AGENDA

SOUTH KESTEVEN DISTRICT COUNCIL

For a meeting of the
DEVELOPMENT MANAGEMENT COMMITTEE
to be held on
TUESDAY, 26 JUNE 2018
at
1.00 PM
in the
COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ

Aidan Rave, Chief Executive

Chairman
Councillor Martin Wilkins

Councillor Ashley Baxter	Councillor Mrs Judy Smith
Councillor Phil Dilks	Councillor Judy Stevens
Councillor Mike Exton	Councillor Adam Stokes
Councillor Mrs Rosemary Kaberry-Brown	Councillor Ian Stokes (Vice-Chairman)
Councillor Michael King	Councillor Brian Sumner
Councillor Robert Reid	Councillor Mrs Brenda Sumner
Councillor Jacky Smith	Councillor Paul Wood

Committee Support Officer: Jo Toomey Tel: 01476 40 60 80 (Ext. 6152)
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 29 MAY 2018

(Enclosure)

5 PLANNING MATTERS

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

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

(a) **Application Ref:** S18/0543
Description: Erection of 25 dwellings (20 apartments and 5 townhouses) with associated access, car parking and landscaping
Location: Land at Wherry's Lane, Bourne, PE10 9HQ

(b) **Application Ref:** S18/0196
Description: Demolition of former social club, erection of three dwellings and associated access and parking arrangements. Demolition of existing wall adjacent to no 3 and to the rear of existing outbuilding to accommodate access
Location: Land rear of 3 Long Street, Great Gonerby, NG31 8LN

(c) **Application Ref:** S18/0197
Description: Demolition of existing wall adjacent to no 3 and to the rear of existing outbuilding to accommodate access and erection of new boundary walls
Location: 3 Long Street, Great Gonerby, NG31 8LN

(d) **Application Ref:** S16/1197
Description: Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included
Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR

(e) **Application Ref:** S16/1155
Description: Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location: Former Grimers Transport Ltd, 11 Station Road, Billingborough, Lincolnshire, NG34 0NR

(f) **Application Ref:** S18/0179
Description: Provision of ramped and stepped access to main entrance of the church
Location: Stamford Methodist Church, 11 Barn Hill, Stamford, Lincolnshire, PE9 2AE

6 ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

PUBLIC SPEAKING

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2017/18 meetings are:

Meeting Date	Notification Deadline
Tuesday 26 June, 1pm	Monday 25 June 2018, 1pm
Tuesday 24 July 2018, 1pm	Monday 23 July 2018, 1pm
Tuesday 21 August 2018, 1pm	Monday 20 August 2018, 1pm
Tuesday 18 September 2018, 1pm	Monday 17 September 2018, 1pm
Tuesday 16 October 2018, 1pm	Monday 15 October 2018, 1pm
Tuesday 13 November 2018, 1pm	Monday 12 November 2018, 1pm
Tuesday 11 December 2018, 1pm	Monday 10 December 2018, 1pm
Tuesday 15 January 2019, 1pm	Monday 14 January 2019, 1pm
Tuesday 5 February 2019, 1pm	Monday 4 February 2019, 1pm
Tuesday 5 March 2019, 1pm	Monday 4 March 2019, 1pm
Tuesday 2 April 2019, 1pm	Monday 1 April 2019, 1pm
Tuesday 23 April 2019, 1pm	Monday 22 April 2019, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

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

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

ORDER OF PROCEEDINGS

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
    a. District Councillors who are not Committee members
    b. Representative from town/parish council
    c. Objectors to an application
    d. Supporters of an application
    e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

MINUTES

DEVELOPMENT MANAGEMENT COMMITTEE
TUESDAY, 29 MAY 2018

SOUTH KESTEVEN DISTRICT COUNCIL

COMMITTEE MEMBERS PRESENT

Councillor Ashley Baxter
Councillor Phil Dilks
Councillor Mike Exton
Councillor Michael King
Councillor Robert Reid
Councillor Jacky Smith
Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Brian Sumner
Councillor Mrs Brenda Sumner
Councillor Rosemary Trollope-Bellew
Councillor Martin Wilkins (Chairman)

OFFICERS

Planning Operations Lead (Justin Johnson)
Principal Planning Officer (Kevin Cartwright)
Assistant Planning Officer (Miranda Beavers)
Legal Adviser (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

OTHER MEMBERS

Councillor Linda Wootten
Councillor Ray Wootten

(In accordance with Article 9.1.9 of the Council's Constitution, Councillor Ray Wootten spoke in connection with applications S17/2496 and S18/0514)

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1. 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 Ian Stokes.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Kaberry-Brown and Wood.

3. DISCLOSURE OF INTERESTS

No interests were disclosed.

4. MINUTES OF THE MEETING HELD ON 1 MAY 2018

The minutes of the meeting held on 1 May 2018 were agreed as a correct record.

5. PLANNING MATTERS

Committee Members asked about the six-month pilot period during which questions could not be put to objectors or supporters who were not planning experts. The Chairman confirmed that the pilot was still ongoing and the Committee was advised that it was within the Chairman's discretion to determine how the session should run.

(a) **Application Ref:** S17/2496
Description: Residential development of 41 dwellings and associated works
Location: Uffington Road, Stamford, PE9 2HA

Decision:

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

Noting comments made during the public speaking session by:

Applicant's Agent Sean Lammiman

Together with:

- No objection subject to conditions from Lincolnshire County Council Highways and SUDS Support
- Comments from Stamford Town Council
- No objection subject to conditions from SKDC's Environmental Protection Services
- Comments from Anglian Water Services
- No comments from Historic England
- Comments from the Gardens Trust
- A request for a Section 106 contribution from NHS England
- No requirement for a Section 106 contribution from Lincolnshire County Council's Education and Cultural Services
- Comments from the SKDC Arboricultural Consultant
- Comments from SKDC's Street Scene team
- Comments from the SKDC Affordable Housing Officer in respect of affordable housing requirements
- 3 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information paper issued on 25 May 2018, referring to additional information submitted by the applicant on trees protected by a Tree Preservation Order and the retaining wall, and comments from relevant consultees
- Comments made by members at the meeting

Officers provided an update on information that had been submitted

following the issue of the additional items paper and prior to the Committee's meeting. The additional information related to the details of the boundary treatment. As a result of this information, should Members be minded to approve the application, condition 13 as detailed on the additional items paper was no longer required and condition 2, as detailed in the additional items paper, needed to be updated to include Plan WM/BW/1 rev B.

One Member expressed disappointment that Lincolnshire County Council Highways had not requested a contribution to move the 30 mile an hour speed limit to the east of the development site. He requested that his concerns on health and safety and highways safety grounds be recorded.

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the conditions set out on pages 11 to 16 of the case officer's report and pages 4 and 5 of the additional items report (as amended above) and subject to prior completion of a Section 106 agreement to secure the requirements specified in paragraph 10. Provided that if the Section 106 Agreement has not been completed within 6 weeks of the date of this meeting and the Service Manager for Development Management and Implementation, after consultation with the Chairman or Vice Chairman of the Development Control Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Service Manager for Development Management and Implementation be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

(b) **Application Ref:** S18/0475
Description: S73 application to vary condition 8 (parking and turning), condition 11 (approved plans) and condition 13 (root protection zone) of planning permission APP/E2530/W/15/3141151 to amend location of building
Location: 85 Manthorpe Road, Grantham, Lincolnshire, NG31 8DE

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

District Councillor	Councillor Ray Wootten
Against	Veronica Wheeler
	Katharine Midgley
Applicant's Agent	Keith Clark

Together with:

- No comments from the Environment Agency
- Comments from SKDC's Arboricultural Consultant
- No objection from Lincolnshire County Council Highways and SUDS Support

- 14 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
- Observations from previous visits to the site
- Comments made by members at the meeting

A request was made for the Enforcement Officer to make regular visits to the site to ensure that tree protection measures were being implemented.

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

Time Limit for Commencement

1 The development hereby permitted shall be commenced before the expiration of three years from the date of planning permission APP/E2530/W/15/31411151 granted on 24th August 2016.

Approved Plans

2 The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted on 2nd March 2018:

Site Plan Dwg. No. 4425(A) 2000 Rev. P04
Ground Floor Plan Dwg. No. 4425 (30) 301 Rev E
First Floor Plan Dwg. No. 4425 (30) 302 Rev E
Second Floor Plan Dwg. No. 4425 (30) 303 Rev E
Third Floor Plan Dwg. No. 4425 (30) 304 Rev E
Elevations Dwg No. 4425 (40) 453 Rev C

Unless required by another condition of this permission.

Before the Development is Commenced

3 Before any development commences on the site details of all surface water systems including any permeable paving, SUDs proposals and management plan shall be submitted to and approved in writing by the LPA.

The management plan shall include the following information:

i) an overview of the SUDs proposal,
ii) a specification that describes how SUDs will be constructed and the materials used,
iii) a maintenance schedule for the SUDs.

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

4 No building works which comprise the erection of a building required to be served by water services shall be undertaken until details if a

scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the LPA. No apartments shall be occupied until the works have been carried out in accordance with the approved scheme.

5 No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA).

A sample panel of the proposed materials shall be constructed on site and shall be subject to the approval in writing of the LPA prior to the commencement of work on site. The panel shall show the proposed method of construction, its finish, the mortar mixture and the method of coursing to be used in the development. The development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of the construction works.

Development shall be carried out in accordance with the approved details.

6 No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the LPA. The works shall be carried out in full as approved prior to the first occupation of any part and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the LPA and these works shall be carried out as approved. These details shall include - proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture and play equipment, refuse and other storage units, signs, lighting, etc); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc, indicating lines, manholes, supports, etc); retained historic landscape features and proposals for restoration where relevant.

8 Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works to the public highway, including materials, specification of works and construction method shall be submitted to the LPA for approval.

The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and

approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors;
ii. loading and unloading of plant and materials;
iii. working hours;
iv. storage of plant and materials used in constructing the development;
v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
vi. wheel washing facilities;
vii. measures to control the emission of dust and dirt during construction;
viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

During Building Works

11 The foundation construction for those parts of the development that would fall within the root protection zones as indicated on drawing no. 4425 (A) 2000 Rev P04 (area hatched red) received on 20th April 2018 shall be constructed using a piled foundation design as indicated on the e-mail dated 20th April 2018.

The development shall be undertaken in accordance with any such details that are approved.

Before the Development is Occupied

12 Within seven days of the new access being brought into use, the existing access onto Lodge Way shall be permanently closed in accordance with a scheme to be agreed in writing by the LPA.

13 Prior to the occupation of the development hereby permitted a schedule of landscape maintenance shall be submitted to and

approved in writing by the LPA.

The development shall be carried out in accordance with the approved schedule.

Ongoing Conditions

14 The arrangements shown on the approved Site plan Drawing No. 4425 (A) 2000 Rev P04 received on 2nd March 2018 for parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

15 The development hereby permitted shall be carried out in accordance with the recommendations in the Protected Species Survey, dated 5 January 2015, to be updated not more than one year before development commences.

16 All window and doors shall be set back in reveal by a minimum of 50mm in order to provide visual relief to the buildings.

(c) **Application Ref:** S17/1622
Description: Variation of S.106 Agreement in relation to planning permission S02/1169 to allow financial contribution in lieu of off-site highway works to the A1 southbound slip road junction with Harlaxton Road
Location: A1 southbound junction/Harlaxton Road, Grantham

Decision:

To approve the revision of the Section 106 Agreement

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

Noting:

- Comments from Lincolnshire County Council Highways and SUDS Support
- Comments from Highways England
- The outcome of dialogue between the relevant County Councillor and Lincolnshire County Councils Highways team, together with further comment from Highways England
- 1 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Comments made by members at the meeting
- Comments made by members on 6 March 2018 when the application was first considered

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the signing of a Section 106 Deed of Variation. Provided that if the Deed of Variation has not been signed within 6 weeks of the date of this meeting and the Service Manager for Development Management and Implementation, after consultation with the Chairman or Vice Chairman of the Development Management Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Service Manager for Development Management and Implementation be authorised to refuse the application.

(d) **Application Ref:** S18/0067
Description: Erection of a detached bungalow with attic accommodation
Location: 14A Highlands Way, Stamford, PE9 2XJ

Decision:

To grant the application subject to conditions

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

Noting:

- An objection from Stamford Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- No objection from the Arboricultural Consultant subject to a condition
- A detailed report submitted by Lincolnshire Fire and Rescue Services
- 18 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting
- The additional information report from the meeting held on 3 April 2018
- Comments made during the public speaking session on 3 April 2018
- Comments made by members on 3 April 2018 when the application was first considered

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

Time Limit

1 The development hereby permitted shall be commenced before the

expiration of three years from the date of this permission.

Approved plans

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

i. Drawing No. 775/17/4C (Elevations, Floor Plans, Site Plan and Section) received 08/02/2018

Unless otherwise required by another condition of this permission.

Pre-commencement

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

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

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

shall be permitted within these protected areas.

5 Before the development hereby permitted is commenced, details relating to a proposal for the planting of replacement trees shall be submitted to the Local Planning Authority for written approval. The details shall include:

i. site plan showing location of any proposed replacement tree;
ii. planting plans;
iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate/maintenance schedule;

6 Before the development hereby permitted is commenced, details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

i. plans showing vehicle turning areas within the site;
ii. hard surfacing materials for the driveway and turning area;

7 Prior to the commencement of the development hereby approved, details of a domestic fire fighting/prevention sprinkler system to be installed within the dwelling shall have been submitted to the Local Planning Authority for written approval. The details shall include

design, life span and maintenance.

During Construction

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

Prior to occupation

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

10 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.

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

12 Before the development hereby approved is first occupied, the domestic fire fighting sprinkler system shall have been installed in accordance with the approved details and retained as such thereafter.

Ongoing

13 The development shall be implemented and retained in accordance with the approved replacement tree proposal.

(e) **Application Ref:** S18/0514
Description: Two storey extension to side elevation and single storey extension to rear elevation
Location: 81 Kingscliffe Road, Grantham, NG31 8EU

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

District Councillor	Councillor Ray Wootten (speaking on behalf of Mrs Sentance)
Against	Philip Sentance
Applicant	Jerry Deacon

Together with:

- No objection from Lincolnshire County Council Highways and SUDS Support

- No observations from Network Rail – Civil Engineering
- 2 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report: and officer comment thereon
- Comments made by members at the meeting

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

Time Limit for Commencement

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

Approved Plans

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

i. Block Plan, Received 23 March 2018
ii. Proposed and existing floor plans, received 17 May 2018
iii. Proposed and existing elevation plans, received 17 May 2018

Unless otherwise required by another condition of this permission.

Before the Development is Occupied

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

4 Before any part of the development hereby permitted is occupied/brought into use, the south facing windows to bedrooms 3 and 4 shall have been installed with obscure glazing and with no opening part being less than 1.7m above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed, the window units shall thereafter be retained as such at all times.

6. CLOSE OF MEETING

The meeting was closed at 14:32.

COMMITTEE: 26th June 2018 **AGENDA ITEM 5**

	NO	PAGE	PROPOSAL AND LOCATION	REC
KJC1	S18/0543	1	Erection of 25 dwellings (20 no. apartments and 5no. townhouses) with associated access, car parking and landscaping. Land At Wherry's Lane Bourne PE10 9HQ	AC
PL1	S18/0196	17	Demolition of former social club, erection of three dwellings and associated access and parking arrangements. Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access Land Rear Of 3 Long Street Great Gonerby NG31 8LN	AC
PL2	S18/0197	31	Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access and erection of new boundary walls 3 Long Street Great Gonerby NG31 8LN	AC
PWM1	S16/1197	39	Demolition of existing industrial building and associated structures (except for the former railway station building) and the redevelopment of the site for residential purposes (Phase 2) Outline application with the matter of access included. Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR	AC
PWM2	S16/1155	65	Variation of S106 Agreement to waive affordable housing contribution re S14/0927 Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR	AP
PJ1	S18/0179	87	Provision of ramped and stepped access to main entrance of the church Stamford Methodist Church 11 Barn Hill Stamford Lincolnshire PE9 2AE	AC

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

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

Key Issues

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

Technical Documents Submitted with the Application

Contamination Report
Planning Supporting Statement
Heritage Impact Assessment
Drainage Strategy

Key

Application Boundary

N

1.0 Description of the Site

1.1 The application site is approximately 0.17 hectares and is located within the defined town centre of Bourne between Burghley Street and North Street. The site is currently grassed but previously contained a number of commercial buildings that have been demolished. The site is located within the Bourne Core Area an area identified in the local plan as suitable for redevelopment.

1.2 Directly to the south of the site is the parade of shops with apartments above along Wherry's Lane which were constructed as part of phase one of the Wherry's Mill redevelopment which was completed in 2015. This site can be regarded as phase 2 of that development.

1.3 The wider area is characterised by retail properties that front North Street with Burghley Street providing access to the rear of these properties, public car park to the south west and a number of residential properties of varying styles and designs along Burghley Street.

1.4 The site is bounded by the conservation area to the east and west. There are a number of listed buildings that front North Street close to the application site. Wherry's Mill is a positive unlisted building located on the corner of Wherry's Lane and Burghley Street. It forms part of phase 1 of the Wherry's Mill redevelopment.

2.0 Description of Proposal

2.1 The proposed buildings would be in the form of 2no. L shaped blocks which would be four storey at the corner locations with the remainder being three storey in height surrounding a communal parking and turning area.

2.2 The 20no. apartments would be accessed by 2no. communal stair and lift cores both accessing 3no. apartments from each floor. The internal layout of the apartments would follow an contemporary design containing a double bedroom, second bedroom, bathroom, open-plan kitchen, dining and living space.

2.3 The 5no. townhouses would be three storey providing kitchen, dining and living space and WC at ground floor, secondary living area, and study/bedroom at first floor and 2no. double bedrooms and bathroom at second floor.

2.4 The communal area would provide a landscaped area and parking and turning for vehicles within the site. 25 car parking spaces would be provided.

2.5 The contemporary design would be constructed of predominantly red facing bricks with slate tile roofs interspersed with render providing a frontage to both Burghley Street and Wherry's Lane with four storey focal points at the important corner of Burghley Street and Wherry's Lane and a further focal point along Wherry's Lane. Full height fenestration is a key design feature of the development.

