

AGENDA



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

For a meeting of the
DEVELOPMENT MANAGEMENT COMMITTEE

to be held on

TUESDAY, 15 JANUARY 2019

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

**(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 11 DECEMBER 2018

5 PLANNING MATTERS

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

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

- (a) **Application ref:** S18/0937
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
- (b) **Application ref:** S18/2003
Description: Erection of single storey side and rear extensions and detached garage
Location: 21 Village Street, Frognall, Lincolnshire, PE6 8RS
- (c) **Application ref:** S17/1900
Description: Residential development of up to 35 dwellings, associated estate roads, open space and Sustainable Drainage System (outline)
Location: Old Langtoft Gravel Pit, land to the south of Stowe Road, Langtoft

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:

Meeting Date	Notification Deadline
Tuesday 15 January 2019, 1pm	Monday 14 January 2019, 10am
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 (any questions will be asked 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

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MINUTES

DEVELOPMENT MANAGEMENT
COMMITTEE
TUESDAY, 11 DECEMBER 2018



SOUTH
KESTEVEN
DISTRICT
COUNCIL

COMMITTEE MEMBERS PRESENT

Councillor Ashley Baxter
Councillor Phil Dilks
Councillor Mike Exton
Councillor Mrs Rosemary Kaberry-Brown
Councillor Michael King
Councillor Robert Reid
Councillor Mrs Judy Smith

Councillor Judy Stevens
Councillor Adam Stokes
Councillor Ian Stokes (Vice-Chairman, in the Chair)
Councillor Brian Sumner
Councillor Rosemary Trollope-Bellew
Councillor Paul Wood

OFFICERS

Head of Development Management (Sylvia Bland)
Plannings Officer (Shelly Delderfield, Phil Jordan)
Legal Adviser (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

41. 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 Wilkins.

42. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jacky Smith and Brenda Sumner.

43. DISCLOSURE OF INTERESTS

No interests were disclosed.

44. MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2018

The minutes of the meeting held on 13 November 2018 were agreed as a correct record.

13:09 – Councillors Dilks and Baxter entered the meeting

45. PLANNING MATTERS

(a) 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

Decision:

Minded to refuse the application contrary to officer recommendations.

13:14 - Councillor Adam Stokes entered the meeting

Noting:

- Comments from the Environment Agency
- No objection from Cadent Gas Limited
- Comments from the SKDC Affordable Housing Officer
- Comments from the Welland and Deeping Internal Drainage Board including additional comments relating to the ongoing maintenance of the watercourse to the south of Harvey Close
- No comments from Natural England
- Comments from SKDC Street Scene
- Concerns raised by the Elsea Park Community Trust
- An objection and concerns raised by Bourne Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- 9 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report giving details of updated landscaping plans
- Comments made by members at the meeting
- The additional information report from the meeting held on 13 November 2018
- Comments made during the public speaking session on 13 November 2018
- Comments made by members on 13 November 2018 when the application was first considered
- Additional information received on surface water drainage following consideration by Committee on 13 November 2018

- Proposed changes to the scheme to address the Committee's concerns regarding design

13:33 – Councillor Stevens entered the meeting

Several Members who spoke in favour of the proposition to approve the application commented that while the application had not been before the design panel, it was at an advanced stage and had been considered by the Council's Principal Design Officer and the design changes that had made by the applicant were noted. Other Members did not feel that the design went far enough with some concerns being expressed about how the proposals related to paragraph 124 of the National Planning Policy Framework and the recent emphasis that was increasingly being placed on high quality design.

It was proposed and seconded that the application be approved subject to conditions for the reasons listed in the case officer's report. On being put to the vote, this proposition was lost.

A proposition was made that the application be refused contrary to officer recommendations because it was considered not to be of good design, contrary to paragraph 124 of the National Planning Policy Framework. This proposition was seconded. Reference was also made to the density of the proposed development, the site layout and the way the open space and access to it had been integrated within the scheme. Members also referred to the proposal in the context of the wider Elsea Park development.

The Head of Development Management stated that she was not able to accept the reason for refusal as a defensible planning reason. As the proposition to refuse the application was contrary to officer recommendations and the Head of Development Management did not consider the proposed reasons for refusal were sufficient, the cooling off period set out in Article 9.1.9 (c) of the Council's Constitution was invoked. In accordance with the Constitution, a recorded vote was taken:

For: Councillors Baxter, Dilks, Kaberry-Brown, Stevens, Brian Sumner and Wood

Against: Councillors Exton, King, A Stokes, I Stokes and Trollope-Bellew

Abstain: There were no abstentions

With 6 Members voting for and 5 Members voting against the proposition with no abstentions, the Committee resolved that it was minded to refuse the application contrary to officer recommendations. Those Members who voted in favour of the proposition to refuse the application had five working days to submit their reasons for refusal to the Head of Development Management.

(b) Application ref: S18/1752

Description: Erection of a 4-bedroom dwelling and garage

Location: 23 Main Road, Dyke, PE10 0AF

Decision:

To refuse the application

Noting comments made during the public speaking session by:

Applicant's Agent

Meg Reeve

Together with:

- No comments from SKDC's Environmental Protection Services
- No objections from Bourne Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- One representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report summarising additional material supplied by the applicant and officer comment thereon
- Comments made by members at the meeting

15:06 – Councillor Wood left the meeting and did not return.

Several Members expressed their support of the application and debate ensued on whether the proposal fell within the settlement of Dyke or deviated from the existing line of development. Members also discussed previous uses of the site, existing and recently removed structures, and evidence that had been submitted to prove that it was brownfield land.

It was proposed and seconded that the application be approved contrary to officer recommendations. The reasons given in support of granting the application were based on the additional information submitted that demonstrated that it was a brownfield site and the potential that the proposed development would help support local services. On being put to the vote, this was lost.

A proposition was then made and seconded to refuse the application in line with officer recommendations for the reasons given in the additional items paper, which was issued on 7 December 2018. There was an equality of votes and the Chairman used his casting vote to vote against the proposition.

Following further discussion a new proposition was made to refuse the application in line with the officer's recommendation. A request was made for

a recorded vote, in accordance with Article 9.1.9(d) of the Council's Constitution. As more than five Members indicated their support, a recorded vote was taken:

For: Councillors Dilks, Exton, King, Reid, A Stokes and Trollope-Bellew

Against: Councillors Baxter, Kaberry-Brown, Judy Smith, Stevens, I Stokes, Brian Sumer

Abstain: There were no abstentions

As there was an equality of votes the Chairman used his casting vote, voting for the proposition. The Committee therefore resolved to refuse the application for the following reasons:

1. The proposed development by virtue of its scale, appearance and siting, would result in the unacceptable introduction of built form to the north of the existing linear pattern of development along Main Road which is contrary to the established spatial characteristics of the area. In consequence the development, would result in harm to the character and historic pattern of development in the area which is contrary to Core Strategy Policy EN1 and the NPPF Section 12.
2. The proposal does not fall under any of the categories of development described in Core Strategy Policy SP1 that would be considered acceptable in a location such as Dyke. The proposal would therefore result in unjustified additional residential development in a village which is not considered suitable for new dwellings. As such the proposals are considered contrary to the requirements of Core Strategy Policies SP1 and H1 and the principles of sustainable development as advocated by the National Planning Policy Framework (NPPF).

15:50 to 16:12 – the meeting was adjourned

During the adjournment, Councillor Mrs. Kaberry-Brown left the meeting and did not return

(c) **Application ref:** S18/1460

Description: Change of use to dog agility training facility

Location: Land off School Lane, Sedgebrook, Grantham, NG32 2ES

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

Sedgebrook Parish Council Councillor Clive Wood

Against

Paul Bowley
Debbie Holt

Together with:

- No objection from the Lincolnshire County Council Footpaths Officer
- Comments from Highways England
- An objection and comments from Sedgebrook Parish Council
- No objection subject to the addition of an informative from Lincolnshire County Council Highways and SUDS Support
- No objection and comments from SKDC's Environmental Protection Services
- 11 representations (9 letters of objection and 2 of support) 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

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

16:25 – Councillor Adam Stokes 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:

Approved Plans

- 1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Proposed Plans (received 2 August 2018)
 - ii. Paddock Plan (received 9 October 2018)

Unless otherwise required by another condition of this permission.

Time Limit for Commencement

- 2 The development hereby permitted shall cease and the land be reinstated to its original condition no later than twelve months from the date of this decision.

Ongoing Conditions

- 3 The access gate from School Lane shall be opened a minimum of 20 minutes prior to each dog agility session commencing.

- 4 No more than 6 dogs shall participate in an agility session at any one time within the training area to the north of the access gate off School Lane.
- 5 No dog agility session shall be permitted other than within the following permitted times:

Tuesday 10:30 – 15:00hrs and 18:00 – 20:00 hrs
Wednesday 11:00 - 14:30hrs and 18:00 – 20:00hrs
Thursday 14:00 - 17:00hrs
Saturday 10:00 - 11:00hrs
- 6 A maximum of one training session where no more than six dogs are in attendance shall be permitted, per calendar month. These sessions shall either take place on a Monday or a Saturday between:

09:00 – 17:00hrs
- 7 A maximum of one open day event where more than 6 dogs are in attendance shall be permitted, per calendar year. This event shall take place on a Saturday between:

10:00 - 16:00hrs
- 8 No floodlighting, security lighting or other means of illumination of the site shall be provided, installed or operated.

46. CLOSE OF MEETING

The meeting was closed at 17:09.

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Agenda Item 5

COMMITTEE: 15th January 2019

AGENDA ITEM 5

	NO	PAGE	PROPOSAL AND LOCATION	REC
PJ1	S18/0937	1	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
CD1	S18/2003	29	Erection of single storey side and rear extensions, and detached garage 21 Village Streets, Frognall, Lincolnshire PE6 8RS	AC
PWM1	S17/1900	39	Residential development of up to 35 dwellings, associated estate roads, open space and Sustainable Drainage System (outline) Old Langtoft Gravel Pit, Land To The South Of Stowe Road, Langtoft	AC

