

**Development Control Committee  
1 May 2012**

**Additional Information**

NB1 - S12/0222

Proposal: Erection of petrol filling station.

**Information Received**

Additional observations have been received from the Environment Agency. The agent has supplied additional information and requested that the petrol station be allowed to open 24 hrs a day.

One further letter from a local resident has been received and makes observations on the Committee report.

Environment Agency (EA) – The EA have confirmed that they do not want conditions replicating from the permission for a public house on the adjacent site (S11/2957). However, they do want an additional condition adding about the installation of the underground tank, as well as an informative.

Agent information – Observations have been received outlining that they would like to sell petrol for 24 hours but the shop would not be open between 11pm and 6am, only a kiosk. It has also been noted that sales are much reduced during the night time period with the pumps nearest the residential units turned off and lighting reduced.

The full observations of the local resident are reproduced below;

*“The Report (p.4) concludes the “the proposal meets Core Strategy SP1” for development in the market town of Bourne. The development is not within the boundaries of Bourne; it is in Thurlby - a fact confirmed by the listed milestone on the A15.*

*Core Strategy EN1. Protection and Enhancement of the Character of the District, will not be met by developing this filling station, as it will not contribute to the protection, conservation, enhancement or restoration of the landscape characteristics of the rural setting.*

*This development, by extending the built environment into open countryside will introduce increased flood risk; surface water drainage into waterways; reduction of the height of roadside trees to two metres; light pollution; noise, and high visibility display signs and buildings. This will have a major detrimental impact on the Site of Special Scientific Interest Matt & Elsea Wood, wildlife and landscape character.*

*The variety and distinctiveness of the existing biodiversity and wider environment will also be compromised. (Core Strategy Landscape Policy 4.1.2. p32)*

*At the recent Development Plan Exploratory Meeting (16 April 2012), the Planning Inspector explained that the adopted Core Strategy and emerging DPD are the basis upon which current planning decisions are determined.*

*This Thurlby field is not included for development in the Core Strategy or the emerging DPD. An application has been made for its inclusion in the emerging DPD. This will be determined by the Planning Inspector at the Public Enquiry, therefore, approval of any planning application on this land, which is not included in the Development Plan, is premature.*

*Specific concerns arising from the filling station plans include;- Is the 0.98 acre site large enough? Will tankers and HGVs have difficulty negotiating the tight bend at the entrance to the filling station? Is there sufficient on-site road between the roundabout and the filling station entrance, to avoid queues on the highway, especially during rush hours and at times of high demand?*

*Imposing conditions will not lessen the impact of this development on the environment and road safety.*

*This application should therefore be refused”.*

### **Officer Comment on Information Received**

The EA has requested an additional condition and that is drafted below, along with an informative. Condition number 7 is also now no longer required and should be removed.

The agent has put forward a case for allowing 24 hour opening of the petrol filling station, although this would not include opening the shop, only a kiosk. However, having consulted with Environmental Protection they would still have concerns given lower background noise during the night time and possible disturbance, it is estimated that there would be an average of 14 customers per hour between midnight and 5am. It is, therefore, considered that the restrictive hours condition is just, although it should be noted that there is minor alteration to condition 4

making the clock 24 hours as opposed to 12 hour, to avoid any possible confusion.

The content of the neighbour letter is noted; however, it is considered that with appropriate conditions these concerns can be overcome as well as the development complying with pertinent Core Strategy policies given that it would improve services to Bourne and the surrounding area as well as not be detrimental to the character of the area.

### **Alterations to Conditions**

Condition 4 amended so that it makes reference to a 24 hour clock, replicated below;

The premises shall not be used for the purposes authorised by this permission outside the hours of 06:00 - 23:30.

Reason: Operation of the use outside these hours would result in unacceptable level of noise nuisance and possible light spill to local residents.

Delete condition 7, as requested by the EA.

Add a new condition, as suggested by the EA, replicated below;

The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policy P9-6 of our Groundwater Protection: Policy and Practice (GP3) document. The site lies in a Source Protection Zone 1 that protects a nearby groundwater abstraction. The site also lies over strata that is classified as a Secondary Aquifer.

