

# AGENDA



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

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

to be held on

**TUESDAY, 13 NOVEMBER 2018**

at

**1.00 PM**

in the

**BALLROOM, GUILDHALL ARTS CENTRE, 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 16 OCTOBER 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:** S17/2110  
**Description:** Part demolition of an existing barn and the erection of 6 nos. two storey dwellings with associated access, parking and landscaping  
**Location:** Land to the rear of The Royal Oak, 74 Main Road, Long Bennington, Lincolnshire, NG23 5DJ
- (b) **Application ref:** S18/0937  
**Description:** Reserved matters application for 174 dwellings and associated infrastructure pursuant to SK94/0125/12 Elsea Park - Zone 9  
**Location:** Land east of A151, Raymond Mays Way, Bourne
- (c) **Application ref:** S18/0093  
**Description:** Construction of 49 dwellings, construction of new vehicular access - outline application with the matter of access included for consideration  
**Location:** Land east of Low Road, Barrowby
- (d) **Application ref:** S18/1408  
**Description:** Hybrid planning application (part full and part outline application) for a residential development comprising: full application for demolition of existing farmhouse and conversion of redundant barns to 4 x dwellings, and outline application for 17 x new build dwellings for over 55s including provision of affordable units  
**Location:** Spittlegate Farm, Gorse Lane, Grantham, NG31 7UF
- (e) **Application ref:** S18/0455  
**Description:** Mixed use development comprising: petrol filling station (sui generis) with associated convenience retail unit (A1); drive through coffee shop unit (A3); a builder's merchant with associated yard and store (sui generis); 2 no. A3/A5 units; 1 no. office premises (B1); a replacement dispatch building (B8); access from Trent Road and Harlaxton Road with associated highway works; and associated car parking and landscaping works, including revised car park layout for Grantham Engineering  
**Location:** Land adjacent to Trent Road and Harlaxton Road

## 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 2018/19 meetings are:

<b>Meeting Date</b>	<b>Notification Deadline</b>
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	Thursday 18 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 (questions may be put 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, 16 OCTOBER 2018**



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

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## **COMMITTEE MEMBERS PRESENT**

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 Ian Stokes (Vice-Chairman)  
Councillor Brian Sumner  
Councillor Mrs Brenda Sumner  
Councillor Rosemary Trollope-Bellew  
Councillor Martin Wilkins (Chairman)  
Councillor Paul Wood

## **OFFICERS**

Head of Development Management (Sylvia Bland)  
Principal Planning Officer (Mike Gildersleeves)  
Area Planning Officer (Shelly Delderfield, Abiola Labisi)  
Legal Adviser (Colin Meadowcroft)  
Principal Democracy Officer (Jo Toomey)

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### **30. 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 Trollope-Bellew for Councillor A. Stokes.

### **31. DISCLOSURE OF INTERESTS**

No interests were disclosed.

### **32. MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2018**

The minutes of the meeting held on 18 September 2018 were agreed as a correct record.



### 33. PLANNING MATTERS

(a) **Application ref:** S18/1403

**Description:** Retrospective application to retain gazebo

**Location:** 2 School Lane, Uffington, PE9 4SU

**Decision:**

**To refuse the application contrary to officers' recommendation**

Noting comments made during the public speaking session by:

**Applicant**

Dean Coutts

Together with:

- Comments of the Historic Buildings Advisor
- Comments from Uffington Parish Council
- 1 representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting

During debate on the proposed development, Members considered what would be acceptable within permitted development rights. Discussion also ensued about the Historic Buildings Advisor's comments and the proximity of the site both to a neighbouring listed building and the nearby Conservation Area.

It was proposed and seconded that the application be refused contrary to officers' recommendation because the proposed development was too near to, and therefore harmed the setting of, the neighbouring listed building. The Head of Development Management 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. On being put to the vote, the proposition was carried and the application refused contrary to officers' recommendation.

(b) **Application ref:** S18/0221

**Description:** Change of use of land to racing track including placement of towable caravan and three containers on site

**Location:** Land north of Gelston Road, Hougham, Grantham, Lincolnshire

**Decision:**

**To defer the application**

Noting comments made during the public speaking session by:

<b>Hough on the Hill Parish Council</b>	Councillor Roger Kingscott
<b>Against</b>	Peter Baker
	Liscanne Radice
	John Trigg
<b>Applicant</b>	Peter Fletcher

Together with:

- No objection from Network Rail – Civil Engineering subject to conditions
- Recommendations from SKDC Environmental Protection Services
- An objection from Hough on the Hill Parish Council
- Comments from Hougham Parish Council
- Comments and concerns of Marston Parish Council
- No objection from Lincolnshire County Council Highways and SUDS Support subject to a condition
- 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
- The additional information report issued on 12 October 2018 giving details of a revised Block Plan and officer comment thereon
- Site visit observations
- Comments made by Members at the meeting

During their discussions Members considered the impact of noise on local residents (both of the racing vehicles and any public address system used at events) and how local residents were affected by the current, nearby track, anticipated times and frequency of use, highways safety and access to the site and the activities that would be permissible under permitted development rights. It was also noted that the proposed consent was for a one-year trial period to give the planning authority an opportunity to monitor and assess the impact of the development on local residents.

A proposal was made and seconded that the application be approved for the reasons listed in the case officer's report. A number of Members expressed concern about how any conditions would be effectively enforced. The proposition to approve the application was withdrawn when it was suggested that by deferring the application to enable the submission and assessment of a traffic management plan, an access management plan and a noise management plan, Committee members would have more certainty about what they were considering and how any permission would be managed.

It was proposed, seconded and agreed that the application be deferred for the applicant to submit a traffic management plan, an access management plan and a noise management plan for assessment by SKDC's Environmental Health team and Lincolnshire County Council Highways, with the application

being placed on the agenda for the next available meeting of the Development Management Committee.

Members also asked that, when the application was next brought before the Committee, the report included the number of complaints made about the current site and the action that had been taken by the Council's Environmental Health team.

*15:10 to 15:37 – the meeting adjourned*

**(c) Application ref: S18/1262**

**Description:** Alterations to and conversion of former residents' lounge facility to a 5-bedroom bungalow and construction of a stand alone laundry room

**Location:** Toller Court, Sandygate Close, Horbling, NG34 0PW

**Decision:**

**To grant the application subject to conditions**

Noting:

- No comments from Horbling Parish Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- No comments from the Environment Agency
- No comments from SKDC Environmental Protection Services
- No representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Comments made by Members at the meeting

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. TC 04 (Proposed Layout Plan) received 13/08/2018
  - ii. Drawing No. TC 03 (Proposed Elevations) received 06/07/2018

Unless otherwise required by another condition of this permission.

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

- 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 in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

### **Ongoing Conditions**

- 4 The stand alone laundry block shall have been erected and made available for use prior to the existing laundry facility located within the existing building being closed.

**(d) Application ref:** S18/0937

**Description:** Reserved matters application for 174 dwellings and associated infrastructure pursuant to SK94/0125/12

**Location:** Elsea Park - zone 9, land east of A151, Raymond Mays Way, Bourne

This application was withdrawn from the agenda.

**(e) Application ref:** S17/2384

**Description:** Erection of 6 no. dwellings

**Location:** Former Salvation Army Hall, East Street, Stamford

**Decision:**

**To grant the application subject to conditions**

Noting comments made during the public speaking session by:

**District Councillor**

Councillor Brenda Sumner

Together with:

- No comments received from Anglian Water Services
- No comments received from Lincolnshire Fire and Rescue
- Comments but no objection from SKDC Street Scene
- No objection from Lincolnshire County Council Highways and SUDS Support
- No objection from Heritage Lincolnshire
- No objection from Welland and Deeping Internal Drainage Board
- Comments from SKDC's Environmental Protection Services
- Comments from the SKDC Historic Buildings Advisor
- 3 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
- The additional information report: and officer comment thereon
- Comments made by Members at the meeting

Members commented on the visuals shown during the officer presentation. The Committee considered the situational context of the proposed development and felt that the buff bricks that were listed as the intended material should, on the front elevation, be as close a match as possible to the traditional Stamford yellow brick and agreed that should the application be approved, this should be added to the permission as an informative. It was also suggested that the informative should also refer to the colour of the render on the plans for the middle three units, which Members noted created the impression of a contrast to the yellow brick on the remainder of the elevations.

*16:16 – Councillor Mrs. Kaberry-Brown left the meeting and did not return*

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:

0229 - D&A rev C

0229-A100 rev B

0229-A102

0229-A103 Rev A

0229-A104 Rev A

0229-A105 Rev B

0229-A106 Rev B

0229-A107 Rev B

0229-A108 Rev A

0229-A200 Rev C

0229-A201 Rev A

0229-A301 Rev A

0229-A1021 Rev A

0229-A1022

Unless otherwise required by another condition of this permission.

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

- 3 No works other than site clearance shall take place until written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority.

### **During Building Works**

- 4 Before completion of the first dwelling/unit hereby permitted, a scheme showing an area for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority.
- 5 No development other than groundworks shall take place, until details and samples of all external materials (including brickwork, mortar details, roofing materials, windows and doors, drainpipes and rainwater goods, hard surfacing materials) for use on the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority.
- 6 During the development hereby permitted, the archaeological investigations as may be agreed through the scheme of archaeological investigations shall be completed in accordance with the approved details.
- 7 Before any part of the development hereby permitted is occupied/brought into use, the works to provide an area for the storage of refuse and recycling shall have been completed in accordance with the approved details and shall thereafter be retained for use at all times.
- 8 Before any dwelling/unit hereby permitted is occupied/brought into use, the parking and turning area accompanying each dwelling shall have been constructed and be made available for use, in accordance with the approved details, and shall be retained as such and for no other purpose thereafter.
- 9 Before any part of the development hereby permitted is occupied/brought into use:

The first floor windows in north elevation (as shown as "obscure glass" on drawing A 301 REV C shall be fitted with obscure glazing equivalent to Pilkington level 5, and shall be fixed shut and non-opening below 1.7m from the internal finished floor level within which the window is located; and

Any rooflights located within the north-facing roofslopes shall have no opening parts and internal cill heights of no lower than 1.7m from the internal finished floor level within which the rooflight is located;

The windows and rooflights shall be installed in accordance with these requirements and the approved details and following installation these windows and rooflights they shall thereafter be retained as such at all times.

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

### **Ongoing Conditions**

- 11 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window, rooflight or other openings shall be inserted in any elevation of the property other than those expressly authorised by this permission without Planning Permission first having been granted by the Local Planning Authority.

*Having spoken as Ward Councillor, Councillor Brenda Sumner did not participate in discussion or vote on the application.*

**(f) Application ref: S18/1436**

**Description:** Application for approval of reserved matters (appearance/scale/layout and landscaping) in connection with S17/1615

**Location:** Land at Winters Lane, Long Bennington, NG23 5DW

**Decision:**

**To grant the application subject to conditions**

Noting:

- No comments received from Long Bennington Parish Council
- 2 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

*16:22 - As the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed*

In discussing the application, reference was made to opportunities to incorporate renewable energy within the development. Members agreed that, should the application be approved, an informative should be added to encourage the applicant to consider how renewable energy, specifically the use of photovoltaics, could be incorporated within the development.

The case officer mentioned the inclusion of a further standard landscaping condition requiring the replacement of any trees that died within 5 years.

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:

### **Approved Plans**

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

2939.3  
2939.4  
2939.5  
2939.6  
2939.7  
2938.8  
2939.9 Rev B

Unless otherwise required by another condition of this permission.

### **During Building Works**

- 2 Before any construction work above ground is commenced, details of all hard and 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;
  - iv. hard surfacing materials
  - v. specification of boundary treatments

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

- 3 Before the end of the first planting/seeding season following the occupation of the final unit within the development hereby permitted, all hard and soft landscape works shall have been carried out in accordance with the approved hard and soft landscaping details.



- 4 Before any dwelling/unit hereby permitted is occupied/brought into use, the parking and turning area accompanying each dwelling shall have been constructed in accordance with the approved details and shall be retained as such and for no other purpose thereafter.

### **Ongoing Conditions**

- 5 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be constructed within or on the boundary of the curtilage of the site without Planning Permission first having been granted by the Local Planning Authority.
- 6 The garages hereby permitted within the development shall only be used for purposes incidental to the enjoyment of the dwellinghouse which they serve and shall not be used to provide any form of primary or habitable accommodation, or any trade or business, unless the prior written consent of the Local Planning Authority has been provided.
- 7 No development shall be undertaken or structures placed within the buffer zone and open space (identified in light green on drawing 2939.9 Rev B and running along the western and southern boundaries of the site), and this area shall not at any time be incorporated into the domestic garden of any dwelling hereby permitted. Existing vegetation and trees within this area shall be retained and reinforced in accordance with the principles as established by drawing 2939.9 Rev B and in accordance with other conditions attached to and forming part of this permission.
8. Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, 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.

### **34. CLOSE OF MEETING**

The meeting was closed at 16:24.

# Agenda Item 5

**COMMITTEE: 13th November 2018**

**AGENDA ITEM 5**

	NO	PAGE	PROPOSAL AND LOCATION	REC
AL1	S17/2110	1	Part demolition of an existing barn and the erection of 6 nos. two storey dwellings with associated access, parking and landscaping. Land To The Rear Of The Royal Oak 74 Main Road Long Bennington Lincolnshire NG23 5DJ	AC
PJ1	S18/0937	21	Reserved matters application for 174 dwellings and associated infrastructure pursuant to SK94/0125/12 Elsea Park - Zone 9 Land East of A151, Raymond Mays Ways Bourne	AC
KJC1	S18/0093	34	Construction of 49 dwellings, construction of new vehicular access - Outline application with the matter of access included for consideration. Land East of Low Road Barrowby	AC
PWM1	S18/1408	49	Hybrid planning application (part Full and part Outline application) for a residential development comprising: Full application for demolition of existing farmhouse and conversion of redundant barns to 4x dwellings and Outline application for 17 x further newbuild dwellings for over 55's including provision of affordable units Spittlegate Farm, Gorse Lane Grantham NG31 7UF	AC
MGS1	S18/0455	71	Mixed use development comprising: Petrol Filling Station (Sui Generis) with associated convenience retail unit (A1); drive through coffee shop unit (A3); a Builder's Merchant with associated yard and store (Sui Generis); 2no. A3/A5 units; 1no. office premises (B1); a replacement dispatch building (B8); access from Trent Road and Harlaxton Road with associated highway works; and associated car parking and landscaping works, including revised car park layout for Grantham Engineering. Land Adjacent to Trent Road And Harlaxton Road	AC

# Agenda Item 5a

AL1	S17/2110	Target Decision Date:7th May 2018
		Committee Date:13th November 2018

Applicant	NewRiver Retail Property Unit Trust No. 4 c/o Agent
Agent	Miss Rachel Jones Simply Planning Limited Howbery Business Park Benson Lane Wallingford OX10 8BA
Proposal	Part demolition of an existing barn and the erection of 6 nos. two storey dwellings with associated access, parking and landscaping.
Location	Land To The Rear Of The Royal Oak 74 Main Road Long Bennington Lincolnshire NG23 5DJ
Application Type	Full Planning Permission
Parish(es)	Long Bennington Parish Council
Reason for Referral to Committee	At the request of Cllr Ian Stokes for reasons relating to flooding and overdevelopment
Recommendation	That the application is:- Approved conditionally
Report Author	Abiola Labisi - Area Planning Officer 01476 406080 Ext: 6632 <a href="mailto:a.labisi@southkesteven.gov.uk">a.labisi@southkesteven.gov.uk</a>
Report Reviewed By	Sylvia Bland - Head of Development Management 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 neighbours' amenities.  
Flooding.  
Highway Issues.

## Technical Documents Submitted with the Application

Flood Risk Assessment  
Transport Statement  
Design and Access Statement



## 1.0 Description of proposal

1.1 The proposal relates to the erection of 6 two storey dwellings comprising of four detached dwellings and two semi-detached dwellings. The dwellings would be constructed of a mix of brick and cream render with clay pantile roofs. The development also includes access improvement works and the construction of a tarmac drive which would run through the central part of the site requiring part demolition of an existing storage barn located to the south of the public house.

- Plot 1 would be a two storey 3 bed detached dwelling with a ridge height of approx. 8.5m
- Plot 2 would be a two storey 3 bed semi-detached dwelling with a ridge height of approx. 9m
- Plot 3 would be a two storey 3 bed semi-detached dwelling with a ridge height of approx. 9m
- Plot 4 would be a two storey 3 bed detached dwelling with a ridge height of approx. 8.2m
- Plot 5 would be a two storey 4 bed detached dwelling with integral garage having a ridge height of approx. 8m
- Plot 6 would be a two storey 4 bed detached dwelling with integral garage having a ridge height of approx. 8m

## 2.0 Description of site

2.1 The site is located towards the northern edge of the village and to the rear of Royal Oak public house which is on the eastern side of Main Road. The site is stated to be 0.49 ha in size and in agricultural use. Further east of the site is the River Witham with some modern residential development to the north and to the south of the site. In terms of topography, the site is generally undulating, however, there is no significant change in levels.

2.2 To the south of the site are a number of Listed Buildings fronting onto Main Road and further east of the site is a public footpath. The Village Hall is located across the road from the site.

## 3.0 Relevant History

Reference	Proposal	Decision	Date
S14/3553	Erection of 8 dwellings; alteration to access and works to associated barn	Withdrawn	06/04/2017

## 4.0 Policy Considerations

### 4.1 National Planning Policy Framework (NPPF)

Section 5 - Delivering a sufficient supply of homes  
Section 12 - Achieving well-designed places  
Section 16 - Conserving and enhancing the historic environment  
Long Bennington Neighbourhood Development Plan

### 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

### 4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development

### 4.4 SKDC Corporate Priorities

Support good housing for all

## **5.0 Representations Received**

Parish Council	Parish Council objected to the scheme on grounds relating to surface and foul water drainage, access through a car park, loss of open space and non-compliance with Neighbourhood Plan policies.
Environment Agency	No objection.
Environmental Protection Services (SKDC)	No objection subject to conditions relating to mitigation of contamination and noise.
Historic Buildings Advisor (SKDC)	No objection subject to conditions relating to conditions relating to photographic recording of the barn to be partly demolished and submission of samples of materials for written approval.

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

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

1. Impact on the character of the area
2. Highway safety issues
3. Flooding.
4. Impact on wildlife due to removal of trees and hedgerows
5. Impact on neighbours' amenities.
6. Lack of community facilities to support the development
7. Loss of open space
8. Development contrary to local plan policies.
9. Inaccurate information within planning application documents.

## **7.0 Evaluation**

### **7.1 Background**

- 7.1.1 An application for the erection of 8no. dwellings on the site was made under planning ref. S14/3553. Whilst the Planning Authority had no objection in principle to residential development on the site, the proposal would however extend the village's built form into the countryside due to the scale and number of units proposed. The application generated a significant volume of objections from neighbours mainly because of its impact on the character of the area.
- 7.1.2 This concern was discussed with the applicant and in order to clarify the acceptable eastward extent of any development on the site, the Planning Authority issued a Position Statement setting out what would be acceptable in terms of built form and surface water drainage.
- 7.1.3 The Position Statement provides that the preferred surface water drainage scheme would be one that directs surface water into River Witham while built form should not extend any further east than the dwellings sited north and south of the site.
- 7.1.4 The applicant subsequently withdrew the application to enable them consider and revise the scheme taking into account issues raised within the Position Statement.

7.1.5 Following the withdrawal, the current application was submitted, originally for 7 dwellings. However, the Planning Authority considered that the scheme would extend beyond the boundary indicated within the Position Statement and applicant was advised to revise the scheme to comply with the provisions of the Position Statement. The revised scheme (which is what is now before the Committee) included a reduction in the number of units proposed from 7 to 6 and also, ensuring that built form does not extend beyond that of the adjoining property to the north as well as to the south of the site. In addition, the indicative surface water drainage strategy shows that surface water would discharge into River Witham as recommended in the Position Statement.

## 7.2 Principle of Development

7.2.1 Core Strategy Policy SP1 (Spatial Strategy) sets out a framework guiding the location of development within the District and provides that the majority of all new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. In relation to development within Local Service Centres, the policy provides that:

*'In the settlements identified as Local Service Centres, preference will be given to brownfield sites within the built-up part of settlements [which do not compromise the nature and character of the village] and sites allocated in the Site Specific Allocations and Policies DPD.'*

7.2.2 Core Strategy Policy H1 (Housing Development) provides that any additional housing growth within the District should include planning for a modest level of development within the more sustainable villages identified as Local Service Centres to enable them to continue to function as sustainable local centres.

7.2.3 Further on housing development, the Site Allocation and Policies - Development Plan Document Policy SAPH1 (Other Housing Development) states that:

*'In accordance with Policy SP1 of the Core Strategy new housing development will also be provided in Bourne, Stamford, Market Deeping, Deeping St James and the 16 Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built up parts of these settlements.'*

7.2.4 In relation to housing development, Policy LB1 (New Housing Development) of the Long Bennington Neighbourhood Plan provides that:

7.2.5 All new planning applications being considered in Long Bennington should take into account the following: i. The impact of the development on the form, character and setting of the settlement and on the community and the local environment; ii. The availability of suitable drainage/ utility services taking into account the unsuitability of current "combined" drainage systems currently prevalent in the village; iii. Appropriate access to and from the development; and iv. The existing pattern of development and the need to restrict further linear development which would have the effect of extending the village boundaries.

7.2.6 Further in relation to housing development, para 59 of the National Planning Policy Framework provides that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. In relation to the significance of small sized sites in contributing towards housing supply, para 68 of the NPPF provides that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

7.2.7 Long Bennington is identified as a Local Service Centre within the Core Strategy and the site is within the built up part of the village. Core Strategy Policy SP1 allows new modest development within the Local Service Centres whilst Policy H1 and SAP DPD Policy SAPH1 allow modest residential development of infill sites in the Local Service Centres. The proposal is in accordance with the above referenced policies.

- 7.2.8 Furthermore, in accordance with the Government's aim relating to housing, the development would boost housing supply within the village and would enhance the village's role as a Local Service Centre. The site is relatively small and is therefore likely to be built out relatively quickly.
- 7.2.9 It is considered that the proposed development is acceptable in principle subject to the detailed considerations set out within the remainder of the report.
- 7.3 Impact of the use on the character of the area
- 7.3.1 Section 12 of the National Planning Policy Framework and Core Strategy Policy EN1 promote good design and require that developments are sympathetic and appropriate to local character and contribute to the conservation, enhancement or restoration of the character of the area within which the development is situated. These policies set out considerations against which proposals should be assessed and these include impact on historic character, patterns and attributes of the landscape as well as the layout and scale of buildings and designed spaces.
- 7.3.2 Further on impact of development on the character of an area, the Site Allocation and Policies Development Plan Document Policy SAPH1 (Other housing development) provides that small scale housing development in Local Service Centres should be assessed against impact on the nature and character of the settlement, amongst other criteria.
- 7.3.3 Similarly, Long Bennington Neighbourhood Plan Policy LB1 requires that assessment of development proposals in the village take into account impact of the development on the form, character and setting of the settlement as well as the existing pattern of development and the need to restrict further linear development within the village.
- 7.3.4 In relation to form and character as well as existing pattern of development, it is noted that the immediate area is characterized by some backland development. However, to the east of these backland developments is open countryside which stretches as far as River Witham and beyond.
- 7.3.5 Furthermore, para 127 of the NPPF, Core Strategy Policy EN1 and Policy LB2 of the Long Bennington Neighbourhood Plan require that development be assessed in relation to its visual impact.
- 7.3.6 In relation to design, it is noted that the immediate area is characterized by predominantly detached dwellings most of which are two storey in height, of various designs and constructed of brick.
- 7.3.7 It is considered that the proposed development would be in keeping with the character of the area and existing pattern of development in that the development would not extend beyond the existing built up part of the village into the countryside. The scheme as submitted originally was for seven dwellings with built form extending eastward beyond that set by adjoining development to the north and south of the site.
- 7.3.8 In order to ensure that the development does not impact adversely on the rural and countryside character of the adjoining lands to the east, the Planning Authority requested that the development be scaled back such that the built form does not extend beyond that of neighbouring developments.
- 7.3.9 The proposed backland development as revised would be in keeping with the pattern of development to the north and south of the site, would therefore conserve the character of the area and would help to reduce linear development within the village. In relation to the cluster of Listed Buildings to the south of the site, it is considered that having regard to the separation distance between the proposed development and the Listed Buildings, as well as the scale of the development, the proposal would not lead to any harm to the significance of the heritage assets. Importantly, the Conservation Officer had assessed the proposal and raised no objection to the scheme.



