

# AGENDA



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

For a meeting of the  
**DEVELOPMENT MANAGEMENT COMMITTEE**

to be held on

**TUESDAY, 21 AUGUST 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](mailto: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 24 JULY 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:** S18/1285  
**Description:** Works to the public realm including hard and soft landscaping. Alterations to the Council Offices including two storey section, glazed link, relocation of entrance, installation of cladding and associated works  
**Location:** Council Offices, St Peter's Hill, Grantham, Lincolnshire NG31 6PZ
- (b) Application ref:** S18/0612  
**Description:** Change of use from garage to beauty clinic including external alterations  
**Location:** 4 Towngate East, Market Deeping PE6 8DR
- (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:** 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:

<b>Meeting Date</b>	<b>Notification Deadline</b>
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.

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, 24 JULY 2018



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

---

### COMMITTEE MEMBERS PRESENT

Councillor Ashley Baxter  
Councillor Mike Exton  
Councillor Mrs Rosemary Kaberry-Brown  
Councillor Michael King  
Councillor Robert Reid  
Councillor Nick Robins  
Councillor Jacky Smith

Councillor Mrs Judy Smith  
Councillor Judy Stevens  
Councillor Brian Sumner  
Councillor Mrs Brenda Sumner  
Councillor Rosemary Trollope-Bellew  
Councillor Martin Wilkins (Chairman)  
Councillor Paul Wood

### OFFICERS

Head of Development (Sylvia Bland)  
Principal Planning Officer (Kevin Cartwright, Mike Gildersleeves, Phil Moore)  
Planning Officer (Abiola Labisi, Peter Lifford)  
Legal Adviser (Colin Meadowcroft)  
Principal Democracy Officer (Jo Toomey)  
Partnership and Project Officer (Mandy Gee)

---

### 13. 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 A Stokes and Councillor Trollope-Bellew for Councillor I Stokes.

### 14. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Dilks.

### 15. DISCLOSURE OF INTERESTS

No interests were disclosed.

## **16. MINUTES OF THE MEETING HELD ON 26 JUNE 2018**

The minutes of the meeting held on 26 June 2018 were agreed as a correct record.

## **17. PLANNING MATTERS**

### **(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**

### **Decision:**

**To grant the application subject to conditions and completion of a Section 106 Agreement**

Noting comments made during the public speaking session by:

**Applicant's Agent**                      Andrew Sweeney

Together with:

- No objection from Lincolnshire Fire and Rescue
- An objection from Bourne Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- Comments from SKDC's Environmental Protection Services
- Comments from Heritage Lincolnshire
- No objection from the SKDC Historic Buildings Advisor subject to conditions
- Comments from SKDC's Affordable Housing Officer
- A funding requirement from NHS England
- Comments from Anglian Water Services
- No objection from the Welland and Deeping Internal Drainage Board
- No comments from the Environment Agency
- 9 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

In discussing the application Members considered the proposed arrangements for affordable housing and where the commuted sum might

be used. There was debate around whether the Section 106 Agreement should specify that the affordable housing had to be provided in Bourne. Those Members that spoke in support of a specifying provision in Bourne argued that it would demonstrate to local people that there was a direct link between this development and the provision of the affordable housing. Conversely the argument was made that in restricting the use of the commuted sum to one area may reduce the likelihood of affordable housing being delivered if no suitable sites in Bourne became available.

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the conditions set out on pages 26 and 27 of the case officer's report and subject to prior completion of a Section 106 agreement to secure the requirements specified in paragraph 8.11, subject to the inclusion of a specific requirement for the affordable housing to be provided in Bourne. Provided that if the Section 106 Agreement has not been completed within 6 weeks of the date of this meeting and the Head of Growth, after consultation with the Chairman or Vice Chairman of the Development Management Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Head of Growth be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

**(b) Application ref: S18/0064**

**Description: Demolition of existing buildings and the erection of a single aclub house, alterations to vehicular access and associated car parking**

**Location: Stamford Rugby Club, Hambleton Road, Stamford, PE9 2RZ**

**Decision:**

**To grant the application subject to conditions**

Noting comments made during the public speaking session by:

**Against**

David Burley  
Anna Russo  
Keith Spurr  
Caroline Day  
Paul Day

**Applicant's Agent**

Ross Thain

Together with:

- No objection from SKDC's Environmental Protection Services subject to conditions

- No objection from Sport England
- Comments from Stamford Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support subject to conditions
- 28 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 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. 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.

### **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.
- 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.

### **During Construction Works**

- 5** No works to create the proposed car park hereby approved shall commence until, details relating to surfacing materials and method of construction of the car parking areas (including any resurfacing of existing parking areas) have been submitted to and approved in writing by the Local Planning Authority.
- 6** Notwithstanding details already submitted, before any of the works on the external elevations for the building 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**

- 7** 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.
- 8** Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed in accordance with the approved details.
- 9** 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.

### **Ongoing Conditions**

- 10** Prior to the club house being brought into first use the parking spaces shown on approved Drawing No. 1096-01 Rev A received 22/05/2018 shall be constructed in accordance with the approved details and thereafter 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.

*15:05 to 15:23 – the meeting adjourned*



**(c) Application ref: S18/0452**

**Description: Residential development (outline with all matters reserved)**

**Location: Ferndale House, Swinstead Road, Corby Glen, NG33 4NU**

**Decision:**

**To defer the application**

Noting comments made during the public speaking session by:

<b>Corby Glen Parish Council</b>	Councillor Tracey Lamming
<b>Against</b>	Robert Parker
	Colin Smith
	Neil Gregory
<b>Applicant's Agent</b>	Jackie Golby

Together with:

- No objections from Lincolnshire County Council Minerals and Waste Planning
- No objection from SKDC's Environmental Protection Services subject to a condition
- No objection from Lincolnshire County Council Education and Cultural Services subject to a Section 106 contribution
- Comments from SKDC's Affordable Housing Officer
- No requirement from NHS England for Section 106 contribution
- Comments and request for a condition from Anglian Water Services
- An objection from Corby Glen Parish Council
- No objection from Lincolnshire County Council Highways and SUDS Support subject to conditions
- 13 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

During debate some concerns were raised about highway and footway safety in relation to the site. Of particular concern was the requirement to cross the A151 to access the Ron Dawson Hall where the local playgroup was held, with Members querying whether it might be possible to provide an access directly to the hall from the site.

*16:24 - As the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed*

It was proposed, seconded and agreed that the application be deferred in order for access to the Ron Dawson Hall to be looked at further to enable an outline scheme with some additional information to come back to a future meeting of the Committee.

**(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**

**Decision:**

**To refuse the application contrary to officer recommendations**

Noting comments made during the public speaking session by:

**Applicant's Agent**

Mike Sibthorp

Together with:

- Comments from the Affordable Housing Officer
- No objection and comments from the SKDC Historic Buildings Advisor
- Objections from Bourne Town Council
- Comments from Lincolnshire County Council Highways and SUDS Support
- Representations received from three addresses 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

Members noted that whilst it had been consulted, Lincolnshire Fire and Rescue had not submitted a response to the consultation. Given the narrow access to the site Members queried how fire engines would gain sufficient access to the properties.

Some Members expressed concerns about the lack of amenity space and that they considered the proposal over-development of a small site. Concerns were also expressed about the lack of parking; as it had been suggested that the site may be desirable to older residents there was concern that there would be nowhere for any carers who were required to visit.

It was proposed and seconded that the application be approved subject to conditions for the reasons set out in the case officer's report and subject to no objection from Lincolnshire Fire and Rescue. On being put to the vote, this was lost.

A new proposition was made to refuse the application contrary to officer recommendations as it constituted over-development of a small site with no provision for parking, insufficient amenity space and was contrary to paragraph 58 of the National Planning Policy Framework. The Head of Growth confirmed that the reason for refusal was acceptable, permitting the Committee to make a decision outright without invoking the cooling-off period in accordance with the Council's Constitution. This was approved.

*17:16 – Councillor Wood left the meeting and did not return*

**(e) Application ref: S18/0499**

**Description: Erection of dwelling**

**Location: Land to south of Roxholme Haven, Glen Road, Castle Bytham, NG33 4RJ**

**Decision:**

**To refuse the application**

Noting comments made during the public speaking session by:

**Castle Bytham Parish  
Council  
Against  
Applicant's Agent**

Councillor Peter Martindale  
  
Luke Worrall  
Mike Sibthorp

Together with:

- Comments from the SKDC Historic Buildings Advisor
- An objection from Castle Bytham Parish Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- 12 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 refused for the following reason:

- 1 The dwelling and attached garage by reason of its siting in the Conservation Area, 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.

*17:37-17:42 – the meeting adjourned. Councillors Baxter, Stevens and Trollope-Bellew did not return to the meeting following the adjournment.*

**(f) Application ref: S16/2285**

**Description: Residential development for up to 19 dwellings (outline)**

**Location: Falcon Way, Bourne, PE10 0FF**

**Decision:**

**To defer the application**

*As the application was part-heard and Councillors Reid and Robins had not been present when it had been considered previously, they did not participate in discussion or vote on the application.*

**Noting:**

- No objection from Lincolnshire County Council Highways and SUDS Support
- Comments from Bourne Preservation Society
- No objection from the Health and Safety Executive
- Requested contribution from Lincolnshire County Council, Education and Cultural Services
- No objection subject to condition from the Environment Agency
- Comments from SKDC's Environmental Protection Services
- Comments from Heritage Lincolnshire
- Comments from the SDKC Affordable Housing Officer related to affordable housing provision arising from the proposed development
- No objection from NHS England and no request for contributions
- No comment from Welland and Deeping Internal Drainage Board
- 2 representations received as a result of public consultation
- The original report to the Committee at its meeting on 7 February 2017
- Site visit observations

- Viability information submitted by the applicant following the granting of permission and appraisal of that information and subsequent negotiations and 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 at the meeting held on 7 February 2017

Members asked a number of questions about the viability assessment and the costs that formed the basis of that assessment. Members also sought clarification on the final recommendation on the composition of the Section 106 Agreement in respect of affordable housing, education and public open space contributions and the overage clause that was proposed. Members did not feel that they had sufficient information with which to make a decision and it was therefore proposed, seconded and agreed to defer the application to allow a further look at the viability assessment and to receive a clear explanation as to why there is such a small provision for affordable housing.

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

**(g) 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 grant the application subject to conditions and subject to completion of a Section 106 Agreement and withdrawal of application S16/1155.**

As Councillors Kaberry-Brown, Judy Smith, Brenda Sumner and Brian Sumner had not been present for the full discussion of this item, they did not participate in the vote.