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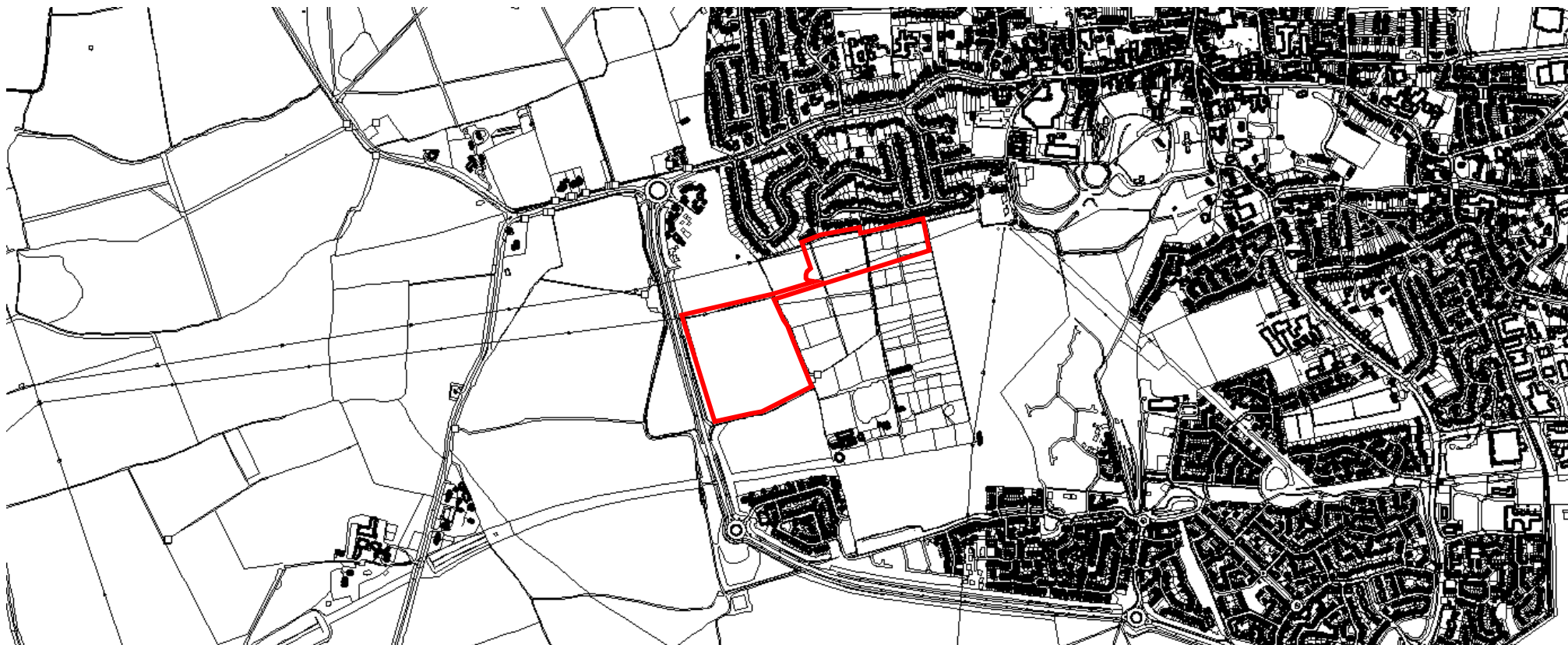
Agenda Item 5a

PJ1	S18/0937	Target Decision Date:20th August 2018
		Committee Date:15th January 2019

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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REASONS FOR REFUSAL ASSESSMENT

1.0 Introduction

- 1.1 Members will recall that this application was previously discussed at the Development Management Committee meetings on 13 November (Appendix 1) and 11 December 2018 (Appendix 2). At the latter meeting, the Committee resolved it was minded to refuse the application contrary to officer recommendation. In line with the Council's Constitution, those Members who voted for the proposition were required to submit their reasons for refusal for consideration at the next meeting.
- 1.2 Cllr Wood, Cllr Baxter and Cllr Stevens have submitted reasons for refusal.
- 1.3 In line with paragraph 9.1.9 (c)(v) of Article 9 of the Council's Constitution, this report sets out the reasons for refusal together with the Head of Development Management's opinion, in italics, on whether the reasons advanced are substantial enough for the authority to defend the decision at an Inquiry.

2.0 Assessment of Reasons for Refusal

2.1 Proposed Reason 1: NPPF Section 12 - paragraphs 124 to 132

- 2.2 "Good design is a key aspect of a sustainable development"
- design put forward is poor and should be refused. SKDC planning/ design officers can't give me positive reasons to support the design layout – *no justification provided on how the design is poor.*
 - design does not follow original master plan.
 - problems experienced by existing residents point to poor design layout regarding difficulty in finding way around estate with too many cul-de-sacs - *the problems with the existing estate layout cannot be a reason for refusal on this application since the proposed layout does not rely on cul-de-sacs*
 - design did not go to the Design Review Panel – *this is not a justifiable reason in itself for refusal since there is no adopted policy requirement.*
 - new NPPF puts Greater emphasis on design and previous poor design should not be duplicated – *no justification provided on how the design is poor.*
 - density is too high.
 - dwellings narrow fronted and close together – *the density is lower than other phases of the Elsea Park estate. The development includes a mix of housing types.*
 - the layout is poor.
 - only one entrance and exit for vehicles and no through routes – *the single vehicular entrance and exit is in accordance with the approved masterplan and has been approved as part of discharge of conditions consent arising from the outline consent.*
 - lack of dual fronted corner dwellings and side gables should be minimal – *the development has been amended to include corner-turning house designs.*
 - design layout shows lack of character
 - should show greater emphasis on street types with different characters – *given the limitations of the site, the proposals include some variation in character within the development such as a more informal 'neighbourhood' centre and 'park edge'. The character of this phase should be viewed in the context of the whole Elsea Park estate.*
 - communication.
 - poor linkage to town for pedestrians - *the pedestrian / cycle way would connect to other pedestrian / cycle ways within the Elsea Park estate that lead around the estate and to the town centre.*
 - car parking provision.
 - too much car parking shown in front of dwellings rather than at side – *the amount of front car parking within the proposals is not a fundamental deficiency in the design of the proposals.*
 - lack of public open space.

- limited landscaped areas – *the limited amount landscaped areas within the built up part of the site is not a fundamental deficiency in the design of the proposals.*

- regimented road layout not conducive to bicycles or public transport or friendly to pedestrians – *the roads, footways and pedestrian / cycleways would be designed to adoptable standards.*
- insufficient ease of access to recreation area to south of site – *the pedestrian / cycle way would allow access to the south, however, the masterplan does not propose any further access to the south of the site from within the built-up part of the site.*

2.3 **Comments of Head of Development Management:** the design related reasons given are not substantive enough to be defensible on appeal because the proposals either accord with the masterplan (one entrance and exit, connections to town centre, no connection to south, lack of character), have been amended to address specific design issues (corner turning properties, character areas, provision of footways and footpath links), the problems with the existing estate layout cannot be a reason for refusal particularly since the proposed layout does not rely on cul-de-sacs, the layout issues raised relate to design features that could be improved but which are not fundamental deficiencies in the design of the scheme (adverse impact of on-street car parking and limited landscaped areas within the built up part of the site) or are not justifiable (lack of design review or agreement with officer view).

2.4 **Proposed Reason 2: SKDC Core Policy EN1 - Protection and Enhancement of the Character of the District**

- layout and scale of dwellings and designed spaces proposed does not enhance anything – *no justification provided for reason.*
- this area is close to the Kesteven Forest. With such a HIGH DENSITY it would not be appropriate in this sought after area of the town, especially with no space for green open areas or trees landscaped between the dwellings with its established green and open outlook – *density is lower than other phases of the Elsea Park estate.*

2.5 **Comments of Head of Development Management:** The given reasons for refusal do not explain how the proposals do not accord with CS Policy EN1 in respect of layout and scale of dwellings and designed spaces, however, I note that points made under Reason 1 also relate to layout and designed spaces. The density of the proposed development would be 35.4 dwellings per hectare (dph). By way of comparison, the other Taylor Wimpey phases that have been built at Elsea Park have densities of 37.5dph (Zone 4), 49.6dph (Zone 4) and 39.7dph (Zone 5). Consequently, given that the site would have a lower density than other phases on Elsea Park, a refusal on density grounds would not be defensible on appeal. The application site would be surrounded on three sides by built development with the remaining side fronting the Bourne by-pass. It is not any closer to Bourne Woods or other woodland than other phases of the Elsea Park development.

2.6 **Proposed Reason 3: SKDC Core Policy EN2 Risk of Flooding**

- no development should be given permission if there is a risk of flooding to existing homes. It is vital that the developer includes a statement of where the water is discharged. Is there sufficient capacity to cope with this amount of water – *this has been provided.*
- the Environment Agency Flood maps, do not take into account all the water that reaches Bourne from underground, and emerges from under the Kesteven Upland Limestone ridge, next to the Forest in a long line stretching from the north to the south of the town. BUT the EA do deal with the water once it has joined a river such as the Bourne Eau. Formerly this was where the Bourne Cress beds were situated – *no evidence provided that groundwater is a constraint on this site.*
- water management strategy not properly articulated and residents share this view – *this is a matter that was considered at outline stage. A drainage strategy for the Elsea Park estate has been provided and the proposals are in accordance with the strategy.*

- 2.7 **Comments of Head of Development Management:** flood risk is a matter that was considered in the assessment of the outline planning permission. As reported in the Addendum Report attached as Appendix 2, the applicant has provided a full statement of how surface water drainage arising from the proposed dwellings will be accommodated in compliance with the drainage strategy approved under S15/2269 following consultation with the Environment Agency. The Addendum Report identifies that the agreed strategy would ensure surface water is attenuated by the ponds and discharged into the watercourse at greenfield run-off rates thereby mitigating any risk of flooding to nearby properties. The Local Lead Flood Authority has raised no objections to the application. No risk from groundwater was identified during consideration of the outline application or has arisen during the construction of earlier phases of development. A refusal based on flood risk reasons would not be defensible on appeal.
- 2.8 **Proposed Reason 4: SKDC Core Strategy Policy EN3 - Renewable Energy Generation**
- 4.3.3 Features to climate proof dwellings and infrastructure lacking – *not relevant to these proposals.*
- 2.9 **Comments of Head of Development Management:** CS Policy EN3 refers to proposals for renewable energy generation such as wind or solar farms therefore it is not relevant to this application. Reasoned Justification paragraph 4.3.3 forms part of the introduction to the reasons for policy EN3.
- 2.10 **Proposed Reason 5: SKDC Core Strategy Policy EN4 - Sustainable Construction and Design**
- new developments should maximise use of energy and energy conservation in the design, layout etc. This proposal lacks these features – *Policy EN4 is out-of-date therefore proposals are required to meet current Building Regulations requirements.*
 - no features to reduce and mitigate impacts of climate change – *as above.*
- 2.11 **Comments of Head of Development Management:** CS Policy EN4 requires residential developments to comply with the Code for Sustainable Homes in addition to the current Building Regulations. In 2015, however, the government withdrew the Code and replaced it with optional technical housing standards on water efficiency, accessibility and space standards. In light of these changes, the Council's future position on sustainable building, including water efficiency, will be set out in Policy SB1 of the emerging Local Plan which at present has limited weight in the decision making process. Our current practice is to rely on the standards set out in the Building Regulations to ensure the aims of CS Policy EN4 are met. A refusal based on requirements for a higher standard of sustainable construction would not be defensible on appeal due to the current policy context.
- 3.0 **Conclusion**
- 3.1 In reaching a decision on the application, the Committee must consider the proposals in the round and carry out a balancing exercise to consider the harm that might arise from the disbenefits of the proposals against the benefits of the development. In addition, the Committee should consider the weight that it attributes to the benefits and disbenefits of the proposals. In doing so, the Committee should have regard to other relevant local and national policies together with the weight that can be attributed to them.
- 3.2 In conclusion, and in line with the Council's Constitution, the Head of Development Management has considered fully the written reasons for refusal provided by the Councillors who wished to refuse the application. In her opinion, as set out above, the reasons given for refusal are not considered to be so substantive as to be defensible at appeal. The officer recommendation remains for approval of reserved matters consent subject to conditions. In line with the Council's Constitution, any Member who votes to refuse the application must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry.