- 7.3.10 The proposal includes part demolition of a non designated heritage asset and para 197 of the NPPF requires that a balanced judgement be made regarding the scale of any harm or loss and the significance of the heritage asset. In this instance, it is noted that the section of the building to be demolished to facilitate access to the proposed residential development is not very visible as it is screened by a dilapidated timber building which detracts from the character of the building. It is considered that the public benefit that would result from the demolition would outweigh any harm to the significance of the building.
- 7.3.11 In relation to visual impact, the scale and massing of the proposed dwellings would be similar to those of existing dwellings in the immediate area while the materials would equally match those of existing properties. In addition, the ridge height of the proposed dwellings would not be dissimilar to those of neighbouring properties. As a result, it is considered that the development would not detract significantly from the area's visual amenity. Furthermore, the development would not lead to any significant adverse impact on street scene due to the backland location of the site.
- 7.3.12 The proposed development would therefore be in accordance with relevant provisions of Section 12 of the NPPF, Core Strategy Policy EN1, SAP DPD Policy SAPH1 and Policies LB1 and LB2 of the Long Bennington Neighbourhood Plan.
- 7.4 Impact on the neighbouring properties
- 7.4.1 Para 127 of the NPPF, Core Strategy Policy EN1, SAP DPD Policy SAPH1 and Policy LB2 of the Long Bennington Neighbourhood Plan all set out criteria that should be considered in assessing impact of development on the amenity of occupiers of neighbouring properties and these include ensuring that development provides a high standard of amenity for existing and future users as well as development not having a detrimental impact upon the quality of life of adjacent residents and properties.
- 7.4.2 Having regard to the separation distance between the various units and neighbouring properties, as well as the scale and massing of each of the proposed dwelling, it is considered that the development would not lead to any significant overbearing or overshadowing impacts on occupiers of neighbouring properties.
- 7.4.3 Whilst Plots 5 and 6 would have upper level rear elevation windows, these windows would be approx 20m from the opposing rear windows of the adjoining properties at Orchard Park to the north. Similarly, the rear facing upper level windows on Plot 3 would be at least 21m from the opposing upper level windows on the adjoining property to the west at 72, Main Road. Having regard to these separation distances, it is considered that the development would not lead to any significant overlooking impact.
- 7.4.4 Plot 4 would project beyond the side wall of the adjoining dwelling to the south but would have no upper level window facing south and as such, would not lead to any significant adverse overlooking impact on the occupiers of the property at 15, Sparrow Lane to the south. In addition, there would be a separation distance of approx 11m between Plot 4 and the adjoining dwelling to the south and this separation would minimise any overbearing or overshadowing impacts.
- 7.4.5 The separation distance between the rear garden of Plot 3 and the adjoining property to the south at 70, Main Road, coupled with the retention of the existing hedge and planting of additional hedge along the boundary would minimise any potential overlooking of Plot 3.
- 7.4.6 It is noted that one of the proposed dwellings (Plot 6) would adjoin the public house's beer garden and the Environmental Protection Unit has recommended that a noise assessment be undertaken. However, it is not unusual to have beer gardens adjacent domestic gardens and accordingly, it is not considered that the beer garden would detract significantly from the amenity of the future occupiers of the development. It should be noted that some new dwellings to the north of the site directly adjoin the beer garden.

7.4.7 The proposal includes the provision of adequate private amenity areas for the dwellings. Having regard to the scale and design, it is therefore considered that the development would provide a high standard of amenity for existing and future users and would not have a detrimental impact upon the quality of life of adjacent residents and properties. The development would thus be in accordance with relevant provisions of para 127 of the NPPF, Core Strategy Policy EN1, SAD DPD Policy SAPH1 and Policy LB2 of the Long Bennington Neighbourhood Plan.

## 7.5 Highway issues

7.5.1 Para 108 of the NPPF requires that development should ensure safe and suitable access to the site can be achieved for all users while Neighbourhood Plan Policy LB1 requires in part that development includes appropriate access to and from the development;

7.5.2 The proposal includes adequate parking and turning facilities as well as access improvement works. The access improvement works would facilitate adequate visibility to ensure safe access and exit from the site. As such, it is considered that the development would not lead to any severe detrimental highway issues and importantly, the Highway Authority has raised no objection to the proposal.

7.5.3 It is noted that concerns have been raised in relation to the access drive running through a public house car parking area. It is however not considered that this would in itself lead to any severe impact on safety taking into account the scale of the proposal.

## 7.6 **Other Matters**

### 7.6.1 Flooding

7.6.2 Para 163 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere as a result of a development and where appropriate, applications should be supported by a site-specific flood-risk assessment. This requirement is reiterated within Long Bennington Neighbourhood Plan Policy LB9. In addition, Long Bennington Neighbourhood Plan Policy LB1 requires in part that planning applications take into account the unsuitability of current combined drainage systems in the village.

7.6.3 The site is a greenfield site and there are records that the area is susceptible to surface water flooding. The proposed development would increase the impermeable surfaces within the site and would therefore increase surface water runoff.

7.6.4 Accordingly, a Flood Risk Assessment has been submitted with the application. It provides that the site lies within an area designated by the Environment Agency as Zone 1 which is assessed as having less than 1 in 1000 annual probability of river flooding in any year. Accordingly, the preferred surface water management for this subject site is to utilise the existing surface water open ditches, located at the southern boundary and running easterly along the neighbouring land with the final discharge in to the River Witham.

7.6.5 An indicative foul and surface water drainage scheme has been submitted and assessed by the Environment Agency and the Local Lead Flood Authority who have raised no objection to the proposed scheme.

7.6.6 Following receipt of the Lead Flood Authority's comments on the application, some local residents raised concerns relating to the suitability of the proposed scheme and the Planning Authority accordingly requested the Lead Flood Authority to review their assessment of the scheme. They confirmed that the proposed scheme would mitigate any potential flooding issues as a result of the development.

- 7.6.7 As the proposed drainage scheme is acceptable in principle but the details are indicative at this stage, it is considered appropriate to attach a condition to any grant of permission requiring submission of a detailed scheme relating to surface water disposal to ensure that the development would not lead to the flooding of the site or neighbouring properties.
- 7.7 Issues relating to village boundary
- 7.7.1 Some residents have raised issues relating to non-compliance of the proposal with the Council's Position Statement in respect of the extent of built form within the village. The applicant has revised the scheme to ensure that the built form towards the east does not project beyond that of the existing development to the north as well as that to the south of the site.
- 7.7.2 Having regard to the countryside character of the adjoining land to the east of the site, it is considered that in order to protect the character of the area, it is appropriate in this instance to remove permitted development rights relating to erection of structures beyond the eastern elevations of Plots 4 and 5. This would be consistent with the approach that was adopted by the Planning Authority in respect of the adjoining development to the south of the site (planning ref. S05/1503).
- 7.7.3 Further in relation to the village's boundary, it is considered important to point out that the Inspector under appeal refs. APP/E2530/W/16/3165121 and APP/E2530/W/17/3167830 identified the village's boundary to be defined by the existing extent of built form directly south of the site and dismissed both appeals as the proposals would extend built form beyond 15 Sparrow Lane, into the countryside. The current application would not extend built form beyond the boundary identified by the Inspector in the above referenced appeals and would be consistent with the Council's Position Statement in respect of the extent of the village's built form.
- 7.8 Response to issues raised in letters of objection
- 7.8.1 Issues relating to impact on the character of the area, highway safety, flooding and impact on neighbours' amenities raised by objectors have been addressed in the report. The site is predominantly grassland and the quantity of trees/hedgerows to be removed as a result of the development is not considered to be likely to lead to any significant adverse impact on wildlife. Importantly, the applicant has agreed to retain and provide additional planting along the southern site boundary and has confirmed that they would be happy for a condition requiring additional planting to be attached to any grant of permission. In any case, a note should be attached to any grant of permission advising the applicant of the relevant provisions of the Wildlife & Countryside Act 1981 and that harm to protected species is an offence under the Act.
- 7.8.2 Having regard to its scale, it is not considered that the proposal would lead to unacceptable pressure on existing community facilities. Relevant Local Plan policies support small scale housing development in sustainable villages to enable them to continue to function as sustainable local service centres and as such, it is considered that the proposal would enhance the village's sustainability.
- 7.8.3 Notwithstanding any activities that may have taken place on the site in the past, it is noted that the site is not a designated public open space and therefore, its development should not be seen as leading to the loss of a community facility.
- 7.8.4 In relation to information provided within the planning application documents, the errors pointed out by local residents are not considered to be material in nature. There is enough detail to enable an understanding of the proposal and to enable the Planning Authority assess the proposal appropriately.
- 8.0 Section 106 Heads of Terms**
- 8.1 Having regard to the scale of the development as well as the site area, there would be no requirement for affordable housing in this instance.

## **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**

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.

## **10.0 Conclusion**

10.1 Having regard to the scale, design and materials of the proposal, as well as the pattern of development in the area, it is considered that the development would not lead to any significant adverse impact on the character of the area and would not lead to any significant adverse impact on the amenities of occupiers of neighbouring properties. In addition, it is considered that the proposal would not lead to any significant flooding issues on the site and on neighbouring lands. The proposal would therefore be in accordance with relevant provisions of Core Strategy Policies EN1, SP1, H1, SAPH1, Long Bennington Neighbourhood Plan Policies LB1 and LB2 as well as relevant provisions Section 12 of the NPPF.

10.2 Accordingly, it is recommended that permission be granted, subject to conditions.

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

**Time Limit for Commencement**

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

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

**Approved Plans**

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

- i. Drawing No. 0301 Rev 2 (Proposed Site Plan) received 17/08/2018
- ii. Drawing No. 0307 Rev 01 (Proposed Street Scenes) received 17/08/2018
- iii. Drawing No. 0302 Rev 01 (House Type A - Floor Plans and Elevations) received 17/08/2018
- iv. Drawing No. P103 Rev A (House Type B - Floor Plans and Elevations) received 30/10/2017
- v. Drawing No. P104 Rev A (House Type C - Floor Plans and Elevations) received 30/10/2017
- vi. Drawing No. P104/2 Rev A (House Type C Handed - Floor Plans and Elevations) received 30/10/2017
- vii. Drawing No. 0305 (House Type D - Floor Plans and Elevations) received 09/08/2018
- viii. Drawing No. P109 (Proposed Barn Elevations) received 30/10/2017

Unless otherwise required by another condition of this permission.

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

**Before the Development is Commenced**

- 3 Before the development hereby permitted is commenced and notwithstanding details already provided, 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 facilities for treatment of foul and surface water, in accordance with Core Strategy Policy EN1.

- 4 Before the development hereby approved is commenced a photographic recording must be undertaken showing the external elevations and internal layout of barn to be part demolished. Copies of the photographs and information relating to the building shall be submitted to the Local Planning Authority for written approval. Following the approval, copies of the photographs shall be forwarded to Heritage Lincolnshire and the Historic Environment Record (Lincolnshire County Council) for their record.

Reason: To ensure that any loss of fabric is accurately recorded in accordance with para 199 of the National Planning Policy Framework (2018)

- 5 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 or 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).

- 6 Before the development hereby permitted is commenced, a scheme relating to the survey of the land for contamination shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. A desk top study documenting all the previous and existing land uses of the site and adjacent land;
  2. 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
  3. 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.
  4. 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)

### **During Building Works**

- 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).

- 8 Before any construction work above ground is commenced, details of soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
1. plans showing additional planting along the southern site boundary
  2. planting plans;
  3. written specifications (including cultivation and other operations associated with plant and grass establishment);
  4. 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).

- 9 Before any of the works on the external elevations of 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).

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

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

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

- 11 Before any part of the development hereby permitted is occupied/brought into use, 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 facilities for the treatment of foul and surface water, in accordance with Core Strategy Policy EN1.

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

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

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

1. A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
2. As built drawings of the implemented scheme;
3. Photographs of the remediation works in progress; and
4. 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)

## **Ongoing Conditions**

- 14 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement to the property other than those expressly authorised by this permission shall be carried out on the east elevation of Plots 4 and 5 without Planning Permission first having been granted by the Local Planning Authority.

Reason: in order to protect the open countryside character of the area in accordance with Core Strategy Policy EN1.

- 15 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed to the east of the dwellings on Plots 4 and 5 without Planning Permission first having been granted by the Local Planning Authority.

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

- 16 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, 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 landscaping proposal and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 17 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).

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

- 1 You are hereby advised that under the terms of the Environmental Permitting Regulations 2016, a permit or exemption may be required for any proposed works or structures, in, under, over or within eight metres of the top of the bank of River Witham which is designated as a 'main river'. In this regard you are advised to contact the Partnership and Strategic Overview Team of the Environment Agency (email [psolincs@environment-agency.gov.uk](mailto:psolincs@environment-agency.gov.uk)) to discuss your proposal.
- 2 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.
- 3 This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
- 4 The Countryside Service Unit of Lincolnshire County Council has advised that:
  1. It is expected that there will be no encroachment, either permanent or temporary, onto the rights of way as a result of the proposal.
  2. The construction should not pose any dangers or inconvenience to the public using the rights of way.
  3. If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.

If there is any doubt that any of the above conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please contact Mr Andy Savage of the Countryside Service, Environmental Services Department, Lincolnshire County Council on Tel (01522) 782070 at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders.

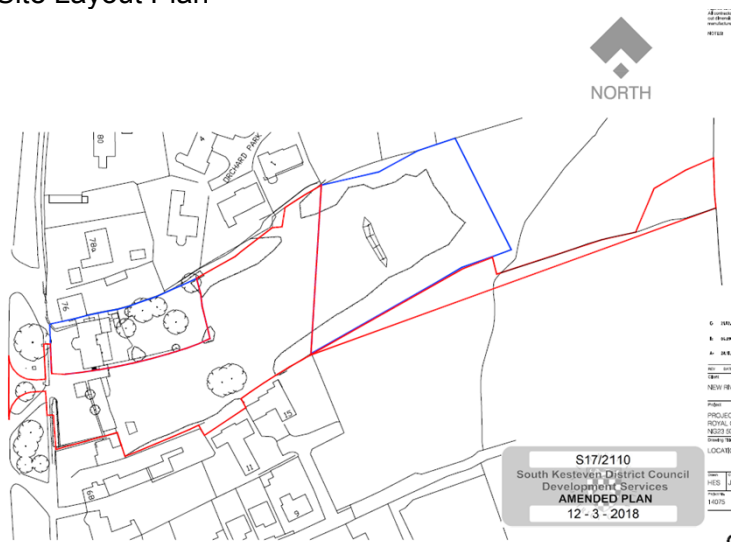
- 5 Please note that this grant of planning permission does not override any civil legal matters relating to the Party Wall Act or legal covenants, issues on which you should seek independent legal advice.
- 6 All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will



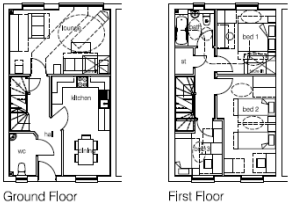
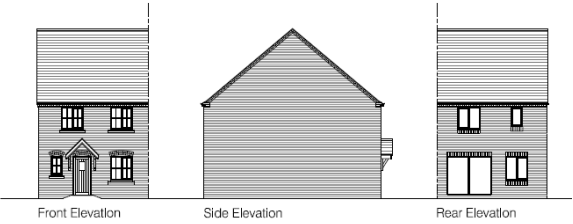
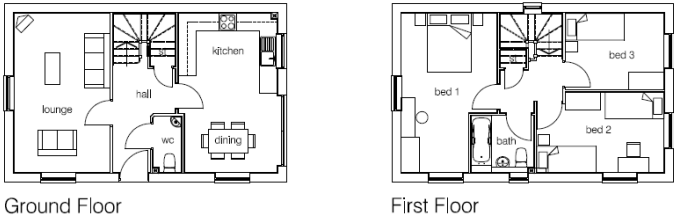
pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

- 7 The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

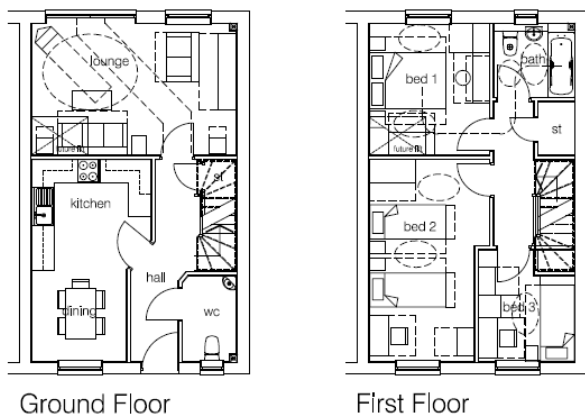
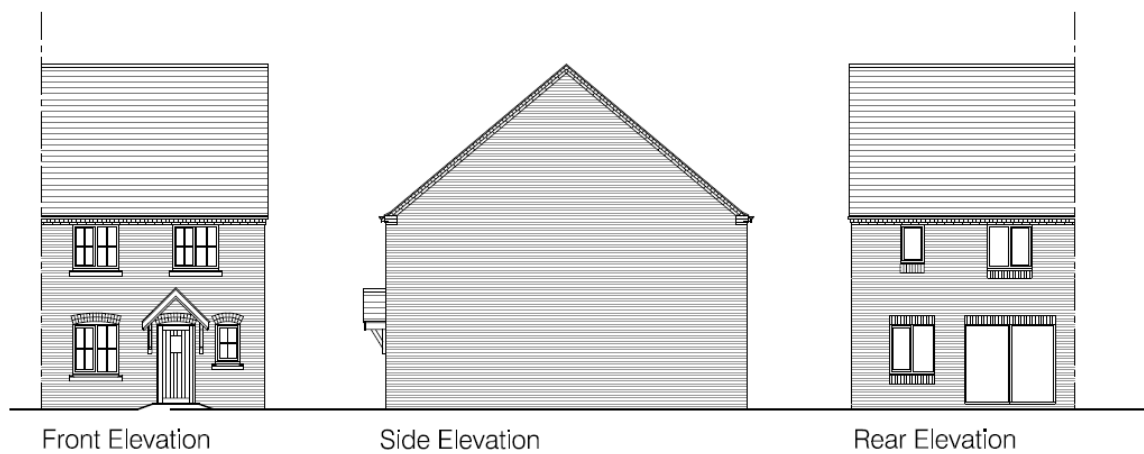
## Site Layout Plan



Plot 1



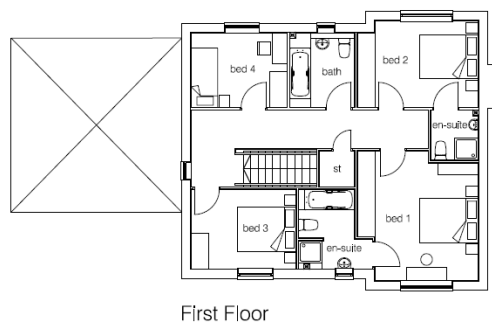
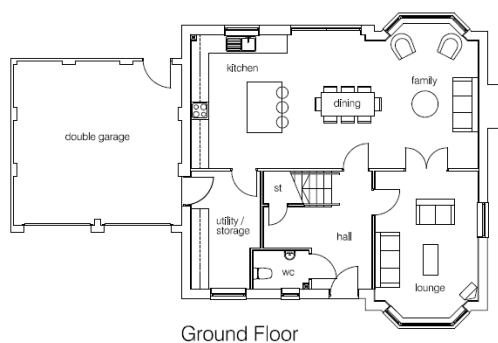
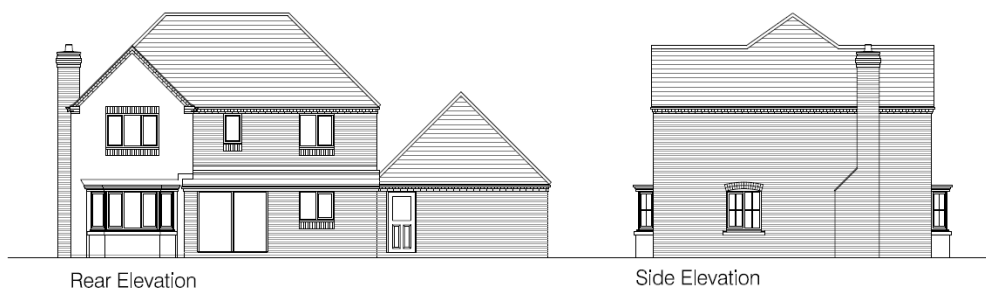
## Plots 2 and 3 – Handed



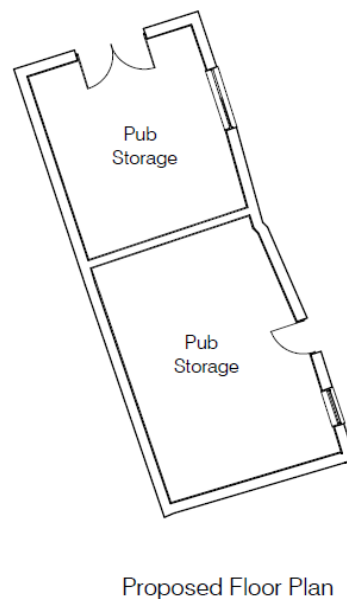
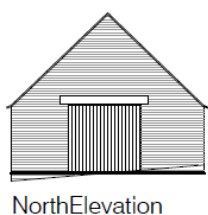
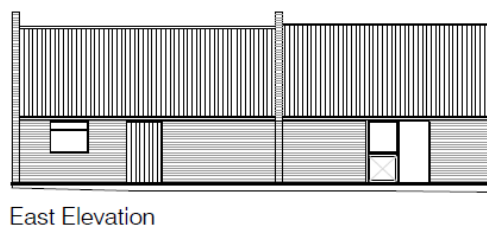
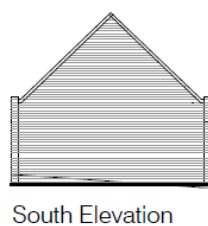
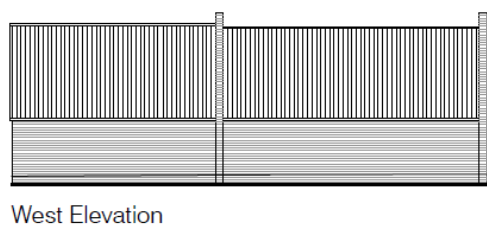
## Plot 4



## Plots 5 and 6



## Storage Barn





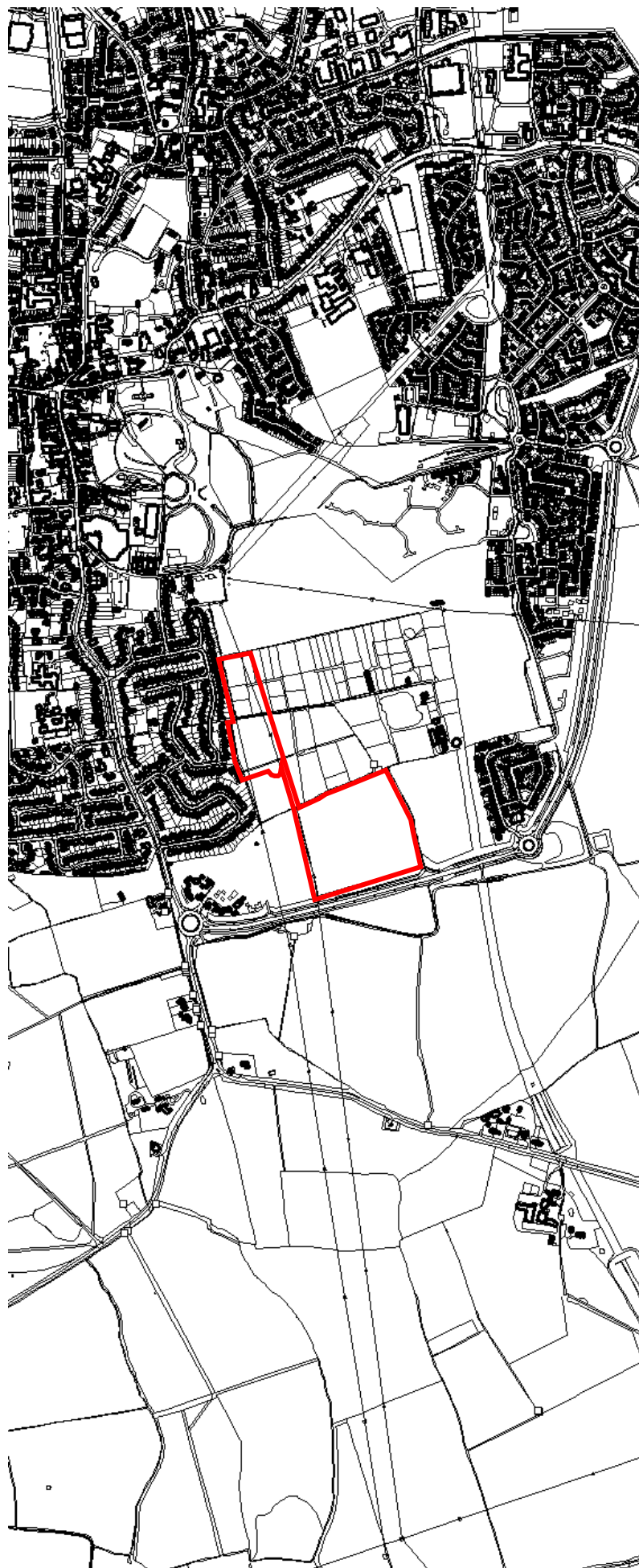
# Agenda Item 5b

PJ1	S18/0937	Target Decision Date:20th August 2018
		Committee Date:13th November 2018

Applicant	Mr K Bendall Taylor Wimpey (UK) Limited Unit 2 The Osiers Business Park Laversall Way Leicester
Agent	Ms Caroline Chave Chave Planning Enterprise Centre Bridge Street Derby DE1 3LD
Proposal	Reserved matters application for 174 dwellings and associated infrastructure pursuant to SK94/0125/12
Location	Elsea Park - Zone 9 Land East Of A151, Raymond Mays Ways Bourne
Application Type	Reserved Matters (Major)
Parish(es)	Bourne Town Council
Reason for Referral to Committee	Head of DM considers application ought to be determined by Committee as outline approved by Committee
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Jordan - Development Management Planner 01476 406080 Ext: 6074 p.jordan@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

## Key Issues

Principle of development  
Impact on the character of the area  
Impact on residential amenity  
Highway Safety



## Key



**Application  
Boundary**



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## **1.0 Description of site and application**

- 1.1 This is a reserved matters application for 174 dwellings and associated infrastructure on Zone 9 pursuant to Outline Planning Permission SK94/0125/12.
- 1.2 Application SK94/0125/12 was an outline approval for residential and associated development, link road, estate roads, open space and landscaping.
- 1.3 The existing site is currently an undeveloped, greenfield 6.3ha parcel of land to the north-west area of the Elsea Park estate. To the north of the site is Zone 10, which is partially constructed and includes a yet to be built area shown as employment land on the approved masterplan. The western boundary of the site is formed by shrubs beyond which is the A151 Raymond Mays Way. The southern boundary is defined by a ditch and existing hedgerow, beyond which is land to be developed for a synthetic sports pitch and further residential properties. To the east of the site there is a ditch and hedgerow and further undeveloped land which will form Zone 8.
- 1.4 The development proposes a mixture of mostly two storey dwellings but with some strategically positioned 2.5 storey dwellings in line with the existing character of Elsea Park.
- 1.5 The site would be accessed from the north-east of the site which allows vehicular connections to the wider Elsea Park estate. A linear open space is proposed to run from north to south along the eastern side of the development. The open space includes landscaping, play equipment and totals 7,991 sqm. The application also includes details of two ponds to the north-east of Zone 9 for surface water attenuation which includes provision of a further footpath/ cycleway that runs north-south as shown on the approved masterplan.
- 1.6 It is noted that the application has been amended to add a footpath/ cycleway through the open space which would connect the development to the future employment land to the north and recreational facilities to the south in accordance with the approved masterplan. The layout of the dwellings at the gateway into the site has also been redesigned to improve the visual appearance of this part of the development.
- 1.7 Further information has been provided in relation the ponds, including landscaping details, sectional details of the ponds and arboricultural and ecological surveys.

