that there are genuine viability problems then a revision may be agreed either to the overall scale of affordable provision or to the property mix and/or tenure type."

7.0 How Viability is Assessed

- 7.1 In summary, viability is assessed by subtracting the total costs of development i.e. construction and site preparation costs, professional fees etc, minimum developer's profit and any section 106 requirements, from the gross development value i.e. how much it can be sold for. The resulting figure is known as the residual land value.

- 7.2 If the residual land value is negative or less than the existing use value (EUV) + a reasonable premium to incentivise the landowner to sell, development is normally considered to be unviable.

In such cases a reduction in planning obligations to allow the development to become viable is justified.

- 7.3 It should be noted that there is no figure set in stone for a reasonable minimum developer profit or premium on the land value. However between 17.5% - 20% is normally considered an acceptable range for minimum developer profit depending on the type of development and level of risk involved. Equally EUV + 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.
- 7.4 In this case the applicant is the land-owner, however for the purposes of this assessment, the residual land value approach as outlined above has been adopted. This includes consideration of the Current Use Value (CUV) or any Alternative Use Value (AUV) and also considers the evidence presented in respect of sales of other land within the local area.
- 7.5 The applicant submitted a viability appraisal in support of the application which claims that the development would not be viable with section 106 planning obligations and would make minimal developer profit with no section 106 planning obligations. The Council's viability consultants, the Valuation Office Agency (VOA) were asked to carry out a detailed assessment of the applicant's appraisal and give their professional opinion on the viability of the development.

8.0 Summary of the Applicants additional information

- 8.1 A report has been prepared on behalf of the applicants by Brown & Co. The scheme has been considered on the basis of:
- 19 units comprised of 12 open-market units (a mix of 1-3-bed properties) and 7 affordable (36%) split 60:40.
 - £98,620 S106 contributions

9.0 Gross Development Value (GDV)

- 9.1 The report identifies a sales income of £1,537,370 for the open market units. This has been based on values being 15% lower than Elsea Park sales due to the lack of facilities and different location and character of the site.
- 9.2 The report identifies concerns regarding a lack of providers willing to take on the affordable units within South Kesteven. It identifies that a value of £337,498 would be generated from disposal of these units to Registered Providers.
- 9.3 The total GDV of the scheme would be £1,874,868.

10.0 Development Costs

- 10.1 The report does not identify any significant abnormalities, or unique build-costs. The total construction costs (including finance etc) are £1,390,824 without S106 obligations. Affordable housing would be a cost to the scheme of £86,859. S106 obligations for Education and Open Space would be a cost of £98,629.

11.0 Developer margin (profit)

- 11.1 A margin (profit) for the developer has been presented at 20% on turnover for the open-market units and 6% for the affordable units – This equates to a cost of £327,724.

12.0 Land value

- 12.1 The residual land-value is calculated by adding all costs and subtracting them from the gross development value. In this case:

Total GDV: £1,874,868 Minus (-) Total costs: £1,859,737 = £15,131

Brown & Co identify that this is a negative land-value and would be too low to incentivise a landowner to sell.

13.0 Alternatives

- 13.1 As a result of the land-value outcome, Brown & Co have presented an alternative assumption based on 17 units total (14 open-market and 3 affordable). The outcome of this is a more favourable residual land-value of £159,372 as a result in the increased revenue and the minor reductions in cost.

14.0 Conclusion

- 14.1 The applicants report concludes that the 19unit scheme with the full affordable and S106 requirements is not viable. It identifies that reductions in the level of affordable housing provision are required to make the development viable.

15.0 Summary of the Valuation Office Agency (VOA / DVS) review

- 15.1 The VOA report considers both the 19 unit scheme and the 17 unit scheme options. The report has been considered on the basis of:
- 19 units comprised of 12 open-market units (a mix of 1-3-bed properties) and 7 affordable (36%) split 60:40.
 - 17 units comprised of 14 open-market units (a mix of 1-3-bed properties) and 3 affordable (17%) split 60:40.
 - £98,620 S106 contributions 19unit scheme / £49,544 for 17 unit scheme.
 - A 12month build-out period has been applied to either scenario.

16.0 Gross Development Value (GDV)

- 16.1 The VOA conclude that the sales values are appropriate based assessment of the applicants figures and their own evidence, and assumptions adopted by Brown & Co for the size and tenure of affordable housing units are appropriate.
- 16.2 A slightly higher transfer value (to a Registered Provider) has been adopted by the VOA, based on 37.5% of OMV for social rented, and 67.5% of OMV for shared ownership. Based on this, the VOA find slightly higher affordable housing revenues.
- 16.3 The VOA identify that Ground Rent has not been included for the apartments which would typically be sold on long-leaseholds. This would apply to the 19 unit scheme whereby 1 unit would be retained as open-market, with the remaining 7 units being transferred as the affordable. A yield for Ground Rent of 4% has been adopted which capitalised equates to additional value of £6,250.
- 16.4 In conclusion the VOA identifies the following GDVs:
- £2,465,158 for the 19 unit scheme
 - £2,416,966 for the 17 unit scheme

17.0 Development Costs

- 17.1 Build Costs have been re-reviewed by the VOA, based upon the Building Cost Information Service (BICS) estimates which are produced by the RICS. Other build cost data has also been reviewed by the VOA based on accessible information including that provided by the HCA (now Homes England).