2.6 The southern and western elevations fronting Wherry's Lane and Burghley Street would be bounded by low black finished gates and railings providing pedestrian access to the properties and defining the boundary of the development with the wider public realm.

3.0 Relevant History

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

4.0 Policy Considerations

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

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

4.3 Site Allocation and Policies Development Plan Document
Policy SAPH1 - Other housing development
Policy SAP9 - Bourne core area
Policy SAP7 - Development in defined town centres
Policy SAP10 - Open space provision

5.00 SKDC Corporate Priorities

5.1 Support good housing for all

6.0 Representations Received

Parish Council	Objections from the Town Council after several members of the public attended the meeting and under several reasons - limited access to the houses, limited parking spaces, not in keeping with the surrounding area, over development, and no affordable housing.
LCC Highways & SuDS Support	Vehicles are not travelling along here at speed, most probably because of the carriageway width and the sharp bend just to the north of the application site. This is not an

	obvious route through the town and therefore drivers using it are more likely to be locals. There are other accesses of Burghley Street that have restricted visibility. The access arrangements, as submitted, are acceptable without the need for speed readings to be taken.
Environmental Protection Services (SKDC)	The phase 1 survey has been completed it identifies a need for further works to be completed to gain information on potential contaminants. A condition requiring this work and a verification report is required.
Heritage Lincolnshire	Awaiting final comments.
Historic Buildings Advisor (SKDC)	No objection to the proposals which have been sensitively designed to compliment the conservation area, listed buildings and other buildings of note such as Wherry's Mill. For example, the four storey gable element of the new development relates well with the existing Wherry's Mill in terms of height and the fenestration. The attractive mix of render, brick and slate is consistent with the material pallete of the conservation area and the high density of development is appropriate to the town centre location. Conditions relating to material samples for walling, roofing, rainwater goods and render.
Affordable Housing Officer (SKDC)	Due to the provision of mainly apartments on site it is appropriate that the affordable housing provision can be fulfilled by means of a commuted sum. This would be £546,000. The commuted sum should be used towards the provision of affordable housing in Bourne in the first instance, if this is not possible then to be used in the southern part of the South Kesteven area and thereafter within the whole of the South Kesteven District Council area.
NHS England	The development is proposing 25 dwellings which, based on an average of 2.4 people per dwelling would result in patient population of 60. This will place extra pressure on existing provisions. As such the s106 funding would go towards the Hereward practice (who are approximately 0.1 miles from the development). The contribution requested for the development is £11,100.00 based on £444 per residential unit).
Anglian Water Services	Foul sewerage system at present has available capacity for these flows. Recommends conditions on surface water for the submission of a surface water management strategy and to control the construction of hard standing areas.

Welland & Deeping Internal Drainage Board	No objections.
Environment Agency	No comments to make on the application.

7.0 Representations as a result of publicity

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

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

7.2 Bourne Civic Society consider that there should be provision for retail on the site in accordance with current policy to encourage footfall in Wherry's Lane to improve the town centre.

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

8.0 Evaluation

8.1 <u>Principle of Development</u>

8.1.1 The thrust of national planning policy contained in the NPPF is that development should be in sustainable locations wherever possible. The Core Strategy (CS) has a clear strategy for the location of new development based on these principles. Whilst CS strategy H1 restricts residential development in Bourne, this policy has been updated by Site Allocations Policy Development Plan Document SAP H1 that permits new housing development in Bourne within the built up parts of these settlements.

8.1.2 CS Policy SP1 and SAP H1 therefore supports, in principle, new housing development which helps to maintain and support the role of Bourne as a market town.

8.1.3 SAP 9 promotes mixed use development schemes in the Bourne Core Area which will contribute to the Council's vision of comprehensive mixed use development of the area. This development can be regarded as phase 2 of a wider redevelopment scheme. Phase 1 being completed in 2015 and provides a mix of retail and residential uses. (S11/2953).

8.1.4 Notwithstanding that this scheme would be solely residential it would, when viewed in conjunction with phase 1 provide a mixed use development. As such the scheme is considered to comply with this policy.

8.2 Impact on the character of the area

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

8.2.2 It would infill a currently vacant piece of land adjacent to the conservation area with a contemporary building fronting both Burghley Street and Wherry's Lane. This would provide a strong frontage to both Burghley Street and the main pedestrian route through to North Street. The proposal would provide integrity to the street scene with the four story features at the corners providing focal points when viewed along Burghley Street. The remainder of the building would be three storeys in height thereby not competing with surrounding buildings.

8.2.3 As such the proposed development is considered to accord with CS Policy EN1 and NPPF Section 7 - Requiring good design, Section 8 - Promoting Healthy Communities and Section 11 - Conserving and enhancing the natural environment.

8.3 Impact on Heritage Assets

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

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

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

8.3.3 The proposal would utilise a mix of render, brickwork and slate which relates well to the positive unlisted building,Wherry's Mill opposite, and the wider conservation area. The form of the buildings are simple pitched roof terraced buildings with uniform fenestration and building heights similar to the historic part of Wherry's MIll.

8.3.4 The listed buildings on north street are a sufficient distance away from the site with a number of intervening buildings between that would ensure that their setting would not be affected.

8.3.5 The Council's Conservation Officer is satisfied that the development would complement the character of the conservation area and would preserve the setting of the listed buildings and Wherry's Mill.

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

8.4 Impact on Residential Amenities

8.4.1 The nearest residential properties to the site are no. 15 Burghley Street immediately to the north, no.30a and no. 32 Burghley Street to the west. To the south of the site are a number of apartments at the Wherry's Mill redevelopment, located above the retail premises along Wherry's Lane.

8.4.2 Whilst the site access is located adjacent to the side elevation of no. 15 Burghley Street there would be a 3 metre landscape buffer between the access driveway and the side elevation to ensure that the occupiers would not experience any significant noise and disturbance from vehicles coming and going to the site. There would be a distance of 10 metres between the side elevation of the proposal and the side elevation of no. 15 Burghley Street. This would be sufficient to ensure no significant overshadowing or loss of light. There would be no windows in the northern end elevation facing no.15 Burghley Street.

8.4.3 A separation distance of 11 metres would exist between the proposal and 30a Burghley Street to the north-west. This coupled with the more oblique relationship would ensure no direct overlooking or loss of privacy to justify a refuel of planning permission.

8.4.4 There would be a separation distance of 10.5 metres between the proposed elevation fronting Burghley Street and no.32 Burghley Street to the west. Whilst there would be a number of windows facing the side and rear garden of this property it is considered that the separation distance is sufficient to ensure no significant overlooking/loss of privacy or overshadowing would occur. Particularly as the proposal would face the side elevation coupled with the fact that No.32 has a number of outbuildings which to a degree would screen their immediate rear garden areas and ensure that the existing occupiers would not experience any significant loss of residential amenity.

8.4.5 There would be a distance of approximately 12 metres between the proposed buildings along the southern boundary of the site and the residential apartments above the retail units along Wherry's Lane. This is considered to be an acceptable front elevation to front elevation relationship similar that which often occurs with properties facing each other in an urban context.

8.4.6 As such the proposal is considered to accord with CS Policy EN1 and NPPF Section 7.

8.5 Highway Matters

8.5.1 The proposed development has been fully assessed by the local highway authority including a site visit to assess the access in relation to road alignment and visibility. As it is unlikely that vehicles would be travelling at speed along this road they consider the proposed access arrangements to be acceptable.

8.5.2 Whilst Burghley Street does connect to North Street it is not an obvious route through the town. As such it is likely to be used predominantly by locals and not heavily trafficked. In turn the proposed development of 25 residential units is unlikely to result in a significant number of vehicle movements to and from the site that would result in a risk to highway/public safety. The test for the refusal of planning permission on highway grounds is now set very high. The NPPF at para 32 is explicit in that:

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

8.5.3 25no. parking spaces would be provided which is considered acceptable for this sustainable town centre location.

8.5.4 As such it is considered that the proposal is acceptable in highway terms and would not be detrimental to highway safety or traffic capacity in accordance with CS Policy SP3 and NPPF Section 4.

8.6 Contamination

8.6.1 The Council's Environmental Protection team have confirmed that the findings of the submitted report indicate that there are potential contaminants on the site as a result of the previous uses. Specifically a depot that may have stored vehicles and machinery. Whilst these buildings have now been demolished it is necessary for further contamination survey work to be undertaken on site to establish the presence of any contaminants and appropriate remediation. This can be effectively achieved through an appropriately worded condition requiring further survey work and a further condition requiring a verification report to be submitted for approval to ensure appropriate remediation has taken place.

8.6.2 As such the proposal complies with CS Policy EN1 and NPPF Section 11.

8.7 Drainage

8.7.1 Section 10 of the NPPF and CS Policy EN2 seeks to direct development to areas with the least probability of flooding. The site is located in Environment Agency flood zone 1 and is therefore not in a high flood risk zone.

8.7.2 A surface water drainage scheme would be required for the site. This would be controlled through an appropriately worded condition requiring details of surface water drainage details to be submitted to and approved in writing by the local planning authority.

8.7.3 Foul water would be connected to the existing foul sewer. Anglian water has confirmed that there is sufficient capacity.

8.7.4 There is no evidence to suggest that an appropriate means of surface and foul drainage could not be achieved for the site. In this respect the proposal is in accordance with Section 10: Meeting the challenge of climate change, flooding and coastal change and CS Policy EN2.

8.8 Affordable Housing

8.8.1 CS Policy H3 requires developments of 11 or more dwellings to provide a target of 35% affordable housing. In this instance this would equate to 9no. affordable units on site.

8.8.2 As the development would have a shared access and shared communal areas, experience has shown that a mix of affordable and open market housing is often problematic. It poses problems for the overall management of the development, the responsibility for repairs and payment and upkeep of shared areas. The preferred alternative, in this instance, is a commuted sum of £564,000, (the equivalent to 7no. two bed houses and 2no. three bed houses) being provided to provide affordable housing elsewhere in Bourne.

8.8.3 This alternative arrangement is supported by our Partnership Project Officer.

8.8.4 Whilst there is no affordable housing provision on site, a commuted sum equivalent to 35% provision would be provided. As such the proposed development is considered to accord with CS Policy H3 and the relevant parts of the Supplementary Planning Document on Planning Obligations.

8.9 Open Space

8.9.1 Site Allocations Policy SAP 10 requires appropriate provision of open space within developments of 11 or more dwellings in areas where there is currently inadequate open space provision. In this

instance the site is located approximately 500 metres from the recreation ground off Recreation Road and approximately 400 metres to the Abbey Lawns. As such there is adequate open space provision in the vicinity without the need for additional provision on site.

9.0 Sections 106 Heads of Terms

9.1 The Section 106 requirements for this development are:

Commuted sum for off-site provision of affordable housing - £564,000.
Contribution towards the Hereward Medical Centre - £11,100.

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

10.0 Crime and Disorder

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

11.0 Human Rights Implications

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

12.0 Conclusion

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

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

13.0 Recommendation

13.1 That the development is deferred to Chairman and/or Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement an in accordance with the conditions set out below. Where the section 106 has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.

13.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation, there are no extenuating circumstances which would justify a further extension of time, the related

planning application shall be refused on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

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

Time Limit for Commencement

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

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

Approved Plans

2 The works hereby consented shall be carried out in accordance with the following list of approved plans:

i. Proposed Plans and Elevations - Dwg No. LDC 1685-PL03_A - Ground Floor Plan
ii. Proposed Plans and Elevations - Dwg No. LDC 1685-PL04_A - First Floor Plan
iii. Proposed Plans and Elevations - Dwg No. LDC 1685-PL05_A - Second Floor Plan
iv. Proposed Plans and Elevations - Dwg No. LDC 1685-PL06_A - Third Floor Plan
v. Existing Plan - Dwg No. LDC 1685-PL01_A - Site area

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

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

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

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

The scheme shall;

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

b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres/second/hectare;

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

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

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

Reason: To ensure a satisfactory means of drainage.

5 Before the development hereby permitted is commenced, a scheme relating to the survey of the land for contamination shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

6 Before any construction work above d.p.c level hereby permitted is commenced details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

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

7 Before any construction work above d.p.c level is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

i. planting plans;
ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

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

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

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

Before the Development is Occupied

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ongoing Conditions

15 The arrangements shown on the approved plan Dwg. No. LDC 1685-PL02_A received 21 March 2018 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the dwellings are in use.

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

Standard Note(s) to Applicant:

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

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

Block Plan

West and East Elevations

North Elevation

South Elevation

PL1	S18/0196	Target Decision Date:5th April 2018
		Committee Date:26th June 2018

Applicant	Mr M Gromett And Ms C Birch 3 Long Street Great Gonerby NG31 8LN
Agent	Mr David Granger David Granger Design Ltd The Old Dairy Mill Street Packington Ashby De La Zouch
Proposal	Demolition of former social club, erection of three dwellings and associated access and parking arrangements. Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access
Location	Land Rear Of 3 Long Street Great Gonerby NG31 8LN
Application Type	Full Planning Permission
Parish(es)	Great Gonerby Parish Council
Reason for Referral to Committee	Cllr Ian Stokes asked to call in this application to committee on the grounds of dominant and oppressive environment created by an infill developemnt, highway safety and damage to a Listed Building.
Recommendation	That the application is:- Approved conditionally
Report Author	Peter Lifford - Area Planning Officer 01476 406080 Ext: 6391 p.lifford@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key

Application Boundary

N

1.0 Description of site

1.1 The application site is located on the north side of Long Street, at its western end, close to the junction with High Street in the centre of Great Gonerby. The site comprises the former Great Gonerby social club, a single storey, vacant building positioned on a slightly elevated plot close to the road frontage and land to the rear of 3 Long Street, a Grade II Listed building. This land to the rear of no.3 comprises two distinct sections, the private rear garden area immediately adjacent to the Listed building and a secondary garden area to the north. It is on this secondary area where two of the dwellings are proposed. To the west of the site there are the greens of the Great Gonerby Bowls Club and to the north of this is the replacement Great Gonerby Social Club building. To the east of the site there is a detached dwelling at 5 Long Street whose rear garden backs onto the site and further to the east is The Rectory, a detached house set back from Long Street that has its side/rear garden adjacent to the site. To the north there are the rear gardens to bungalows and houses that front Marratts Lane. The site boundaries are identified by walls and close boarded fencing. The site and surroundings slope up gradually to the north, away from Long Street.

2.0 Description of proposal

2.1 This is a full planning application for the demolition of a former social club and the erection of three dwellings with associated access and parking provision. The three dwellings are to be 3 bedroom properties. One dwelling is to be constructed where the former social club building is currently sited while the other two dwellings are proposed to the rear of no.3 and 5 Long Street. The dwelling to the front of the site is a two storey house of a similar height to the adjacent dwelling.The dwellings to the rear are of a chalet style with accommodation within the roofspaces. A new vehicular access is proposed to serve all three new dwellings. All the dwellings are to have carports and associated car parking with each dwelling having at least 3 parking spaces. A new side boundary wall will be provided between Plot 1 and no. 3 Long Street.

2.2 In relation to No.3 Long Street, the two dwellings to the rear are located on a secondary section of its garden with its immediate, private garden are to be retained. The proposals include the construction of a new boundary wall to the rear of this private garden area separating the two sites. To the side of no.3 Long Street, it is proposed to remove part of the existing boundary wall and construct a replacement wall further to the west to enable an improved vehicular access and visibility splays for the property.

2.3 There is a related Listed Building application (S18/0197) for the proposed works to the boundary walls of the listed building which appears elsewhere on this agenda.

3.0 Relevant History

Reference	Proposal	Decision	Date
S12/1189	Demolition of former Social Club building and erection of dwelling (outline)	Approved Conditionally	13/09/2012
S18/0197	Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access and erection of new boundary walls	Pending Decision	

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

Section 6 - Wide choice of high quality homes
Section 7 - Requiring good design

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement

Policy H1 - Residential Development
Policy SP1 - Spatial Strategy
Policy SP2 - Sustainable Communities

4.3 Site Allocation and Policies Development Plan Document
Policy SAPH1 - Other housing development

5.0 SKDC Corporate Priorities

5.1 Support good housing for all

6.0 Representations Received

LCC Highways & SuDS Support	Requests that any permission given includes conditions relating to visibility splays being provided and retained and parking and turning be provided as shown on the submitted drawings.
Parish Council	No objections.
Historic Buildings Advisor (SKDC)	No.3 Long Street is a three storey detached dwelling dating to approximately the mid-18th century. It is Grade II Listed. It stands very prominently in the streetscene, and fronts directly onto the road. No objection to the removal of the one storey social club and replacement with 3 new dwellings. The one storey social club is a negative building in the streetscene and the new dwellings, subject to further details will enhance the setting of the listed building. Plot one is set back from the road, in line with the defined building line of No. 5 Long Street, thus not encroaching on the prominence of the listed building. The proposed designs of the dwellings are in keeping with the local vernacular and are located within comfortably sized plots that do not compromise the existing open setting of the listed building. No objections to the changes to the boundary wall at No.3 Long Street, however I note that some of the new boundary treatments involve 'partial' removal of existing walls. So that we can ensure that the boundary treatments are appropriate recommends a condition on these elements so that further details (elevations/cross sections) can be submitted prior to commencement. Requests that conditions are placed on any approval relating to materials (walling, roofing, rainwater goods) and in the interests of preserving the setting of the listed building, remove PD rights on the new builds.

7.0 Representations as a Result of Publicity

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

1. Heritage Statement fails to mention the relationship with the early 19th century rectory.
2. Outlook to the west from the back garden will be blocked by the gable end of house on plot 3.

8.0 Evaluation

8.1 Principle of Development

8.1.1 Core Strategy Policy SP1 (Spatial Strategy) sets out a framework guiding the location of new development within the district and provides that:

'The majority of all new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. New development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings, will also be allowed.'

8.1.2 With regard to housing development, Core Strategy Policy H1 (Residential Development) provides that:

'Any additional housing growth proposed for the District throughout the plan period should be distributed in a similar manner following the framework set out below:

Development rates in Stamford and the Deepings should be maintained at a modest level to meet the needs of these market towns, and to support the provision of additional community infrastructure, in accordance with Circular 05/05 and Policy SP4.'