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APPENDIX 1: OFFICER REPORT TO COMMITTEE (13 NOVEMBER 2018)

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

Reference	Proposal	Decision	Date
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	<p>Concerns raised in relation to:</p> <ul style="list-style-type: none">- footpath/ cycleway connectivity- play area not as per approved plans, but natural play features with open space could be suitable compensation- need to ensure appropriate access for all properties
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:
 1. Site Location Plan Drawing No. APP206-04 received 27th September 2018
 2. Planning Layout Drawing No. APP206-01 Rev D received 27th September 2018
 3. Materials Dispersion Layout Drawing No. APP206-07 Rev B received 27th September 2018
 4. 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
 5. 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
 6. Typical Street Scenes Drawing No. APP206-09 received 27th September 2018
 7. Proposed Finished Floor Levels Drawing No. E3714/600 Rev A received 27th September 2018
 8. Vehicle Access for Fire Appliances Drawing No. APP206-42 Rev B received 27th September 2018
 9. Refuse Collection Plan Drawing No. APP206-06 Rev B received 27th September 2018
 10. Proposed Surface Finishes Plan Drawing No. E3714/770 Rev B received 27 September 2018
 11. Drainage Strategy Plan - Sheet 1 Drawing No. E3714/510 Rev A received 27th September 2018
 12. Drainage Strategy Plan - Sheet 2 Drawing No. E3714/511 Rev A received 27th September 2018
 13. 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
 14. Garages Drawing No. APP206/GD/34 Rev A received 27th September 2018

15.Sub-station Drawing No. GTC-E-SS-0010-R1-8 received 27th September 2018

16.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:

1. removal of earth,
2. storage of materials,
3. vehicular movements or
4. 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

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.

Location Plan



Site Layout

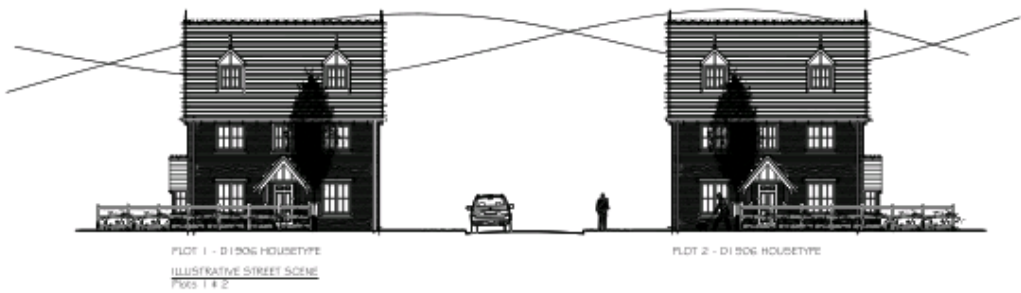


- Concrete
- 450mm to 1.1m, refer to STDBOUT
- 1.800mm to 1.800mm refer to d
- 1.800mm to 1.800mm
- 1.800mm to 1.800mm with 440 to match no. STDB
- Existing Tr
- Additional refer to pl
- Be Collec
- 400mm D along no. 5

Accommodate		
House Code	Floor Area	Hk Ty
D1 906	1906	Dx
NB51	1910	Dx
PT43	1530	Dx
ND43	1525	Dx
PS49	1244	Dx
PT42	1222	Dx
PA44	1170	Sx
PS33-6	1149	Sx
PA34	666	Sx

Street Scenes

GATEWAY



PARK EDGE



PARK EDGE



NEIGHBOURHOOD



MAIN STREET



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APPENDIX 2: ADDENDUM REPORT TO COMMITTEE (11 DECEMBER 2018)

1.1 Introduction

1.2 Members will recall that this application was previously discussed at the Development Management Committee meeting of 13 November 2018 and deferred following concerns regarding the design of the scheme and management of surface water drainage (Report for that meeting Appendix 1).

1.3 The relevant minutes of that meeting were as follows:

1.4 *In discussing the application, Members referred to the original 2001 Masterplan for the Elsea Park development. Concerns were expressed about the proposed layout and Members indicated a preference for the original indicative Masterplan. In addition to comments that were made about the single road access to the site, Members remarked about foot and cycleway linkages across the site and safe routes for children to access designated play areas.*

1.5 *Some Members mentioned the design and appearance of the proposed dwellings; the design of the buildings at the gateway of the site was noted and a suggestion made that design across the site, should be reviewed with a view to securing improvements. Members also spoke about the proposed housing mix for the development and a desire to see lifetime homes being built.*

1.6 *The Committee noted the concerns of local residents regarding drainage issues and wanted to ensure that drainage arrangements would be sufficient to accommodate this phase of the development together with those zones for which applications were yet to be received. While the response from the Environment Agency stated that they wished to make no comments in respect of the application, Members felt it would be more helpful to have a positive response stating that it had no objection.*

1.7 *It was proposed and seconded that the application be deferred to allow further discussion regarding improving design by referring the application to the design panel and to review the layout. The proposition also incorporated following up with the Environment Agency and working with the Welland and Deeping Internal Drainage Board to consider the drainage implications of this and future phases of the development.*

1.8 **On being put to the vote, the application was deferred.**

1.9 Following that meeting further discussion with Lincolnshire County Council (the Local Lead Flood Authority), the Environment Agency and the Welland and Deeping Drainage Board has taken place in relation to the proposed strategy for the drainage of surface water. A meeting between the developer and officers of the Council has also taken place to seek improvements to the design and layout of the scheme to address the Committee's concerns. The Council's Principal Design Officer has commented on the proposed amendments to the scheme. Discussion of the key issues regarding surface water drainage and design is discussed in more detail below.

2.0 Additional representations

2.1 One additional representation has been received from the public raising concern in relation to the proposed strategy for managing surface water drainage. This does not raise any further material planning considerations beyond those discussed in the original report.

3.0 Further Comments from Consultees

3.1 Environment Agency

3.2 The Environment Agency have advised that as all of the channels within the proposed site are not considered to be 'main rivers', the relevant consultee for flood risk matters in this instance is the Lead Local Flood Authority or the relevant Internal Drainage Board.

- 3.3 They also provided clarification that riparian owners do not issue permissions for discharge consents but they do have a responsibility to 'let water flow naturally', i.e. not reduce flow or increase the risk of flooding.
- 3.4 **Welland and Deepings Internal Drainage Board (IDB)**
- 3.5 Further discussion has taken place with the Welland and Deepings IDB regarding maintenance of the watercourse to the south of Harvey Close. Members of the public have raised concern regarding the current level of maintenance of this watercourse and have provided evidence of localised surface water flooding. These concerns have been passed on to the IDB as well as details of the current landowners to follow-up, as they are the organisation with powers to ensure the watercourse is properly maintained.
- 4.0 **Additional information and amendments**
- 4.1 **Surface water drainage**
- 4.2 The applicant has submitted an additional drainage statement (Technical note 2 – ref: E3714/TN2/tjw/19112018) that explains the background and evolution of the drainage strategy for the wider Elsea Park development. The statement has been provided by Wormald Burrows Partnership Ltd who have been involved as highway and drainage consultants for the wider development from the initial discussions at outline stage in the late 1990s.
- 4.3 In summary, this explains that the principles of surface water drainage for the development were developed and agreed with the Environment Agency (the relevant flood risk authority at that time). As existing watercourses were at capacity, any strategy needed to ensure flows would not exceed existing greenfield run-off rates and could manage surface water from up to 1 in 100 year storm events.
- 4.4 Policy changes for the management of surface water led to the Environment Agency requesting that the surface water strategy for Elsea Park be updated. This resulted in a major increase in attenuation volumes and the introduction of additional balancing ponds on land to the South of Harvey Close. That strategy was approved by the Council, in consultation with the Environment Agency, in 2015 (S15/2269). Since Kier Homes decided not to pursue their option on the remaining phases of Elsea Park, control of the land has returned to the original landowners. With the remaining phases being developed by separate housebuilders, the drainage strategy has developed to accommodate individual ponds with separate outfall points to allow for incremental development of the site. However, the overall attenuation volumes and limited outfall rates as remained as previously approved.
- 4.5 In terms of the design and future maintenance of the ponds, this is explained by the following extract from the drainage statement:

"The three proposed attenuation ponds have been designed to incorporate a permanent level of water, this not only improves water quality leaving the ponds, it also enhances the surrounding area, benefiting the surrounding fauna and flora. Natural evaporation within the ponds will occur, which will result in smaller more frequent storms being accommodated within the ponds with no actual discharge to the downstream ditch systems.

The maintenance responsibility of the proposed attenuation ponds will be passed to the Elsea Park Community Trust, who currently maintain the attenuation ponds and ditches throughout the wider Elsea Park development. The Community Trust is funded by each house built on the site via a maintenance charge and therefore has a protected income."

4.6 The statement concludes by explaining that the strategy will lead to a reduction in flood risk to all downstream properties and is therefore an improvement on the current situation. The latest proposals are in accordance with the previously approved strategy and have received no objection from either the Environment Agency, the Welland and Deepings IDB or Lincolnshire County Council (the current Lead Local Flood Risk Authority).

4.7 **Changes to address Committee's Concerns regarding Design**

4.8 The Committee requested that the scheme be reviewed by a design panel, however, due the advanced stage of the proposal the applicant was unable to agree to that request. Notwithstanding that position, the applicant has made a number of changes that seek to improvement the design of the scheme and to address some of the specific concerns raised by the Committee.

4.9 These have been summarised by the applicant as follows:

"The house types have been reviewed. In particular the Plots 19, 20, 79, 80, 87, 90, 102, 117, 135, 136, 146, 160, 168 and 170 have all been changed to a new dual aspect dwelling type – either PT42 or PT43. These feature dwellings introduce a greater variety of window styles, eaves treatment and materials to the site, incorporating render and stonework to the elevations and chimneys to enliven the roofscape. Their dual aspects incorporate habitable room windows to turn corners with active frontages. The positioning of these dwellings in their plots also assists to minimise car dominance and provide attractive frontages, set behind gardens, to create an attractive street scene.

Plot 78 has been changed to a PA44 house type and 75 to 78 repositioned to accommodate the new PT42 house type at the south-east corner of the site and provide a more active frontage to the public open space.

Plots 121 and 131 are still a PA44 house type but the roof has been rotated so that they are each gable fronted and there is greater articulation to the frontage and roofscape to Road 6.

Plot 167 has been substituted for an NB51 house type and has been repositioned so as to reduce car dominance and provide greater variety and enhanced dwelling design to the cul-de-sac.

All plans have been updated to incorporate Character Zones, as defined on the Materials Dispersion Layout. This demonstrates how consideration has been given to groups of dwellings on the approach into the site, adjacent to the public open space and in the 'neighbourhood' block paved area in the centre of the site. The distinct Character Zones will create a sense of place and provide legibility to the development.

The layout also incorporates a new public footpath link adjacent to plots 75 to 80 and 90 through to the public open space. There is also a private gated access for plots 167 to 171, which would be access controlled for those plots so as to clearly define public and private space. These additional links provide greater permeability through the development to reach the public open space, play areas and footway/cycleway link to the wider area and facilities."