- 17.2 The VOA found that the Applicants build costs were lower than anticipated, but external costs would be higher. This matter was challenged with Brown & Co who confirmed their belief that the figures were accurate and realistic. Overall, as a result of consideration of BICS data, the VOA consider that the Build Costs should be increased.
- 17.3 The VOA considers that the contingency figures, and allowances for abnormal costs are realistic and reasonable.
- 17.4 In conclusion the VOA identifies the following construction costs:
- £1,755,185 for the 19 unit scheme
 - £1,712,533 for the 17 unit scheme
- 17.5 The VOA have also treated financing as a separate cost:
- £58,000 for the 19 unit scheme
 - £58,000 for the 17 unit scheme
- 18.0 Developer margin (profit)
- 18.1 The VOA advise that in assessing a scheme with affordable housing, a blended profit should be applied to reflect the risks relating to disposal of the affordable housing. The VOA also advise that it is more appropriate to take profit on cost as opposed to revenue for the affordable units, in line with HCA recommendations.
- 18.2 The VOA considers a profit of 17.5% of revenue to be acceptable, but in this instance 18.5% could be considered reasonable in this case. The VOA therefore attributes 18.5% of revenue for the open-market units and 8% of cost for the affordable homes.
- 18.3 For planning compliant schemes (35% affordable) this produces blended rates of 16.76% of GDV for the 19 unit scheme, and 16.95% for the 17 unit scheme. For the schemes to be viable, the VOA would expect the residual figure for profit to exceed these percentages.
- 19.0 Land value
- 19.1 The VOA has considered the Brown & Co residual land value based on the advice given in the RICS Guidance “Financial Viability in Planning”. The VOA has also undertaken a ‘cross-check’ of the residual land value based on the applicants figures and concurs with their findings.
- 19.2 Due regard is also given to what would be a reasonable, hypothetical, price based on the alternative or current value (AUV or CUV) to a landowner. In this case, the use attributed is employment based on the existing, historic allocation of the land. Based on this, a figure of between £180,000-200,000 per net developable acre would be reasonable. This is considered by the VOA to represent a reasonable incentive to the landowner to bring forward this vacant land to the market.
- 19.3 The applicants identified in their appraisal for the 17unit scheme, that a residual value of £159,372 would be sufficient incentive for the scheme to come forward and thus represent a reasonable land-value. The VOA have therefore adopted a value of circa £160,000 as being a reasonable land-value, comparable with other recent sales of sites in the area with the benefit of planning permission for residential development.
- 20.0 Outcomes of the VOA appraisals
- 20.1 The VOA have fully appraised the scheme, they have cross-checked the applicants residual land-value model, and raise no concerns.

20.2 The VOA have also analysed the scheme in both a 19unit and 17unit arrangement. They have done this on a “fully policy compliant” basis, and with a blended profit figure included. In these scenarios, the following figures are produced:

Scheme	19 Units	17 Units
Total income	£2,465,158	£2,416,996
Total outgoing	£ 2,695,686	£ 2,596,084
Outcome - (any surplus deemed to show a viable scheme)	-£230,528	- £ 179,087
	UNVIABLE	UNVIABLE

20.3 The VOA conclude that despite some differences of opinion regarding some of the inputs into the viability models, the outcomes remain the same that the scheme cannot reasonably support the fully policy compliant levels of affordable housing whilst remaining viable and deliverable.

20.4 The VOA highlight that even if all S106 contributions were to be removed, the scheme would be unable to deliver the policy compliant level (35%) of affordable housing.

20.5 The VOA have used their model to reverse engineer the scheme using differing levels of Affordable Housing provision to identify at what level affordable housing could be provided, whilst retaining a viable development. The VOA advise:

- **The 19 unit scheme can support 5.26% Affordable Housing (1x1-bed affordable rented apartment), with a profit of 18.5%.**
- **The 17 unit scheme can support 11.76% Affordable Housing (1x1-bed affordable rented apartment and 1x1-bed shared ownership), with a profit of 18.5%.**

The VOA conclude that, both the 19 and 17 unit schemes are unviable at the Council's full affordable housing policy level of 35%, but can viably support on site sub policy levels of affordable housing amounting to 5.26% and 11.76% respectively and the whole of the required Section 106 contributions as highlighted.

21.0 Negotiations since the VOA report

21.1 The outcomes of the viability assessment have been shared with the applicants, who have updated their Heads of Terms to reflect the outcomes of the assessment. They now propose:

- To meet the Public Open Space contribution - £13,838
- Based on the viability report and DVS findings, they advise that a financial contribution towards affordable housing based on 40% of OMV of 2x1-bed apartments is achievable if a view is taken on the education contribution, or 40% of OMV of 1x1-bed if not. The applicants would be agreeable to an overage clause in either scenario in the event of timely resolution of the application.
- The applicants agree to amend the description of development to enable the application to provide for 'up to 19 dwellings' thereby providing an upper-limit for the development in line with the submitted viability information. The applicants also indicated their agreement to a condition to specify this upper-limit within any grant of permission.