## **2.0 Relevant History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SK.94/0125	Residential and associated development, link road, estate roads, open space and landscaping	Approved Conditionally	04/06/2001

## **3.0 Policy Considerations**

- 3.1 National Planning Policy Framework (NPPF)**  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment
- 3.2 South Kesteven District Council Core Strategy**  
Policy EN1 - Protection and Enhancement  
Policy H1 - Residential Development  
Policy SP1 - Spatial Strategy
- 3.3 Site Allocation and Policies Development Plan Document**  
Policy SAP4 - Business development in countryside

#### 4.0 Representations Received

Environment Agency	No comment.
Cadent Gas Limited	No objection.
Affordable Housing Officer (SKDC)	Confirms that the affordable housing requirements have now been met with regards to their location, size and tenure contained within this application.
Welland & Deeping Internal Drainage Board	<p>The site falls within our extended area. Any watercourses that are going to be altered as part of the works require an application to be made to the Board in advance.</p> <p>These are subject to the Board's approval, the agreement of technical details and the written consent from the Riparian landowner(s).</p>
Natural England	No comments.
Street Scene (SKDC)	Bin collection points acceptable - but this needs to be communicated to future property occupiers.
Elsa Park Community Trust	Concerns raised in relation to: <ul style="list-style-type: none"><li>- footpath/ cycleway connectivity</li><li>- play area not as per approved plans, but natural play features with open space could be suitable compensation</li><li>- need to ensure appropriate access for all properties</li></ul>
Parish Council	Objections due to the point of access, as there is only one entrance/exit to the estate. Concerns with fire safety, and wish to see if the Fire Service are satisfied with the fire precautions.
Parish Council	Requested that S106 contributions could be made to improving highway safety in village.
LCC Highways & SuDS Support	Highway and drainage details acceptable.

#### 5.0 Representations as a Result of Publicity

5.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 8 Letters of representation have been received. The points raised can be summarised as follows:

1. Noise
2. Loss of privacy/ overlooking from banks/ bunding around the ponds
3. Health and safety concerns
4. Proximity of ponds to Harvey Close
5. Responsibility for the watercourse that the ponds discharge into and whether consent to discharge is required
6. The amount of water in the ponds
7. Maintenance responsibility
8. Impact on ecology
9. Risk of flooding
10. Impact on trees

11. Potential for standing water to stagnate

12. Need for appropriate landscaping

## 6.0 Evaluation

### 6.1 Principle of development

6.1.1 The principle of development for this site has been previously established through outline planning permission SK94/0125/12. Development of the Elsea Park estate is guided by an overarching masterplan that divides the site into 10 zones. This is a reserved matters application seeking approval of access, appearance, landscaping, layout and scale for Zone 9 and the associated surface water attenuation ponds to the north-east of the site. The provision of open space, general road layout and access points conform to the approved masterplan which formed part of the Section 106 Agreement and decision notice for the outline permission.

### 6.2 Impact on the character and appearance of the area

6.2.1 The residential development for Zone 9 proposes the following number of each house type:

House type	Beds	Storeys	Number
Detached	5	2.5	2
Detached	5	2.5	4
Detached	4	2	21
Detached	4	2	24
Semi	4	2	17
Terrace	3	2.5	39
Terrace	3	2	52
Terrace	4	2	3
Terrace	3	2	9
Terrace	2	2	3

Total = 174

6.2.2 The development is mostly 2 storey dwellings with some 2.5 storey terraces and detached dwellings which are distributed around the site to provide a contrasting roofscape and varied streetscene with some providing focal points adjacent to access roads and open spaces. The proposed materials include a mix of red and buff brick for external walls and concrete slate and terracotta pantiles. The house types, density and layout are considered appropriate for the context within a major sustainable urban extension and are similar to the designs used in other zones within Elsea Park.

6.2.3 The interface between the principal street scene and the linear open space has been designed so that the dwellings running along this boundary are front facing or have additional fenestration to the side elevation to provide an interesting streetscape. There is good vehicular connectivity with the existing planned development to the north of the site and the footpath and cycleway that runs from north to south through the open space provides further connectivity to the planned employment land and recreational facilities.

6.2.4 Landscaping details for the area of land to the north-east of the site that includes the surface water ponds has been provided which show most of the existing trees and hedgerows to be maintained, as well as additional planting of trees, vegetation and wildflower grass. This will ensure that this part of the development site is an attractive area of informal open space.

6.2.5 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the existing estate dwellings, streetscene and surrounding context in accordance with Core Strategy Policy EN1 the NPPF Section 12.

### 6.3 Open space

- 6.3.1 The residential part of the development would include two large areas of open space - 1,458 sqm along the northern boundary and 6,532 sqm along the eastern boundary. This provides a total of 7,991 sqm (1.97 acres) within the zone. The play equipment is located within the linear open space on the eastern boundary and has been designed to provide suitable buffer distances to the residential properties and is within the 480m access standard set by SAP DPD Policy SAP 10.
- 6.3.2 The area of the site where the ponds are sited would be landscaped in such a way that it would function as an area of informal open space, as envisaged by the original masterplan, as well as carrying out the function of attenuating surface water that was agreed by the most recently approved drainage strategy.

### 6.4 Highway issues

- 6.4.1 It is noted that Bourne Town Council have raised concern regarding connectivity and that the development parcel is only served by one principal access road. Whilst further vehicular connectivity could be of benefit to the site, the principal road layout and connections is in accordance with the approved masterplan and road layout and is therefore not a valid reason to refuse planning permission in accordance with para 130 of the NPPF.
- 6.4.2 The open space along the eastern boundary includes a pedestrian/ cycleway and some play equipment in accordance with the approved masterplan. The area of the site where the ponds are sited includes a north-south pedestrian/ cycleway that would connect this area to Harvey Close. This is also in accordance with the previously approved details on the masterplan. That plan did show an east-west pedestrian/ cycleway through this part of the site, however, the inclusion of the ponds make this impractical. Discussion with the Highway Authority suggested that the agreed road that will run east-west through zone 8 would be an appropriate part of the wider development to ensure that this east-west pedestrian/ cycleway is included.
- 6.4.3 A request has been made by Langtoft Parish Council that the development makes S106 contributions to highway improvements in that village. However, this is a reserved matters application and all obligations to mitigate the impacts of the overall development on the highway network were agreed through the outline permission SK94/0125/12.
- 6.4.4 The local highway authority has been consulted and raised no objection, subject to conditions, to the proposed development. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

### 6.5 Attenuation ponds and flood risk

- 6.5.1 Various concerns have been raised regarding the surface water attenuation ponds and the potential for an increased risk of flooding. The surface water attenuation ponds have been designed to conform with the previously approved drainage strategy for the wider Elsea Park site that was developed with the Environment Agency.
- 6.5.2 As part of that strategy it was agreed that zone 9 would discharge into the existing field drainage system, which currently runs throughout the site at the equivalent greenfield run-off rate. Surface water would be attenuated by a series of ponds located to the north of the site. which are shown on the location plan as ponds A, B and C.

- 6.5.3 Pond A which does not form part of this application and is already in situ is used solely for attenuating flows from zones 10a and 10b and has its own discharge point to the existing ditch which runs along the northern boundary. Pond B would take flows from zone 9 and part of zone 8 and will have a restricted discharge rate of 16.7 litres/second into Pond C, which takes the rest of zone 8s surface water and finally discharges into the existing ditch network at a controlled rate of 34.5 litres/second. These discharge rates are equivalent to the existing greenfield run-off rate and have been approved by the Local Lead Flood Authority (Lincolnshire County Council). Therefore, the development would not increase the existing flow in the watercourse and would not result in any increased flood risk.
- 6.5.4 All three ponds will have permanent water up to a depth of 1.0m and have been designed to accommodate the storage requirements for a 1 in 100 year storm event with a 30% climate change allowance.
- 6.5.5 The legal rights to discharge into the watercourse has been raised as a concern. Whilst this is not a material planning consideration, the applicant has submitted information to demonstrate that they have ownership rights at the proposed discharge points and it is understood that as the flow to the watercourse would not increase, consent from any other owners would not be required.
- 6.6 Impact on the neighbours' residential amenities
- 6.6.1 Various concerns have been raised regarding the potential for the ponds to have a detrimental impact on the residents of Harvey Close. Landscaping and sectional details of the ponds have been submitted which demonstrate that this area would not result in an unacceptable loss of privacy/ overlooking to the rear gardens of those properties. The potential for water in the ponds to stagnate was also raised as a concern, however, they have been designed such that Pond B will flow into Pond C and then discharge to the watercourse, therefore there will be a constant flow of water which would prevent any stagnation. A further representation was received regarding the future maintenance of the ponds and surrounding area and it is understood that they would become the responsibility of the Elsea Park Community Trust with an appropriate management regime formulated.
- 6.6.2 The majority of the residential element of the site is not adjacent to other residential properties as it is bordered by undeveloped employment land to the north, an open space to the east, recreational facilities to the south and the A151 Raymond Mays Way to the west. There are a small number of residential properties planned to the south-west of the site, but the neighbouring properties have been designed and sited with adequate separation distances to ensure there would be no overlooking or loss of privacy for occupiers of the future dwellings.
- 6.6.3 Plots within the site provide a minimum of 10m rear garden space giving suitable relief between adjacent built form and window positions have been carefully sited to avoid unacceptable levels of overlooking.
- 6.6.4 Taking into account above it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Core Strategy Policy EN1 and the NPPF Section 12.
- 6.7 Affordable Housing
- 6.7.1 The requirement of the Elsea Park S106 Agreement with regards to affordable housing is that 0.61 hectares (1 acre) of affordable housing land are provided on Zone 9. The development would provide 15 affordable units on 0.41 hectares (1 acre) of land. The Council's affordable housing officer has confirmed the amount, type and tenure or affordable housing provided is in accordance with the terms of the S106 Agreement and condition 29 of outline planning permission SK94/0125/12.

## 6.8 Arboricultural and ecological issues

- 6.8.1 The impact of the development on trees and local wildlife has been raised as a concern. Arboricultural and ecological survey work has been carried out in both the residential part of the site and the area where the ponds would be located. Reports have been submitted that contain a series of recommendations to mitigate the impact of the development on trees and ecology which have been included as conditions.

## 7.0 **Crime and Disorder**

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

## 8.0 **Human Rights Implications**

- 8.1 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.

## 9.0 **Conclusion**

- 9.1 The application site, which benefits from outline permission for residential development, is considered to reflect the scale and character of the surrounding development whilst not impacting adversely on highway safety or private residential amenity. The proposed surface water attenuation ponds to the north of the site would ensure the development would not increase the risk of flooding in the locality.
- 9.1.1 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with Core Strategy Policies SP1, EN1 and H1, SAP DPD Policy SAP H1 and the NPPF (Sections 4, 7, 10 & 11). There are no material considerations that indicate otherwise although conditions have been attached.

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

### **Approved Plans**

- 1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Site Location Plan Drawing No. APP206-04 received 27th September 2018
  - ii. Planning Layout Drawing No. APP206-01 Rev D received 27th September 2018
  - iii. Materials Dispersion Layout Drawing No. APP206-07 Rev B received 27th September 2018
  - iv. Landscape Details Drawing Nos. 18-017-03 Rev A, 18-017-04 Rev A, 18-017-05 Rev A, 18-017-10, 18-017-11 received 23rd October 2018
  - v. Tree Survey and Constraints Plan Drawing Nos. 18-017-02 received 27th September 2018 and 18-017-12, 18-017-13 received 23rd October 2018
  - vi. Typical Street Scenes Drawing No. APP206-09 received 27th September 2018
  - vii. Proposed Finished Floor Levels Drawing No. E3714/600 Rev A received 27th September 2018
  - viii. Vehicle Access for Fire Appliances Drawing No. APP206-42 Rev B received 27th September 2018
  - ix. Refuse Collection Plan Drawing No. APP206-06 Rev B received 27th September 2018
  - x. Proposed Surface Finishes Plan Drawing No. E3714/770 Rev B received 27th September 2018
  - xi. Drainage Strategy Plan - Sheet 1 Drawing No. E3714/510 Rev A received 27th September 2018
  - xii. Drainage Strategy Plan - Sheet 2 Drawing No. E3714/511 Rev A received 27th September 2018

- xiii. Floor and elevations plans refs: NB51/7/PL1, NB51/7/PL6, NB51/7/PL7, D1906/7/PL1, D1906/7/PL6, ND43/7/PL1, ND43/7/PL2, ND43/7/PL6, ND43/7/PL7, PD49/7/PL1, PD49/7/PL2, PD49/7/PL6, PD49/7/PL7, PA44/7/PL1, PA44/7/PL2, PA44/7/PL6, PA44/7/PL7, PA44/7/PL8, PB33-G/7/PL1, PB33-G/7/PL7, PA34-G/7/PL2, PA34-G/7/PL7, AA43/7/PL1, AA43/7/PL6, AA31/6/PL1, AA31/6/PL6, AA23/6/PL1, AA23/6/PL6 received 27th September 2018
- xiv. Garages Drawing No. APP206/GD/34 Rev A received 27th September 2018
- xv. Sub-station Drawing No. GTC-E-SS-0010-R1-8 received 27th September 2018
- xvi. Pond sections Drawing No. 10006/06 received 23rd October 2018

Unless otherwise required by another condition of this permission.

Reason: To define the permission.

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

- 2 Before the development hereby permitted is commenced, all existing trees shown to be retained on the following drawings shall have been fenced off to the limit of their branch spread in accordance with BS 5837:

- Drawing No. 18-017-02 received 27th September 2018
- Drawing No. 18-017-012 (1 of 2) received 23rd October 2018
- Drawing No. 18-017-012 (2 of 2) received 23rd October 2018

No works including:

- i. removal of earth,
- ii. storage of materials,
- iii. vehicular movements or
- iv. siting of temporary buildings

shall be permitted within these protected areas.

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

### **During Building Works**

- 3 The development hereby approved shall be carried out in accordance with the recommendations contained within the following reports:

Phase I Site Appraisal ref: GRM/P8211/DS.1 Rev A received 27th September 2018

Phase II Site Appraisal ref: GRM/P8211/F.1 Rev A received 27th September 2018

Reason: To ensure that the proposed development 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 (Section 15).

- 4 Following the implementation of the surface water attenuation ponds, all soft landscape works shall have been carried out before the end of the first planting/seeding season in accordance with the approved soft landscaping details as shown on the following:

- 1 Drawing No. 18-017-10 received 23rd October 2018
- 2 Drawing No. 18-017-11 received 23rd October 2018

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).

- 5 The development hereby approved shall be carried out in accordance with the following approved surface and foul water drainage details:

Drainage Strategy Technical Note 1 ref: E3714/TN1/tjw received 27th September 2018  
Drainage Areas Plan - zone 9 ref: E3714/515/A received 27th September 2018  
Drainage Strategy Plan sheet 1 of 2 ref: E3714/510/A received 27th September 2018  
Drainage Strategy Plan sheet 2 of 2 ref: E3714/511/A received 27th September 2018

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 The development hereby approved shall be carried out in accordance with the recommendations contained within the following reports:

Badger mitigation report ref: 17-1039.02 received 27th September 2018  
Preliminary Ecological Appraisal and Confidential Badger Survey Report received 27th September 2018  
Preliminary Ecological Appraisal ref: 17-1039.03 received 23rd October 2018

Reason: In the interests of the protection of wildlife and their habitat.

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

- 7 Before each dwelling hereby approved is occupied, all hard landscape works associated with the dwelling or its access shall be carried out in accordance with the approved hard landscaping details as shown on Drawing No. APP206-01 Rev D received 27th September 2018.

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

- 8 Before each dwelling hereby approved is occupied, the external elevations of that dwelling shall have been completed using only the materials stated on Drawing No. APP206-07 Rev B received 27th September 2018

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

- 9 Prior to the occupation of each dwelling the works to provide the boundary treatments for that dwelling shall have been completed in accordance with the details as shown on Drawing No. APP206-01 Rev D received 27th September 2018.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 10 Before any dwelling hereby permitted is occupied, the finished floor levels for that building shall have been constructed in accordance with the approved details shown on Drawing No. E3714/600 Rev A received 27th September 2018.

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).



## **Ongoing Conditions**

- 11 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, 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.

- 12 Following the occupation of the last dwelling, all soft landscape works shall have been carried out before the end of the first planting/seeding season in accordance with the approved soft landscaping details as shown on the following:

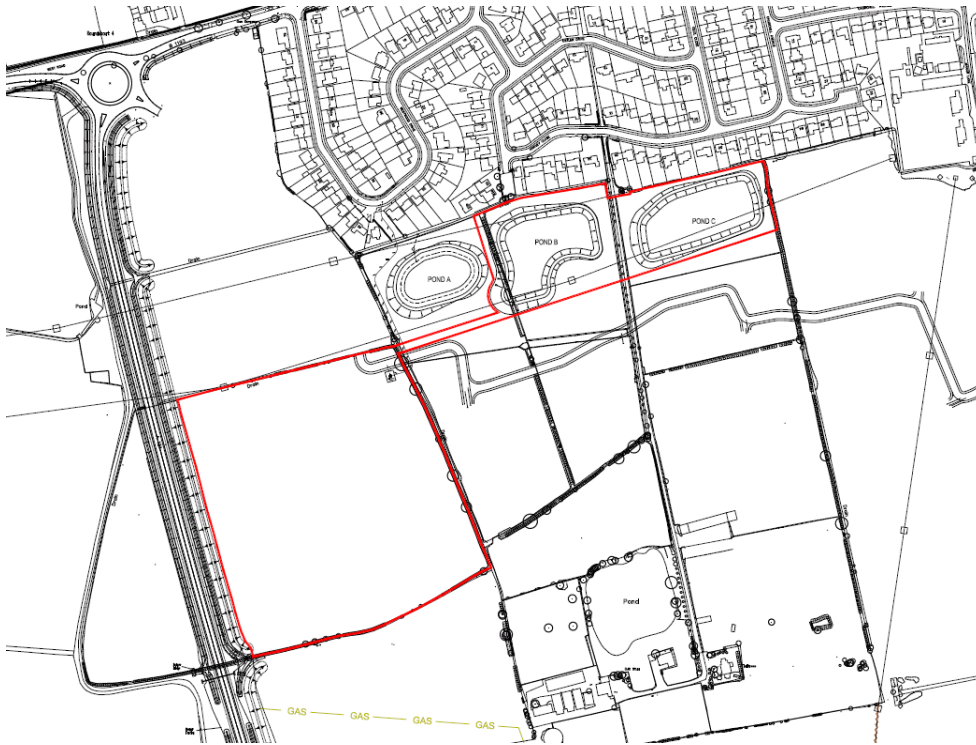
- 1 Drawing No. 18-017-03 Rev A received 23rd October 2018
- 2 Drawing No. 18-017-04 Rev A received 23rd October 2018
- 3 Drawing No. 18-017-05 Rev A received 23rd October 2018

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).