5.0 Evaluation

5.1 Surface water drainage

- 5.2 The applicant has clearly demonstrated that the proposal would provide an improvement to the management of surface water drainage in the locality. This would result in a reduction to local flood risk. While it is accepted there is a current issue with the maintenance of the watercourse to the south of Harvey Close, ownership and maintenance responsibilities have been clarified and concerns passed on to the Welland and Deepings IDB. The proposal would ensure the watercourse would ultimately be the responsibility of the Elsea Park Community Trust, which have the expertise and resource to ensure this is carried out in an appropriate manner. A condition (9) has been included to ensure a timetable of the drainage works is provided and implemented to ensure there is an appropriate means of surface water drainage during the construction phase.

5.3 Changes to address Committee's Concerns regarding Design

- 5.4 The improvements to the design of the scheme are considered to improve the layout of the scheme and to address the Committee's concerns. In particular, the provision of 14 specially designed corner turning dwellings would ensure that these properties are visually attractive from both street elevations. These replace house types that previously only included additional side elevation windows. The rotation of two properties to front the open space to improve natural surveillance of this area is a positive change. These replace dwellings that previously were sited with a gable elevation to the open space.
- 5.5 In terms of connectivity, two new additional pedestrian connections have been made to the linear open space to improve access to the foot/ cycle way and play equipment. Connectivity with this open space is important as it provides links to facilities and services in the wider development and beyond. These include the planned recreational facilities to the south, planned employment area to the north, Elsea Park Primary School, the Co-Op and community centre. The furthest walk from dwellings within the site to the play equipment proposed to the open space is approximately 250m, which is well within the 400m access standard as recommended by the Council's Open Space study.
- 5.6 A more extensive provision of block paving to the public realm and parking areas within Road 6 to create a 'neighbourhood zone' to the centre of the site is a further improvement that makes more of a feature of this part of the development and seeks to reflect the informal character of development that was envisaged in the concept masterplan. The applicant sought to ensure a 'sense of place' is achieved through establishing four character zones within the site: gateway, main street, neighbourhood and park edge. In particular, the neighbourhood and park edge areas have a unified approach through the use of similar materials in these areas. A greater variety of materials is found on the perimeter roads to add visual interest in the streetscene.
- 5.7 Further changes to the landscaping details have been provided to reduce the potential for poor maintenance of small, impractical areas of grass located to the side boundaries of properties. In these areas, the applicant has indicated that narrow strips of grass will be replaced by low shrub planting to provide a low-maintenance landscaping solution whilst ensuring that greenery to side boundaries is still incorporated within the scheme.
- 5.8 In summary, the applicant has sought to address concerns raised by Members and this is reflected in a higher level of design from the previously considered scheme.
- ### **5.9 Other matters raised**
- 5.10 A number of other matters were raised during the committee including the securing of lifetime homes, changing the housing mix to include bungalows and an increase in the level of affordable housing. These requirements can only be secured at outline stage and not through the reserved matters stage of an application.

- 5.11 The Council's affordable housing officer has confirmed the amount, type and tenure of affordable housing provided is in accordance with the terms of the S106 Agreement and condition 29 of outline planning permission SK94/0125/12. There are no conditions or legal obligations that require the homes to be built to lifetime homes standard or for the provision of bungalows. However, Building Regulations requires all homes to be compliant with Part M which includes access standards and the inclusion of certain facilities such as a ground floor W/C.

6.0 Conclusion

- 6.1 The proposal is in accordance with the key principles defined at the outline stage of the application (SK.94/0125) and is in accordance with Core Strategy Policies SP1, EN1, EN2 and H1, SAP DPD Policy SAP H1 and the NPPF (Sections 4, 7, 10 & 11). The proposal would secure 174 readily deliverable new dwellings, including 15 affordable dwellings, for the district. The applicant has sought to address Members concerns in relation to the design of the scheme. Further information in relation to surface water drainage also demonstrates that the scheme would reduce the risk of flooding in the locality. As such, the recommendation remains to grant planning permission subject to the following conditions which have been updated to reflect the amended plans submitted:

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 27 September 2018
 - ii. Planning Layout Drawing No. APP206-01 Rev E received 22 November 2018
 - iii. Materials Dispersion Layout Drawing No. APP206-07 Rev C received 22 November 2018
 - iv. Residential landscaping details Drawing Nos. 18-017-03 Rev B, 18-017-04 Rev B, 18-017-05 Rev B received 22 November 2018
 - v. Pond landscaping details Drawing Nos. 18-017-10 and 18-017-11 received 23 October 2018
 - vi. 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
 - vii. Proposed Finished Floor Levels Drawing No. E3714/600 Rev B received 22 November 2018
 - viii. Vehicle Access for Fire Appliances Drawing No. APP206-42 Rev C received 22 November 2018
 - ix. Refuse Collection Plan Drawing No. APP206-06 Rev C received 22 November 2018
 - x. Proposed Surface Finishes Plan Drawing No. E3714/770 Rev D received 22 November 2018
 - xi. Drainage Strategy Plan - Sheet 1 Drawing No. E3714/510 Rev B received 22 November 2018
 - xii. Drainage Strategy Plan - Sheet 2 Drawing No. E3714/511 Rev B received 22 November 2018
 - xiii. Floor and elevations plans Drawing Nos: 1906/Z9/PL.1, D1906/Z9/PL.6, NB51/Z9/PL.1, NB51/Z9/PL.2, NB51/Z9/PL.3, PT43/Z9/PL.1, PT43/Z9/PL.5, ND43/Z9/PL.1, ND43/Z9/PL.2, ND43/Z9/PL.3, PD49/Z9/PL.1, PD49/Z9/PL.2, PD49/Z9/PL.3, PD49/Z9/PL.4, PT42/Z9/PL.1, PT42/Z9/PL.5, PA44/Z9/PL.1, PA44/Z9/PL.2, PA44/Z9/PL.2.5, PA44/Z9/PL.3, PA44/Z9/PL.4, PB33-G/Z9/PL.1, PB33-G/Z9/PL.2, PB33-G/Z9/PL.4, PA34/Z9/PL.1, PA34/Z9/PL.2, PA34/Z9/PL.4, AA43/Z9/PL.1, AA43/Z9/PL.2, AA31/Z9/PL.1, AA31/Z9/PL.2, AA23/Z9/PL.1 and AA23/Z9/PL.2 received 22 November 2018
 - xiv. Garages Drawing No. APP206/GD/34 B received 22 November 2018
 - xv. Sub-station Drawing No. GTC-E-SS-0010-R1-8 received 27 September 2018
 - xvi. Pond sections Drawing No. 10006/06 received 23 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 27 September 2018
- Drawing No. 18-017-012 received 23 October 2018
- Drawing No. 18-017-013 received 23 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 No development consisting of construction of the highways proposed for adoption, as well as any shared private roads/drives and foot/ cycle paths shall be commenced until full engineering, drainage, street lighting and construction details of these works have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details

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

- 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:

- i. Drawing No. 18-017-10 received 23 October 2018
- ii. Drawing No. 18-017-11 received 23 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/21112018 received 22 November 2018
- Drainage Strategy Plan sheet 1 of 2 ref: E3714/510/B received 22 November 2018
- Drainage Strategy Plan sheet 2 of 2 ref: E3714/511/B received 22 November 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.

- 7 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 C received 22 November 2018
 - Phase II Site Appraisal ref: GRM/P8211/F.1 received 22 November 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).

- 8 Before the works to provide the drainage ponds hereby permitted are commenced, a plan indicating the heights, positions, design, materials and type of any safety fencing around the ponds and any boundary treatment to the north of the pond area 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, amenity and safety of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Before the Development is Occupied

- 9 No dwelling shall be occupied until details of the timetable for and any phasing of the implementation for the drainage scheme have been submitted and approved by the Local Planning Authority. The drainage scheme shall be implemented in strict accordance with any such details as may be approved.

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

- 10 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).

- 11 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 C received 22 November 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).

- 12 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 E received 22 November 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).

- 13 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 B received 22 November 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).

- 14 Before any part of the drainage ponds hereby permitted are brought into use, any works to provide the safety fencing around the ponds and any boundary treatment to the north of the pond area shall have been completed in accordance with the approved details.

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

- 15 The foot/ cycle paths as shown on the following plans shall be completed in accordance with the details approved by condition 3 of this permission before occupation of the 50th dwelling:

- i. Drawing No. 18-017-10 received 23 October 2018
- ii. Drawing No. 18-017-04 Rev A received 23 October 2018
- iii. Drawing No. 18-017-05 Rev A received 23 October 2018

Reason: To ensure the development has appropriate connectivity for the future occupiers of the dwellings hereby approved.

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

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

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

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

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

Ongoing Conditions

- 18 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.

- 19 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:
- i. Drawing No. 18-017-03 Rev B received 22 November 2018
 - ii. Drawing No. 18-017-04 Rev B received 22 November 2018
 - iii. Drawing No. 18-017-05 Rev B received 22 November 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:

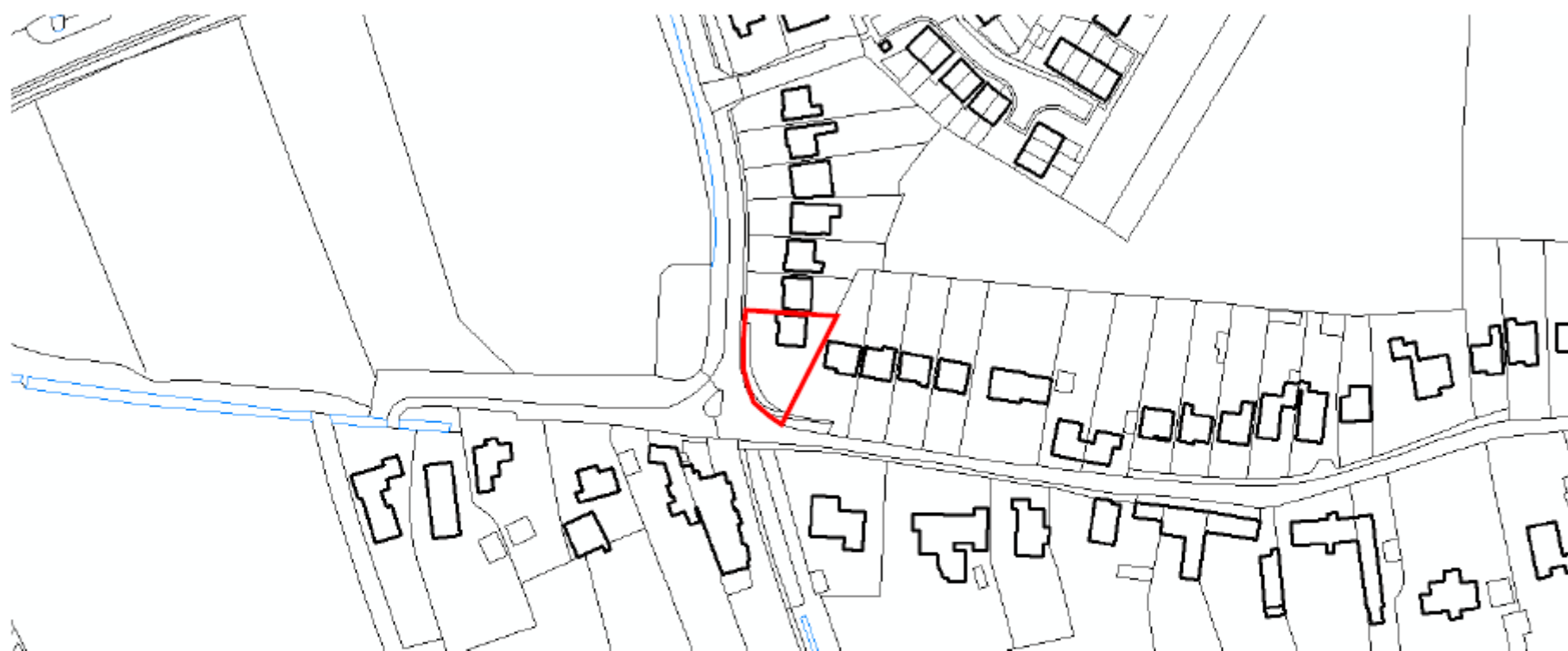
- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2 You are advised to contact Lincolnshire County Council as the Local Highway Authority for approval of the road construction specification and programme before carrying out any works on site.