22.0 Consultations

22.1 LCC Education Services have been contacted in respect of their request for an education contribution. They have stated that there is still an educational need within Bourne both in terms of primary and secondary, however ultimately it is up to the LPA if they want to favour affordable

housing in this instance. They are unable to identify a specific school or project which the contribution would be directed towards at the present time.

22.2 The Councils Partnership Project Officer has provided comments in respect of affordable housing provision. They have commented that they are surprised that the applicants position has changed since the 8 units previously suggested was put forward by them. They raise concerns that as this is an outline it is not possible to know the precise viability position, and that the housing market is changing, and improving each week. They also query the length of the build out period. In the event that the viability position is accepted, an overage clause should be included.

22.3 The Councils Partnership Project Officer states that the “offer” of a 1-bed unit on-site, is not acceptable, as this does not reflect the local housing need and a Registered Provider would be unlikely to take it in isolation as an apartment. On this basis, it may be more prudent to seek a financial contribution, a commuted sum to be used off-site which is calculated on the basis of the resultant value of the properties once 40% of the OMV has been deducted. For example a contribution on a property with a value of £120,000 would be £72,000. The values and contribution to be determined at point of sale, thereby being directly related to the market price at the time.

23.0 Evaluation / Conclusion

23.1 Although the scheme was previously presented to Development Management Committee on the basis of it being policy compliant in terms of the required contributions and Affordable Housing provision, the applicants submission of viability information is a relevant material consideration within the decision-making process which the Council is duly required to give weight to.

23.2 The original report to the Development Management Committee remains valid and covers the majority of relevant matters, this evaluation will therefore only focus on the viability related elements which link to the additional information received since the previous resolution.

24.0 Officers assessment

24.1 Having reviewed the VOA conclusions, Officers believe that the position reached is robust, evidenced and reasonable. There are therefore grounds for accepting a reduced level of Affordable Housing provision.

24.2 In light of the position presented by the applicants, and the comments of LCC Education, it is Officers recommendation that the request for education contributions (£84,803.00) is not accepted, with the Councils preference being given towards the increase of additional monies towards affordable housing. On this basis, it is possible to secure a financial contribution towards affordable housing based on a commuted sum for 2x1-bed apartments – equating to approximately £143,000, which could then be used off-site to deliver affordable housing within Bourne. On top of this, a contribution of £13,838 would be secured for Public Open Space.

24.3 This position would also include for relevant overage clauses within any agreement, to cater for any changes in the housing market between the grant of permission and delivery of the development.

24.4 Policy H3 refers to “up to 35%” provision, with the supporting text of the policy identifying that this is a maximum target provision, and in reaching the final figure for what each site can deliver, due regard should be given to viability. This position is supplemented by the guidance in the Supplementary Planning Document (SPD). This scheme would therefore comply with the requirements of the Councils adopted policy in relation to affordable housing provision.

24.5 Officers accept that this is an outline application and therefore there is some potential for variation in the final scheme to be delivered on site. To counter this, the applicants agent has identified that there is agreement over an amended description to allow for up to 19 units, and the imposition of a condition as recommended. The condition would limit the overall number, and

types and sizes (based on the indicative plans) so that any permission is directly related to the viability information. Any scheme coming forwards outside of the terms of that condition would then either require a variation of the condition or a fresh submission, in either scenario it would be possible to revisit the viability issue and undertake a reappraisal if necessary.

- 24.6 The delivery of residential development is an important local, and national issue, and the Government policy and guidance is clear that authorities should take a balanced approach in light of the viability position. In this case, it is clear that with the full requirements of local policy, the scheme is undeliverable. Whereas with reduced levels, the scheme would be a viable, and deliverable scheme for up to 19 units. This would have positive benefits in terms of delivery of additional residential development within the area, and the wider District, with the site making a contribution to the Councils 5-Year Housing Land Supply, and also contributing towards meeting the forthcoming Housing Delivery Test.

25.0 Conclusion

- 25.1 National and local planning policy recognises that not all proposals will be capable of the full policy requirements in respect of Affordable Housing or Section 106 requirements and allows for contributions to be waived or reduced in such circumstances.
- 25.2 Whilst the provision of affordable housing and other section 106 contributions at the levels identified would be desirable in order to comply with the targets set out in planning policy, the evidence available shows that such provision would make development of this site unviable. The scheme would either be considered as unviable when viewed by a typical developer, or there would be insufficient land-value to incentivise the owner to sell, in either scenario the development of the residential units would be unlikely to go ahead.
- 25.3 In this situation, it is considered that there is a reasonable and evidenced basis to allow a reduction in the provisions to be secured by S106 agreement. The proposed solution, being a financial contribution towards affordable housing and the provision of public open space contributions, is reflective of the viability position and such contributions would still allow a policy compliant development whilst allowing the delivery of the site. As such, the proposed approach is appropriately justified. In addition, the applicants have offered an 'overage' arrangement, so that in the event the development creates more residual value, the Council and developer would share in such benefits. Officers consider that this is a reasonable approach, and compliant with national policy relating to viability. Furthermore, appropriate conditions would be imposed to ensure that the development to be delivered through the outline permission would be reflective of the financial viability appraisals.
- 25.4 Notwithstanding the above, due weight should be given to the benefits of ensuring permission is granted for a deliverable scheme on the site. The land is presently vacant, and in an area where various forms of residential development have been delivered. The provision of housing on this site is considered acceptable and would be in accordance with the established character and sustainability of the area. The effects of development are also acceptable subject to the mitigation secured by conditions and the S106 agreement in relation to public open space. The provision of up to 19 units on this site, as part of a viable and deliverable scheme would offer benefits in relation to the economy (through construction) and would also contribute to the Councils requirement for a 5-year supply of housing land, and the delivery of the site would also contribute to the Council meeting the requirements of the forthcoming Housing Delivery Test.
- 25.5 Taking into account the available evidence, and all of the matters as set out in this report, it is considered necessary to reduce the levels of contributions that the development would make towards S106 obligations, in order to secure a viable form of development. The proposals as submitted are therefore in accordance with CS Policies H3 and SP4 of the South Kesteven Planning Obligations SPD, the NPPF and NPPG guidance.