**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 SDKC 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
- A submission made by the applicant and included with the additional items paper issued on 20 July 2018 and officer comment thereon
- 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 when the application was first considered
- Comments made by Members on 25 July 2017 and 26 June 2018 when the application was previously considered

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the conditions set out on pages 93 to 95 of the case officer's report and subject to prior completion of a Section 106 agreement to secure the requirements specified in the additional items paper issued on 20 July 2018 and subject also to withdrawal of application S16/1155. Provided that if the Section 106 Agreement has not been completed within 6 weeks of the date of this meeting and the Head of Growth, after consultation with the Chairman or Vice Chairman of the Development Management Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Head of Growth be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

**(h) 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**

The applicant indicated this application would be withdrawn in the event of S16/1197 being approved.

**18. CLOSE OF MEETING**

The meeting was closed at 18:51.

# Agenda Item 5

**COMMITTEE: 21st August 2018**

**AGENDA ITEM 5**

	NO	PAGE	PROPOSAL AND LOCATION	REC
PJ1	S18/1285	1	Works to the public realm including hard and soft landscaping. Alterations to the Council Offices including two storey extension, glazed link, relocation of entrance, installation of cladding and associated works Council Offices St Peter's Hill Grantham Lincolnshire NG31 6PZ	AC
PJ2	S18/0612	18	Change of use from garage to beauty clinic including external alterations 4 Towngate East Market Deeping PE6 8DR	AC
PWM1	S18/0452	26	Residential development (outline with all matters reserved) Ferndale House Swinstead Road Corby Glen NG33 4NU	AC
MGS1	S16/2285	44	Residential development for up to 19 dwellings (outline) Falcon Way Bourne PE10 0FF	AC



# Agenda Item 5a

PJ1	S18/1285	Target Decision Date:11th September 2018
		Committee Date:21st August 2018

Applicant	South Kesteven District Council, Council Offices St Peter's Hill Grantham Lincolnshire
Agent	Mr L Hepworth Core Architects 9 The Terrace Grantham Street Lincoln LN2 1BD
Proposal	Works to the public realm including hard and soft landscaping. Alterations to the Council Offices including two storey extension, glazed link, relocation of entrance, installation of cladding and associated works
Location	Council Offices St Peter's Hill Grantham Lincolnshire NG31 6PZ
Application Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	South Kesteven District Council application
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Jordan - Development Management Planner 01476 406080 Ext: 6074 <a href="mailto:p.jordan@southkesteven.gov.uk">p.jordan@southkesteven.gov.uk</a>
Report Reviewed By	Steve Ingram – Strategic Advisor Planning 01476 406080 Ext: 6007 <a href="mailto:s.ingram@southkesteven.gov.uk">s.ingram@southkesteven.gov.uk</a>

## Key Issues

Design  
Impact on heritage assets

## Technical Documents Submitted with the Application

Design and Access Statement ref: 616-2-090  
Topographical survey ref: 22079\_06\_170\_01.2  
Topographical survey ref: 22079\_06\_170\_01.3



## Key



Application  
Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1.0 Description of site**

- 1.1 The application site covers an area between Avenue Road, St Peter's Hill and St Catherine's Road that includes the Council Offices, Grantham Museum and the Civic Suite. The site includes an area along St Catherine's Road and behind the Tollemache Inn that is adjacent to the site of the new cinema. Part of the site is within the Grantham Conservation Area and adjacent to the Grade II listed Guildhall Arts Centre.

## **2.0 Description of proposal**

- 2.1 The application proposes the creation of a new public realm around the Council Offices and in relation to the new cinema which is currently under construction. The proposed works can be summarised as follows:

- a) A pedestrian link between St Peter's Hill and the new entrance to the cinema;
- b) Part demolition of the Council Offices and erection of a two storey extension to the rear of the civic centre to incorporate a lift, store and office space;
- c) A high level glazed link between the civic centre and the Council Offices;
- d) Installation of cladding to the affected parts of the civic centre and Council Offices;
- e) Relocation of the public entrance to the Council Offices to the courtyard including installation of an internal platform lift; and
- f) Installation of landscaping and external lighting.

## **3.0 Relevant History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
S14/2296	Demolition of existing buildings, erection of 6 screen cinema comprising 4 new screens and refurbishment and overcladding of two existing screens; restaurant (A3) with office space above; replacement Grantham Senior Citizens Club, alterations to the public realm and replacement cycle and changing facilities	Approved Conditionally	12/11/2014
S17/1239	Section 73 Application for the Variation of Condition 2 (Approved Plans) of S14/2296 - Amendment to cinema	Approved Conditionally	26/07/2017
S18/0571	Non Material Amendment to application S17/1239 to allow for alterations to the location of a bin store and sub station, removal of trees and vegetation and minor amendments	Approved	13/04/2018

## **4.0 Policy Considerations**

### **4.1 National Planning Policy Framework (NPPF)**

Section 7 – Ensuring the vitality of town centres  
Section 12 - Achieving well-designed places  
Section 16 - Conserving and enhancing the historic environment

### **4.2 South Kesteven District Council Core Strategy**

Policy EN1 - Protection and Enhancement  
Policy SP1 - Spatial Strategy  
Policy SP3 – Sustainable Integrated Transport

## 5.0 SKDC Corporate Priorities

Keep SK Clean Green and Healthy  
Grow the Economy  
Promote Leisure, Arts and Culture

## 6.0 Representations Received

Historic Buildings Advisor No objection.  
(SKDC)

LCC Highways & SuDS Does not wish to restrict the grant of permission.  
Support

Historic England On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Arboricultural Consultant Requests further details of soft landscaping.  
(SKDC)

## 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 one letter of representation has been received. The points raised can be summarised as follows:

1. The potential financial cost of proposal

## 8.0 Evaluation

### 8.1 Principle of Development

8.1.2 Para. 85 of the new National Planning Policy Framework (NPPF, 2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

8.1.3 Core Strategy SP1 states that the majority of new development should be focused on Grantham to support and strengthen its role as a sub-regional centre. Core Strategy Policy EN1 relates to the protection and enhancement of the character of the district and states that:

*"All 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".*

8.1.4 It states all development proposals will be assessed in relation to (amongst other things): historic character, patterns and attributes of the landscape.

8.1.5 Similarly, para. 127 of the new NPPF states that:

*"planning decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*  
*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*  
*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*  
*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

8.1.6 The proposal aims to enhance the access to and appearance of the area around the Council Offices and the new cinema development and as such it is acceptable in principle. By virtue of the design, scale and materials to be used, the proposal would enhance the host buildings and surrounding context in accordance with the sections 7 and 12 of the NPPF and Policy EN1 of the South Kesteven Core Strategy.

## 8.2 Impact on Heritage Assets

8.2.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72 of the same Act requires decision makers, with respect to any buildings or other land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

8.2.2 The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 16 of the NPPF. Paragraph 194 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting.

8.2.3 The proposal has been designed to enhance the appearance of this part of the Grantham Conservation Area and the proposal would not result in any harm to the setting and therefore loss of significance to the Grade II listed Guildhall Arts Centre. The Council's Conservation Officer has been consulted and has raised no objection to the proposal. In this respect the proposal is in accordance with policy EN1 of the South Kesteven Core Strategy and Sections 12 and 16 of the NPPF.

## 8.3 Highway, parking and pedestrian matters

8.3.1 The proposal would improve pedestrian and cycle access between St Peter's Hill and the new cinema. This would help increase footfall to this part of the town centre and aid its long-term vitality.

8.3.2 Access and staff parking to St Peter's Hill doctor's surgery would remain from St Catherine's Road and would be controlled by a retractable bollard. Deliveries to the Tollemache Inn would be from a new delivery bay on St Catherine's Road. Although there would be a limited number of vehicle movements along the St Catherine's Road approach to the cinema, these would be minimal outside working hours, and are not considered to result in any highway safety issues. The Highway Authority have not objected to the proposal which is considered acceptable in terms of access and highway safety. In this respect the proposal is in accordance with policy SP3 of the South Kesteven Core Strategy and Sections 7, 9 and 12 of the NPPF.

## 8.4 Impact on neighbouring occupiers

8.4.1 The proposal would generally improve the appearance of the area and the replacement two-storey extension would not result in any adverse visual or other impacts on the occupiers of neighbouring

properties. The increased footfall would support businesses in the vicinity of the development site and an appropriate means of managing access to and from the staff car park of St Peter's Hill doctor's surgery has been demonstrated. In this respect the proposal is in accordance with policy SP3 of the South Kesteven Core Strategy and Section 12 of the NPPF.

## 8.5 Other matters

- 8.5.1 The potential financial costs of the proposal have been raised as a concern. Whilst no details of the cost of the scheme have been included with the application, the proposal is designed to enhance the vitality of the town centre, including the new cinema and associated A3 uses. The proposal would improve the connectivity and visual appearance of the town centre with associated long-term economic benefits.

## 9.0 **Section 106 Heads of Terms**

- 9.1 Not applicable

## 10.0 **Crime and Disorder**

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

## 11.0 **Human Rights Implications**

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

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

## 12.0 **Conclusion**

- 12.1 In conclusion, this proposal would enhance this part of the Grantham Conservation Area and support the long-term vitality of the town centre and in turn, the overall role of Grantham as a sub-regional centre. The proposal is in accordance with Core Strategy Policies SP1, SP3 and EN1 and the guidance contained in the National Planning Policy Framework, specifically Sections 9, 12 and 16. There are no material planning considerations that indicate a decision should be otherwise and the proposal is therefore recommended for approval, 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. 616-2\_-000 received 10th July 2018
  - ii. Drawing no. 616-2-020 received 10th July 2018
  - iii. Drawing no. 616-2-023 received 10th July 2018

- iv. Drawing no. 616-2-022 received 10th July 2018
- v. Drawing no. 616-2-021 received 10th July 2018
- vi. Drawing no. 616-2-050 received 10th July 2018
- vii. Drawing no. 616-2\_-111 received 10th July 2018
- viii. Drawing no. 616-2\_-112 received 10th July 2018
- ix. Drawing no. 616-2\_-220 received 10th July 2018
- x. Drawing no. 616-2\_-221 received 10th July 2018
- xi. Drawing no. 616-2\_-222 received 10th July 2018

Unless otherwise required by another condition of this permission.

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

### **During Building Works**

- 3 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 on the approved plans 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).

- 4 Before any construction work above ground 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).