8.1.3 In addition, SAP DPD Policy SAP H1 (Other Housing Development) states that:

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

8.1.4 Further on housing development, para. 50 of the National Planning Policy Framework (NPPF) states that:

'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'.

8.1.5 Outline planning permission was granted in 2012 for the construction of one dwelling on the site of the former social club building.

8.1.6 The proposed modest scale development within the built up part of an identified local service centre for a development of this nature and scale would widen opportunities for home ownership in the town and would therefore be in accordance with the above local and national policies. The proposal would therefore be acceptable in principle and in accordance with Core Strategy Policy SP1 and SAP Policy SAPH1 subject to detailed considerations set out below.

8.2 Impact of the use on the character of the area

8.2.1 With regard to impact of new development on the character of an area, Core Strategy Policy EN1 (Protection and enhancement of the character of the district) states that:

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

8.2.2 SAP Policy SAPH1 (Other Housing Development) supports small-scale infull develoment providing proposals meet a number of criteria including that 'development will not compromise the nature and character of the settlement'.

8.2.3 Similarly, para 58 of the NPPF requires that Planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

8.2.4 The general area is characterised by predominantly residential use with dwellings to the north, south and east. The proposed dwellings are modest in scale. The dwelling on plot one facing Long Street, having a ridge height of 8.4m, will be of a similar height and have a similar appearance with a gable roof on the same orientation to the adjacent dwelling at 3 Long Street. The two dwellings to the rear having a ridge height of 6.9m and having a similar relationship between buildings to that found elsewhere in Great Gonerby will have no impact on the overall character of the area retaining and enhancing the residential character of this area of Great Gonerby.

8.2.5 The removal of the social club building has previously been approved, with the outline planning permission in 2012, and has not been used as a social club since the early 70's following the construction of the larger replacement building to the north. It is currently used as storage by the bowls club but they have recently installed two containers for storage purposes at the new social club building, so the old social club building is surplus to their requirements. The removal of the old social club building, which has no architectural merit and does not enhance the character of the area, is acceptable in principle and in accordance with Core Strategy Policy SP1 and SAP Policy SAPH1.

8.3 Impact on the Neighbouring Properties

8.3.1 Having regard to the separation distance and relationship between the proposed dwellings and neighbouring dwellings, as well as their overall heights, it is considered that the proposal would not lead to significant overbearing or overshadowing impacts. The dwellings to the rear have been designed to have no side facing windows and only one upper floor rear facing window facing the bungalow on Marratts Lane to the north. The separation distance between the bungalow and the upper floor window of Plot 2 is in excess of 17m and with the existing land levels and site boundary treatment any loss of privacy will be minimal. The separation distance between the flank wall of the new dwelling on plot 3 and The Rectory is approximately 16m.

8.4 Highway issues

8.4.1 Lincolnshire County Council have raised no objection to the proposal. Sufficient and suitable off road car parking and turning facilities are being provided within the site for the new properties and the existing access to 3 Long Street is being improved as part of the development. Suitable visibility splays are being provided for the new access and being improved to the west for the existing property.

8.5 Fire safety

8.5.1 The Council's Building Control team have confirmed that the development is capaable of meeting Building Regulations for plots 1 and 2. Plot 3 is slightly over the recommended distance and the turning area is slightly below the recommended size for a fire appliance to access and turn within the site. As a result, a domestic sprinkler system is suggested for plot 3 and a suitable condition is attached to ensure this will be provided.

8.6 Ecology

8.6.1 A protected species report has been submitted with the application. The report found no evidence of any protected species and made recommendations as to how to proceed with the demolition of the former social club. A suitable condition is attached.

8.7 Noise and land contamination

8.7.1 Environmental Protection have been consulted and their response will be reported in the Additional Items paper.

8.8 Impact on Listed Building

8.8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF).
Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

8.8.2 With regard to development affecting a heritage asset, Paragraph 131 of the NPPF provides that:

'In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.'

8.8.3 Furthermore, para 132 of the NPPF provides that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

8.8.4 Para 133 of the NPPF states that:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

8.8.5 In addition, para 134 of the NPPF states that:

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

8.8.6 Core Strategy 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.

8.8.7 Similarly, para 58 of the NPPF provides that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

8.8.8 No direct works are proposed to the Listed building. The proposed works need to be assessed as to their impact on the setting of the Listed building.

8.8.9 The old social club is located close to the street frontage of Long Street and is a negative building within the street scene. Due to its siting it currently harms the setting of the adjacent Listed building. By siting the new dwelling on plot 1 back from the road and further away from the Listed building, the dwelling will preserve the prominence of the Listed building in the streetscene and will not harm the setting of the Listed building.

8.8.10 The side boundary wall proposed to be removed at the front of the site is not physically attached to the Listed building. It will be replaced and increased in length but in a location further away from the Listed building. The Conservation Officer has raised no objection to the removal of the wall subject to a condition relating to submission of details. The repositioning of this wall away from the Listed building and increase in its length will not harm the setting of the Listed building.

8.8.11 The other wall to be removed is a side boundary wall to the rear of the detached outbuildings on the west side of the site. In addition, a new boundary wall is proposed to separate the private garden area to the Listed building from the two proposed properties to the rear of the application site. Having regard to the location of these walls and their more distant relationship with the Listed building, it is considered that these works will have no harm to the setting of the Listed building.

8.8.12 Similarly, due to the distance of approximately 38m between the Listed building and Plots 2 and 3, and their sympathetic design; the impact of their siting on the secondary garden, it is considered that they will have no harm to the setting of the Listed building. The separation distance will retain the existing open setting to the rear of the building.

8.8.13 The proposed development, in terms of its impact on heritage assets, will be in compliance with policy EN1 of the Core Strategy and with section 12 of the NPPF. The proposed works to the boundary walls will preserve the setting of the Listed building.

9.0 Crime and Disorder

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

10.0 Human Rights Implications

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

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

11.0 Conclusion

11.1 Having regard to its scale, design and the pattern of development in the general area, it is considered that the proposed development would not lead to a significant adverse impact on the character of the area and would also not lead to a significant adverse impact on the amenities of occupiers of neighbouring properties. The proposal would therefore be in accordance with relevant provisions of Core Strategy Policies SP1 and EN1, SAP Policy SAPH1 and Sections 6 and 7 of the National Planning Policy Framework. Accordingly, it is recommended that permission be granted, subject to conditions.

RECOMMENDATION: that the development is Approved subject to the following conditions
Time Limit for Commencement

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

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

Approved Plans

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

i. 15.3143.11D received 21 May 2018
ii. 15.3143.12 received 1 February 2018
iii. 15.3143.13A received 1 February 2018
iv. 15.3143.14A received 1 February 2018
v. 15.3143.15A received 30 May 2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

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

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

4 Before the works to provide the boundary treatments hereby permitted are commenced, a plan indicating the heights, positions, design, materials, sections and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

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).

5 Prior to the commencement of the development hereby approved, details of a domestic fire fighting/prevention sprinkler system to be installed within the dwelling on plot 3 shall have be submitted to the Local Planning Authority for written approval. The details shall include design, life span and maintenance.

Reason: In order to ensure that the development does not jeopardise the safety of the future occupiers of the dwelling in event of fire incidents.

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

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

During Building Works

7 The development hereby approved shall be carried out in accordance with the recommendations made in the submitted Protected Species survey dated October 2017.

Reason: To ensure the satisfactory development of the site and for the protection of any protected species.

Before the Development is Occupied

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

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

9 Before the buildings are first occupied, the boundary walls shall have been constructed in accordance with the approved details.

Reason: To ensure the boundary walls are satisfactory in relation to the listed building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10 Before the development hereby approved is first occupied, the domestic fire fighting sprinkler system shall have been installed in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure that the development does not jeopardise the safety of future occupiers of the dwelling in events of fire incidents.

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

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

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

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

Ongoing Conditions

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

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

14 Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 15.3143.11D dated 21/05/2018 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

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

Reason: To safeguard the amenities of the occupiers of nearby properties, to preserve the setting of the adjacent Listed building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

16 The arrangements shown on the approved plan 15.3143.11D dated 21/05/2018 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

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

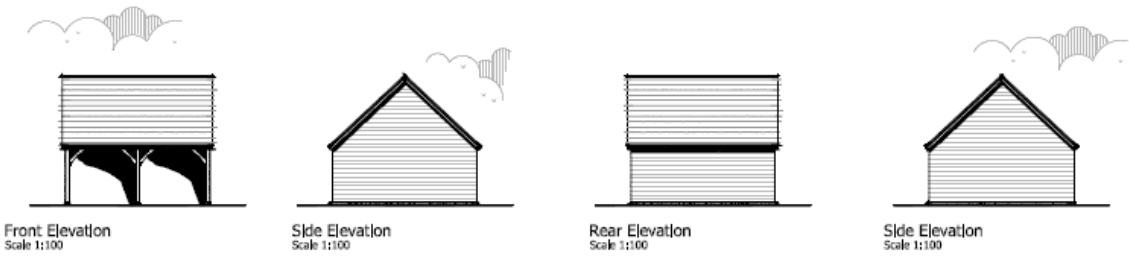
Reason: To safeguard the amenities of the occupiers of nearby properties, to preserve the setting of the adjacent Listed building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

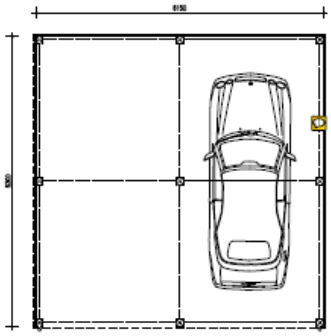
Standard Note(s) to Applicant:

1 Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

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

Car Port Plan

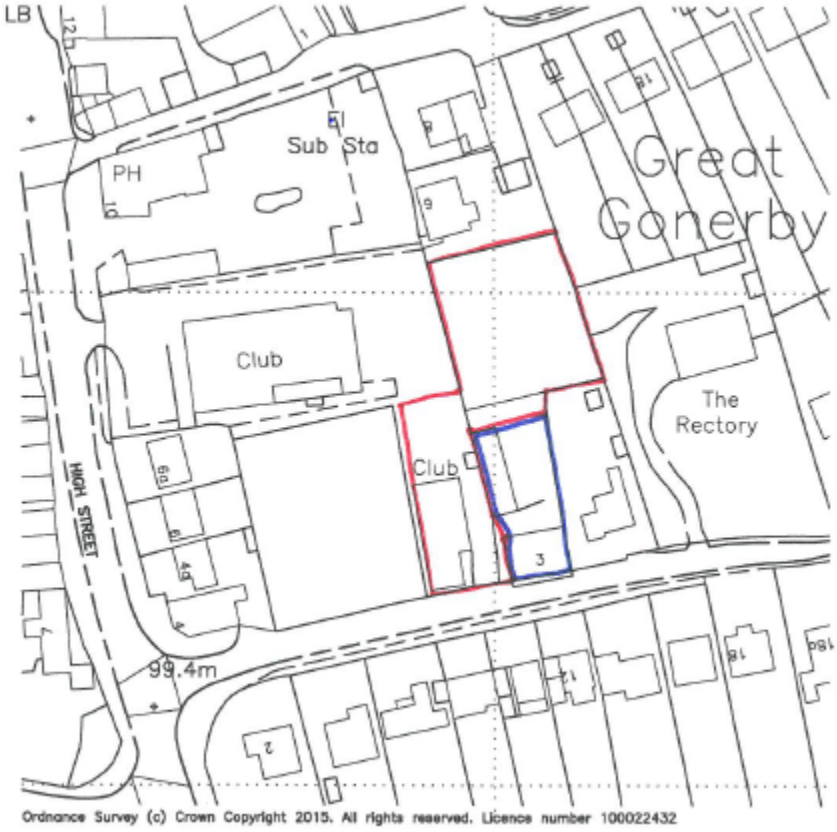




Ground Floor Plan
Scale 1:50

Layout Plan

Location Plan

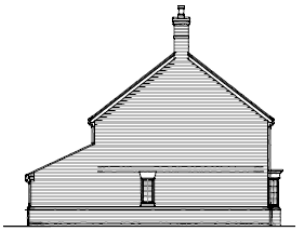


Plot 1

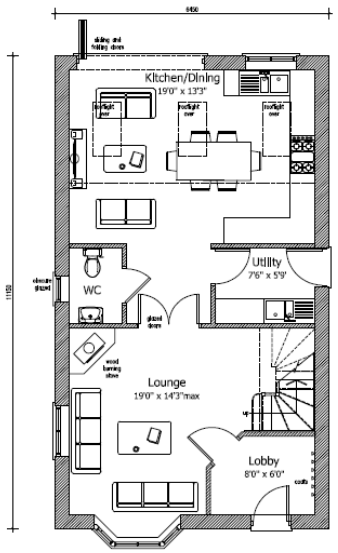
Front Elevation
Scale 1:100

Side Elevation
Scale 1:100

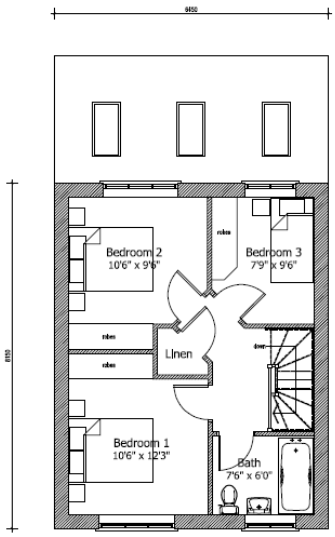
Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100



Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50

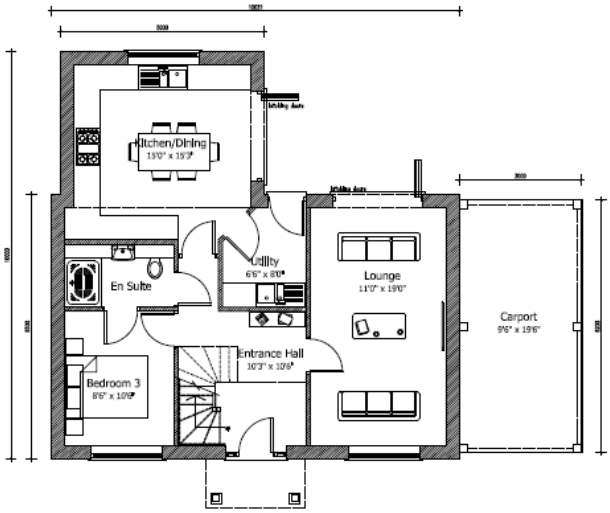
Plot 2

Front Elevation
Scale 1:100

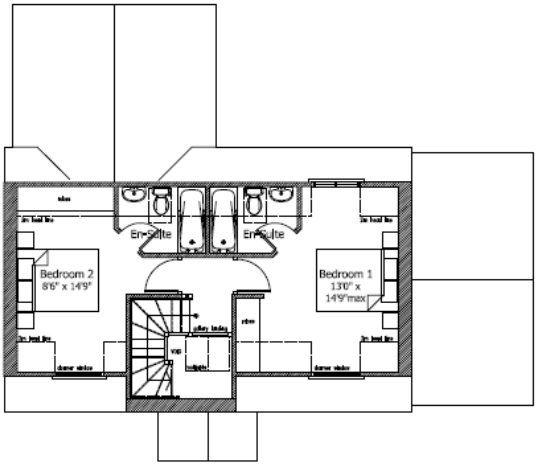
Side Elevation
Scale 1:100

Rear Elevation
Scale 1:100

Side Elevation
Scale 1:100



Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50

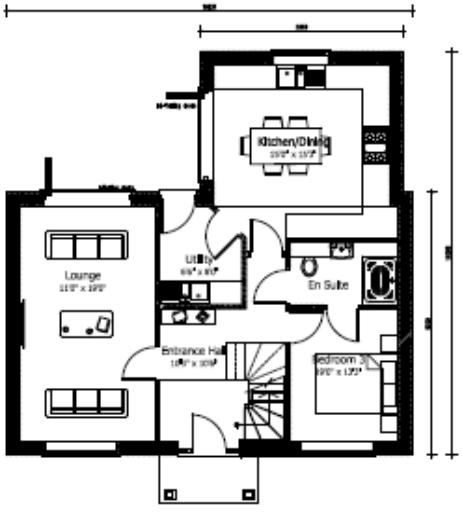
Plot 3

Front Elevation
Scale 1:100

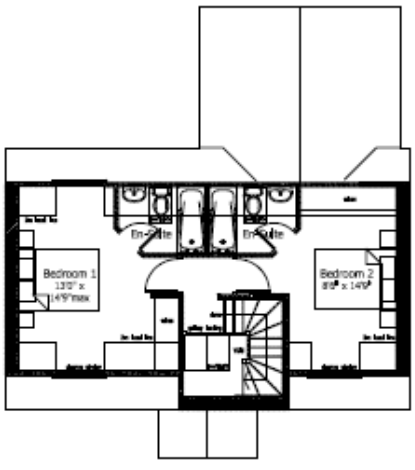
Side Elevation
Scale 1:100

Rear Elevation
Scale 1:100

Side Elevation
Scale 1:100



Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50

PL2	S18/0197	Target Decision Date:29th March 2018
		Committee Date:26th June 2018

Applicant	Mr M Gromett And Ms C Birch 3 Long Street Great Gonerby NG31 8LN
Agent	Mr David Granger David Granger Design Ltd The Old Dairy Mill Street Packington Ashby de la Zouch
Proposal	Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access and erection of new boundary walls
Location	3 Long Street Great Gonerby NG31 8LN
Application Type	Listed Building Consent
Parish(es)	Great Gonerby Parish Council
Reason for Referral to Committee	Cllr Ian Stokes asked to call in this application to committee on the grounds of dominant and oppressive environment created by an infill developemnt, highway safety and damage to a Listed Building.
Recommendation	That the application is:- Approved conditionally
Report Author	Peter Lifford - Area Planning Officer 01476 406080 Ext: 6391 p.lifford@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key

Application Boundary

N

1.0 Description of site

1.1 The application site is located on the north side of Long Street, at its western end, close to the junction with High Street in the centre of Great Gonerby. The site comprises the former Great Gonerby social club, a single storey, vacant building positioned on a slightly elevated plot close to the road frontage and land to the rear of 3 Long Street, a Grade II Listed building. This land to the rear of no.3 comprises two distinct sections, the private rear garden area immediately adjacent to the Listed building and a secondary garden area to the north. It is on this secondary area where two of the dwellings are proposed. To the west of the site there are the greens of the Great Gonerby Bowls Club and to the north of this is the replacement Great Gonerby Social Club building. To the east of the site there is a detached dwelling at 5 Long Street whose rear garden backs onto the site and further to the east is The Rectory, a detached house set back from Long Street that has its side/rear garden adjacent to the site. To the north there are the rear gardens to bungalows and houses that front Marratts Lane. The site boundaries are identified by walls and close boarded fencing. The site and surroundings slope up gradually to the north, away from Long Street.