26.0 Recommendation:

- 26.1 Defer to Chairman and / or Vice Chairman in consultation with the Executive Manager for Development & Growth for approval subject to the signing of a Section 106 agreement and in accordance with the conditions set out below.
- 26.2 Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.
- 26.3 In the event that the agreement has not been concluded before the end of the agreed period of the extension of time (31st August) and no meaningful progress has been made towards concluding the agreement, and where in the opinion of the Executive Manager for Development & Growth, 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

27.0 List of Appendices

Appendix 1 – Planning Committee report – 7th February 2017

List of Recommended Conditions: Time Limit for Commencement

- 1 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. layout;
 - ii. scale
 - iii. appearance
 - iv. access
 - v. landscaping

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

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Before the Development is Commenced

- 3 The development hereby approved shall provide for no more than 19 no. dwellings with a combined net floor area of no more than 1201m².

Reason: To define the permission and for the avoidance of doubt, and to ensure that the development is reflective of the viability position presented regarding developer contributions and affordable housing provision.

- 4 Before the development hereby permitted is commenced, details of an archaeological watching brief shall have been submitted to and approved in writing 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) and Paragraph 141 of the NPPF.

- 5 Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the

construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 6 Before the development hereby permitted is commenced, a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 7 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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).

- 8 Before construction of any building hereby permitted is commenced, the land on which that building is situated shall have been graded in accordance with the approved land levels details.

Reason: 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).

During Building Works

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

Reasons To ensure if any contamination is encountered during redevelopment, that it is dealt with appropriately.

Before the Development is Occupied

- 10 Before any part of the development hereby permitted is occupied, the external surfaces shall have been completed in accordance with the approved details.

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

- 11 Before any part of the development hereby permitted is occupied, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 12 Development shall be carried out in strict accordance with the archaeological watching brief approved, as required by condition above.

In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a more thorough rescue excavation, then all construction work on site shall cease and details of a further programme of archaeological work shall be submitted to and approved in writing by the Local Planning Authority. Development shall not re-commence on site until the investigation works are complete and written confirmation that work may commence is received from 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) and Paragraph 141 of the NPPF.

Ongoing Conditions

- 13 On submission of Reserved Matters the layout plan shall not show any built form within the Gas pipeline easement area as indicated on indicative layout plan Drawing Number SK01 Rev C received on 17th January 2017.

Reason: Built form within the easement of the gas pipeline is not acceptable and contrary to the guidelines of the HSE.

Standard Note(s) to Applicant:

- 1 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.
- 2 Environmental Protection have reviewed the above planning application and have no further comments to make except to advise an informative that the developer be mindful guidelines for construction works under Control of Pollution act particularly as the works are near a residential care home. Please make the developer aware of the following:

To minimise noise impacts on the existing residential dwellings, It is recommend that 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Also Strictly no burning on site.

- 3 Where private drives are proposed as part of any development you should be aware of the requirements laid down in Manual for Streets and Manual for Streets 2.
- 4 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.
- 5 This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

Appendix 1
Officer Report Ref S16/2285
Original committee Date 7 February 2017

PJM1	S16/2285	Target Decision Date:2nd February 2017
		Committee Date:7th February 2017

Applicant	One Medical Ltd C/O Agent
Agent	Mr Stephen Sadler Walker Morris LLP (Solicitors) Kings Court 12 Kings Court Leeds
Proposal	Residential development (outline)
Location	Falcon Way Bourne PE10 0FF
Application Type	Outline Planning Permission (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	S.106 required
Recommendation	That the application is:- Approved conditionally