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Agenda Item 5b

CD1	S18/2003	Target Decision Date:25th December 2018
		Committee Date:15th January 2019

Applicant	Mr Stephen Wildmore 21 Village Streets Frognall Lincolnshire PE6 8RS
Agent	Sharman Architecture Oak Barn Willow Drove Borough Fen Peterborough
Proposal	Erection of single storey side and rear extensions, and detached garage
Location	21 Village Streets Frognall Lincolnshire PE6 8RS
Application Type	Householder
Parish(es)	Deeping St James Parish Council
Reason for Referral to Committee	Called in by Cllr Judy Stevens on the grounds of impact on the street scene, on neighbouring properties, overdevelopment and previous refusal for garage in similar position
Recommendation	That the application is:- Approved conditionally
Report Author	Craig Dickinson - Assistant Planning Officer 01476 406080 Ext: 6485 C.Dickinson@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 site

- 1.1 The site comprises a two storey detached dwelling situated on a corner plot with a large garden. The dwelling is built from red brick with a cream render to the front at ground floor level, brown concrete tile roof and white uPVC windows and doors. It has previously been extended by way of a flat roofed single storey side extension. The site is bounded by timber fencing to the east and north sides where the application adjoins other residential properties. There is an existing thick high hedge which is located adjacent to the highway, enclosing the south and west boundaries and the garden of the property. To the front of the site is an unauthorised storage container currently being used as an outbuilding. Across the road is open land in agricultural use.

2.0 Description of proposal

- 2.1 The proposal relates to the erection of a large single storey side extension forming a living room and a smaller rear single storey rear extension forming a utility room extension. A detached garage is proposed to the front of the property. The side extension and garage would be constructed in facing materials to match the existing house with concrete roof tiles. The rear extension would have a GPR flat roof in line with the existing side extension. The existing hedge would be retained together with the planting of a new section of hedge to enclose the proposed garage.
- 2.2 A previous application for the erection of a prefabricated concrete detached garage, removal of the existing hedge and erection of 1.8m high fencing was refused permission on the grounds that

"The proposed garage, by reason of size, design, materials and siting, would have a detrimental impact on the visual amenities of the site and street scene through the introduction of a large outbuilding forward of the dwelling, occupying a prominent visual location. The proposed fencing would replace the existing hedge which provides a rural boundary to the site with an overly suburban timber fence with concrete posts, to the detriment of the semi-rural character of the site and street scene. The application is therefore deemed contrary to guidance contained in the National Planning Policy Framework (chapter 7) and policy EN1 of the adopted South Kesteven Core Strategy with no other material planning consideration to indicate that the application should be determined otherwise."

3.0 Relevant History

Reference	Proposal	Decision	Date
S15/3309	Erection of detached garage and installation of fencing	Refused	23/03/2016

4.0 Policy Considerations

- 4.1 **National Planning Policy Framework (NPPF)**
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
- 4.2 **South Kesteven District Council Core Strategy**
Policy EN1 - Protection and Enhancement

5.0 Representations Received

Parish Council	Deeping St James Parish Council object to planning application S18/2003 on the grounds that the detached garage is in front to the building line and will impact on the street scene. In making this objection Deeping St James Parish Council refers to South Kesteven District Council's decision to refuse permission for a similar application at the same site on 23 March 2016 (S15/3309) stating that, quote,
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'the proposed garage by reason of size, design, materials and siting, would have a detrimental impact on the visual amenities of the site and street scene through the introduction of a large outbuilding forward of the dwelling, occupying a prominent visual location' unquote.

LCC Highways & SuDS No objections.
Support

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 4 letters of representation have been received. The points raised can be summarised as follows:

1. Objection to single storey rear extension due to potential loss of light and enclosing of neighbours' garden
2. Objection to front garage due to being forward of the building line and potential impact on the character of the streetscene
3. Objection to side extension due to impact on the streetscene, loss of light to neighbours, being visually imposing and out of character with the area

6.2 Objection was also raised regarding loss of a private view, however, this is not a material planning consideration.

7.0 Evaluation

7.1 Impact on the character and appearance of the area

7.1.1 Objections were received from neighbours and the Parish Council with regard to the potential impact on the character of the streetscene and the wider area as a result of the proposal, particularly in relation to the proposed detached garage.

7.1.2 First, the proposed flat roofed rear extension is very minor in size, almost completely obscured from public view by the host dwelling and neighbour properties. It is considered that it would cause no significant impact on the character and appearance of the area.

7.1.3 Secondly, the proposed side extension would project 7.3m from the side wall of the dwelling, with 2.5m high eaves and a 4.4m high ridge. It would be built from materials to match the host dwelling.

7.1.4 The matching materials of the proposed extension would help to integrate the extension into the fabric of the host dwelling, and as the palette along this side of Village Streets is quite consistent, it would also integrate it into the surrounding area. The extension would neither extend forward of the existing property nor the neighbouring property at 23 Village Streets.

7.1.5 Thirdly, the proposed detached garage would project beyond the front elevation of the dwellinghouse by approximately 1m. It would be 6.3m in length, 4.5m in width with an eaves height of 2.5m and a ridge of 3.8m high. In comparison with the detached garage that was refused in 2015; the proposed garage is 0.5m shorter in width, 0.3m longer in length and with a ridge 0.6m higher than that which was previously refused.

7.1.6 It is proposed to be perpendicular to the front elevation of the dwelling, with the boundary hedge altered and replanted to return to its west side.

7.1.7 It is considered that the steeper roof pitch of the proposed garage with matching tiles is more appropriate to the area, as it would be more in keeping with the existing house than the shallow roof pitch of the prefabricated garage that was previously refused permission. If approved, the

garage would be seen in conjunction with but subordinate in height and size to the proposed single storey side extension.

- 7.1.8 Given that both the side extension and detached garage would be a single storey in height, the substantial hedge along the front and side boundaries would screen the additions to the property thus reducing their visual impact in the street scene. As the existing hedge acts as a visual end stop for this section of Village Streets, the proposed garage would not block any established views through the village.
- 7.1.9 There are significant differences between the current proposals and the previously refused garage. For example, it now includes extensions to the house, the garage would be of a traditional construction and the hedge would be retained. There is no proposal for a boundary fence.
- 7.1.10 It is considered appropriate to condition the existing hedging remain in perpetuity to ensure that the semi-rural character of the site is preserved and to reduce the visual impact of the garage and extension.
- 7.1.11 The existing storage container is not shown on the proposed plans and is an unattractive feature within the site. This structure is currently unauthorised and is being used as an outbuilding. As such, it is considered reasonable to attach a condition that it is removed from the site within 1 month following the completion of the garage.
- 7.1.12 While it is acknowledged that the proposed garage would be forward of the dwellinghouse, it is not considered to be an incongruous addition to the street scene by virtue of its siting, design and materials, and the mitigating effect of existing boundary hedging. The proposed extensions to the house would not have an adverse impact on the character of the area on account of their siting within the plot and relationship with neighbouring properties. Taking the above into account, it is considered that the proposal would be in keeping with the host dwelling, streetscene and surrounding context, in accordance with the NPPF Sections 12 and 16, and Policy EN1 of the South Kesteven Core Strategy.

7.2 Impact on the neighbours' residential amenities

- 7.2.1 Objection was received with regard to loss of light as result of the rear extension. It is considered that due to its single storey flat-roofed nature that it would not overshadow or visually dominate any neighbour properties. It would be 2.8m deep and set back 1m from the side boundary with 19 Village Streets.
- 7.2.2 The proposed side extension would run parallel to the black gable elevation of the neighbouring property at 23 Village Streets. Notwithstanding objection from neighbours, it is considered that because of its location, away from neighbours' primary amenity spaces and windows, and single storey height; that it would not unacceptably impact on the neighbours' residential amenities.
- 7.2.3 The proposal is therefore considered acceptable in this respect, in accordance with the NPPF Section 12 and Policy EN1 of the South Kesteven Core Strategy.

7.3 Highway issues

- 7.3.1 The proposal would ensure that adequate parking and manoeuvring space is retained within the driveway area. Lincolnshire County Council Highways were consulted as part of this application and returned no objections to the proposal in terms of highways safety.
- 7.3.2 The proposal is therefore acceptable in this respect, in accordance with the NPPF Section 9 and Policy SP3 of the South Kesteven Core Strategy.

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 (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 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9 and 12) and Policy EN1 of the South Kesteven Core Strategy subject to the conditions below.

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. Proposed elevations - dwg no. SW/11/A - received 08/10/18
 - ii. Proposed ground floor plan - dwg no. SW/10A - 08/10/18
- Unless otherwise required by another condition of this permission.

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

Before the Development is Occupied

- 3 The storage container located in the front garden shall cease to be used and be removed within 1 calendar month following the substantial completion of the approved detached garage.

Reason: The storage container is unauthorised and is currently used for temporary storage, and once the detached garage has been completed should be removed in the interest of visual amenity in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

- 5 Before any construction work above ground is commenced, details of the new boundary hedge planting 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 hedge 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).

Ongoing Conditions

- 6 The new section of boundary hedge shall be planted in the first planting season following the substantial completion of the approved garage, and shall be allowed to grow to a height of at least 2m. The hedge shall be retained as such thereafter unless the garage is removed.

Reason: In the interests of preserving the rural character of the village, 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.