## **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.
- 2 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.

## S18/0937 – Elsea Park Zone 9 Location Plan



## Site Layout



## Typical streets



PLOTS: 1, 2



PLOTS: 30, 31, 32, 33, 34, 34, 36



PLOTS: 122, 123, 124, 125, 126, 127, 128

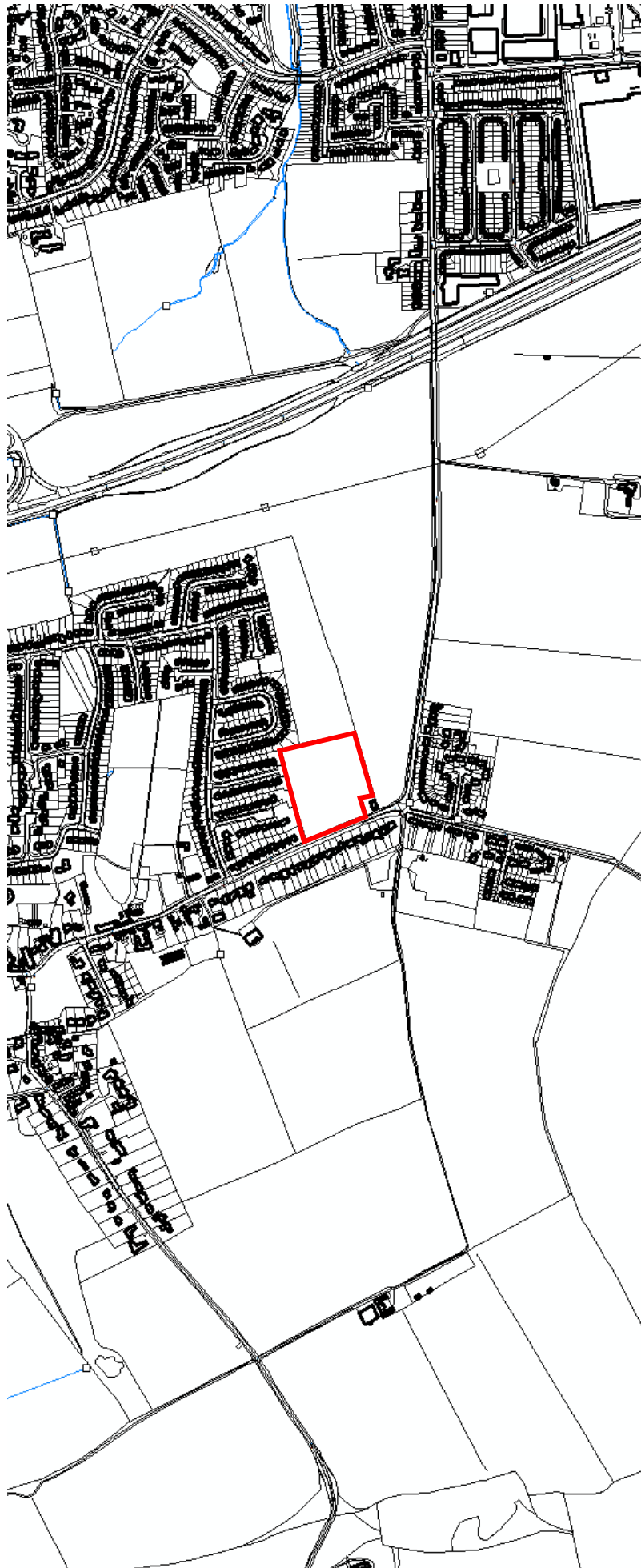
A. Street scenes updated to accord with  
 drg no: APP20G-01 D

# Agenda Item 5c

KJC1	S18/0093	Target Decision Date:17th April 2018
		Committee Date:13th November 2018

Applicant	Lincolnshire County Council Lincolnshire County Council c/o agent
Agent	Mr Craig Stockley Savills Olympic House 995 Doddington Road Lincoln LN6 3SE
Proposal	Construction of 49 dwellings, construction of new vehicular access - Outline application with the matter of access included for consideration.
Location	Land East Of Low Road Barrowby
Application Type	Outline Planning Permission (Major)
Parish(es)	Barrowby Parish Council
Reason for Referral to Committee	The application is a departure from the development plan and there is a requirement for a Section 106 agreement in relation to developer contributions.
Recommendation	That the application is:- Approved conditionally
Report Author	Kevin Cartwright - Principal Planning Officer 01476 406080 Ext: 6390 k.cartwright@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk





**Key**



**Application  
Boundary**



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## **1.0 Description of the proposal**

- 1.1 The application seeks outline planning permission for the construction of 49 dwellings and associated infrastructure.
- 1.2 Access has been included as the sole matter for detailed consideration with this application. The development would be served by a single access from Low Road.
- 1.3 An indicative layout plan has been submitted with the application to demonstrate how a mix of dwellings could be accommodated on the site.

## **2.0 Description of the site**

- 2.1 The site is located on the southern edge of Barrowby village between Wong Gardens and Thorold Road to the north and Westry Close to the south. The site contains a number of trees and is overgrown. There is a hedge running along the frontage of the site. Adjacent to the south eastern corner of the site is the village hall/scout hall.

## **3.0 Relevant History**

- 3.1 No relevant planning history

## **4.0 Policy Considerations**

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

Section 4 - Decision-making  
Section 12 - Achieving well-designed places  
Section 9 - Promoting sustainable transport  
Section 5 - Delivering a sufficient supply of homes  
Section 16 - Conserving and enhancing the historic environment  
Section 15 - Conserving and enhancing the natural environment

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

Policy EN1 - Protection and Enhancement  
Policy SP1 - Spatial Strategy  
Policy SP2 - Sustainable Communities  
Policy EN2 - Reduce the Risk of Flooding  
Policy H3 - Affordable Housing

### **4.3 Site Allocation and Policies Development Plan Document**

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

### **4.4 SKDC Corporate Priorities**

Support good housing for all

## **5.0 Representations Received**

LCC Highways & SuDS Support	No objection subject to a number of conditions in relation to the formation, layout and construction of the roads within the site
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Education & Cultural Services (LCC)	Requests a contribution of £171,350 to offset the impact on development. The contribution would be directed towards an extension of the Walton Secondary School.
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National Grid	<p>No objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.</p> <p>No objection as the gas pipeline would not be affected by the proposal.</p>
Environmental Protection Services (SKDC)	Request for a condition in relation to contaminated land and a further condition to ensure that a verification report is submitted confirming that any remedial works have been undertaken.
Highways England	No objection.
Heritage Lincolnshire	<p>The site lies in an area of archaeological interest. There is potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity.</p> <p>A condition requiring the submission of such a scheme prior to the submission of reserved matters is requested.</p>
NHS England	No request for contributions.
Anglian Water Services	Requested a condition in relation to surface water management.
Environment Agency	We are now satisfied that there is sufficient capacity at Marston Sewerage Treatment works to accommodate the foul drainage requirements for this development.
Lincolnshire Fire & Rescue Services	Lincolnshire Fire and Rescue recommends the installation of 1no. fire hydrant to ensure adequate water supply for fire fighting purposes.

## 6.0 Representations as a result of publicity

6.1 The application has been advertised in accordance with the adopted Statement of Community Involvement and 18 letters of representation have been received. A summary of the comments are listed below:

1. Infrastructure lacking
2. No capacity at school or doctors surgery
3. Contrary to the development plan SAP H1
4. Impact on residential amenity from noise, disturbance, light pollution impacts and loss of privacy
5. Visual impact on the landscape of the surrounding area
6. Cannot be safely accessed by vehicles, cyclists or pedestrians due to proximity to the sharp bend/junction at the corner of Low Road and the Drft.
7. Noise and disturbance from the play area
8. Building close to the Scout Hall giving no room for expansion
9. Safety of children once dwellings are built as there would be an increase in vehicles entering and leaving the site.
10. A number of trees would be felled
11. Noise and disturbance from construction
12. Loss of agricultural land
13. Barrowby will become part of Grantham

14. Similar reasons for refusal as the previous applications S06/1600 and S06/0891 in that it would cause irreversible harm to the rural setting of Barrowby
15. Concerns in relation to the wording of draft local plan policy LV H3 requiring an overall masterplan for the site as the land is within 3 separate ownerships.
16. A condition would be required to ensure that the link road is in place to access the site to the rear without a ransom strip
17. The proposed drainage strategy would appear to have no drainage impact on adjacent landowners subject to this being the case. No objection to this matter.
18. Will overpower the village
19. More ecological impact than the studies indicate
20. Loss of views over the countryside (Not a material consideration)
21. Electricity, gas, sewerage and mains water system are at capacity.
22. Barrowby Neighbourhood plan is in the early stages but should not be ignored
23. The location of the access in relation to the Scout Hall will not be safe for pedestrians particularly when 25-30 cars drop off children in the evening
24. Privacy and security in relation to the scout hall.
25. Increase in vehicles when surrounding roads are at capacity
26. Should be at a lower density ideally bungalows
27. Preference should be given to brownfield sites
28. Low Road is used as a rat run between A607 and the A1/A52
29. Negative impact on property values (not a material consideration)
30. Bungalows have been built on Adamstiles therefore the green link cannot be achieved
31. Application should be accompanied by an Environmental Impact Assessment
32. The proposal must be assessed in conjunction with the neighbouring developments to assess cumulative impact
33. Right of way from the rear garden of Hurst Crescent to the site exists

## **7.0 Evaluation**

### **7.1 Principle of Development**

- 7.1.1 The relevant policies for this proposal would be Core Strategy SP1 and SP2, H1, H3 as well as EN1 and SAP H1. Barrowby is identified as a Local Service Centre (LSC) in SP1 of the Core Strategy. It is stated that in settlements identified as LSCs, preference will be given to brownfield sites within the built-up part of settlements which do not compromise the nature and character of the village and sites allocated in the site specific Allocations and policies DPD.
- 7.1.2 Policy H1 of the Core Strategy states that there must be a modest level of development within the more sustainable villages identified as LSC to enable them to continue functioning as sustainable Local Centres.
- 7.1.3 Policy H3 of the Core Strategy states that all developments comprising of 5 or more dwellings should make appropriate provisions for affordable housing within the development site. Where affordable housing needs to be provided on the site up to 35% of the capacity should be allocated to affordable housing units.
- 7.1.4 Policy SAP H1 of the DPD allows for development on suitable brownfield redevelopment sites and small infill sites within the built-up part of Local Service Centres, provided that, among other criteria, it will not have a detrimental impact upon the quality of life of adjacent residents and properties and will not compromise the nature and character of the settlement. It also states that new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development.
- 7.1.5 Policy EN1 of the Core Strategy makes the statement, that development, must be appropriate to the character and significant natural historic and cultural attributes and features of the landscape in which it is situated in order to contribute positively. All development proposals should be assessed against the criteria in EN1, such as the layout and scale of buildings, designated open spaces amongst other matters.



- 7.1.6 The site which is the subject of this planning application cannot be regarded as either a brownfield or an infill site, and is not an allocated site. Core Strategy policy SP1 does not preclude development on greenfield sites; it merely gives preference to previously developed or brownfield sites. The application engages Policy H1 of the Core Strategy as modest levels of development are needed in Barrowby to enable it to continue functioning as an LSC.
- 7.1.7 Policy SAP H1 is more specific in relation to the types of site that may be appropriate in LSCs and precludes new Greenfield sites on the edges of towns and villages. As a result, the proposed development would not comply with Policy SAP H1.
- 7.1.8 The application should also be assessed against the criteria in Core Strategy Policy EN1 and other Core Strategy policies, to allow for the impact of development on the surrounding area to be considered. This is considered in the sections of the report below.
- 7.1.9 The last published Housing Land Supply Assessment published by the Council in 2016 indicated that South Kesteven had 5.3 years supply of housing, however, there have been a number of recent years of under delivery resulting in a failure to meet the 680 dwellings a year target set out in the Core Strategy.
- 7.1.10 Current government guidance within the NPPF is directed towards the delivery of housing to address situations where local authorities are not meeting delivery targets with the introduction of the Housing Delivery Test. This being the annual measurement of housing delivery across our district. Based on current delivery levels it is likely that the Council would fail the Housing Delivery Test.
- 7.1.11 The consequence of under delivery is dependent on the level of under delivery and ranges from the preparation of an action plan to address under delivery to granting permission unless:
- i. the application of policies in the NPPF 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.
- 7.1.12 The site in question has been identified as part of the allocation in the Emerging Local Plan, as such the site has gone through rigorous site assessment process and has been considered suitable, achievable and deliverable with active engagement with the landowners.
- 7.1.13 The Draft Local Plan is at pre-submission stage awaiting submission to the Inspector later this year. It proposes that the application site should be considered as an allocation for new housing development. The site being one of three parcels of land that forms LV-H3. The proposed allocation as a whole would seek to provide 230 dwellings at an approximate density of 30 dwellings per hectare.
- 7.1.14 At present, very little weight should be attached to the proposals and allocations in the Draft Local Plan as it is at an early stage and has yet to be submitted and examined by an inspector. Para 50 of the NPPF states:
- "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process".*
- 7.1.15 In this instance subject to normal planning considerations discussed elsewhere in this report the scheme is considered acceptable in principle.

7.1.16 The application should also be assessed against the criteria in Core Strategy Policy EN1 and the other Core Strategy policies, to allow for the impact of the development on the surrounding area to be considered. This is considered in the sections of the report below.

7.1.17 Notwithstanding that the proposal is a departure from the adopted plan, on balance, taking into account under delivery, the proposal is considered to be acceptable, in principle, for 49 dwellings.

## 7.2 Character and Appearance

7.2.1 It is considered the site comprises agricultural land of no particular landscape merit and that the proposed housing could be assimilated into the character of the area without undue harm to the visual amenities of the site and surroundings. To the north, the existing houses are visible and the proposal would extend the built form to the south; however, on approaching Barrowby from the south along Low Road there is existing built form around Westry corner and along the western side of Low Road opposite the site. As such the visual impact would be limited and the development would be regarded as a logical extension to the village.

7.2.2 Although the proposal would erect the housing on undeveloped land the site is well related to the built form of the village with housing immediately to the north and west, and whilst there would be encroachment into the countryside to the south of Barrowby this would be viewed against the backdrop of the existing settlement. Its location immediately Low Road and Thorold Road would not result in any significant sense of Barrowby village merging with Grantham. Previous refusals of planning permission in relation to the prevention of coalescence were based on a policy in the South Kesteven Local Plan that no longer exists.

7.2.3 The indicative layout demonstrates how 49 units could be accommodated on the site at a density of 24 dwellings per hectare. This is close to the indicative density of 30 dwellings per hectare set out in the emerging local plan allocation LV-H3 and would provide a form of development in keeping with the existing settlement pattern adjacent to the site.

7.2.4 As such the proposal is considered to accord with policy EN1 of the adopted South Kesteven Local Plan.

## 7.3 Impact on the neighbouring properties

7.3.1 The application is in outline form although the indicative plan shows how 49 units could be accommodated on the site with adequate separation to the existing properties on Thorold Road and Wong Gardens together with areas of public open space.

7.3.2 It would be possible to ensure at reserved matters stage that an acceptable relationship with the village hall is achieved and the future occupiers of the dwellings would not experience any significant noise and disturbance.

7.3.3 The indicative layout plan shows that a scheme which is likely to be acceptable in terms of residential amenity and complies with policy EN1 and NPPF Section 15 could be achieved for the number of dwellings proposed.

## 7.4 Highway Matters

7.4.1 The site would be accessed off Low Road north of the village hall. Comments of the local highway authority indicate that the scheme is acceptable from a highway perspective.

7.4.2 As the site forms part of the wider emerging local plan allocation it is necessary to ensure that a comprehensive form of development with good connectivity between the sites in respect of the surrounding area. To achieve this it is considered necessary for a condition requiring vehicle access up to the eastern boundary of the site from Low Road to allow any future schemes to be able to connect in relation to both pedestrian and vehicles.

- 7.4.3 It is noted that the submitted indicative plan indicates a no through road to Thorold Road and the Parish Council has agreed that there should not be any vehicle access through Thorold Rad. However, in the interests of good planning and permeability, it is considered appropriate to encourage pedestrian and cycle access through Thorold Road as this would improve connectivity with the adjacent dwellings and Barrowby village as a whole.
- 7.4.4 As this is an outline application with all matters reserved except access it is considered appropriate to attach a condition requiring reserved matters in relation to layout to demonstrate pedestrian and cycle connectivity to Thorold Road and vehicular, pedestrian and cycle connectivity to the land to the east. This would be in the interests of promoting pedestrian, cycle and vehicular permeability, sustainability and good design.
- 7.4.5 Whilst local residents/Parish Council have raised concerns in relation to the proposed junction and highway safety along Low Road these specific concerns have been raised with the Local Highway Authority and they have confirmed that the scheme is acceptable and there is no requirement for off-site highway works in the form of pedestrian islands or traffic calming.
- 7.4.6 The NPPF states at para 109:

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

- 7.4.7 In this instance there would not be any significant impact on highway safety or any severe impacts on the surrounding road network.

## 7.5 Open Space

- 7.5.1 Open space is indicatively proposed in pockets along the northern boundary of the site and within the main body of the site. The overall requirements for 49 units would be 1500 m<sup>2</sup> of outdoor sport space of which 350 m<sup>2</sup> would be for children and young people. The indicative plan demonstrates the site could meet this requirement.
- 7.5.2 The site is located in close proximity to existing open space in Barrowby with both the playing field to the rear of Low Road and the equipped play area of Adamstiles located around 250m walking distance from the site. The access standards set out in policy SAP10 seek to provide informal and equipped play space within 480m.
- 7.5.3 As there is sufficient existing open space near to the site it is considered appropriate to require an off-site contribution as an alternative to on-site provision. Given the recent refurbishment of Adamstiles play area a commuted sum contribution of £32,810 in lieu of any equipped provision of site to improve the playing fields opposite the site would be a more appropriate use of the commuted sum.
- 7.5.4 As such the proposal is considered to comply with policy SAP10.

## 7.6 Archaeology

- 7.6.1 Comments from Lincolnshire Archaeology indicate that there may be areas of archaeological interest within the site and have requested a condition requiring a scheme of archaeological investigation. As this application is an outline application this can work effectively requiring the investigation works and any recording/mitigation to be put in place prior to the submission of the reserved matters application that will consider matters including layout of the 49 dwellings.
- 7.6.2 As such the proposal is considered to accord with NPPF Section 16 - Conserving and enhancing the historic environment.

## **7.7 Flood Risk**

- 7.7.1 The applicant has undertaken additional work in relation to drainage matters following the initial comments from the Environment Agency. The Environment Agency is now satisfied that there is sufficient capacity at Marston Sewerage Treatment works to accommodate the foul drainage requirements of the development. This is echoed by the comments of Anglian Water.
- 7.7.2 Surface water drainage would be achieved by a Sustainable Drainage scheme (SUDs). SUDs schemes are regarded as best practice and the preferred drainage solution. The scheme would control surface water run-off via a number of methods including water harvesting, permeable paving, and lagoons. All of which seek to manage surface water on site before it is discharged into the wider network.
- 7.7.3 Both Lincolnshire County Council as Local Lead Flood Authority and Anglian Water have requested further detail in relation to surface water drainage. This can be achieved via an appropriately worded condition.

## **7.8 Ecology**

- 7.8.1 The application is accompanied by an Ecological Appraisal it concludes that the site is mostly comprised of species-poor semi improved grassland with patches of trees and scrub. These habitats are considered to be of negligible/low biodiversity value.
- 7.8.2 No amphibians, reptiles, badgers, bats or aquatic mammals were found to be present on the site. Birds were found on the site and the trees and hedges within the site are suitable for nesting birds. The recommendation of the appraisal is to remove any vegetation outside of the breeding season. This advice is attached as an informative note to the applicant.

## **7.9 Trees**

- 7.9.1 There are a number of trees on the site predominantly located around the boundary of the site and in the north-western corner. The indicative layout plan demonstrates how 49 dwellings could be accommodated on the site whilst retaining appropriate trees. A condition is required to ensure a further tree assessment is undertaken prior to any approval of reserved matters in relation to layout to minimise impact on retained trees.

## **7.10 Loss of Agricultural Land**

- 7.10.1 The application site is predominantly grade 1 and 2. This is land with minor limitations which affect crop yield, cultivations and harvesting and is regarded as excellent or good quality land. An Agricultural Land Classification report has been submitted with the application which concludes that, notwithstanding the high quality nature of the land, the small size of the field and its proximity to residential properties significantly inhibit the ability of the land to be farmed effectively.
- 7.10.2 As such the loss of the land for residential purposes is considered acceptable.

## **8.0 Crime and Disorder**

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

## **9.0 Human Rights Implications**

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

## **10.0 Section 106 Developer Contributions**

- 10.1 Affordable Housing - the current policy target is for 35% of homes to be provided as affordable housing on sites of this size. The proposal will provide the full level of affordable housing. The Council's Partnership Project Officer has provided details of the requirements and these can be secured via a S106 agreement.  
Education - £171,350 - towards the extension of Walton Secondary School to provide two additional classrooms.  
Open Space - £32,810 to provide improvements to Barrowby playing fields.  
Fire Hydrant - £800
- 10.2 These requests are considered to satisfy the statutory tests set out in Sections 122 and 123 of the Community Infrastructure Levy Regulations (2010) (as amended) and accord with NPPF Sections 6 and 8 Decision Taking, Planning Policy Guidance and Core Strategy Policies H3 - Affordable Housing and SP4 Developer Contributions and South Kesteven Planning Obligations Supplementary Planning Document.

## **11.0 Conclusion**

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 As would be expected with a major scheme, there are a number of individual planning policies that apply to the proposed development. The proposals would not be in compliance with the development plan taken as a whole due to the conflict with Policy SAP H1 in respect of the greenfield nature of the site on the edge of the settlement.
- 11.3 The last published Housing Land Supply Assessment published by the Council in 2016 indicates that South Kesteven has a 5.3 years supply. However, there have been a number of years of under delivery resulting in a failure to meet the 680 dwelling per year target set out in the Core Strategy. This weighs in favour of the development.
- 11.4 In accordance with Section 38(6), it is necessary to weigh other material considerations weighed against non-compliance with the development plan in the planning balance. As described in more detail within the main body of the report, the proposal would provide much needed housing on a site capable of accommodating the numbers of dwellings sought and although the proposal is early in terms of the site allocation process through the emerging local plan, it would comply with the general thrust of current local and national policies.
- 11.5 The indicative layout demonstrates that the development would effectively integrate into the village by continuing the form and character of Low Road with detached properties fronting and accessed directly off Low Road and with the surrounding countryside by the fact that the rear gardens to the east and south would form a transition to the open countryside. As such the proposal would comply with policy EN1.
- 11.6 The indicative layout demonstrates how a satisfactory relationship with neighbouring properties, be served by an adequate access and be acceptable in terms of flood risk complying with policy EN2 could be achieved.
- 11.7 The above matters must be taken into account alongside the fact that there have been a number of years of under delivery of housing in relation to the Core Strategy target it is considered an acceptable form of development.

## **12.0 RECOMMENDATION**

- 12.1 Defer to Chairman and / or Vice Chairman in consultation with the Assistant Director for 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.
- 12.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Assistant Director for 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.

**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:

1. layout;
2. scale
3. appearance
4. 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).

- 3 Any submission of reserved matters in relation to layout shall include the location of a fire hydrant.

Reason: To ensure a suitable water supply to the site for fire fighting purposes.

### **Approved Plans**

- 4 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. The access position on Low Road as shown on Drawing No. LNBU 390793-03D received by the local planning authority on 28/8/18.

Unless otherwise required by another condition of this permission.

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

## **Before the Development is Commenced**

- 5 Notwithstanding the submitted Indicative Master Plan Drawing No. LNBU 390793 - 03D pedestrian, vehicle and bicycle connectivity must be provided to the land to the east of the site..

Reason: In the interests of sustainability and good design as required by para 127 of the National Planning Policy Framework.

- 6 Notwithstanding the submitted Indicative Master Plan Drawing No. LNBU 390793 - 03D pedestrian and bicycle connectivity must be provided to Thorold Road to the north of the site.

Reason: In the interests of sustainability and good design as required by para 127 of the National Planning Policy Framework.

- 7 Prior to the submission of reserved matters in relation to layout a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

1. be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
2. 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;
3. provide attenuation details and discharge rates which shall be restricted to 7.48 litres per second;
4. provide details of the timetable for and any phasing of implementation for the drainage scheme; and
5. 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.

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.

To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

- 8 Prior to the submission of reserved matters in relation to layout plans showing the existing and proposed land levels of the site including [site sections, spot heights, contours and the finished floor levels of all buildings] with reference to [neighbouring properties/an off site datum point] shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 9 Prior to the submission of reserved matters in relation to layout an updated tree impact assessment and method statement shall be submitted to and approved in writing by the local planning authority. Such details shall include a tree protection plan in relation to retained trees.

The development shall be undertaken in accordance with the approved details.

Reason: To protect any retained trees during the construction phase of the development.

- 10 Prior to the submission of reserved matters in relation to layout a written scheme of archaeological investigation shall have been submitted to and approved in writing by the Local Planning Authority.

The archaeological investigations must be completed in accordance with the approved details before the development commences.

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 199 of the NPPF.

- 11 No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.

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

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

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).

- 13 Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, 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 that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.

- 14 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

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

- 1 In order to minimise the risk of disturbance to breeding birds the removal of any woody vegetation should be undertaken outside of the bird breeding season. March to July inclusive. If active nests are found it may be necessary to delay works immediately adjacent to the nest until the young have fledged.
- 2 All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above



Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

Whilst a system with sufficient capacity to accept surface water discharge from the Application Site has been identified within the submitted Drainage Strategy, no level data appears to have been provided for that system. The developer will therefore need to establish that the invert levels for the part of the existing surface water infrastructure into which the Application Site will discharge are suitable to drain all parts of the site that will be expected to discharge into that infrastructure. If the relative levels are not suitable for a gravity-fed system, a pumped system may need to be provided. This will require additional drainage infrastructure.

The Highway Authority would not wish to adopt a pumped highway drainage system and in such circumstances the developer would be advised to seek agreement from Anglian Water Services Ltd. to adopt the surface water drainage on the site as a surface water sewer.

- 4 As the site is in proximity to a high or intermediate gas pipeline and associated equipment and overhead power lines a request that the developer undertakes a detailed consultation with the National Grid/Cadent prior to the commencement of any works in their vicinity.
- 5 All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways.