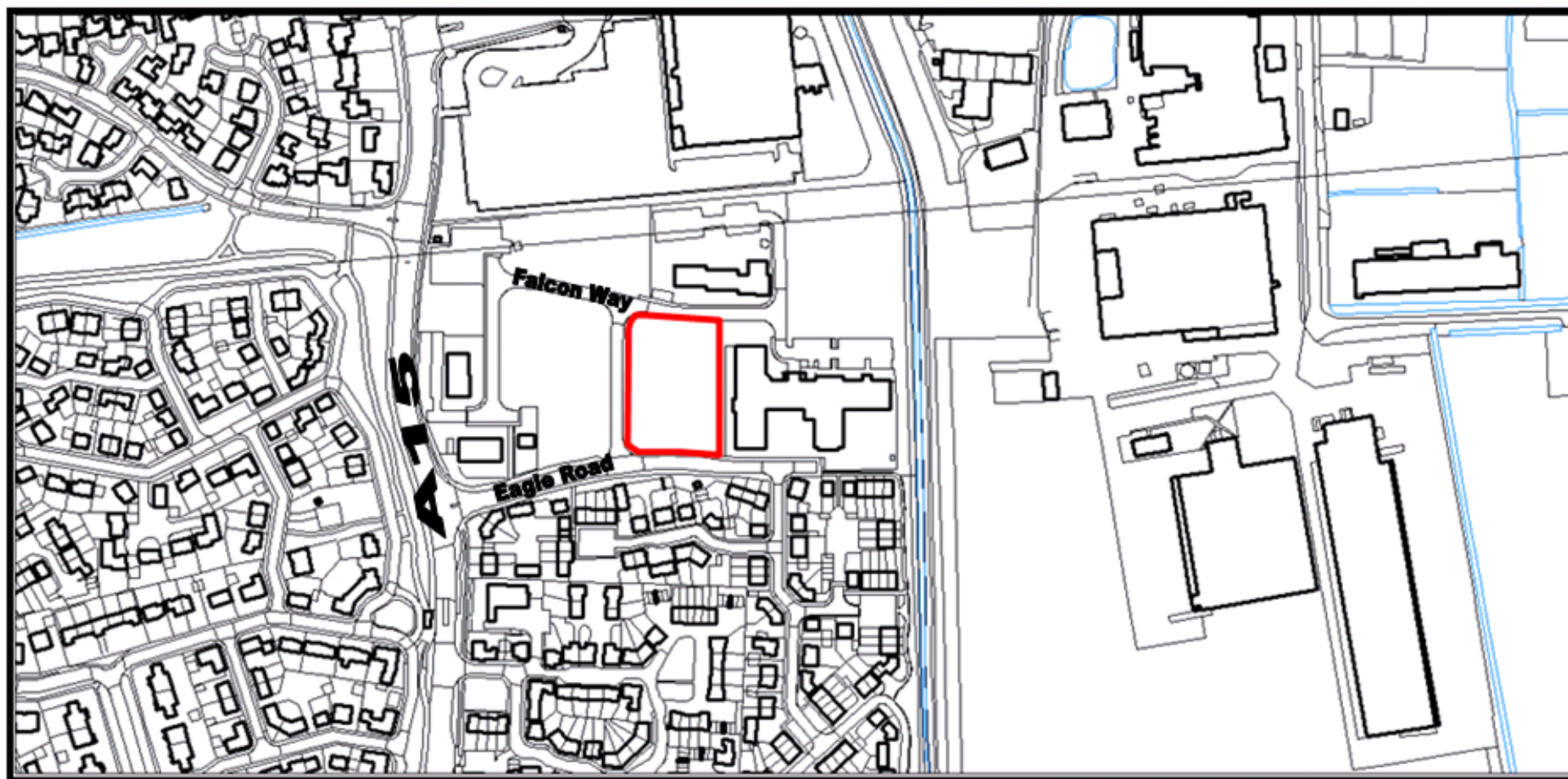
Key Issues

- Impact on the character of the area
- Impact on gas pipeline
- Highways
- Provision of affordable housing

Technical Documents Submitted with the Application

- Design and Access Statement
- Planning Statement
- Contamination Report
- HSE Consultation

Enquires about this report to: Paul Milne Area Planning Officer 6305 p.milne@southkesteven.gov.uk



Key



Application
Location



Application
Boundary

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1.0 The site and relevant site history

- 1.1 The application site is a 0.34 ha piece of land off Falcon Way in Bourne.
- 1.2 The site is relatively flat and located within the built up area of the southern part of Bourne (approx 1km from the town centre). The site is bounded by Falcon Way and Eagle Road. There is a two storey residential care home to the east, a three storey residential development to the north and a two storey residential estate to the south.
- 1.3 To the west and opposite the site is an area of land of similar size, which was granted planning permission on appeal for residential development in October 2015 comprising 23 no dwellings. No development has commenced to date. Beyond that to the west are offices fronting South Road.
- 1.4 Outline Planning Permissions (S06/1107/12 and S10/0355/OUT) for a medical centre on the site were granted permission in January 2007 and June 2010 respectively. A reserved matters application S13/1216 pursuant to the 2010 permission was submitted in May 2013 and was refused as a consequence of an HSE objection due to the proximity of a Gas pipeline.
- 1.5 The application submission states that the applicants have been seeking to progress and develop a Medical Centre on the site since 2005, originally working with local practices. The CCG would only offer contracts for a service for a period of 12 months. This meant the scheme was not deliverable as the practice was unable to enter a lease agreement with the applicant without risk.
- 1.6 In addition to this The Surgery on North Street Bourne has obtained planning permission for a two storey extension (S15/3508).
- 1.7 For these reasons the applicant has resolved that there is no prospect of delivering a Medical Centre or similar on the site.
- 1.8 The site is not allocated within the Site Allocations and Policies DPD. Previously the whole of the wider area served by Falcon Way and Eagle Road was allocated for employment uses which has now been superseded by residential planning permissions.