### **Before the Development is Occupied**

- 5 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**

- 6 Within a period of five years from the development hereby permitted being brought into use, any trees or plants provided as part of the approved soft landscaping scheme, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

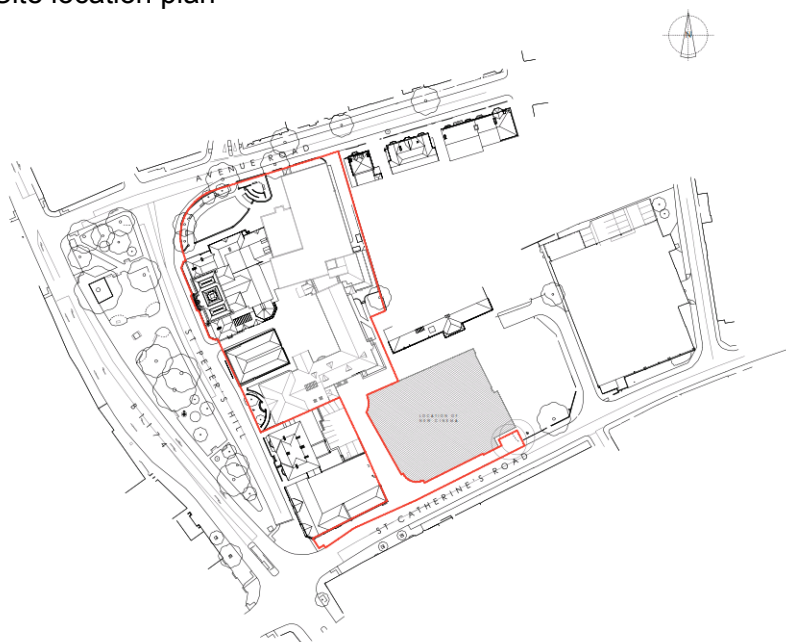
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

**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 38 of the National Planning Policy Framework.



### Site location plan



### Proposed layout plan



[illegible]