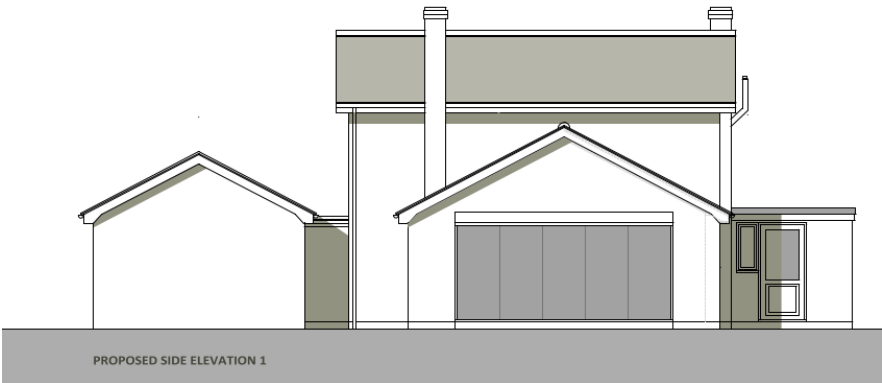
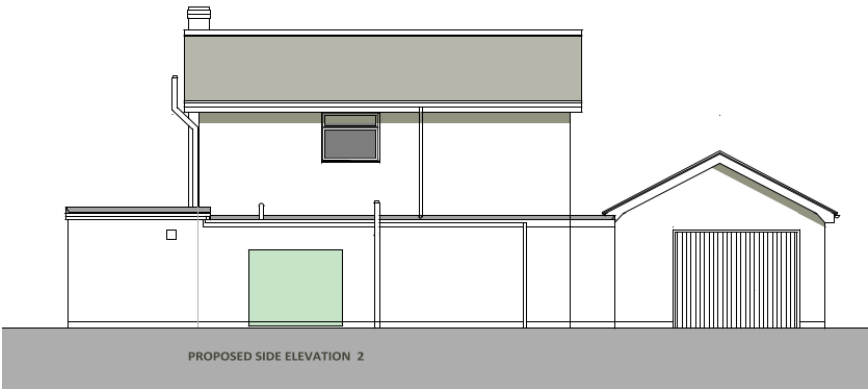
Location Plan



Block Plan



Elevations



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PWM1	S17/1900	Target Decision Date:29th December 2017
		Committee Date:15th January 2019

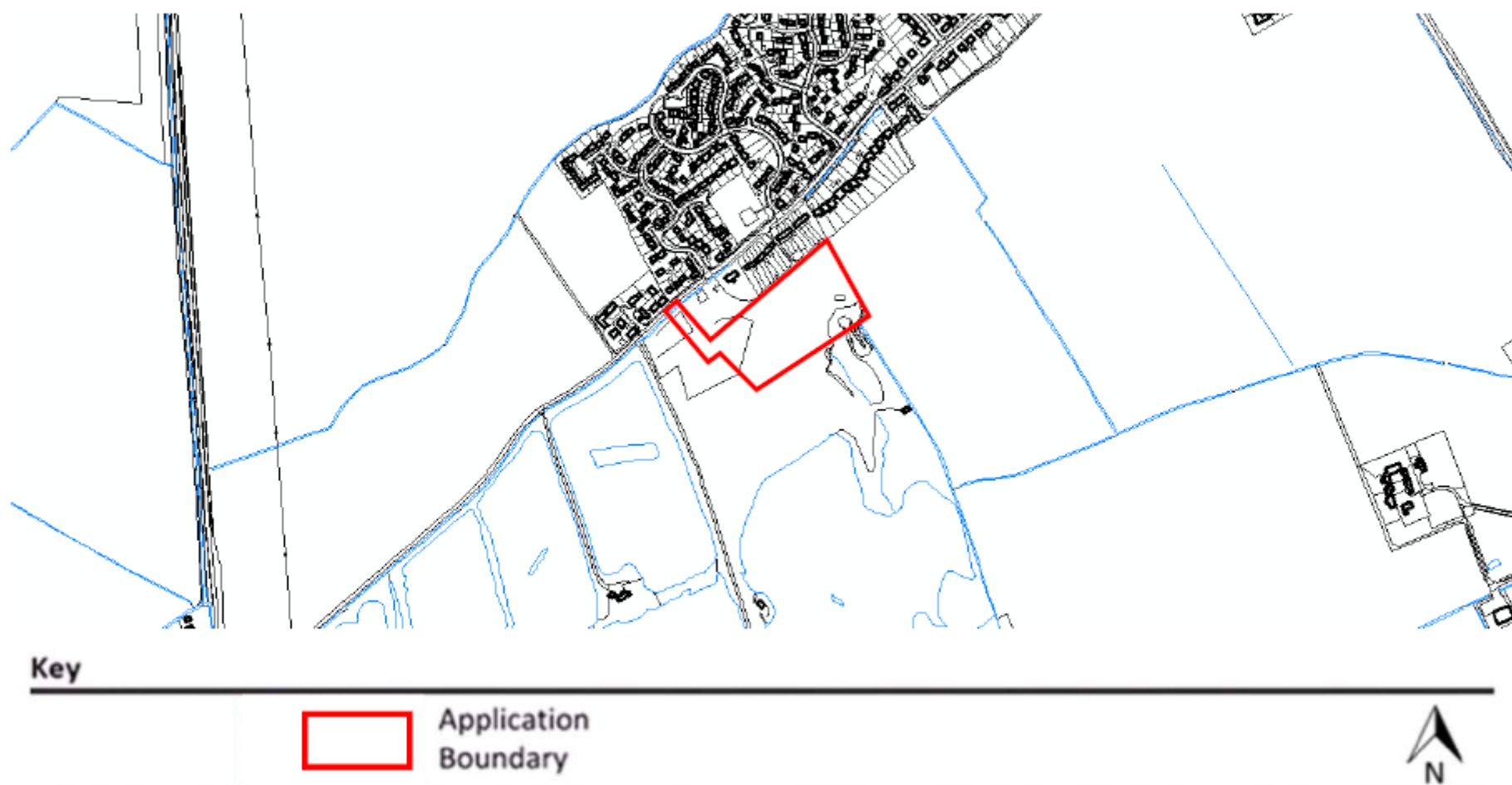
Applicant	Gibbons (Holdings) Ltd c/o Robert Doughty Consultancy Ltd
Agent	Mr Robert Doughty Robert Doughty Consultancy Ltd 32 High Street Helpringham Sleaford NG34 0RA
Proposal	Residential development of up to 35 dwellings, associated estate roads, open space and Sustainable Drainage System (outline)
Location	Old Langtoft Gravel Pit Land To The South Of Stowe Road Langtoft
Application Type	Outline Planning Permission (Major)
Parish(es)	Langtoft Parish Council
Reason for Referral to Committee	This application has been brought before Committee as it involves a section 106 agreement
Recommendation	That the application is:- Approved conditionally
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Principle of development
Highways/Traffic
Flood Risk and Drainage
Impact on local Infrastructure
Impact on Ecology
Impact on Residential Amenity

Technical Documents Submitted with the Application

Design and Access Statement
Flood Risk Assessment and Drainage Strategy
Tree Survey
Ecology Survey
Contamination Desk Top Survey
Transport Statement



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1.0 Description of site

- 1.1 The site is located at the west end of Langtoft village, on the south side of Stowe Road and was once part of an extensive gravel extraction business. Immediately adjacent to the site to the north is the edge of the built up area of Langtoft. To the west and south are the lakes (former gravel pits) and to the east is agricultural land. The whole of the surrounding landscape is fairly flat, being on the margin of the fens.
- 1.2 The wider gravel pits site extends to approximately 90ha and mostly consists of a number of former pits which are now lakes. Much of the wider site is now managed for nature conservation, with part of it being designated as a Site of Special Scientific Interest (SSSI) as a result of its aquatic plant life.
- 1.3 The application site itself is a relatively small part of the wider site at approximately 3.17ha and is where extensive plant and equipment associated with the business once stood. The machinery was removed some years ago although a spoil heap, bunding and the remains of some structures and hard standings still exist. The ground is mostly heavily compacted sand and gravel as a result of the previous operations but is starting to naturalise in places with a number of self-seeded trees scattered about as well as a row of overgrown leylandii.
- 1.4 Whilst there is some sporadic vegetation, the application site has never been the subject of a formal restoration programme and unlike other parts of the former gravel workings has not regenerated to the extent that it can be regarded as greenfield land. Given the site's characteristics, previous use and remnants of structures, it can be reasonably described as previously developed or "brownfield" land as defined in Annex 2 of the NPPF.
- 1.5 It is noted that full planning permission has already been granted on an adjacent site fronting Stowe Road for 6 x dwellings. Permission on that site was first granted in 2007 and renewed in 2010 and 2013. The latest permission (S13/1326/OUT and S13/1480/RM) remains extant as a material start to the development has been made - the digging of foundation trenches, installation of services and culverting of a drain.

2.0 Description of proposal

- 2.1 This application seeks outline planning permission for a residential development of up to 35 dwellings and associated estate roads, open space and SuDS drainage system.
- 2.2 All matters are reserved. Access, scale, layout, appearance and landscaping are not included for consideration and would be the subject of future reserved matters applications.
- 2.3 Part of the application site overlaps with the access from Stowe Road and the first part of the access road shown on the plans for the extant planning permission for 6 dwellings mentioned above.
- 2.4 The illustrative site layout plan submitted with the application shows a single vehicular access from Stowe Road (in the same position of the access and first section of the access road as the extant permission for 6 dwellings. The access would serve x4 cul de sacs, one of which would be the already approved 6 dwellings. The illustrative layout shows that the site could accommodate 35 detached dwellings as well as an area of open space incorporating an attenuation pond.
- 2.5 The proposed SuDS drainage system would involve the collection of surface water via permeable paving and swales to the attenuation pond where it would be released at a slow rate into the existing surface water sewer system.

3.0 Relevant History

Reference	Proposal	Decision	Date
S10/0924	Erection of 6 dwellings - (revision of application S07/0700/50)	Approved Conditionally	04/06/2010
S13/1326	Renewal of extant outline permission S10/0924/OUT (for the erection of 6 dwellings)	Approved Conditionally	25/07/2013
S13/1480	Erection of 6 dwellings (Reserved Matters pursuant to Outline consent S10/0924/OUT)	Approved Conditionally	26/07/2013

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 5 - Delivering a sufficient supply of homes
Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 8 - Promoting healthy and safe communities
Section 11 - Making effective use of land
Section 15 - Conserving and enhancing the natural environment
Section 9 - Promoting sustainable transport

4.2 South Kesteven District Council Core Strategy

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

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

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

4.5 Lincolnshire Minerals and Waste Local Plan

Policy M11 - Safeguarding of Mineral Resources

5.0 Representations Received

Heritage Lincolnshire		Although the area is generally rich in archaeology, the site itself has been disturbed to the extent that no archaeological intervention is required
Arboricultural (SKDC)	Consultant	None of the trees on site are of sufficient merit to warrant a TPO. There are a number of trees on or close to the boundary that afford a screen between the site and the adjoining properties. They may be selectively retained at the detailed application stage - subject to a site specific arboricultural impact assessment and method statement which may be required by condition.

Education & Services (LCC)	Cultural	Langtoft Primary School has sufficient capacity to take the potential increase in pupils. However, request a section 106 contribution of approximately £120,375 towards re-provision of sporting facilities at The Deepings School. The exact amount will depend on the number and size of dwellings proposed at reserved matters stage.
Environment Agency		No objection subject to conditions requiring remediation of contamination to ensure controlled waters are not polluted.
Lincolnshire Wildlife Trust		Request conditions to ensure contamination is remediated. Would like to see biodiversity enhancements such as retention of native trees, planting of native hedgerows, removal of leylandii, retention of northern bund, protection of nearby SSSI and creation of acid grassland and open mosaic habitat throughout site where possible
Affordable Housing Officer (SKDC)		35% affordable housing to be provided on site
NHS England		Request Section 106 contribution of £15,540 towards upgrading the facilities at The Deepings Practice
Anglian Water Services		Deeping Water Recycling Centre has sufficient capacity to deal with sewage. However, the local sewerage network does not currently have sufficient capacity. Therefore a condition is requested for a foul water strategy, to allow the network to be upgraded in a timely manner.
Natural England		No comments to make - refer to their standing advice
Welland & Deeping Internal Drainage Board		The board would accept flows at greenfield runoff rate into its system subject to relevant consent. A SuDS system should be considered as the first approach to surface water drainage.
Parish Council		<p>Object on the grounds of</p> <ul style="list-style-type: none"> i. Traffic and highway concerns - additional pressure on both A15 and King Street crossroads as well as safety concerns at entrance to the site itself ii. Pressure on local services including schools and medical centres iii Sewage system at capacity <p>The PC recognise that there are also merits of the site including redevelopment of brownfield land and request that if approved, S106 contributions be made towards traffic calming and improvements on A15 junction.</p>
LCC Highways & Support	SuDS	No objection subject to conditions requiring highway specification details and details of a SuDS drainage system to be agreed.
Environmental Services (SKDC)	Protection	Request condition to ensure remediation of contamination
Minerals And Planning (LCC)	Waste	The site is exempt from the requirements of Policy M11 and as such there are no minerals safeguarding objections.