2.0 The Proposal

- 2.1 The proposal is an outline application seeking permission for the principle of residential development with all matters reserved. An indicative layout has been submitted showing that the site is capable of accommodating the erection of 19 dwellings along with car parking and garden land. This is an illustration of one way that the site may be developed only. The future Reserved Matters applications may show a different approach to layout and housing types. At this stage, the Council has a future opportunity to determine whether the Reserved Matters comply with Council policy and the NPF.
- 2.2 The indicative layout suggests 4no. housetypes proposed for the site.
- 2.3 Housetype A is a 2 storey single bedroom apartment composed as a cluster of 4. It is intended that of the eight dwellings this housetype would make up, seven would deliver the 'affordable' dwelling component of the scheme.
- 2.4 Housetype B is a 2 bedroom two storey semi-detached property. The indicative scheme indicates 6 No. of this house type.
- 2.5 Housetype E is a 3 bedroom two storey detached property, designed to have a slightly more spacious feel than the previous housetypes. The indicative scheme indicates 3 No. of this house type.

- 2.6 Housetype F is a 3 bedroom two storey semi-detached property. The indicative scheme indicates 2 No. of this house type.
- 2.7 Housetype A has a single car parking space allocated per unit. House Type B has 2 car parking spaces per unit, House Type E has a single space per unit and House Type F has 2 spaces per unit. In addition there are 6 visitor spaces indicated. 20 No car parking spaces will be accessed from the existing public highway around the site with a further 13 No. spaces being shown accessed off an unadopted road that runs into the site to the east.
- 2.8 The indicative layout suggests that the main site vehicular access to the development site could be taken from Falcon Way along the northern boundary of the site. It is proposed that the new access road would not be adopted and would be treated as a private drive beyond the entrance crossover into the site.

3.0 Relevant History

- 3.1 No relevant planning history

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 11 - Enhancing the natural environment
 Section 4 - Promoting sustainable transport
 Section 6 - Wide choice of high quality homes
 Section 7 - Requiring good design

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement
 Policy EN2 - Reduce the Risk of Flooding
 Policy H1 - Residential Development
 Policy SP1 - Spatial Strategy
 Policy SP3 - Sustainable Integrated Transport
 Policy SP4 - Developer Contributions
 Policy H3 - Affordable Housing

4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development
 Policy SD1 - Sustainable development
 Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

- 5.1 Support good housing for all

6.0 Representations Received

LCC Highways & SuDS No objections
 Support

Bourne Society	Preservation	The application states that normally used materials are timber or UPVC, then proceeds to specify UPVC for all windows and doors. This material is grossly environmentally unfriendly, unsightly and unsustainable and has a short life span. UPVC should no longer be permitted on new developments.
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Health & Safety Executive	No objection
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Education & Cultural	Total contribution - £92,178.00 x 0.92 (local multiplier)*
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Services	=£84,803.00 *to reduce cost and to reflect Lincolnshire's lower than average build cost compared to the national average.
Environment Agency	No objection subject to condition
Environmental Protection Services	<p>Environmental Protection have reviewed the above planning application and have no further comments to make except to advise an informative that the developer be mindful guidelines for construction works under Control of Pollution act particularly as the works are near a residential care home. Please make the developer aware of the following:</p> <p>To minimise noise impacts on the existing residential dwellings, It is recommend that 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.</p> <p>Also Strictly no burning on site.</p>
Heritage Lincolnshire	Requests that a Watching Brief Condition be attached to any permission.
SKDC Affordable Housing Officer	<p>With regards to this Outline Planning application the requirement is as follows:-</p> <p>Preference for the Council is that 35% (19 x 35% = 7 units) affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.</p> <p>The proposal is to provide 7 x one bedroom quarter houses. This proposal does not accord with the identified need in terms of size as above. However, in terms of the wider settlement area one bedroom quarter houses will provide a good balance to an area which is currently dominated by two, three and four bedroom houses and two bedroom apartments. The proposals on the site adjacent will also provide 4 x one bedroom apartments and 3 x three bedroom houses. Therefore the proposal will provide an acceptable alternative in terms of size and type of affordable unit even though they will not meet the identified need for two bedroom units.</p>
NHS England	NHS has no objection and does not request and contributions.
Welland & Deeping Internal Drainage Board	No comment to make in relation to this application.

7.0 Representations as a Result of Publicity

7.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 2 Letters of representation have been received. The points raised can be summarised as follows:

1. They want to build more houses and still not put in a play park
2. The schools, dentists and doctors are oversubscribed
3. The elderly will look out of their windows into a house
4. We do not need more housing here, we need amenities
5. The road already gets blocked with traffic being parked everywhere.