2.0 Description of proposal

2.1 This is a Listed Building application for the demolition of an existing boundary wall to the west of 3 Long Street, a Grade II Listed building, and to the rear of an outbuilding, located to the rear of the building. It will accommodate a new vehicular access to three proposed dwellings and an improved access to 3 Long Street. New boundary walls are proposed to replace those removed.

2.2 There is a related planning application S18/0196, for the proposed demolition of the former social club and the erection of three dwellings considered elsewhere on this agenda.

3.0 Relevant History

Reference	Proposal	Decision	Date
S18/0196	Demolition of former social club, erection of three dwellings and associated access and parking arrangements. Demolition of existing wall adjacent to No 3 and to the rear of existing outbuilding to accommodate access	Pending Decision	

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

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

4.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement

5.0 SKDC Corporate Priorities

5.1 Good Housing for all

6.0 Representations Received

Historic Buildings Advisor (SKDC)	No.3 Long Street is a three storey detached dwelling dating to approximately the mid-18th century. It is Grade II Listed. It stands very prominently in the streetscene, and fronts directly onto the road.

No objection to the removal of the one storey social club and replacement with 3 new dwellings. The one storey social club is a negative building in the streetscene and the new dwellings, subject to further details will enhance the setting of the listed building.

Plot one is set back from the road, in line with the defined building line of No. 5 Long Street, thus not encroaching on the prominence of the listed building. The proposed designs of the dwellings are in keeping with the local vernacular and are located within comfortably sized plots that do not compromise the existing open setting of the listed building.

No objections to the changes to the boundary wall at No.3 Long Street, however I note that some of the new boundary treatments involve 'partial' removal of existing walls. So that we can ensure that the boundary treatments are appropriate recommends a condition on these elements so that further details (elevations/cross sections) can be submitted prior to commencement.

Requests that conditions are placed on any approval relating to materials (walling, roofing, rainwater goods) and in the interests of preserving the setting of the listed building, remove PD rights on the new builds.

Parish Council — No objections.

7.0 Representations as a Result of Publicity

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

8.0 Evaluation

8.1 Impact on the character and historic fabric of the listed building

8.1.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF).
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Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

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

8.1.6 Core Strategy 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.

8.1.7 Similarly, para 58 of the NPPF provides that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

8.1.8 No direct works are proposed to the Listed building. The proposed works need to be assessed as to their impact on the setting of the Listed building.

8.1.9 The proposed works to the boundary walls will preserve the setting of the Listed building. Neither of the walls proposed to be removed are physically attached to the Listed building. The side boundary wall to the front of the site is proposed to be replaced but further away from the Listed building. The Conservation Officer has raised no objection to the removal of the wall subject to a condition relating to submission of details. The movement of this wall away from the Listed building will not harm the setting of the Listed building.

8.1.10 The other wall to be removed is a side boundary wall to the rear of the detached outbuildings on the west side of the site. A new boundary wall is proposed to separate the private garden area to the Listed building, to the new properties to the rear of the application site. Having regard to the location of these walls and their relationship with the Listed building, it is considered that these works will not harm the setting of the Listed building.

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.

110 Conclusion

11.1 Having regard to the scale and nature of the proposed works, it is considered that the proposal would not lead to a substantial harm to the Listed Building as it would not lead to the loss of historic fabrics and would preserve the visual appearance of the building. The proposal is thus

considered to be in accordance with relevant provisions of Core Strategy Policy EN1 as well as Sections 7 and 12 of the NPPF and therefore, it is recommended that Listed Building Consent be granted, subject to conditions.

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

Time Limit for Commencement

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

Reason: In order to ensure that the works are commenced in a timely manner, as set out in Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Approved Plans

2 The works hereby consented shall be carried out in accordance with the following list of approved plans:

i. 15.3143.11D received 21 May 2018
ii. 15.3143.12 received 1 February 2018
iii. 15.3143.13A received 1 February 2018
iv. 15.3143.14A received 1 February 2018
v. 15.3143.15A received 30 May 2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

3 Before the works hereby permitted are commenced details (elevations/cross sections) of the existing and proposed boundary walls shall have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the works to the boundary walls are satisfactory in relation to the Listed Building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

Before the Development is Occupied

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

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

6 Before the buildings are first occupied, the boundary walls shall have been constructed in accordance with the approved details.

Reason: To ensure the boundary walls are satisfactory in relation to the listed building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Standard Note(s) to Applicant:

Layout Plan


Illustrative Street Scene of Plots 2 and 3
Scale 1:100
Illustrative Street Scene from Long Street
Scale 1:100
Illustrative Existing Site Section
Scale 1:200
Illustrative Proposed Site Section
Scale 1:200
No 3
N
W
E
S

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

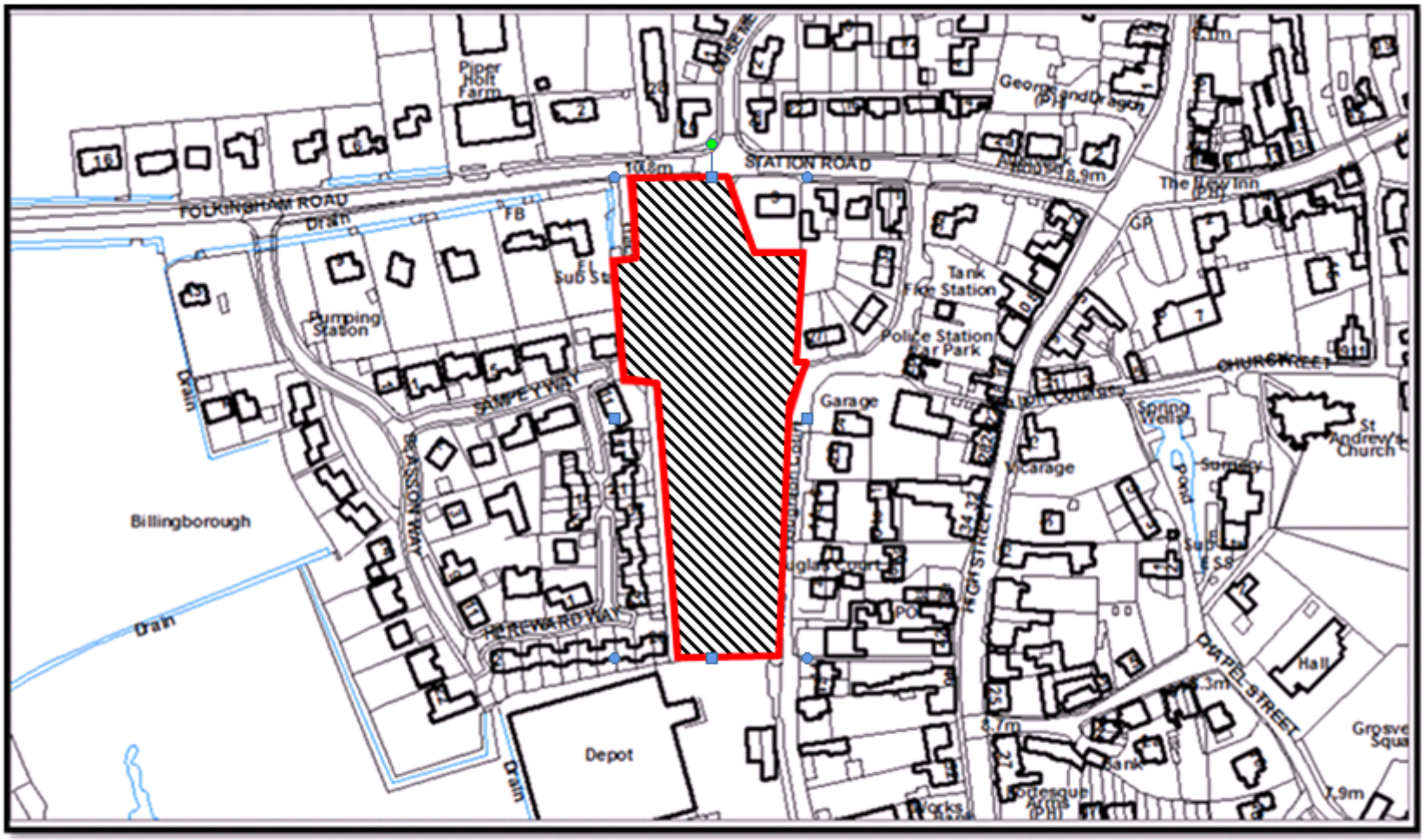
Applicant	Peter Burrows Lindpet Properties Limited Lindpet House Market Place Grantham
Agent	Matt Hubbard The Planning Hub Limited Jubilee House 79 Gertrude Road West Bridgford
Proposal	Demolition of existing industrial building and associated structures (except for the former railway station building)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

Key Issues

Principle of development
Drainage
Contamination
Highways
Viability

Technical Documents Submitted with the Application

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



Key

Application Boundary

N

1.0 Introduction

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

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

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

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

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

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

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

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

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

2.0 Policy Framework (Relating to Viability)

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

3.0 <u>National Planning Policy Framework (NPPF)</u>

3.1 The NPPF in para 205 states that:

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

4.0 National Planning Practice Guidance (NPPG)

4.1 The NPPG gives the following advice on viability:

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

4.2 It goes on to say:

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

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

5.0 South Kesteven Core Strategy

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

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

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

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

6.0 South Kesteven Planning Obligations SPD

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

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

6.2 In respect of affordable housing the SPD states:

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

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

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

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

7.0 Evaluation

7.1 How Viability is Assessed

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

7.1.2 If the residual land value is negative or less than the existing use value (EUV) + a reasonable premium to incentivise the landowner to sell, development is normally considered to be unviable. In such cases a reduction in planning obligations to allow the development to become viable is justified.

7.1.3 It should be noted that there is no figure set in stone for a reasonable minimum developer profit or premium on the land value. However between 17.5% - 20% is normally considered an acceptable range for minimum developer profit depending on the type of development and level of risk involved. Equally EUV + 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.

7.1.4 In this case the applicant has already purchased the land, so it important to consider whether the price paid was reasonable and took into account the requirements of planning.

7.1.5 The applicant submitted a viability appraisal in support of the application which claims that the development would not be viable with section 106 planning obligations and would make minimal developer profit with no section 106 planning obligations. The Council's viability consultants, the Valuation Office Agency (VOA) were asked to carry out a detailed assessment of the applicant's appraisal and give their professional opinion on the viability of the development.

7.2 Characteristics of Application Site and Abnormal Costs

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

- Demolition and site clearance

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

7.3 Applicant's Viability Appraisal

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

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

7.4 Valuation Office Agency (VOA) Report and Appraisal

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

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

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

7.5 Further Expert Advice

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

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

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

7.5.2 Portway advised that that the likely abnormal costs would be significantly less that those quoted in the applicant's viability appraisal. They estimate that overall abnormal costs of Phase 1 and Phase 2 would be £438,701, a figure which is lower than £1,122,725 quoted by the applicant. For phase 2, Portway's estimate is £268,001 whilst the applicant's estimate is £673,365. The key reason for the lower figure is that by using the latest best practice in contamination remediation, and by recycling material on site, it would not be necessary to remove or import the quoted quantity of materials from site. Some other inconsistencies and overestimates were also noted in the applicant's costs.

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

7.6 Further Information from the Applicant

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

7.7 Updated Viability Appraisal

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

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

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

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

7.7.5 The updated viability appraisals for phase 2 are summarised in tables 1 and 2 below which show 2 scenarios illustrating the viability of the development with and without the section 106 requirements included. Table 3 shows phases 1 and 2 combined without the section 106 requirements.

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

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

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

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

Table 2 – Phase 2 (with no S106 obligations)

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

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

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

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

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

8.0 Conclusion

8.1 National and local planning policy recognises that not all proposals will be capable of the full section 106 requirements and allows for section 106 contributions to be waived in such circumstances.

8.2 Whilst the provision of affordable housing and other section 106 contributions would be desirable in order to comply with the targets set out in planning policy, the evidence available shows that such provision would make development of this site unviable. The developer would make little or no profit and redevelopment would be unlikely to go ahead.

8.3 There are considerable public benefits from the redevelopment of this site, including removal of a non-conforming land use (and associated noise and pollution), removal of unsightly buildings and hardstandings, visual enhancement to this part of the village and the setting of the Conservation Area, together with the provision of new housing to meet local demand.

8.4 Taking into account the available evidence, the margin for error and the public benefits of ensuring development of the site, it is considered that in this case it would not be appropriate to require any affordable housing or other section 106 contributions for phase 2 as any contribution would render the development unviable. The proposals as submitted are therefore in accordance with CS Policies H3 and SP4 of the South Kesteven Planning Obligations SPD, the NPPF and NPPG guidance.

Appendix 1
Officer Report Ref: S16/1197
Original Committee Date 25 July 2017

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

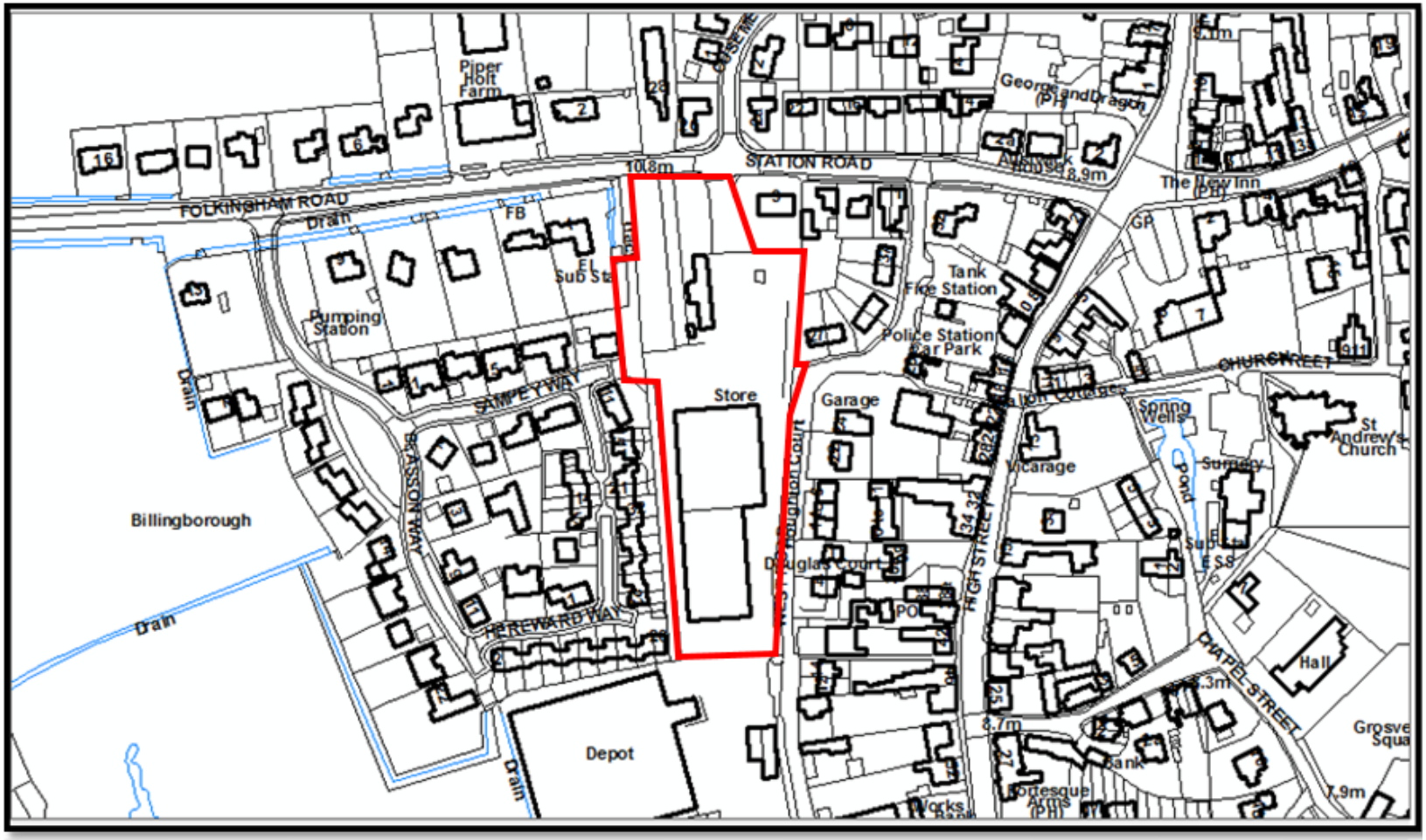
Applicant	Peter Burrows Lindpet Properties Limited Lindpet House Market Place Grantham
Agent	Matt Hubbard The Planning Hub Limited Jubilee House 79 Gertrude Road West Bridgford
Proposal	Demolition of existing industrial building and associated structures (except for the former railway station building)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

Key Issues

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

Technical Documents Submitted with the Application

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



1.0 Description of proposal

1.1 This application seeks outline planning permission for demolition of an existing industrial unit and replacement with a residential development of 23 dwellings. Access has been including as a matter for consideration with this application. The development would be served by four separate vehicular separate accesses. On West Street, there would be two accesses serving internal roads and a double driveway serving two dwellings and on Folkingham Road there would be a further access serving an internal road. A footpath access is show on the corner of West Road. Matters of layout, scale, appearance and landscaping are reserved for future reserved matters applications.