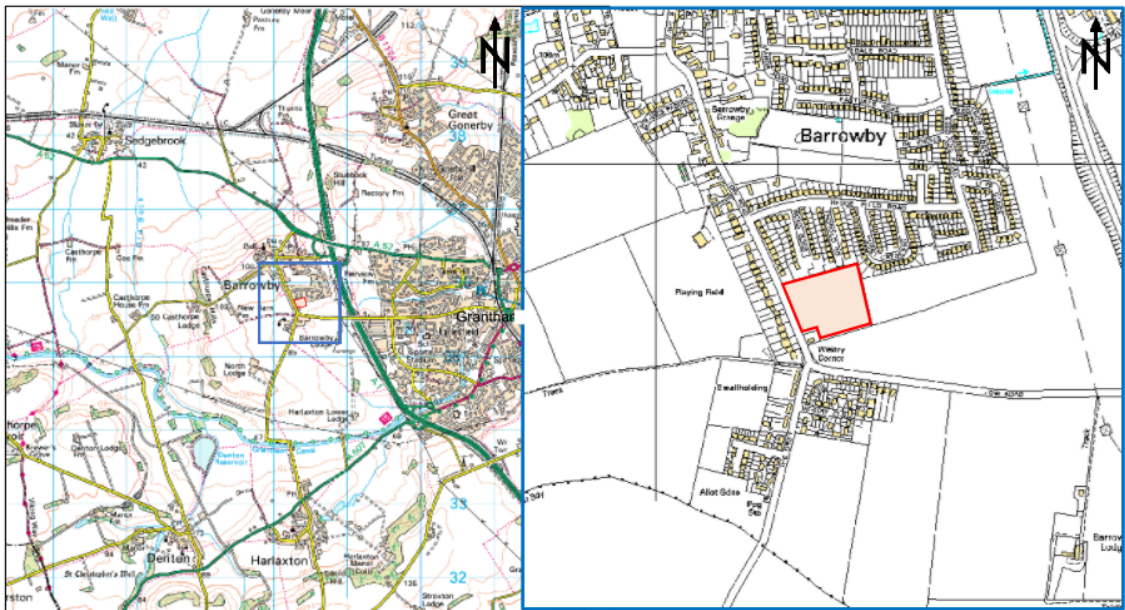
Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be encouraged to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980.

Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

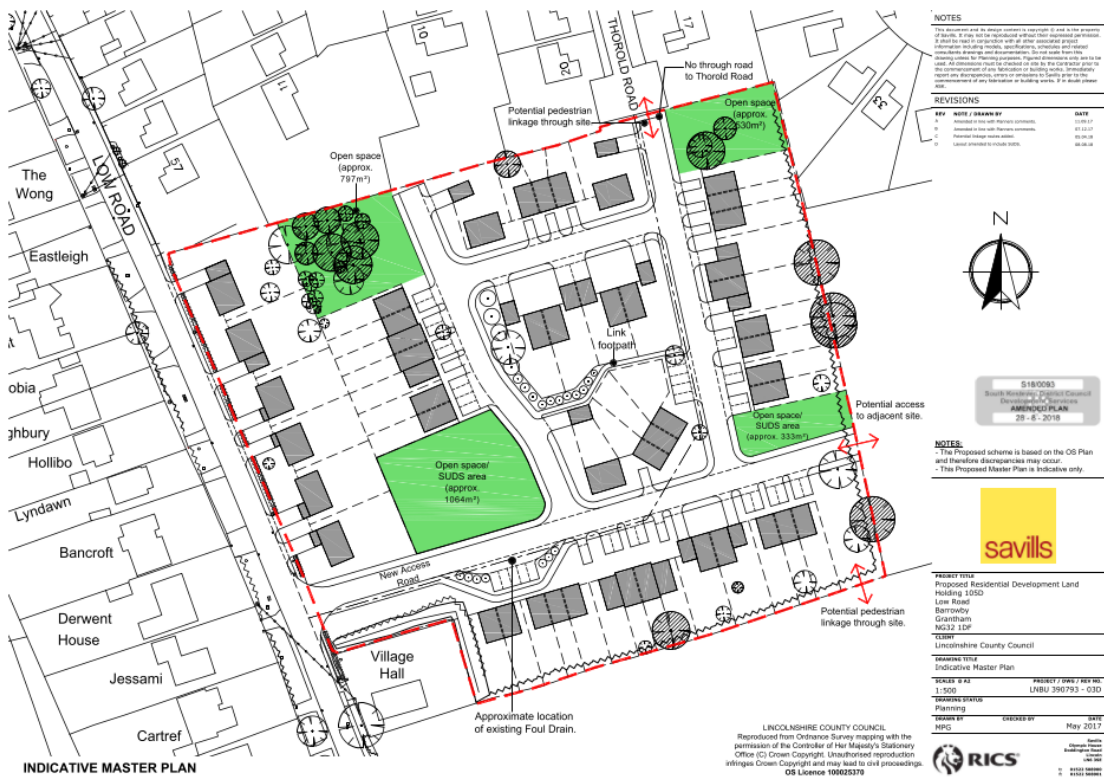
In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

- 6 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



Indicative Layout Plan



# Agenda Item 5d

PWM1	S18/1408	Target Decision Date:7th December 2018
		Committee Date:13th November 2018

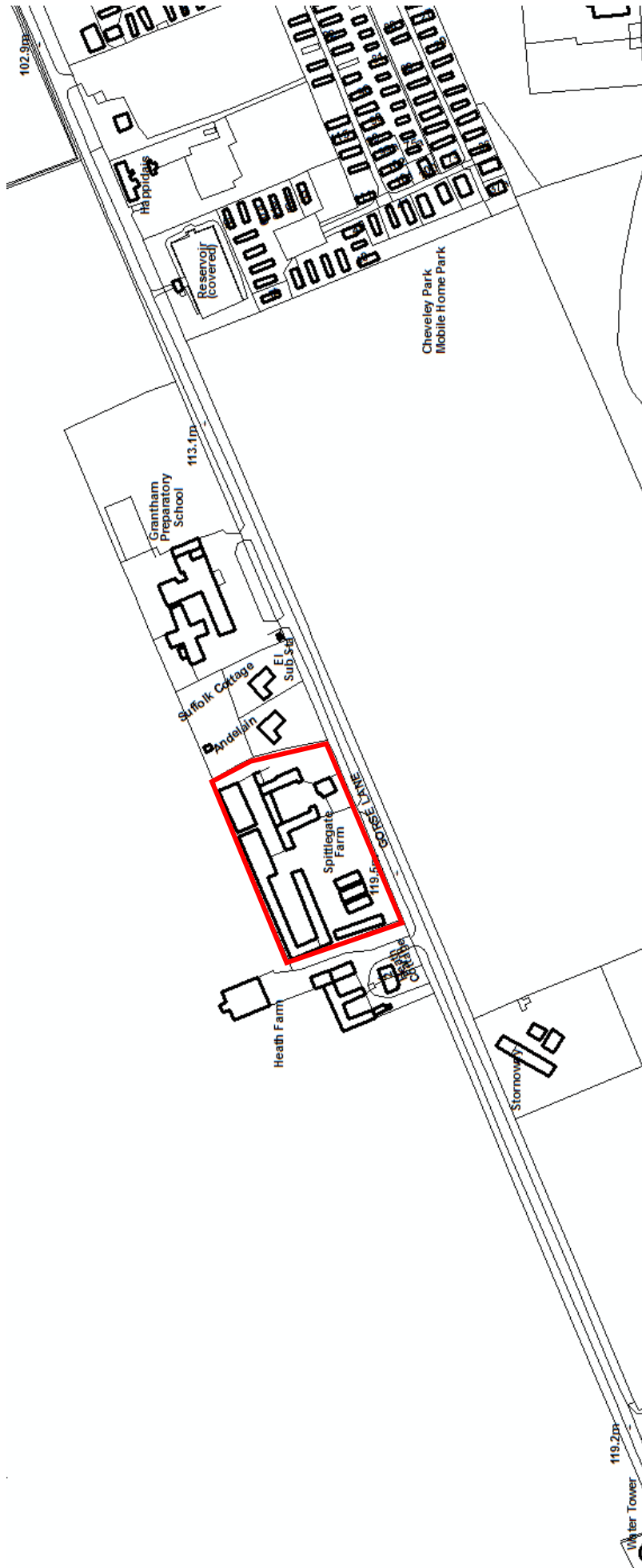
Applicant	Mr DAVID GOODRIDGE c/o RICHMOND HOUSE Main Street LONG BENNINGTON Newark NG23 5JR
Agent	Richard Willows Plan-It Design Ltd Richmond House Main Road Long Bennington Newark
Proposal	Hybrid planning application (part Full and part Outline application) for a residential development comprising: Full application for demolition of existing farmhouse and conversion of redundant barns to 4x dwellings and Outline application for 17 x further new build dwellings for over 55's including provision of affordable units
Location	Spittlegate Farm Gorse Lane Grantham NG31 7UF
Application Type	Full Planning Permission (Major)
Parish(es)	Grantham
Reason for Referral to Committee	The Head of Development Management considers that the application should be determined by Committee due to the planning history of the site.
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

## Key Issues

Principle of development  
Design and impact on form and character of surrounding area  
Highways  
Affordable Housing

## Technical Documents Submitted with the Application

Asbestos Survey  
Design and Access Statement  
Flood Risk Assessment  
Ecology Survey  
Arboricultural Assessment  
Transport Statement  
Minerals Assessment  
Contamination Survey



**Key**



**Application  
Boundary**



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## **1.0 Description of proposal**

- 1.1 This is a hybrid application (part full, part outline) for redevelopment of a vacant farmyard with a residential development comprising:
1. Full application for demolition of a farmhouse and conversion of an existing historic range of barns to 4 x dwellings
  2. Outline application for 17 x new build dwellings (for over 55s) with the matter of access included for consideration. Matters of scale, layout, appearance and landscaping relating to this part of the application are not included for consideration and would be the subject of future reserved matters applications.
- 1.2 The access details submitted with the application (which relate to both the full and outline parts) show two vehicular accesses from Gorse Lane to serve the development leading to a drop off loop and an internal private shared driveway serving all parts of the development. The access details also include a 1.2m footway and streetlighting from the site along Gorse lane to the B1174.
- 1.3 As well as the barn conversions and associated works, the site layout plan submitted with the application indicatively shows the new build dwellings to be arranged in 3 separate blocks, similar in footprint and scale to the existing historic barns, with private gardens, a communal courtyard and an area of allotments.

## **2.0 Description of site**

- 2.1 Rectangular vacant former farmyard comprising farmhouse, C19 range of traditional brick barns and various C20, portal framed barns and brick and timber chicken sheds. The site is part of a group of buildings along the north side of Gorse Lane, including another farmyard, 4 x dwellings and Grantham Preparatory School. This cluster of buildings is surrounded by open countryside, although the built up area of Grantham begins further to the east towards Spittlegate level, where the landscape becomes more urbanised with a mobile home park (Cheveley Park), another school, industrial/commercial development and several dwellings. The area beyond that, and also further to the south whilst not yet developed is allocated in the Core Strategy for a mixed use sustainable urban extension. The A1 passes some 450m to the west in a cutting. There are a number of mature trees protected by tree preservation orders along the street frontage.
- 2.2 The site is on the flat plateau on top of the escarpment which drops down dramatically towards Grantham some 250m to the north and less dramatically towards the Witham Valley to the east.

### 3.0 Relevant History

Reference	Proposal	Decision	Date
S15/1718	Demolition of existing farmhouse and redundant buildings (excluding brick barn) and residential development of redundant farmyard to provide 23 new build dwellings (3x blocks) and 6 dwellings from conversion and extension of existing barns (total of 29 dwellings)	Refused	10/11/2015
S16/2431	Demolition of existing farmhouse and redundant farm buildings (excluding brick barns) and residential development of redundant farmyard to provide 24 dwellings and access and car parking	Refused	26/01/2017
S17/0506	Conversion of agricultural buildings to create 5 no dwellings, demolition of existing agricultural buildings and demolition of farmhouse and erection of replacement dwelling	Approved Conditionally	10/08/2017
S18/0230	Demolition of existing agricultural buildings and hardstandings and erection of 11 single storey dwellings with car parking.	Refused	04/05/2018

### 4.0 Policy Considerations

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

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Making effective use of land

Section 15 - Conserving and enhancing the natural environment

Section 5 - Delivering a sufficient supply of homes

#### 4.2 South Kesteven District Council Core Strategy

Policy SP1 - Spatial Strategy

Policy SP3 - Sustainable Integrated Transport

Policy SP4 - Developer Contributions

Policy EN1 - Protection and Enhancement

Policy EN2 - Reduce the Risk of Flooding

Policy H1 - Residential Development

Policy H3 - Affordable Housing

#### 4.3 Site Allocation and Policies Development Plan Document

Policy SAP10 - Open space provision

#### 4.4 SKDC Corporate Priorities

Keep SK clean, green and healthy

Grow the economy

Support good housing for all

#### 4.5 Lincolnshire Minerals and Waste Local Plan

Policy M11 - Safeguarding of Mineral Resources

## 5.0 Representations Received

LCC Highways & SuDS Support	No objection subject to conditions requiring a detailed SuDS drainage scheme, and implementation of a new footway along Gorse Lane to the B1174
Affordable Housing Officer (SKDC)	35% affordable housing to be provided on site. Minimum 60% for rent and maximum 40% affordable home ownership.
Environmental Protection Services (SKDC)	Request conditions to ensure contamination remediation due to the previous use.
Education & Cultural Services (LCC)	No education contribution required as residents will be over 55s
Minerals And Waste Planning (LCC)	The submitted minerals assessment adequately demonstrates that development of the site would not sterilise future minerals extraction.
Natural England	No comments to make
NHS England	Request £16,010.50 section 106 contribution towards provision of a primary care hub on Spittlegate Heath
Anglian Water Services	The Marston Water Recycling Centre and local sewerage system has available capacity to accommodate the flows from the development.

## 6.0 Representations as a Result of Publicity

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

## 7.0 Evaluation

### 7.1 Background

- 7.1.1 Members may recall that a number of applications for residential development of this site have been submitted within the previous 3 years, most of which have been refused.
- 7.1.2 The first of these applications (S15/1718) was a full application for 23 x new build dwellings within the farmyard and conversion of the adjacent barns to 6 x dwellings. This application was refused by Committee in November 2015. The reasons for refusal related to
1. Inappropriate urban form of development in a rural location contrary to CS Policy EN1
  2. Unsustainable location for development in open countryside beyond the built up area of Grantham contrary to CS Policy SP1
  3. No affordable housing provision contrary to CS Policy H3
- 7.1.3 The second application (S16/2431) was a full application for 24 x new build dwellings within the farmyard and conversion of the adjacent barns to 4 x dwellings. The proposal was similar to the previously refused proposal but with a slightly different layout and with dwelling types being mostly detached or semi-detached rather than in blocks. The application was refused under

delegated powers in January 2017. The reasons for refusal were substantially the same as the previous refusal.

- 7.1.4 A third full application was submitted in March 2017 (S17/0506) which included conversion of the barns to 5 x dwellings and demolition of the farmhouse and replacement with 1 x new dwelling. This application was approved in August 2017 under delegated powers. This scheme was considered to be compliant with policy. Whilst there is a general policy presumption against development in the open countryside, there are some exceptions including conversion of historic barns and one for one replacement dwellings both of which are supported by CS policy SP1. This permission has not yet been implemented but remains extant.
- 7.1.5 The fourth and most recent application (S18/0203) was submitted in outline form and did not include conversion of the barns but did include residential development of 11 x single storey dwellings within the former farm yard. The indicative layout showed a similar suburban type layout to the previous applications but with the dwellings being detached, fewer in number and set within larger plots. No provision for affordable housing was included. That application was refused by Committee for similar reasons to the first two applications mentioned above.
- 7.1.6 The current application has been submitted following pre-application discussions with Officers in order to overcome the previous reasons for refusal, as well as concerns raised by Committee. The key differences from previous schemes are:
1. The application is a hybrid (part full, part outline), as both parts of the site overlap to a certain extent and are essentially part of the same overall development, being served by a shared access/private drive. A hybrid application also avoids the need for separate section 106 agreements.
  2. The newbuild element of the development is indicatively shown to be a much more appropriate form of development than that shown in previous submissions.
  3. The applicant has committed to the full section 106 requirement of 35% on site affordable housing to meet local needs as well as the requisite on site open space.

## 7.2 Principle of the development

- 7.2.1 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 2 and 47. NPPF para 48 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.
- 7.2.2 NPPF para 11 states that there is a presumption in favour of sustainable development meaning that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted, unless:
1. 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
  2. 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.
- 7.2.3 The context for the Council's consideration of this application is that the Council can currently demonstrate a 5.3 year housing land supply, however, there has been a historic under provision of housing delivery over the past few years. 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 reasonably up to date. However, in terms of new dwellings in the countryside, the revised NPPF is slightly less restrictive in that it supports the conversion/reuse of any redundant/disused building in the countryside, provided that it



enhances the context of the buildings. The NPPF is an important material consideration and carries significant weight.

7.2.4 The Emerging Local Plan proposes allocation of a substantial parcel of the land to the south of Gorse Lane (ref: SKLP143) for strategic employment development. However, the emerging local plan is currently of limited weight in the decision-making process.

7.2.5 Taking the above into account, it is considered that in consideration of this application, significant weight can be given to policies of the current development plan as well as provisions of the revised NPPF. Little weight can be given to the emerging local plan.

**7.2.6 Principle of conversion of historic barns** - although not listed, the farm buildings to be converted are of traditional vernacular form and of historical and architectural value. As such they are considered to be non-designated heritage assets. CS policy SP1 together with NPPF section 5 supports conversion of such buildings for new housing in rural areas. They are also structurally sound and capable of conversion without substantial alteration, extension or rebuilding. Some unsympathetic alterations have previously been carried out but the building retains most of its original character and appearance. The principle of conversion has already been established by the previous permission S17/0506 which is still extant. Conversion would ensure the enhancement and future preservation of this unlisted heritage asset in line with NPPF section 5 and policies SP1 & H1 of The Core Strategy.

**7.2.7 Principle of new build dwellings** - the thrust of national and local policy is that development should be in sustainable locations wherever possible. The Core Strategy (CS) directs the majority of new development towards Grantham. Policy SP1 states that new development proposals within the town will be considered on "appropriate sustainable and deliverable brownfield sites and appropriate greenfield sites sufficient to ensure the achievement of growth targets." The policy goes on to say that in "the countryside development will be restricted" and proposals will only be considered acceptable for 6 identified categories including, affordable housing; agricultural development; rural diversification; local services; replacement buildings (on a like for like basis) and the conversion of buildings subject to additional criteria. "In all cases planning permission will only be granted on a less sustainable site where it has been proven that there are no other more sustainable options available or there are other overriding material considerations.". In this respect, the CS is consistent with the National Planning Policy Framework (NPPF) which states that new isolated homes should be avoided in the countryside unless there are special circumstances.

7.2.8 In addition to the above, NPPF Section 9 and CS policy SP3 (read in conjunction with the Lincolnshire Transport Plan) requires patterns of development that reduce dependency on motor vehicles, in locations which are particularly accessible by public transport, walking or cycling.

7.2.9 The site is a disused farmyard which is in a location which is close to, although separate from the main built up part of Grantham. The definition of "previously developed land" in the NPPF specifically excludes "land that is or has been occupied by agricultural buildings". The site is technically greenfield land. However, it does have some characteristics in common with brownfield land, in that it is vacant, unused land with a number of dilapidated buildings and structures, together with significant areas of hardstanding. The site has been disused for several years, is no longer needed for agricultural purposes and cannot be easily returned to use as farmland.

7.2.10 The site is part of a small cluster of buildings along the north side of Gorse Lane comprising a mix of sporadic low density housing development, a school, agricultural uses and open countryside. This cluster is surrounded by open countryside and is physically separated from the mainly commercial built up area to the east along Spittlegate level, which itself is physically separate from the main built up area of Grantham. Approximately 300m to the south, a large area of land between Spittlegate Level and the A1 (most of which is a former quarry) has outstanding planning permission for employment generating development, the recently approved Designer Outlet Village and part of the Grantham Southern Relief Road which is under construction. The

land to the east of Spittlegate Level is identified in the CS as the Southern Quadrant urban extension (or Spitalgate Heath Garden Village) which will accommodate up to 3700 new homes. Notwithstanding the above, the application site is currently physically separated from these developments by a large swathe of open countryside.

- 7.2.11 Previous applications on this site were refused primarily on the grounds of conflict with CS policy SP1 and para 55 of the now deleted 2012 version of the NPPF. It was not considered that there were any material considerations that carried sufficient weight to outweigh the conflict with the development plan. The outline part of the current proposal is not in accordance with CS policy SP1 as it does not fall into any of the categories of development allowed under this policy in the open countryside. However, there are significant material differences between the current proposal and previously refused proposals and the policy situation has shifted with the publication of the revised NPPF (July 2018). As such, it is a much more finely balanced judgement. The planning balance is discussed in the final section of this report.

### 7.3 Affordable Housing

- 7.3.1 CS Policy H3 (read in conjunction with the NPPF and the NPPG as well as the South Kesteven Planning Obligations SPD) requires developments of 10 or more dwellings to provide a target of 35% affordable housing. On this development that equates to 7 of the proposed 21 dwellings being provided as affordable homes to meet local need.
- 7.3.2 The previously refused applications were refused in part due to non-provision or lack of clarity of provision of affordable housing. In respect of the current application, the applicant has expressed a willingness to enter into a such S106 agreement to provide the requisite amount of affordable housing. At the time of writing the S106 was under preparation.
- 7.3.3 Subject to the signing of a satisfactory Section 106 agreement, in this respect the proposal accords with the NPPF (Core Planning Principles and Section 5: Delivering a wide choice of high quality homes) CS Policies SP4 and H3 and the South Kesteven Planning Obligations SPD.

### 7.4 Impact on the character of the area

- 7.4.1 CS policy EN1 requires development to be appropriate to its context, taking into account factors such as local distinctiveness, layout and scale and historic character, patterns and attributes of the landscape. Equally The NPPF (section 12) is very clear that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. NPPF Section 16 advises that regard should be had to the impact on non-designated heritage assets.
- 7.4.2 The proposed barn conversions (full application) would not require substantial rebuilding, extension or alteration and would retain the essential elements of the building, retaining its character. The alterations (including contemporary features) as a whole are considered to respect the building's agricultural character. The hardstandings, amenity areas and boundary treatment are all appropriate and help to maintain the rural feel.
- 6.4.3 In respect of the new build (outline application) part of the proposal, the layout and type of buildings shown on the indicative layout plan and described in the design and access statement, differ significantly from those proposed in the previously refused applications. The previous proposals were inappropriately urban or suburban in character and did not sit well in the rural context. This in part led to their refusals.
- 7.4.4 Although layout, scale appearance and landscaping would be determined at reserved matters stage, the indicative plans show a collection of buildings, similar in footprint and floorspace to the existing buildings to be demolished, arranged in a manner which compliments the existing historic barns and rural context. Subject to appropriate design, massing and landscaping, as well as careful consideration of orientation of the dwellings and relationship of private and shared open space, this general arrangement, together with the removal of the unsightly disused poultry

sheds and modern portal framed barns would be in keeping with the context and would enhance the site and the setting of the undesignated heritage assets. Whilst the detailed layout is not included as a matter for consideration, a condition has been attached tying the reserved matters layout to the general principles shown on the indicative layout and described in the design and access statement.

- 7.4.5 Taking the above into account, it is considered that overall, the proposal would be an enhancement to the site, the undesignated heritage assets and their setting, and surrounding rural context in accordance with CS policy EN1 and NPPF sections 12, 15 and 16

## 7.5 Residential Amenity

- 7.5.1 The NPPF (para 127) and CS policy EN1 seek to ensure a good standard of amenity for existing and future occupiers of developments. It is considered that there would be adequate separation distances from the new dwellings within the site and adjacent dwellings to ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of future occupiers or the occupiers of adjacent properties and in this respect accords with the NPPF (Core Planning Principles and Section 12: Requiring good design) and CS policy EN1.