8.0 Evaluation

8.1 Policy Considerations

- 8.1.1 The site was previously part of an area allocated for employment development in the old South Kesteven Local Plan 1995 (Policy E3.9), however this allocation was not taken forward in the adoption of the Site Allocation and Policies DPD (SAP DPD).
- 8.1.2 Whilst Policy H1 of the Core Strategy restricts new housing development in Bourne, Policy SAPH1 of the SAP DPD takes a less restrictive approach by allowing for some additional housing development to be provided in the town through the development of "suitable brownfield redevelopment sites and small infill sites within the built up parts of the settlements". The policy does go on to specify that small infill sites are expected to be for 10 or fewer houses. The size of site is relatively considered to be small, and despite the proposed capacity of 19 houses it is reasonable to accept this site as a small infill site, particularly as it is wholly within a built up area and has previously been accepted as suitable for development (albeit for a medical centre). The location of the site is sustainable and development would be in accordance with Core Strategy Policy SP1 and the presumption in favour of sustainable development set out in the NPPF.
- 8.1.3 The application proposes 7 affordable homes located on site. This represents 35% of the site's capacity and is wholly in accordance with Core Strategy policy H3.
- 8.1.4 The principle of development is considered to be in general accordance with the adopted development plan for the district and with the presumption in favour of sustainable development set out in the NPPF.

8.2 Impact on Residential Amenities

- 8.2.1 By reason of the separation distances between existing properties and those shown on the indicative scheme the development could accommodate the number of dwellings proposed without any significant overbearing or overshadowing impacts on existing adjoining properties on the opposite side of Falcon Way and Eagle Road. Further, given separation distances between habitable windows and the angles of any views, the scheme would unlikely give rise to any significant increase in the overlooking of adjoining properties.
- 8.2.2 With regard to noise and activity, the indicative layout suggests that the development would be unlikely to result in any significant changes in terms of impacts on surrounding properties. The use of suitable boundary treatments would provide some noise mitigation.

8.3 Design, Layout and Visual Impact

- 8.3.1 The submitted indicative layout indicates the site could accommodate dwellings with rear gardens of adequate size with site frontages being open and landscaped. It is considered that the proposal would not constitute an over-development of the site or be lacking in external space.

8.3.2 In terms of density, design and the materials proposed to be used, the indicative scheme would be in keeping the character of the existing adjacent residential development and as such would not have any detrimental impact on the visual amenity of the locality.

8.4 Highway Safety Implications

8.4.1 The Highway Authority have no objection to the development, subject to conditions, leading the authority to conclude that the proposal will not impact adversely on highway safety and is in accordance with paragraph 32 of the NPPF which states decisions should take account whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

8.5 Other Matters

8.5.1 A significant development constraint is an existing gas pipeline that cuts across the northern edge of the site. The site layout has been developed in accordance with Health and Safety Executive (HSE) guidelines that no part of the built development should lie within the inner area consultation zone, which in itself is 17m from the centre line of the pipeline.

8.5.2 A consultation has been carried out with the HSE based upon the submitted layout. HSE have confirmed that it has no objection to the proposed layout.

8.5.3 It is recommended that an archaeologist carry out a watching brief during the groundworks stages of the development in order to record and retrieve any archaeological remains which are disturbed.

8.5.4 The site proposed for development lies in an area of archaeological importance/interest. On the eastern boundary lies the Car Dyke, a major archaeological monument, which is believed to date from the Roman period and is likely to have continued in use through later centuries. The Car Dyke is known to have been substantially wider than its present size and its original banks/profile could extend into the application area.

8.5.5 To the northwest and west of the application site, archaeological evaluations have recorded the route of the former Roman road, known as King Street, along with remains related to the Roman pottery industry (at New Farm). Medieval ridge and furrow have also been recorded. At the Elsea Park development to the west, excavation and evaluation have recorded a saltern along with remains dated to the Romano-British period.

8.6 Section 106 Heads of Terms

8.6.1 A Section 106 Legal Agreement is required in support of the application. Seven of the proposed units would need to be affordable with all seven being provided on site. In addition, a contribution of £84,803.00 would be required in relation to contributions towards education and an off-site open space contribution of £13,838. The contributions sought are compliant with policies SP4 and H3 of the Core Strategy and Planning Obligations SPD.

8.6.2 Following a consultation with the Assets and Facilities Department the open space financial contribution would be directed to the scheme being prepared in conjunction with Bourne2play at the Well Head fields, South Road, Bourne.

8.7 Conclusion

8.7.1 The proposed development would in principle be compliant with the locational residential policies of the adopted South Kesteven Core Strategy (2010). The proposed development by reason of its siting, the use of appropriate materials, its design and density would be in keeping with the visual amenities of the locality. Further, given the indicated separation distances between

dwellings the proposed scheme would not give rise to any significant increase in the overlooking of adjoining properties.

8.7.2 By securing the approval of further detail through condition, the proposed development would not have a negative impact on surface water drainage facilities in the locality or the archaeological interest of the site. In terms of noise and activity the proposals for the provision of dwellings and parking spaces are unlikely to result in any significant changes in terms of impacts on surrounding properties. The County Highway Authority is satisfied the scheme would not be detrimental to highway safety.

8.7.3 The development proposal is therefore in accordance with national planning guidance contained in the National Planning Policy Framework, Policies SP1, SP3, SP4, H1, H3, EN1 and EN2 of the adopted South Kesteven Core Strategy (2010) and Policy SAP H1, SD1 and SAP 10 of the adopted Site Allocation and Policies Development Plan Document (2014) and, whilst concerns have been raised in relation to ,traffic and high density development, they are not considered to outweigh the policies referred to above. There are no material considerations which indicate otherwise although conditions have been attached.