1.2 This application is the second phase (phase 2) of a residential development of the whole of the former Grimer's Transport site. The northern half of the Grimers site (phase 1) already has outline planning permission for 23 dwellings. A separate application has been submitted for phase 1 (S16/1155) to modify the section 106 obligation in order to waive the affordable housing requirement. That application is also on this agenda.

2.0 Description of site

2.1 The site is roughly rectangular shaped with an area of 1.17ha. It is part of a wider commercial site which was historically railway land, including the Billingborough station and subsequently used as a depot for a haulage firm - Grimer's Transport. The application site itself has more recently been used for light industrial or storage and distribution purposes and having been vacant for several years is now temporarily occupied for storage use. The southern half of the application site is currently occupied by a large portal framed warehouse building surrounded by hardstanding. The northern half is covered by hardstanding and the remaining railway station buildings and platforms.

2.2 Other than the commercial buildings to the south, the site is set within a predominantly residential area with recently completed estates to the west and more established development to the north and east. Beyond West Street is the village centre.

2.3 Billingborough is a 'Large Village' designated as a Local Service Centre under Core Strategy Policy SP2.

3.0 Relevant History

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

4.0 Policy Considerations

4.1 National Planning Policy Framework (NPPF)

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

4.2 South Kesteven District Council Core Strategy

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

4.3 Site Allocation and Policies Development Plan Document

Policy SAPH1 - Other housing development

5.0 SKDC Corporate Priorities

5.1 Keep SK clean, green and healthy

5.2 Grow the economy

5.3 Support good housing for all

6.0 Representations Received

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

SKDC Affordable Housing Officer	35% affordable housing required on site unless it can be demonstrated that it would make the development unviable
NHS England	no contribution required
Anglian Water Services	Horbling Water Recycling Centre and the local sewerage system has adequate capacity to accommodate this development
Black Sluice Internal Drainage Board	The IDB welcomes the decrease in the overall impermeability of the site. Notes that any drainage system must be proved to be suitable and discharge restricted to greenfield run-off rates. The culvert crossing the site is noted and the IDB advise that it should be ensured that this is fit for purpose and that no dwellings should be built over it
Heritage Lincolnshire	No archaeological intervention required

7.0 Representations as a Result of Publicity

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

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

8.0 Evaluation

8.1 Principle of development

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

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

8.1.3 SAP policy H1 states:

Planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites provided that the development:
i) can be satisfactorily accommodated by:
the existing local highway network; the waste water treatment and sewerage network and; the local education and health provision.
ii) will not have a detrimental impact upon the quality of life of adjacent residents and properties.
iii) will not compromise the nature and character of the settlement.
iv) is in accordance with the criteria of Policies EN1, EN2, and EN4 of the Core Strategy.

8.1.4 The site is not allocated but is a suitable brownfield site which satisfies the criteria above, as assessed in the remainder of this report, thus residential development of the site is in accordance with these policies.

8.1.5 Core Strategy policy E1 - Employment Development, however, seeks to retain existing areas of employment use in LSCs. The policy sets out four criteria which should be addressed by development proposals for non-employment generating uses on sites in existing employment use. Policy SAP5 of the SAP reiterates the requirements of this policy and identifies sites which are considered "locally important existing employment sites". This site is not identified as such in policy SAP5, however, it is an existing employment site and the criteria of E1 must be satisfied. To this end the applicant has provided an Employment Market Report which demonstrates how the proposal addresses the criteria of policy E1 and why in this particular case the loss of the land to a non-employment generating use can be justified.

8.1.6 The applicant has demonstrated that the application site is no longer in long term employment use and that the site and buildings are unattractive to the market because of their design, layout and location. The current use for storage is a temporary contract at below market rates. Equally, the use of the site for unrestricted employment and distribution uses in the past has caused conflict with neighbouring residential development, and the proposed residential use will resolve this conflict. The continuation of employment use of this site is therefore unsuitable and unviable for modern employment uses. Furthermore, redevelopment of this site would help to regenerate and improve the appearance of this part of the village including the setting of the conservation area. The applicant's statement identifies the existence of a substantial amount of vacant and available employment land and premises both within Billingborough and across the district which would satisfy any latent demand for premises. The proposal therefore satisfies the criteria of CS policy E1 and is in accordance with this policy.

8.1.7 It should also be noted that the site has been identified for a potential housing allocation in the consultative Draft South Kesteven Local Plan. However the plan is at an early stage of consultation and little weight can be given to this allocation.

8.1.8 Taking the above into account, the benefits of redevelopment of the site outweigh any disbenefits and the principle of residential development of this site is acceptable in accordance with CS policies SP1, H1, E1 and SAP policy SAP5.

8.2 Impact on the character of the area

8.2.1 Layout, scale, appearance and landscaping are not included for consideration in this application and would be dealt with by a future reserved matters application. However an indicative plan has been submitted showing how the site could be potentially developed and demonstrating that the site is capable of accommodating the number of dwellings proposed without compromising the character and appearance of the area. The applicant has also confirmed that the intention is to retain the existing railway station building and convert it to a dwelling. This is welcome as it is considered an undesignated heritage asset of local historical and architectural merit.

8.2.2 The site offers the opportunity to improve connectivity between the estate to the west and the village centre via a footpath connection to Sampey Way. There is a small strip of grassed open land between the application site boundary and the adopted highway of Sampey Way which is understood to be owned by the original developer of the Sampey Way estate and maintained by Billingborough Parish Council. The indicative site layout plan shows a footway connection between West Road and the internal cul-de-sac from Folkingham Road. However, there is no fundamental reason why the detailed layout could not include an extension of this footway to the boundary of the site adjacent to Sampey Way.

8.2.3 The proposed density is low and reflects that of adjacent residential development and whilst lower than the already approved Phase 1, this is justified by the need to retain the station building and to incorporate footpaths and SuDS features such as attenuation ponds. The overall density

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

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

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

8.3 Impact on the residential amenities of neighbouring properties

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

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

8.4 Highway issues

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

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

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

8.5 Drainage

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

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

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

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

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

8.6 Contamination

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

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

8.7 Viability and Planning Obligations

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

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

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

8.7.3 The PPG gives the following advice on viability:

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

It goes on to say:

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

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

8.7.5 In accordance with CS policies H3 and SP4, on all sites a reduction or total omission of affordable housing and other planning obligations is only acceptable if there is clear evidence that there are additional exceptional development costs that would render the development unviable with the full section 106 obligations. In this case there are significant abnormal costs involved including demolition of buildings and contamination remediation which add to the overall build costs.

8.7.6 The applicant has submitted a viability assessment concluding that development of the site would not be viable if it were to provide any affordable housing or any other planning obligation. Officers have sought the advice of its external viability consultant (Valuation Office Agency - District Valuer Services) and they agree with the conclusions of the assessment. Whilst the VOA have confirmed it is theoretically possible that a significantly higher density scheme could potentially provide the financial contribution towards recreational facilities (although no affordable housing), it is not considered appropriate to require such a density for the reasons previously mentioned. The application has therefore been considered on the density and number of dwellings indicated by the applicant (23 dwellings).

8.7.7 As such it is considered that it would not be appropriate to require the provision of affordable housing and financial contribution for recreational facilities through a section 106 agreement. In this respect the proposal accords with CS policies H3 and SP4 as well as the NPPF and PPG guidance.

8.8 Conclusion

8.8.1 It is considered that the redevelopment of this vacant brownfield site for residential development, within a sustainable local service centre is in accordance with the sustainability aims of national, and local policy. It is considered that the proposal would result in a form of development which is appropriate and compatible with the surrounding area and would not increase the risk of flooding or be detrimental to highway safety or neighbours' amenities.

8.8.2 It is therefore considered that the current proposal is in accordance with policies SP1, SP2, H1, H3, E1, EN1 & EN2 of the South Kesteven Core Strategy, and policy SAP H1 of the South Kesteven Site Allocations and Policies Plan and the National Planning Policy Framework (Section 4 - Promoting sustainable transport, Section 6 - Delivering a wide choice of high quality homes, Section 10 - Meeting the challenge of climate change, flooding and coastal change, Section 12- Conserving and enhancing the historic environment, Section 7 - Requiring good design and Section 4 - Promoting sustainable transport) and that there are no material considerations that indicate otherwise, although conditions have been attached.

9.0 Section 106 Heads of Terms

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

10.0 Crime and Disorder

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

11.0 Human Rights Implications

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

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

Time Limit for Commencement

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

(a) layout;
(b) scale;
(c) appearance;
(e) landscaping.

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

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

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

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

Approved Plans

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

i. Site Layout Plan
ii. 1994 (03)012 (in respect of the position of the site accesses only)

both received 06 May 2016

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

Before the Development is Commenced

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

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

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

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

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

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

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

The scheme shall:

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

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

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

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

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

Reason : To minimise the risk of flooding

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

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

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

1. A preliminary risk assessment which has identified:
o all previous uses;
o potential contaminants associated with those uses;
o a conceptual model of the site indicating sources, pathways and receptors;
o potentially unacceptable risks arising from contamination at the site.

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

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

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

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

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

During Building Works

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

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

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

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

Before the Development is Occupied

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

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

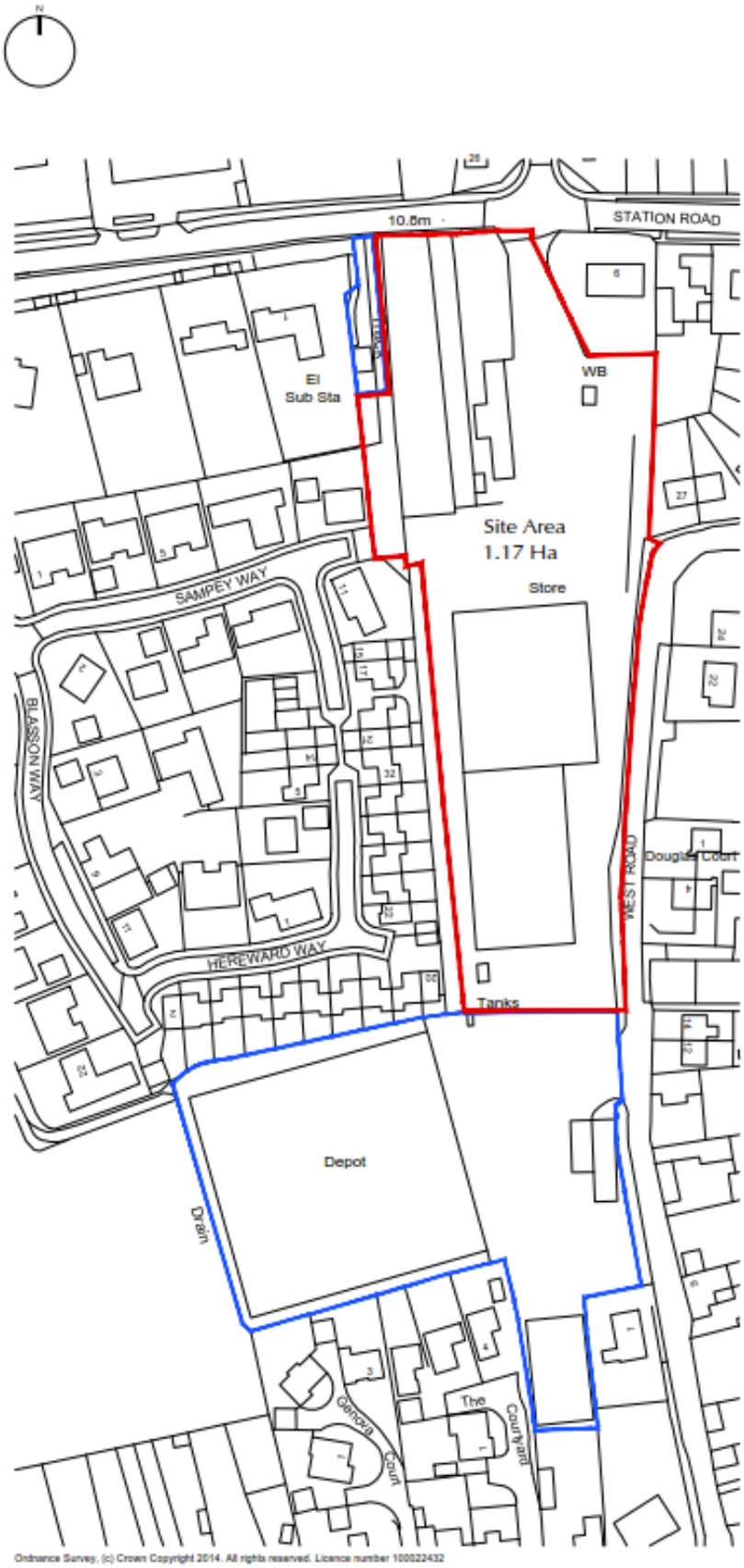
13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.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

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

Standard Note(s) to Applicant:

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

Site location Plan



Indicative Layout Plan

Proposed Site Plan

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

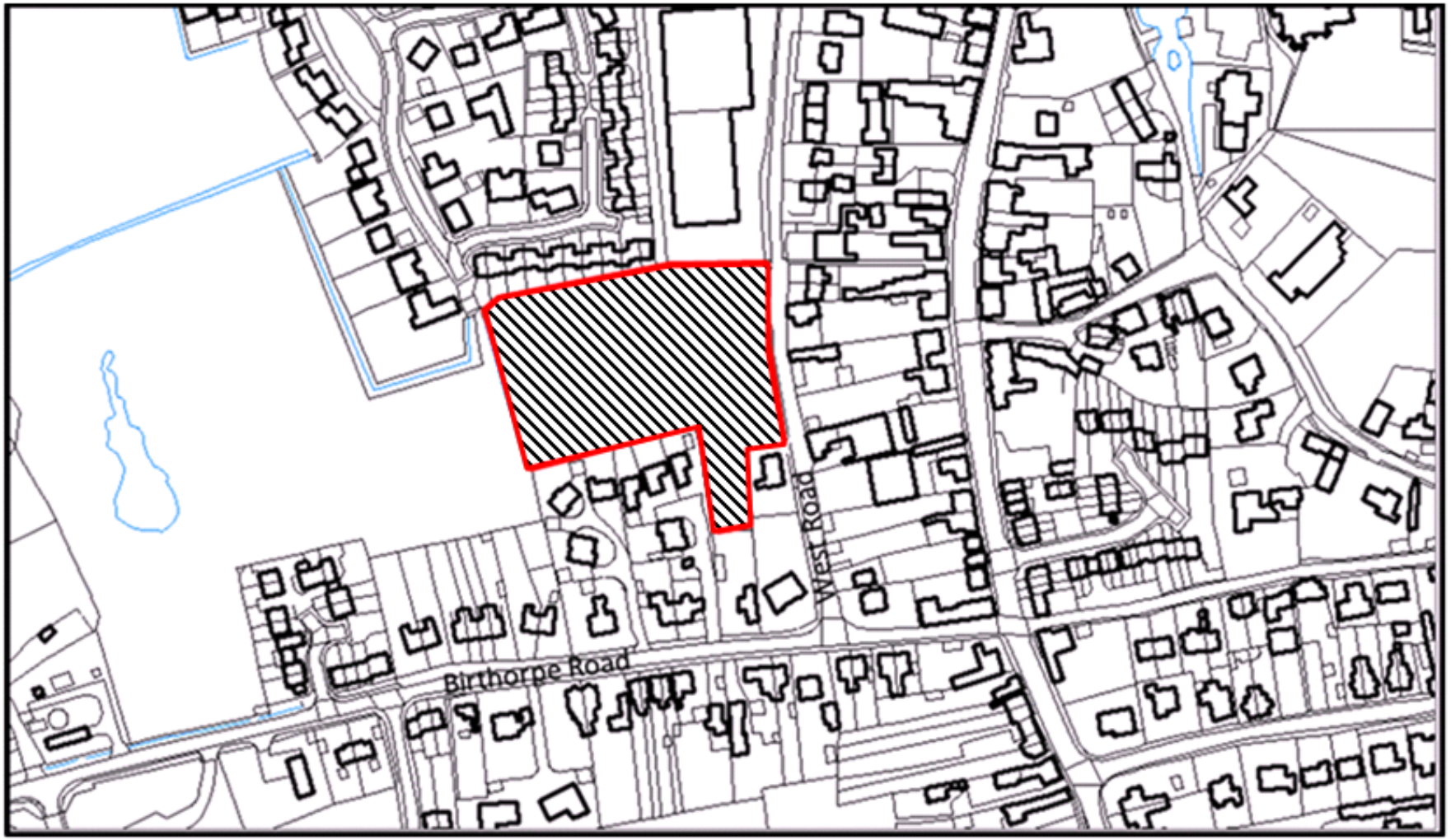
Applicant	Mr Mike Downes Aspbury Planning 20 Park Lane Business Centre Park Lane Basford
Agent	
Proposal	Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Modify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

Key Issues

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

Technical Documents Submitted with the Application

Viabilty Appraisal
Ground Investigation Report



Key

Application Boundary

N

1.0 Introduction

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

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

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

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

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

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

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

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

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

2.0 Policy Framework (Relating to Viability)

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

2.2 National Planning Policy Framework (NPPF)

2.2.1 The NPPF in para 205 states that:

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

2.3 National Planning Practice Guidance (NPPG)

2.3.1 The NPPG gives the following advice on viability:

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

2.3.2 It goes on to say:

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

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

2.4 South Kesteven Core Strategy

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

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

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

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

2.5 South Kesteven Planning Obligations SPD

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

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

2.5.2 In respect of affordable housing the SPD states:

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

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

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

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

3.0 Evaluation

3.1 How Viability is Assessed

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

3.1.2 If the residual land value is negative or less than the existing use value (EUV) + a reasonable premium to incentivise the landowner to sell, development is normally considered to be unviable. In such cases a reduction in planning obligations to allow the development to become viable is justified.

3.1.3 It should be noted that there is no figure set in stone for a reasonable minimum developer profit or premium on the land value. However between 17.5% - 20% is normally considered an acceptable range for minimum developer profit depending on the type of development and level of risk involved. Equally EUV + 20% is sometimes considered a reasonable premium on the land value, depending on the characteristics of the site and market comparisons.