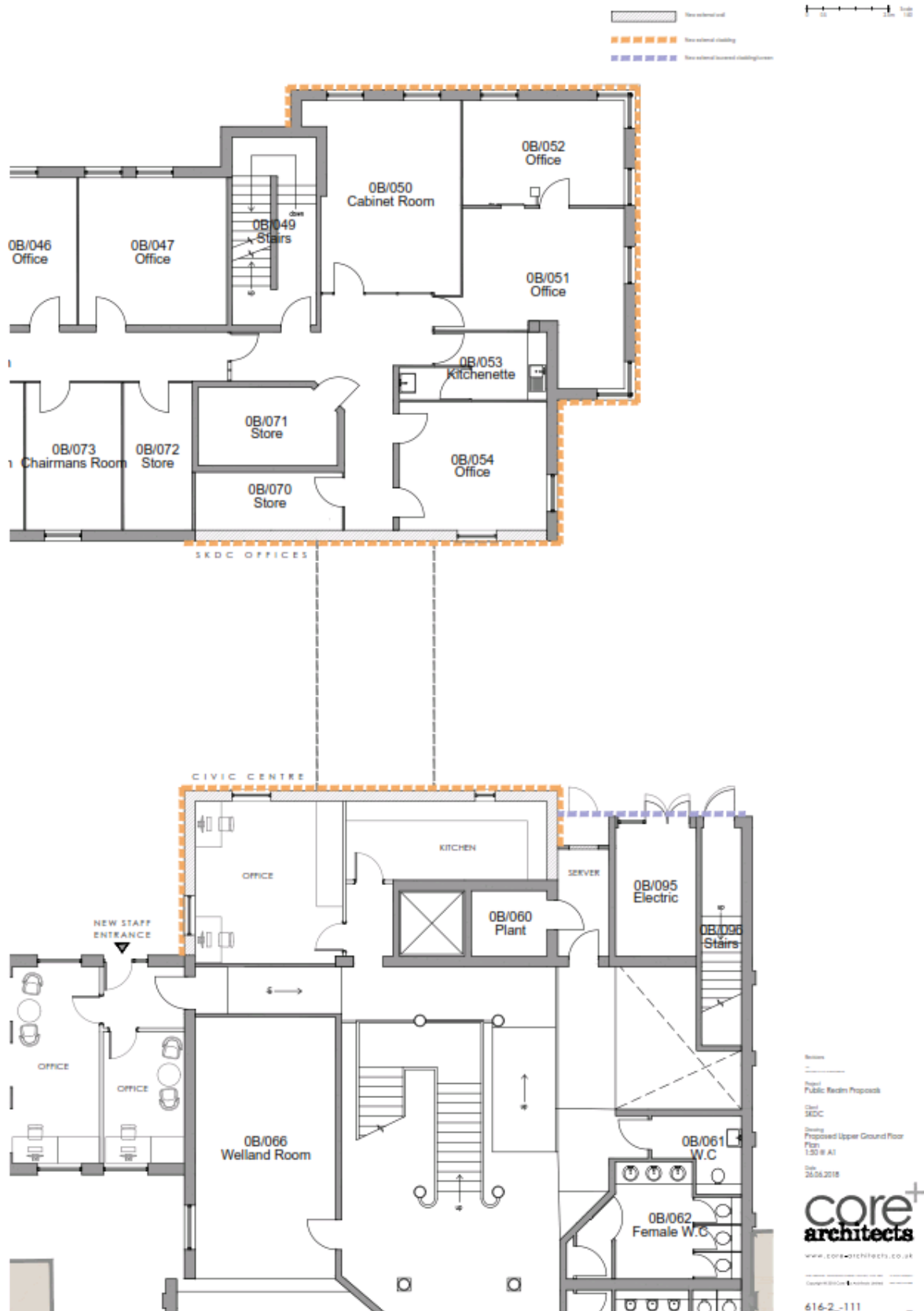
## SKDC courtyard



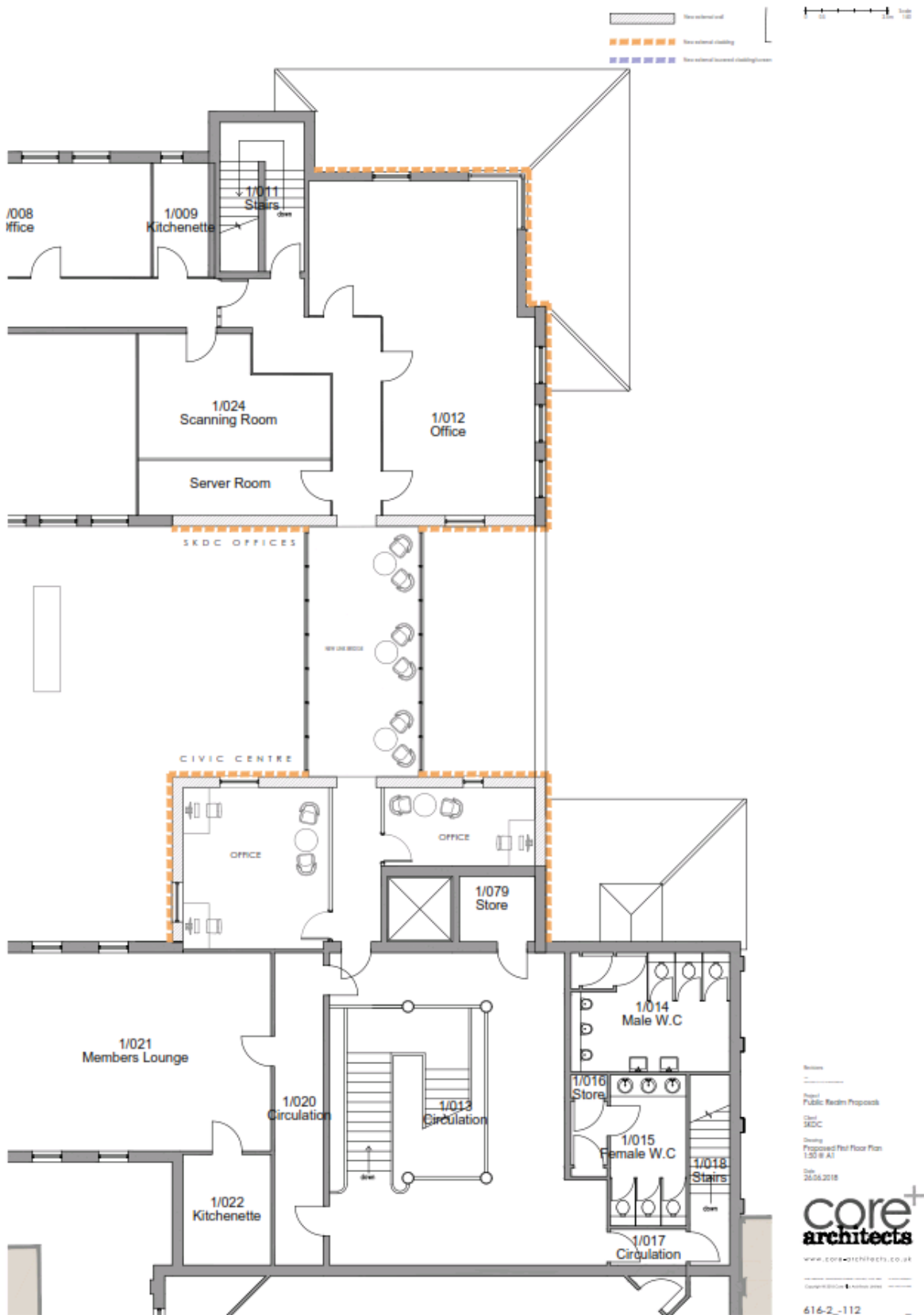
## SKDC entrance



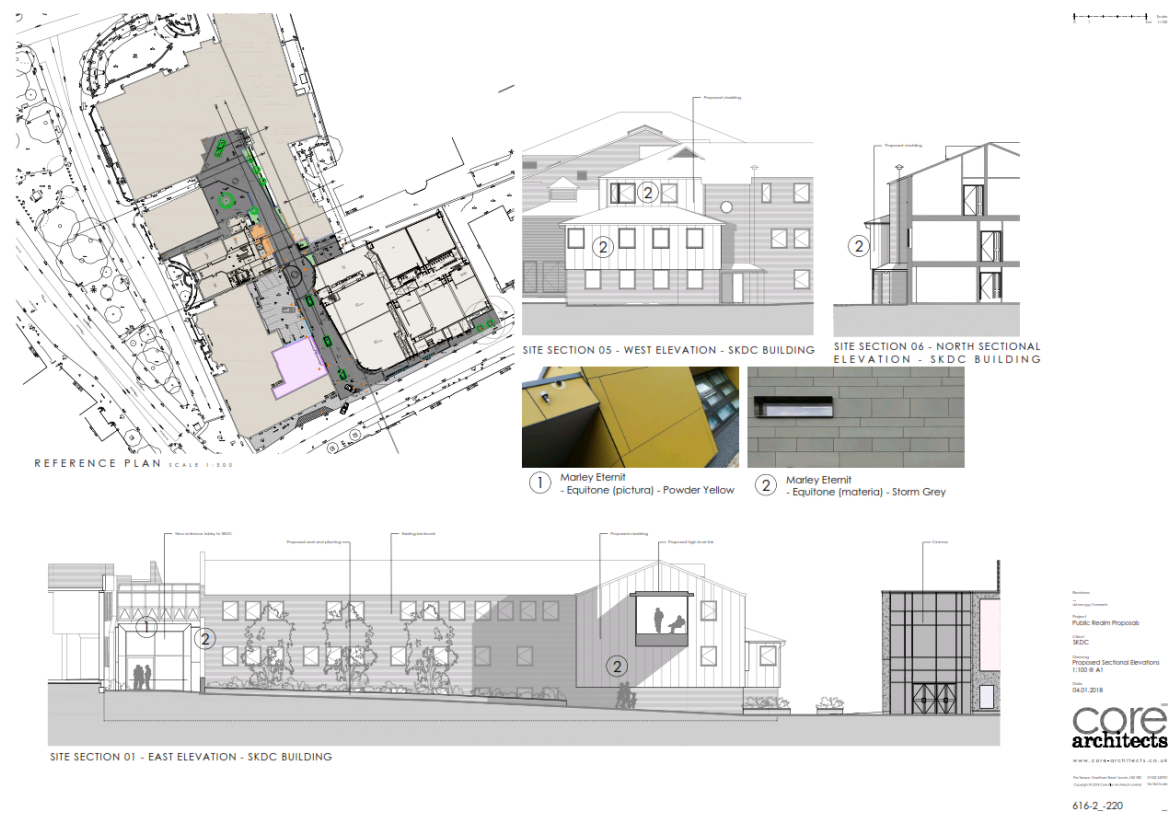
## Proposed Upper Ground Floor Plan

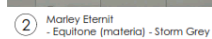
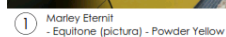
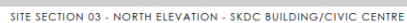


## Proposed First Floor Plan



Proposed Sections

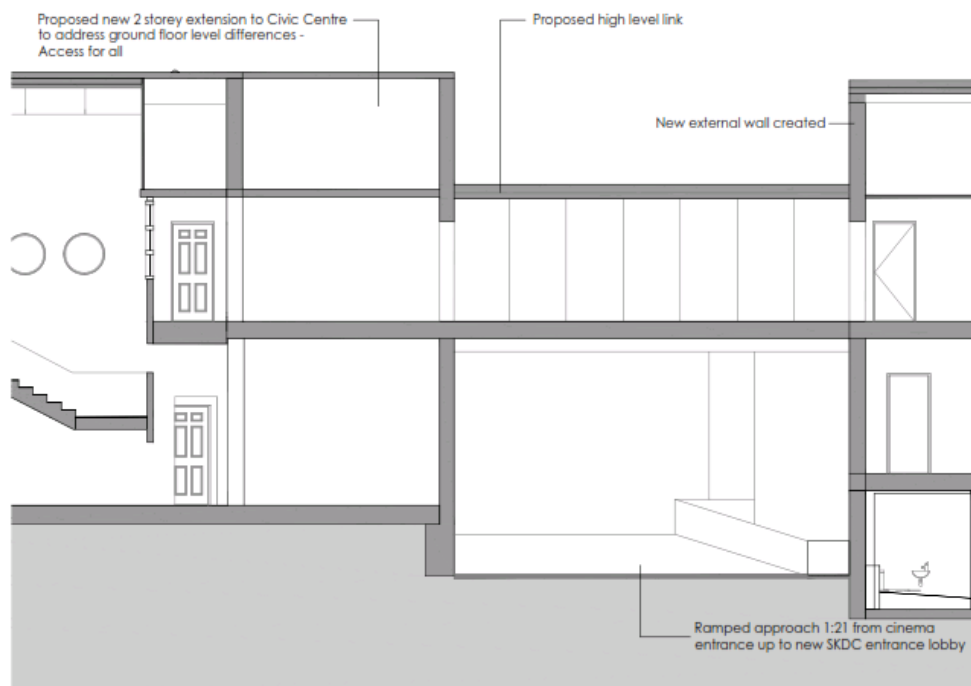




core<sup>+</sup>  
architects

616-2 -221

## Sections



SECTION B-B - THROUGH PROPOSED FIRST FLOOR BRIDGE LINK





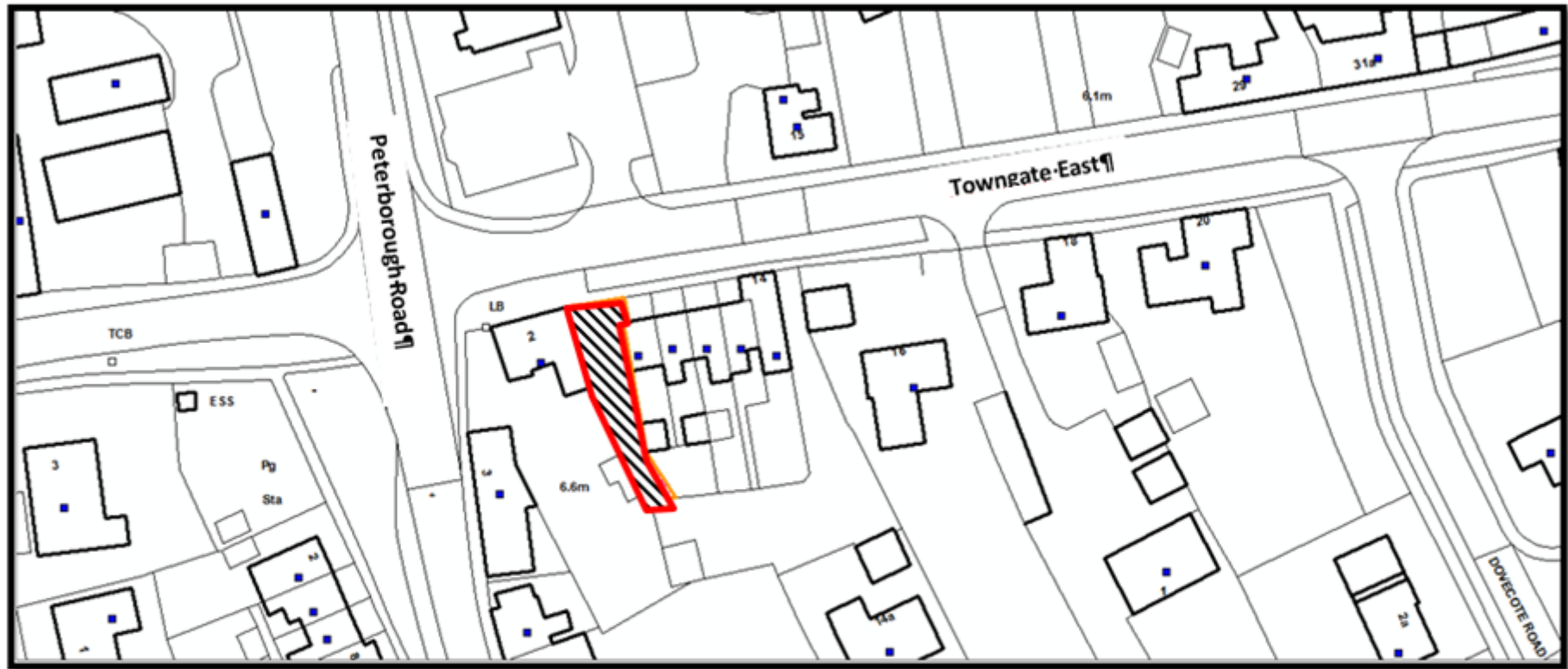
# Agenda Item 5b

PJ2	S18/0612	Target Decision Date:14th June 2018
		Committee Date:21st August 2018

Applicant	Ms Jessica Fraylich 4 Towngate East Market Deeping PE6 8DR
Agent	Mr Jason Thomas ADServices 16 Lincoln Road Glington Peterborough PE6 7JR
Proposal	Change of use from garage to beauty clinic including external alterations
Location	4 Towngate East Market Deeping PE6 8DR
Application Type	Full Planning Permission
Parish(es)	Market Deeping Town Council
Reason for Referral to Committee	At the request of Cllr Baxter regarding parking, highway safety, noise design, out of keeping with the character of the area
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Jordan - Development Management Planner 01476 406080 Ext: 6074 <a href="mailto:p.jordan@southkesteven.gov.uk">p.jordan@southkesteven.gov.uk</a>
Report Reviewed By	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 <a href="mailto:p.moore@southkesteven.gov.uk">p.moore@southkesteven.gov.uk</a>

## Key Issues

Highway safety and parking  
Residential amenity  
Impact on character of the area



## Key



Application  
Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1.0 Description of site**

- 1.1 The application site is located to the rear of 4 Towngate East in Market Deeping in a predominantly residential area, although there are some other commercial and community uses within the locality. The application site was previously used as a detached garage and can be accessed either via a private drive to the east of 14 Towngate East or through a passageway that runs to the west of 4 Towngate East. The latter of those routes involves crossing land solely in the ownership of 4 Towngate East. There is a small public car park on Halfleet within 100m of the site and a private parking space to the front of 4 Towngate East. Adjacent to the garage to the rear of 4 Towngate East is a parking space for the resident of 4 Towngate East that is accessed via the private driveway.

## **2.0 Description of proposal**

The application proposes the change of use from a domestic, detached garage to a beauty clinic and includes external alterations to the building. The works have already been carried out and the beauty clinic is operational.

- 2.1 The applicant has provided the following information in support of the application:
- a) The clinic is generally open Tues and Weds 10am - 9pm and Thurs 9am - 3pm with another shift during busy times;
  - b) Average client numbers per day are 8 - 15
  - c) Clients are advised to access the site through 4 Towngate East, and either park to the front of that property or use the public car park on Halfleet;
  - d) The sole employee is resident at 4 Towngate East.

## **3.0 Relevant History**

- 3.1 No relevant planning history

## **4.0 Policy Considerations**

### **4.1 National Planning Policy Framework (NPPF)**

Section 6 - Building a strong, competitive economy  
Section 9 – Promoting sustainable transport  
Section 12 - Achieving well-designed places

### **4.2 South Kesteven District Council Core Strategy**

Policy E1 - Employment Development  
Policy SP1 - Spatial Strategy  
Policy EN1 - Protection and Enhancement

## **5.0 Representations Received**

Environmental Protection Services (SKDC) No comments to make.

Parish Council Concerns raised about access as the rear of the property is accessed via a private driveway and parking is limited. Customers parking on Towngate East and entering at the front of the property may cause an obstruction on an already busy road. Concerns over the number of potential customers.