## 7.6 Highway and Traffic Issues

- 7.6.1 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:
1. appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
  2. safe and suitable access to the site can be achieved for all users; and
  3. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.6.2 Development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.6.3 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.
- 7.6.4 The site would be served from a two vehicular accesses on Gorse Lane leading to a drop off loop and shared private driveway serving the whole site. In addition, the application proposes a 1.2m footway together with streetlighting along the north side of Gorse Lane, from the site to the junction with Spittlegate Level (B1174), to be secured by condition.
- 7.6.5 LCC Highways advised at pre-application stage, when the applicant sought advice on the principle of residential development of this site, that they would not support the proposal as it would not be in a sustainable location and that lack of a footway and street lighting would result in residents being entirely dependent on motor vehicles. It would therefore be contrary to the NPPF.
- 7.6.6 The applicant has overcome this issue by proposing the 1.2m footway to be secured by condition. LCC Highways are satisfied that the road is capable of accommodating the proposed footway and that it would satisfactorily mitigate the highway safety impact of pedestrians walking along the carriageway. It would also make the development more sustainable by providing links to the existing movement/transport network. As well as providing mitigation, the 1.2m footway would also be a material betterment over the existing situation, enabling existing residents as well as pupils, visitors and staff of the adjacent school, to safely walk to the existing footway network and bus stop at Spittlegate Level without having to walk along the carriageway of Gorse Lane. There is good visibility at the site entrance and the site is large enough to accommodate adequate off road parking and turning space. LCC Highways have advised that the fundamental

question of development in this location and whether it meets the sustainable goals of the CS and NPPF is a decision for SKDC as local planning authority. That issue is discussed in the "Principle of Development" and "Planning Balance and Conclusion" sections of this report. However, as a result of the proposed footway and subject to conditions, they advise that there are no technical highways reasons (highway safety and traffic capacity) to warrant a refusal of planning permission.

- 7.6.7 Taking the above into account, the proposal in respect of highway safety and traffic capacity, complies with CS policy SP3 and the NPPF (Core Planning Principles, Section 12: Requiring good design and Section 9: Promoting sustainable transport).

## 7.7 Drainage

- 7.7.1 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 not in a high flood risk zone and the submitted flood risk assessment and drainage details adequately demonstrate that the site can be drained without leading to unacceptable risk of flooding on and off the site, LCC advise that the proposal is acceptable in this respect and there are no technical drainage reasons to refuse.

In this respect, the proposal is in accordance with the NPPF (Section 14: Meeting the challenge of climate change, flooding and coastal change) and CS policy EN2.

## 7.8 Ecology

- 7.8.1 NPPF Section 15 encourages new development to contribute to and enhance the natural and local environment. CS policy EN1 also requires proposals to be assessed against biodiversity and ecological networks within the district.
- 7.8.2 The applicant has carried out an ecology survey which demonstrates that site and buildings are not currently used by protected species and the ecological value of the site is low. However a condition has been added requiring implementation of bat and bird boxes to mitigate the loss of potential roosting places and encourage local populations. Subject to conditions, there would be no adverse impact on protected species or ecology. Furthermore, significant new tree, shrub and hedge planting would result in a significant enhancement to local ecology and biodiversity. In this respect the proposal is in accordance with CS policy EN1 and NPPF Section 15.

## 7.9 Trees and Open Space

- 7.9.1 SAP policy SAP10 requires provision of open space for major developments based on specific space standards. NPPF Section 8 requires access to high quality open space. In this case there would not be a requirement for children's or young people's play areas/equipment given that the occupiers would be over 55s. To comply with the policy, the proposal would require approximately 760m<sup>2</sup> of informal/natural greenspace as well as 100m<sup>2</sup> allotments, both of which are shown on the indicative plans. The exact quantity would depend on the size of the dwellings. The open space would be of benefit to occupiers of the development as well as enhancing the character and appearance of the area. The applicant has expressed a willingness to enter into a section 106 agreement to secure the open space, which is currently being progressed.
- 7.9.2 There are a number of trees along the frontage which are covered by a tree preservation order. These trees would be retained and appropriate conditions have been attached to ensure they are not damaged during construction. In this respect the proposal is in accordance with CS policy EN1, SAP policy SAP 10 and NPPF section 8.

## **8.0 Section 106 Heads of Terms**

- 8.1 The proposed development would necessitate the following obligations via a section 106 agreement including:

Health facilities - £16,010.50 towards a primary care hub at Spittlegate Heath  
Public open space provision on site - 2.0 ha per 1000 population of informal/natural greenspace (equating to approximately 760sqm) and 0.2 ha per 1000 population of allotments (equating to approximately 100sqm) The exact amount will depend on the number of dwellings in each dwelling which will be set at reserved matters stage.  
Affordable Housing – equivalent to 35% of total number of dwellings to be provided on site

- 8.2 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).

## **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.

## **11.0 Planning Balance and Conclusion**

- 11.1 Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The outline part of the proposal i.e. the new build dwellings, conflicts with CS policies SP1, H1 and SP3 in terms of its location in open countryside. However, in this case there are a number of factors which weigh in favour of this proposal. It is therefore necessary to carry out a balancing exercise to determine whether such material considerations outweigh the identified conflicts with the development plan.
- 11.2 The revised NPPF (July 2018) now contains in para 79 specific circumstances where isolated new dwellings in the open countryside are acceptable. One such circumstance is the reuse of redundant or disused buildings which would enhance their immediate setting. Such buildings need not be of historic or architectural merit. In this case, the historic barns are proposed to be converted and whilst the other existing redundant buildings are being replaced rather than reused, with the resulting floorspace/footprint being broadly the same, the result would be a significant overall enhancement to the site and surrounding context, including the setting of the historic barns which are non-designated heritage assets. The fact that it would be possible to carry out residential conversion of the existing portal framed barns resulting in an enhancement to the site, and which would be in line with NPPF para 79 is also a fallback position that is a material consideration.
- 11.3 The revised NPPF in paras 117 - 118 also encourages the effective use of land, including brownfield land or underutilised land/buildings. Furthermore in paras 122 - 123 it is stressed that density should respect the prevailing character and that very low density should be avoided where possible particularly where supply is limited. Whilst the site is not technically brownfield by definition, it consists of underutilised land and buildings which have no realistic prospect of a return to agricultural use. The proposal would be an efficient use of the land by redeveloping it and bringing it back into use without encroaching onto undeveloped countryside. The density and type of development i.e. buildings of a similar scale and footprint to the existing, is also in line

with the prevailing character of the area and much more appropriate than the previous urban/suburban forms.

- 11.4 Other material considerations that weigh in favour are the removal of the unrestricted poultry/livestock farm use which is incompatible with adjacent dwellings and school. The proposal would also lead to biodiversity enhancements by way of new tree and hedge planting. Whilst the 1.2m footpath from the site to Spittlegate Level is fundamentally necessary to make the development acceptable in planning terms, it would also be a material betterment over the existing situation, enabling existing residents as well as pupils, visitors and staff of the adjacent school, to safely walk to the existing footway network and bus stop at Spittlegate Level without having to walk along the carriageway of Gorse Lane.
- 11.5 One final consideration, whilst not determinative on its own, needs to be given some weight in the planning balance. That is the site's relationship to Grantham. Although the site is in the open countryside for the purposes of CS policy SP1, it is bounded on 2 sides by existing ribbon development and is physically fairly close to the existing built up area of Grantham ie within the "catchment" of Grantham in terms of local services and facilities, rather than remote from any settlement. Little weight can be given to the adjacent proposed allocation in the emerging local plan at this time. However, it is reasonable to assume that at some point in the future, the current gap between the site and the edge of Grantham will be developed, making the site part of the built up area of Grantham.
- 11.6 Overall, the proposal is a much better scheme than the previously refused schemes. The change of approach to design, together with the inclusion of affordable housing and revisions to the NPPF have tipped the balance significantly. It is considered that taken together, the material considerations outlined above are sufficient on balance to outweigh the conflict with the locational policies of the development plan (CS policies SP1, and H1) and the proposed development is acceptable in this and all other respects.

## **12.0 RECOMMENDATION**

- 12.1 Defer to Chairman and / or Vice Chairman in consultation with the Assistant Director for 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.
- 12.2 In the event that the agreement has not been concluded within the six-week period and where in the opinion of the Assistant Director for 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.

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

### **Conditions in respect of the whole development**

#### **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 Sections 91 and 92 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:

Relating to the outline permission:

- i. SDG/18/B/001 A – site location plan
- ii. SGFD/18/BP/002 A – block plan (in relation to the position of the access and driveway only)

Relating to the full permission:

- iii. SDG/18/B/101 – site location plan
- iv. SGFD/18/BP/002 A – block plan
- v. SFD/18/002 - proposed floor plans
- vi. SFD/18/003 - proposed elevations
- vii. SGD 18 B 002 – proposed improvements to footpath

Unless otherwise required by another condition of this permission.

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

## **Before the Development is Commenced**

- 3 Before the development hereby permitted is commenced, all existing trees shown on the approved plan to be retained shall have been fenced off to the limit of their branch spread in accordance with BS 5837. No works including:

- i. removal of earth,
- ii. storage of materials,
- iii. vehicular movements or
- iv. siting of temporary buildings

shall be permitted within these protected areas.

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

- 4 No development other than demolition and site clearance shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.2 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway, carriageway dimensions and street lighting details. The footway to run along the frontage of the site and from the site to the junction with B1174. 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.

## During Building Works

- 5 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
  - 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;
  - provide attenuation details and discharge rates which shall be restricted to greenfield run off rate;
  - provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  - 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.

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 ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

- 6 Other than demolition and site clearance, 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 desk top study documenting all the previous and existing land uses of the site and adjacent land;
  - ii. 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
  - iii. 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.
  - iv. 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.

- 7 Prior to completion of the development, a scheme of bird and bat boxes to be installed on site including timetable of implementation shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the potential loss of protected species' habitats is adequately mitigated.

- 8 The scheme of bird and bat boxes to be installed on site shall be carried out in accordance with the agreed details and retained throughout the lifetime of the development.

Reason: To ensure that the potential loss of protected species' habitats is adequately mitigated.



## **Before the development is occupied**

- 9 Before the end of the first planting/seeding season following the occupation/first use of each part of the development hereby permitted, all soft landscape works associated with that part of the development 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).

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

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

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

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

- 12 Before each part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

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

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

## Ongoing Conditions

- 14 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, 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.

## **Conditions in respect of the full planning permission**

### **During Building Works**

- 15 Before any of the works on the external elevations of the barn conversions 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).

- 16 Before installation of any of the windows and doors to the barn conversions hereby permitted takes place, full details of all these proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles as well as proposed finishes, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of the building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 17 Prior to installation of new rainwater goods to the barn conversions hereby approved, details shall be submitted to the local planning authority of the type of rainwater goods to be installed on these buildings and the means of fixing the goods to the building.

Reason: To ensure that the type of rainwater goods and their means of being secured to the building are appropriate for the context.

- 18 Notwithstanding the submitted plans, before the works to provide the boundary treatments for the barn conversions are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 19 Prior to installation of any new flues to the barn conversions hereby approved, details shall be submitted to the local planning authority of the type, location, dimensions and finish of the flues.

Reason: To ensure that any additional chimneys and/or flues do not compromise the character or appearance of the building.

- 20 Those parts of the existing buildings proposed to be retained as shown on the submitted drawings shall be retained in place at all times and this permission shall not be implemented unless the said parts are existing in situ at the time of implementation, and in the event that any of the said parts either collapse or are destroyed or removed for any reason during the carrying out of the works authorised hereby, then no further works shall be undertaken without the express consent of the District Planning Authority.

Reason: The permission hereby granted is for conversion rather than rebuild of a non designated heritage asset. This condition is attached for the avoidance of doubt.

- 21 Any external remedial work to the barn conversions should be carried out using original materials where possible and any new work should match the existing in every respect.

Reason: To ensure a satisfactory appearance to the development and in accordance with the NPPF and Policy EN1 of the South Kesteven Core Strategy.

- 22 Raking out and preparation of joints prior to re-pointing on the barn conversions shall be carried out using hand tools only and any re-pointing or new external brickwork shall be carried out using a lime based mortar.

Reason: To prevent damage to the historic fabric of the building and preserve the historic character of the building in accordance with the NPPF.

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

- 23 Prior to occupation of the barn conversions, details of 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).

- 24 Prior to occupation of the barn conversions, details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. proposed finished levels and contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- viii. retained historic landscape features and proposals for restoration, where relevant.

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

- 25 Before the barn conversions are first occupied, the joinery works shall have been completed in accordance with the approved joinery details.

Reason: To ensure the satisfactory preservation of the building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 26 Before the barn conversions are first occupied the rainwater goods shall have been completed in accordance with the approved details.

Reason: To ensure the satisfactory preservation of the building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 27 Before the barn conversions are first occupied any flues approved under condition 19 shall have been completed in accordance with the approved details.

Reason: To ensure the satisfactory preservation of the building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 28 Before the barn conversions hereby approved are occupied, the rooflights shall have been installed and be of a conservation type, fitted flush with the adjoining roof surface so as not to project above the plane of the roof and shall be retained as such thereafter.

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

### **Ongoing Conditions**

- 29 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration, other than those expressly authorised by this permission shall be carried out to the converted barns without Planning Permission first having been granted by the Local Planning Authority.

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

- 30 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes other than those expressly allowed by this permission shall be constructed within or on the boundary of the curtilage of the converted barns without Planning Permission first having been granted by the Local Planning Authority.

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

- 31 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure, other than those expressly allowed by this permission shall be constructed within or on the boundary of the curtilage of the converted barns without Planning Permission first having been granted by the Local Planning Authority.

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

### **Conditions in respect of the outline planning permission**

#### **Time Limit for Commencement**

- 32 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. landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development on the part of the site for which outline permission has been granted 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).

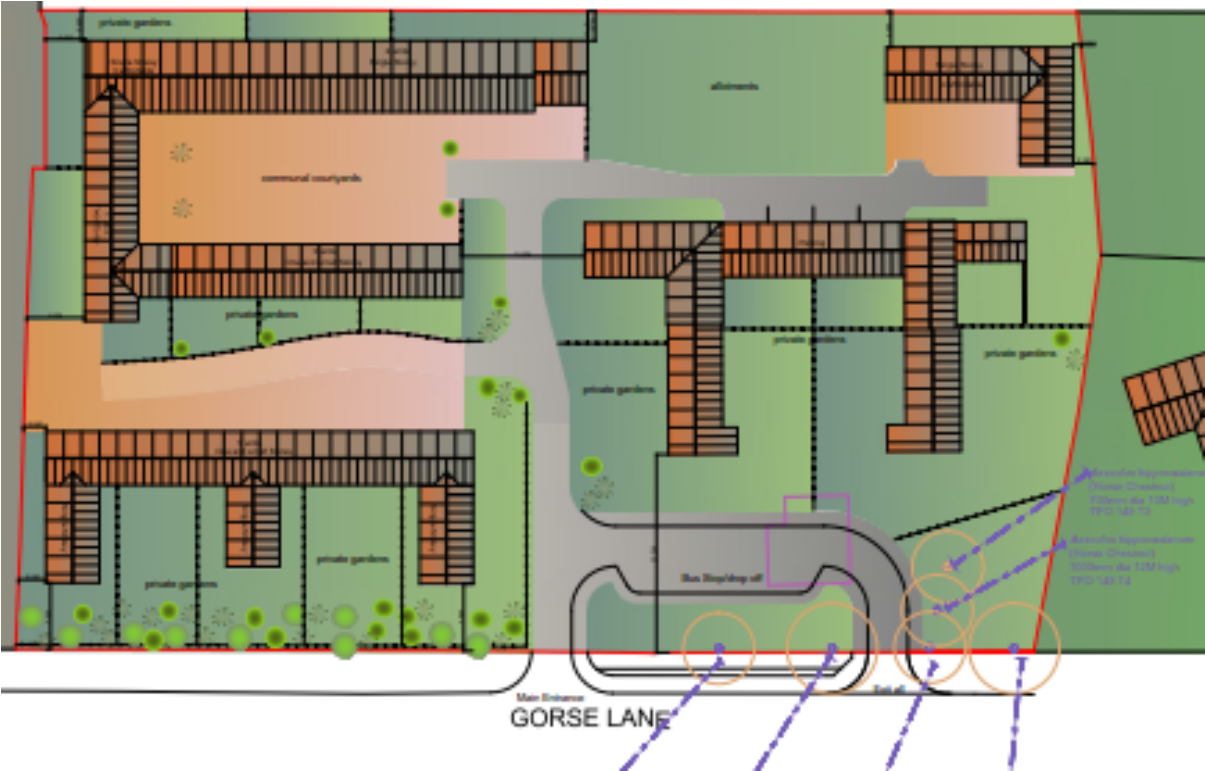
- 33 The reserved matters submissions required by condition 32 shall accord with the general principles of the submitted Design and Access Statement and the general layout shown on the indicative block plan.

Reason: In order to ensure that the detailed design of the site is appropriate for the rural context, and in accordance with Core Strategy policy EN1.

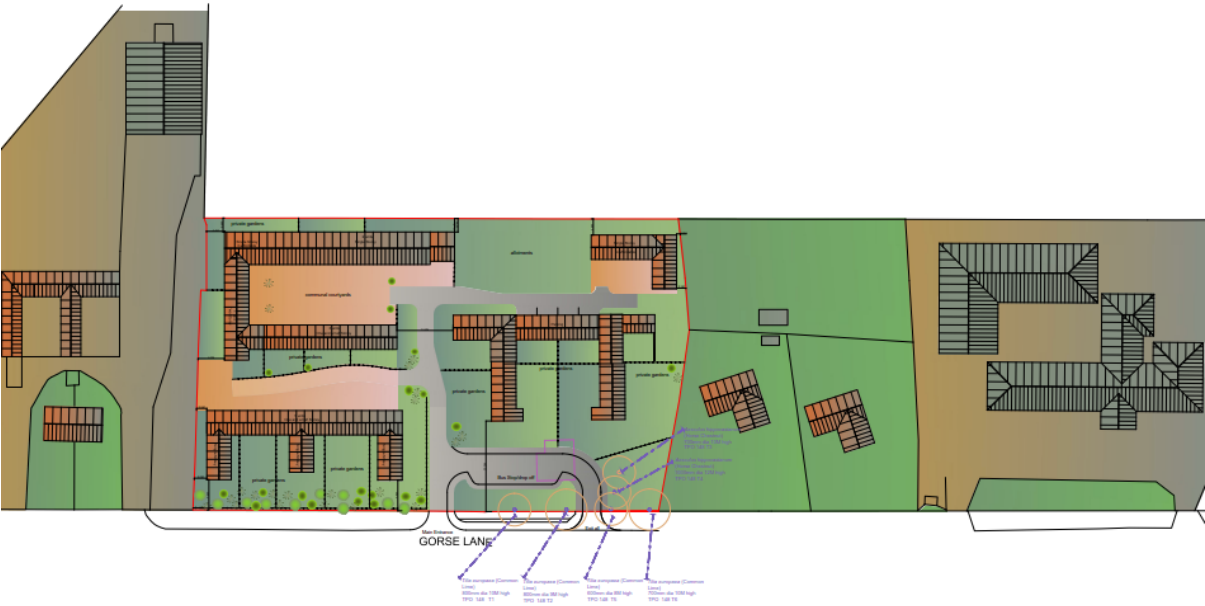
### **Standard Note(s) to Applicant:**

- 1 The Local Planning Authority has worked with the applicants at the pre-application stage to address the reasons for previous refusals; to facilitate the progress of the application to a determination within the statutory timetable and as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.
- 2 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- 3 The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.

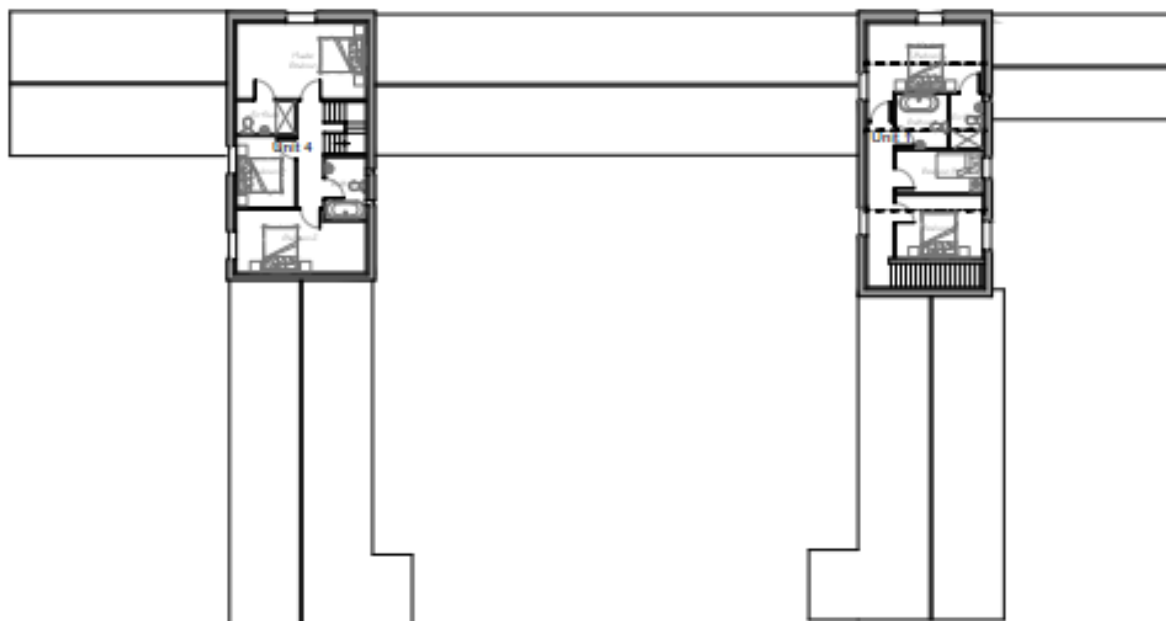
Proposed Block Plan



Proposed Block Plan in Wider Context



## Barn Conversion – Proposed Floor Plans



### PROPOSED FIRST FLOOR PLAN



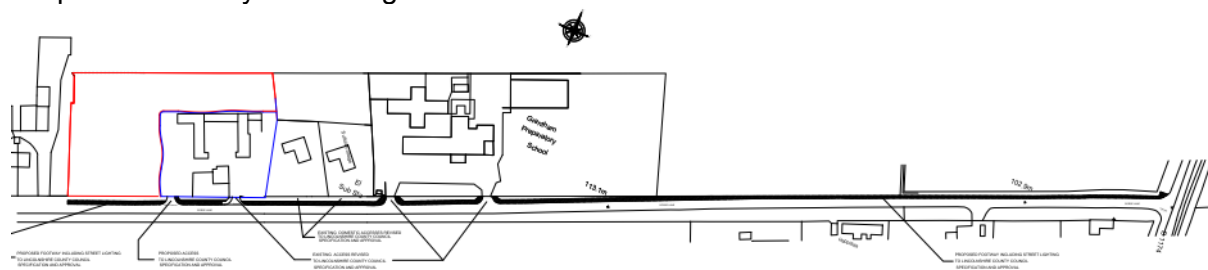
### PROPOSED GROUND FLOOR PLAN

UNIT 1: THE HISTORY OF THE UNITED STATES  
LESSON 1: THE FOUNDING FATHERS  
LESSON 2: THE AMERICAN REVOLUTION  
LESSON 3: THE CIVIL WAR  
LESSON 4: THE WESTERN EXPANSION  
LESSON 5: THE INDUSTRIAL REVOLUTION  
LESSON 6: THE PROGRESSIVE ERA  
LESSON 7: THE GREAT DEPRESSION  
LESSON 8: WORLD WAR II  
LESSON 9: THE COLD WAR  
LESSON 10: THE 1960S  
LESSON 11: THE 1970S  
LESSON 12: THE 1980S  
LESSON 13: THE 1990S  
LESSON 14: THE 2000S  
LESSON 15: THE 2010S  
LESSON 16: THE 2020S

## Barn Conversion – Proposed Elevations



### Proposed Footway Link along Gorse Lane





MGS1	S18/0455	Target Decision Date:7th June 2018
		Committee Date:13th November 2018