3.1.4 In this case the applicant has already purchased the land, so it important to consider whether the price paid was reasonable and took into account the requirements of planning.

3.1.5 The applicant submitted a viability appraisal in support of the application which claims that the development would not be viable with section 106 planning obligations and would make minimal developer profit with no section 106 planning obligations. The Council's viability consultants, the Valuation Office Agency (VOA) were asked to carry out a detailed assessment of the applicant's appraisal and give their professional opinion on the viability of the development.

3.2 Characteristics of Application Site and Abnormal Costs

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

- Demolition and site clearance

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

3.3 Applicant's Viability Appraisal

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

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

3.4 Valuation Office Agency (VOA) Report and Appraisal

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

3.5 Further Expert Advice

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

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

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

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

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

3.6 Further Information from the Applicant

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

3.7 Updated Viability Appraisal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gross Development Value (GDV)		
GDV		**£4,617,855**
Costs (including developer profit)		
Standard Build Costs	£2,922,022	

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

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

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

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

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

4.0 Conclusion

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

4.2 Whilst the previously agreed affordable housing contribution for phase 1 would be desirable in order to comply with the targets set out in planning policy, the evidence available shows that such provision would affect the overall viability of the development (phases 1 and 2 combined). It is

acknowledged that the retention of the previously agreed £51,937 affordable housing contribution would not reduce the profit (as calculated using VOA and Portway's figures above) below the 17.5% minimum. However, as previously mentioned, it is our estimate that whilst the actual abnormal costs are likely to be closer to those estimated by Portway, than those quoted by the applicant, they are almost certainly somewhere in between. On that basis, there is a significant risk that overall viability and therefore delivery could be affected any additional cost.

4.3 There are considerable public benefits from the redevelopment of this site, including removal of a non-conforming land use (and associated noise and pollution), removal of unsightly buildings and hardstandings, visual enhancement to this part of the village and the setting of the Conservation Area, together with the provision of new housing to meet local demand.

4.4 Taking into account the available evidence, the margin for error and the public benefits of ensuring development of the site, it is considered that in this case, on balance, the removal of the previously agreed affordable housing from the section 106 agreement can be justified, and is therefore in accordance with CS Policies H3 and SP4 of the South Kesteven Planning Obligations SPD, the NPPF and NPPG guidance.

APPENDIX 1
Officer Report Ref – S16/1155
Original Committee Date – 25 July 2017

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

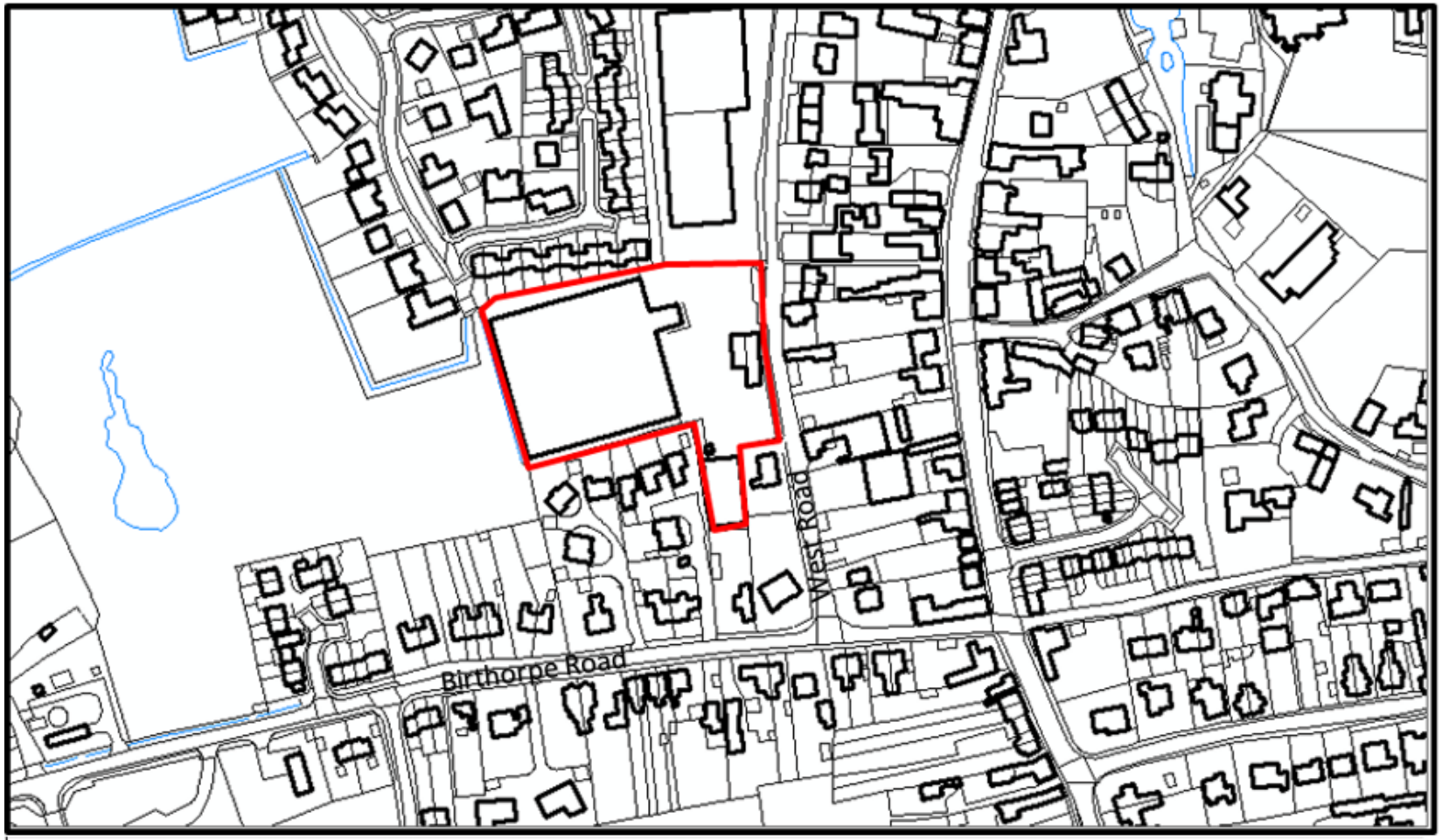
Applicant	Mr Mike Downes Aspbury Planning 20 Park Lane Business Centre Park Lane Basford
Agent	
Proposal	Variation of S106 Agreement to waive affordable housing contribution re S14/0927
Location	Former Grimers Transport Ltd 11 Station Road Billingborough Lincolnshire NG34 0NR
Application Type	Modify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

Key Issues

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

Technical Documents Submitted with the Application

- Viability Appraisal
- Ground Investigation Report



Key

Application Location

Application Boundary

1.0 Description of proposal

1.1 This application is one of 2 separate applications on this agenda relating to residential development of the former Grimer's Transport site in Billingborough.

1.2 This application proposes a modification of the section 106 agreement associated with extant permission S14/0927 to allow for removal of the affordable housing requirement.

1.3 A separate outline planning application (which is also on this agenda) has been submitted for phase 2 (S16/1197) for 23 dwellings

2.0 Description of site

2.1 The site is roughly L shaped with an area of 0.89ha. It is part of a wider commercial site which was historically railway land and subsequently used as a depot for a haulage firm - Grimer's Transport. The application site itself has more recently been used for light industrial or storage and distribution purposes and having been vacant for several years is now temporarily occupied for storage use. The western half of the application site is currently occupied by a large portal framed warehouse building. The eastern half is covered by hardstanding and some smaller ancillary buildings.

2.2 Other than the commercial buildings to the north, the site is set within a predominantly residential area with recently completed estates to the north and south. To the west there is open countryside and to the east beyond West Street is the village centre.

2.3 The site has outline planning permission for 23 dwellings (S14/0927) which was granted by committee on 08 October 2015.

3.0 Relevant History

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

4.0 Policy Considerations

4.1 South Kesteven District Council Core Strategy

Policy H3 - Affordable Housing

5.0 SKDC Corporate Priorities

5.1 Support good housing for all

6.0 Representations as a Result of Publicity

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

7.0 Background

7.1 Members may recall that outline planning permission for 23 dwellings was granted by committee on 08 October 2015 on the northern half of the Grimers site (phase 1). Permission was granted subject to a section 106 agreement requiring a contribution of £16,907 towards the upgrade of recreational facilities in Billingborough and £38,030 for off site affordable housing in nearby villages where there is an identified need.

7.2 The application seeks a modification to the section 106 application to remove the affordable housing requirement. The contribution towards recreational facilities would not be affected.

7.3 In 2013, the government amended the Town and Country Planning Act 1990 by introducing section 106BA. The purpose of this new section was to kick start development that had been stalled by the economic recession by providing an application and appeal procedure for the review of affordable housing obligations based on economic viability without taking into account other aspects of the planning consent. Section 106BA only applies to affordable housing obligations and cannot be used to modify other obligations.

7.4 These provisions were repealed for new applications at the end of 30 April 2016 but continue to apply to applications received before the end of April 2016. The current application was submitted 28 April 2016 so must be determined in accordance with section 106BA.

8.0 Evaluation

8.1 Under section 106BA, when a developer makes an application to vary an affordable housing obligation, the local planning authority (LPA) have to assess the affordable housing obligation and decide whether it prevents the development from being economically viable. After making this assessment, if the LPA finds that the development remains economically viable then it has no choice but to keep the obligation as it is. If the LPA finds that the obligation prevents the development from being economically viable then it has to deal with the application in a way that safeguards and promotes the economic viability of the development proposal to which it relates. In order to achieve this, the LPA has three options:

1. it can modify the obligation either in the way the application suggests or in another way if more appropriate;
2. it can replace the obligation again in the way suggested by the application or with another obligation if more appropriate; or
3. it can remove the obligation altogether.

8.2 When the original application (S14/0927) was submitted, it was accompanied by a viability appraisal which was scrutinised by the Council's viability consultant (Valuation Office Agency - District Valuer Services) and it was concluded, based on the information available at the time, that the development would only be viable with a reduced contribution - £16,907 towards the upgrade of recreational facilities in Billingborough and £38,030 for off site affordable housing. The application was approved and the S106 agreement signed on that basis.

8.3 The applicant has since carried out more detailed site surveys and concluded that the abnormal costs of remediating contaminated land and provision of special foundations were significantly underestimated in their original viability appraisal and that these additional costs would make the development unviable with the section 106 affordable housing contribution.

8.4 The applicant has submitted a new viability assessment together with evidence from technical surveys which shows this to be the case. Officers have again sought the advice of the Valuation Office Agency - District Valuer Services and they agree with the conclusions of the assessment.

9.0 Conclusion

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

10.0 Crime and Disorder

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

11.0 Human Rights Implications

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

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

Standard Note(s) to Applicant:

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

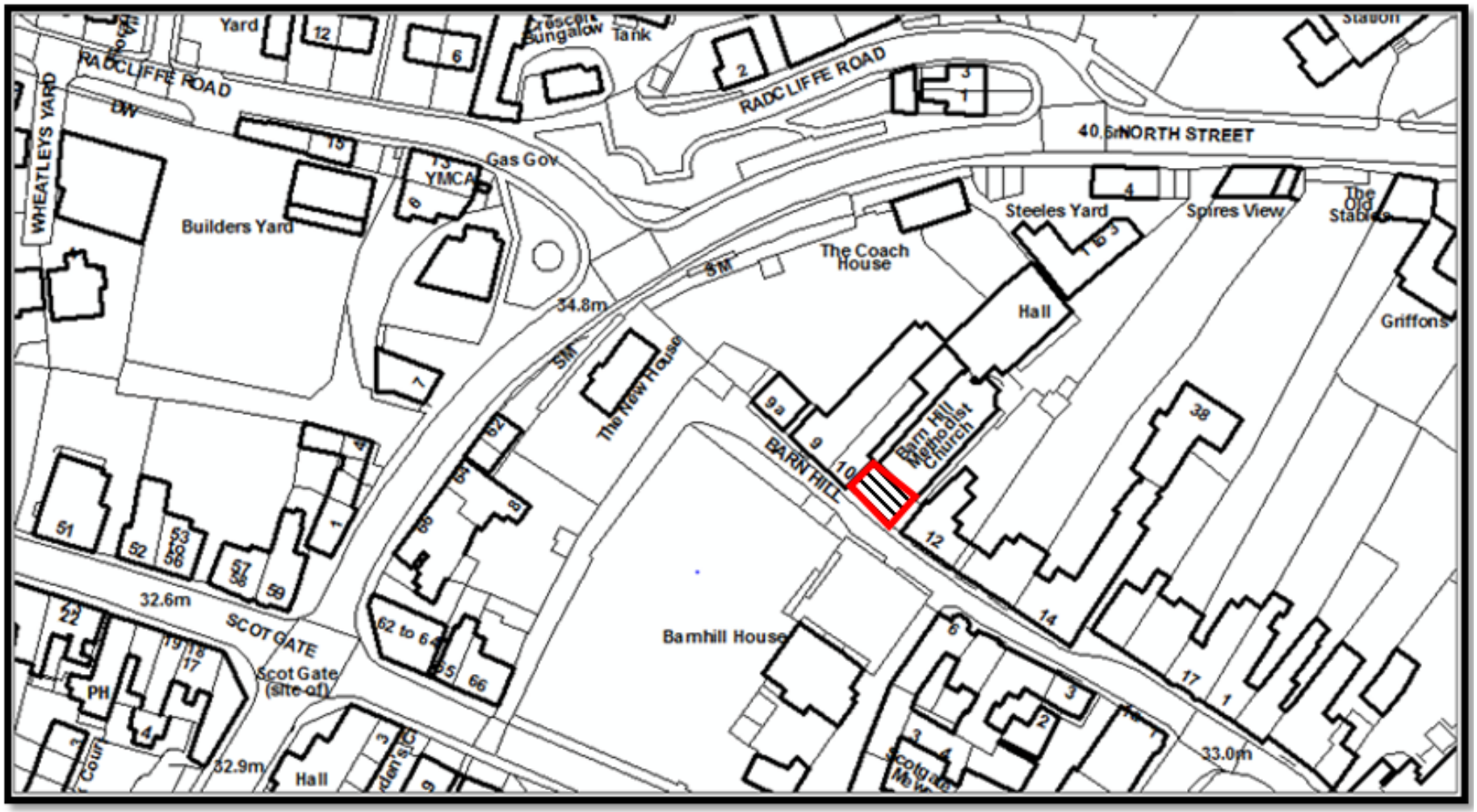
Site Location Plan

PJ1	S18/0179	Target Decision Date:26th March 2018
		Committee Date:26th June 2018

Applicant	Managing Trustees Stamford Methodist Church 11 Barn Hill STAMFORD PE9 2AE
Agent	Mr Paul Hutchings PDG Architects Ltd Toll Bar House Shrewsbury Avenue Peterborough PE2 7BX
Proposal	Provision of ramped and stepped access to main entrance of the church
Location	Stamford Methodist Church 11 Barn Hill Stamford Lincolnshire PE9 2AE
Application Type	Full Planning Permission
Parish(es)	Stamford Town Council
Reason for Referral to Committee	At the request of the Development Management Service Manager following significant local interest
Recommendation	That the application is:-
Report Author	Phil Jordan - Development Management Planner 01476 406080 Ext: 6074 p.jordan@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

Impact on heritage assets
Impact on residential amenity



Key

Application Boundary

N

1.0 Introduction

1.1 This application was considered by the Development Management Committee on 3 April 2018. (Report and additional items paper are attached at Appendix 1).

1.2 Following concerns raised by Members and public speakers, the application was deferred to review the layout of the proposed scheme. It was agreed that if no amendment was made to the scheme then the application would come back to the Committee in its present form for determination within 12 months.

1.3 The issues raised were summarised in the Committee Minutes as follows:

"Members debated the application noting the site's location within Stamford Conservation Area and the context of the application site in relation to the listed chapel at the rear of the church and the proximity of other listed and notable heritage assets. Some specific concerns were expressed about the impact of the proposed development on the character of 10 Barn Hill and the wellbeing of its occupant. Some suggestions were made about alternative ramping and access solutions, including different ways in which the site could be laid out, that might mitigate the impact on 10 Barn Hill."

1.4 Since the 3 April Committee a meeting was held on-site at the Stamford Methodist Church on 11 May to discuss alternative options, including revised layouts for the proposal. That meeting was attended by:
Paul Hutchings – Architect and agent for application
Phil Jordan – SKDC Planning Officer
Cllr Martin Wilkins – Chairman of the Development Management Committee
Ian Husbands – Representative for the Stamford Methodist Church

2.0 Alternative options

2.1 An alternative route for the ramp using the space to the right hand side of the courtyard (as facing the Church) was discussed on-site. Following the site meeting the applicant has provided drawing no. 15016/SK10 showing an alternative layout using that route.

2.2 That presented alternative includes a central flight of steps which is considered to be an important feature of the front aspect of the church. However the applicant has stated that in order to accommodate this feature, the upper sections of the ramp would need to be at a gradient of approx. 1:5 which would be considerably steeper than the gradients set out in Approved Document M of the Building Regulations and also those in BS8300 and would make negotiating a wheelchair very difficult. Although Building Regulations would not be required for this proposal, they serve as an appropriate guide for the parameters for designing an improved access.

2.3 Section A-A shows the level of the platform adjacent to the existing retaining wall is higher than the existing metal railings, and the applicant has stated this would need full guarding at the edge. The applicant has also stated that full guarding would be needed along the edges of the ramp that runs alongside the retained front wall, as shown on Section B-B. The drawing shows these would be above head height of anyone walking along Barn Hill.

2.4 This alternative layout has been reviewed by representatives for the church, and the applicant has confirmed they are of the opinion that this version would create a more visually intrusive structure in this sensitive historic environment, and would not provide suitable access due to the steep gradients of the ramp. They have, therefore, dismissed this option as a viable alternative.

2.5 The applicant has stated that further alternatives using a lifting platform and various other mechanical options without using ramps have been explored and these are shown on drawing no. 15016/SK09. However, the applicant has stated that the Church have raised concerns regarding the use of a mechanical solution in an external environment. These concerns include the cost of installation; ongoing maintenance; access during breakdowns; control and

management on a day-to-day basis. In light of above, these alternative options have also been dismissed.