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 13 letters of representation have been received. The points raised can be summarised as follows:

1. Highways/traffic concerns - including speeding along Stowe Rd, congestion/safety at both A15 and King St crossroads
2. Impact on local infrastructure - schools, GPs, sewage system etc
3. Impact on wildlife - loss of habitat
4. Out of keeping with character of area
5. No need for more housing
6. Land previously not considered needed for housing
7. Concerns that it could be phase 1 of a much larger development
8. Trees removed before permission granted
9. Amenity issues - loss of privacy/overlooking and noise and disturbance
10. Disturbance during construction
11. Concerns that service road to north could be used as unauthorised access
12. Loss of view
13. Loss of property value
14. Concerns that ammunition boxes buried on site

7.0 Evaluation

7.1 Principle of Development

- 7.1.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. This is repeated in the NPPF at para 2 and 47.
- 7.1.2 The Development Plan consists of the Core Strategy (2010), the Site Allocations and Policies DPD (2014) and the Lincolnshire Minerals and Waste Core Strategy (2016).
- 7.1.3 The relevant policies in the Development Plan are considered to be up to date and generally in conformity with the NPPF and can therefore be given due weight. Langtoft is identified as a local service centre (LSC) in the CS and residential development of small infill sites and suitable brownfield redevelopment sites within the built up areas of LSCs is acceptable in CS policies SP1 and H1, and SAP policy SAP H1.
- 7.1.4 The emerging Local Plan (up to 2036), includes the application site as a residential allocation with an indicative number of 35 dwellings. 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. It is noted that no objections have been raised through the local plan process to this proposed allocation. However, the emerging Local Plan carries little weight at this stage as it has not yet been submitted and examined by an Inspector.
- 7.1.5 The recently revised NPPF is an important material consideration and should be given significant weight. 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.
- 7.1.6 The revised NPPF in para 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their local housing need.
- 7.1.7 Furthermore, NPPF paras 68 and 117 place a greater emphasis on making more effective use of land, particularly small and medium sized sites, windfall sites and brownfield land within existing settlements.
- 7.1.8 The Context for the Council's consideration of this application is that the most recent Housing Land Supply Assessment published by the Council in April 2016 indicated that South Kesteven had 5.3 years supply of housing.
- 7.1.9 However, this assessment was published two and a half years ago and is currently under review. Given the fact that the previously published figures were only marginally above 5 years' supply and the continuing uncertainty over the current figure, significant weight should be given to the greater onus set out in the revised NPPF for local planning authorities to demonstrate supply and deliverability and to bring forward suitable windfall sites not identified in the current local plan.
- 7.1.10 It is noted that there is an extant permission on an adjacent smaller site for 6 dwellings, the access of which overlaps with the current application site. Permission was granted as it was considered to be a small brownfield site within the built up area of the village.
- 7.1.11 Although previously developed "brownfield" land with the same former use and characteristics, the current application site is on the edge of Langtoft rather than within the built up area, meaning that the proposal does not fully accord with spatial policies SP1 of the Core Strategy and SAP policy SAP H1.
- 7.1.12 Despite this conflict with adopted policy, the greater emphasis on providing sufficient housing land supply and deliverability in the revised NPPF is a very important material consideration which should be given significant weight in the planning balance. The planning balance is discussed in the final section of this report.
- 7.2 Impact on the character of the area
- 7.2.1 CS Policy EN1 requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. This policy is consistent with NPPF Section 11 (Conserving and enhancing the natural environment).
- 7.2.2 Although the proposal would extend the village beyond the existing built up area, the site is well screened by woodland (with potential for greater screening) and not easily visible from the surrounding area, so development would not appear as a prominent encroachment into open countryside. The site is currently unkempt and there are also opportunities for enhancement through well designed dwellings and landscaping. The density (at approximately 18 dph), is low which is appropriate for this rural edge of village context.
- 7.2.3 Detailed matters of layout, scale, appearance and landscaping are not included for consideration in this application and would be dealt with by a future reserved matters application. The indicative site layout plan and design and access statement submitted with the application show how the site could be potentially developed in accordance with the principles of good design, whilst maintaining and enhancing the rural edge of village character of the area.

7.2.4 Taking the above into account the development is appropriate and would not compromise the form and character of the area in accordance with in accordance with CS policy EN1 and NPPF sections 12, and 15.

7.3 Residential Amenity

7.3.1 The NPPF (para 127) and CS policy EN1 seek to ensure a good standard of amenity for existing and future occupiers of developments.

7.3.2 Concerns have been raised about potential overlooking and loss of privacy to existing adjacent properties, as well as noise/disturbance during construction. These concerns are noted. However, the plan is for illustrative purposes only and the detailed layout, scale and appearance would be determined at reserved matters stage where detailed issues of neighbours' amenities would be assessed. It is considered that the site is sufficiently large to accommodate up to 35 appropriately designed and sited dwellings, without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings.

7.3.3 In respect of noise/disturbance during construction, whilst there will inevitably be some additional noise/disturbance, which is temporary in nature, it would not be necessary or appropriate in this instance to impose any restrictive conditions as this is covered by other legislation.

7.3.4 Taking the above into account, the proposal would not lead to unacceptable living conditions for occupiers of existing properties or future occupiers of the proposed development in accordance with NPPF (para 127) and CS policy EN1

7.4 Highway issues

7.4.1 Access is not included as a matter for consideration, and the exact location of the access would be the subject of a future reserved matters application. However, the only realistic location for the access (as shown on the illustrative site layout and as per extant permission S13/1480) would be from Stowe Road and the highways/traffic impacts have been considered on that basis. A Transport Statement has been submitted with the application which has been assessed by LCC Highways.

7.4.2 The NPPF is very clear that when assessing developments that generate significant amounts of traffic, decision makers should apply the following tests and take account of whether:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) 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.

7.4.3 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.

7.4.4 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.

7.4.5 There is good visibility at the site entrance and the site is large enough to accommodate adequate off road parking and turning space.

- 7.4.6 Whilst concerns raised about the impact of additional traffic particularly at the A15 and King Street crossroads, by the Parish Council and members of the public are noted, LCC Highways do not object on highway safety or traffic capacity grounds (subject to conditions), and they do not consider that the proposal in itself would result in a severe impact on the road network in NPPF terms stating:

"The Highway Authority is satisfied that the severity of the impact the proposed development would be expected to have on the operation of the local highway network would not be sufficient to warrant refusal of this Application."

The Transport Statement submitted in support of the application predicts an additional 26 two-way vehicle movements in the peak period, which equates to one additional vehicle movement every three minutes. Whilst there are anecdotal reports of queuing to get out onto the A15 from the West End junction in the peak period, the Highway Authority do not believe this level of additional movements would increase that queuing to an extent that a reason for refusal of consent would be defensible at an appeal."

The A15 junction already has ghost island right-turn lanes and there is a pedestrian crossing just to the north of this junction so (notwithstanding the relatively small scale of the proposed development), it is difficult to see what practical improvements could be made to that junction to improve its performance."

- 7.4.7 Taking the above into account, there is sufficient capacity at the A15 and King Street junctions to cope with the relatively small amount of additional traffic that is likely to be generated. Furthermore, a section 106 contribution towards upgrade/alteration of these junctions would not meet the relevant statutory tests.
- 7.4.8 Therefore in respect of highway safety and traffic capacity, the proposal complies with CS policy SP3 and the NPPF (Core Planning Principles, Section 12: Requiring good design and Section 9: Promoting sustainable transport).

7.5 Drainage

- 7.5.1 The NPPF (Section 14) and CS (policy EN2) seek to direct residential development to areas with the least probability of flooding and implementation of SuDS drainage where possible to minimise surface water runoff. The site is in EA flood zone 1 and therefore not in a high flood risk zone. The proposal includes a SuDS drainage strategy (permeable paving, swales and attenuation pond) based on the recommendations of a comprehensive flood risk assessment and which would ensure floodrisk is minimised both on and off site. The Local Lead Flood Authority (LCC) raises no objections subject to conditions to ensure that the SuDS system is implemented and that appropriate provisions are made for future maintenance.
- 7.5.2 Anglian Water have advised that whilst the Deeping Recycling Centre will have available capacity, the development would put pressure on the foul sewage network that may lead to flooding issues downstream. However, they do not object and recommend a condition requiring a foul water drainage strategy to ensure that the development does not put undue stress on the existing system and that additional capacity can be provided when it is needed.
- 7.5.3 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.

7.6 Ecology

- 7.6.1 CS policy EN1 together with NPPF section 15 require developments to contribute towards conservation and enhancement of biodiversity.

- 7.6.2 The site is part of the former Langtoft gravel extraction workings. The wider area includes areas of grassland and woodland and a number of lakes (former gravel pits), some of which are designated as a site of special scientific interest (SSSI) due to their "plant communities characteristic of calcareous, eutrophic water".
- 7.6.3 Some concern has been raised in the public consultation about the impact on the local wetland eco systems including birds and other fauna, however, the site itself is not part of the SSSI, the nearest part of which is some 300m away. Neither does it contain any water bodies. The application site is different in character to the wider gravel pits site, having been the location of plant and equipment and has not regenerated to the same extent as the wider site.
- 7.6.4 The submitted ecological assessment concludes that the site has a relatively low ecological value being mostly heavily compacted sand/gravel and that development would not result in harm to protected species, biodiversity or the nearby SSSI.
- 7.6.5 Whilst no specific mitigation is required, the ecology assessment also acknowledges that with appropriate management and new planting/landscaping this land could potentially become more diverse and provide a habitat for wildlife in the future and be of similar value to the grasslands and lakes further to the south within the wider gravel pits site. This corresponds with Natural England's standing advice as well as the comments received from the Lincolnshire Wildlife Trust who consider that through appropriate landscaping, the site has potential for the creation, within the open space, of an open mosaic habitat of acid grassland within the site to enhance biodiversity.
- 7.6.6 The low density of the proposal means that the above is achievable through a well-designed landscaping scheme as well as SuDs drainage features and the result would be an overall enhancement to biodiversity. The details of this would be assessed at the reserved matters stage. Conditions have been attached to ensure that the landscaping adheres to various site specific principles identified by LWT as well as set out in the submitted ecological and reptile assessments in order that the enhancements to visual amenity will also have the additional benefit of maximising biodiversity. Arrangements for future management would be secured through the section 106 agreement.
- 7.6.7 In this respect the proposal is acceptable and in accordance with the NPPF (Section 15: Conserving and enhancing the natural environment) and CS policy EN1.