9.0 Crime and Disorder

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

10.0 Human Rights Implications

10.1 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.

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

11.0 Recommendation:

11.1 Defer to Chairman and / or Vice Chairman in consultation with the Executive Manager for Development & Growth for approval subject to the signing of a Section 106 agreement and in accordance with the conditions set out below. Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.

11.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Executive Manager for Development & Growth, 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

12.0 RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. layout;
- ii. scale
- iii. appearance
- iv. access
- v. landscaping

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

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Before the Development is Commenced

- 3 Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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).

- 4 Before construction of any building hereby permitted is commenced, the land on which that building is situated shall have been graded in accordance with the approved land levels details.

Reason: 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).

- 5 Before the development hereby permitted is commenced, a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 6 Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 Before the development hereby permitted is commenced, details of an archaeological watching brief shall have been submitted to and approved in writing 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) and Paragraph 141 of the NPPF.

During Building Works

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

Reasons To ensure if any contamination is encountered during redevelopment, that it is dealt with appropriately.

Before the Development is Occupied

- 9 Before any part of the development hereby permitted is occupied, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

- 10 Before any part of the development hereby permitted is occupied, the external surfaces shall have been completed in accordance with the approved details.

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

- 11 Development shall be carried out in strict accordance with the archaeological watching brief approved, as required by condition above.

In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a more thorough rescue excavation, then all construction work on site shall cease and details of a further programme of archaeological work shall be submitted to and approved in writing by the Local Planning Authority. Development shall not re-commence on site until the investigation works are complete and written confirmation that work may commence is received from 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) and Paragraph 141 of the NPPF.

Ongoing Conditions

- 12 On submission of Reserved Matters the layout plan shall not show any built form within the Gas pipeline easement area as indicated on indicative layout plan Drawing Number SK01 Rev C received on 17th January 2017.

Reason: Built form within the easement of the gas pipeline is not acceptable and contrary to the guidelines of the HSE.

Standard Note(s) to Applicant:

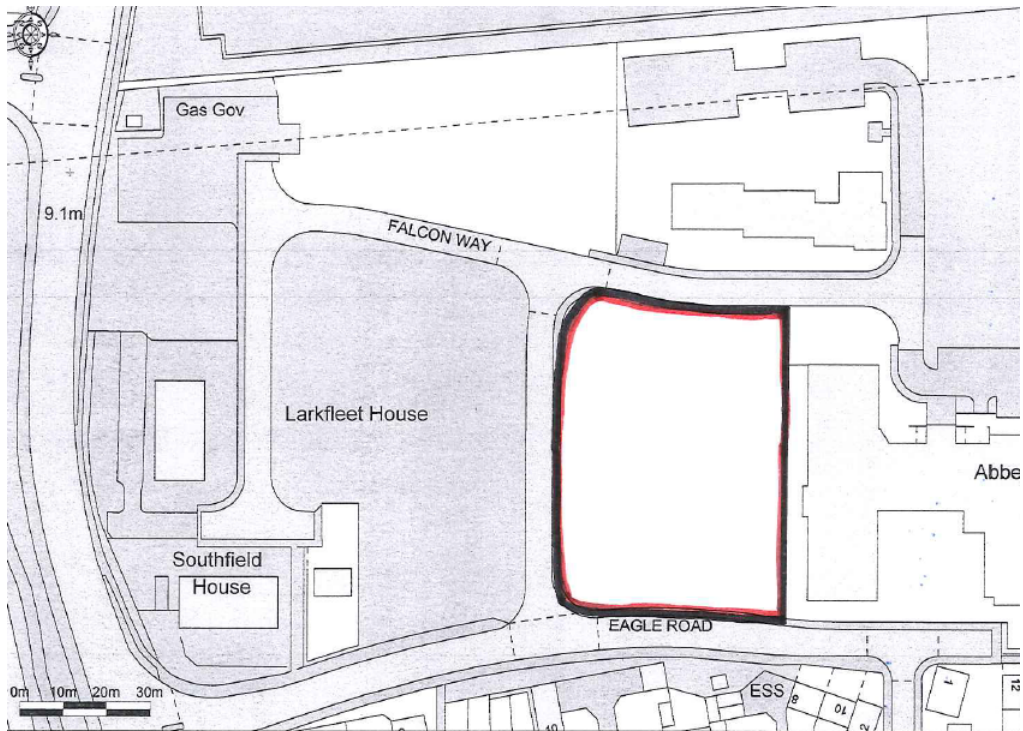
- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 - 187 of the National Planning Policy Framework.
- 2 Environmental Protection have reviewed the above planning application and have no further comments to make except to advise an informative that the developer be mindful guidelines for construction works under Control of Pollution act particularly as the works are near a residential care home. Please make the developer aware of the following:

To minimise noise impacts on the existing residential dwellings, It is recommend that 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Also Strictly no burning on site.

- 3 Where private drives are proposed as part of any development you should be aware of the requirements laid down in Manual for Streets and Manual for Streets 2.
- 4 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.
- 5 This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

Site Location Plan



Indicative Layout Plan