3.0 Clarification from Committee presentation

3.1 The Planning Officer presentation at 3 April Committee included reference to an e-mail received on 2 April from a representative from 10 Barn Hill. That e-mail was received in response to the proposed amendments to the layout of the ramp made on drawing no. 15016/05C. The revised plan proposed minor changes to the previously submitted layout which would result in an increased width between the proposed wall and railings and the landscaping in front of 10 Barn Hill from 870mm to 1200mm.

3.2 Within that e-mail objection in relation to the impact the proposal would have on access to 10 Barn Hill was withdrawn. However, other objections to the scheme in relation to the impact of the proposal on the heritage assets, including the setting of the church and 10 Barn Hill remained.

4.0 Conclusion

4.1 The applicant has presented alternative options to the layout and means of improving access to the Church and provided justification for why they feel the previously submitted scheme remains the best solution.

4.2 The application should therefore be determined in the same form as the previously submitted version and the recommendation remains that that the development is approved subject to the conditions and notes as per the original report and additional items paper.

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

Time Limit for Commencement

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

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

Approved Plans

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

i. Drawing No. 15016/03 received 29th January 2018
ii. Drawing No. 15016/05C received 29th March 2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

3 Before any of the works hereby permitted are begun, samples of the stone and proposed finish of the railings shall have been submitted to and approved in writing by the Local Planning Authority.

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

Standard Note(s) to Applicant:

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

2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

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

Appendix 1
Officer Report Ref: S18/0179
Original Committee Date 3 April 2018

PJ1	S18/0179	Target Decision Date:26th March 2018
		Committee Date:3rd April 2018

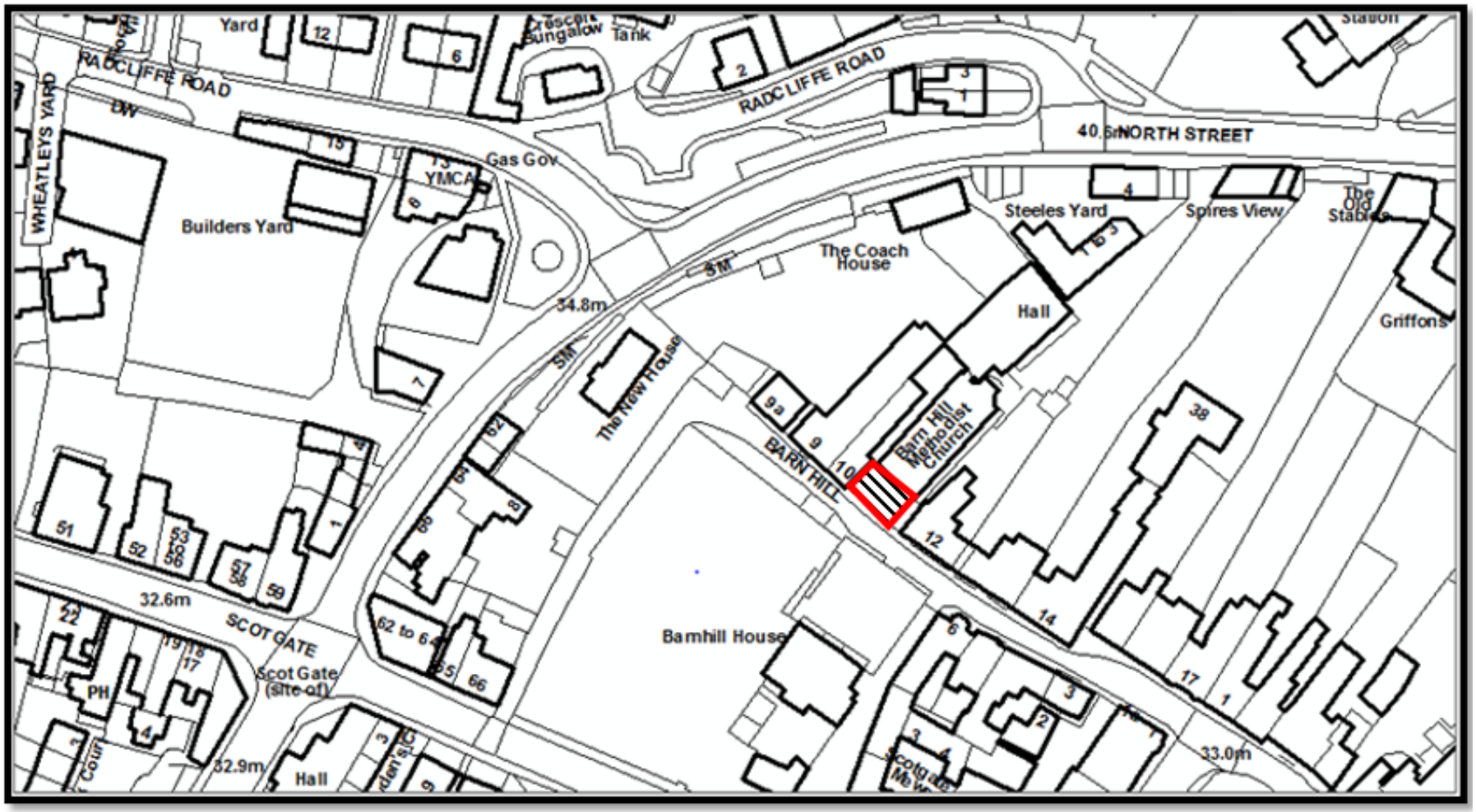
Applicant	Managing Trustees Stamford Methodist Church 11 Barn Hill STAMFORD PE9 2AE
Agent	Mr Paul Hutchings PDG Architects Ltd Toll Bar House Shrewsbury Avenue Peterborough PE2 7BX
Proposal	Provision of ramped and stepped access to main entrance of the church
Location	Stamford Methodist Church 11 Barn Hill Stamford Lincolnshire PE9 2AE
Application Type	Full Planning Permission
Parish(es)	Stamford Town Council
Reason for Referral to Committee	At the request of the Development Management Service Manager following significant local interest
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 - Service Manager - Development Management and Implementation 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

Key Issues

- Impact on heritage assets
- Impact on residential amenity
- Access to neighbouring property

Technical Documents Submitted with the Application

- Design and Access Statement



Key

Application Boundary

N

1.0 Description of site and application

1.1 Stamford Methodist Church is located in the centre of Stamford between Barn Hill and North Street and within the Stamford Conservation Area. The chapel at the rear of the church is Grade II* listed, as are nos. 10 and 12 Barn Hill that are located either side of the application site. Opposite the site are the gardens of Barn Hill House, which are scheduled and noted for their great archaeological importance and potential. The Stamford Conservation Appraisal identifies Barn Hill as a tranquil residential street and the southern view towards St Mary's Church is noted as a key vista.

1.2 The church can be accessed from the front of Barn Hill and the rear off North Street where there is a small car park, including the provision of disabled car parking spaces and a ramped access.

1.3 The proposal is for the provision of a ramped and stepped access to the main entrance of the church off Barn Hill. This is an amended version of a previously withdrawn application (S17/0994) for the same proposal, following additional consultation with Historic England and the Council's Conservation Officer that seeks to address previous concerns with the proposal. The changes include simplification of the previously submitted layout and replacing the solid glass balustrades with metal railings.

1.4 An application for listed building consent is not required for the proposal in this instance as the church is exempt from listed building legislation as it is an ecclesiastical building.

2.0 Relevant History

Reference	Proposal	Decision	Date
S17/0994	Provision of ramped and stepped access to main entrance of the Church	Withdrawn	01/08/2017

3.0 Policy Considerations

3.1 National Planning Policy Framework (NPPF)

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

3.2 South Kesteven District Council Core Strategy

Policy EN1 - Protection and Enhancement

4.0 Representations Received

Historic Buildings Advisor (SKDC)	The revised proposals were subject of pre-application discussions on-site, following the adverse reaction to the original scheme. No objection to the development as now proposed but a condition requiring the prior approval of materials is suggested.
Historic England	Historic England has no objection to the application on heritage grounds. It is considered that the application meets the requirements of the National Planning Policy Framework (section 12). It is noted that metal railings are proposed,

	rather than solid glass balustrades, as per previous advice. The proposed amendments therefore address the concerns that were previously raised.
Stamford Civic Society	The Civic Society is supportive of good quality access for people with disabilities but do not think this solution is any improvement on the previous planning application, which was withdrawn. The ramped and stepped access looks cluttered and spoils the setting of both the Church and the neighbouring property of 10 Barn Hill. The alterations to the balustrading - from glass to steelwork - are detrimental to the frontage. Perplexed as to why a more sympathetic solution could not be arrived at which would not spoil the frontage but also be of benefit to those using the Church.
Lincolnshire County Council, Highways and SUDS support	Does not wish to restrict the grant of permission.
Stamford Town Council	It was resolved to strongly object to this application because the proposal would spoil the historic street scene within which a high concentration of Grade II* Listed Buildings are evident. The following points of objection are to be considered in this application - a. Dominant and oppressive environment created by this proposal as it takes up the majority of the building frontage. b. The design is out of keeping with the character of the area and especially as there is a car park at the rear of the church with disabled access already provided. c. Visually intrusive as to the nature of the design and positioning within the Stamford Conservation Area. d. Highway safety - if disabled vehicles are letting out disabled persons, there is not enough room on the road at such a narrow point of the road and no vehicles would be able to pass. The front access to the Methodist Church is currently adjacent to the narrow cobbled street of Barn Hill itself. The rear access is gained from North Street into a car park area and investigation into a disabled access in this area first should be encouraged.
East Midlands Building Control	The proposal would provide an improved access to the front of the church and No. 10 Barn Hill and is a reasonable and acceptable solution given the constraints of the building and surrounding area in accordance with the requirements of the Equalities Act (2010).

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 40 letters of representation have been received. 18 are in support and 22 are against the proposal. The points raised can be summarised as follows:

5.2 In support

1. Supportive of improved access for all needs
2. Sympathetic to historic surroundings
3. Proposal will provide a dignified access for those with disabilities to the church
4. Volume of people using the church
5. Improved access for undertakers
6. Improved safety in the event of emergency exit
7. Improved access to coffee shop area at the front of the church

5.3 Against

1. Detrimental impact on the church
2. Detrimental impact on the setting of adjacent listed buildings and conservation area
3. Impact on access to no. 10 Barn Hill
4. There is already a ramped access at the rear of the church
5. Barn Hill itself is steep and not suitable for wheelchairs
6. Barn Hill has no disabled parking facilities
7. Other options available
8. Ramp would obscure view from No. 10 Barn Hill
9. The ramp is not compliant with Building Regulations

6.0 Evaluation

6.1 Impact on surrounding heritage assets

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

6.1.2 The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

6.1.3 Paragraph 134 of the NPPF states: “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

6.1.4 Concern has been raised regarding the impact of the proposal on the character of the Stamford Conservation Area, the setting of the adjacent listed buildings (Nos. 10 & 12 Barn Hill) and the church itself. The applicant has worked with Historic England and Council’s Conservation Officer to address previous concerns and design a scheme that uses high quality materials and is sympathetic to the setting and surrounding context. This has included amending the previous proposal to simplify the layout and the inclusion of metal railings as opposed to glass balustrades which are considered to better reflect the character of the area. Neither Historic England nor the Council’s Conservation Officer have raised any objections to the proposal.

6.1.5 The scheme proposes to retain key features of the front courtyard to the church including the dwarf wall along Barn Hill and a reconfigured version of the steps to the main entrance. The proposal is generally low level (1.4m) and would not significantly obstruct views of the important features of the front elevation of the church. The proposal would also not significantly detract from the important views towards St Mary's Church that are noted in the Stamford Conservation Area appraisal. There would be no impact on the setting or significance of the Barn Hill House gardens that are on the opposite side of Barn Hill.

6.1.6 The ramp would partially obscure views of No. 10 Barn Hill, particularly the door that faces into the courtyard area. This feature is noted in the Grade II* listing for No. 10 Barn Hill with special mention of its attractive decoration. In respect of this, it is considered that there would be harm to the setting of No. 10 Barn Hill as a result of the proposal. It is considered that this harm would be less than substantial as the low level nature of the proposal would only partially obscure the view of the frontage of No. 10. With regard to paragraph 134 of the NPPF, this harm needs to be weighed against any public benefits. In this instance, the benefits are the improved access to both the church and No. 10 Barn Hill. These significant public benefits are considered to outweigh the less than substantial harm to the setting of No. 10 Barn Hill.

6.1.7 The principle elevation of No. 12 Barn Hill fronts Barn Hill and the side elevation that faces the courtyard is an unremarkable gable end. With regard to this, the proposal would not impact on the setting or significance of No. 12 Barn Hill.

6.1.8 The following table identifies the key heritage assets relevant to the proposal and an assessment of any harm.

Identified heritage asset	Assessment of harm from the proposal
Stamford Conservation Area (in particular the southerly view towards St Mary's Church)	No harm
No. 10 Barn Hill	Less than substantial harm to setting
No. 12 Barn Hill	No harm
Stamford Methodist Church	No harm
Barn Hill House gardens	No harm

6.1.9 In summary it is considered the proposal would not lead to any harm to the character of the Stamford Conservation Area, the setting of No. 12 Barn Hill, the gardens of Barn Hill House or the church. There would be less than substantial harm to the setting on No. 10 Barn Hill, however, this harm is outweighed by the significant public benefits of the improved access to both No. 10 and the church. The proposal is therefore in accordance with Policy EN1 of the South Kesteven Core Strategy (2010) and the provisions of the National Planning Policy Framework (section 7 and 12).

6.2 Impact on the neighbouring properties

6.2.1 Concern has been raised regarding the impact the proposal would have on the access and view from No. 10 Barn Hill. Currently access to the front door of No. 10 is off Barn Hill and up either of the stepped access points and then over the courtyard area. The proposal would remove the step closest on the access point closest to No. 10 and create a ramped access from Barn Hill to the front door of No. 10. The wall and railings create a barrier in front of No. 10 Barn Hill. The narrow 'pinch point' has been raised as a particular concern. The proposal has been assessed by East

Midlands Building Control and it is considered that it would provide a reasonable access to a residential property and furthermore is an improvement on the current situation and is therefore in accordance the Equalities Act (2010).

6.2.2 The right to a view is not a material planning consideration, but the applicant has demonstrated that the proposal would not significantly harm the view from the lower window of No. 10 towards St Mary's Church.

6.3 Justification for proposal

6.3.1 It is acknowledged that there is already a ramped access and disabled access at the rear of the church off North Street. In order to access the church and cafe area which is situated in the foyer area at the front of church closest to the entrance off Barn Hill, the existing disabled access involves taking a route through room at the back of the church that are often occupied and in separate use.

6.3.2 Additionally for visitors to the church arriving at the entrance off Barn Hill, there is no reasonable route to the accessible entrance at the rear of the church. Other options have been discussed and dismissed in the design and heritage statement due to the constraints of the area. The applicant has stated that these options have been explored at length by church members and users of the premises.

6.3.3 Concern has been raised that the ramp does not conform to Part M of the Building Regulations (2010) in terms of the gradient of the ramps and the restricted access to No. 10. However, the proposal has been assessed by East Midlands Building Control and is considered to improve the current access for both No. 10 and the church by removing the step off Barn Hill and creating a ramped access to both properties. Given the constraints of the building and surrounding area the solution is considered to provide a reasonable access to both properties and is an improvement on the current situation and therefore compliant with the Equalities Act (2010).

6.4 Highway issues

6.4.1 The proposal has been assessed by the Highways Authority who have raised no objection. The proposal would not impact on highway safety for users of the church arriving at the church without a vehicle. For users of the church arriving by car, there remains the existing car park to the rear and the provision of some on-street parking on Barn Hill.

6.5 Conclusion

6.5.1 The ramped access, steps and railings are of an acceptable size and design and would not result in any unacceptable harm to the character of the Stamford Conservation Area, the setting of the adjacent listed buildings, the gardens of Barn Hill House or the church. The proposal would result in less than substantial harm to the setting of No. 10 Barn Hill, however this harm is outweighed by improvements to the access to both No. 10 Barn Hill and the church. The proposal would not result in any unacceptable impacts on highway safety.

6.5.2 Taking above into account the proposal is therefore in accordance with Policy EN1 of the South Kesteven Core Strategy (2010) and the National Planning Policy Framework (sections 7 and 12).

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.

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

9.0 RECOMMENDATION: that the development is approved subject to the following conditions

Time Limit for Commencement

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

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

Approved Plans

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

i. Drawing No. 15016/03 received 29th January 2018
ii. Drawing No. 15016/05A received 29th January 2018

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

3 Before any of the works hereby permitted are begun, samples of the stone and proposed finish of the railings shall have been submitted to and approved in writing by the Local Planning Authority.