7.7 Trees and Open Space

- 7.7.1 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, the proposal would require approximately 1680m² of informal/natural greenspace as well as 252m² of childrens/young people's equipped play space on site, or alternatively £23,436 toward upgrading of the existing play equipment off Aquila Way. 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 open space and landscaping and arrangements for future management would be secured through the section 106 agreement.
- 7.7.2 There are a number of trees within the site, none of which are worthy of tree preservation orders although retention of some may be possible in the landscaping scheme to be considered at reserved matters stage. A condition has been added to ensure any retained or adjacent trees are protected from damage during construction. In this respect the proposal is in accordance with CS policy EN1, SAP policy SAP 10 and NPPF section 8.

7.8 Affordable Housing

- 7.8.1 CS Policy H3 (read in conjunction with the National Planning Practice Guidance) requires developments of 11 or more dwellings to provide 35% affordable housing which on a development of this size and type would be expected to be provided on site. For a scheme of 35 homes, this would entail the provision of 12 affordable homes. A reduction in this figure would only be considered where it could be demonstrated that provision of the full amount would make the development unviable.
- 7.8.2 In line with good practice and policy expectations, the proposed affordable housing would be expected to be well spread out throughout the site rather than grouped together in a single location. The exact location and design of the affordable housing would be determined through the section 106 agreement and as part of a future reserved matters application.
- 7.8.3 Taking the above into account, in this respect the proposal accords with CS Policies SP4 and H3, the South Kesteven Planning Obligations SPD, and, the NPPF (Core Planning Principles and Section 5: Delivering a wide choice of high quality homes)

7.9 Other issues

- 7.9.1 Contamination - the applicant's contamination report has identified potential sources of contamination from the previous gravel extraction use. Whilst the risk is low, the Council's Environmental Protection team have recommended a condition requiring appropriate surveys and remediation (if necessary) to ensure that the health and wellbeing of future occupiers is not unduly affected. The EA also recommend such a condition to ensure controlled waters are protected. Concern has been raised by an objector about the possibility of buried ammunition boxes. However, no evidence has been put forward to back up this assertion and in any case their presence or otherwise would be identified through the contamination survey.
- 7.9.2 Minerals Safeguarding - although the site lies within a minerals safeguarding area (sand and gravel), LCC, in their capacity as Minerals and Waste authority, are satisfied that the relevant tests of the policy have been met and that mineral resources would not be unduly sterilised by the proposal, in accordance with Policy M11 of the Lincolnshire Minerals and Waste Local Plan and NPPF Section 33 (Facilitating the sustainable use of minerals).
- 7.9.3 Trees removed - some concern has been raised that a number of trees were removed at the entrance prior to determination. As previously mentioned, there are no TPO trees so no consent was required to remove any trees. Also concern was raised that the proposal was phase 1 of a much larger development. No applications have been received relating to any additional development (other than the extant permission for the 6 dwellings along the frontage of Stowe Road) and no additional land is proposed for allocation in the emerging local plan. Any future application would need to be determined on its merits but given the proximity to the SSSI any further significant development may not be acceptable.

Access from service road - concern has been raised that the proposal could lead to unauthorised access being created from the service road to the rear of the properties along Stowe Road. Access is not included as a matter for consideration in this outline application and the location of any accesses will be considered at reserved matters stage, taking into account relevant crime prevention measures. Property rights such as rights of way are not in themselves material planning considerations and are covered by other legislation.

- 7.9.4 Fire Safety - Lincolnshire Fire and Rescue have been consulted but at the time of writing had not responded. Any comments received, including any requirement for additional hydrants will be reported in the Additional Items Paper.

7.9.5 Property values and loss of a view over countryside are not material considerations and have not been taken into account.

8.0 **Section 106 Heads of Terms**

8.1 The proposed development would necessitate financial contributions via a section 106 agreement. Whilst the submitted design and access statement was unclear, the applicant has now expressed a willingness to enter into a section 106 agreement for the full requirements including:

- Education - £120,375 towards re-provision of sports facilities at The Deepings School,
- Open Space/Ecology - 1680m² of informal/natural green space to be provided on site together with arrangements for future maintenance
- Childrens' Play equipment - 252m² to be provided on site or £23,436 financial contribution towards off site provision or improvement of existing playspace elsewhere in Langtoft
- Affordable Housing - 35% 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.

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 proposal conflicts with CS policies SP1, H1 and SAP Policy SAP H1 in terms of its location on the edge of the village. 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 As mentioned in the "principle of development" section of this report, the Council's Housing Land Supply Assessment is currently under review and there is uncertainty over whether or not the Council can demonstrate a 5 year land supply. Significant weight should therefore be given to the greater onus set out in the revised NPPF for local planning authorities to bring forward suitable sustainable windfall sites not identified in the current Local Plan in such circumstances.

11.3 Langtoft is identified as a Local Service Centre and therefore a sustainable location for development. The site is located adjacent to the existing built up area of the village. As the proposal is relatively small both in area and numbers of dwellings, subject to the determination of reserved matters, it would not adversely impact on the character of the settlement or its setting. The proposed development would not result in harmful impacts on biodiversity, flood risk, highway safety or capacity, or on local infrastructure.

- 11.4 The revised NPPF in paras 68 and 117 - 118 also has a greater emphasis on more effective use of land, including brownfield land or underutilised land/buildings. The site can reasonably be described as brownfield, is underutilised and has no realistic prospect of a return to agricultural or other use. The proposal would be an efficient use of the land by redeveloping it and bringing it back into use without encroaching onto previously undeveloped open countryside.
- 11.5 Other material considerations that weigh in favour are the visual and biodiversity enhancements to the currently unkempt and unmanaged site.
- 11.6 Overall, 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 SAP Policy SAP 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 Head of Development Management 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 Head of Development Management 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. access
5. landscaping

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

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

Approved Plans

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

1. 1226-1_OP_LP01 Rev A received 29 September 2017
Unless otherwise required by another condition of this permission.

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

- 4 The development hereby permitted is for no more than 35 dwellings.

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

Before the Development is Commenced

- 5 When an application is made for reserved matters, that application shall include as part of the landscaping scheme:

1. retention of the bund along the northern boundary
2. retention and enhancement of the hedgerow along the eastern boundary
3. removal of the cypress leylandii trees
4. creation of new native species hedgerows interspersed with native trees along all other boundaries
5. unless it can be demonstrated that sufficient uncontaminated soil from the site is unavailable, or is impracticable to use, all green spaces to be laid out using uncontaminated soil from the site rather than imported topsoil
6. all open green spaces to be sown with native acid grassland and not amenity turf mix
7. new planting of native trees and shrubs along the access roads and around the SuDS features
8. new planting of native trees and shrubs within domestic gardens throughout the development

Reason: In order to enhance local biodiversity and visual amenity.

- 6 When an application is made for reserved matters, that application shall include 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.

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

- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

1. 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;
2. Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
3. Provide details of the timetable for and any phasing of implementation for the drainage scheme; and,
4. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

- 8 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:
1. 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
 2. 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.
 3. 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.

During Building Works

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

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

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

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

- 11 All trees to retained within or adjacent to the site must be protected in accordance with the tree protection measures contained in the submitted Tree Survey dated 21 September 2017 during construction of the site.

Reason: To ensure that trees are not unduly damaged during construction.

- 12 The development shall be carried out in accordance with the reptile protection measures contained in the submitted Reptile Survey dated 21 September 2017 during construction.

Reason: To enhance the local biodiversity and ensure that the nearby SSSI and wetland/grassland/woodland habitats including local populations of reptiles are not adversely affected. And in accordance with the NPPF and Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Before the Development is Occupied

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

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) and national guidance contained in the NPPF paragraphs 120 and 121.

- 14 Prior to occupation of the dwellings, a scheme for the provision of bat and bird boxes, and reptile and hedgehog refugia, together with a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and timetable and shall be retained throughout the lifetime of the development.

Reason: To enhance the local biodiversity and ensure that the nearby SSSI and wetland/grassland/woodland habitats are not adversely affected. And in accordance with the NPPF and Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

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

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

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

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

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

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

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

- 19 No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, have been completed.

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.

- 20 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 will make an important contribution to the development and its assimilation with its surroundings as well as ensuring that the local biodiversity is enhanced and that the nearby SSSI and wetland/grassland/woodland habitats are not adversely affected. And in accordance with the NPPF and Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Ongoing Conditions

- 21 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.

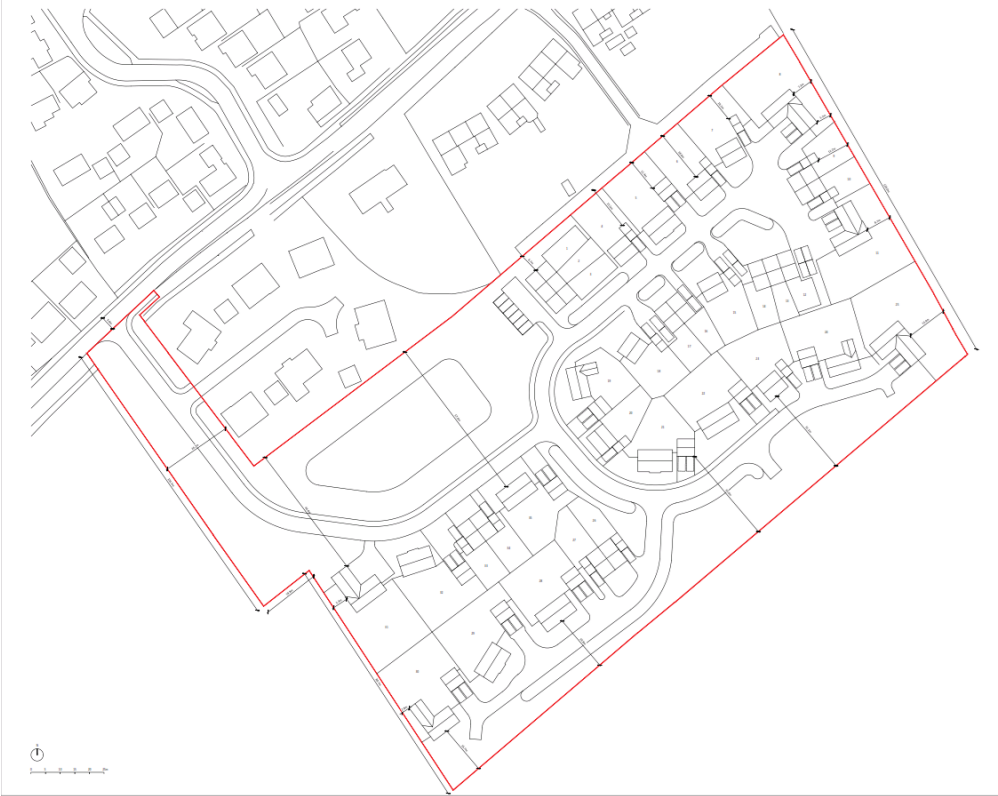
Standard Note(s) to Applicant:

- 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.

Proposed Site-Location Plan



Illustrative Block Plan



Illustrative Block Plan (superimposed on satellite image)



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