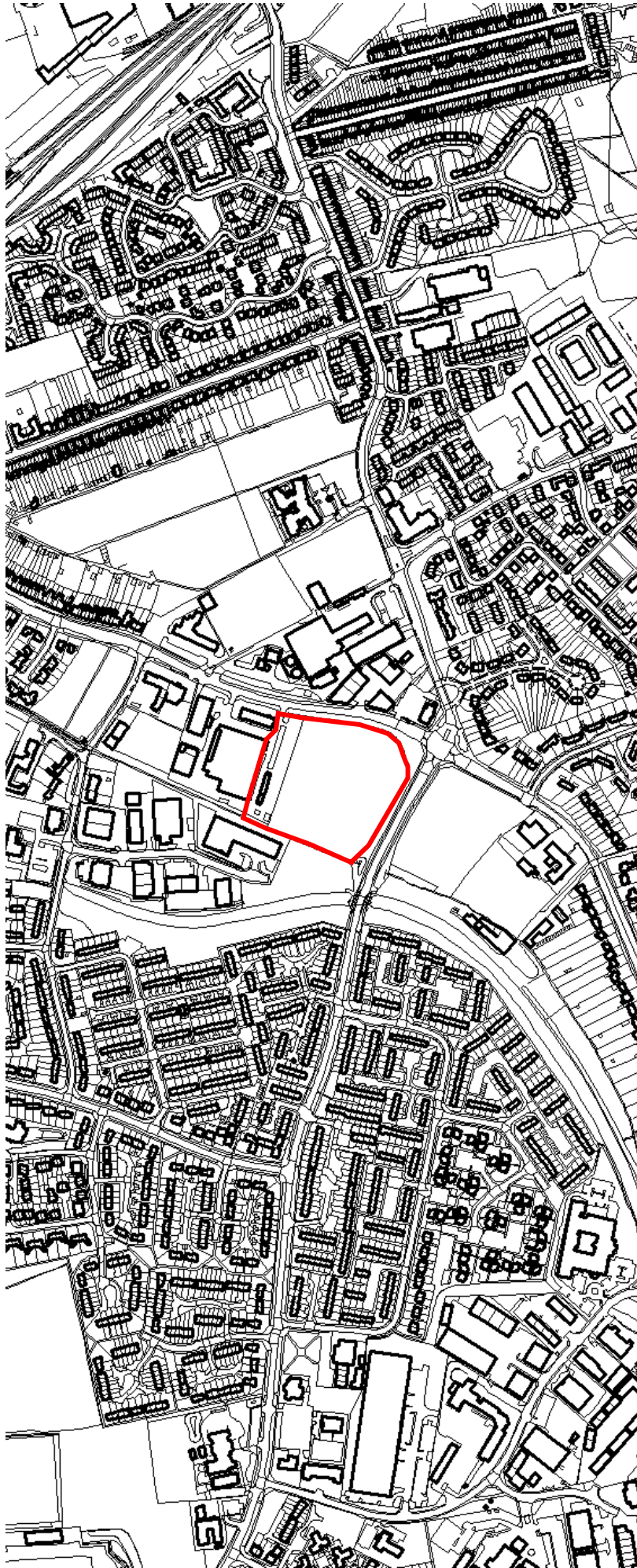
Applicant	Mill Hill Developments Ltd. C/o Globe Consultants Ltd.
Agent	Miss Rhiannon Wilson Globe Consultants Limited Globe Consultants Ltd, The Tithe Barn, Greestone Place, Lincoln
Proposal	Mixed use development comprising: Petrol Filling Station (Sui Generis) with associated convenience retail unit (A1); drive through coffee shop unit (A3); a Builder's Merchant with associated yard and store (Sui Generis); 2no. A3/A5 units; 1no. office premises (B1); a replacement dispatch building (B8); access from Trent Road and Harlaxton Road with associated highway works; and associated car parking and landscaping works, including revised car park layout for Grantham Engineering.
Location	Land Adjacent To Trent Road And Harlaxton Road
Application Type	Full Planning Permission (Major)
Parish(es)	Grantham
Reason for Referral to Committee	At the agreement of the Head of Development Management, as the application is for a major, mixed-use re-development on a prominent site which is allocated for employment uses.
Recommendation	That the application is:- Approved conditionally
Report Author	Mike Gildersleeves - Principal Planning Officer 01476 406080 Ext: 6383 mike.gildersleeves@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

## Key Issues

Principle of development  
Retail and economic considerations  
Highway considerations  
Impact on the character of the area  
Technical considerations and other matters

## Technical Documents Submitted with the Application

Integrated Planning Statement  
Transport Assessment  
Desk Based Report - Contaminated Land  
Sequential Test Report  
Tree Protection and Landscape Mitigation  
BS5837:2012 Tree Survey  
Surface Water Drainage Solution  
Flood Risk Assessment  
Preliminary Risk Assessment (PRA) and Contaminated Land Report



Key



Application  
Boundary



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## 1.0 Description of proposal

- 1.1 The proposal seeks to comprehensively re-develop the site to provide for a range of uses including a dispatch unit for Grantham Engineering, a Builders Merchant, an Office Unit, 2xFood Units, a Drive-Through Coffee Shop and a Petrol Filling Station.
- 1.2 The units would be as follows:
- Office unit (B1) - 13.2m x 17.6m x 6.2m high. The unit would comprise 2 office spaces with meeting rooms at ground floor, with an archive space at first floor level comprising 180m<sup>2</sup> floorspace.
  - Food units (A3/A5) - 18.7m x 13.1m x 7.2m high and 13.6 x 20.2m x 7.4m high comprising 170m<sup>2</sup> and 185m<sup>2</sup> floorspace respectively.
  - Drive-through coffee shop unit (Mixed Use A1/A3) - 18.2m x 14m x 6.2m high comprising 200m<sup>2</sup> floorspace.
  - Builders Merchant (Sui generis) - 53.8m x 25.4m x 8.2m high comprising 1400m<sup>2</sup> floorspace. The unit would have warehouse, storage and back-office functions at ground floor, with a mezzanine in the roofspace covering approximately one third of the building's area.
  - Despatch building (B8) - 35.2m x 16m x 6.8m high comprising 570m<sup>2</sup> floorspace.
  - Petrol filling station (Sui generis) - the building would be 17.1m x 23.3m x 4.9m high with ancillary retail comprising 375m<sup>2</sup> floorspace. Canopy would cover 25.1m x 8m x 7.6m at its highest point.
- 1.3 Materials to be used on all buildings comprise a mix of cladding (both timber and composite panels of varying colours) and brickwork, sheet roofing material and large elements of glazing on all but the dispatch building and the builders merchants.
- 1.4 The application proposes 2 primary access points. One from Harlaxton Road (located on the opposite side of the road but between the accesses for 'Screwfix' and 'KFC') which would also include a ghost island designed to prevent right-turning on exit. The second would be onto Trent Road.
- 1.5 The internal layout of the road structure has been designed to prevent 'rat-running' through the site to avoid the traffic-controlled junction, whilst also providing an efficient and safe arrangement to serve the uses proposed. The Petrol Filling Station and Drive-Through coffee shop would have bespoke access arrangements off the internal road to meet their specific needs.
- 1.6 Pedestrian accesses would be provided from Harlaxton Road for the food and office units, and it is also proposed to widen the footpath on Harlaxton Road to 3m width to allow it to be used as an integrated foot/cycle-way.
- 1.7 The dispatch unit for Grantham Engineering would continue to utilise the existing access serving that site from Harlaxton Road.
- 1.8 The applicant has stated that the site has been held to facilitate future expansion of Grantham Engineering. As a result of changes over-time, not all of the land is now required for this purpose and thus a mixed-use scheme is being brought forward for future development. Part of the site is required for the modest rationalisation of Grantham Engineering's current working practices, which will be manifested in the erection of a new product dispatch building. Rationalisation of car parking is necessary to deliver that in the right location, whilst ensuring operational car parking needs are safeguarded. Given the dual frontage of the site, and prominent location it is

considered that the uses proposed would make efficient and appropriate use of the remaining land. Access has been carefully designed to consider the impact on the function and capacity of the Harlaxton Road/Trent Road junction. Phasing of development allows for early investment in part of the site and corresponding economic benefit to be realised without a requirement to deliver the additional highways improvements necessary for the wider investment in the rest of the site which would follow in due course.

- 1.9 The development represents an investment of over £5m in construction within Grantham and supports a significant number of jobs as outlined.

## **2.0 Description of site**

- 2.1 The site is approximately 1.8ha and is currently unused apart from occasional use to host a fair/circus. It is covered by grasses and bushes in a topsoil layer over a layer of made ground comprising brick, concrete, ash and tile.
- 2.2 The site is level and undeveloped having previously been retained for the expansion needs of Grantham Engineering.
- 2.3 The site benefits from a dual frontage to Harlaxton Road and Trent Road and sits within close proximity of the junction of Harlaxton Rd, Trent Road, and Springfield Rd. It is noted that within the verge on Harlaxton Road there are a number of prominent Lime trees.
- 2.4 The site is located in the south of Grantham's urban area in an established employment area which extends north between the railway line and Mow Beck, towards the Asda Superstore. The employment area has some limited residential development on the western side of Harlaxton Rd /A607 in the vicinity of Alexandra Way. The focus of this application is on land immediately to the south of Grantham Engineering, which forms a cluster of employment uses bounded by Earlsfield Lane, Harlaxton Road, Trent Road and Mow Beck. These employment uses continue to the south east of the site along Harlaxton Road to Willow Lane.
- 2.5 The land to the east of the site on the opposite side of Harlaxton Road is also in employment use and is occupied by a mix of trade counter business types and food and drink related establishments. The land to the west of the site is elevated and separated from the employment area by a significant area of informal recreation space and waterway, which forms a transition to the residential area. The character of the site is therefore significantly influenced by the scale of the employment uses around it, and the major junction between Harlaxton Road, Springfield Road and Trent Road which forms two sides of the site.

## **3.0 Relevant History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SK.1809/88(12628)	Food store and car parking	Refused	13/07/1989

## **4.0 Policy Considerations**

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

National Planning Policy Framework  
 Section 11 - Making effective use of land  
 Section 12 - Achieving well-designed places  
 Section 15 - Conserving and enhancing the natural environment  
 Section 14 - Meeting the challenge of climate change, flooding and coastal change  
 Section 2 - Achieving sustainable development  
 Section 4 - Decision-making  
 Section 6 - Building a strong, competitive economy  
 Section 7 - Ensuring the vitality of town centres

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

Policy E1 - Employment Development

Policy E2 - Retail Development

Policy EN1 - Protection and Enhancement

Policy EN2 - Reduce the Risk of Flooding

Policy EN4 - Sustainable Construction and Design

Policy SP1 - Spatial Strategy

Policy SP3 - Sustainable Integrated Transport

#### **4.3 Site Allocation and Policies Development Plan Document**

Policy SD1 - Sustainable development

#### **4.4 Saved Policies from the 1995 Local Plan**

Policy E1 – Employment Allocation (Grantham)

#### **4.5 SKDC Corporate Priorities**

Grow the economy

#### **5.0 Representations Received**

Invest SK (SKDC)

Support the proposal. They identify the prominent nature of the site and the thriving commercial characteristics of the area. The majority of the proposed uses identified within the application bring a complimentary offering to the existing business infrastructure. The builders merchant / trade counter is in keeping with those already on Harlaxton Road and the associated drive thru A3 units will further support the requirements of employees and customers of the local business base. It is not felt that the proposed A3 offering will in any way conflict with the A3 offering either existing or proposed within the town centre and it is very much a case of the operators choosing 'this site or not at all' rather than 'this site or the town centre'. It is also recognised that delivery of this site may also drive interest in or regeneration of other nearby sites. In summary, the effect of bringing this site forward will contribute hugely to developing a thriving employment and spend generating gateway for the town of Grantham.

LCC Highways & SuDS  
Support

Raise no objections and have made no substantive comments. They have confirmed that the proposals are acceptable.

They have also indicated that the effect with other developments including the Marstons Public House approval (S16/2252) has been reviewed, however, the combined impact of the developments on the network would be acceptable.

A condition requiring delivery of the highway improvement works identified on drawing number JH1277-101G is recommended.

Natural England

Raise no objections and have no specific comments to make. The proposal should take account of Natural England's

standing advice.

Environmental Services (SKDC)	Protection	Environmental Protection have reviewed the application and have no comments to make.
Arboricultural (SKDC)	Consultant	<p>Raises no objections. Detailed comments are as summarised follows:</p> <p>The trees to be removed are in the public highway and in that respect are owned by Lincolnshire CC. They contribute greatly to the amenity of the area. They are a historic green feature in the street scene that help break up the built form around them.</p> <p>Any trees felled to make way for the development should be replaced recognising the balance between the benefits of the development and protecting the landscape. A robust re-planting and landscaping condition should be attached to any consent requiring that each tree be replaced by either a small leaved lime and/or London plane (for landscape consistency) in a tree pit that provides sufficient space of root growth. Other species would be acceptable within the development itself. The trees should be quality heavy standard size for immediate impact on the landscape.</p> <p>A condition relating to tree protection, method statements, and aftercare in line with the submitted details are recommended.</p>
Environment Agency		Originally objected due to insufficient evidence to demonstrate that the proposed development would not pose an unacceptable risk of pollution of groundwater and the Mow Beck. Following the provision of additional information, objections were maintained on the basis of concerns regarding below-ground petrol storage. Following further changes (to remove below ground petrol storage) the EA have since removed their objections.
Anglian Water Services		Raise no objections subject to the imposition of conditions.
Street Scene (SKDC)		Note the location of the site and existing issues relating to litter nuisance within the area from existing food outlets. Request litter-pickers or other methods to prevent further issues in the area resulting from the development.
Lincolnshire Fire & Rescue Services		No comments returned
Upper Witham Drainage Board	Internal	Raise no objections, but request a condition relating to the incorporation of SUDS and that such a solution should be developed in conjunction with the LLFA. The Board would support the use of SuDS, subject to the agreement of the detail and the discharge rate.

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

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

- 1 Contrary to Local Plan policy - allocated for employment
- 2 Contrary to emerging policy - site indicated as being suitable for housing development. Likely to have implications for 5year housing supply.
- 3 Access and egress concerns
- 4 Traffic generation and highway designs not appropriate
- 5 The TA is insufficient and raises concerns regarding traffic generation.
- 6 Potential "rat run" around junction through the site.
- 7 Lack of a retail sequential assessment - outside of the town centre.
- 8 No need for facilities and services being proposed, number of existing facilities which meet this need.

## **7.0 Evaluation**

### **7.1 Principle of Development**

- 7.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the South Kesteven Core Strategy 2010 (CS), South Kesteven Site Allocation and Policies Development Plan Document 2014 (SAP), saved Local Plan Policies 1995 and Lincolnshire Minerals and Waste Core Strategy 2016. Significant weight can be attributed to policies contained in the Core Strategy, SAP and the Lincolnshire Minerals and Waste Core Strategy which comply with the NPPF. 14 policies in the 1995 Local Plan were saved in 2007 and are read alongside the Core Strategy. The 1995 Local Plan is largely out of date; however, appropriate weight should be given to those saved policies which are considered to be consistent with the NPPF. No weight is yet attached to the emerging Local Plan policies as the plan preparation is not sufficiently advanced.
- 7.1.2 Other material considerations to be taken into account include the National Planning Policy Framework (NPPF) and associated Planning Policy Guidance.
- 7.1.3 The site comprises a mix of previously-developed and greenfield land, located within a sustainable location within Grantham. In general terms, the principle of development is considered to be acceptable based on the requirement of policy SP1 of the Core Strategy.
- 7.1.4 The proposed development is situated on a site allocated under Policy E1 (site ref E1.11 as shown on the Proposals Map 2010) within the Saved 1995 Plan for new industrial and business development. This policy is still relevant, and considered as being up-to-date. It is considered that the proposed development is appropriate in policy terms as the proposal would include significant elements of employment provision, along with other uses which would complement the existing uses. The proposals would be generally consistent with the requirements of the NPPF which seeks to see sites brought forward and delivered, with emphasis on supporting the economy as a key facet of sustainable development. Furthermore, it is considered that there is a general acceptability to the proposals which offer opportunities for a range of uses, given that it would complement the existing industrial site and is well located along main arterial routes into and out of the town. There is a locational requirement on the dispatch unit (to be close to Grantham Engineering for the functional link) and due to the nature of some of the proposed uses (such as the Builders Merchants), these are deemed to be better suited to this location so as to reduce the need for heavy goods traffic to pass through the town centre. The proposed scheme seeks to provide a range of uses, with 70% of the floorspace proposed being for employment related uses.

- 7.1.5 Policy E1 of the Core Strategy seeks to retain and support employment within Grantham, and this proposal would contribute to this objective in part through the support of the expansion of Grantham Engineering. The application also indicates that the proposal includes opportunities for the relocation of other existing Grantham businesses to the site, with improved facilities being provided.
- 7.1.6 The works to the dispatch building are expected to improve productivity but are not expected to create additional employment or create a significant change in the economic impact of Grantham Engineering. Additional employment will however be generated by the other proposed uses. In the absence of known users for the B1/A3/A5 units and given the range of possibilities covered by the proposed uses, the applicants have applied the Homes and Communities Agency (HCA) guidance on employment densities based on the footprint of the buildings, and then made a second calculation using the typical level of employment for a franchise providing a mixture of take-away and restaurant type facilities in the same operation.
- 7.1.7 Total employment supported within the development site is estimated to be 75 FTE. Adjusting this figure for Displacement (jobs relocating from elsewhere) and Deadweight (jobs that would be created anyway), and applying a standard multiplier for indirect/induced jobs, it is estimated that the development will create 37 FTE new jobs in the local economy. In addition to direct employment, the development will also generate construction jobs. The estimated construction cost is £5.15 million inclusive of carparks and roadways within the site and the development phasing assumed to be over three years which results in approximately 10 FTE construction jobs.
- 7.1.8 All of the above are considered to be important positive factors in the consideration of the proposals.
- 7.1.9 The site is located within an area which has seen considerable change over more recent years with the introduction of a number of uses which would be classed as 'Main Town Centre' uses (such as 'KFC'), along with re-development to provide opportunities for employment and job creation. Further, it is noted that to the west of the site (on the opposite side of the junction) consent has been granted for a public house on another vacant site opposite. It is therefore considered that in general terms the broad principle of development should be supported, subject to the consideration of detailed matters as set out below in this report.
- 7.2 Retail Considerations
- 7.2.1 Policy E2 (Retail Development) of the Core Strategy seeks to support the existing town centres through the focus of new retail development towards the town centres, the boundaries of which are defined on the proposals map. The policy identifies that where proposals cannot be located in the town centre, a sequential approach should be applied, taking into consideration the requirements of the latest Retail Needs Study. The policy does not however identify a threshold above which the sequential test should be applied.
- 7.2.2 The requirements of policy E2 are considered to broadly reflect the updated position in respect of retail development as set out in the NPPF. This requires a Sequential approach to be adopted for all 'Main Town Centre' uses which would be located outside of the town centre, with a requirement to look at town centre, edge of centre, and then out of town sites. The NPPF is clear that a flexible approach should also be applied, taking into consideration factors such as business requirements. Finally, the NPPF identifies that for proposals of 2500sqm or more a Retail Impact Assessment is likely to be required where there are no locally set thresholds in an up-to-date local plan. The Councils position is that 1000sqm is an appropriate locally set threshold.
- 7.2.3 The National Planning Practice Guide (PPG) advises that it is for the applicant to demonstrate compliance with the sequential test and that the test should be proportionate and appropriate for the given proposal. The PPG states that the following considerations should be taken into account in determining whether a proposal complies with the sequential test:



1. with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
2. is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
3. if there are no suitable sequentially preferable locations, the sequential test is passed.

7.2.4 The PPG also recognises that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The PPG advises that robust justification must be provided where this is the case.

7.2.5 The proposals include for a total floorspace of circa 3000sqm, although only 930sqm of this would fall into a retail classification. Therefore it is considered that a Retail Impact Assessment is not required as this is below both the local and national thresholds.

7.2.6 When the application was originally submitted, it contained limited information in respect of the above, and as a result objections were received on this basis. As part of the determination, additional information has been provided in relation to the sequential test.

7.2.7 The applicants Sequential test can be summarised as follows. There are no sites of suitable size that are available for a development as proposed that are sequentially preferable to the application site. Many of the sites presented are existing vacant shops. Given the characteristics of Grantham and its urban grain, it is not surprising therefore that the sites that come forward in a search are primarily existing shop, restaurant or café units within the town centre which are mostly either attached or semi-detached and well below the sizes and form needed to operate in the operator format proposed. This proposal is to trade as complementary services to people from the established residential areas, significant local employers and enhancing the limited local services at Hornsby Road/Trent Road (which has no scope for meaningful expansion), and thus the applicants do not believe there is a sequentially preferable opportunity.

7.2.8 Notwithstanding the current lack of available units, even if there were to be a site of sufficient size/configuration and with sufficient associated parking, it would in any case not represent a suitable alternative to the application site, because it would cater for an essentially different "localised catchment" served by that particular district centre. The strength of this particular element of the proposal is to serve passing motorists along the arterial A607 Harlaxton Road alongside offering enhanced choice to local residents and employees in the immediately adjacent areas. It has no significant risk of drawing trade from the centre of Grantham.

7.2.9 Further, as a relatively small part of the site's allocation is as employment land, these uses will provide a supportive and functional link with the other employment generating uses proposed and, in themselves, offer new job opportunities in their construction and operation. The proposals will cater for a different customer base than shoppers, town centre employees and visitors to the centre of Grantham and as such there is no potential for cross-over trade or for the proposals to have any adverse impact on the vitality and viability on the town centre.

7.2.10 Having reviewed the sequential test that has been provided, it is considered that it has been prepared based upon an appropriate methodology, and has applied a reasonable and proportionate approach. It is considered that the applicant has adopted an appropriate search area for the development and has demonstrated flexibility in the scale and format of the proposals. Taking this and the conclusions of the study into account it is considered that the

sequential test set out in paragraphs 86 and 87 of the NPPF and required by Policy E2 of the South Kesteven Core Strategy has been passed.

- 7.2.11 Notwithstanding the above, it should be noted that the site is located within an area where there are already a series of main town centre uses (eg KFC) and where other developments are also planned to take place. Collectively these uses function as a form of local centre, located outside of the main town centre, but which serves the community which is located around it along with providing facilities for other residents and users. This area functions appropriately without diluting or prejudicing the offer which is available within the town centre. The provision of retail, and main town centre uses has been previously accepted in this location, and thus establishes a clear acceptability for such proposals in principle, provided that they would not have any overriding impacts. To this end, it is considered that the introduction of the proposed uses would complement the existing offer in this area. It would therefore represent a sustainable form of development.
- 7.2.12 The above assertions are supported by InvestSK who identify that the site is in a prominent gateway position which already supports a wide range of commercial providers. The majority of the proposed uses identified within the application bring a complimentary offering to the existing business infrastructure. The builders merchant / trade counter is in keeping with those already on Harlaxton Road and the associated drive thru A3 units will further support the requirements of employees and customers of the local business base. It is not felt that the proposed A3 offering will in any way conflict with the A3 offering either existing or proposed within the town centre and it is very much a case of the operators choosing 'this site or not at all' rather than 'this site or the town centre'. The area is clearly a developing commercial quarter on the outskirts of the town centre that will ultimately generate good levels of employment for local people and bring additional visitors / spend into the local area, and the development of this site may encourage other nearby sites to come forward. In summary, InvestSK consider, the effect of bringing this site forward will contribute hugely to developing a thriving employment and spend generating gateway for the town of Grantham.
- 7.2.13 Given the aforementioned, the proposals would be compliant with Policy E2 and the retail principles advocated by the NPPF.

### 7.3 Highway considerations

- 7.3.1 The application is accompanied by a Transport Assessment which considers the components within the development, uses current traffic data in the analyses and acknowledges the forecast future influence of locally committed developments and background traffic growth to an assessment year of 2023. Background traffic growth has been applied to the current traffic that uses the existing 'Screwfix' and 'KFC' accesses and future year 2023 traffic forecasts also have been increased to include the addition of an approved development at the KFC site with an assumed additional 900m<sup>2</sup> of fast-food provision, generating an additional 23 trips in the morning peak period and 135 trips in total in the evening peak period. Pedestrian movements have also been considered and modelled.
- 7.3.2 The TA identifies:
1. Traffic past the site on Harlaxton Road comprises around 60% of traffic travelling towards Grantham in the morning and with an even directional split in the evening.
  2. Traffic Growth and Committed Traffic adds around 219 trips to the adjacent traffic signal junction in the morning and 197 trips in the evening and the proposed development increases this traffic by a further 45 trips in the morning and 58 trips in the evening, giving material increases of 2% and 3% respectively.
  3. Road accident and casualty statistics show 14 'slight' personal injury accidents within 200m of the site, over the most recent five year period.
  4. The Harlaxton Road site access proposals evolved to take account of a banned outward right turn at the Harlaxton Road site access, to avoid conflicts with queuing traffic at the signals in part of the peak periods and also incorporate 'ghost

island' right turn facilities for the site and the opposite 'Screwfix' site with the adjacent bus stop re-located north along Harlaxton Road towards the Grantham Engineering access.

5. As part of the proposals, Grantham Engineering's current site car parking will be displaced and distributed around their existing site. The dispatch building will continue to be served from the Grantham engineering site access.
6. The site would be served by a priority access at Trent Road with a 4.5m by 45m visibility envelope serving the Builders Merchants directly and also offering a route from the site for southbound traffic.