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

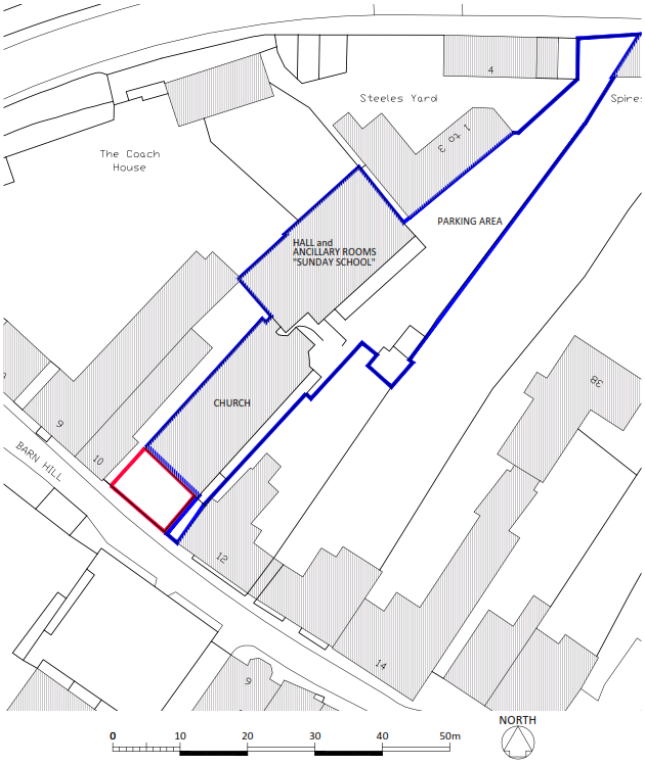
Standard Note(s) to Applicant:

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

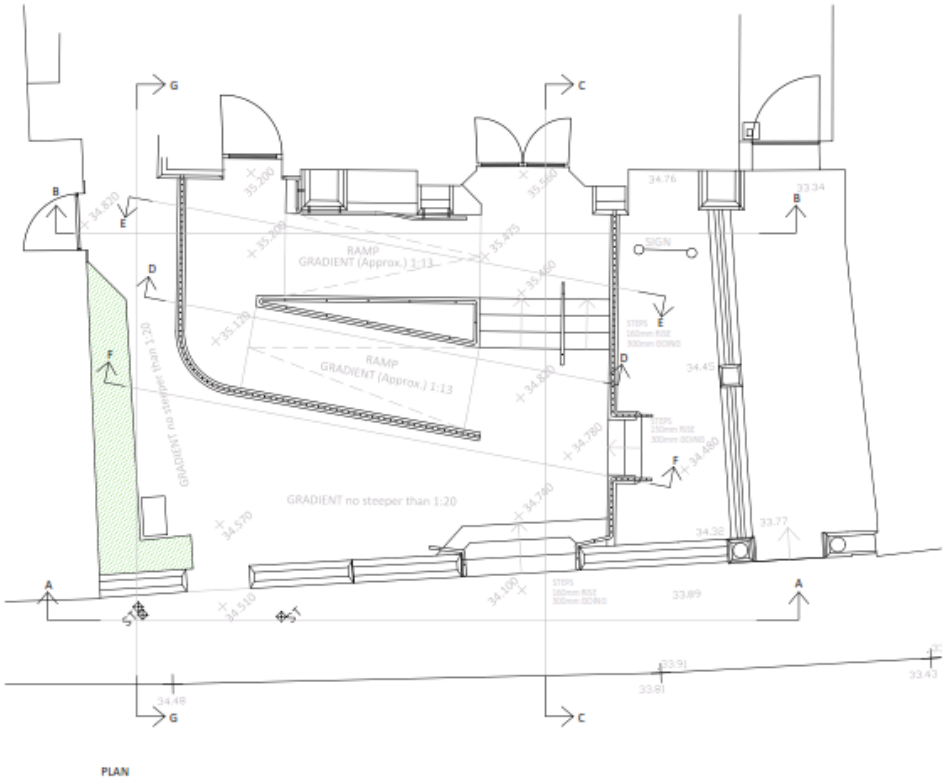
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

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

Site Location Plan

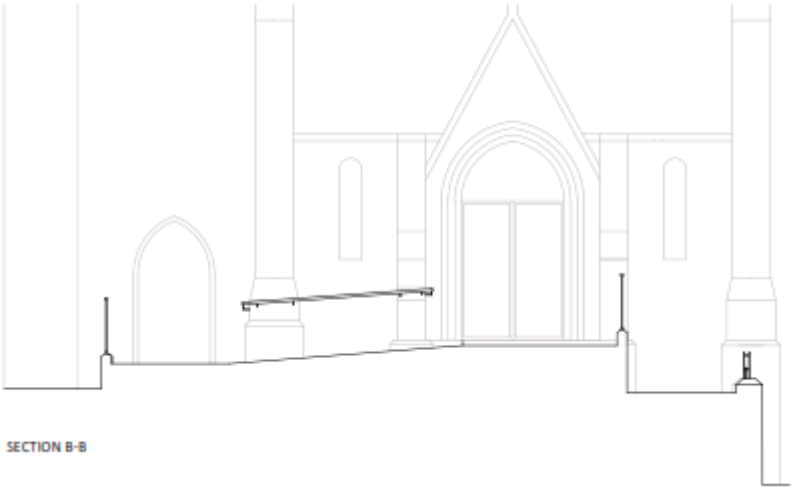


Layout

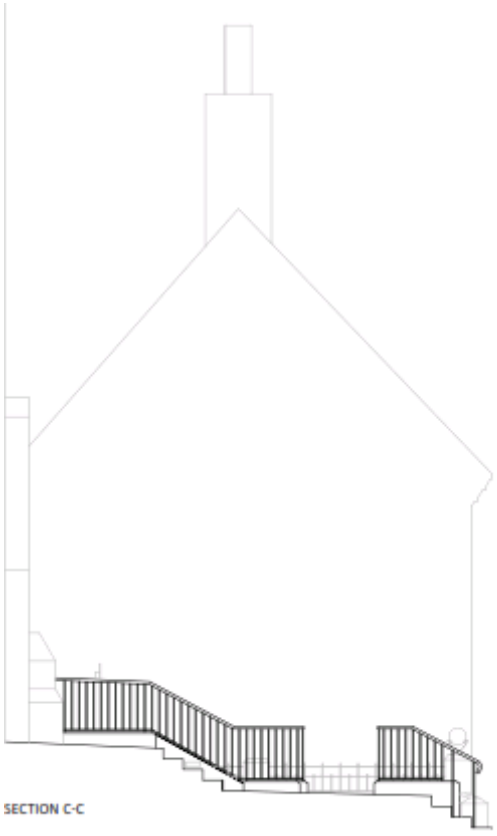


Section A-A

Section B-B



Section C-C



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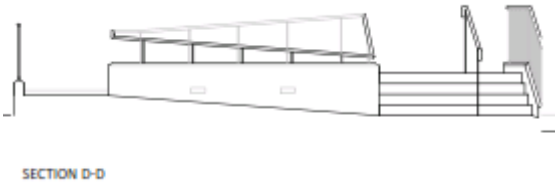


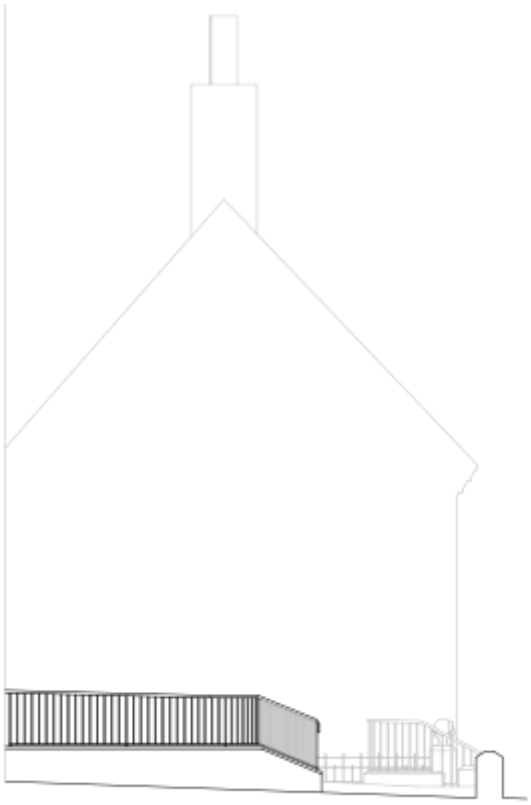
Section E-E

SECTION E-E

Section F-F

SECTION F-F

Section G-G



Development Management Committee
3 April 2018
Additional Information

PJ1 – S18/0179

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

Site Address: Stamford Methodist Church, 11 Barn Hill, Stamford

Additional Information:

A plan (drawing no. 15016/05C) has been submitted by the agent showing an amended layout of the proposed access ramp. Also, one further representation in support of the application has been received.

Officer Comments:

The revised plan makes minor changes to the previously submitted layout which results in an increased width between the proposed wall and railings and the landscaping in front of 10 Barn Hill from 870mm to 1200mm.

Building Regulations approval is not required for this type of development as it relates to the improvement of an existing access to a non-residential building. The development, however, affects the access arrangements to 10 Barn Hill which is a domestic dwelling. The revised proposals provide for the minimum width set out in Approved Document M of the Building Regulations (2010) for the approach route for a new wheelchair user compliant dwelling.

Therefore, it is considered that this amendment gives further weight to the public benefits of the scheme. Specifically, those benefits are the provision of an improved access to both the church and 10 Barn Hill. The conclusion, set out in the officer report that the public benefits of the proposal outweigh the less than substantial harm to the setting of 10 Barn Hill remains.

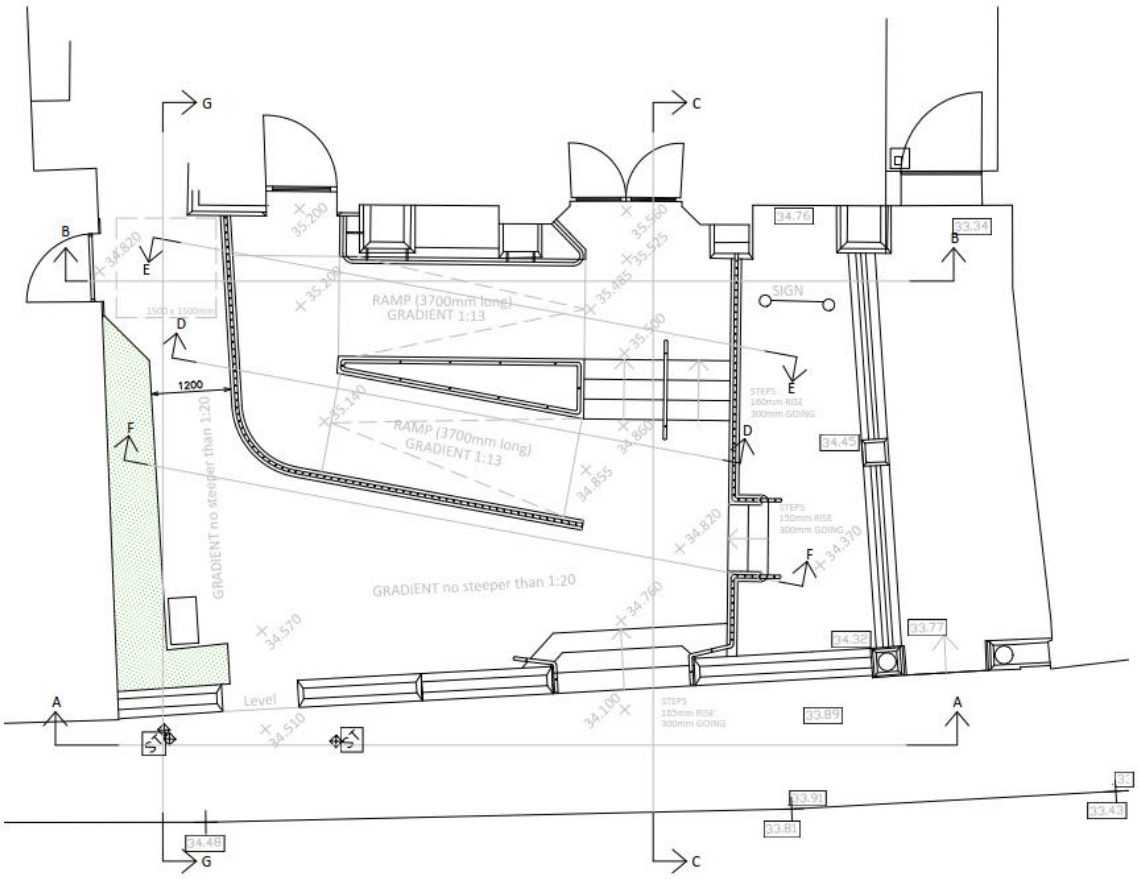
It is understood that the amendment has been drawn up in response to an objection from the occupiers of 10 Barn Hill. The Council has informed the occupiers of the amended plan, however, in view of the lateness of the submission; it has only allowed the opportunity for a very limited period for response and any comments received will be reported verbally at the meeting.

Alterations / Additional Conditions:

Condition 2 which sets out a list of the approved plans will be amended to reflect the amended plan received.

Changes to Recommendation:

No change to recommendation.


G
C
B
E
D
F
A
1200
RAMP (3700mm long)
GRADIENT 1:13
RAMP (3700mm long)
GRADIENT 1:13
GRADIENT no steeper than 1:20
GRADIENT no steeper than 1:20
SIGN
STEPS
160mm RISE
300mm GOING
STEPS
150mm RISE
300mm GOING
STEPS
165mm RISE
300mm GOING
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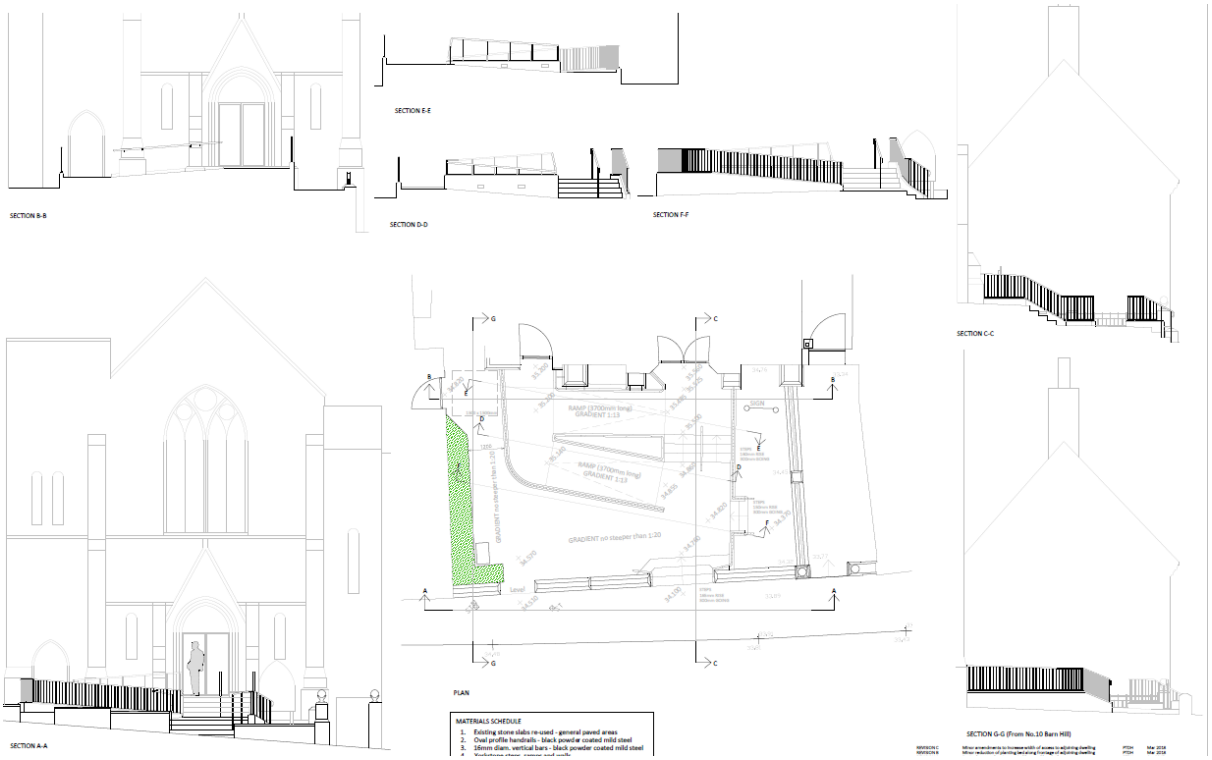
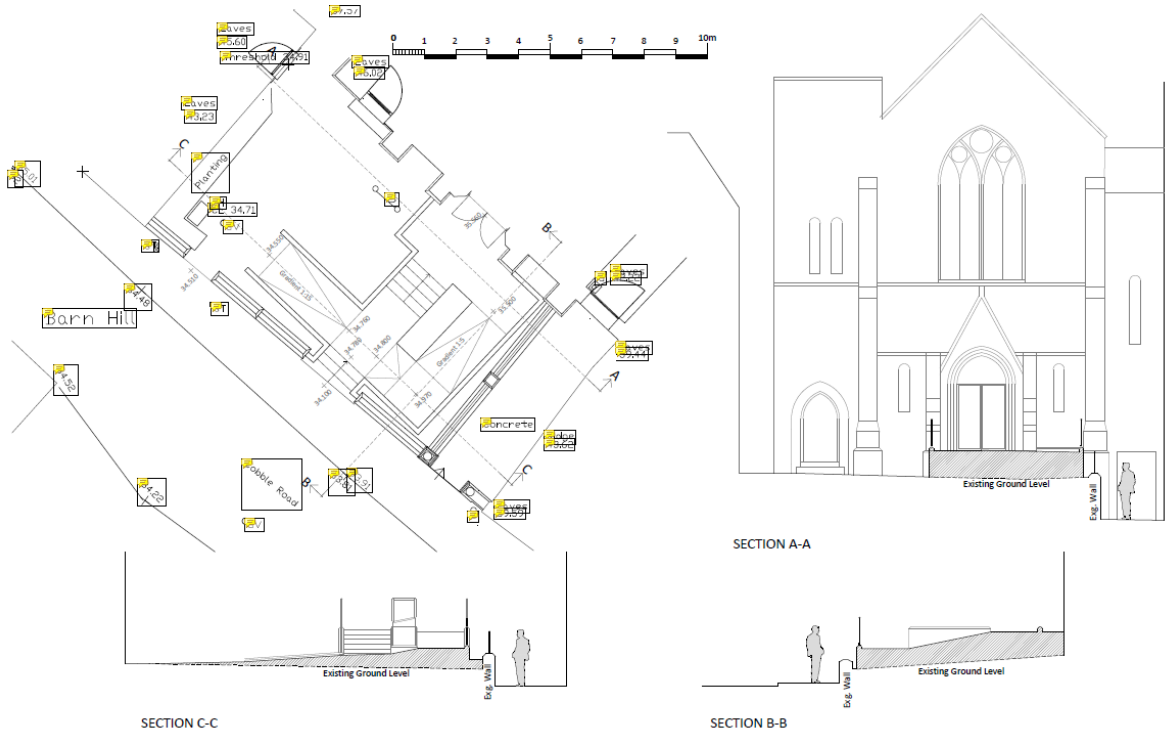
33.89
33.91
33.81
33.43
34.48

External Approach



Alternative Ramp



Lifting Platform