LCC Highways & SuDS Support Requested details of the parking arrangements for both the beauty clinic and the residents of 4 Towngate East and clarification of current vehicle movements to and from the site. No objection following additional information submitted by applicant.

## **6.0 Representations as a Result of Publicity**

This application has been advertised in accordance with the Council's Statement of Community Involvement and 3 letters of representation have been received. The points raised can be summarised as follows:

1. Highway safety
2. Parking
3. Maintenance of driveway
4. Potential expansion of business
5. Hours of operation
6. Retrospective nature of application

## **7.0 Evaluation**

### **7.1 Principle of the use**

- 7.1.1 Core Strategy Policy SP1 states that within Market Deeping new development which helps to maintain and support the role of the town will be allowed. Priority will be given to sustainable sites within the built up part of the town where development would not compromise the nature and character of the town.
- 7.1.2 Core Strategy Policy E1 states that the Council's objective is to broaden and diversify the employment bases of the district.
- 7.1.3 Para 80 of the new National Planning Policy Framework (NPPF) states:

*“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

- 7.1.4 In terms of principle, the site lies within a sustainable location and would provide employment for the applicant. Whilst not within the town centre the site is situated in an area where there are a mixture of uses and is a sustainable location. The proposal enables the creation of a business in a sustainable location in accordance with Core Strategy Policies SP1 and E1 and Paragraph 80 of the NPPF.

### **7.2 Impact of the use on the character of the area**

- 7.2.1 Core Strategy Policy EN1 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”.*

- 7.2.2 The garage is currently in situ and is ancillary to 4 Towngate East. The external changes that have been carried out to the garage include replacing the garage door with a front door and adding a small window to the front and side elevation. The external changes are minor and do not have a significant impact on the character of the surrounding area.

7.2.3 The applicant has stated that the number of clients to the salon is between 8 and 15 on 2 to 3 days per week between 10am and 9pm. The applicant has also stated that the sole employee of the salon is resident at 4 Towngate East. Given the low level of comings and goings and the nature of the business, the proposal is not considered to result in any significant detrimental impacts on the character of the area in terms of noise and nuisance. The Council's Environmental Protection team have been consulted and have not objected to the proposal.

7.2.4 Overall, the proposal would not have an adverse impact on the character and appearance of the area and as such is in accordance with Core Strategy Policy EN1.

### 7.3 Impact on the neighbouring properties

7.3.1 Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments:

*“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*

7.3.2 The building is single storey and is within a parking area serving the surrounding properties. The change of use would not have an adverse impact from overlooking or on the privacy of occupiers of surrounding properties.

7.3.3 Whilst the building is in close proximity to residential properties, due to the size of the building, the use as a beauty clinic would be relatively small scale and as such is unlikely to create a disturbance to adjacent properties. The potential for the business to expand and hours of operation have been raised as concerns. However the size of the building would limit the scale of the operation and a condition has been imposed to restrict further changes of use without a planning application. It is not considered necessary to control the hours of operation by condition as the comings and goings and nature of the business are such that issues such as noise, traffic and nuisance are unlikely to be harmful to the amenities of occupiers of nearby properties.

7.3.4 Overall, the proposal would not have an adverse impact on the amenities of the occupiers of adjacent properties and as such is in accordance with para. 127 of the NPPF.

### 7.4 Highway issues

7.4.1 Concern has been raised in relation to highway safety, parking and on-going maintenance of the private driveway. The proposal does not include using the private driveway for any part of the operation. Parking for clients would be to the front of 4 Towngate East or in the public car park which is less than 100m walk from the application site. This does rely on accessing the proposed beauty clinic via the passageway to the side of 4 Towngate East. Therefore, it is considered necessary to add a condition which would tie the permission to the occupiers of that property.

7.4.2 The change of use would result in the loss of garage parking but there would be sufficient parking for the occupier of 4 Towngate East remaining. The Highway Authority have raised no objection to the proposal.

7.4.3 The proposed use is situated within a sustainable location with sufficient parking provision in the surrounding area and therefore would not have a detrimental impact on highway safety, in accordance with NPPF section 9.

### 7.5 Other matters

7.5.1 Representation has been made regarding the retrospective nature of the application. Planning Legislation allows applications to be dealt with retrospectively and ensures that due consideration is given to all matters in the same way that an application for planning permission in advance of the development would be given.

## **8.0 Conclusion**

- 8.1 The principle of the proposed change of use to a beauty clinic is supported by planning policy. The development is not considered to have an adverse impact on the character and appearance of the area, and would have no adverse impact on adjacent properties or highway safety. The development is acceptable and would comply with Core Strategy Policies SP1, E1 and EN1 and the NPPF (sections 6, 9 and 12).

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

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

### **Approved Plans**

- 2 The development hereby permitted relates to the following list of approved plans:

- i. Drawing No. PL1 Rev B received 26th June 2018
- ii. Drawing No. PL2 received 29th March 2018

Unless otherwise required by another condition of this permission.

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

### **Ongoing Conditions**

- 3 This permission shall only enure for the occupiers of 4 Towngate East, Market Deeping, PE6 8DR.

Reason: In the interests of residential amenity and highway safety and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 4 Notwithstanding the provisions of Schedule 2, Parts 3 and 4 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), the premises shall only be used for the purposes specified below and for no other purpose, including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) unless Planning Permission for a new use of the premises has been granted by the Local Planning Authority.

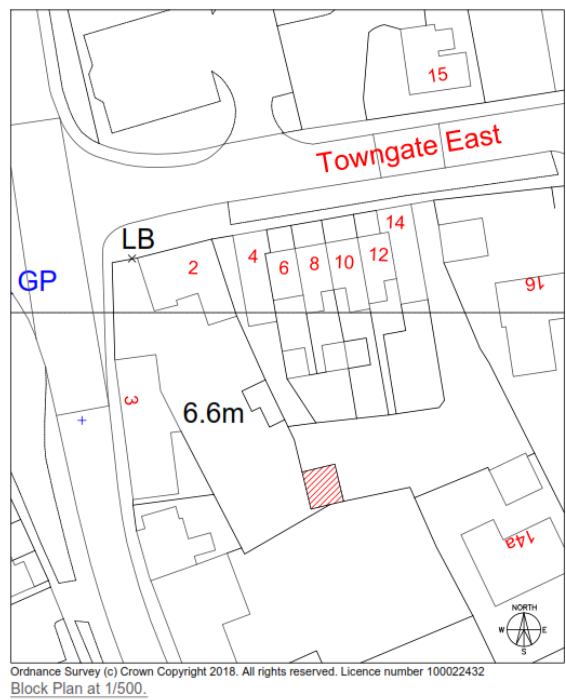
- Beauty clinic

Reason: The use of the premises for any other purpose at this location could result in impacts that would require further assessment by the Local Planning Authority.

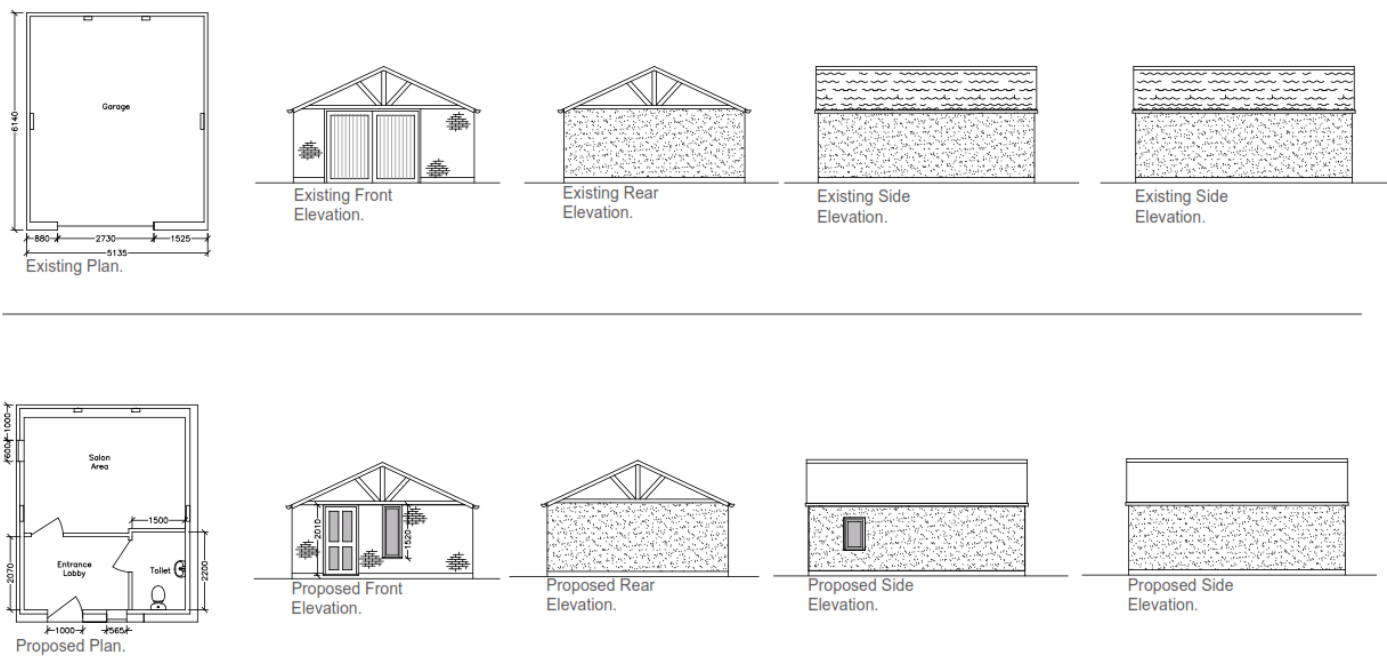
### **Standard Note(s) to Applicant:**

- 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 38 of the National Planning Policy Framework.