7.3.3 The scheme has been developed in conjunction with LCC Highways who have not objected to the proposals. The Highway Officer has identified that the introduction of the 2 access points corresponds with other existing and proposed access points on Harlaxton Road and Trent Road in the vicinity of the junction and is not unusual. The traffic generated by the proposed development would not be "severe" and the impact on the immediate highway network would be insufficient to substantiate a refusal. The combined impact of the developments has been considered on the network and there would be no cumulative impacts which are unacceptable. Conditions are recommended.

7.3.4 It is also noted that the proposed conditions are structured in such a way so as to allow uses to come on-stream without the need to deliver all of the required highway works up front. This is considered to be appropriate given the planned phasing of the development and will aid in providing a deliverable and economically viable solution.

7.3.5 In light of the above, it is considered that the proposals would be acceptable in relation to highway safety matters, particularly when considering traffic generation and access standards (visibility, width etc).

7.3.6 Parking for 133 vehicles would be provided within the development, along with the rationalisation of the parking within the Grantham Engineering site in order to accommodate the new dispatch facility. The rationalisation is considered to be to the benefit of Grantham Engineering, providing a more efficient and appropriate environment for the business. Given the general sustainability of the location, the accessibility of the site, and the absence of any formal parking standards, it is considered that this level of parking is commensurate to the amount and type of development proposed.

7.3.7 Notwithstanding that many of the uses proposed are reliant on visitors arriving in vehicles, there will be an element of use of the site (and the component uses) by those not in vehicles. To that end it must be remembered that this is a highly sustainable location, accessible by a variety of means, including public transport. Thus, it is considered that this location is generally suitable for the uses proposed and would not contravene the objectives of sustainable development.

7.3.8 Given the above, subject to the conditions as recommended, the proposals are considered to be acceptable in relation to matters regarding highway considerations and parking and the proposals would therefore comply with policy EN1 and the relevant principles within the NPPF.

#### 7.4 Impact on the Character of the Area

7.4.1 The general character of the area is mixed, with a variety based upon the use of the building. Visually the area is dominated by the presence of the signalised junction which is a key street feature. The site itself is currently dominated by its boundary treatment which includes hedgerows, trees and palisade fencing. The presence of wide pavements and verges creates relief to the highway, but does not dilute the prominence of the site on a principal route into/out-of the town, and it is noted that there are a number of significant trees located within the verges which contribute to the character of the area.

7.4.2 The development has been designed to provide an active and contemporary frontage to Harlaxton Road, adding townscape interest along this major approach into the town and a high

quality streetscape not dominated by car parking. The layout within the site has been designed to be clear, easily understood, and easy to navigate by both drivers and pedestrians. The use of the accesses described above, offers advantages in terms of traffic movement and turning movement controls. It also provides four well-defined and legible areas within the application site that, whilst benefiting from some dual custom, will cater for quite distinct customer groups:

- Petrol Filling Station: providing fuel services for local people and those travelling past the site between the town centre and the A1; and local convenience provisions to travellers and local people at a scale that does not compete with town or district centres.
- Builder's Merchant: offering improved services for the local construction industry and trades.
- Office and food and drink cluster along Harlaxton Road: providing local employment and enhanced local services for local people in the locality, as well as nearby businesses.
- The new dispatch building within the Grantham Engineering site: further enhancing and sustaining this key local employer.

7.4.3 The proposed buildings and the associated layout of the site are reflective of the specific needs of the businesses which the applicant wishes to attract to the site. The drive-through, food and office units would be of modern, specialist designs, required to deliver the necessary floorspace and general visibility within the street scene. The petrol filling station is based upon a standard model, and the Builders Merchants is essentially a large warehouse area. That said, all of the units have been carefully considered in terms of scale and design to ensure that they are appropriate for the context of the area and would collectively present a cohesive and high-quality development, which would make it attractive to users and which would be appropriate for this prominent site.

7.4.4 The dispatch unit for Grantham Engineering has similarly been designed to reflect its intended function, whilst providing a transition between the industrial character of the existing buildings on site and those proposed within the wider re-development.

7.4.5 The proposals would create appropriate street presence, without any element being overly dominant within the street scene and thus the development would integrate into the existing character of the area. All of the buildings will be constructed to meet or exceed existing standards and reach at least Good BREEAM standards. It is also reasonable to assume that they will incorporate now established practices such as waste water recovery, led lighting, waterless urinals, etc. and there is likely to be electric charging point provision to minimise environmental impact.

7.4.6 It is considered that with the conditions as recommended relating to materials, the proposals would be acceptable. In addition, any advertising required would be subject to separate consideration through an advertisement consent application.

7.4.7 The scheme includes opportunities for soft-landscaping, and also seeks to retain many of the individual trees which form the boundary of the site. There would be some reductions in hedgerows, to allow visibility of the proposed uses (such as the petrol filling station) and appropriate visibility at access points, but would also allow retention of some elements to provide softening of the development. It is considered that with the conditions as recommended the proposals would be appropriate.

7.4.8 The scheme would result in the loss of some of the existing street trees, most notably 4 lime trees on Harlaxton Road. These trees are not protected, and lie outside of the application site. These are required to be removed in order to facilitate appropriate visibility from the proposed access to the site (to meet LCC standards). The Councils Tree Officer has reviewed these losses (and requested additional information which was provided) and has concluded that subject to the details presented within the submitted information being delivered, appropriate landscape mitigation within the site can be achieved. A total of 22 specimen trees (London Plane and Lime) are proposed along with a variety of shrubs, and a detailed implementation specification has

been presented as part of the application. Therefore, whilst these tree losses are unfortunate, they can be appropriately mitigated within the development.

7.4.9 Having considered all of the above, it is concluded that the proposals would accord with the requirements of policy EN1, and the principles of high quality design as advocated by the NPPF.

## 7.5 Technical and other considerations

7.5.1 There are a number of other considerations relevant to the proposals:

**7.5.2 Contaminated land** - Following receipt of the application, additional information and investigation has been presented which specifically considers issues relating to potential contamination and pollution prevention, particularly in relation to the Mow Beck. As a result of these investigations, no below ground storage of fuels for the petrol filling station are now proposed and the drainage strategy has been revised.

7.5.3 It is now proposed to store fuel within an 80,000 litre bunded storage tank which would be designed by a specialist to meet the business requirement, along with meeting all relevant legislation including that specified by the EA and HSE. It is noted that the details provided indicate that the tank proposed would have a 4hour fire rating. The position of this tank has been appropriately considered in relation to its prominence, and would be appropriately screened by existing and proposed landscaping, the final finish of the tank would also be controlled by conditions.

7.5.4 The Environment Agency objection to the proposal in relation to contamination has been addressed and no other statutory consultee has objected on the grounds of contamination. Subject to appropriate conditions therefore, the scheme is considered to be acceptable in relation to contaminated land matters, and thus the objectives of the NPPF would be met.

**7.5.5 Drainage** - The applicants have revised the submitted drainage strategy for the site following discussions with the Environment Agency and as a consequence of further investigations. In this instance the ground is considered to be unsuitable for infiltration or soakaways, permeable surfacing and tanked attenuation, this is due to the former uses at the site and issues relating to contaminated land.

7.5.6 The proposed surface water drainage solution would see a piped system discharge to the Mow Beck and will be attenuated to limit maximum discharge to 7.8 l/s for the critical 1 in 100 year design storm with 30% climate change allowance. Flow control will be installed within the drainage network on site to achieve this limits, with restrictions at the Builders Merchants and within the main carrier drains. The discharge point to the Mow Beck will be via a new headwall structure - designed to meet EA requirements. Pollution prevention measures will also be installed within the development with perimeter drains, filtration and oil separators, which would all meet best practice requirements.

7.5.7 Given that these matters have been discussed with the EA, and they have raised no objections to these approaches, it is considered that this approach to drainage is acceptable and subject to the imposition of recommended conditions, the proposals would comply with policies EN1 and EN2.

**7.5.8 Hours of operation** - Hours of operation are not identified within the submission, however given the variety of uses in the area (either existing or planned) and the degree of separation between the development and sensitive residential receptors it is considered that conditions relating to restrictions on hours are not reasonable in this instance. The hours of operation of the existing businesses in the area do include evening and weekend operation. No comments have been received from Environmental Protection regarding hours of operation, and thus, it is considered that this aspect can be appropriately left to the commercial end user in conjunction with other legislative requirements such as the Licensing regime.

- 7.5.9 **Refuse** - The concerns of the SKDC Street-Scene section are noted, however new development proposals cannot be expected to mitigate the impact of existing development. The details provided do indicate the likely location of bin stores to service the proposals, however, in order to ensure that an appropriate solution for the collection and management of waste and refuse during operation of the component uses and the site as a whole, an overall strategy for refuse management is required and thus a condition is recommended. It is considered that subject to the conditions proposed, the impacts of the proposal in terms of likely litter can be appropriately managed and thus this would not provide a basis for refusal.
- 7.5.10 **Lighting** - The uses proposed are likely to require an appropriate level of lighting in order to make the development safe and functional. Such lighting is likely to meet modern lighting standards (including led and timer-controlled). Given the urban context of the area, with a number of lighting sources, and the lack of any sensitive receptors, it is considered that in this instance lighting can be appropriately dealt with by the applicants at the detailed design stage, in accordance with best practices and governed by the Environmental Protection Act.
- 7.5.11 **Amenity** - Given the location of the site and the relationship with surrounding uses, it is considered that the proposals are unlikely to give rise to any detrimental amenity implications. Matters relating to noise and odour would be controlled through requirements of the Environmental Protection Act, and matters relating to the extraction systems proposed for the food units would also be subject to consideration through other control regimes. In this instance therefore it is considered appropriate that these matters are dealt with outside of the planning process.
- 7.5.12 **Phasing** - The proposal has been designed in such a way to allow it to be brought forward in a series of separate development parcels. These phases generally reflect the provision of the access arrangements. The delivery of the Builders Merchants is likely to be the first stage in order to meet commercial requirements and timescales. Similarly, the dispatch facility is a current requirement of Grantham Engineering and is also likely to be brought forward early. The remaining elements are likely to follow afterwards, subject to securing appropriate end users and commitments regarding investment. To this end, the conditions as recommended have been appropriately worded to allow phased delivery on site.

## **8.0 Crime and Disorder**

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

## **9.0 Human Rights Implications**

- 9.1 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.
- 9.2 It is considered that no relevant Article of that act will be breached.

## **10.0 Conclusion**

- 10.1 Having considered all the requirements of the Development Plan, the proposed scheme is considered to be in accordance with the plan when the policies of the plan are taken as a whole. Furthermore, having given due regard to all relevant material considerations the proposals are considered to be acceptable, and subject to the conditions as recommended, the proposal is therefore recommended for conditional permission.

**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 and reports:

Plans and drawings:

- 1 JH1277 - 101N - Proposed Site layout
- 2 JH1277 - 102E - Proposed Landscaping plan
- 3 JH1277 - 103F - Site Roofplan
- 4 JH1277 - 105 - Proposed site sections
- 5 JH1277 - 200A - Drive through coffee shop proposal
- 6 JH1277 - 201A - Drive through coffee shop proposal
- 7 JH1277 - 300D - Building merchant proposal
- 8 JH1277 - 301D - Building merchant proposal
- 9 JH1277 - 400 - Food Unit 1 proposal
- 10 JH1277 - 401 - Food Unit 1 proposal
- 11 JH1277 - 402A - Office Unit 2 proposal
- 12 JH1277 - 403A - Office Unit 2 proposal
- 13 JH1277 - 404 - Food Unit 3 proposal
- 14 JH1277 - 405 - Food Unit 3 proposal
- 15 JH1277 - 500 - Petrol filling station & shop proposal
- 16 JH1277 - 501 - Petrol filling station & shop proposal
- 17 JH1277 - 502 - Petrol filling station & shop proposal
- 18 JH1277 - 503 - Substation proposal
- 19 JH1277 - 504A - Petrol filling station layout plan
- 20 JH1277 - 505 - Elevations of fuel tank
- 21 JH1277 - 600 - Dispatch building
- 22 JH1277 - LP5 - Location plan

Reports:

Integrated Planning Statement, Ref. 2274, Final - February 2018 - Globe Consultants Limited  
Transport Assessment, Ref. TCL/875 - November 2017 - Turvey Consultancy Limited  
Desk Based Report, Final Issue - 24 October 2017 - Intersoil Limited  
Sequential Test Report, Ref. 2274, v1 - May 2018 - Globe Consultants Limited  
Tree Protection and Landscape Mitigation, Ref. 1298/0417/03 v2 - 6 July 2018 - C.B.E.Consulting  
BS5837:2012 Tree Survey, Ref. P1298/0417/02 v4 - 31 May 2018 - C.B.E. Consulting  
Surface Water Drainage Solution, Ref. 4844-SW-01 - 3 October 2018 - Siddle Grimley Hage Limited  
Flood Risk Assessment, Ref. TDi 309 Rev B - 9 January 2018 - TD Infrastructure Limited  
Preliminary Risk Assessment (PRA) and Contaminated Land Report, Ref 17-1582.02 - Jul 2018 – Delta Simons

Unless otherwise required by or varied by another condition of this permission.

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

## **During Building Works**

- 3 With the exception of the Builders Merchants building which must be finished in accordance with the details and materials shown on the approved plans (JH1277 - 300C & JH1277 - 301C), no above ground construction of any building/structure/tank, shall take place until the materials proposed to be used for the external surfaces of the building/structure/tank to be erected/installed, along with any hard-surfacing within the plot of that building/structure/tank, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the building must only be constructed in accordance with those details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the works are sympathetic to the visual amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

- 4 In accordance with the details provided on drawing JH1277 - 505 (Elevations of fuel tank) there shall be no below ground storage of fuels or other liquids associated with the Petrol Filling Station at any time.

Reason: In order to ensure that any fuels or liquids are appropriately stored and will not result in detrimental impacts in relation to contaminated land.

- 5 No building or installation of foul drainage infrastructure associated with the buildings, shall be constructed/installed, until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all relevant foul water works serving that building have been installed/completed in full.

Reason: To ensure satisfactory drainage infrastructure is provided, and to prevent environmental and amenity problems arising from flooding.

- 6 Prior to the first use of any of the Food units (class A3) and/or Office unit (class B1) fronting Harlaxton Road, the landscaping must be undertaken and all planting completed in accordance with the agreed details as set out in the Tree Protection and Landscape Mitigation report (Ref. 1298/0417/03 v2 report) in particular the "Landscape Mitigation" section of the aforementioned report, and read in conjunction with the approved plans.

Thereafter the planting must be maintained in accordance with the "Aftercare Management" measures specified in the aforementioned report.

Reason: In order to ensure that the landscape mitigation measures as identified are implemented in full, in order to provide appropriate mitigation and to soften the visual impact of the development.

- 7 Prior to the first use of the Petrol Filling Station, a detailed landscaping and boundary plan for the Petrol Filling Station site (in particular its frontages onto Harlaxton Road and Trent Road) must be submitted to the Local Planning Authority for agreement in writing. The details shall include details of the proposed boundary treatment(s) and positions, along with details of planting and any other screening. Thereafter the boundaries and landscaping of the Petrol Filling Station site must be undertaken and completed in accordance with the agreed details before the Petrol Filling Station is brought into use.

Reason: In order to ensure that the boundary of the Petrol Filling Station site are appropriate and implemented in full, in order to provide appropriate mitigation and to soften the visual impact of the development.

## **Before the Development is Occupied**

- 8 Prior to the first use of either the petrol filling station, or any of the Food units (class A3) fronting Harlaxton Road, an overall refuse strategy for the site shall be submitted to the Local Planning Authority for agreement in writing.



The strategy shall include:

Details of the location and size of refuse receptacles and collection facilities

Measures to be undertaken to provide for the collection of waste within the site as a whole

Measures to be undertaken within the immediate vicinity (area to be defined in the strategy) to provide collection of waste which may be created as a result of the development and to prevent litter nuisance.

Measures to be put in place to ensure that the operators of each of the independent units (such as the food units or petrol filling station) adhere to the requirements of the overall strategy.

The agreed strategy (including any physical measures to be installed) must be implemented from the first use of either the petrol filling station, or any of the food units (whichever occurs first) and the site must thereafter be operated in accordance with the agreed measures.

Reason: In order to ensure that waste and rubbish are appropriately managed and to prevent litter nuisance within the locality as a result of the development.

- 9 Prior to first use of the Petrol Filling Station, and/or Drive-Through Coffee shop - Mixed-use (class A1 and A3), and/or any of the Food units (class A3), and/or Office unit (class B1) alongside Harlaxton Road, the highway improvement works, access routes and parking arrangements must be fully completed in accordance with the details shown on drawing number JH1277-101N and shall be fully completed as may be confirmed in writing by the Local Planning Authority. and parking arrangements shall be fully constructed and shall fully completed as may be confirmed in writing by the Local Planning Authority. The access and parking arrangements must thereafter be retained and available at all times when any of the buildings identified by this condition are open or available for use.

Reason: In order to ensure appropriate access and provision of parking facilities, in the interests of safety of the users of the public highway and the safety of the users of the site.

- 10 Prior to the first use of the Builders Merchants, the access and parking arrangements to serve it from Trent Road must have been fully completed in accordance with the details shown on drawing number JH1277-101N and shall be fully completed as may be confirmed in writing by the Local Planning Authority. The access and parking arrangements for the Builders Merchants must thereafter be retained and available at all times when the building identified by this condition is open or available for use.

Reason: In order to ensure appropriate, in the interests of safety of the users of the public highway and the safety of the users of the site.

## Ongoing Conditions

- 11 Notwithstanding the provisions of Parts 3 and 4 in Schedule 2 of the Town & Country Planning (General Permitted Development Order) 2015 (as amended), the buildings as identified on the approved plans shall only be used for the following purposes unless express planning permission is granted by the Local Planning Authority for any other use:

Food units - class A3 (Restaurant/Café) with ancillary A5 use

Drive-Through Coffee shop - Mixed-use (A1 and A3)

Builders Merchant - Sui Generis

Office unit - class B1 (Office)

Dispatch Building - class B8

Petrol filling station - Sui Generis with ancillary A1 use

The references above (eg class A3) are in relation to the relevant use classes as defined within the Town and Country Planning (Use Classes Order) 1987 as amended.

Reason: In order to ensure that the buildings are used for the purposes identified within the application and to enable the Local Planning Authority to regulate any changes, in the interest of sustainable development.

### **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.
- 2 All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.
- 3 We refer you to position statement 'D1 General Principles of Pollutant Storage and Transmission' in our 'Environment Agency's Approach to Groundwater Protection (V1.2)' document - which outlines the general principles that you are required to adhere to. This document can be found here - Groundwater Protection. It states that:  
You must design and maintain storage and transmission facilities, such as tanks, lagoons and pipework, in such a way that hazardous substances are prevented from being released to the environment and the input of non-hazardous pollutants to groundwater is limited so as to not cause pollution. The Environment Agency expects operators to adopt appropriate engineering standards, taking into account the nature and volume of materials stored and the sensitivity of the groundwater. For petrol filling stations, systems should meet the specifications within the accepted industry standards in design, construction and operation (Blue Book).

On the understanding that the storage of hazardous substances at the site would be controlled by The Control of Pollution (Oil Storage)(England) Regulations 2001, we would likely have no further concern with regard to the risk posed to controlled waters from the above ground storage. Further guidance on oil storage regulations can be found here - Oil Storage Regulations

We advise that the revised development proposals are submitted to the LPA with full details for the proposed storage (e.g. secondary containment, leak detection systems etc) to demonstrate compliance with the oil storage regulations. Please note, our comments are only in relation to environmental issues, others organisations may need to be consulted with respect to Health and Safety or amenity issues

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.

- 4 LCC Highways informative(s):  
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.
- 5 Anglian Water informative(s):

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

apparatus. It should be noted that the diversion works should normally be completed before development can commence.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

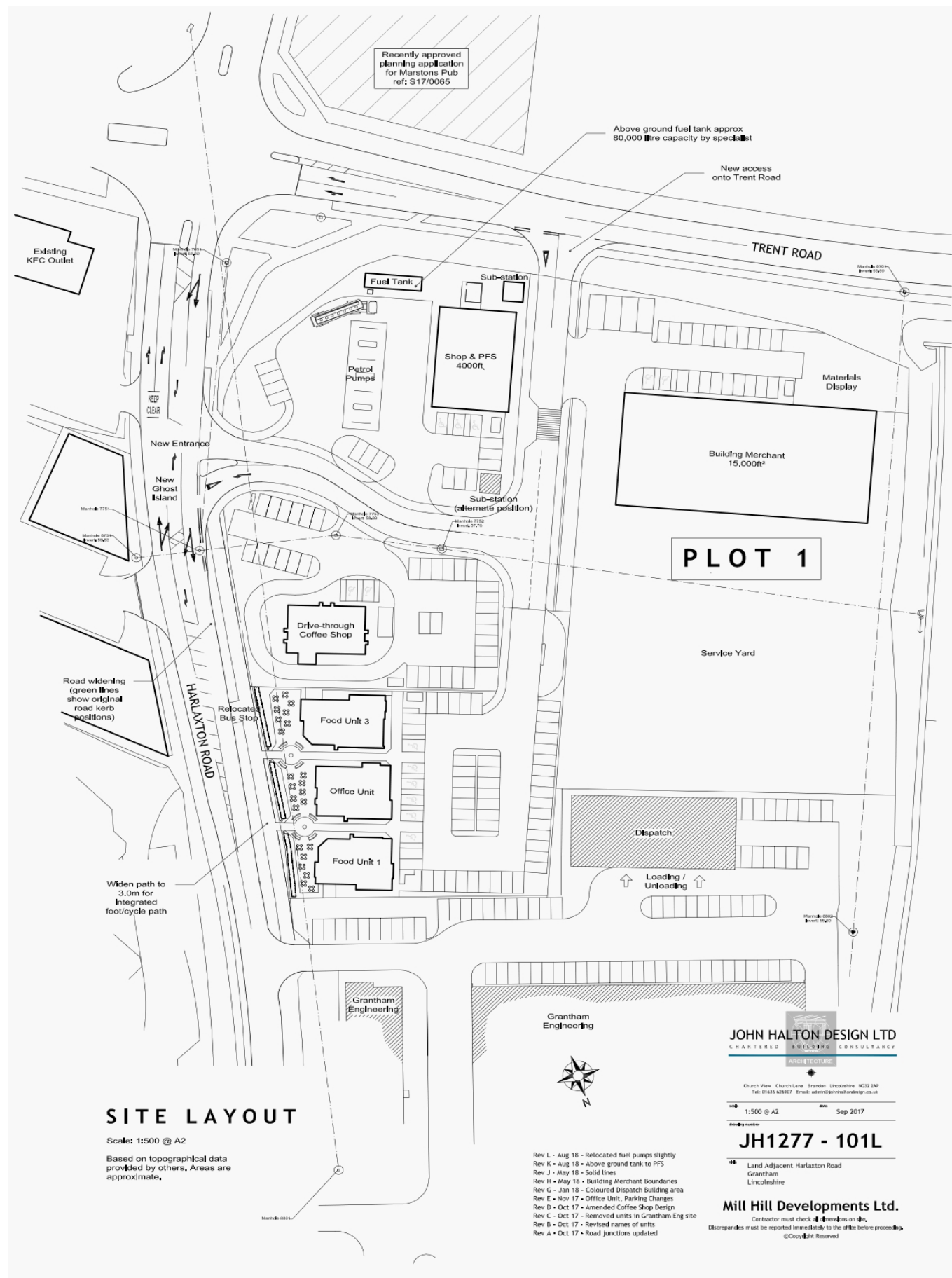
An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

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

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution.

# PLANS: Site Layout Plan



## Visualisations



**Mill Hill Commercial Development Park**  
Architectural impression of food units from Harlaxton Road (V07)

**JOHN HALTON DESIGN LTD**  
CHARTERED ARCHITECTS  
ARCHITECTURE





**Mill Hill Commercial Development Park**  
 Visual illustration of the proposed petrol filling station and associated shop (V03)

**JOHN HALTON DESIGN LTD**  
 CHARTERED BUILDING CONSULTANCY  
 ARCHITECTURE



**Mill Hill Commercial Development Park**  
 View of builder's merchant adjacent access onto Trent Road (V04)

**JOHN HALTON DESIGN LTD**  
 CHARTERED BUILDING CONSULTANCY  
 ARCHITECTURE





**Mill Hill Commercial Development Park**  
View of public areas adjacent Harlaxton Road (V09A)

**JOHN HALTON DESIGN LTD**  
CHARTERED BUILDING CONSULTANCY  
ARCHITECTURE



**Mill Hill Commercial Development Park**  
Architectural illustration of food units from carpark within the site (V10)

**JOHN HALTON DESIGN LTD**  
CHARTERED BUILDING CONSULTANCY  
ARCHITECTURE