Informative –

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

### **Changes to Recommendation:**

None.

JJ1 – S11/2050

**Proposal:** Construction of 18 dwellings

**Summary of information received:**

Highways: Following amendments to the scheme the highway authority has suggested the following conditions and informatives:

HI02 - Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

HI03 - Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

HI04 - This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

HP22 - Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number PL-03 dated 2nd March 2012.

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

HP24 - No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site.

HI00 - Surface water off Private Drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the highway shall have drainage channels at the interface connected into the house drainage.

Project and Partnership Officer (affordable Housing) amended comments

- “All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of

between 5-14 housing units provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.

- Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of social rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need

With regards to this application the requirement is as follows:-

- Preference for the Council is that 35% affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.
- A minimum of 60% of the affordable housing to be social rent
- A maximum of 40% of the affordable housing to be shared ownership
- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RHP) to ensure that the affordable housing units are both affordable and available to local people to meet their housing needs.
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RHP) partners and choice of partner to be agreed in writing with the council. The RHP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development or as otherwise agreed in writing with the council.
- The consideration of the affordable housing units to be offered for sale to a RHP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Of the 35% affordable housing provided on site, one of the units to be provided is to be a four bedroom fully wheelchair accessible house. This dwelling house is to be specifically designed to meet the housing needs of an identified family currently living in Deeping St James. Discussions have already taken place with

the developer and agreement reached to provide this specially adapted affordable housing unit. Further discussions will take place to agree all the additional adaptation works required.”

S106 Contributions:

With regard to the contribution towards open space Cllr Stevens has indicated that the Parish Council are looking at acquiring a parcel of land off Hall Meadow Road and suggests that the required contribution could be used towards providing open spaces facilities / helping with the purchase of the site. The Council’s Leisure Officer has confirmed that the proposed land at Hall Meadow Road is within an appropriate distance of the application site.

Agent’s additional information:

The Agent has submitted a revised landscaping scheme for the site. The agent has also submitted an email which indicates that the Rugby Club no longer consider the site to be financially viable for their relocation and that they have secured their position on the adjacent site.

Officer’s comments on information:

The amended information and highways conditions are acceptable and it is recommended that the conditions be changed accordingly.

**Changes to recommendation:**

It is recommended that conditions 4, 5 and 7 be replaced with the following conditions and informatives

Informative 3 HI02 - Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

Informative 4 HI03 - Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

Informative 5 HI04 - This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

Informative 6 HI00 - Surface water off Private Drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the

highway shall have drainage channels at the interface connected into the house drainage.

Condition 4: HP22 - Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number PL-03 dated 2nd March 2012.

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

HI00 - Surface water off Private Drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the highway shall have drainage channels at the interface connected into the house drainage.

Condition 8 should be replaced with the following condition:

“All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

In addition the Section 106 Agreement shall be worded to incorporate the potential to use the S106 open space contributions towards providing facilities at the Hall Meadow Road site.

PL1 – S12/0496

**Proposal:** Erection of Fence and Gates

**Information Received**

Response from Elsea Park Community Trust

Object to the proposal on the adverse impact on the street scene in the immediate vicinity, restrictions on visibility for vehicular access and potential danger to pedestrians.

Additional information from applicant.

Letters from Lincolnshire Police detailing anti social behaviour issues, contact with the Elsea Part Trust and suggested remedies to the problems including fencing. Also photographs and videos showing evidence of anti social behaviour.

Two additional letters in support of the application received stating that the fence will provide safety and security for our adjacent gardens.

Officer Comments on Information Received

Having regard to other fencing in the vicinity and the relationship with adjacent dwellings do not consider that there is a significant visual impact and pedestrian visibility splays are proposed as shown on the submitted drawings. The letters, photos and videos have been taken into consideration in determining the application.

**Alterations to Conditions**

None.

**Changes to Recommendation:**

No changes to the recommendation contained in the main report.