Block Plan



Existing and Proposed Elevations







# Agenda Item 5c

PWM1	S18/0452	Target Decision Date:6th June 2018
		Committee Date:21st August 2018

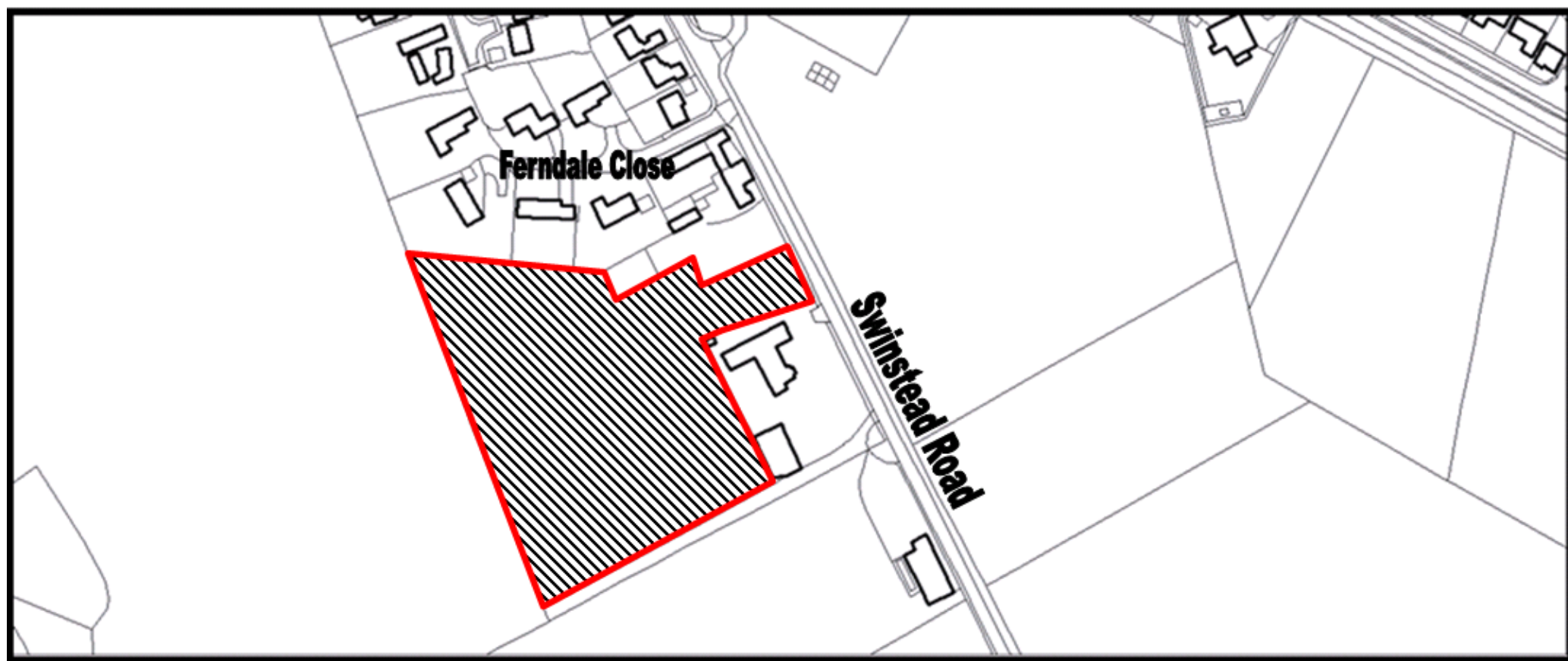
Applicant	Mr & Mrs Golby Ferndale House Swinstead Road CORBY GLEN NG33 4NU
Agent	Steve Dunn Steven Dunn Architects Limited Hadleigh House High Street Walcott Lincoln
Proposal	Residential development (outline with all matters reserved)
Location	Ferndale House Swinstead Road Corby Glen NG33 4NU
Application 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 <a href="mailto:p.moore@southkesteven.gov.uk">p.moore@southkesteven.gov.uk</a>
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 <a href="mailto:S.Bland@southkesteven.gov.uk">S.Bland@southkesteven.gov.uk</a>

## 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  
Flood Risk Assessment and Drainage Strategy  
Minerals Assessment  
Design Statement  
Access Statement  
Ecology Report



# Key



Application  
Boundary



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## 1.0 Addendum to Committee Report S18/0452

### 1.1 Footway

- 1.1.1 Members will recall that this application was originally discussed at the Committee meeting of 24th July 2018. (Report for that meeting Appendix 1). Following concerns raised by Members, the application was deferred to allow for clarification of certain points raised in relation to the provision of a footpath from the site, particularly to the adjacent Ron Dawson playing field where children's play equipment would be provided as part of the section 106 agreement. The issues raised were summarised in the Committee minutes as follows:

*"During debate some concerns were raised about highway and footway safety in relation to the site. Of particular concern was the requirement to cross the A151 to access the Ron Dawson Hall where the local playgroup was held, with Members querying whether it might be possible to provide an access directly to the hall from the site. It was proposed, seconded and agreed that the application be deferred in order for access to the Ron Dawson Hall to be looked at further to enable an outline scheme with some additional information to come back to a future meeting of the Committee."*

- 1.1.2 Since the 24th July Committee meeting, officers have sought clarification from LCC Highways on whether there is sufficient space to accommodate a footpath from the site entrance on Swinstead Road to connect with the entrance of the Ron Dawson playing field to the south as well as the existing footpath along the west side of Swinstead Road to the north.
- 1.1.3 LCC Highways have confirmed that there is sufficient highway verge to accommodate these works and have recommended a change to the wording of the condition to clarify exactly where the path would be required. The path is considered necessary in order to ensure safe access for pedestrians to and from the site and local facilities in accordance with the principles of good design and CS policy SP3 and NPPF sections 8, 9 and 12.
- 1.1.4 It is therefore recommended that condition 10 be amended as follows:

10. No development shall be occupied before a scheme has been submitted and agreed in writing by the local planning authority for the construction of a footway accross the frontage of the development site on the west side of Swinstead Road. The footpath shall extend north westerly along Swinstead Road, to make connection with the existing footway, and extend south easterly to make connection with the entrance to the Ron Dawson playing field, including all ancillary works, kerbing, street lighting and associated drainage. The approved scheme 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 for pedestrians to the development site and the Ron Dawson playing field in the interests of residential amenity, convenience and safety.

### 1.2 Compliance with revised NPPF

- 1.2.1 On 24th July 2018, the government issued a revised version on the National Planning Policy Framework (NPPF). In respect of this proposal, the relevant sections of the NPPF have not changed significantly. Officers have assessed the application against the policies of the revised NPPF and have concluded that there are no significant changes that would change the recommendation to approve, (including conditions and S106 requirements).

### 1.3 Section 106 Education Contribution

- 1.3.1 Members will recall that they were informed by officers at the 24 July 2018 Committee meeting, of the comments of LCC Education in response to the amended plans. They have stated that a reduced section 106 education contribution of approximately £67,965 (exact amount dependant on size of dwellings at reserved matters stage) would be required in order to provide one additional general teaching classroom at the Charles Read Academy.
- 1.3.2 It is considered that this amended requirement 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 (para. 56).

### 1.4 Conclusion

- 1.4.1 Taking the above into account, officers continue to consider that the proposal 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 as well as the revised NPPF (Sections 2, 4, 5, 8, 9, 11 and 15). There are no material considerations that indicate otherwise although conditions have been attached. Other than the amended condition 10, and the amended Section 106 education requirement, the recommendation remains as per the original report (Appendix 1)

### 1.5 List of Appendices

- Appendix 1 – Officer Report to Committee – 24<sup>th</sup> July 2018

## Appendix 1 – Officer Report to Committee 24th July 2018

### 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"><li>- Highway safety and traffic capacity</li><li>- Insufficient parking</li><li>- Insufficient open space</li><li>- Drainage system unable to cope with additional dwellings</li><li>- Scale and density out of keeping</li><li>- Visually intrusive to surrounding area and properties</li><li>- Parish Council did not want this site allocating</li><li>- Lack of commitment to S106 contributions</li></ul>
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.

### **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.

## **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





MGS1	S16/2285	Target Decision Date:2nd February 2017
		Committee Date:21st August 2018

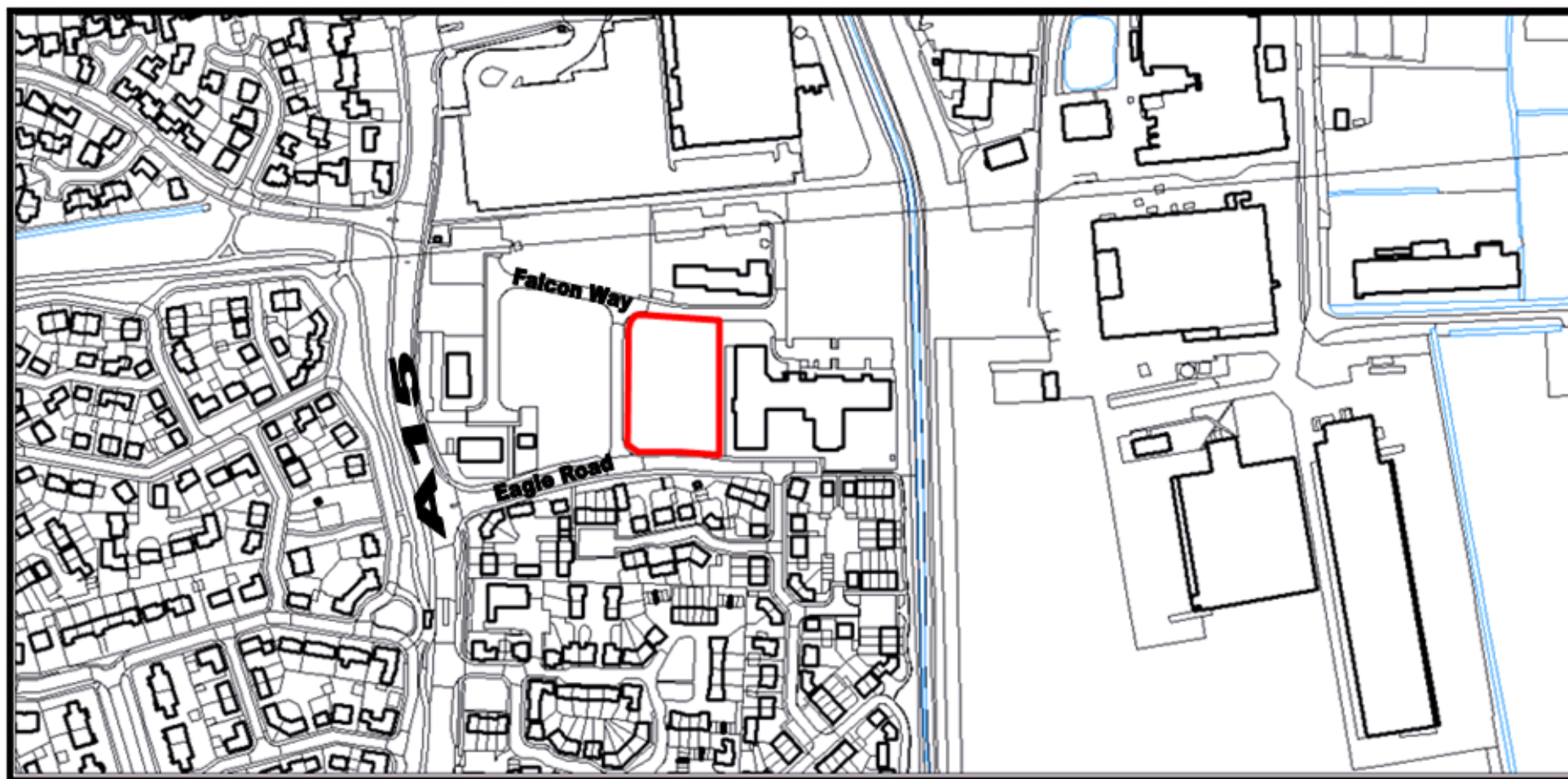
Applicant	One Medical Ltd C/O Agent
Agent	Mr Stephen Sadler Walker Morris LLP (Solicitors) Kings Court 12 Kings Court Leeds
Proposal	Residential development for up to 19dwellings (outline)
Location	Falcon Way Bourne PE10 0FF
Application Type	Outline Planning Permission (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	The proposal involves a section 106 agreement
Recommendation	That the application is:- Approved conditionally
Report Author	Mike Gildersleeves - Principal Planning Officer 01476 406080 Ext: 6383 <a href="mailto:mike.gildersleeves@southkesteven.gov.uk">mike.gildersleeves@southkesteven.gov.uk</a>
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 <a href="mailto:S.Bland@southkesteven.gov.uk">S.Bland@southkesteven.gov.uk</a>

## 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  
Location



Application  
Boundary

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## Addendum to Committee Report S16/2285

### 1.0 Introduction

- 1.1 This addendum report is presented following Members' resolution to defer the item at the Development Management Committee on 24<sup>th</sup> July 2018.
- 1.2 Members raised a number of questions about the viability assessment and the costs that formed the basis of that assessment. Members also sought clarification on the final recommendation on the composition of the Section 106 Agreement in respect of affordable housing, education and public open space contributions and the overage clause that was proposed. Members did not feel that they had sufficient information and requested a clearer explanation as to why there is such a small provision for affordable housing.
- 1.3 The papers presented at the 24<sup>th</sup> July Committee, are re-provided as appendices to this report:
- Appendix 1 – Officer Report to Committee – 7<sup>th</sup> February 2017
  - Appendix 2 – Officer Report to Committee – 24<sup>th</sup> July 2018

### 2.0 Planning Policy

- 2.1 Since the previous report to committee, a revised National Planning Policy Framework (NPPF) has been published, superseding the previous version. Alongside this, additional Planning Practice Guidance (NPPG) has been published relating to viability. These updates are summarised as follows:

#### 2.2 NPPF

- 2.2.1 Paragraph 11 – Presumption In Favour of Sustainable Development:

*“For **decision-taking** this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*a) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 2.2.2 Paragraph 57 –

*“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*

2.2.3 Given the current status of the Local Plan, it is not considered the approach suggested by paragraph 57 of the revised NPPF can be applied currently. However, policies of the existing Development Plan (for example H3) provide the basis for the consideration of requirements for contributions. In respect of policy H3 (supplemented by the Planning Obligations SPD) the policy specifies a target figure and does also allow for consideration of viability.

## 2.3 NPPG

2.3.1 The updated NPPG provides a series of clarifications regarding the Government's approach to viability, and how this links with the new NPPF. The approach is clear that viability should be considered during the plan-making stage, but can be material to decision-making. The NPPG provides guidance on how viability should be considered, along with standardised inputs and clarification on terminology and approach. In particular the following references are provided:

2.3.2 *"How should a viability assessment be treated in decision making?*

*Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.*

*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.*

*Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance".*

2.3.3 *"What are the principles for carrying out a viability assessment?*

*Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.*

*This National Planning Guidance sets out the government's recommended approach to viability assessment for planning. The approach supports accountability for communities by enabling them to understand the key inputs to and outcomes of viability assessment.*

*Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.*

*In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."*

2.3.4 *"What is meant by existing use value in viability assessment?*



*Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types”.*

#### 2.3.5 “How should the premium to the landowner be defined for viability assessment?

*The premium (or the ‘plus’ in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements”.*

#### 2.3.6 “Can alternative uses be used in establishing benchmark land value?

*For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value”.*

### 2.4 Whole Plan Viability Study

2.4.1 The Council has commissioned a Whole Plan Viability Study as part of the evidence base to support the emerging Local Plan. This is a material piece of documentation, which may be used to support decision taking. It advises on the viability of the whole plan, and includes various considerations including build costs and price assumptions. The relevant factors for this case are considered to be:

- The site would fall within the “northern area” for the District as defined in the study
- Table 4.8 provides ‘price assumptions’ on a m<sup>2</sup> basis. This site would fall between the definitions identified and could be attributed a m<sup>2</sup> of between £2600-2900.
- Land value – The study identifies, a value of £600,000/ha for residential land, and Industrial Land £400,000/ha
- Build costs – These are considered in section 7. Reference is given to the BCIS costs, along with other research. There is an acceptance of rising build costs about 10.25% to £1,075/m<sup>2</sup> (see 7.2). Additionally, it is considered that 10% may be added to build costs for external works such as landscaping, roads, drainage and other site costs (see 7.10-7.12). A contingency figure of 2.5% is adopted.
- The report (12.35) identifies that “As the affordable housing and developer contributions increase the Residual Value falls” and “ in the lower value northern area” (12.35 e) viability can be a challenge and presents a rationale for a lower affordable housing figure.

2.4.2 The report concludes by identifying that the District has high and low value areas, and this can affect the ability for development to meet all requirements including affordable housing, and thus a reduction in the percentage of affordable housing is recommended.

### 3.0 **How Viability is Assessed**

3.1 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.

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



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

- 3.3 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 plus 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.
- 3.4 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.
- 3.5 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.

#### **4.0 Additional clarification**

##### **4.1 Build Costs**

- 4.1.1 Members requested clarification of the build costs attributed within the appraisals.
- 4.1.2 Within the applicant's appraisal, they have adopted £65ft<sup>2</sup> / £699.66m<sup>2</sup> based on their local knowledge and research, in addition to this, they had additional costs for infrastructure (roads, services, drainage, landscaping etc) as well as contingency and external works.
- 4.1.3 The VOA have utilised the Building Cost Information Service (BCIS) compiled by the RICS. This is the approach adopted within other VOA assessments, and adopted by the HCA (now Homes England). They have adopted build cost of £1291m<sup>2</sup>. As a result of the higher build costs adopted by the VOA, they consider that the viability of the scheme is likely to be worse than as presented by the applicant's advisors.
- 4.1.4 Whilst there is significant difference between the applicant's build costs and the BCIS costs used by the VOA, it should be noted that the VOA figure is closer to that used within the Councils Whole Plan Viability report which identifies £1,075/m<sup>2</sup> to which 12.5% can be added for contingency and other site costs – total £1209/m<sup>2</sup>. This would therefore support the VOA's adopted position.
- 4.1.5 Officers would recommend that the figures used by the VOA are accurate and reflective of the industry standard.

##### **4.2 Existing Use Value (EUV), Alternative Use Value (AUV) / Current Use Value (CUV), and which should be used.**

- 4.2.1 Existing Use Value (EUV) - The NPPG has provided clarification on the term EUV. It is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.
- 4.2.2 Alternative Use Value (AUV) / Current Use Value (CUV) - CUV refers to the value of land for its current permitted use. AUV refers to the value of land for uses other than its current permitted use and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values.

#### 4.3 Which to use?

- 4.3.1 In this case, given the history of the site it is considered appropriate to utilise the AUV or CUV as being the value for the land. This is on the basis of its former allocation for employment purposes, and the previous outline permission for a Medical Centre. This would therefore result in the use of the land having a higher value than it would if treated as a greenfield site with an agricultural land-value.
- 4.3.2 For the purposes of these appraisals, the VOA consider that a figure of £180,000-200,000 per acre would be reasonable, which would equate to a land value of £160,196 without purchase costs.
- 4.3.3 It is noted that the applicant's residual land-value model considers a figure of £159,372 would be a reasonable figure, with sufficient incentive for a land-owner to bring forward the site for development – using the EUV plus (EUV+) approach.
- 4.3.4 The VOA have therefore adopted a mid-position between both sources of information, with £160,196, plus purchase costs, with a total of £164,599 being used within the appraisals.

#### 4.4 Abnormal Costs

- 4.4.1 The applicant's appraisal does not include any abnormal costs save for Site Clearance and Preparation at £21,688 which have been included as part of the external works.
- 4.4.2 The VOA have commented that given this relates to land remediation, it can be considered an abnormal cost, and comment is made that the amount is relatively small in the context of the overall build costs. They were therefore content to carry this forward into the appraisal.
- 4.4.3 The site does not have any history of significant contamination, and is a relatively clear site, therefore it is considered unlikely there would be any significant abnormal costs. Therefore the approach of the VOA is considered reasonable and acceptable.

### 5.0 **Summary of Appraisals**

- 5.1 The following tables seek to summarise the outcomes of both the Applicant's Appraisal, and the review undertaken by the VOA (DVS) in a more reader-friendly way.

## 5.2 Applicant's appraisal

5.2.1 This uses a Residual Land Value model. This identifies that with the FULL 35% Affordable Housing, plus POS and Education contributions, the scheme is unviable as the land-value would be insufficient to incentivise a developer to sell.

Applicants - WITH 35% on site provision				
Incomings	Outgoings	% of total outgoings		
		63%	£1,184,757.00	Development Costs (without abnormals, professional fees & finance)
		10%	£184,379.00	Professional Fees & Finance - 92074 +92305
		1%	£21,688.00	Abnormals
		17%	£327,724.00	Profit (20% of turnover OMV, 6% of turnover on AH, equates to 17% of total costs)
		1%	<b>£15,131.00</b>	<b>Land value</b>
		1%	£13,832.00	POS
		5%	£84,797.00	Education
		2%	£42,561.00	Conveyancing and other sales fees
<b>GDV</b>	<b>£1,874,868.00</b>	<b>100%</b>	<b>£1,874,869.00</b>	<b>Total outgoings</b>
				<b>Residual Land Value - £15131 - insufficient to incentivise land-owner to sell. Development would not come forward - Unviable</b>

5.2.2 The 'cost' of the Affordable Housing to the developer in this scheme would equate to £382,719.

### 5.3 VOA appraisal: 35% on-site provision

5.3.1 This uses an Existing Land Value model. The land is valued as being £164,599 including sales costs and this is considered reasonable including an incentive for the land-owner. This identifies that with the FULL 35% Affordable Housing, plus POS and Education contributions, the scheme is unviable as the land-value as the scheme generates a negative figure (i.e. outgoings exceed incomings) of £230k.

VOA- WITH 35% on site provision				
Incomings	Outgoings	% of total outgoings		
		94%	£1,755,185.00	Development Costs (without abnormals, professional fees & finance)
		11%	£202,845.00	Professional Fees & Finance - 144845 + 58000
		1%	£21,688.00	Abnormals
		22%	£413,210.00	Profit (blended at 16.76%, equates to 22% of total costs)
		9%	<b>£164,599.00</b>	<b>Land value</b>
		1%	£13,832.00	POS
		5%	£84,797.00	Education
		2%	£39,530.00	Conveyancing and other sales fees
<b>GDV</b>	<b>£2,465,158.00</b>	<b>109%</b>	<b>£2,695,686.00</b>	<b>Total outgoings</b>
<b>Total outgoings exceed GDV by £230528 - Unviable</b>				

5.3.2 The 'cost' of the Affordable Housing to the developer in this scheme would equate to £ £379,264

#### 5.4 VOA appraisal: 5.26% on-site provision (1unit)

5.4.1 This uses an Existing Land Value model. The land is valued as being £164,599 including sales costs and this is considered reasonable including an incentive for the land-owner. This model identifies what the scheme can 'afford' in terms of Affordable Housing provision. This concludes that with Reduced Affordable Housing (1 unit), plus POS and Education contributions, the scheme **is viable with a minor surplus of £4953**.

VOA- WITH 5.26% on site provision (1unit)				
Incomings	Outgoings	% of total outgoings		
		94%	£1,755,185.00	Development Costs (without abnormals, professional fees & finance)
		11%	£202,845.00	Professional Fees & Finance - 144845 + 58000
		1%	£21,688.00	Abnormals
		27%	£509,083.00	Profit (blended at 18.13%, equates to 27% of total costs)
		9%	<b>£164,599.00</b>	<b>Land value</b>
		1%	£13,832.00	POS
		5%	£84,797.00	Education
		3%	£50,281.00	Conveyancing and other sales fees
<b>GDV</b>	<b>£2,807,264.00</b>	<b>100%</b>	<b>£2,802,310.00</b>	<b>Total outgoings</b>
<b>Viable scheme - £4953 surplus</b>				

5.4.2 The 'cost' of the Affordable Housing to the developer in this scheme would equate to £74,658

5.5 VOA appraisal: 5.26% on-site provision (1unit) and education contribution removed

- 5.5.1 This uses an Existing Land Value model. The land is valued as being £164,599 including sales costs and this is considered reasonable including an incentive for the land-owner. This model identifies what the scheme can 'afford' in terms of Affordable Housing provision. This concludes that with Reduced Affordable Housing (1 unit), plus POS, the scheme **is viable with a surplus of £94704**.

VOA- WITH 5.26% on site provision (1unit), and education contribution removed					
Incomings	Outgoings	% of total outgoings			
		94%	£1,755,185.00	Development Costs (without abnormals, professional fees & finance)	
		11%	£202,845.00	Professional Fees & Finance - 144845 + 58000	
		1%	£21,688.00	Abnormals	
		27%	£509,083.00	Profit (blended at 18.13%, equates to 27% of total costs)	
		9%	£164,599.00	Land value	
		1%	£13,832.00	POS	
		3%	£50,281.00	Conveyancing and other sales fees	
<b>GDV</b>	<b>£2,807,264.00</b>	<b>97%</b>	<b>£2,717,513.00</b>	<b>Total outgoings</b>	
<b>Viable scheme - £94704 surplus</b>					

- 5.5.2 The 'cost' of the Affordable Housing to the developer in this scheme would equate to £74,658. Based on this model, it is possible that the scheme can afford an additional affordable housing unit.
- 5.5.3 It is this final scenario which Officers believe should be adopted as being the viable scenario, and which has been used as the basis of discussion regarding the Heads of Terms. As such, the scheme can contribute £144k as a financial contribution towards affordable housing (equivalent to 60% of OMV of 2x1-bed units) plus the POS contribution of £13,832.
- 5.5.4 With regard to abnormal costs, this is not the fundamental basis for reducing the required contributions in this particular case. The land-value (based on the AUV) is the key factor given the site could reasonably accommodate an alternative form of development with a relatively high land value.
- 5.5.5 Taking into consideration the commentary at section 3.0, and the additional clarifications, it is considered that the inputs used within the VOA modelling are appropriate and reasonable. The BCIS costs used by the VOA are higher than the applicants, but are reflective of national standards and are similar to the figures used in the Councils Whole Plan Viability review. Similarly, the values attributed to the units by the VOA are reasonable, based on evidence held by them, albeit they are slightly lower than those used in the Councils Whole Plan Viability review. Members will be aware

that precedent is not a material planning consideration, and each case must be considered on its own respective merits. Given all of the above, including the wording of policy H2 with “up to 35%” it is considered reasonable in this instance to accept reduced contributions.

## **6.0 S106 Heads of Terms**

6.1 Based on the viability report and VOA findings, the Heads of Terms have been negotiated with the applicants, and are as follows.

- 1 Provision of a financial contribution towards Affordable Housing – equivalent to the provision of 2x1-bed flats at 60% of their Open-Market Value (OMV) – equating to **£144K** – this is attributable to the affordable housing calculation formula within the SPD based on an OMV of £120,000. This is reflective of the viability information used by both the VOA and the Applicants advisors. This contribution is to be used to provide Affordable Housing within Bourne, or subsequently used on a cascading basis in the event that provision in Bourne cannot be secured.
- 2 Provision of an ‘overage’ clause so that any increase in sales values during the life-time of the development is captured and shared on a 50:50 basis between the Council and the Developer.
- 3 Provision of a financial contribution of £13,832 towards provision of or improvement of Public Open Space.

## **7.0 Conclusion**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

- 7.5 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.

## **8.0 Recommendation:**

- 8.1 Defer to Chairman and / or Vice Chairman in consultation with the Service Manager - Development Management and Implementation for approval subject to the signing of a Section 106 agreement which would secure:
- 1 Provision of a financial contribution towards Affordable Housing – equivalent to the provision of 2x1-bed flats at 60% of their Open-Market Value (OMV) – equating to **£144K**. This is reflective of the viability information used by both the VOA and the Applicants advisors. This contribution is to be used to provide Affordable Housing within Bourne, or subsequently used on a cascading basis in the event that provision in Bourne cannot be secured.
  - 2 Provision of an ‘overage’ clause so that any increase in sales values during the life-time of the development is captured and shared on a 50:50 basis between the Council and the Developer.
  - 3 Provision of a financial contribution of £13,832 towards provision of or improvement of Public Open Space.
- 8.2 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. In the event that the agreement has not been concluded before the end of the agreed period of any extension of time and no meaningful progress has been made towards concluding the agreement, and where in the opinion of the Service Manager - 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.
- 8.3 Subject to the conclusion of the S106, the application is recommended to be approved, with the conditions as listed below.

## **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).

- 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).

### **Before the Development is Commenced**

- 2 The development hereby approved shall provide for no more than 19 no. dwellings with a combined net floor area of no more than 1201m<sup>2</sup>.

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.

- 3 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.

- 4 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).

- 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 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).

- 7 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**

- 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 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, 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).

- 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.

- i. 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.
- ii. 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.
- iii. 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.

### **List of Appendices**

Appendix 1 – Officer Report to Committee – 7<sup>th</sup> February 2017

Appendix 2 – Officer Report to Committee – 24<sup>th</sup> July 2018

## **Appendix 1 - Officer Report to Committee – 7<sup>th</sup> February 2017**

### **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 Preservation Society 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.

Health & Safety Executive	No objection
Education & Cultural Services	<p>Total contribution - £92,178.00 x 0.92 (local multiplier)* =£84,803.00</p> <p>*to reduce cost and to reflect Lincolnshire's lower than average build cost compared to the national average.</p>
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.

## Appendix 2 - Officer Report to Committee – 24<sup>th</sup> July 2018

### 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 7<sup>th</sup> 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 31<sup>st</sup> 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:

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

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 (31<sup>st</sup> 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 – 7<sup>th</sup> 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:
- layout;
  - scale
  - appearance
  - access
  - 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 1201m<sup>2</sup>.

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:**

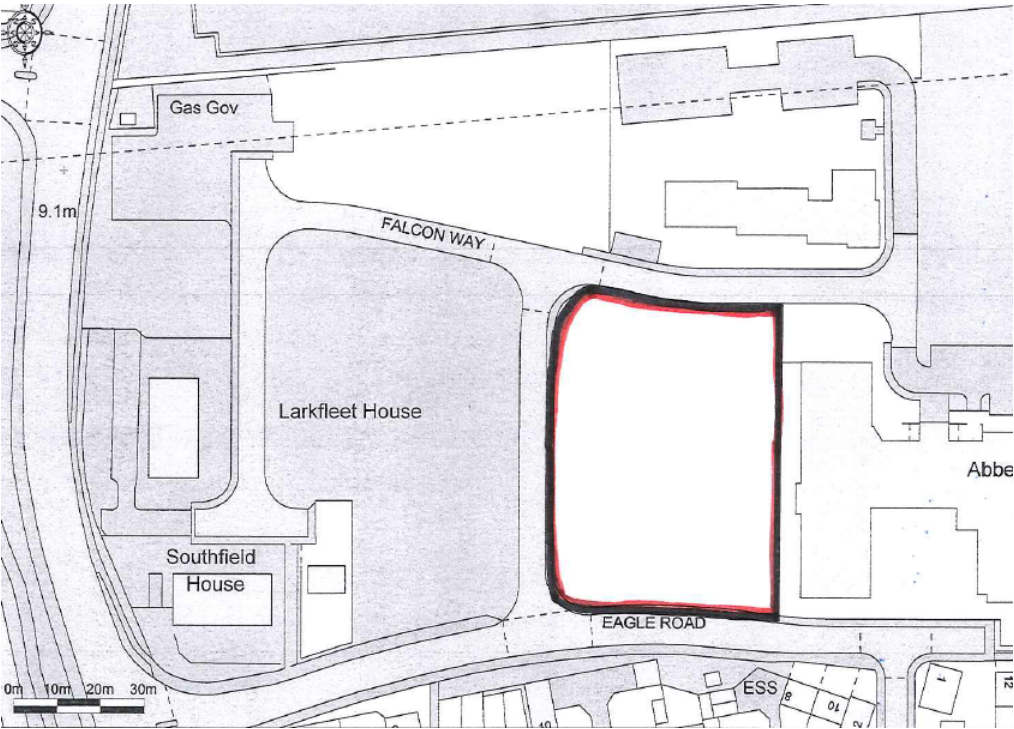
- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 - 187 of the National Planning Policy Framework.
- 2 Environmental Protection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

Site Location Plan



Indicative Layout Plan



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted