JJ1 **S11/2283/MJRO** Target Decision Date: 30-Dec-2011

Applicant	**Burghley House Preservation Trust** C/o Agent
Agent	Insight Town Planning Ltd The Stables, Sutton Bassett, Market Harborough, Leic, LE16 8HL
Proposal	**Affordable housing and associated infrastructure and access and allotments**
Location	**Land rear at Coronation Villas, Barnack Road, Stamford**
App Type	Major Outline (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	Although this is an outline application it is considered that the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent listed building and historic park and gardens. Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

Key Issues

- Impact on residential amenity
- Provision of affordable housing
- Noise and vibration from adjacent land uses and railway line
- landscaping
- impact on setting of adjacent heritage assets
- highway safety / parking provision
- impact on ecology

Technical Documents Submitted with the Application

- Application form
- Planning statement
- Design and access statement
- Noise report
- Ecological survey

- Tree report
- Site location plan
- Topographical survey
- Illustrative site plan options 1 & 2
- Illustrative elevations / levels

REPORT

The Proposal

This is an outline application for the construction of affordable housing and associated infrastructure and access on land to the rear of Coronation Villas, Barnack Road, Stamford. All matters are reserved for subsequent approval although indicative plans showing how a development may look have been submitted.

This application is linked to two other applications, S11/2288 which seeks to construct a new football stadium for Stamford AFC on land to the north of Stamford on Ryhall Road and application S11/2300 which seeks to redevelop Stamford AFC's existing ground on Kettering Road for residential development.

The three schemes are all linked together and form one large development. No one element can commence without the other two sites being approved. The applicant has requested that the affordable housing element due on the Kettering Road site be put in an off-site location on Barnack Road in order to ensure that the affordable housing contribution does not affect the overall viability of the developments.

The indicative layout plans submitted with the application indicate that the development would comprise 20 dwellings provided in terraces and semi-detached pairs and have parking provision for 27 vehicles, representing 1.35 spaces per dwelling. The proposed dwellings would be located around an area of landscaping which would provide circulation around the development.

The indicative layout has been influenced by the need to provide a buffer between the site and the adjacent railway line to the north and the adjacent industrial buildings to the east.

The Application Site and its Surroundings

The site occupies an area of approximately 0.9 hectares. The site has historically been used as allotments although only a single plot remains in use.

A railway line is located directly to the north of the site with the River Welland and residential and commercial development beyond. Located directly to the east of the site is a commercial / industrial premises occupied by Cummins Generators. To the south of the site lies a row of residential terraces (Coronation Villas) with the historic park and gardens to Burghley House beyond them. Directly to the west of the site lies an area of former local authority housing.

The application site is located within approximately 1km of Stamford town centre and has good pedestrian and public transport links.

Relevant Site History

The site has no planning history relevant to the determination of this application.

Policy Considerations

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
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy
Policy SP3 – Sustainable Integrated transport
Policy SP4 – Developer Contributions
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN4 – Sustainable Construction and Design
Policy H1 – Residential Development
Policy H3 – Affordable Housing

Representations Received

Highway Authority – No objections subject to conditions relating to access, parking, manoeuvring and surface water drainage.

Partnership Projects Officer (Affordable Housing): No objections to the off-site provision of affordable housing for the development at Kettering Road been provided on this site.

Environmental Protection – No objections subject to conditions relating to mitigating the noise and vibration from the adjacent railway and industrial buildings. The site is not known to be contaminated.

Arboriculturalist -

"The site appeared to be an area of undulating grassland (presumably its archaeological interest has been assessed.) with encroaching woodland with some established woodland ground flora (species of fern, violets, wild arum, forget-me-not's and traveller's joy) and some scrub. The site has wildlife interest, gold finches, siskins, a blackbird, blue tits a kestrel and a magpie being noted during my visit.

With regard to the report by Sylvanus arboricultural consultants ltd., the trees were surveyed on 16th June 2011 by the consultants. I surveyed them on 20th December 2011 and so the consultants had the advantage that the trees were in full foliage, although this could have obscured some branch formations.

Measurements were made by the consultants to enable the calculation of the
Root Protection Area for each tree, compliant to British Standard 5837 2005, these were assumed to be correct.

Except for a damson Tree No.1 and a sycamore Tree No.2 all the remainder of the trees have been assessed by the consultants in groups 'G'. The report lacks detail on the physiological and structural condition of the trees. All except the sycamore Tree No.2 and G6 (classified as condition C) were classified as of condition B, 'fair condition' in the 'Tree Survey Schedule'. The 'Tree Survey Plan' shows G1, G3, Tree No. 1 and Tree No. 2 as coloured grey 'Retention category C', 'Retain if not restraining proposal' and G6 as coloured red 'Retention Category R' 'Remove'; the

remainder of the trees noted on the site are coloured blue on the plan and are in 'Retention category B', 'such trees should be considered for retention'.

A mature ash was noted within G10 immediately to the north west of sycamore Tree No.2, should the proposed layout be re-considered this tree may deserve a full assessment once the ivy has been removed.

The rowan G3 was not noted on my site visit.

Proposed site plan option 2(DWG No: B/BS/11/005 B) shows Tree No.2 to be retained which will enhance the entrance to the development, it is not totally clear on option 1 (DWG No: B/BS/11/004 B) whether it is to be retained or not, although the diagrammatic representation of the tree canopy has been removed, which suggests it is not. Tree No.1 is shown to be retained on site plan option 2 also on site plan option 1. Otherwise there appears to be a blatant disregard to the existence of some potentially good established landscaping in the proposed development layouts, even where screening is required. Many of the individual trees are not particularly good specimens having multi-stems, but through out there are some potentially good specimens which should be given space to grow within the development, to enhance its amenity.

It was noted that a sallow in G5 and a Norway spruce in G4 had recently been felled at the time of survey.

It is considered that Tree No.1 and other trees should be retained in the proposed bund area between the proposed development and commercial premises. It is not very clear from DWG No: B/BS/11/005B or DWG No: B/BS/11/004B whether several trees in the north eastern corner have been identified for retention. Is it is essential for noise abatement to have a bund and not just a belt of trees? Could the bund be contoured to enable some of the existing trees to be kept, with additional trees on top of the bund? Please bear in mind: that the soil levels should not be altered around the base of trees. An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth. It can also increase the distance for water / gaseous exchange to the tree's roots. Obviously a lowering of the soil level can expose tree roots. Both can be detrimental to the health of the tree.

When the site is cleared, care must be taken not to disturb any nesting birds, these are protected under the Wildlife and Countryside Act 1981(as amended). Song thrushes start nesting as early as February. Any queries regarding nesting birds should be directed to Natural England on 03000603900. Bats are protected under the same Act. Should it be suspected that they are present and could be disturbed, or if they are discovered while works take place, Natural England will require to be contacted on the above number for advice before works proceed.

Any tree work should be carried out to British Standard 3998 2010. All trees to be retained should be protected prior to site clearance to British Standard 5837 2005.

In conclusion:

Every effort should be made to re-design the proposed layout to include some additional existing trees which are of good form. This applies to the whole lay-out, but particular consideration should be paid to those in the bund area. Trees to be retained should be protected to comply with British Standard 5837 2005 before site clearance takes place. It seems a waste not to make use of established landscaping that could potentially enhance the amenity of the development."

Heritage Lincolnshire – The proposed development does not affect any known archaeological sites and therefore no archaeological intervention is required.

English Heritage – do not wish to comment in detail, but offer the following general observations.

"The application concerns affordable housing and associated infrastructure and access and allotments on land to the rear of Coronation Villas, Barnack Road, Stamford. The application site stands to the north of the boundary of the grade II* registered historic park and garden of Burghley House, the principal reason for consultation with English Heritage.

The accompanying Design and Access Statement (August 2011) notes that this outline planning application concerns approximately 20 units and itself forms one of three related planning applications associated with the redevelopment and relocation of the existing football ground of Stamford football Club. The site, historically used as allotments, stands on the north side of Barnack Road behind the late nineteenth century terrace, Coronation Villas, and backs onto the railway line and River Welland. To the west the site is bounded by the urban edge of Stamford and to the east by long established industrial units. The proposed design layout for the housing and the modest two-storey design and scale are considered to be in keeping with the surrounding housing and broadly acceptable as in fill development that extends the urban edge of Stamford to the industrial site. The presence of the villas is also considered to reduce the impact of this development upon the setting of the registered park to negligible. However, within the river landscape there is concern that the development may add to the cumulative harm to the setting of the scheduled monument, the ruins and site of St.Leonard's Priory that stands to the northeast of the application site. The application site as allotments does continue a direct relationship to similarly open and similarly managed land on the north bank of the Welland, which respectively contribute positively to the setting of the monument.

Recommendations

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

Planning Policy –

"This is one of three applications (the others being S11/2288 and S11/2300), which together provide for the relocation of Stamford football ground, the construction of market housing on the present football ground site and the provision of affordable housing and allotments on land at Barnack Road, to the rear of Coronation Villas. This application proposed that the site at Barnack Road will provide affordable housing in lieu of the 35% affordable housing which should be provided as a result of residential development on the Stamford AFC site at Kettering Road.

The Core Strategy is clear that the focus of all development within the District will be the towns and identified Local Service Centres. Of particular relevance are Core Strategy policies SP1, H1, H3 and EN1.

Policy SP1 locates development within Stamford in order to maintain and support its role as a market town, giving priority to sustainable sites within the built-up part of the town where development would not compromise the nature and character of the town and allocated sites.

Policy H1 allows for residential development in Stamford and policy H3 requires that developments of 5 or more residential units should provide up to 35% of the capacity as affordable housing.

The impact of any development and the extent to which it compromises the nature and character of the town may be determined by assessment against the criteria in Core Strategy policy EN1.

This site lies on the edge of Stamford, to the rear of residential properties on Barnack Road. Given that it is located to the rear and west of residential properties and has a railway line to the north and industrial premises to the east, the site can be regarded as part of the urban fabric of the town.

The applicant has stated (paragraph 12 of the Design and Access Statement) that the site is in an area historically used as allotments, only a single plot remains in use, and that it has been in this limited use for some time. The indicative layouts show a landscaped bund to the eastern boundary of the site (the boundary with the industrial site) and three allotment plots positioned between the bund and the housing development. The applicant has also stated (paragraph 42 of the Planning Statement) that the Council's PPG17 audit of 2009 identifies other allotments in Stamford, but not this site, and claims that "it is the Council's formal position that the site does not constitute part of the supply of allotments in the town." It is true that Appendix 5 of PPG17 study shows seven allotment sites in Stamford (five Town Council allotments and two private allotments). However, this table represents only the findings of the study. It is not, and does not claim to be, a definitive list of allotment land within the town (or the District for that matter). The absence of a site from this list is no guide to its use or accepted use, and it would not be true to state that the District Council has made a formal statement regarding the allotment supply within Stamford. As a general principle, development on allotment land runs contrary to point 14 of Core Strategy policy EN1. The applicant has stated (paragraph 43 of the planning statement) that, in recognition of the site containing one cultivated allotment, the illustrative layout shows how this can be increased to three plots. There is, in principle, no objection to allotment provision as part of a housing scheme, assuming it is of an appropriate scale, and an increase in provision is welcomed.

That there is a need for affordable housing in Stamford is not disputed. The comments of the Partnership Project Officer regarding the need, mix and tenure are of relevance here. Residential development on the present football club site should provide an appropriate number of affordable housing units towards addressing the identified need. The applicant proposes that the affordable units which would be required as a result of development on the football club ground at Kettering Road are provided on this site. There are no policy objections to this development in principle. It is, however, important to ensure that all three applications are linked, so that the provision of market housing on the football site does not go ahead without the provision of affordable housing on this site, and that the residential development of the football site does not go ahead without the provision of an appropriate replacement.

It should be noted that these comments relate specifically to the provision of affordable housing on this site, land to the rear of Coronation Villas, Barnack Road, and in lieu of the affordable housing which should be provided as a result of residential development on the Kettering Road site which is occupied at present by Stamford AFC."

Police Crime Prevention Design Advisor – The development should incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures should be submitted to and approved in writing by the local planning authority. An appropriately worded condition requesting these details should be attached to any consent.

Environment Agency: No objections subject to conditions.

Peterborough City Council: No objections.

Network Rail:

"With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Drainage
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks
All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary
Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers
An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly around the parking courtyard in the north east corner of the development.

Fencing
Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions
Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if

excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities
Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application given its outline status but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice."

Community Leisure Officer: Requests an off-site contribution of £11,734 towards play equipment in the vicinity of the development.

Stamford Town Council: The committee sees no problem and welcomes this development which adds to the much needed affordable housing stock.

Conservation Officer:

"I refer to your memorandum dated 9th November 2011 inviting comment on the above proposal.

The application proposes the erection of 20 two-storey dwellings on redundant allotment land between the B1443, Barnack Road, and the Peterborough to Leicester railway line.

The site does not lie within a Conservation Area but there are several designated heritage assets in the vicinity:

- The Grade 1 Registered Historic Park and Garden of Burghley Park lies immediately to the south of Barnack Road
- The Grade 1 listed Burghley House within the grounds of Burghley Park. Although both these assets lie within the neighbouring local authority area they have strong associations, both current and historical with the town of Stamford;
- The Scheduled Ancient Monument of the ruins and buried remains of St Leonard's Priory on the northern slopes of the Welland Valley, several hundred metres to the north-east of the application site. The above ground ruins are also listed grade 1.
- Priory Farmhouse, immediately to the east of the Priory is listed grade II.

Burghley House and its Registered Park and Garden are of exceptional interest and internationally important. St Leonard's Priory ruins are also of exceptional interest. Only 2.5% of listed buildings are Grade I. Priory House is nationally important and of special interest. 92% of all listed buildings are grade II.

The setting of all the heritage assets identified above is important to their significance.

The terrace of houses on the road frontage, Coronation Villas, are an attractive row of inter-war housing that have been largely spared harmful alteration. These could be considered undesignated heritage assets and included on a Local List, if the Authority had one. Commencement on compiling such a List is to commence in the near future. I have therefore considered the impact of the proposed development on Coronation Villas as potential undesignated heritage assets.

Westwards from the application site existing development is predominantly residential whereas to the east it is industrial, with the large factory buildings of Cummins engineering works dominating views from the north side of the river Welland and from within Burghley Park in the vicinity of the application site. Further land to the east of Cummins works, currently in agricultural use, has an extant permission for industrial development.

In assessing the impact of the proposal on the heritage assets I have had regard to relevant policies on the historic environment contained in the NPPF, the RSS and the Core Strategy to the South Kesteven LDF and English Heritage Guidance on The Setting of Heritage Assets.

The NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal
(including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise
conflict between the heritage asset's conservation and any aspect of the proposal."

The RSS states at Policy 26 (Protecting and Enhancing the Regions Natural and Cultural Environment) that:

"the Regions internationally and nationally designated natural and historic assets should receive the highest level of protection."

Policy EN1 of the Core Strategy (PROTECTION AND ENHANCEMENT OF THE CHARACTER OF THE
DISTRICT) states:

"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."

All development proposals and site are to be assessed in relation to the following criteria:

1. statutory, national and local designations of landscape features, including natural and historic assets
2. local distinctiveness and sense of place
3. historic character, patterns and attributes of the landscape
4. the layout and scale of buildings and designed spaces
5. the quality and character of the built fabric and their settings
6. the condition of the landscape
7. biodiversity and ecological networks within the landscape
8. public access to and community value of the landscape
9. remoteness and tranquillity
10. visual intrusion

11. noise and light pollution
12. Conservation Area Appraisals and Village Design Statements, where these have been adopted by the Council
13. impact on controlled waters
14. protection of existing open space (including allotments and public open space, and open spaces important to the character, setting and separation of built-up areas)

I have examined the views of the site from the heritage assets identified as likely to be affected by the proposed development and from other vantage points where they might be viewed in the same scene and have assessed these against the relevant policies.

The registered park and garden is the setting of Burghley House and other heritage assets within its grounds. However, land outside the Registered Park, including the development site under consideration here can be considered to contribute to the setting of the registered park. This setting is informed by historical association - the historic extent of the estate. It could be argued, therefore, that virtually the whole of the town of Stamford contributes to the setting of Burghley House and its Parkland, given that the historic core of the town was largely developed by the Cecil family.

The proposed development currently under consideration would be located behind the existing terrace of inter-war housing on the road frontage and would , therefore, largely screened from view by these houses and the large factory buildings to the east and the local authority built housing to the west. Due to the presence of these intervening buildings there would be very limited intervisibility between the site and Burghley Park.

The proposed development will not in my opinion cause harm to the setting of the Registered Historic Park and Garden and nor, therefore, to Burghley House.

The siting of the former Priory on land adjacent to the river Welland was an important factor when it was founded in the 11th century. Proximity to water for a variety of purposes was a major requirement and the archaeological remains confirm the significance of access to this resource.

Whilst there may be some intervisibility between the application site and the Scheduled Monument, it will be influenced by seasonal changes to the intervening flora. In any case the submitted drawings show that the proposed development would be of a scale, massing compatible with previous development to the south and west as to not to compromise the significance of this heritage asset.

Priory Farmhouse, a grade II listed early C18 dwelling to the east of the Priory ruins but within the area designated as a Scheduled Monument is even further removed from the site. Its principal aspect is southwards towards the river and Burghley Park beyond the intervening Cummins factory. Its setting will also not be harmed by the proposed development.

In conclusion, having regard to all relevant policies and guidance, I would advise that the proposed development will have a neutral effect on the setting of the designated heritage assets and will not therefore harm their significance. It is the existing industrial buildings and electricity pylons that currently dominate and detract from the scene. I have also concluded that the setting of Coronation Villas, as potentially undesignated assets, would not be compromised by the proposed development, in fact there is potential for enhancement as the development presents an opportunity to replace the unsightly concrete garages that are presently located alongside the entrance to the site, against the end wall of the terrace and readily visible from Barnack Road with buildings of a better design and a different arrangement, so the cars are less prominent. Not only would this enhance the development itself and the setting of frontage terrace but the street scene of

the area generally. It could also improve security for vehicles, although I acknowledge that this consideration does fall within my remit. "

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 4 number letters have been received. The issues raised can be summarised as follows:

- The 2006 noise and vibration report is out of date and needs to be updated as there have been significant changes to the amount of rail traffic using the adjacent line,
- Concern about highway safety and increased vehicle movements on Barnack Road,
- As this relates to an off-site affordable housing provision for the development at Kettering Road in Stamford it does not conform to the Council's Policies.

Officer Evaluation

This is an outline application for the construction of affordable housing and associated infrastructure on land to the rear of Coronation Villas, Barnack Road Stamford. As already stated the application is linked to two other applications for the relocation of Stamford Football Club to Ryhall Road and the redevelopment of market housing on the existing football ground site at Kettering Road.

Although the application is made in outline form with all matters reserved for subsequent approval it is considered that a suitable scheme can be accommodated on the site which would ensure that the residential amenities of the occupiers of adjacent properties are preserved.

The indicative layout and elevation plans submitted as part of the application demonstrate that a scheme can be accommodated on the site and ensure that the heritage assets in the surrounding area including The Grade 1 listed Burghley House and its associated park and gardens, and the Scheduled Ancient Monument of the ruins and buried remains of St Leonard's Priory can be preserved.

Concern has been raised in relation to potential noise, disturbance and vibration causing problems to the future occupiers of the dwellings. The Council's Environmental Health Team has been consulted and the applicant has submitted noise and vibration assessments in support of the development. The Council's Environmental Protection Officer has advised that based on the information provided and as this is an outline application conditions should be attached to any consent requiring mitigation measures relating to noise and vibration to be submitted as part of any reserved matters stage submission. In view of these comments it is considered that issues relating to noise and vibration can be suitably controlled by way of condition.

Some concern has been raised in relation to highway safety and the increased vehicular movements on Barnack Road. The local highway authority has been consulted and has raised no objections to the proposed development subject to the imposition of conditions requiring details of off-street parking and turning facilities being provided at the reserved matters stage. Based on the highway authorities comments it is considered that the proposed development will have minimal impact in terms of highway safety.

The application has been assessed against Natural England's standing advice and based on the applicants submitted ecology survey it is considered that development of the site will not have any significant adverse impact on ecology. It is however considered appropriate to attach conditions

requiring biodiversity enhancements to promote / enhance bat and bird box provision within the site. In addition whilst there was no evidence of reptiles found on site it is considered appropriate to require a reptile survey to be undertaken prior to any reserved matters submission being made.

The Council's Consultant Arboriculturalist has raised concerns about the loss of a number of trees from the site and suggested that the scheme should be re-designed to try to retain as many trees as possible especially those in the area of the proposed acoustic bund. Whilst it is acknowledged that where possible it is always desirable to retain existing mature trees, the Arboriculturalist has stated that many of the individual trees are not particularly good specimens although there are some potentially good specimens which should be given space to grow. Given the site constraints and the need to secure an acoustic bund along the sites eastern boundary it is not possible to secure the retention of all of the trees. It is however considered appropriate to attach a conditions relating to landscaping, tree planting and tree protection in order to ensure that where possible good quality existing trees are protected and where not some additional tree planting is undertaken.

Whilst the development will result in the loss of the existing allotment (1 in use) the submitted plans indicate that provision will be made to provide three small allotment spaces along the sites eastern boundary adjacent to the proposed acoustic bund. It is considered that this would result in an increase in the provision of allotments and would not be detrimental to residential amenity.

Section 106 Heads of Terms

A Section 106 Contribution is required to ensure that the development provides 100% affordable housing on-site connected to the Kettering Road development considered under application S11/2300.

The Council's Community Leisure Officer has also requested an off-site contribution of £11,734 towards play equipment.

Crime and Disorder

It is considered that the development will not result in any significant adverse crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

Although this is an outline application it is considered that the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent listed building and historic park and gardens.

Residential redevelopment of the site is in general accordance with the guidance set out in the

National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

RECOMMENDATION: That the development be delegated to the Development Managmenet Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached condition(s). Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks port the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcomming.

1. The development hereby permitted shall be commenced before the expiration of five 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.

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

   (a) layout;
   (b) scale;
   (c) appearance;
   (d) access; and
   (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.

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

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

4. The front of any garage shall be a minimum of 6.0m from the back edge of the highway.

Reason: To enable calling vehicles to wait clear of the carriageway of the estate road in the interests of safety.

5. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

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

6. 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 (or other development as specified).

   *Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

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

7. 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 occupants/residents/users of the site

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

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

9. When details are submitted at the 'Reserved Matters' stage precise details of the proposed mitigation measures set out in Section 5 of the Noise and Vibration Assessment dated December 2011 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

   i) Precise details of the mitigation measures for protecting those plots which have the potential to be effected by vibration from the adjacent railway,
   ii) Precise details of the proposed mitigation measures for insulating the proposed dwellings from noise from the adjacent industrial units and adjacent railway line,
   iii) precise details of the proposed bund including the proposed method of construction.

No development shall commence until the above details have been submitted to and approved in writing by the Local Planning Authority and the development shall then only be carried out in accordance with the approved details.

Reason: To ensure that the occupiers of the proposed dwellings are protected from any adverse impacts form noise and vibration from adjacent land uses.

10. 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 local planning authority 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

    Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

    Acceptable:

    Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat 'Zebrina'

    Not Acceptable:

    Alder (Alnus Glutinosa), Aspen - Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

    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) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

11. When the application is made for approval of the 'reserved matters' that application shall include details of the trees to be retained as part of the development along with measures to ensure that they are protected during the development. The development shall only be commenced in strict accordance with the approved details.

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

12. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

    Reason: To ensure that the development incorporates the principles of secured by design to improve community safety and to help prevent crime in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

    1) A preliminary risk assessment which has identified:
    a) all previous uses
    b) potential contaminants associated with those uses
    c) a conceptual model of the site indicating sources, pathways and receptors
    d) 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 consent of the local planning authority. The scheme shall be implemented as approved.

    Reason: The site is located in a highly sensitive area for controlled waters. The site is underlain in part by River Terrace Gravels, classified as a Secondary A Aquifer, further underlain by a Principal Aquifer relating to the Lower Lincolnshire Limestone Member. In addition, the site is located within a Source Protection Zone 1 and is located approximately 25m south of the River Welland.

14. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

    Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

15. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

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

16. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The development shall be carried out in accordance with the approved details.

    Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

17. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

    Reason: To provide a satisfactory appearance by screening rear gardens from public view and 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).

18. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

19. All excavations/earthworks/building works carried out in the vicinity of Network Rail property / structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations/earthworks and building operations to be carried out near the railway undertaker's boundary fence along with a method statement detailing how the works will be undertaken in a 'fail-Safe' manner shall be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

20. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly around the parking courtyard in the north east corner of the development. Details of such barriers shall be submitted as part of any 'Reserved Matters' application and the development shall only be undertaken in strict accordance with the details as may be agreed by the Local Planning Authority.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

21. Prior to any development taking place details of a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx 1.8m high) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in strict accordance with the approved details and the fence shall be maintained in perpetuity. The existing fencing / wall shall not be removed, unless otherwise agreed in writing with the Local Planning Authority in consultation with Network Rail.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

22. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

    Reason: To encourage additional biodiversity within the development in accordance with policy EN1 of the adopted South Kesteven core Strategy 2010.

23. No development shall take place during the bird breeding season (March to August inclusive), unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To ensure that the development does not have an adverse impact on the local wildlife in accordance with the guidance and advice set out in the National Planning Policy Framework.

24. No sheds or other storage buildings shall be constructed or placed on the site of the allotments until the precise details have been submitted to and agreed in writing by the District Planning Authority.

    Reason: To ensure that the development respects the character and appearance of the surrounding area.

25. No animals or birds or other livestock shall be kept on the allotments hereby approved, other than those allowed by the Allotments Act 1950 (That is hens and rabbits only and no cockerels).

    Reason: To ensure that the allotment use does not have a detrimental impact on the residential amenity of the occupiers of nearby properties.

Note(s) to Applicant

1. 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.

2. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification programme before carrying out any works on site.

3. Your attention is drawn to the attached letter from the Environment Agency.

4. The developers attention is drawn to the following comments of Network Rail:

    Drainage:
    All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

    Security of Mutual Boundary:
    Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

    Method Statements/Fail Safe/Possessions:
    Method statements may require to be submitted to Network Rail's Assets Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where works cannot be carried out in a 'fail-Safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Boundary:
Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent Land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. this will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing:
The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour iossues arining. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting
Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

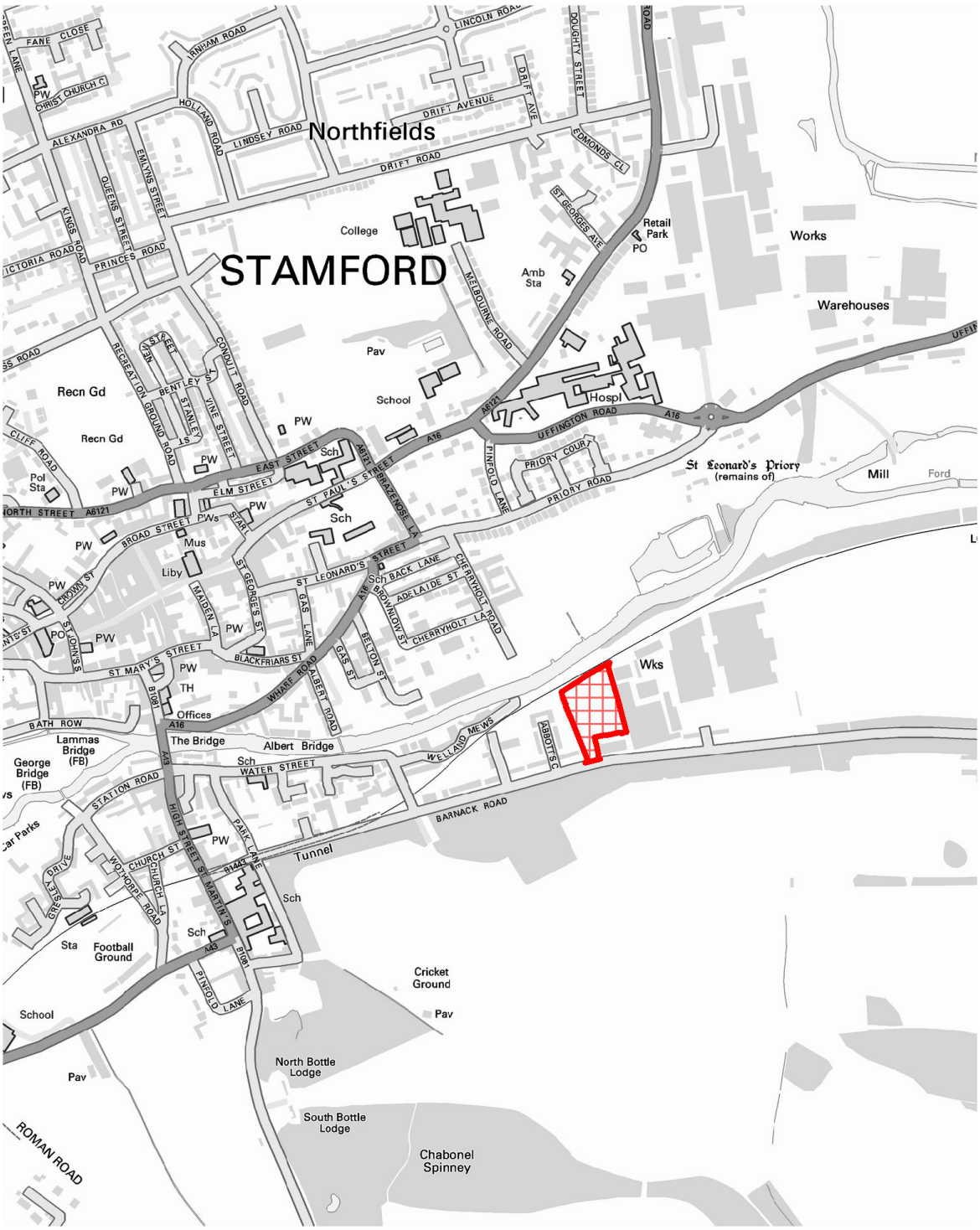
Children's Play Areas/Open Spaces/Amenities
Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Asset Protection Engineer Team
Network Rail (London North Eastern)
Floor 1B
George Stephenson House
Toft Green
York
YO 16JT

* * * * *

Site Location Plan

Ref	**S11/2283**
Proposal	**Affordable housing and associated infrastructure and access and allotments**
Location	**Land rear at Coronation Villas, Barnack Road, Stamford**



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JJ2 **S11/2288/MJNO** Target Decision Date: 30-Dec-2011

Applicant	**Stamford AFC/Burghley House Pres Trust** c/o agent
Agent	Insight Town Planning Ltd The Stables, Sutton Bassett, Market Harborough, Leic, LE16 8HL
Proposal	**Development of football stadium with capacity for 1500 spectators, with associated infrastructure and facilities to include multi-use training pitch, clubhouse and function rooms, and ancillary office/administrative space. Provision of car and coach parking area with additional use for car boot sales on up to 40 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations**
Location	**Land west of, Ryhall Road, Stamford**
App Type	Major Outline (Non-residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that given the topography of the surrounding area, setting the stadium low in the landscape and the proposed landscaping scheme it is possible to accommodate the proposed development on the site and that subject to conditions it will not compromise the character and appearance of the surrounding area. Development of the site for use as a football stadium and for the use of the car parking for car boot sales is in general accordance with the guidance set out in Sections 1, 4, 7, 8, 10, 11 and 12 of the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, and E1 of the adopted South Kesteven Core Strategy 2010. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on ecology and wildlife, light pollution, noise and disturbance, drainage and that the development would have a detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

Key Issues

- Landscape/Visual amenity
- Noise
- Light pollution
- Highway safety
- Ecology /Wildlife

Technical Documents Submitted with the Application

- Application forms
- Planning statement
- Design and access statement
- Agricultural Land Classification report
- External noise assessment
- Archaeological desk-based assessment
- Geophysical survey
- Archaeological evaluation
- Ground investigation report
- Landscape character and visual impact assessment
- Protected species survey
- Lighting strategy
- Floodrisk/drainage assessment
- Transport assessment
- Tree report
- Site location plan
- Topographical survey
- Illustrative masterplan
- Illustrative sections
- Car and coach park details
- Southern boundary interface
- Proposed access details

REPORT

The Proposal

This is an outline application for the development of a football stadium with a capacity for up to 1500 spectators. The development also includes associated infrastructure and facilities including a multi-use training pitch, clubhouse and function rooms, and ancillary office/administrative space. In addition provision is to be made for car and coach parking with the area being used for car boot sales on up to 40 days in any calendar year. A new access would be created on to Ryhall Road with associated highway alterations.

All matters except access are reserved for subsequent approval.

This application is linked to two other applications, S11/2283 which seeks outline construction of affordable housing on land at Barnack Road Stamford and application S11/300 which seeks to redevelop Stamford AFC's existing ground on Kettering Road for residential development. The three schemes are all linked together and form one large development. The residential redevelopment of the existing ground could only take place when a new ground has been constructed and occupied by the football club.

The Application Site and its Surroundings

The application site is located on the northern outskirts of Stamford, approximately 1km from the town centre. The site is located to the west of Ryhall Road on an area of agricultural land to the south of Borderville Farm. The site area measures approximately 5.5 hectares. Directly to the south of the application site lies residential development. Directly to the west of the application site lies an agricultural field with the Queen Eleanor Technical College beyond.

The topography of the site is such that the land slopes down in to a low point close to the location of the proposed new access on to Ryhall Road.

Relevant Site History

There is no site history relevant to the determination of this application.

Policy Considerations

National Planning Policy Framework:

Section 1: Building a strong, competitive economy,
Section 4: Promoting sustainable transport
Section 7: Requiring good design
Section 8: Promoting healthy communities
Section 10: Meeting the challenge of climate change, flooding and costal change
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

South Kesteven Core Strategy 2010

Policy SP1 – Spatial Strategy

Policy SP3 – Sustainable Integrated Transport
Policy SP4 – Developer Contributions
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN2 – Reducing the Risk of Flooding
Policy EN4 – Sustainable Construction and Design
Policy E1 – Employment Development

Representations Received

Lincolnshire County Council Highways – Has raised no objections subject to the inclusion of conditions relating to highway improvements and parking facilities. The highway authority has also requested a S106 contribution of £3,500 towards the administration, advertisement, consultation and implementation for the alteration of existing traffic regulation orders adjacent to the development.

Rutland County Council Highways – Has requested a contribution of £10000 towards traffic calming in Essendine and control the dispersion of deleterious material onto the highway at the site.

Sport England –

It is noted that many matters are reserved for subsequent approval. However, the details provided do indicate that there are a number of matters that will require further submissions and that planning conditions should be used to ensure this.

In particular, it would be appropriate to require the details of the following to be submitted and approved:-

a) A suitable ground survey of ground conditions and details of the proposed construction of the new pitches and also pitch drainage
b) The detailed design for the clubhouse and stands
c) The details of the floodlighting for the pitches

Sport England recommends that the wording it has developed for a condition covering pitch quality should be used as set out below: -

"No development shall take place until:-

(i) A detailed assessment of ground conditions of the land proposed for the new football pitches as shown on drawing number..... shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

(ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate pitch drainage measures) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority."

Natural England – This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. Natural England has not raised any formal objection to the development but has

suggested that the local planning authority consider the possible impacts of the development when determining this application.

Lincolnshire Wildlife Trust –

We have read the ecology report and consider that providing the consultant's recommendations are followed there should not be any significant negative impacts on protected species.

We are pleased with the overall plan for the site which includes lots of native species of tree and shrub planting. We would however discourage the use of non-native species such as pines in the planting mixtures. We are pleased that waterbodies have been included as they should benefit amphibians in the area and provide a water resource for wildlife such as hedgehogs. We would recommend that a variety of bank profiles and depths are created to maximise the ponds' value to a range of wildlife, including some steeper banks and some shallow edges to allow a variety of marginal vegetation to colonise the edges and enable wildlife such as hedgehogs to drink from the ponds and to escape the water if they should accidentally fall in. We recommend that ponds are left to colonise naturally, however if the ponds are to be planted, we would strongly recommend that native species are used. This is particularly important for aquatics, where a number of exotic species can be highly invasive and damaging to natural habitats when they escape into the wider countryside.

We are pleased that a large area of grassland is to be created south of the bund, however we would wish to ensure that the opportunity is taken to create native species-rich grassland. In particular, the site falls within an area which is a priority for limestone grassland creation. If the site conditions are suitable, we would strongly recommend that a native, species-rich limestone grassland seed mix is used. This would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets and would also fit in well with a partnership project called Life on the Verge (www.lifeontheverge.org.uk). We are also pleased to note that green roofs are proposed for the stadium, as they can contribute towards biodiversity gains on site as well as providing SUDs services. Rather than using a standard sedum roof, we would recommend that the opportunity is again used here to create species-rich limestone grassland.

Lincolnshire Fire and Rescue: -

I refer to the planning application reference S11/2288. The Fire Authority object to the application on the grounds of inadequate access and water supplies.

It is the opinion of the Fire Authority that in order to remove the objection the following measures are required

1) Confirm vehicle access for fire appliances to either 15% of the perimeter of the stadium or within 45 meters of every point on the projected plan area of the building.

2) If the building is being erected more than 100 metres from an existing fire hydrant additional hydrants should be provided as follows – Hydrants should be provided within 90 metres of an entry point to the building and not more than 90 metres apart. Each fire hydrant should be clearly indicated by a plate, affixed in a conspicuous position in accordance with BS3251:1976 or
   Any other means of providing a water supply for fire fighting operations considered appropriate by the Fire and Rescue Authority.

Anglian Water – has suggested the following conditions should be imposed on any consent :-

1) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No development hereby approved shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
   Reason: To prevent environmental and amenity problems arising from flooding.

2) No development shall commence until a surface water strategy/flood risk assessment has been submitted to an approved in writing by the Local Planning Authority. No development hereby approved shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
   Reason: To prevent environmental and amenity problems arising from flooding.

Environment Agency –

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details:

"Prior to the submission of Reserved Matters application a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved surface water drainage scheme including any maintenance obligations set out therein.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these."

Environmental Protection Officer-

"I have looked at both the lighting strategy and the noise assessment for the development. There is no specific method of assessment of noise from a football stadium, for the purposes of the assessment comparisons with existing noise levels at the current Stamford AFC have been made.

I would comment as follows;

<u>Lighting</u>

A full lighting plan will be required detailing horizontal illuminance levels across the site and overspill of light onto surrounding properties for approval at the reserved matters stage. It is likely that hours of use for pitch lighting will need to be restricted, however, until a plan is submitted detailing the impact of the lighting on the neighbouring properties I am unable to comment further on this.

<u>Noise</u>

As this application is at the outline planning stage the noise assessment has made a number of assumptions in making predictions in relation to expected noise levels at nearby residential properties.

While I concur with the findings of the report, it is essential that these assumptions are followed through at the reserved matters stage otherwise the report will be inaccurate and unrepresentative.

The report makes the following assumptions;

1. That a bund which is 9 metres high at pitch level and 2 metres high with respect to ground level at the housing to the South will be built to provide acoustic screening.

2. That the tannoy is located on the South Side of the main pitch and will be at a height of 3 metres above pitch level.

3. That the tannoy is not used after 10pm

4. That the noise output of the tannoy does not exceed 78dB $_{LAeq,5min}$ and 97dB$_{LAMax,f}$ at a distance of 10 metres

5. That only one generator may be used on site during car boot sales and this must be limited to a Sound Power Level of less than 90dB(A).

6. That car boot sales take place in the car park only and not on the land between the site and the houses to the South

7. No predictions have been made in relation to private/corporate functions inside the buildings, and the noise that they may generate. Therefore it will be necessary for sound insulation details to prevent breakout noise to be provided and an updated noise assessment will be required for this area of the project.

8. That the North stand is 8 metres high with respect to the pitch level and 2 metres high with respect to the ground level at Borderville Farm.

I would suggest that it may be necessary for the assumptions made in the noise assessment to form the basis of conditions should the application be successful."

In addition the Environmental Protection Officer has advised that the supporting Phase I contamination study has indicated possible gas contamination and that a further Phase II intrusive report has been recommended. It is therefore suggested that a condition is attached to any consent requiring a further Phase II investigation to be undertaken prior to any development taking place.

Police Crime Prevention Design Advisor – No objections but recommend the following condition should be attached to any consent:

"The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention."

Planning Policy Team –

"The proposed site for the new stadium was been selected by the applicant following consideration of a number of alternatives within the same ownership. The site at Ryhall Road was considered to be the most suited for the proposed use and is located in close proximity to a large residential area from which supporters are likely to be drawn. I understand that the proposal which forms the application has arisen following public consultation locally which has affected the final layout and design of the site.

The site formed part of a larger area (ref ADD43) which was included within the Additional Sites Consultation (published in August 2010) as part of the preparation of the Site allocation and Policies DPD. 21 representations were made about the site in this consultation, the majority of which objected to the use of the site for a football ground. Reasons of noise

nuisance, impact on residential properties, traffic increase and loss of wildlife, open aspect and arable land were commonly stated. The site was assessed as part of the Site Assessment process and it was concluded that the site might be suitable for recreational use and open space, however the site was not allocated in the Submission version of the DPD published in October 2011.

I consider the primary policies for the consideration of this proposal for a new football stadium and associated facilities at Ryhall Road Stamford are: SP1, SP3, EN1 of the Adopted Core Strategy and relevant guidance contained within PPG17, particularly para 22.

The Core Strategy establishes the spatial strategy for new development across the district to 2026. In respect of Stamford the strategy supports new development which would maintain and support the role of the market town (Policy SP1). The policy goes on to state that whilst priority will be given to sustainable sites within the built up part of the town, if insufficient land is available within the built up part of the town to meet the development needs of the town "appropriate sites on the edge .... may also be considered suitable for development". The current football ground site is located within the built framework of the town, it is small, old and less suited to the requirements of a modern football club. The site is however very well located to promote sustainable patterns of travel. The applicant has demonstrated that there are practical and financial constraints to the redevelopment of the current site for a new stadium, and has looked to relocate on a site which offers the space to develop a new stadium which includes additional facilities which could benefit the wider community, but which is well located to centres of population to try to maintain the benefits in terms of sustainable travel patterns. The applicant has considered alternative sites within their ownership around the town, although there is no policy requirement for them to do so (PPS4 para 7.2 establishes town centre uses for which the town centre policies apply).

Policy SP3 of the Core Strategy seeks to promote a sustainable and modern transport network across the district by promoting the location of development in areas which are particularly accessible by public transport, cycling and walking. The proposed site is considered to be well located close to a large residential area which gives good access by walking and cycling and is located on an existing bus route – indeed the Highways Agency in responding to the Additional sites consultation felt the site had "Good potential for Sustainable Travel (Bus service provision/Walking and cycling distance to Stamford town centre)".

Policy EN1 of the Core Strategy considers the impact of proposed development on the districts Landscape Character and establishes a list of criteria against which applications should be assessed. The proposed site is located on the edge of the built up part of the town in the countryside. The new stadium will result in the loss of agricultural land and will have an impact upon the openness of the area. As part of the preparation of the DPD a detailed assessment was prepared about the capacity and sensitivity of the landscape around Stamford to accommodate development. This site was considered as part of a larger area within the study (area S4) and whilst the study primarily considered the impact of residential and employment development on the site, it did conclude sensitive development of the site could be accommodated as the site was moderately sensitive to development and has a medium capacity to accommodate development.

PPG17 includes paragraph 22 which specifically deals with Stadia developments. This paragraph suggests that proposals for new stadiums should only be granted where they are located in areas with good access to public transport. It also makes clear that proposals for associated retail and/or leisure uses (town centre uses as defined in PPS4) are not appropriate on out of town proposals. I note that the application proposes car boot sales for up to 40 days a year alongside a function room. We should be satisfied that if these uses comprise those set out in PPS4 as "town Centre" uses that the appropriate tests and policies

of the PPS are applied to the consideration of this element of the scheme. In particular it is important to ensure that no retail and intensive leisure uses are included within the site, as these could have a detrimental impact upon the town centre, and would be contrary to national and local policies to maintain the role of the town centre.

Having considered the proposal in light of these national and local policies I consider that although the site is unallocated in the emerging DPD and is therefore "countryside" it is in accordance with the general principles of the policies. In particular it reflects the objectives of the Spatial Strategy (SP1) to maintain and support the role of the town by providing a modern multifunctional community facility, in a location which will allow for sustainable travel patterns. An assessment of the impact of development in this countryside location has determined that the impact will be moderate, however there is scope for a sensitively designed development to take place without detriment to the character of the landscape around the town. I therefore have no objection to the proposal from a policy perspective."

Heritage Lincolnshire – The site has been archaeologically evaluated by geophysical survey and trial trenching. These recorded remains dating from the Iron Age and Roman periods as well as a human burial. Construction details have not yet been submitted but it is recommended that the applicant commission an archaeologist to develop a mitigation strategy detailing the construction methods proposed and how the impact on archaeological remains will be mitigated. This can be secured by condition.

Ryhall Parish Council - Councillor Paul Huddleston, Chair of the Planning sub-committee of Ryhall Parish Council made this personal comment:

"My view is that any such development is a great and unjustified loss of a greenfield site; that it will significantly increase traffic on an already busy road particularly with Sainsbury's about to open, and the prospect of regular traffic for Sunday car boots all year must be regarded with some misgivings"

Arboriculturalist –

"With regard to the report by Sylvanus arboricultural consultants ltd, the trees were surveyed on 16th June 2011 by the consultants. I surveyed them on 20th December 2011, and so the consultants had the advantage that the trees were in full foliage, although this could have obscured some branch formations.

Detailed measurements were made by the consultants to enable the calculation of the Root Protection Area for each tree, compliant to British Standard 5837 2005, these were assumed to be correct.

The consultant's report lacked any additional detail on the specific features of each tree which chose it to be allocated into a specific condition criterion. It was noted that both the horse chestnut Tree No.1 and Tree No.4 were classified in 'C' condition category, yet could have a life expectancy of 20 years, a considerable time in which their visual amenity could be enjoyed. Where a tree is in potential danger of being removed; more details on its physiological and structural condition would be helpful to justify such action being proposed.

A brief look at horse chestnut Tree No.4 revealed a substantial mature tree. A few potential cavities were noted where branches had been removed in the past, a line in the bark was noted on the western side of the tree, and possibly minor bark damage was noted at the base of the tree, where hibernating snails were ensconced. One very small spot of dark sap was noted on the trunk, either bark damage or potentially bleeding canker. The trees location on a bank was noted. Whether it was seriously infected by horse chestnut leaf miner (Cameraria ohridella), when surveyed in June could only be guessed at.

The report recommends a crown reduction of 20%. I would agree to this, as it is generally good to reduce the weight from long branch extensions on mature horse chestnut trees, to prevent collapse in high winds. Yet the surveyor's report was written to inform a development proposal and examination of the plans show that should the development go ahead as shown on drawing No. 4309/01/30 date March 2011 (a similar plan being included on page 12 of the tree report) the tree would have to be felled in any case.

A footpath would appear to have been proposed to be constructed through the trunk of the tree. Visibility splays may also be obscured by the tree for the proposed access to the proposed stadium site. (The proposal will also result in the removal of a significant amount of hedgerow).

Should it be desired that this visually fine horse chestnut tree is retained to grace the amenity of the entrance to Stamford along the A6121 Ryhall Road for potentially the next 20 years; it is strongly recommended that negotiations regarding re-siting of the proposed access a few metres to the north of that proposed is undertaken immediately, and that the proposed footpath is also re-aligned.

The horse chestnut Tree No.1, lime Tree No.2 (contains dead wood which ideally should be removed), and sycamore Tree No.3 appear to be retained in the development proposals. This is to be welcomed as they do add to the amenity of the area.

Tree No.G1 identified as damson in the consultant's report, immediately adjoining the horse chestnut Tree No.4 was not noted during my visit of the 20th December 2011 so is unlikely to be of significant amenity value. A group of young elm trees were noted slightly to the north of the proposed entrance.

From drawing No. 4309/01/30 entitled 'Ghost Island Right Turn', it would appear that trees on the eastern side of the Ryhall Road are not greatly affected by the proposal. Some pruning may be required.

Should development take place, care must be taken not to disturb any nesting birds, these are protected under the Wildlife and Countryside Act 1981 (as amended). Song thrushes (noted on site during visit) start nesting as early as February. Any queries regarding nesting birds should be direct to Natural England on 03000603900. Bats are protected under the same Act. Should it be suspected that they are present and could be disturbed, or if they are discovered while work takes place, Natural England will require to be contacted on the above number for advice before works proceed.

Any tree works should be carried out to British Standard 3998 2010, and all trees protected during development to British Standard 5837 2005.

In conclusion:

Serious consideration should be given to accommodate the retention of the horse chestnut Tree No.4 in the development proposals even though it is given the category of 'C' for condition and retention in the consultant's report. It is advised that a more detailed survey of the tree's condition is carried out. Should it have the potential to be retained with amenity value for many years to come; then any opportunity for the re-location of the proposed access and footpath should be considered."

FPCR (SKDC's Landscape Consultant) A copy of the Summary and Conclusions of the FPCR evaluation is sent out below:

"An appraisal has taken place of the landscape and visual assessment accompanying the football stadium application. This assessment was reviewed and a range of other supporting information

submitted with the application was considered, to understand the proposal. There view included consideration of the methodology employed and of the findings of the assessment.

This methodology followed a fairly unusual approach, with different terms to those commonly used in such assessments. There is a leap from the baseline assessment to the assessment of impact, but the conclusions broadly match those that would have been reached with a more commonly used approach.

The design of the scheme appears to have followed form the assessment of impact. The stadium is located in a minor valley on the northern edge of Stamford. This allows the stadium to be set at a relatively low level compared with the surrounding landscape. This in turn assists in reducing the landscape effects.

Siting a football stadium on any location on the edge of Stamford, is likely to result in some adverse landscape and visual effects, as Stamford is a sensitive settlement. The location and design selected however helps to minimise the adverse effects on the wider area. The illustrative material provided as part of the outline application, suggests that the pitch would be located at approximately 30m AOD. It will be important however to ensure the detailed design is broadly developed at this level, as a change could result in some different landscape and visual effects to those described.

It is recommended that this pitch level, and the heights of the stands and lighting be fixed by condition, as if a different pitch level is proposed at the reserved matters stage, the effect on the wider landscape could be much more significant.

The illustrative drawings also show a vertical level change at the end of the training pitch. It would be more appropriate to have a soft landscape treatment to this edge, such as a grass or planted bank.

If the detailed design results in a surplus of soils, these could be spread across the surrounding farmland. As long as the ground levels change by no more than 500mm, the landscape effects would not be significant. The landform surrounding the stadium within the application site should not deviate much from that shown on the illustrative sections and masterplan. High or steeply sloping earth bunds would not be appropriate.

As long as the design approach outlined in the application is followed, the overall landscape and visual effects would be broadly as outlined in the Roger Griffith Ltd Assessment. The main impact would be experienced very locally by residents of the Northfields housing estate, and Borderville. Views from the west are more restricted by the rising landform.

There would be more open views towards the proposal from the east, such as from the MacMillan Way. These views already contain the urban edge of Stamford, including the Sainsbury supermarket and adjacent retail units. The stadium would mostly be seen against an urban backdrop, reducing the potential effects.

Setting the stadium low in the landscape would also minimise the effect of lighting. There already is floodlighting on the higher ground to the south. Whilst lighting would be visible locally, it is not expected to have a significant effect on the wider landscape.

Overall the stadium appears to be well located in the landscape, and includes sensitive mitigation as part of its design. There will be some adverse local landscape and visual effects, such as those experienced by residents of Northfields immediately to the south, and Borderville to the north. The wider effects are however fairly restricted."

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's adopted Statement of Community Involvement and 52 letters of objection have been received. The comments made can be summarised as follows:

- Concerns relating to noise and disturbance,
- Increase traffic,
- Concerns at parking provision with only 110 parking spaces been provided for a stadium with a capacity of 1500 spectators,
- Light pollution from floodlights,
- The designated soakaways for this project has not been fully answered,
- Cost of road layout changes should not be borne by the county council,
- Planting of barrier trees and hedges creating walkways which will encourage criminal activities by young persons,
- Building on a greenfield site,
- Loss of property values,
- Concerns relating to the accuracy of the traffic assessment and the date of the traffic survey which was undertaken in 2009,
- Other more suitable locations for this development,
- Removal of leisure facilities in the town centre area in order to promote residential housing projects and the profit that goes with it,
- Will dissect a very large field which will then inevitably lead to the rest of this open space been ripe for development,
- Concerns that parking not big enough to take the parking required by the football club or the Sunday car boot days,
- Concerns about impact on local wildlife,
- There is already a football ground nearby and an additional ground will only lead to additional parking and noise problems in the area on match days,
- Concerns about notification of neighbours on the application,
- Concerns that Burghley have applied for the affordable housing to be sited on Barnack Road and not on the Kettering Road site,
- Concerns about opening times,
- Concerns at loss of views due to the proposed bunding,
- Concerns at amount of traffic on Ryhall Road especially given the recent opening of the new Sainsbury's store,
- Such a large complex is not suitable near to a residential area,
- The site is a prime location for residential development in the future and this would be lost if the development were to be approved,
- Concern at loss of best quality agricultural land,
- The development is not in keeping with the sensitive spaces around the historic town of Stamford,
- Attendance is never higher than 250 fans so why the need for a 1500 seat stadium,
- The development will be visually intrusive to this green belt area and will significantly ruin the landscape.
- The town's infrastructure does not support this development. There is only one route across town. A bypass is required before any further development can take place,
- When car boot sales are planned adjacent streets will be used as a car park,
- The development is out of character for the town,

- The development is contrary to planning policies and procedures,
- The football ground has been in its current location for over 100 years and has good access for fans without interfering with the towns activities. It is close to the railway, bus station and has easy access to the A1 with parking at the cattle market,
- The housing should be built on this site and the football ground stay where it is,
- The transport assessment does not appear to take into account players coming to the site in their own cars only supporters,
- The additional entertainment activities such as weddings etc will lead to additional noise and disturbance,
- It's not just the noise and disturbance from the crowed that will be a problem, it is the foul mouthed shouting that unfortunately is part of football supporting as well,
- Concerns about noise from a tannoy system,
- Concerns about accuracy of the noise and transport assessments,
- How can a car park for 100 cars be sufficient to support an attendance of 1500?
- Has the "wider use" of the site been taken into consideration when assessing the noise, light and traffic impacts of the development,
- There has been no mention of efforts or investigations into developing the existing football club site. This is a requirement and one which is believed to be favoured by a number of STFC officials,
- Concerns about the impact of the development on archaeological remains,
- Concerns that the noise assessment is based on readings taken at the existing site where the crowed sizes are only 200-300 people and not the estimated 1500 people proposed at the new site,
- The proposed bund will dominate adjacent residential properties and result in a loss of light to residential properties,
- The bund will be visually intrusive,
- Blackstones football ground is already nearby and noise from two grounds will be unacceptable,
- The FA's rules do not allow to football grounds to be within 1 mile of each other,
- Consideration should be given to allowing resident to by a small section of the land which directly backs on to the application site by Burghley Estate,
- Concerns that areas of landscaping could become overspill car parking,
- The overall construction will become the dominant feature within the current environment which at present is an area of countryside / rural fields,
- The main population is west of the site and the most direct route by car is not via the A class roads but via residential roads built to handle the limited numbers of cars in 1950 and 60 (Lincoln Road and Kesteven Road),
- On Saturday afternoon football matches are held at the Blackstone sports ground on Lincoln Road, parked cars in this area cause a major congestion. This will coincide with traffic from the proposed Ryhall Road site,
- The proposed development is financially unsustainable with the proposed limited days and time usage set out in the planning application. It would therefore be reasonable to expect additional events/usage will happen and that traffic disruption to the residential area adjoining the site will not be limited to the few times of day set out in the planning application,
- Loss of privacy,
- Conditions should be imposed on any consent restricting the use of the car boot sales to not before 10:30 am on Sundays,
- If approved a condition requiring a public footpath to be provided from Kesteven Road should be imposed,
- Concerns re secret meetings taken place with the developer and members of SKDC,
- Concern that this is a 'done deal' as the field has been left unploughed,

- Concerns from smells from burger vans and catering facilities,
- Will the parking area be locked at night or will it be left open to be used as a race track by boy racers,
- The site is on a natural aqua-fill,
- Concern that local tax payers will be paying for the building, maintenance of the ground and services,
- Concerns relating to dust contamination during construction,
- There will be a visible intrusion from significant distances away from Stamford,
- We read in Stamford Mercury that "Action for Stamford Sports and Leisure Group" wants to increase the development to fit in with education and leisure needs for Stamford, and wanting a sports hall big enough for five tennis courts. Surely if this sort of development is needed in Stamford it should be built nearer to the schools. This would impose even more on our privacy. We already have one football pitch within 100 yards of our houses and feel there are better places that this could be sited.

In addition to the above objections a petition has been submitted signed by 220 people. The petition is opposed to the re-location of Stamford Football Club to the site adjacent to Ryhall Road for the following Reasons:

- Houses backing on to the proposed site have an unrestricted scenic view of open farmland and this along with the tranquillity of this area are the main reasons these houses were purchased, this outlook will obviously change for the worse if the new build were to take place.
- This is a very peaceful area virtually all the time, with the introduction of the proposed football field, stadium, social club, car boot sales, new roads this will change dramatically.
- Traffic along Ryhall Road us at certain times very congested. With the introduction of the football stadium there will be even more congestion.
- We already have Blackstone's Football Club in this area. So we certainly do not want another one.
- Summary – clearly, the proposed development will bring enormous problems with traffic congestion and vastly increased noise levels, all detrimentally affecting the environment and quality of life of the local population.

Ryhall Road Residents Association has made the following comments which are copied below:

"The following comments are on behalf of the Ryhall Road Residents Association

Our objections to site ADD43 are as follows: - Your comments regarding the town council response to workshops are incorrect.

The town council did not agree that site 'ADD43 would be suitable to leisure use which may include a football ground'
This was in fact the "Strategic Development Committees" response, at a meeting held on the 6th July 2011 to discuss local development frame work site allocations they stated 'we agree with recommendation that this would be suitable for leisure use and/or open space which might include a new leisure centre and new football ground. They also went on to say… "However we would suggest that any such use be located as far north-west of the site as possible to minimise the effect on this green field site, allowance should be made for a new access from Ryhall Road the Queen Eleanor School to enable future expansion of both the school and for leisure and sports facilities. Because of ongoing congestion of Green Lane and Kings Road down to Recreation Road and North Street, there should be restricted entry from these roads to this area Add43 and new entry should be from the new access road. The Strategic Development Committee acknowledges that

there is much local opposition to this change of use because of (a) the potential increase in traffic which will be generated by such change and (b) the further loss of existing agricultural land"

…. Prior to that, Stamford Town Councils meeting 15th December 2010 re additional site allocations stated in relation to ADD43 land west of Ryhall Road "it was observed that the identification of land on the consultation documentation from SKDC is incorrectly identified as East of Ryhall Road. It is in fact West of Ryhall Road. The Town Council recommends that this area is retained as open space".

We do not agree with SKDC Screening Assessment that this development would not give rise to nuisance, this development by its very nature is bound to bring disturbance to local residents who have purchased homes and lived for many years next to a agricultural and peaceful setting, the sighting of a foot ball stadium and associated facilities in this location is bound to disturb the tranquil nature of the area no matter what measures are taken to mitigate the affects of this development. "The proper angle of approach to the case of nuisance is rather from the standpoint of the victim of the loss or inconvenience than from the standpoint of the one who is responsible for the nuisance"…Watt v Jamieson 1954 S.C.56, 57-58 Law of Torts.

Landscape

Local Development framework item 3.1.18 states "Special attention is given to sensitive spaces around the edge of the historic town of Stamford" A development of this size and scale in this location would clearly not comply with these aims

Also SEA Directive 'to provide for a high level of protection of the environment and to the integration of environmental considerations into the preparation and adoption of development plans…with a view to promoting sustainable development' EU Directive 2001/42/EC(article 1).

It you accept the international definition of the phrase 'sustainable development' – development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This development will eat up agricultural land and will clearly have a detrimental effect on the area. Also your own Sustainability objectives "To maintain/enhance/protect the quality of the landscape character areas would not be met.

PPG24 Planning and noise

States new developments involving noisy activities should if possible be sighted away from noise sensitive areas. Para17 The secretary of state considers residential areas to be noise sensitive .Para 18. We note in Burghley's noise assessments that no mention has been made of noise generated for all weather training pitches, also car boot sales starting at 5am forty times per year on a Sunday morning, This is bound to course noise in what would normally be our quiet hours (evenings and weekends) To operate economically this 1500 seat stadium will have to expand into other areas to generate income, other functions will need to take place for it to be economically viable ,it's average gate of 200 will not support a site of this size, other venues will need to take place, the car park will need to expand to take account of more seats being sold this will bring more noise and traffic. Allowing this site to be developed would have un- acceptable consequences, therefore we do not agree with their conclusions that there would not be a detrimental effect on the nearest residential properties in terms of noise. It falls far short of the objectives of EN1..Items 2/7/9/10/11 and 14.

FIFA Football Stadium Technical Recommendations

Pre-construction decisions

Item 1.5 Environmental compatibility of stadium site states…"Proximity to existing residential areas is the most sensitive issue in the development of a new stadium and if possible this should be avoided" this has obviously not been considered.

Sap 10 /OSS2 Protecting existing open spaces

'Natural open space will act as a carbon sink to offset air pollution. This will impact positively on climate change' any development on this site ADD43 will contravene this.

Lighting

I note the Burghley's Estates Lighting Survey comments, 7.5 are 'subjective comments only'. Our view of the night sky at present over site ADD43 is one of total darkness and tranquillity, imagine how flood lights will alter this!

Visual

We do not believe this site if developed would be 'minor adverse' as Burghley's visual report states. When you consider the scale of development the loss of open space and physical features also that this land is agricultural having never been developed we strongly believe its effect would be 'major adverse'

Local issues

There is at present no bus service to this site of an evening also daytime schedules are infrequent. This would increase cross town traffic which is at present heavily constrained. Many members have told me they will resort to using cars to visit the new location or cease to support the club as they are resistant to the move, the club has been at its present location for approx 100 years, many members feel they are being 'forced out' and even if they protested, their views would not be listened to, many feel this move is a "done deal" and that Burghley Estates, which is a commercial venture, has too much influence in the running of this Market Town.

LDF guidelines

Contrary to what Burghley Estates have quoted as being in favour of the development we believe LDF guidelines would preclude development on site ADD43, this sites selection does not support policy SP3 it would not maximise use of public transport it will course increase in car journeys because of its location, there is also no- infra structure so support it.
SP1 is quoted in support of the application but this development will not maintain or support the town
SP2 It does not meet this criteria, this development will not protect or enhance existing community assets which are tranquil at present, and this development would comprise the quality of life for existing and future residents in this location
PPS7 Sites should reduce potential conflict between neighbouring land uses. Also 'Sustainable Development in rural areas', states that the best and most versatile agricultural land should be protected as a national resource for future generations. Considerable weight has been and is given nationally to the protection of such land which falls within grade 1, 2 and 3a.

We believe that the sustainability objectives that Burghley Estates claim to have met are purely subjective.

To summarise the site does not have the support of Stamford town Council .It does not have the support of Cllr J.Hicks L.C.C. or CllrBob Sandal S.K.D.C.Also it is in agricultural use i.e. open farm land and therefore classed as green field land it also lies outside settlement/development boundary therefore, needs to be considered in the context of 'open country side' Site lies within area formally allocated in SKDC as 'prominent area for special protection, an area of great landscape value' policy's EN3/EN4 however, now deleted and referred to PPS7 instead. Policy EN1 requires

no unacceptable impact as a result of traffic. Green field sites have to be considered in context of open country side policy's in national and local plans. The broad thrust and ethos of national, regional and local level planning policy is to direct most new developments towards urban centres and away from rural areas and the open country side. We consider the landscape character of this site to be of medium/high sensitivity. It is a water Protection Zone with a major Aquifer running under the site. Also the site is in open countryside and lies close to residential properties. It appears to us that this development would be contrary to the general aims of national, regional and local planning policy especially PPS7 and local planned policy EN2.
There should not be a presumption that this development is wanted or needed, it should not be forced on people who will be most affected by it , by people who will not suffer the negative affects that this development would bring. We also feel that this planning application should be looked at in the spirit of the soon to be legislated "Localism Bill" as this is very much a local issue.
Article 8 Human Rights: "Right to Respect for Private and family Life"," May also be relevant to decisions made in planning and environmental contexts. Environmental issues noise etc may come within the scope of Article 8 because they affect a person's enjoyment of their home".
Development of this predatory planning application is just part of a money making venture and has nothing to do with altruism,…and should be seen as such and refused!"

Officer Evaluation

The key issues in the determination of this application are Landscape/Visual Amenity, Highway Safety, Lighting, Noise, Ecology/Wildlife and Drainage / Flood Risk. These areas are assessed in detail below:

Landscape/Visual Amenity:

The application site is located on the northern edge of Stamford, on agricultural land to the north west of the A6121 Ryhall Road. The most northerly extent of the current built development of Stamford lies immediately to the south of the site, and the District boundary is located to the north. Built development along the southern site boundary primarily comprises residential development. To the west of the site lies agricultural land with the Queen Eleanor School and playing fields beyond. To the north of the site lies further agricultural land and a property known as Borderville House comprising a detached house and outbuildings.

The site comprises part of an agricultural field which falls from west to east and south to north. The topography is such that the land falls west to east from a height of approximately 60m AOD adjacent to Queen Eleanor School to 30m AOD adjacent to Ryhall Road. The site also slopes into a valley from a height of approximately 35m AOD adjacent to the existing residential development located to the south of the site down to a height of 30m AOD the land then rises to a height of approximately 37m AOD to the north of Borderville House.

The South Kesteven Landscape Character Assessment 2007 (LCA) indicates that the site is located within the 'Kesteven Uplands Character Area'. It includes a strong landscape pattern of woodland and hedgerows. It contains areas of sensitive landscape including the historic parks and areas around the edge of often picturesque villages. Away from the main transport corridors it is a relatively tranquil landscape.

Stamford Town Centre retains a strong historic character and this is protected by Conservation Area status. More modern development exists around the edge of the town, including residential and employment development. The settlement edges are varied, some providing a soft planted edge, and other areas that are more stark and regular.

The application is accompanied by a Landscape Character and Visual Impact Assessment. The assessment concludes that:

"Landscape Character

9.1 The development proposals will obviously change the character of the site and are not generally in character with most of the surrounding countryside.

9.2 Overall the proposals mean a loss of open land which cannot be fully mitigated by the landscape proposals. However, the quantity of native tree and shrub cover on the site will significantly increase which, together with the provision of new retention ponds, will combine to create a diverse landscape appropriate to the locality.

9.3 The overall residual effect of the proposals on the landscape character is therefore considered to be minor adverse.

Visual Amenity

9.4 For the significant receptors, the development proposals will mean replacing views across open land with views of buildings and sports stadium development, albeit in some cases viewed across, or from, the surrounding busy road network and also seen within a new landscape framework. Over the years, the proposed screen planting will improve views by creating a strong landscape structure and attractive framework which will help to blend the proposed development into the surrounding landscape. However, proposed planting will not achieve sufficient height to significantly screen the proposed development for approximately 15 to 20 years.

9.5 The effect during night time is most relevant for residents of Northfields housing estate due to the relative proximity of the development. As noted above, however, the use of appropriate light sources and equipment and adherence to best possible practice with respect to the lighting design throughout the development, will ensure that any negative impacts are mitigated against.

9.6 The overall residual effect of the proposals on the significant visual receptors, taking into account impacts at construction and all operational stages, is therefore considered to be minor adverse."

The Council appointed FPCR to undertake a critical appraisal of the landscape and visual elements of the application. The summary and conclusions of the FPCR appraisal are set out above in the representations received section of this report. FPCR has advised that although the methodology used in the applicants visual assessment followed a fairly unusual approach, with different terms to those commonly used in such assessments, the conclusions broadly match those that would have been reached with a more commonly used approach.

FPCR has advised that whilst the proposed development is likely to have some adverse landscape and visual effects the location and design of the development helps to minimise the adverse effects on the wider area. If the design approach outlined in the applications is followed, the main impact would be experienced very locally by residents of the Northfields housing estate, and Borderville. Views from the west would be more restricted by the rising landform and would not therefore be that significant.

Although there would be more open views towards the site form the east, such as those from the MacMillan Way, these views already contain the urban edge of Stamford, including the retail and

commercial development along Ryhall Road. The stadium would therefore be seen against an urban backdrop, reducing the potential effects of the proposal.

It is considered that setting the stadium low in the landscape and the topography of the surrounding area along with the proposed landscaping scheme will all help to minimise the overall impacts of the development. There will inevitably be some adverse impact on the local landscape and visual impacts from the development it is however considered that these will be limited to those areas directly adjacent to the site and that the wider visual impacts will be fairly restricted. It is recommended that a condition be attached to any consent requiring a detailed landscaping scheme and management plan to be submitted at the reserved matters stage. Although it is accepted that any landscaping scheme will take a significant amount of time to mature it will be essential in helping to assimilate the development into the surrounding landscape.

Concern has been raised that the site was formally designated as an 'Area of Great Landscape Value' under policy EN3 of the former South Kesteven Local Plan 1995 and that this designation was not maintained as part of the Core Strategy. It is however argued by the objectors that as this area was formally designated it demonstrates the important of the areas landscape value.

Former Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas has now been replaced by the National Planning Policy Framework. However this set out the relevant national planning policy at the time the Core Strategy was adopted. PPS7 stated at paragraph 25 that "Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned." Former policy EN3 related to an area of land covering most of the district and as such did not conform to the requirements set out in PPS7. When preparing the Core Strategy it was considered appropriate to replace policy EN3 with policy EN1, which is supported by the Landscape Character Assessment. In addition in this case the impact of the development upon the character of the landscape has been assessed on behalf of the Council by FPCR who have concluded that "overall the stadium appears to be well located in the landscape, and includes sensitive mitigation as part of its design. There will be some adverse local landscape and visual effects, such as those experienced by residents of Northfields immediately to the south, and Borderville to the north. The wider effects are however fairly restricted."

Highway Safety:

Access to the new stadium would be via a new priority junction with right turn facilities off Ryhall Road. In this location Ryhall Road is a single carriageway, the proposed access would be located just outside the existing 30mph speed limit.

The applicant has submitted a Transport Statement (TS) in support of the application which assess the traffic impacts from the proposals. The TS focuses on the impacts of traffic on Saturday afternoons when the club would have home games on match days and Sunday mornings when the car boot sale would take place.

In terms of sustainable means of transport the ground would be located within good walking distance of most of Stamford (2km). The site would also have good cycle links, with the whole of Stamford been within reasonable cycling distance (5km). The TS indicates that there are bus services (the 202 and 4 services) which operate along Ryhall Road, these services are however limited and would only be attractive for a limited number of spectators. The TS stated that exact figures for modal split for spectators at the existing ground on Kettering Road were not available

when the TS was prepared. However a previous survey undertaken at Wisbech Football Club which has some similar characteristics to Stamford and a similar level of support showed no spectators attending by public transport despite the ground being near to a bus route. The two predominant modes were walking (25%) and Car/Car passenger (72%).

The TS also acknowledges that the proposed stadium would be some distance from Stamford Railway Station which is located adjacent to the clubs existing ground. It is however stated that the club has a fairly local level of support and that rail travel is not a significant mode of transport for the clubs supporters.

On site car parking is provided to the front of the main stadium and the submitted indicative site layout plan shows just over 100 spaces (112). Provision for two dedicated coach parking spaces is also provided. It is considered that traffic flows to and from the proposed stadium are not likely to be significant other than for football matches and the car boot sale. The Lincolnshire County Council – Parking Standards require typically 1 space per 15 seats for stadiums such as this, in this case that equates to a car parking requirement of approximately 100 spaces. The local highway authority (Lincolnshire County Council) has been consulted on the proposed development and has raised no objections to the proposed development subject to the inclusion of conditions relating to highway improvements and parking facilities. The highway authority has also requested a S106 contribution of £3,500 towards the administration, advertisement, consultation and implementation for the alteration of existing traffic regulation orders adjacent to the development, this will include extending the existing 30 mph speed limit to include the proposed new site access. It is also recommended that a condition be attached requiring the developer to submit and implement a travel plan for the site. This will help to ensure that access to the site is sustainable and reduce the dependency on the car.

Lighting:

Concerns have been raised in relation to potential light spill from the external lighting and floodlights associated with the proposed development. A lighting Strategy and a Spill Lighting Study have been undertaken in relation to the proposed development. The Council's Environmental Protection Officer has reviewed the findings of these reports and has indicated that the potential impacts from the lighting can be suitably mitigated through the imposition of conditions restricting the hours of use of the floodlights so that they are not switched on between the hours of 22:30 and 07:30 hours. In addition it is also necessary to attach a condition requiring an updated light spill study to be submitted at the reserved matters stage. This is required in order to ensure that the details submitted at the reserved matters stage comply with the original details contained in the Spill Lighting Study undertaken by dpa lighting consultants on 13th December 2011.

The site is currently an agricultural field located on the edge of the built form of Stamford. Any development will inevitably have some impact in terms of light spill it is, however, considered that if the recommended conditions are attached to any consent the potential impact from light pollution can be suitably control and will not result in any significant adverse impact on the residential amenities of local resident.

Noise:

An external noise assessment has been submitted by the applicants in support of the proposed development. The proposed development would be located approximately 75m to the north of the existing residential development on the Northfields estate located to the south of the application site. The south stand of the proposed development would be cut in to the ground. This create an acoustic bund approximately 9m high with respect to the proposed pitch level and 2m high with respect to the adjacent housing. Borderville Farm is located approximately 160m from the north of the site and 190m from the proposed north stand.

The Council's Environmental Protection Officer has been consulted and has raised no objections to the proposed use. As this is an outline application the submitted survey has made some assumptions in relation to the form the final development may take and the positioning of a tannoy system within the development. Whilst it is considered that this demonstrates that the potential noise from the development can be mitigated against it will be necessary to attach a condition to any consent requiring an updated noise assessment to be submitted at the reserved matters stage. It will also be necessary to attach a condition limiting the noise output level of any tannoy system.

When considering the potential impacts of noise from the development it is relevant to note that the highest noise levels from the proposed development are likely to only occur for relatively short periods of time during matches, which usually occur once or twice a week during the course of the football season.

Some concerns were also raised in relation to the cumulative impact from noise in relation to the nearby Blackstones Football Club which is located approximately 250m to the south of the application site on Lincoln Road. It is however considered that given the separation distance from the application site and the attenuation measures proposed that the cumulative impact will not result in such an increase in noise and disturbance to warrant refusal of this application.

It is considered that the proposed sound insulation measures and the proposed bunding for the stadium will also ensure that the proposed use of the function rooms would not adversely affect the occupants of the nearest residential dwellings.

In relation to potential noise from the car boot sales the submitted noise assessment considers the main sources of noise at such events to be from vehicles arriving and leaving the site, setting up the sales area and some noise from the attendees. For the residents located to the south of the site the proposed bund and stands would provide significant acoustic screening between the car park and car boot sales area. In relation to Borderville Farm the noise assessment indicates that the noise levels would be below the existing measured noise levels. The Council's Environmental Protection Officer has therefore raised no objections subject to conditions been attached to any consent restricting the number of days in the year the car boot sales can be undertaken, limiting the car boot sales to between 06:30 and 17:00 hours and a condition ensuring that the tannoy system to be installed in the stadium is not used in conjunction with the car boot sales.

Ecology/Wildlife:

The application is accompanied by an ecological survey which indicates that the site is not of significant biodiversity interest, supporting no notable plant communities, with no rare plant or animal species recorded. The survey notes that hedgerows are a priority in the UK Biodiversity Action Plan (BAP). There are a number of hedgerows which boarder the site and these are to be retained as part of the development. Most of the hedgerows at the site are dominated by hawthorn and blackthorn and are not especially diverse, thought they are likely to be of importance for nesting birds, invertebrates and small mammals. They could also be of value in acting as potential habitat corridors for foraging bats, birds, invertebrates and small mammals. None of the mature trees at the site supported any obvious evidence of bat roosts with no significant deadwood features on them.

Following consultation Natural England and Lincolnshire Wildlife Trust raised no objections to the proposed development. Lincolnshire Wildlife Trust (LWT) has indicated that provided the recommendations of the consultant's report are followed there should not be any significant negative impacts on protected species. LWT has indicated that they are pleased with the overall plan for the site which includes lots of native species of tree planting and shrub planting. It is considered that subject to conditions relating to landscaping details being submitted at the reserved

matters stage and tying the application to the mitigation measures specified in the ecology report the development will not have any significant adverse impact on the local wildlife or ecology. It is in fact considered that the development offers an opportunity to improve the wildlife habitats within the site through the extensive landscaping.

Concern has been raised in relation to the loss of good quality agricultural land. The National Planning Policy Framework advises that when determining planning application "local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

Agricultural land is graded using the Agricultural Land Classification (ALC) Grades. Grades 1, 2, and 3a are considered to be the best and most versatile agricultural land where as grades 3b, 4 and 5 are considered to be poorer quality.

A detailed survey of the application site has been undertaken and this indicates that there is a mix of Grade 3a and 3b agricultural land across the site. Grade 3a - good quality agricultural land is considered to be land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops. Grade 3b - moderate quality agricultural land is considered to be land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

The survey undertaken by the applicants indicate that the majority of the site (78%) comprises of Grade 3b land i.e. not the best and most versatile agricultural land. Accordingly it is considered that the proposed development would not result in the significant loss of the best and most versatile agricultural land.

The Council's Consultant Arboriculturalist has raised some concern at the loss of a mature horse chestnut tree and advised that it would be desirable to retain the tree. Whilst it is not possible in this case for the tree to be retained it is considered that the significant landscaping proposed for the development will more than mitigate the loss of this tree.

Drainage / Flood Risk:

Anglian Water and the Environment Agency have been consulted and both have raised no objections to the proposed development subject to conditions requiring foul and surface water strategies to be submitted in order to ensure that a satisfactory drainage system is installed to prevent increased risk of flooding and to protect the water quality.

Other Issues:

A number of objection letters including the one from the Ryhall Road Residents Association makes reference to the site as ADD43. This reference comes from the Council's Sites Allocation and Policies Development Plan Document – Evidence Document October 2011. This is a document which is produced as part of the Council's evidence base for assessing sites to put forward in the Sites and Policies Allocation Document. Site ADD43 was not put forward by the planning policy team for any allocation purposes. The assessment undertaken at that time did however indicate that the site may be suitable for recreational use and or open space uses, if Highway Authority Concerns could be overcome.

The Site Allocations and Policies DPD has been submitted to the Secretary of State and will be going through the Public Examination towards the end of this year. Concerns have been raised that determination of this application prejudices that process and that the application should not be determined until that Examination has taken place. As the application site has not been put forward as one of the Council's preferred options within the Site Allocation and Policies DPD and the fact that the development would be in general accordance with the policies contained within the Council's adopted Core Strategy it is considered that it would not be premature for the Council to make a decision on the application at this time.

Concern has been raised that the FA's rules do not allow two football grounds to be within 1 mile of each other. Whilst this may or may not be an issue for the FA it is not considered to be a material planning consideration relevant to the determination of this application.

Concerns have been raised in relation to the potential impact on archaeological remains. Heritage Lincolnshire has been consulted and advised that they have no objections to the proposed development although a condition is recommended requiring a scheme of works detailing measures to mitigate the impacts of the development on archaeological remains.

Concern that there will be adverse smells from burger vans servicing the site. It is considered that given the separation distance from the nearest residential properties this will not result in any significant adverse impacts.

Issues relating to loss of views from residential properties, loss property values and potential to extend residential gardens are not considered to be relevant material considerations in the determination of this application.

Conclusion:

Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that given the topography of the surrounding area, setting the stadium low in the landscape and the proposed landscaping scheme it is possible to accommodate the proposed development on the site and that subject to conditions it will not compromise the character and appearance of the surrounding area.

Noise, light pollution and highway safety are also significant consideration in the determination of this application but it is considered that subject to the proposed conditions been attached to any consent the potential impacts can be suitably controlled and mitigated.

Development of the site for use as a football stadium and for the use of the car parking for car boot sales is in general accordance with the guidance set out in Sections 1, 4, 7, 8, 10, 11 and 12 of the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, and E1 of the adopted South Kesteven Core Strategy 2010.

Section 106 Heads of Terms

The Local Highway Authority has requested a Section 106 contribution of £3500 towards the administration, advertisement, consultation and implementation for alterations to the existing traffic regulation orders adjacent to the development.

In addition Rutland County Council Highways has requested a contribution of £10000 towards traffic calming in Essendine and control the dispersion of deleterious material onto the highway at the site.

Crime and Disorder

It is considered that the proposed development will not result in any significant increase in crime and disorder. The Crime Prevention Officer has recommended a condition in relation to designing out crime be attached to any consent.

Human Rights Implications

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

It is considered that evaluation of the application set out above has taken into account the relevant Articles of the Human Rights Act 1998 and that subject to the conditions and mitigation measures proposed no relevant Article of the act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that given the topography of the surrounding area, setting the stadium low in the landscape and the proposed landscaping scheme it is possible to accommodate the proposed development on the site and that subject to conditions it will not compromise the character and appearance of the surrounding area.

Development of the site for use as a football stadium and for the use of the car parking for car boot sales is in general accordance with the guidance set out in Sections 1, 4, 7, 8, 10, 11 and 12 of the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, and E1 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on ecology and wildlife, light pollution, noise and disturbance, drainage and that the development would have a detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

RECOMMENDATION: That That the development be delegated to the Development Managmenet Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached condition(s). Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks port the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcomming:

1. The development hereby permitted shall be commenced before the expiration of five 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.

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

   (a) layout;
   (b) scale;
   (c) appearance; and
   (d) 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.

3. Details of the proposed floodlighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building(s) are occupied. The development shall be carried out in accordance with the approved details.

   Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. No development shall take place until:-

   (i) A detailed assessment of ground conditions of the land proposed for the new football pitches as shown on drawing number.....shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

   (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate pitch drainage measures) shall be submitted to and approved in writing by the local planning authority after consultation with Sport England.

   The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the local planning authority.

   Reason: To ensure that the playing field is provided to an acceptable quality and standard.

5. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to

the completion of the development.

Reason: To encourage additional biodiversity within the development in accordance with policy EN1 of the adopted South Kesteven core Strategy 2010.

6. The application for approval of reserved matters shall include provision for emergency fire appliances to directly access not less than 15% of the perimeter of the stadium, or provision for emergency fire appliances access to a point no more than 45 metres from any part of the stadium, and the development shall be carried out as approved.

Reason: To ensure that the development can be satisfactorily served by emergency vehicles in the event of a fire.

7. No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

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

8. No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the local planning authority.

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

9. Prior to the submission of Reserved Matters applications a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved surface water drainage scheme including any maintenance obligations set out therein.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

10. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason: To ensure that the development incorporates the principles of secured by design to improve community safety and to help prevent crime in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

11. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

12. 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 local planning authority 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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).

13. No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning authority to retain control of these important details in the interests of the visual amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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).

15. Before development is commence on site all existing trees and hedgerows to be retained as part of the development shall be fenced off to the limit of their branch spread, in accordance with a tree and hedgerow protection scheme to be agreed in writing by the local planning authority. The protection scheme shall include a detailed plan of those trees and hedgerows to be retained as part of the development. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

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

16. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the local planning authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

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

17. Before the access is brought into use the land between the highway boundary and the vision splays indicated on drawing number 4309/01/30 dated 14/10/11 and in the text of the Transport Statement accompanying the application shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road 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.

18. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

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

19. No development shall take place before a scheme has been agreed in writing by the Local Planning Authority for the construction of a 2 metre wide combined footway/cycleway along the frontage of the site linking the existing provision to the north at Borderville Cottages, and extending southwards to Rutland Road, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before the development is occupied or in accordance with a phasing arrangement to be first agreed in writing with the Local Planning Authority.

Reason: To ensure safe access to the site and each building in the interests of amenity, convenience and safety and in accordance with the stated aims within the Transport Statement and Travel Plan to cater for all modes of travel.

20. No development shall be commenced (apart from those works identified on drawing number 4309/01/30 or as specified) before the works to improve the public highway (by means of providing a ghost island right turn facility and 2m combined footway/cycleway, together with all drainage and ancillary works all in accordance with the Design Manual for Roads and Bridges TD42/95) have been certified complete by the Local Planning Authority.

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

21. Prior to the occupation of the development hereby permitted an updated Travel Plan shall be submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: A Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

22. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: The submitted Preliminary Investigation Report undertaken by Soiltechnics indicated a potential for ground gases 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 Planning Policy Statement PPS23 (Planning & Pollution Control).

23. When details are first submitted at the reserved matters application stage they shall include an updated light spill study. The updated study shall demonstrate that the external lighting to be installed on site will be in accordance with the details contained in the Spill Lighting Study undertaken by dpa lighting consultants on 13th December 2011 and the Lighting Strategy dated 3rd June 2011, unless otherwise agreed in writing by the local planning authority. The lighting shall only be installed in accordance with the details as approved.

Reason: This is an outline application and the details submitted only provide indicative information. The Council wish to ensure that the external lighting when installed will not result in any excessive light spill in order to protect the visual amenity of the surrounding area and the residential amenities of the occupiers of adjacent dwellings in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

24. Notwithstanding the submitted information when details are first submitted at the reserved matters application stage they shall include an updated external noise assessment. The updated study shall demonstrate that the final detailed design of the development complies with the assumptions contained in the External Noise Assessment undertaken by Walker Beak Mason dated 22 June 2011. Where necessary the revised assessment shall provide additional mitigation measures to ensure that the final development does not result in any adverse impact from noise and disturbance.

Reason: This is an outline application and the details submitted only provide indicative information. The Council wish to ensure that the noise from the proposed development is sufficiently mitigated against and that it will not result in any excessive noise and disturbance to the residential amenities of the occupiers of adjacent dwellings in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

25. The tannoy system, to be installed within the football stadium hereby approved, shall not exceed a noise output level of 78dB LAeq.5min and 97 dB LAmax,f at a distance of 10m.

Reason: To ensure that the development does not resulting in noise and disturbance to the occupiers of the adjacent residential properties and in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

26. No stadium tannoy system or any other public address system shall be used in connection with the use of the site for car boot sales events.

Reason: To ensure that the development does not resulting in noise and disturbance to the occupiers of the adjacent residential properties and in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

27. Notwithstanding the submitted information there shall only be a maximum of 30 Car boot sale events held at the site in any one calendar year.

Reason: To ensure that the development does not resulting in noise and disturbance to the occupiers of the adjacent residential properties and in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

28. The car boot sales use hereby approved shall not be used for the purposes authorised by this permission outside the hours of 6:30 and 17:00 hours.

Reason: Operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents.

29. No external generators shall be used on site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development does not resulting in noise and disturbance to the occupiers of the adjacent residential properties and in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

30. The floodlights for the stadium and the training pitches shall not be used between 22:30 hours and 07:30 hours.

Reason: To ensure that the development does not adversely impact on the residential amenities of the occupiers of adjacent dwellings and to minimise the visual impact of the development on this countryside location in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

31. When the details of the 'Reserved Matters' are submitted in relation to condition 2 above the details shall comply with the themes and design principles set out in the supporting Design and Access Statement submitted with this outline application. The stadium shall be also designed to fall within the scale parameters set out in the outline submission.

Reason: To ensure that the final development takes the form envisaged by the local planning authority when the outline application was approved.

32. No development shall take place until a scheme detailing the method and arrangements for the deposition of soil on adjacent land, in the applicants control, and the removal of sub surface material off site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
(i) details of the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;
(ii) details of any subsurface material to be removed from the site and precise details of where and how the material will be disposed of;
(iii) details of the proposed routing arrangements for vehicles removing material from the site. The development shall be carried out in accordance with the approved details.

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

Reason: This is an outline application and the Council wish to ensure that the soil is disposed of in an appropriate manner in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

33. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

Informative(s)

A. Prior to occupation of the development, the existing Traffic Regulation Orders are to be amended in accordance with a scheme to be agreed in writing by the local planning authority. This includes extending the existing speed limit.

B. Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

C. No works shall commence on site until a Section 278 Agreement of the Highways Act 1980 has been entered into with the local highway authority Lincolnshire County Council to provide a ghost island right turn facility and 2m combined footway/cycleway together with all drainage and ancillary works.

D. In relation to condition 20 above relating to the submission of a Travel Plan, the following sections will require addressing as part of the re-submission prior to occupation:

Section 2.

Additional information is needed in this section setting out the frequency of home games expected to be held at the proposed stadium and any other use that is expected to take place. Estimations of the number of supporters attending matches should also be included. Also expected numbers of visitors arising from any other use should be included. This information is necessary to ensure that the travel plan is read and actions in the correct context and the potential impact of the proposed development is understood.

Section 6.
Travel information provided to both home and away supporters should include information on sustainable modes of travel before giving directions for those travelling by car to matches. In particular, given the connections, rail travel is an option that should be promoted to away supporters and to home supporters travelling to away fixtures.

Section 8.
Travel to the existing ground can be used as a baseline until the first travel survey is undertaken. The Football Club and Travel Plan Coordinator will need to try to ensure that existing levels of sustainable travel are maintained following the move, and then built upon in order to meet the agreed targets.

E. The applicants attention is drawn to the attached letter and guidance from Sport England.

F. This consent should be read in conjunction with the Legal Agreement (S106) dated

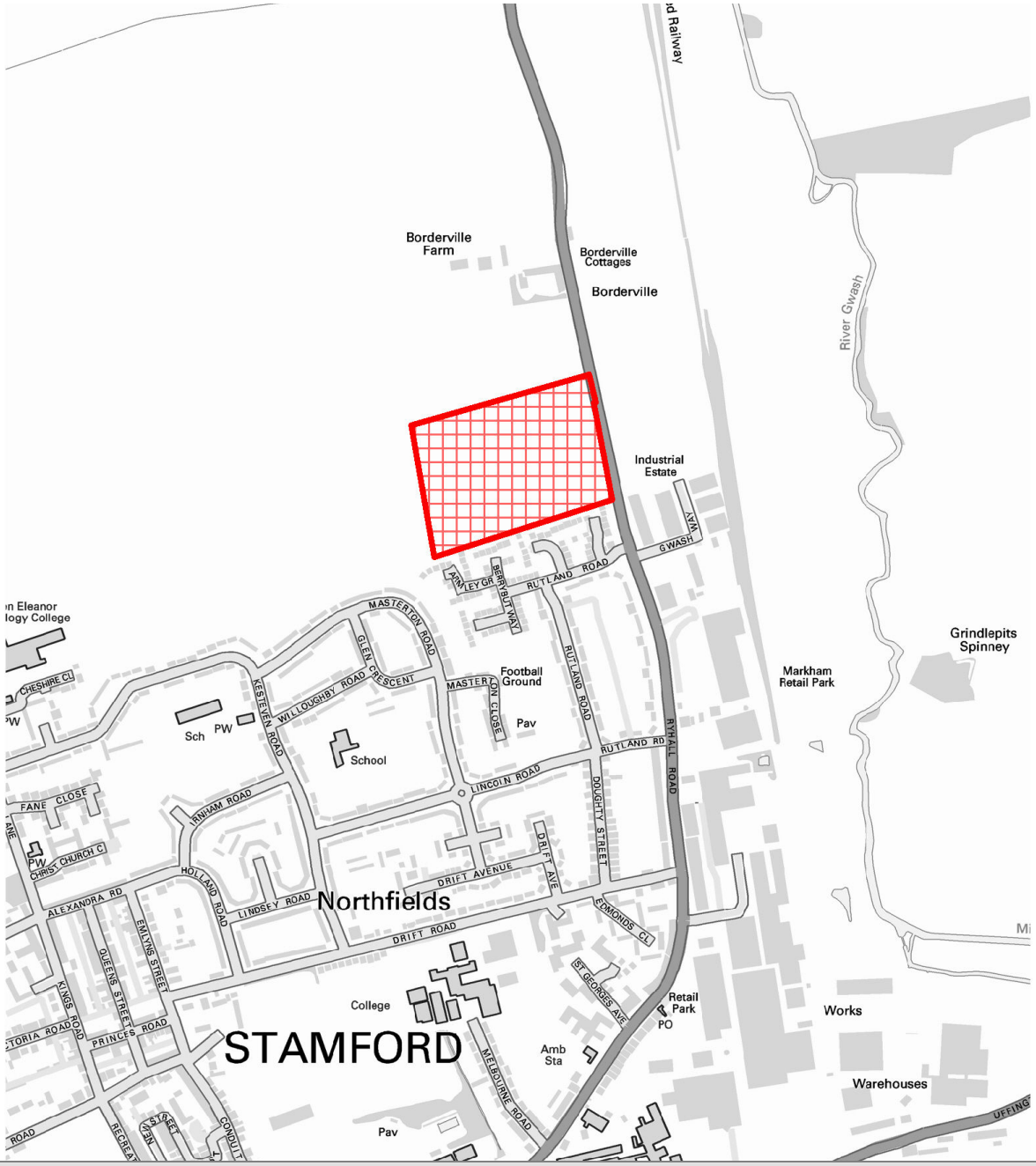
G. The applicants attention is drawn to the attached comments of Lincolnshire Wildlife Trust that should be taken in to consideration when submitting the reserved matters details.

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

I. The applicants attention is drawn to the attached letter from the Environment Agency.

* * * * *

Site Location Plan	
Ref	**S11/2288**
Proposal	**Development of football stadium with capacity for 1500 spectators, with associated infrastructure and facilities to include multi-use training pitch, clubhouse and function rooms, and ancillary office/administrative space. Provision of car and coach parking area with additional use for car boot sales on up to 40 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations**
Location	**Land west of, Ryhall Road, Stamford**



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JJ3 **S11/2300/MJRO** Target Decision Date: 30-Dec-2011

Applicant	**Stamford AFC/Burghley House Pres Trust** c/o agent
Agent	Insight Town Planning Ltd The Stables, Sutton Bassett, Market Harborough, Leic, LE16 8HL
Proposal	**Demolition of existing football club buildings and structures. Residential development with associated infrastructure, including new means of access with Kettering Road.**
Location	**Stamford AFC, Kettering Road, Stamford, PE9 2JS**
App Type	Major Outline (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent conservation area or listed buildings. Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy. The site is located on the edge of Stamford and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

Key Issues

- Layout and access
- Loss of the football ground and provision of open space
- Housing land supply and principle of development
- Noise and vibration from the adjacent railway line
- Accessibility

- Provision of affordable housing
- Impact on residential amenity
- Impact on setting of adjacent listed buildings and conservation area

Technical Documents Submitted with the Application

- Application form
- Planning statement
- Design and access statement
- Statement of community involvement
- Archaeological assessment
- Ground investigation
- Floodrisk/drainage assessment
- Transport assessment
- Topographical survey
- Almshouses elevation
- Site location plan
- Illustrative site layout
- Existing site sections
- Illustrative street elevations
- Illustrative dwelling mix
- Illustrative development layout – site constraints
- Proposed access
- Cross section to station
- Amended plans to Kettering Road elevation

REPORT

The Proposal

This is an outline application for the demolition of the exiting football club buildings and structure at the Stamford AFC site on Kettering road in Stamford. The application also includes the redevelopment of the site with residential development and associated infrastructure, including a new access on to Kettering Road.

Although the application is only in outline form the accompanying plans and design and access statement indicate that a total of 54 units could be provided on the site in terraces, detached and semi-detached pairs, along with a building providing flats.

The indicative layout shows 82 off-street parking spaces being provided. This represents 1.5 spaces per dwelling. The indicative layout shows a row of terraced properties fronting on to Kettering Road, providing a strong frontage to the development. Within the site the dwellings front on to the roads and courtyard areas. Towards the northern boundary of the site the application proposes a row of terraced and semi-detached properties along with a block of 1-bed flats. The built form of these properties runs parallel to the railway line which lies in a cutting directly to the north of the site.

The proposed development provides for a mix of single storey, two and three storey properties throughout the site. The indicative heights of the buildings range from 6.6m to 11.5m to the ridge height. Whilst appearance is a reserved matter the illustrative cross-sections indicate a possible design approach. The D&S indicates that “the site warrants a high quality scheme with extensive use of natural stone, good quality slate and good quality timber casements or sash windows.”

The proposed access to the site would see the closure of the existing access point to the football ground and the creation of a new access point further west on Kettering Road. The access would be 5m wide with 2m footways to either side.

This application is linked to two other applications, S11/2283 which seeks outline construction of affordable housing on land at Barnack Road Stamford and application S11/2288 which seeks to construct a new football stadium for Stamford AFC on land to the north of Stamford on Ryhall Road The three schemes are all linked together and form one large development. The applicant has requested that the affordable housing element due on the Kettering Road site be put in an off-site location on Barnack Road in order to ensure that the affordable housing contribution does not affect the overall viability of the developments.

The Application Site and its Surroundings

The application site is located towards the southern edge of Stamford on the northern side of Kettering Road. The site is currently occupied by Stamford AFC and comprises a full size football pitch, single tier football stand, various prefabricated clubhouse and administration buildings, dug-outs, lighting columns and car parking. The site has a total area of approximately 1.5 hectares

The site is situated on a raised plateau created by the construction of the railway cutting located directly to the north of the site. Stamford Station (Grade II Listed Building) lies directly to the north of the site within Stamford Conservation Area which runs along the sites northern and eastern boundaries. There are a number of stone cottages located to the east of the application site several of which are Grade II Listed Buildings.

Fryers Callis, a terrace of Grade II Listed almshouses is located towards the south east corner of the site. Directly to the south of the site on the opposite side of Kettering Road there is an area of open paddock / field. Located to the west of the site lie the tennis courts and cricket pitch associated with Stamford Junior School with the main school complex beyond.

Relevant Site History

SK.69.412.74.688 – In September 1974 planning permission was granted for a clubhouse for Stamford Football Club.

S.69.821.80.1435 – In July 1980 planning permission was granted for alternations and extensions to the clubhouse.

S.69.1254.80.2211 – In November 1980 planning permission was granted for the erection of 6 floodlight pylons at the Stamford A.F.C site.

SK.97/1146/69/47 – In January 1998 planning permission was granted for the erection of a 2.4m high fence to the north and west side of the football ground.

Policy Considerations

National Planning Policy Framework:

Section 1: Building a strong, competitive economy
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
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

South Kesteven Core Strategy 2010:

Policy SP1 – Spatial Strategy
Policy SP3 – Sustainable Integrated Transport
Policy SP4 – Developer Contributions
Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN2 – Reducing the Risk of Flooding
Policy EN4 – Sustainable Construction and Design
Policy H1 – Residential Development
Policy H3 – Affordable Housing

Local Development Framework for South Kesteven: Site Allocation and Policies Development Plan Document Submission October 2011:

Policy STM1: Housing Allocations in Stamford

Representations Received

Stamford Town Council:

1) The Town Council believe that any development on this site should be low density,
2) We object strongly to 3 storey buildings in the site,
3) The Committee have serious concerns about the increased traffic on Kettering Road where some traffic light control should be considered as part of a S106 agreement,
4) We would like to see a disabled access provided to platform 2 to Stamford Railway Station. As part ofS106 agreement.

Network Rail:

"Thank you for your letter of 13/10/2011 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Given the size and proximity of the development site to the railway station it is considered appropriate that a contribution is sought from the developer towards station facility improvements. We would be happy to discuss possible improvements to the station with the council as part of any S.106 package as the application is processed.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before the development can commence.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening

purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Lighting
Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice."

LCC Children's Services:
"Having reviewed the latest projections for Stamford in both the primary and secondary sectors we feel that across the town there is sufficient capacity available but it is noted that this capacity is decreasing in future years therefore future development beyond that with current consent and this development are likely to see an education request made."

Peterborough City Council – Planning Services: - No comments or observations in relation to the development.

Environment Agency:

“The proposed development will only be acceptable if the following planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition 1
Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

Condition 2
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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

Condition 3
No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

The sewerage undertaker should be consulted regarding the availability of capacity in the foul water sewer. In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. A review may be required depicting how the infrastructure operates within environmental limits and in light of forecast demand for these facilities.

Condition 4
All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason To prevent pollution to the water environment.”

Lincolnshire Police – Crime Prevention Design Advisor:

No objections subject to following condition –

"The development hereby permitted shall incorporate measures to minimise the risk of crime ad to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason: In the interest of security and crime prevention."

Community Leisure Officer: - Requests an off-site Section 106 contribution of £32,576 towards play equipment in the vicinity of the development.

Partnership Projects Officer (affordable housing):

"AFFORDABLE HOUSING REQUIRMENTS ON PLANNING GAIN SITES

- 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 following has been agreed with regards to the affordable housing requirement:-

- That 35% affordable housing to be provided off site at Barnack Road, Stamford.
- Agree with the Council in writing the location, size, type and tenure of affordable unit to be provided.
- A minimum of 60% of the affordable housing to be social/affordable 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).
- 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.
- All social/affordable 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 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 commuted off site affordable housing units).

Discussions have taken place with regards to the provision of the affordable housing units on Barnack Road, Stamford and planning application S11/2283 has been submitted.

Should the Barnack Road, Stamford site not proceed further arrangements will be required either to provide the 35% affordable housing units on site or a further site capable of providing 35% affordable housing units commuted off site within Stamford."

Planning Policy Team:

"This application is linked to application nos: S11/2288 for the relocation of the football stadium and facilities to a new site off Ryhall Road and S11-2283 for the development of 19 affordable homes at Barnack Road in Stamford. My comments below relate to this application specifically however they should also be considered in conjunction with comments of the Planning Policy and Partnerships team in relation to the other two applications.

My consideration of the policy implications of the principle of the development proposed by this application focus upon the following key issues:

- Suitability of the site for residential development in light of national policy (PPS3); adopted Core Strategy Policies SP1 and H1; and the emerging Site Allocation and Policies DPD (particularly policy STM1)
- National and local Planning Policy regarding the retention and provision of playing fields and open space (PPG17)
- Maintaining a five year supply of deliverable housing land
- Whether the details of the proposal meets policy requirement in terms of affordable housing provision and phasing

The application site is currently in use as a football stadium accommodating Stamford Town FC. Because of the way the site has been used and developed I consider it is brownfield (in accordance with Annex B of PPS3 Housing: 'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'). The site is well located, being within the existing built up part of the town and located close to many local facilities including the town centre, the railway station and local schools, it is therefore considered a sustainable location for development.

The adopted Core Strategy establishes in policy SP1 that new development which maintains and supports the role of the Stamford as a market town will be allowed. The policy also gives priority to development of sustainable sites within the built up part of the town, which do not compromise the nature and character of the area and to sites which are allocated for development in the Site Allocation and Policies DPD. Policy H1 of the adopted Core Strategy considers the delivery of housing across the district. The policy seeks to maintain a modest development rate (55 hpa) for Stamford. The policy establishes that over the 20 year plan period some 1140 homes should be built in Stamford. This development will be delivered by sites with planning permission and on allocated sites identified in the Site Allocation and Policies DPD.

The Site Allocation and Policies DPD is not yet adopted, however the submission version of the plan has been published for a six week Representation Period prior to being submitted to the Secretary of State by the end of this year. A Public Examination will be held next year to consider whether the DPD is sound. As part of that Examination the Planning Inspector will consider the merits of those sites which have been allocated as well as any other competing site. It is expected that the DPD will be adopted later in 2012.

The Site Allocation and Policies DPD identifies the site which is subject to this planning application as a housing allocation (Policy STM1d) for 50 houses. However the policy also makes it clear that redevelopment of this site must be linked as part of a comprehensive proposal for the relocation of the football club, and that development on site cannot commence before a new ground is available and occupied by the football club. For this reason the development of the site is allocated to the 2nd phase of the plan period 2016-2021.

Given the advanced stage of the DPD any application for a site allocated within the DPD would be considered as premature and prejudicial to the Public Examination Inspector's considerations, however in view of the nature and location of the existing football club site in Stamford as a "sustainable site within the built up part of the town" I consider the proposal is in accordance with the requirements and definitions of sustainable development set out in PPS3 and in Core Strategy policy SP1. The site also meets the locational criteria set out in the supporting text for policy H1 of the Core Strategy, and will contribute to the delivery of housing within Stamford in accordance with policy H1. Granting planning permission for the site at this time is however contrary to the phasing policy included in the emerging SAP DPD, and consideration should be given to the implications of releasing the site in advance of the phasing suggested.

PPG17 Planning for Open Space, Sport and Recreation provides the national policy for the consideration of proposals for playing fields and open space. One of the main objectives of PPG17 is to ensure the availability of sufficient, adequate and appropriate open space and recreation spaces for all, and promotes the idea that, where appropriate, existing playing fields should be protected. The intentions of the national policy are reflected within policy EN1 of the adopted Core Strategy and in policy SAP10 of the emerging Site Allocations and Policies DPD.

Where a playing field is to be lost to development, the PPG advocates the need for replacement provision which is at least as accessible to current and potential new users and of at least equivalent in terms of size, usefulness, attractiveness and quality. My comments on the application for the replacement stadium consider these issues in more detail, however in respect of this application: the redevelopment of an existing football stadium will result in the loss of the playing field. However the associated application S11//2288 proposes a new football stadium and facilities on new site as a replacement for this loss. If approved, the new site would replace the old with additional playing fields and better associated facilities, therefore the replacement would satisfy the requirements of the PPG in terms of ensuring no net loss of playing field within the town.

The Council has prepared a five year land supply paper for the period 2011-2016. This reveals that across the district there is considered to be 4 years supply of deliverable housing land. Whilst this falls slightly short of the recommended five years supply, this is largely because there are currently no new allocated sites available for housing development. The current small deficit in the five year supply is to be expected at this stage in the plan preparation process, and will be addressed in the very near future when the SAP DPD is adopted later next year, as this plan will provide sufficient allocated land to meet the housing need identified in the Core Strategy. This land will be released in a phased manner to ensure a continual supply of available and deliverable land.

Policy H3 of the adopted Core Strategy requires housing sites to provide for up to 35% of the site capacity as affordable housing. The proposed capacity of the application site is 55 homes and applying policy H3 results in the need for 19 homes to be provided as affordable units. The applicant has, however, demonstrated that the constraints of the redevelopment of the site together with the associated costs of providing the replacement football club facilities, make the provision of affordable housing on the site unviable. To compensate, a proposal for 19 – 20 affordable homes on a different site nearby has been submitted (application ref S11/2300) alongside this application. Separate policy comments have been prepared about this proposal. However in principle the scheme is considered acceptable. If that application is approved it would satisfy the requirements of the policy H3 of the Core Strategy as an off-site affordable housing provision for this application.

As such, the granting of planning permission for each application should be clearly linked, and development of the affordable housing on Barnack Road should be required to be delivered concurrently with market housing on the football club site. It must be made clear that the provision of affordable housing on this site is an off-site provision, without which the application proposal for the football club is contrary to policy H3 of the adopted Core Strategy. It is, therefore, important to stress that without the approval and appropriate conditioning of application S11-2283, this application S11/2300 would be rendered contrary to policy.

In conclusion I consider that this application on its own, without the appropriate replacement football stadium and the off site affordable housing is contrary to policies H3 and EN1 of the adopted Core Strategy and policies STM1 and SAP10 of the emerging SAP DPD. It would also be contrary to the objectives of PPG17 in respect of protecting playing field provision. However if the associated applications (referenced S11/2283 and S11/2288) are approved and conditioned appropriately these policy objections will be addressed and the application can be considered to be in accordance with adopted policy.

In particular it is essential that the following issues are satisfactorily concluded:

- The need to ensure the acceptability and therefore approval of application ref S11-2283 for affordable housing on a separate site off Barnack Road, approval must be conditioned to ensure the appropriate timing of the development of the affordable housing in relation to the development of market housing on the application site; and
- The need to ensure the acceptability and approval of application S11/2288 for the relocation of the football ground and stadium. Restricting the start of any work to implement the application housing application (S11/2300) to the completion and occupation of that proposal, stressing that no development should take place on the current football club site until the new facility is completed and occupied by Stamford Town AFC."

Sports England:

Thank you for consulting Sport England on the above applications. Sport England's responses to both applications are included in this letter, given the clear links between these two applications.

a) Residential development at Kettering Road
The site forms part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453).

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific exceptions applies."

The exceptions to this policy relate to the following:-

E1 - A proven excess of provision.
E2 - The use is ancillary to the playing field.
E3 - The site is incapable of forming part of a pitch.
E4 - Equivalent or better replacement will be provided elsewhere.

E5 - An alternative sports use is proposed, outweighing loss

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The Planning Statement indicates that there is an intention to prepare a section 106 agreement to ensure that the residential development on the current football club site does not commence until the replacement playing fields and new stadium are available for use at the proposed new site at Ryhall Road. The area and scope of the facilities on the new site will more than compensate for the loss of the existing site, as the area is approximately doubled from about a hectare to 2 hectares. This will therefore satisfy exception E4 above.

In conclusion, although Sport England is aware that it is intended to use a suitable Section 106 agreement to address our concerns, Sport England wishes to maintain a statutory objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered or arrangements are confirmed on replacement provision. Sport England can confirm that once a suitable section 106 agreement or other legal mechanism has been signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

If the Council was inclined to approve the application in the absence of a suitable legal agreement the application should be referred to the Government in accordance with The Town and Country Planning (Consultation) (England) Direction 2009. "

English Heritage: - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer:

"I have considered the revised drawings and additional information submitted for the proposed redevelopment of Stamford Football Ground and have to advise that whilst these in some instances address the concerns I expressed about the scheme as originally submitted, in others my concerns remain.

The houses on the Kettering Road frontage are now shown to be uniform terraces of either two storey or two and a half storey houses. This uniformity and omission of any three storey element addresses my concerns over the original submission which proposed terraces of dwellings to varying heights on this part of the site that is elevated in relation to Kettering Road.

I note, however, that the dwelling on the eastern side of the site entrance remains in the same position and to the same design as originally proposed. I would therefore reiterate my concerns about its impact of this dwelling on the setting of the adjacent listed almshouses. In my opinion any dwelling here should be set back well behind the line of the frontage of the almshouses and should not try to mimic their design as this will compromise their significance. I acknowledge that the setting of these buildings is currently compromised by the football ground but harm of a different kind would result from a dwelling in the position proposed, regardless of its design.

With regard to the section submitted to illustrate the potential impact of the proposed three-storey dwellings at the northern end of the site on the listed railway station, I have to advise that this confirms rather than allays my concerns about the substantial harm that would be caused. At

three storeys I am convinced that they will have an overbearing presence and dominate the skyline when viewing the station along its principal approach of Gresley Drive. I would suggest therefore that any dwellings on this part of the site should have no more than two-storeys and that permitted development rights be removed for alterations extensions and garden structures, in order to safeguard the setting of the listed Station. At two-storey there will still be an impact on the setting but if the houses are correctly detailed and subject to strict control regarding alteration and additions etc, any harm should be less than substantial."

Consultant Arboriculturalist: -"Development of the site should take into account the presence of trees immediately outside of the boundary fence, both with regard to potential pruning and balancing (all tree works to British Standard 3998 2010) and the protection of roots, to comply with British Standard 5837, 2005.

The frontage trees adjacent to the Kettering Road are not of sufficient amenity value to stand in the way of development. A comprehensive landscaping scheme should be designed to compensate for this."

Heritage Lincolnshire:

"It is considered that the site officers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The results of this survey will be used to inform the local planning authority on the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record."

Lincolnshire County Council (Highways): The local highway authority has raised no objections to the proposed access arrangements subject to conditions relating to the provision of on-site parking and turning facilities and a condition requiring a scheme for improving the public highway by means of implementing a One-Way scheme and providing a cycleway on Wothorpe Road. The highway authority has also requested a Section 106 contribution of £3500 for the administration advertisement and consultation for alteration of existing traffic regulation orders adjacent to the locale of the development (One Way System and provision of cycle route)

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's adopted Statement of Community Involvement and 13 letters of objection have been received. The Concerns raised can be summarised as follows:

- Concerns about additional traffic in area and highway safety,
- Concerns about parking congestion on adjacent roads, where there are already problems,
- Concerns about amount of off-street parking provision. 1.5 spaces per dwelling is not enough,
- Wothorpe Road will be used as a 'rat run' and cause additional traffic problems in the area,
- Stamford Football Ground is the oldest in the country and serves its purpose very well. Are there any really good reasons for this major upheaval to take place?
- Plans should only be approved if a disabled access is provided to the south side of the Railway Station,
- The football site is currently ideally located next to good transport links,

- The affordable housing is not proposed on this site but some distance away and does not therefore comply with the Council's policies,
- Moving the football club will just increase traffic movements through the town,
- Could a footpath be constructed through the site from Kettering Road to Wothorpe Road in order to enable pedestrians to avoid the existing hazardous corner?
- Concerns about Children's safety as they often walk across the junction of Kettering Road and Wothorpe Road,
- The existing football ground car park is used as an overflow car park for the adjacent school. What will happen when this facility is lost?
- Concerns about drainage and the capacity of the existing services in the area,
- Concerns have been raised about the architectural style of the proposed dwellings,
- Concerns about impact of the development on the setting of the Fryers Alms Houses,
- Concerns about the scale of the development and the density,
- Concerns about loss of view over existing football pitch,
- Concerns about overlooking / loss of privacy,
- Approval of this and other similar proposals will progressively destroy the "ancient charm" of Stamford,
- Concerns about impact on the setting of adjacent listed buildings and the conservation area,
- Appearance should not be a "reserved matter",
- The mature trees along the sites boundary with the railway line should be retained,
- Concerns about location of cycle route at junction with Wothorpe Road,
- Green space should be maintained as such and not be left to become additional areas for car parking,
- An assessment of the vibration from the adjacent railway line must be taken into account in assessing the full impacts of locating dwellings so close to the railway line,
- Concerns that the submitted traffic assessment is seriously flawed, as it is assumed that people will use the Kettering Road /High St junction where as people with local knowledge will cut through Wothorpe Road,
- Concerns that the character of the old ground will be lost also no need for a new ground the size of that proposed as the crowed sizes are usually no more than between 100-210 people.

Officer Evaluation

This is an outline application for the demolition of the existing football club buildings and structures and redevelopment of the site with residential development and associated infrastructure, including a new access on to Kettering Road. All matters are reserved for subsequent approval except the proposed access arrangements which are to be considered as part this application.

The key issues in the consideration of this application are layout and access; loss of the football ground and provision of open space; housing land supply and principle of development; noise from the railway line; accessibility and the provision of affordable housing.

Housing land supply and principle of development:

The Council Planning Policy Team has advised that the application would comply with the requirements of adopted Core Strategy policy SP1 which states that new development which maintains and supports the role of the Stamford as a market town will be allowed. The policy also gives priority to development of sustainable sites within the built up part of the town, which do not compromise the nature and character of the area and to sites which are allocated for development in the Site Allocation and Policies DPD.

The Site Allocation and Policies DPD identifies the site which is subject to this planning application as a housing allocation (Policy STM1d) for 50 houses. The policy does however make it clear that redevelopment of this site must be linked as part of a comprehensive proposal for the relocation of the football club, and that development on site cannot commence before a new ground is available and occupied by the football club. For this reason the development of the site is allocated to the 2nd phase of the plan period 2016-2021.

The Council Planning Policy Team has advised that there is considered to be 4 years supply of deliverable housing land across the district. Whilst this falls slightly short of the recommended five years supply, this is largely because there are currently no new allocated sites available for housing development. The current small deficit in the five year supply will be addressed in the very near future when the SAP DPD is adopted next year (likely spring 2013), as this plan will provide sufficient allocated land to meet the housing need identified in the Core Strategy.

Whilst the proposed development would be contrary to the phasing plan of the emerging SAP DPD as it would bring this site forward sooner than expected it would not compromise the overall aims and objectives of the Council's Core Strategy. The proposal is in general conformity with the Council's policies and objectives. It is considered that subject to a Section 106 been completed to ensure that no development takes place until the replacement football stadium is constructed and occupied on the Ryhall Road site the development would not result in any adverse impacts on the Council's overall housing strategy. Notwithstanding the fact that the SAP DPD has been submitted to the Secretary of State and will be going through the Public Examination towards the end of this year it is considered that because the application is in general conformity with the policies of the adopted Core Strategy that it should not be considered premature for the Council to make a decision on the application at this time.

Layout and access:

The proposed access to the site would see the closure of the existing access point and the creation of a new access further to the west on Kettering Road. The proposed access would be 5m wide with 2m footways to either side. The local highway authority has been consulted and raised no objections to the proposed access arrangements subject to conditions relating to the provision of on-site parking and turning facilities. Concern has been raised that Wothorpe Road would be used as a 'rat-run'. The highway authority has requested a condition requiring a scheme for improving the public highway by means of implementing a One-Way scheme and providing a cycleway on Wothorpe Road. Subject to the requested conditions been attached to any consent it is considered that the proposed development will not result in any adverse impact in highway safety terms.

Concerns have been raised by local residents about the amount of off-street parking proposed for the development. Although the proposal is in outline form the development indicatively indicates 54 dwellings and proposes approximately 82 parking spaces, this equates to a parking provision of 1.5 spaces per dwelling. As the site is located within the built framework of Stamford with good links to public transport and within easy walking distance of the town centre it is considered that this represents an appropriate amount of off-street parking provision.

Appearance, layout, scale and landscaping are all reserved for subsequent approval. The applicant has, however, submitted indicative elevation plans and layout plans showing the scale parameters of the proposed dwellings. The development proposes a mix of single storey, two and three storey properties throughout the site including a small block of flats/apartments towards the north western corner of the site. Along the northern site boundary it is proposed to construct a number of three storey properties.

The application site is situated on a raised plateau created by the adjacent railway cutting. Stamford Station (a grade II listed building) is located directly to the north of the site and the site is also located directly adjacent to the Conservation Area. The site is quite prominent when viewed from the north given its elevated position. The Council's Conservation Officer has expressed some concern in relation to the proposed three storey buildings which are proposed to be constructed along the sites northern boundary making use of the extensive views out across Stamford. The Conservation Officer has stated that "At three storeys I am convinced that they will have an overbearing presence and dominate the skyline when viewing the station along its principal approach of Gresley Drive. I would suggest therefore that any dwellings on this part of the site should have no more than two-storeys and that permitted development rights be removed for alterations, extensions and garden structures, in order to safeguard the setting of the listed Station. At two-storey there will still be an impact on the setting but if the houses are correctly detailed and subject to strict control regarding alteration and additions etc, any harm should be less than substantial." Following on from these comments discussions have taken place with the Conservation Officer and it has been accepted that there may be scope for some three storey development on the northern site boundary but that the precise amount of three storey development will need to be strictly controlled and assessed at the reserved matters stage when full details of the scale and external appearance of the proposed dwellings are available. It is therefore recommended that the following condition be attached to the consent to ensure that the Council can fully assess the precise amount of three storey development at the reserved matters stage:

"Notwithstanding the indicative elevation drawings submitted at the outline application stage or the parameter details submitted for plots 37-54 the precise details relating to the scale, height and massing of these plots shall be submitted and agreed at the reserved matters stage.

Reason: The submitted details are not considered to be acceptable and the Council wish to fully assess the impacts of the development on the adjacent grade II listed station at the reserved matters stage of the development, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

*Note to applicant: Whilst some element of three-storey development may be acceptable along the sites northern boundary it is considered that this should be broken up with predominantly two storey development in order to ensure that the development does not appear overbearing and adversely affect the setting of the adjacent listed station."

The Conservation Officer has also expressed concern with regard to the proposed dwelling on plot 9 which is shown to be sited forward of the listed almshouses. It is considered that any dwelling here should be set well behind the line of the listed almshouses. In view of this and following discussions with the applicant it is considered that a condition should be attached to any planning permission advising that consent is not granted to site a dwelling in this location and that this dwelling shall be omitted from the scheme unless a revised siting is agreed at the reserved matters application stage.

Overall it is considered that subject to the above suggested conditions to address the Conservation Officers concerns the residential development of the site would not adversely affect the setting of adjacent listed buildings or the conservation area. Indicative elevation plans have been submitted and whilst there is some concern about some of the indicative designs, appearance is a reserved matter and these details can be agreed at that later application stage. It is considered that on balance sufficient information has been submitted to demonstrate that the site can be developed for residential purposes and ensure that the historic assets in the vicinity of the site can be satisfactorily preserved.

The indicative layout demonstrates that there would be adequate separation distances between properties to ensure no significant overlooking or loss of privacy. The separation distances also ensure that there would not be any significant overbearing or overshadowing of adjacent properties. In addition the applicants have indicated that single storey development would be positioned adjacent to the existing listed almshouses in order to minimise the impact of the development on the occupiers of these plots and to ensure that the development does not adversely affect the character and setting of these listed buildings.

Loss of the football ground and provision of open space:

An area of informal open space is proposed towards the eastern side of the site. This will help to ensure that the occupiers of the properties backing on to the site from Wothorpe Road are protected. It should be noted that it is not proposed to put play equipment on this area of land and its main purpose is as an area of landscaping and not for children's play space. The main provision for children's play space will be met by an off-site contribution of £32,576 towards improving and providing play equipment in the vicinity of the development.

Concern has been raised in relation to the loss of the existing football ground. As set out above this application forms part of a wider development which includes the development of a new football stadium for the club on Ryhall Road (this is the subject of planning application S11/2288 and is considered as a separate agenda item). Sport England has been consulted and has submitted a holding objection to the proposed application. They have however indicated that this objection would be withdrawn if a Section 106 Agreement is entered into which ensures that residential development on the current football club site does not commence until the replacement playing field and new stadium are available for use at the proposed new site at Ryhall Road. Based on the comments from sport England it is considered necessary and appropriate to require the applicants to enter into the required Section 106 as requested. The applicants have also indicated that they are prepared to enter into a suitably worded legal agreement.

Noise from Railway Line:

Concerns have been raised in relation to noise and disturbance from the adjacent railway line and vibration causing problems to the occupiers of the proposed dwellings. The Council's Environmental Protection Team has been consulted and raised no objections to the proposed development. It is however considered appropriate and necessary to attach a condition requiring a detailed noise and vibration survey to be under taken prior to the submission of the reserved matters application and that this should include details of measures to mitigate against any noise and vibration from the use of the adjacent railway line.

Accessibility:

Local residents have suggested that a pedestrian route should be provided from the site down in to the adjacent Station providing access to platform two. Whilst this is desirable it is not something which is considered essential for the development to take place. It is however recommended that a note be attached to any consent requesting the developer to investigate the feasibility of providing an access from the site to the adjacent railway station prior to any reserved matters been submitted. In addition Network Rail has suggested that given the size of the development and its close proximity to the station that a Section 106 contribution towards station improvements should be sought. Network Rail has not provided specifics in relation to what these improvements are or provided any justification for the proposed request. Based on the information provided it is considered that the proposed request does not meet the relevant tests set out in Section 122 of the Community Infrastructure Levy regulations 2010 and it is therefore not considered appropriate in this case to request any additional contributions.

Affordable housing:

Concern has been raised by local residents that the affordable housing provision is being provided in an off-site location on Barnack Road. Policy H3 of the Council's adopted Core Strategy states that all developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development site. The policy goes on however to state that in negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. Based on the fact that the development of this site is linked to the redevelopment of a new stadium for the football club on Ryhall Road the applicants have demonstrated that the provision of on-site affordable housing will make the scheme unviable. The applicants have therefore proposed to make the affordable housing contribution on a nearby site on Barnack Road. The Council's Partnership Projects Officer (affordable housing) has confirmed that this is an acceptable method of providing the affordable housing and will meet the needs of the local community and the requirements of Policy H3 of the Core Strategy.

Conclusion:

Taking all of the above factors into account it is, on balance, considered that sufficient information has been provided to demonstrate that the site can be satisfactorily redeveloped for residential purposes, subject to satisfactory details being submitted at the reserved matters stage. Redevelopment of the site would be in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with the relevant policies of the adopted Core Strategy. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy.

Section 106 Heads of Terms

The following Section 106 Agreement contributions will be necessary in order to mitigate the impacts of the proposed development:

- A Clause is required to ensures that residential development on the current football club site does not commence until the replacement playing field and new stadium are available for use at the proposed new site at Ryhall Road,
- Provision of affordable housing on the Barnack Road site.
- An off-site contribution of £32,576 towards improving and providing play equipment in the vicinity of the development.
- The highway authority has requested a Section 106 contribution of £3500 for the administration advertisement and consultation for alteration of existing traffic regulation orders adjacent to the locale of the development (One Way System and provision of cycle route)

Crime and Disorder

It is considered that the proposed development will not raise any significant crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent conservation area or listed buildings.

Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy. The site is located on the edge of Stamford and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities.

Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

RECOMMENDATION: That the development be delegated to the Development Managmenet Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached condition(s). Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks port the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcomming.

1. The development hereby permitted shall be commenced before the expiration of five 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.

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

(a) layout;
(b) scale;
(c) appearance; and
(d) 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.

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

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

4. 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. Development shall be carried out 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).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from 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 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).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no development relating to Class E of Part 1 of Schedule 2 (The provision of buildings and structures required for a purpose incidental to the enjoyment of the dwelling house) shall be undertaken without Planning Permission obtained from 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 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).

7. The vehicular access shall incorporate 6 metres radii tangential to the nearside edge of the carriageway of Kettering Road and the minimum width of the access shall be 5.5 metres.

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

8. The gradient of the vehicular access shall be no steeper than 1 in 20 for the first 6 metres from the nearside edge of the carriageway of Kettering Road and thereafter no steeper than 1 in 10.

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

9. Before development commences on site further detail relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

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

10. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

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

11. 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 (or other development as specified).

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

12. 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 occupants/residents/users of the site

13. No dwellings shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing BH/S09/012/A dated 14/10/11 has been completed.

    Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Kettering Road.

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

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

15. Prior to first occupation of the approved development works to improve the public highway (by means of kerb realignment minor improvements at Kettering Road/Wothorpe Road junction together with all necessary drainage and ancillary works) shall have been certified complete by the local planning authority. Such work will require the submission of details for the scheme including materials, specification for the works and construction method for written approval of the local planning authority.

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

16. Prior to first occupation of the approved development a scheme for improving the public highway by means of implementing a One-Way scheme and providing a cycleway on Wothorpe Road shall have been certified as complete by the local planning authority. Such works will require designing and securing by best endeavours a 'One Way' scheme, and cycleway details of which shall be submitted for approval by the local planning authority.

    Reason: In the interests of the safety and convenience of the users of the public highway and of the users of the site and to ensure that access to the development is sustainable and reduces dependency on the car.

17. Notwithstanding the indicative elevation drawings submitted at the outline application stage or the parameter details submitted for plots 37-54 the precise details relating to the scale, height and massing of these plots shall be submitted and agreed at the reserved matters stage.

    Reason: The submitted details are not considered to be acceptable and the Council wish to fully assess the impacts of the development on the adjacent grade II listed station at the reserved matters stage of the development, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

18. Notwithstanding the indicative layout or elevation drawings submitted at the outline application stage this consent does not confirm approval for the proposed dwelling on plot 9. The proposed siting of a dwelling in this location is considered to compromise the setting of the adjacent listed almshouses and the dwelling should be omitted from any subsequent reserved matters application, unless a revised siting is agreed at the reserved matters application stage.

    Reason: The siting of a dwelling in this location would compromise the setting of the adjacent grade II listed almshouses, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

19. When details are first submitted at the 'Reserved Matters' application stage a detailed noise and vibration assessment shall be undertaken and submitted to and approved by the local planning authority. The assessment shall set out measures to mitigate for protecting the proposed dwellings from any potential effects from noise or vibration from the adjacent railway line. The development shall then only be carried out in strict accordance with the approved mitigation measures.

    Reason: To ensure that the occupiers of the proposed dwellings are protected from any adverse impacts from noise and vibration from the adjacent railway line.

20. 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 local planning authority 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

    Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

    Acceptable:

    Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat 'Zebrina'

    Not Acceptable:

    Alder (Alnus Glutinosa), Aspen - Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

    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) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

21. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

    Reason: To provide a satisfactory appearance by screening rear gardens from public view and 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).

22. When the application is made for approval of the 'reserved matters' that application shall include details of the trees to be retained as part of the development along with measures to ensure that they are protected during the development. The details to be submitted shall include measures for protecting trees which are adjacent to the site but outside of the application site boundary. The development shall only be commenced in strict accordance with the approved details.

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

23. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

    Reason: To ensure that the development incorporates the principles of secured by design to improve community safety and to help prevent crime in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

24. All excavations/earthworks/building works carried out in the vicinity of Network Rail property / structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations/earthworks and building operations to be carried out near the railway undertaker's boundary fence along with a method statement detailing how the works will be undertaken in a 'fail-Safe' manner shall be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

25. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

26. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly around the parking courtyard in the north east corner of the development. Details of such barriers shall be submitted as part of any 'Reserved Matters' application and the development shall only be undertaken in strict accordance with the details as may be agreed by the Local Planning Authority.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

27. Prior to any development taking place details of a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx 1.8m high) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in strict accordance with the approved details and the fence shall be maintained in perpetuity. The existing fencing / wall shall not be removed, unless otherwise agreed in writing with the Local Planning Authority in consultation with Network Rail.

    Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

28. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The development shall be carried out in accordance with the approved details.

    Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

29. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

    Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

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

    Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

31. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

    Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

32. All surface water from parking and manoeuvring areas shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

    Reason: To prevent pollution to the water environment.

33. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

    Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. Prior to the submission of any reserved matters applications the applicants shall investigate, in consultation with Network Rail, the feasibility of providing a pedestrian access from the site to Platform 2 of the adjacent Station.

2. 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.

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

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

5. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

6. No part of the development shall be occupied until Section 278 Agreement(s) of the Highways Act 1980 has been entered into with the local highway authority Lincolnshire County Council for the schemes to improve the junction Kettering Road/Wothorpe Road and provide a cycleway on Wothorpe Road.

7. Note to applicant: Whilst some element of three-storey development may be acceptable along the sites northern boundary it is considered that this should be broken up with predominantly two storey development in order to ensure that the development does not appear overbearing and adversely affect the setting of the adjacent listed station.

8. The developers attention is drawn to the following comments of Network Rail:

   Drainage:
   All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

   Security of Mutual Boundary:
   Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

   Method Statements/Fail Safe/Possessions:
   Method statements may require to be submitted to Network Rail's Assets Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where works cannot be carried out in a 'fail-Safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

   Boundary:
   Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent Land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. this will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

   Noise/Soundproofing:
   The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

   Lighting
   Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on

the application.

Access to Railway
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

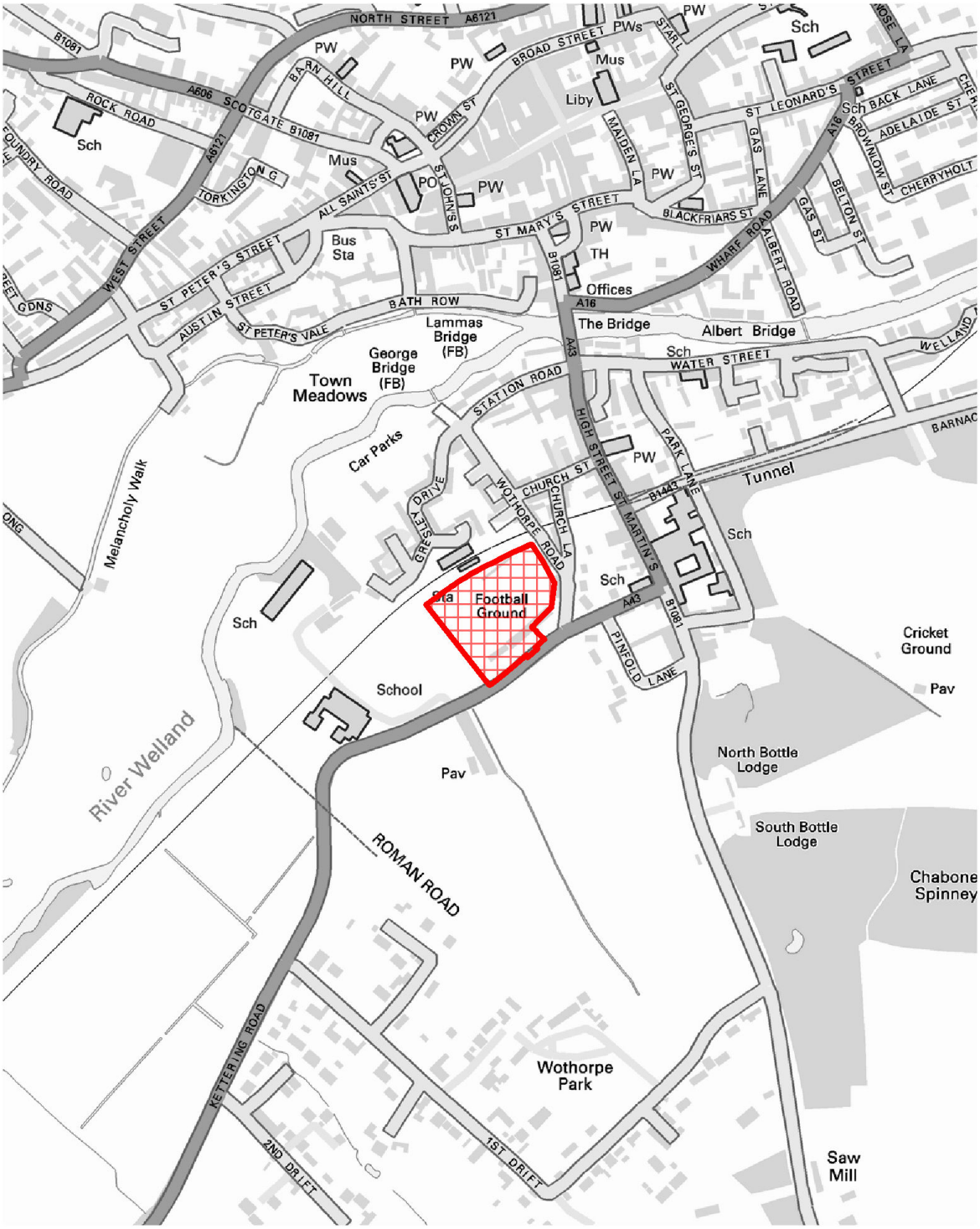
Children's Play Areas/Open Spaces/Amenities
Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Asset Protection Engineer Team
Network Rail (London North Eastern)
Floor 1B
George Stephenson House
Toft Green
York
YO16JT

9. This consent should be read in conjunction with the Legal Agreement (S106) dated
10. Your attention is drawn to the attached letter and information from the Environment Agency.

* * * * *

Site Location Plan	
Ref	**S11/2300**
Proposal	**Demolition of existing football club buildings and structures. Residential development with associated infrastructure, including new means of access with Kettering Road.**
Location	**Stamford AFC, Kettering Road, Stamford, PE9 2JS**



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JJ4 **S12/0436/FULL** Target Decision Date: 17-Apr-2012

Applicant	**Mike Sibthorp Planning** Logan House, Lime Grove, Grantham, NG319JD
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	**Demolition of existing dwelling and erection of 2, two and a half storey semi-detached dwellings**
Location	**6, Fox Dale, Stamford, Lincolnshire, PE9 2UZ**
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	The application has been reported to the Development Control Committee because similar applications have been reported to the Committee previously and the applications have generated significant local interest.
Recommendation Summary	The proposed development is in accordance with national and local policies as set out in Sections 1, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework and policies SP1, SP3, EN1, EN2, EN4 and H1 of the adopted South Kesteven Core Strategy 2010. Although concerns have been raised in relation to the design, scale, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and it is therefore considered to comply with the requirements of the above policies.

Key Issues

- Impact on residential amenity
- Highway safety / parking
- Design
- Scale and character
- Impact on trees

Technical Documents Submitted with the Application

- Application form
- Arboricultural report
- Block and location plan
- Contaminated land questionnaire
- Design and access statement
- Front and rear elevations plan / section
- Proposed elevation plans
- Topographical survey

REPORT

The Proposal

Full planning permission is sought for the demolition of one detached house (6 Fox Dale) and its replacement with two, two and a half storey semi-detached dwellings.

The proposed houses would be set back from the Casterton Road frontage with the eastern dwelling set back 6.1m, and the dwelling on the western side of the site set back 9.5m. The split-level house to the west is set back approximately 8m from the sites frontage.

The westernmost house would be positioned 1.9m from the boundary with no. 8, which has a flat roofed garage and carport on the side adjoining the application site. The easternmost house would be positioned 4.2m from the boundary on its side.

The proposed 4 bedroom houses would have accommodation on three floors with the top floor in the roof space. Light to the accommodation in the roof would be provided predominantly by velux windows, although there would be two small windows to two of the bedrooms to plot 1 in the front and rear elevation.

Because of the difference in levels and the fact that the 3rd floor accommodation would be in the roof space, the proposed dwellings would have a similar scale and appearance to a two-storey dwelling when viewed from Casterton Road and from Fox Dale.

Materials are indicatively identified to be blue slate roof, floor to ceiling glazing, horizontal cedar boarding and rendered external walls. These are all materials which have been used elsewhere in the surrounding area.

Access to the proposed houses would be as for the existing dwelling, off Fox Dale. As at present, there would only be pedestrian access off Casterton Road. The proposed dwellings would have provision for two off-street parking spaces.

The Application Site and its Surroundings

The application site fronts the south side of Casterton Road (B1081) and has an overall area of 0.08 ha.

Fox Dale is a cul-de-sac comprising residential properties, the majority of which were erected in the 1960's. They are built in what was once a quarry, hence they are at a significantly lower level than the surroundings. The 1960's houses on the northern side of Fox Dale, fronting onto Casterton Road, are split-level, in order to take advantage of the abrupt change in level. Whilst they have pedestrian access from Casterton road, their vehicular access is at the rear, off Fox Dale. The houses on the southern side are conventional linked detached houses.

Adjoining the site on its western side is one of the split-level houses, no. 8 Fox Dale, within the grounds of which there is a group of Pine trees protected by a Preservation Order. On the eastern side is another property with a pair of late C19 semi-detached villas beyond.

Directly opposite the site on the south side of Fox Dale there is a row of 10 garages that apparently belong to residents of Fox Dale, although some appear to be used for storage purposes by small businesses.

On the north side of Casterton Road are a mixture of detached and semi-detached, largely inter-war houses.

The detached house currently occupying the application site dates from the 1980's and is set at a lower level than Casterton Road, with only the upper part readily visible to view from Casterton Road. It therefore does not have a significant presence in the street scene. The dwelling has a garage at the rear, with access off Fox Dale. In the grass verge on the Casterton Road frontage there are a couple of mature trees.

The immediate area comprises an eclectic mix of house types dating from different periods.

Relevant Site History

As stated above, the application site and Fox Dale as a whole was formerly a quarry.

The application site was until the mid-1980's when the two dwellings currently occupying the site were erected, domestic garden land.

S08/1206 – Application S08/1206 for the demolition of No's 4 & 6 Fox Dale and the erection of 7 dwelling was refused in December 2008 for the following reason:

1. "It is considered that the development would, by reason of the height and mass of the proposed dwellings in relation to existing dwellings to either side of no 71 Casterton Road and 8 Foxdale, have an excessively overbearing impact on those properties, to the detriment of the amenities of the occupiers and would also constitute over development of the site and be of a design that does not reflect the general character of the area. The proposal would, therefore, be contrary to Central Government Planning Policy Guidance contained in PPS1 and Policies H6 and EN1 (iii) in the Saved Policies of the South Kesteven Local Plan."

S10/1732 – Application S10/1732 was submitted in July 2010 and sought the demolition of the existing dwelling and the erection of two detached dwellings on the site. The application was reported to the Development Control Committee on 9 November 2010. At the meeting Members resolved to defer making a decision and requested Officers to go back and negotiate amendments to the scheme, including reducing the height of the development and considering revising the application from detached properties to semi-detached dwellings. Following the meeting the applicant decided to appeal against non-determination.

In dismissing the subsequent appeal the planning Inspector concluded that the development would represent an unacceptable over-development of the site, detracting from the established residential character and quality of the locality. The Inspector made particular reference to the overall height and bulk of the proposed dwellings and that the roof would be substantially greater (at least 1.8m higher) than that of the immediate neighbours at Nos. 4 & 8 Fox Dale. The combination of the scale and proximity of the proposed dwellings to each other and to the site boundaries would have in the Inspectors opinion given an uncharacteristic, intensive and obtrusive development, out of keeping with the scale and appearance of the immediate surroundings.

The current submission seeks to address the concerns raised in relation to the previous applications.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy
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
Section 10: Meeting the challenge of climate change, flooding and costal change
Section 11: Conserving and enhancing the natural environment

South Kesteven Core Strategy

Policy SP1 : Spatial Strategy
Policy SP3 : Sustainable Integrated Transport
Policy EN1 : Protection and Enhancement of the Character of the District
Policy EN2 : Reducing the Risk of Flooding
Policy EN4 : Sustainable Construction and Design
Policy H1 : Residential Development

Representations Received

The application has been advertised in accordance with the Council's Statement of Community Involvement and the X4X letters of concern have been received. The issues raised can be summarised as follows:

- The arboricultural report appears to date from an earlier proposal (2008). Clarity wanted on whether the current proposals will have any impact on the Pine and Horse Chestnut to the northern boundary or the Limes on Casterton Road,
- Unclear about the colour for the roofing material,
- Concerns about privacy and overlooking,
- The overall height of the proposed dwelling is out of proportion with No 8 Fox Dale. If the proposed property was one and a half or two storey rather than two and a half storey it would be more in keeping,
- The height will create a dominant and oppressive environment to 8 Fox Dale and be visually intrusive,
- The proposal will obscure views from the side windows of 8 Fox Dale,
- Loss of light / overshadowing,
- Concerns about highway safety and limited amount of proposed off-street parking given the size of the proposed dwellings,
- The distance between 8 Fox Dale and the proposed development is less than the distance between 6 Fox Dale and the proposed properties. This is disproportionate to the height and size of the proposal and contributes to the oppressive and dominant aspects of the new build,
- Concerns that any additional on-street parking resulting from the development will cause access difficulties for people using the adjacent garages,

In addition 1 letter has been received stating that they do not wish to object to the development subject to the following points been conditioned:

- That the building line of the front of the proposed houses does not extend further north than is shown on the submitted plans,
- That the easternmost wall of the dwelling on plot 1 does not extend beyond that shown on the submitted plans (4.2m)

- That all steps are taken by the developer to ensure a permanent right of support is afforded to the adjoining garden at 4 Fox Dale.

Representations as a Result of Publicity

Environmental Protection Officer: No objections subject to conditions been attached to any consent in order to protect residential amenity during the demolition and construction phase of the development.

Highway Authority: No objections subject to conditions about surface water drainage and parking facilities been provided.

Heritage Lincolnshire: No objections

Stamford Town Council: Concern remains over the height of the proposed development remains excessive and is not in keeping with the neighbouring buildings and will dwarf the existing properties. There is apprehension over the size of the development which will generate an increase in traffic movement accessing Casterton Road from Fox Dale.

SKDC Project Officer (Drainage): Soakaways are not acceptable. The applicant must submit detailed design and construction proposals for a sustainable drainage system, and include proposals for future maintenance.

SKDC Consultant Arboriculturalist:

"The accompanying tree survey is a little out of date (2008) & would not normally be acceptable. However, the trees appear generally to be unaffected by the proposal & thus I do not in this case believe that it is necessary for the applicant to go to the expense of having another survey undertaken.

The intended dwelling/s look to be outside the root protection areas of the neighbouring trees. The trees are in my view of a type, size & form where they are unlikely to impact to any great extent on the proposed development & vice versa. I believe that the trees have achieved a balance with their residential environment with little real potential for increased conflict between the new dwellings & their occupiers.

Hence, I can confirm my view that I have no objections in arboricultural terms to this proposal going ahead subject to a condition requiring that the trees be retained & protected during the construction process.

I believe that the trees are subject to a Tree Preservation Order."

Officer Evaluation

The proposed development has been designed in order to try and address the concerns raised in relation to the previous scheme refused under application S10/1732. The application proposes a pair of semi-detached dwellings laid out on the site with a staggered H-plan footprint. The proposed dwellings would be two and a half storey with varying ridge height. The highest part of the development would be located along the sites eastern boundary and form the main block to plot 1. This would have a ridge height of 10.150m, with an eaves height of 6.150m. The front section to plot 2 which would run parallel to Casterton Road would be 9.1m to the ridge and 6.0m to the

eaves. The rear wing to plot 2 located towards the western edge of the site would be 8.250m to the ridge and have an eaves height of 4.550m.

In order to address the concerns expressed by the Inspector in relation to the height and massing of the previous scheme the applicants have reduced the overall height of the development in relation to the adjacent properties. Whilst the dwellings remain 2.5 storeys in height (with room in the roof space), the overall height of the development relative to neighbouring properties has been reduced by approximately 1.2m. This has been achieved by a combination of measures; a reduced finished floor level, reduced internal ceiling heights and revisions to the pitch of the roof. These alterations coupled with the linking of the properties results in a reduction in the overall scale and massing of the building. Although the buildings will be slightly higher than the adjacent properties (depending on which ridge height measured from 1.2m reducing to 0.3m when compared with the adjacent property No4 Fox Dale) it is considered that the amended ridge height would not appear out of character or result in an oppressive form of development.

The eastern dwelling (plot 1) is inset from the side of the site boundary by 4.1m - 4.2m (compared to 1m on the previously refused scheme) and the western boundary (plot 2) is inset by 1.9m - 2.2m (compared to 1.4m – 1.6m on the previously refused scheme). These changes from the previous scheme help to overcome the Inspectors concerns in relation to the previous scheme which he considered would be at odds with the spacious character of the area and out of character with the scale and character of surrounding properties.

It is considered the impact of the proposed semi-detached dwellings would not be negative and the design is appropriate for the context. As mentioned above, the area is one of an eclectic mix of house types, although modern non-descript inter-war and late 20C semis and detached houses predominate.

The existing houses immediately adjoining the site will be effected by the proposed development, and there will be some increased overshadowing and a degree of overlooking of rear gardens but it is considered that this would be a relatively minor increase and not sufficient to warrant a refusal of this application.

A Tree Survey has been submitted and whilst the report is from an earlier application the Council's Consultant Arboriculturalist has confirmed that the development would not have a detrimental impact on the T.P.O trees in the front garden of 8 Fox Dale and in this instance has advised that an updated report is not necessary.

The local highway authority has been consulted and raised no objections to the proposed access arrangements. It is therefore considered that the development would not be detrimental to highway safety. Concerns have been raised in relation to on-street parking and problems accessing existing garages, it is however considered that as the proposed dwellings are to be provided with two off-street parking spaces a reason for refusal on these grounds could not be sustained.

Section 106 Heads of Terms

The development does not require a Section 106 contribution.

Crime and Disorder

The proposed development will raise no significant crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is in accordance with national and local policies as set out in Sections 1, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework and policies SP1, SP3, EN1, EN2, EN4 and H1 of the adopted South Kesteven Core Strategy 2010. Although concerns have been raised in relation to the design, scale, highway safety and residential amenity it is considered that the proposed development will not result in any significant adverse impacts and it is therefore considered to comply with the requirements of the above policies.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from 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 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).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of nearby properties and in accordance with the guidance contained in national Planning Policy Statement PPS1.

4. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

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

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of

boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and 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).

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

   2011/17-03c received on 17 May 2012.
   2011/17-05d received on 17 May 2012
   2011/17-04b received 21 February 2012
   Reason: To define the permission and for the avoidance of doubt.

7. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread in accordance with a scheme to be approved in writing by the local planning authority. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

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

8. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

   Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

9. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 05d dated 21st February 2012, and retained for that use thereafter.

   Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

10. All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

    Monday - Friday 0700 - 1900 hours
    Saturday 0800 - 1700 hours
    Sunday/Bank Holidays No work activity

    Reason: To protect the amenities of the occupiers of the adjacent properties during the development.

11. There shall be no burning of waste / wood on site.

    Reason: To protect the amenities of the occupiers of the adjacent properties during the development.

12. Prior to the commencement of any on site works associated with the development hereby approved, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved in writing by the local planning authority. the works shall be carried out in accordance with the approved method statement.

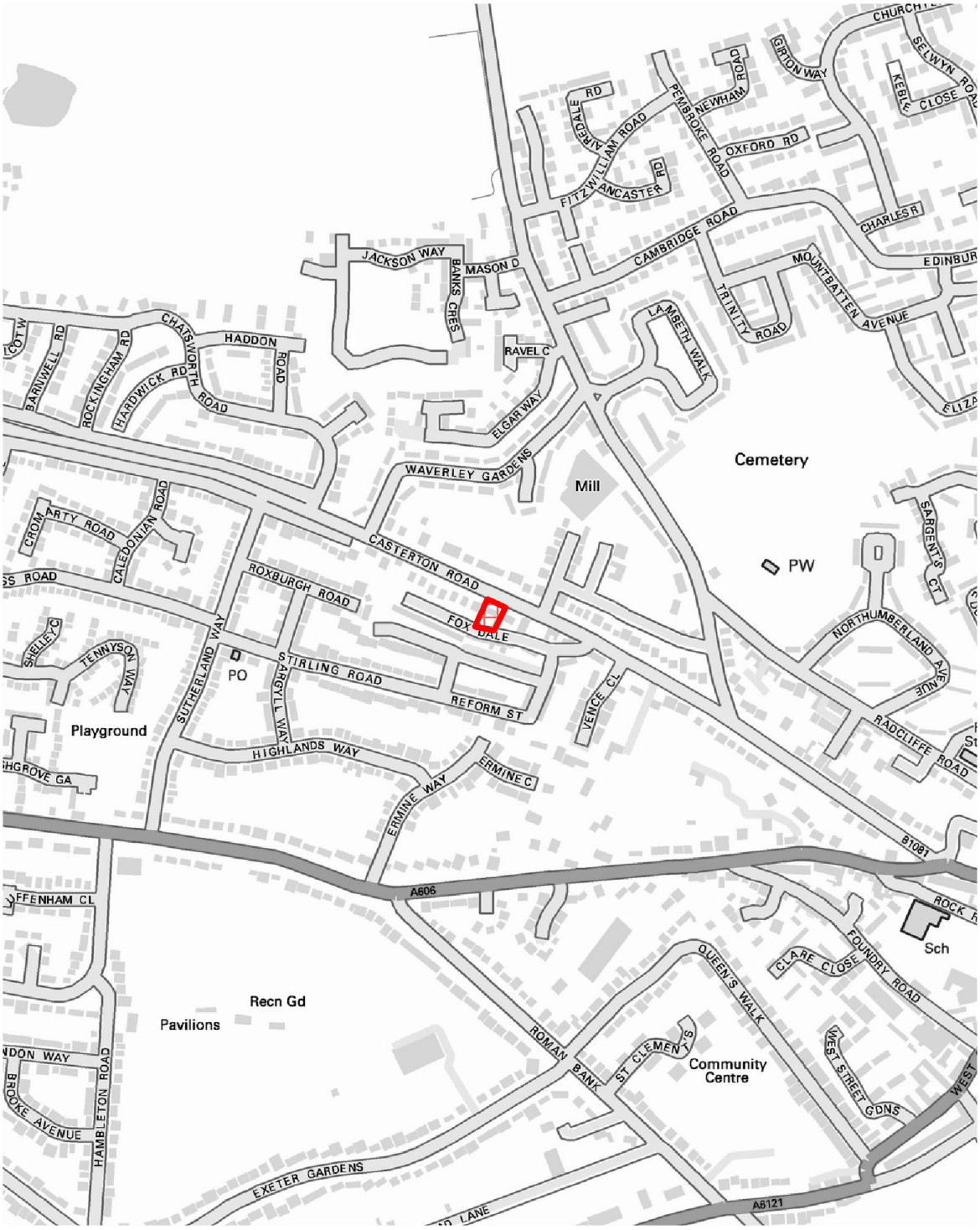
    Reason: To protect the amenities of the occupiers of the adjacent properties during the development.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan	
Ref	**S12/0436**
Proposal	**Demolition of existing dwelling and erection of 2, two and a half storey semi-detached dwellings**
Location	**6, Fox Dale, Stamford, Lincolnshire, PE9 2UZ**



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JJ5 **S11/2472/MJRO** Target Decision Date: 31-Jan-2012

Applicant	**Persimmon Homes (East Mids) Ltd** C/o Agent
Agent	Mr J Jennings, Pegasus Planning Group 3, Pioneer Court, Chivers Way, Histon, Cambridge, CB24 9PT
Proposal	**Outline application with all matters except access reserved for approval for residential development**
Location	**Godsey Lane/Eastfield, Market Deeping**
App Type	Major Outline (Residential)
Parish(es)	Market Deeping
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	Although this is an outline application it is considered that the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that the proposals would not compromise the character and appearance of the surrounding area. Phase 1 of the development is almost completed and permission has been granted for phase 2 of the development. It is considered that the current proposal would form a logical conclusion to the development as a whole. The Council's Planning Policy Team has been consulted and they have indicated that some weight can be given to the emerging policy DE1a in the Site Allocation and Policies DPD and whist they have expressed some concerns about prematurity it is considered that the development is, in general conformity with the adopted Core Strategy. In light of the National Planning Policy Framework's presumption in favour of sustainable development and the lack of a five year housing lands supply it is considered that the development would not compromise the overall aims and goal of the Core Strategy and that it would be a logical conclusion to the development already permitted on the adjacent sites. The site is located on the edge of Market Deeping and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities. It is therefore considered that the proposal is in accordance with national and local policies as set out in National Planning Policy Framework Sections 1, 4, 6, 7, 8, 10, 11 and 12. Core Strategy Policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Although this is an outline development it is considered that the site can accommodate residential development of the scale proposed and this would not appear out of character.

Key Issues

- Flood Risk and Water Cycle Study

- Design and impact on character of area
- Residential amenity
- Planning policy and 5 year housing land supply
- Highway Safety

Technical Documents Submitted with the Application

- Application forms
- Design and access statement
- Landscape and visual appraisal
- Noise assessment
- Planning statement
- Site location plan
- Statement of community involvement
- Transport assessment No.4
- Geophysical survey
- Ecological appraisal
- Contamination report
- Flood risk assessment

REPORT

The Proposal

This is an outline application for residential development of land to the east of Godsey Lane in Market Deeping. The supporting design and access statement indicates that it is intended to deliver 85 dwellings on the site.

The mix of housing will include primarily 2-4 bedroom properties including a proportion of bungalows. 35% of the development will contribute towards affordable housing provision on the site.

In addition to the housing there will be an element of public open space which will be provided in accordance with the Fields in Trust guidance with a total area provision of 0.49ha. There will also be a large element of open space provision directly adjacent to the site on the already approved phase 2 of the development.

An area of land is also proposed to be set aside for the drainage of the development to the west. This will be in the form of a sustainable urban drainage system.

The submitted indicative layout plan indicates that the general approach to the development has been to propose an arrangement of east-west / north-south routes reflecting the underlying character of Market Deeping and providing good legibility. The general approach to the development is to have terraced housing with frontage parking, detached and semi-detached properties with side driveway parking adjacent to the main areas of open space, and low rise dwellings to the south of the site respecting the adjacent established built form.

The majority of the development would comprise single and two storey properties with the use of 2.5 storey dwellings occasionally proposed on key corner plots to aid legibility and terminate views.

Access to the site would be from Godsey Lane and through Phase1 and 2 of the existing development.

The Application Site and its Surroundings

The application site is located on the north eastern edge of the built framework of Market Deeping. The site has an 'L' shaped form and measures 2.89 ha in size.

The site is located to the east of Godsey Lane and the sites boundaries are defined by recently permitted developments (Godsey Lane Phase 1 and 2) to the north, open agricultural land to the east, mature landscaping adjacent to the established residential development to the south and Market Deeping Community Primary School and Tesco Superstore to the west.

The site is currently in agricultural use. The site is generally flat with no perceptible change in elevation or topography across the site. The site has a number of hedgerows and ditches running along the boundaries.

Relevant Site History

SK.56/0295/90 – In June 1990 planning permission was refused for a development on a larger site which included housing, business park, local centre and school. The application was refused as it

was considered to compromise the policies of the draft policy documents in force at the time, concerns about highway safety, concerns about foul water drainage and the loss of 31ha of grade 2 agricultural land.

SK.56/0296/90 - In June 1990 planning permission was refused for a development on a larger site which included housing, business park, local centre and school. The application was refused as it was considered to compromise the policies of the draft policy documents in force at the time, concerns about highway safety, concerns about foul water drainage and the loss of 31ha of grade 2 agricultural land.

S98/1209/56 – In April 2005 an application for residential development, which included a larger site area than the current application, was withdrawn.

S00/0546 - In April 2005 an application for residential development, which included a larger site area than the current application, was withdrawn.

S08/1042 – In November 2009 planning permission was granted for Phase 1 of the Godsey Lane development on land to the north west of the application site.

S09/1909 – In September 2009 an Environmental Screening Opinion was submitted in relation to this current development and Phase 2 of the project. The Council responded confirming that the application would not require an Environmental Impact Assessment.

S10/0934 – In January 2011 outline planning permission was granted for the residential development of Phase 2 located directly to the north of this current application. Subsequently reserved matters approval was granted for the development under application S11/1050 in August 2011.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy
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
Section 10: Meeting the challenge of climate change, flooding and costal change
Section 11: Conserving and enhancing the historic environment
Section 12: Conserving and enhancing the historic environment

South Kesteven Core Strategy 2010:

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
EN4 – Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing

Representations Received

SKCD Property & Facilities (Drainage): Advised that Welland & Deeping are the relevant drainage authority for this site and they therefore have no comments to make.

LCC (Planning): The County Council has no comment to make on the proposals from a Minerals Safeguarding perspective.

Environmental Protection Officer: Requests conditions relating to noise mitigation measures as set out in the noise assessment accompanying the application. There is no contamination on the site; a contamination condition will not therefore be required.

Natural England: No objections

LCC (Rights of Way): The County Council has advised that the Definitive Rights of Way Map shows Market Deeping Public Footpath N0.4 affecting the site. It is expected that the definitive line and customary width of the path will not be affected by the proposed development.

LCC (Highways):- The Local Highway Authority has raised no objections to the proposed development subject to conditions relating to details of parking and turning facilities been provided at the Reserved Matters stage of the development.

The Highway Authority has also stated:

"At each stage of the planning application process for the phases of development, the applicant at the request of the local highway authority has carried out transport assessments that have been verified and conclude that existing junction arrangements along Godsey Lane in conjunction with proposed improvements to the site access would cope with the amount of traffic generated with a development of 300 units.

Should Members wish to accelerate the provision of the signalised junction, a condition requiring the developer to construct the signalised junction prior to occupation of the first unit for this Phase may be considered, along the lines of "Prior to occupation of any of the units on this phase of the development the vehicular access to Godsey Lane shall be improved in accordance with the indicative drawing number E1656/5B included in the supporting Supplementary transport Assessment No 4 dated 07 October 2011".

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

Lincolnshire Wildlife Trust:

"We strongly support Design Principle 7 in the Design and Access Statement, which states that the development will aim to 'reinforce and enhance the local Green Infrastructure and foster the development of wildlife habitats to enhance biodiversity', and which is in line with the principles of PPS9.

It is not clear in the ecological survey report whether the mature horse chestnut tree has been assessed for its suitability to support roosting bats. We would recommend that the tree is retained within the landscaping scheme, however if it is decided that the tree needs to be felled or pruned, we would wish to ensure that it is first assessed by a suitably licensed ecologist for the potential presence of bats. Bats and their breeding and resting places are protected by law. If a roost is discovered in the tree then a licence would be necessary from Natural England to permit works.

We would recommend that existing hedges on site are retained and enhanced with additional native tree and shrub species where possible. Other habitat enhancements on site could include SUDS features such as ponds and use of species rich grassland seed mixes on verges and public open spaces. We would also strongly recommend that enhancements for bats and declining urban birds are included within the development. Features such as bat bricks and access tiles could be incorporated within buildings on site or bat boxes could be fitted externally and nesting boxes/cups could be installed for swifts, swallows and house sparrows amongst other species."

LCC (Children's Services): Requests a S106 contribution of £508,976 to mitigate the impacts of the development on local schools.

NHS – PCT: Request a contribution of £76,840 based on £904 per dwelling to mitigate the impacts of the development on the local NHS infrastructure in the local area.

Partnership Project Officer (Affordable Housing): Request a S106 contribution towards affordable housing provision on site (35%).

SKDC Leisure Officer: Indicates that there is a requirement for 4,080 sq m of informal open space and 612 sq m of equipped children and young people's play space. The applicants have indicated that a LAP (Local Area for Play) will be provided on phase 3. If this is the only facility provide on-site the council should seek a commuted sum equivalent to the shortfall in provision for phase 3. This would equate to a S106 contribution of £44,800 which could be used to enhance the LEAP facilities proposed in Phase 2.

Deeping St James Parish Council: The access route to Godsey Lane is inadequate and will not easily cope with traffic volume from 300 homes especially at peak times. Phase 1, 2 and 3 should be looked at as a single development and access onto Outgang Road/Towngate East through Phase 2 of the development should be reconsidered to ease the traffic problems and to facilitate potential future access by public transport. The traffic control proposed will be too close to the roundabout at Tesco's entrance. The Parish Council should be consulted on Section 106 Arrangements.

Market Deeping Town Council:

"The Town Council is strongly opposed to this development and its representations are as follows:-

- Road Design
  All traffic from Phases 1,2 and 3 will converge onto Godsey Lane where there is already traffic using the Supermarket, Health Centre, Two primary Schools and a playing field opposite. This is totally unacceptable and provision should be made for a road to access Towngate East and thus onto the bypass. Inadequate car parking spaces have been allocated on the site. As a rural area it should understood that cars are a needed.

- Cycle Paths
  Persimmon state that it felt there was no need for cycle paths as the roads were safe and mentioned a path along Godsey Lane which in reality is only short and forms part of the footpath. More cycle paths would help residents to access amenities safely and encourage cycling.

- Transport
  Since Persimmons survey some bus services have been cancelled. North/South routes are well served but internal and East / West routes are not.

- Services

Councillors have raised concerns about the provision of services and feel that no more development should be considered until adequate water supplies and electricity facilities are in place. There are resident's concerns over flooding, especially surface water. Covering the land with concrete will create problems.

- Amenities
  Concerns have been raised over the provision for:-
  -Places in local schools
  -Health provision
  -Open spaces and recreational areas
  -Spaces for allotments are requested even though some have been put into Phase 2

This continual 'urbanisation of Deeping' to quote Persimmon, is not conducive to harmonious living and could create problems. Residents have moved out of the city to escape crowded mews style developments. The whole design needs a reappraisal and consideration."

In addition Market Deeping Town Council also stated it would like to draw attention to its previous objections and comments made on this development and comments made on this development. MDTC believe that flooding will still occur on or around the development and is still gravely concerned as to how waste water will be dealt with. These concerns are substantiated by a report in the SKDC Draft Infrastructure Delivery Plan which states that Anglian Water cannot provide a better waste water infrastructure in the Deepings until 2019.

Planning Policy Team:

"This memo updates and provides further policy advice to my consultation response about this application dated 1 December 2011. Since those comments were written the Government has published the National Planning Policy Framework (the Framework) which has replaced all PPGs and PPSs, and is a material consideration in the determination of planning applications. In addition and the plan preparation process for the Site Allocation and Polices DPD has moved on to the Examination phase.

The Framework continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise; in this case the development plan is the Adopted Core Strategy. It also establishes a presumption in favour of sustainable development, requires LPAs to maintain a five year supply of deliverable housing land and Annex 1 indicates that decision makers should give weight to relevant policies in emerging plans; and that the amount of weight given to those policies will depend upon how advanced the plan preparation is, the extent of unresolved objections to the relevant policy and the degree of consistency of relevant policies with the Framework.

The relevant Development Plan policies for the consideration of the principle of this application continue to be policies SP1 and H1 of the adopted Core Strategy. The Site Allocation and Policies DPD allocates the application site in policy DE1a, thereby the principle and suitability of the site for development has been accepted by the Council. The emerging policy is considered to be consistent with the Framework, and some weight should be afforded to it as it has progressed through to examination stage. However there are 2 outstanding objections to the site which would be considered at the examination (one of which relates to the WCS and was made by the Environment Agency). Those making representations about the site have a right to have their concerns considered by the Inspector as part of the Examination.

The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare

proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan's strategy, applications should continue to be determined.

In relation to constraints identified by the Water Cycle Study; I understand that this issue has been resolved and that both Anglian Water and the Environment Agency are satisfied that both the treatment works has capacity and that the site can be appropriately serviced in terms of the sewer network. The reason for my policy objection in respect of policy EN1 of the Core Strategy has therefore been removed (and I would expect that the representation about policy DE1a of the DPD would not be pursued by the Environment Agency).

I conclude that some weight can be given to emerging policy DE1a, I remain concerned that determining this application could prejudice the Examination process in relation to determining the location of development in the Deepings, however in all other respects the proposal is in accordance with the Core Strategy policies and the emerging policies of the Site Allocation DPD. In allocating the site in the council has agreed that it is suitable for development and can therefore be considered "sustainable development". It is allocated for development within the first phase of the plan (2016-2021) and would therefore make an important contribution to maintaining a five year supply of deliverable housing land. In light of the NPPF's presumption in favour of sustainable development, the need to provide a five year supply of land, the weight which can be afforded to the emerging policy and the proposals compliance with adopted policy, I withdraw my initial objection to the application."

Police Crime Prevention Design Advisor: - No objections subject to condition.

Heritage Lincolnshire (Archaeology):- It is considered that the site officers a potential for archaeological remains to be encountered. This consideration is based on the extent and type of remains recorded in the close vicinity. A geophysical survey has been undertaken of the site.

It is recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The results of this survey will be used to inform the local planning authority on the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record. This can sometimes be achieved through development design and layout. The results of the survey can also be used by the developer to take into account costs associated with the development if it were to proceed. The community archaeologist has advised that this can be secured via a condition.

Environment Agency: No objections subject to the following condition:

"No building works which comprise the erection of a premise required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved.

Reason: To prevent an increase risk of flooding, pollution and detriment to public amenity through provision of suitable wastewater infrastructure and to ensure compliance with paragraph 11 'Conserving and enhancing the natural environment' of the National Planning Policy Framework, March 2011.

Anglian Water - No objections subject to a condition requiring details of foul water drainage provision being attached to any consent. See full comments below:

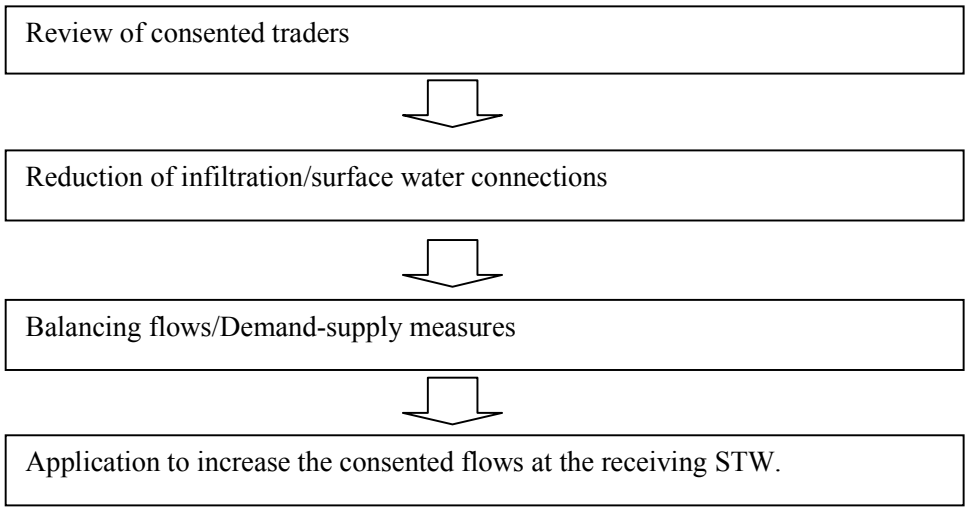
"We have been working closely with the Environment Agency to explore options to the constraint identified for Deepings Sewage Treatment Works within the South Kesteven Water Cycle Study. I have tried to summarise the discussions to date and provide an updated position on the Deepings catchment.

The South Kesteven Water Cycle Study has identified potential constraints to development and demonstrated that these constraints could be overcome with potential phasing implications. We view the role of the Water Cycle Study as a starting point for engagement and a useful tool to highlight potential issues. This should lead to developers engaging with Anglian Water/Environment Agency/South Kesteven District Council to progress the issue. In partnership we may identify solutions to the identified constraint that will allow sites to come ahead of the phasing plan. However, we support the position that until capacity is created, or a solution to create capacity is identified, development is likely to be delayed.

Following on from the WCS and in order to enable development, we have worked with key parties to explore the constraints and, where possible, seek effective resolution. This has resulted in a better understanding of the catchment and the available solutions.

Catchment Management Hierarchy
In order to demonstrate there is a feasible solution to serve the proposed development, the WCS has sought to cater for the higher growth scenario or outlines the potential change in discharge consent. The WCS identifies a possible way forward to support the principle of development rather than the most sustainable solution (that often takes more time and a better understanding of the proposed flows).

We follow a hierarchical approach when considering growth within a wastewater catchment considering the following stages before applying to the Environment Agency for a revised discharge consent.



Reducing flows entering our system may reduce water resource requirements and reduce flood and pollution risk. All parties are committed to ensuring we make most efficient use of existing infrastructure before we seek to implement new infrastructure.

The Deepings

The WCS identified there was no available capacity for growth until a new discharge consent was sought for the STW. Following the hierarchy for catchment management, we have explored the options with developers and the Environment Agency and consider there is reasonable prospect that a solution, that would not entail a new discharge consent, could provide sufficient capacity to serve the proposed growth.

We have created a programme of works to include auditing the consented traders and surveying (with CCTV) sections of the sewerage network to identify areas of infiltration. This is timetabled for the end of April (subject to the appropriate ground conditions). Given the scale of the catchment and the recorded flows at the works, we consider there to be reasonable prospect that sufficient infiltration will be identified and removed to enable the proposed development.

In light of the options available and the modest development proposed, we consider there to be reasonable prospect that sufficient infiltration will be identified to enable the proposed development. Accordingly, we recommend the following condition is imposed on any subsequent planning permission;

Condition: No building works which comprise the erection of a premise required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved.

Reason: To prevent an increase risk of flooding, pollution and detriment to public amenity through provision of suitable wastewater infrastructure."

Lincolnshire Fire and Rescue: has requested a S106 contribution of £10531.30. + £843 towards the provision of a fire hydrant.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 7 letters of comment have been received. The issues raised can be summarised as follows:

- No need for more housing in Market Deeping,
- The is already limited capacity at the local doctors,
- Loss of property value,
- Loss of view over open fields,
- Concerns about increase traffic on Godsey Lane and surrounding roads,
- Concerns that the proposed dwellings will appear out of scale and character with the existing development in the area,
- Concerns about increase noise and disturbance,
- Concerns about loss of privacy and tranquility,
- Trees adjacent to the site and protected by a T.P.O and overhang the site should be cut back at persimmons expense and not at the expense of the residents who's gardens they are in, also concerns raised about future liability,
- Concerns about how section 106 moneys will be spent. Will it be spent in the local area to improve local facilities?
- Concerns about noise during construction work,
- Concerns that 2.5 -3 storey dwellings would appear out of character with the surrounding area,

- Struggle to understand how SKDC Site Allocations DPD concludes that the existing roads can cope with additional 400 new homes,
- Concerns about impact on local wildlife,
- Lack of physical infrastructure especially in relation to drainage capacity in the area,
- The developer should do more to ensure that the development is truly sustainable making more use of GSHP, community heating systems, solar energy, hyper insulation and other sustainable technologies. Persimmon should also be required to design a project which enhances the local visual amenity rather than insults it, as has been the case with phase 1 development.

In addition to the above, Deepings Town Design Steering Group, a new independent group for community organisations in the wider Deeping area has provided comment on the application. Their aim is to promote a new town and country plan, and to support individuals and organisations to engage with the planning process. The group are independent of the Town and Parish Councils for Market Deeping, Deeping St James, West Deeping, Deeping Gate (Peterborough) and Deeping St Nicholas (South Holland) but will offer an input into their work. The comments made can be summarised as follows:

"We attach out observations and ask that you contact use if anything is unclear. This is the last phase of a very large development and could be used as a means of correcting errors or deficiencies now apparent in previously approved phases. There will not be another chance.

In summary terms we are objecting to the development as it is not yet good enough to approve:

1. It is an outline application incorrectly made as it should provide for a detailed layout to allow for a clear assessment (open space quantum appears very low, and street layout looks too tight).
2. There has been no apparent 'scoping assessment' under the EA Regs; this is a procedural matter you may need to correct.
3. Highways capacity assessment is unconvincing. Highways hazard could result from chaotic peak time traffic movements. Also other access issues are raised below.
4. The Statement of Community Involvement looks good but is unduly dismissive of community views; it appears to be used to justify an unchanged scheme.
5. The development seems to fail the Community Infrastructure Levy (CIL) Regulation 122 as it does not show the development meets the needs it says it will meet.
6. The amount of open space appears to be below standard.

Officer Evaluation

This is an outline application with all matters except access reserved for approval for residential development at land to the east of Godsey Lane and north of Eastfield, Market Deeping. The accompanying supporting statements and illustrative master plan indicate that approximately 85 dwellings could be accommodated on the site.

The development proposes an indicative mix of housing including an element of affordable housing. The D&A indicates that the mix of housing would comprise coach houses, bungalows, terraced properties, semi-detached and detached dwellings. In addition to the housing there will be an element of onsite landscaping / open space provision.

Although this only an outline application it is considered that the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that the proposals would not compromise the character and appearance of the surrounding area. Phase 1 of the development is almost completed and permission has been granted for phase

2 of the development. It is considered that the current proposal would form a logical conclusion to the development as a whole.

The Council's Planning Policy Team has been consulted and their comments are set out in full above. It is important to note that the Policy Team indicate that some weight can be given to the emerging policy DE1a in the Site Allocation and Policies DPD and whist they have expressed some concerns about prematurity it is considered that the development is, in general conformity with the adopted Core Strategy. In light of the National Planning Policy Framework's presumption in favour of sustainable development and the lack of a five year housing lands supply it is considered that the development would not compromise the overall aims and goals of the Core Strategy and that it would be a logical conclusion to the development already permitted on the adjacent sites.

Concerns have been raised in relation to highway safety and traffic generation especially on Godsey Lane and Towngate East. The applicants have submitted an updated Transport Assessment for the site undertaken in May/June 2011. The Local Highway Authority has been consulted and raised no objections to the proposed development subject to conditions. The Local Highway Authority has also advised that Members could if the felt appropriate attach a condition requiring the junction improvements to Godsey Lane to be completed prior to the occupation of any of the units on this Phase of the development. It is however recommended that this condition be amended to require the junction improvements to be completed prior to any development commencing on this phase of the development.

Concern has been raised that the application has not been screened under the EIA Regulations. The applicants submitted a Screening Opinion for the development of this site and land to the north of the site (Phase 2). The Council considered the information and it was confirmed that the development did not require an Environmental Impact Assessment.

With regard to the amount of open space provision proposed that Council's Leisure Officer has raised no objections to the proposals subject to an additional S106 off-site contribution of £44,800 towards off-site enhancements in the area. It is envisaged that this would be spent on providing additional facilities within Phase 2 of the scheme which has a large are of open sp[ace provision directly adjacent to the site and could accommodate additional equipment.

Concern has been raised that the development fails to meet the tests set out in Section 122 of the Community Infrastructure Levy (CIL) Regulations. Section 122 of the CIL Regs states that planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b)directly related to the development; and (c)fairly and reasonably related in scale and kind to the development. It is considered that the contributions requested meet these tests and are therefore appropriate and necessary in order to mitigate the potential impacts of the development.

Section 106 Heads of Terms

The development will require a Section 106 Agreement to provide the following contributions:

- A contribution towards education based on the local formula (estimated to be £508,976).
- A contribution towards the Local Primary Care Trust of £904 per dwelling (£76,840).
- Provision of 35% affordable housing on-site.
- Provision of on-site open space provision in the form of a LAP + a contribution of £44,800 towards off-site enhancements in the area.
- A contribution towards Lincolnshire Fire and Rescue Services passed on £121.78 per dwelling (£10531.30) + £843 towards the provision of a fire hydrant.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

Although this is an outline application it is considered that the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that the proposals would not compromise the character and appearance of the surrounding area. Phase 1 of the development is almost completed and permission has been granted for phase 2 of the development. It is considered that the current proposal would form a logical conclusion to the development as a whole.

The Council's Planning Policy Team has been consulted and they have indicated that some weight can be given to the emerging policy DE1a in the Site Allocation and Policies DPD and whist they have expressed some concerns about prematurity it is considered that the development is, in general conformity with the adopted Core Strategy. In light of the National Planning Policy Framework's presumption in favour of sustainable development and the lack of a five year housing lands supply it is considered that the development would not compromise the overall aims and goal of the Core Strategy and that it would be a logical conclusion to the development already permitted on the adjacent sites. The site is located on the edge of Market Deeping and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities.

It is therefore considered that the proposal is in accordance with national and local policies as set out in National Planning Policy Framework Sections 1, 4, 6, 7, 8, 10, 11 and 12. Core Strategy Policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Although this is an outline development it is considered that the site can accommodate residential development of the scale proposed and this would not appear out of character.

RECOMMENDATION: That the development be delegated to the Development Managmenet Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached condition(s). Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks port the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning

application shall be refused on the bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcomming.

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

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

2. 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; and
   (d) 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.

3. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

   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. The development shall commence only in accordance with the conclusions and mitigation measures as outlined in the submitted Noise Assessment dated March 2011, unless otherwise agreed in writing by the local planning authority.

   Reason: To protect the future occupiers of the proposed dwellings from noise and disturbance from adjacent land uses.

5. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

   Reason: To encourage additional biodiversity within the development.

6. When the first details are submitted at the 'reserved matters' application stage details of a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to the local planning authority for approval. The protection measures shall include details for protecting trees and hedgerows which are outside of, but directly adjacent to, the site boundary. The protection measures must clearly show measures for protecting the T.P.O trees adjacent to the sites southern boundary. The development shall then only be carried out in accordance with the approved details.

   Reason: To ensure the satisfactory overall appearance of the development and to ensure that existing trees and hedgerows are protected during the development, in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

7. The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

   Reason: To ensure that the design of the development helps to minimise the potential implications of crime and to improve community safety.

8. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

   Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

   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.

10. 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 (or other development as specified).

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

11. 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 occupants/residents/users of the site

12. Prior to any development commencing the vehicular access to Godsey Lane shall be improved in accordance with the indicative drawing number E1656/5B included in the supporting Supplementary Transport Assessment No4 dated 07 October 2011.

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

13. No building works which comprise the erection of a premise required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details as approved.

    Reason: To prevent an increase risk of flooding, pollution and detriment to public amenity through provision of suitable wastewater infrastructure and to ensure compliance with paragraph 11 'Conserving and enhancing the natural environment' of the National Planning Policy Framework, March 2011.

14. The permission hereby approved relates to the erection of up to a maximum of 85 dwellings only.

    Reason: To ensure that the final development takes the form and density envisaged by the local planning authority when the outline application was approved.

Note(s) to Applicant

1. 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.

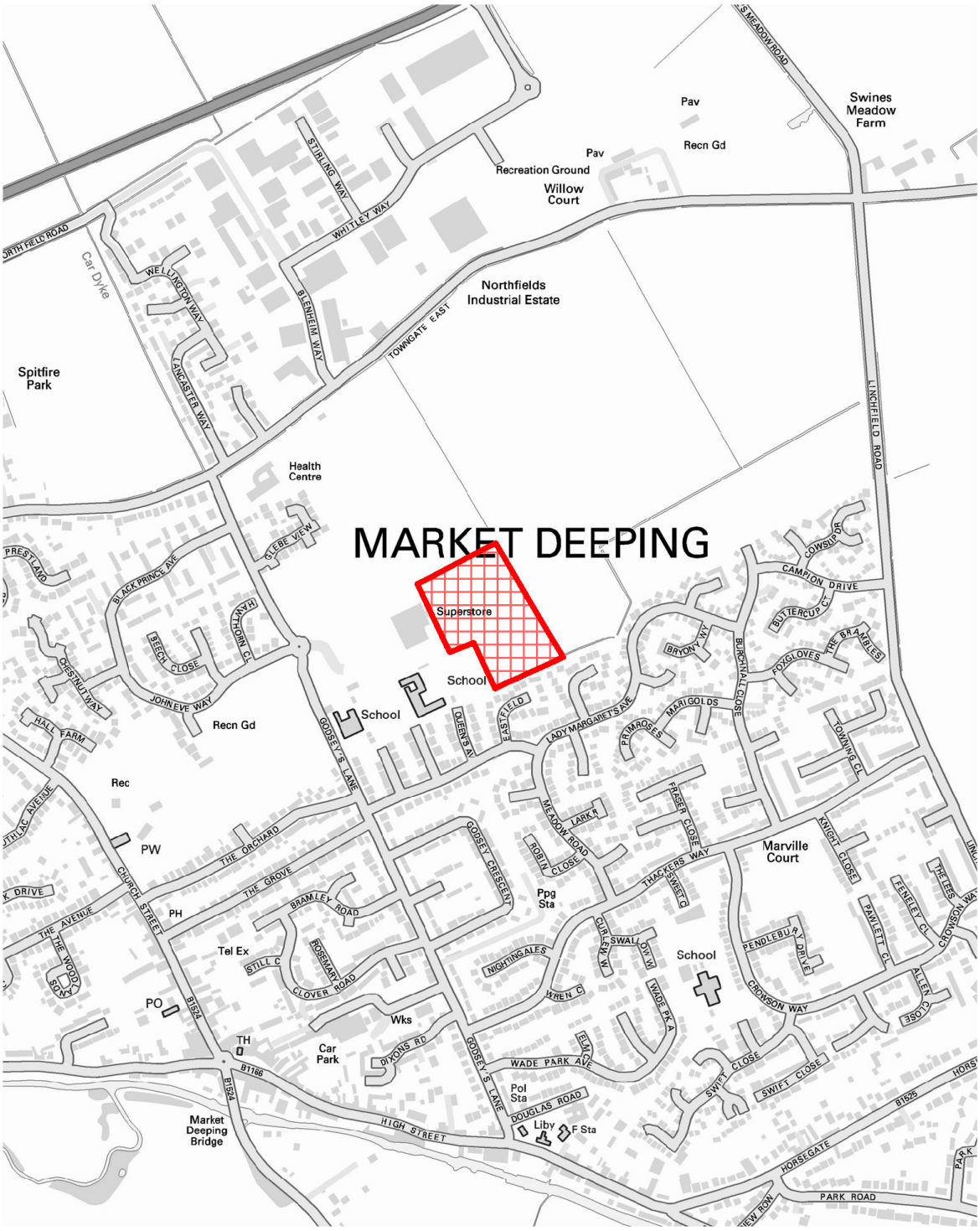
2. Where a road is designed as a private road it will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

3. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

4. This consent should be read in conjunction with the Legal Agreement (S106) dated

* * * * *

Site Location Plan	
Ref	**S11/2472**
Proposal	**Outline application with all matters except access reserved for approval for residential development**
Location	**Godsey Lane/Eastfield, Market Deeping**



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PL1 **S12/0213/FULL** Target Decision Date: 20-Apr-2012

Applicant	**TJ & KG Allen** 22, Barnby Lane, Claypole, Newark, Notts, NG23 5BD
Agent	Mr Ben Wills, Brown & Co The Old Bakery, 3, Norman Way, Melton Mowbray, LE13 1JE
Proposal	**Erection of livestock building**
Location	**Odd House Farm, Holme Lane, Claypole, Newark, NG235AP**
App Type	Full Planning Permission
Parish(es)	Claypole
Reason for Referral to Committee	At the request of the Development Management Service Manager having regard to the site history.
Recommendation Summary	Approve subject to conditions

Key Issues

- Impact on site and surroundings
- Odour

Technical Documents Submitted with the Application

- None

REPORT

The Proposal

This is a full application for the erection of a livestock building, 36.57m long, 18.28m deep with a ridge height of 7.48m to provide housing for a maximum of 106 cattle. The building is to be located 30 metres to the west of a recently approved general purpose agricultural building. Two planning statements have been submitted in support of the application detailing how the livestock operation will work, together with details of food, deliveries, odour and flies.

The application site and its surroundings

The application site is located to the north side of a track to the west of Holme Lane, approximately 1500metres to the north of the village of Claypole. A general purpose agricultural building was granted planning permission in December 2011, with the surrounding land currently in use for agriculture.

To the east of the application site located on the inside of a bend in Holme Lane are further agricultural buildings associated with the existing farming business, a recently built replacement dwelling for the former farmhouse and a redundant barn, currently being converted to a dwelling under a planning permission granted in 2008.

To the north of the application site there are a further two dwellings, approximately 350 metres away that are accessed off Holme Lane.

Relevant Planning History

In November 2008 an agricultural determination application for the erection of an agricultural storage building was determined by the Council as not requiring a planning application.

In July 2010 a further agricultural determination application was received for a replacement agricultural building. During the consideration of this application it was found that the storage building considered in 2008 above, had been erected in the wrong location and was being used for the housing of livestock.

In March 2011 full planning permission was refused for the retention of the agricultural building (subject of this application) and its change of use to house livestock and the erection of an additional livestock building and food storage areas.

In September 2011 an appeal against the above refusal was dismissed. In the Inspectors decision letter they considered the main issues to be the effect on neighbours' living conditions in terms of odour, noise and disturbance.

In December 2011 planning permission was granted for the retention of the agricultural storage building.

Regarding the adjacent land, in September 2007 planning permission was granted for the replacement of the former farmhouse. This has been completed and is occupied.

In August 2008 planning permission was granted for the conversion of a redundant agricultural barn to a dwelling. Work is currently in progress on the conversion.

Representations Received

Claypole Parish Council – No objections.

Archaeological – No affects on any known sites.

Lincolnshire County Council Highways – Proposed development will not be detrimental to highway safety or traffic capacity.

Environmental Protection – No objection subject to the operation of the business in accordance with the submitted details and the use of pellet food only.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement.

At the time of preparing the committee report one response had been received and the points raised can be summarised as follows:

Object to the application as it is likely to have a detrimental effect upon my and my neighbours' living conditions.

This application is similar to that refused by SKDC and the Planning Inspectorate.

There are discrepancies in how the applicants intend to operate and how they have operated.

Significant differences in my and the applicants view to the fly problem.

Planning Considerations

National Policy

NPPF – Section 3 Supporting a Prosperous Rural Economy.

Core Strategy

Policy EN1 – Protection and Enhancement of the Character of the District.

This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 4, 9 and 11 refer in this case relating to, the layout and scale of buildings, remoteness and tranquility and noise and light pollution.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings

Odour

Officer Evaluation

The proposal is for the erection of a livestock building, 36.57m long, 18.28m deep with a ridge height of 7.48m to provide housing for a maximum of 106 cattle.

Impact on Site and Surroundings

The proposed agricultural building due to its design, materials and siting will have no detrimental effect upon the site or surroundings being a typical, modern farm building and relating well to the surrounding farm structures located to the east of the application site. Due to its location and the relationship with the nearest residential properties to the east, the building will have no adverse affect upon these properties in terms of loss of visual amenity.

Regarding its proposed use to house cattle, in September 2011 an appeal decision was dismissed for the retention of the agricultural building and its use for housing livestock. In dismissing the appeal the Inspector concluded that the main issue the proposal would have would be an unacceptable detrimental effect on the living conditions of neighbouring properties in terms of odour. They considered that there was insufficient evidence to indicate that noise and disturbance associated with the use of the building for livestock would be sufficient to dismiss the appeal and made no reference to the size, appearance or location of the building itself being unacceptable.

Odour

In this instance, having regard to the location of the livestock building and the operational methods detailed in the supporting statements it is considered that the proposal will have minimal adverse affect upon the residential amenities of the nearest residential properties and that there will be little odour from the livestock building itself. In the Inspectors decision letter, during their site visit they only detected odour within 20m or so of the building, odour could come from livestock in the surrounding fields which can be kept there without the need for planning consent.

Crime and Disorder Implications

It is considered that the proposed development will not have any significant or detrimental crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that by virtue of the location, scale, design and materials to be used the proposed agricultural building would have minimal visual impact and would be well integrated into the rural context. Having regard to the relationship and location of the nearest residential properties and the method of operation, it is considered that the proposal will result in minimal odour impact to these dwellings.

It is therefore considered that the proposal is in accordance with NPPF Section 3 and policy EN1 of

the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The livestock operation shall be carried out in accordance with the details and procedures set out in the supporting documents submitted with the application received on 24 February and 14 May 2012.

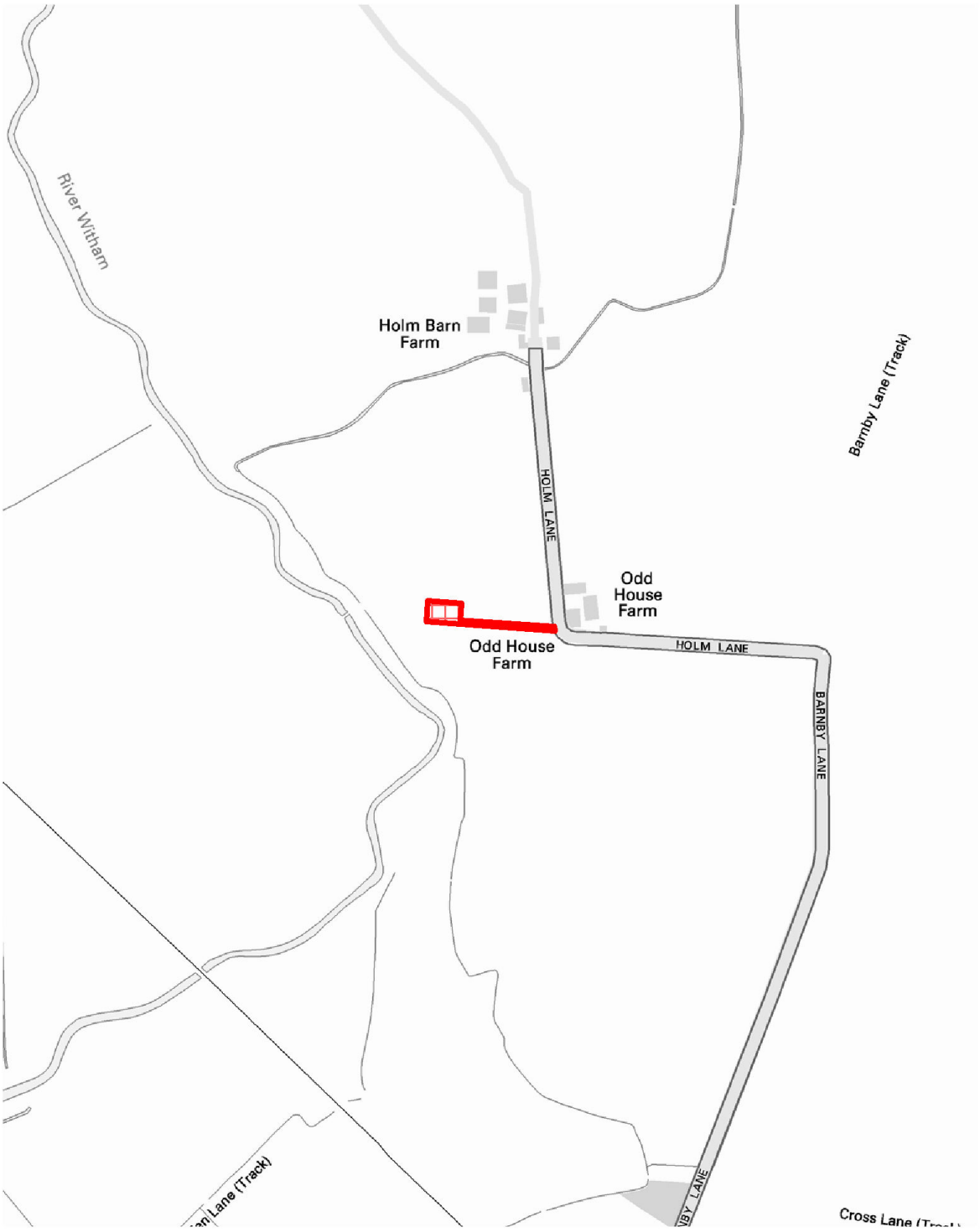
   Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

3. If fresh food is to be used to feed the livestock details of what is to be used and where it is to be stored shall be submitted in writing to and approved by the local planning authority.

   Reason: In the interest of residential amenity.

* * * * *

Site Location Plan	
Ref	**S12/0213**
Proposal	**Erection of livestock building**
Location	**Odd House Farm, Holme Lane, Claypole, Newark, NG235AP**



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PL2 **S12/0209/HSH** Target Decision Date: 22-Mar-2012

Applicant	**Mr K Baggaley** 29, Drummond Road, Bourne, Lincolnshire, PE10 9JF
Agent	Jack Young 3, Bramley Road, Market Deeping, Peterborough, PE6 8JG
Proposal	**Single storey rear extension and retention of garage as built**
Location	**29, Drummond Road, Bourne, Lincolnshire, PE10 9JF**
App Type	Householder Development
Parish(es)	Bourne
Reason for Referral to Committee	At the request of the Local Councillor for the following reasons: works will take up most of the rear garden causing loss of sunshine and light.
Recommendation Summary	The development to be approved subject to conditions

Key Issues

- Impact on property
- Impact on surroundings

Technical Documents Submitted with the Application

- none

REPORT

The Proposal

This is a full application seeking consent for the erection of a single storey rear extension, 4.8 metres deep, 5.31 metres wide, with a pitched roof located centrally on the property. Consent is also sought for the retention of a detached garage, 3.4 metres wide with a maximum length of 6.3 metres and a maximum height of 3 metres.

The Application Site and its Surroundings

The application site is located in an established residential area on the west side of Drummond Road. No. 29 is a semi detached two bed bungalow that has no previous extensions. In the south west corner of the rear garden there are two small sheds. The garage subject of this application is under construction on the northern site boundary, adjacent to the detached garage belonging to the semi detached bungalow to the north.

To the south the other half of the semi has a single storey rear extension on its southern side located away from the common side boundary between the two properties.

To the north there is a similar semi detached bungalow that has a vehicular access adjacent to the common side boundary leading to a detached garage in the rear garden. To the rear of the dwelling on the south side there is a conservatory.

Relevant Site History

None.

Policy Considerations

National Planning Policy Framework

Section 7 - Requiring Good Design.

South Kesteven District Council Core Strategy:

Policy EN1: Protection and Enhancement of the Character of the District.

Representations Received

Bourne Town Council: No objection to the extension. Due to the unusual shape of the proposed garage it is suspected that the garage may be used as a workshop.

Lincolnshire County Council Highways – Does not wish to restrict the grant of permission.

Archaeological – no affect upon any known sites.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and six representations have been received from adjacent residents. The comments can be summarised as follows:

1. The proposed length of the rear extension will restrict my already limited view.
2. Size of the extension is out of character.
3. The height of the extension will restrict light into my property.
4. Garage could be used for commercial activity.
5. Overdevelopment of the rear garden.
6. Possible fire risk from the wooden structures.

Officer Evaluation

This is a full application for the erection of a single storey rear extension and the retention of a detached garage.

Having regard to the size and location of the proposed extension and garage and the relationship with the adjacent residential properties and existing outbuildings on adjacent sites, the proposal will have very little adverse affect upon the residential amenities of these dwellings in terms of loss of light or privacy. Whilst the extension will be visible from adjacent properties this is not a reason in itself to refuse permission.

Comments regarding the possible use of the garage for commercial use are noted, however there is no action the Council can take on an assumed future use, if at a later date such activities were undertaken this would be subject to a separate enforcement investigation.

Section 106 Heads of Terms

Not required.

Crime and Disorder

The proposed development raises not significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The proposed development will have no adverse affect upon the application site itself nor on the adjacent dwellings or the area as a whole.

RECOMMENDED: that the development be approved subject to condition(s)

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that, due to the mass and height of the proposed extension and garage, with the use of matching materials for the extension, the proposal is sympathetic to the host dwelling and there will be no detrimental impact on the character and appearance of the street scene or the wider area. Furthermore due to the relationship with adjacent dwellings the extension and garage will have no adverse effect upon the residential amenities of these properties in terms of loss of light or privacy.

Accordingly, the proposal is considered to conform to NPPF Section 7 (requiring good design) and Policy EN1 the South Kesteven Core Strategy.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.

   Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).
3. This permission relates solely to the application as amended by drawings no. 2012-343-PC received on 28 March 2012 and 26 April 2012.

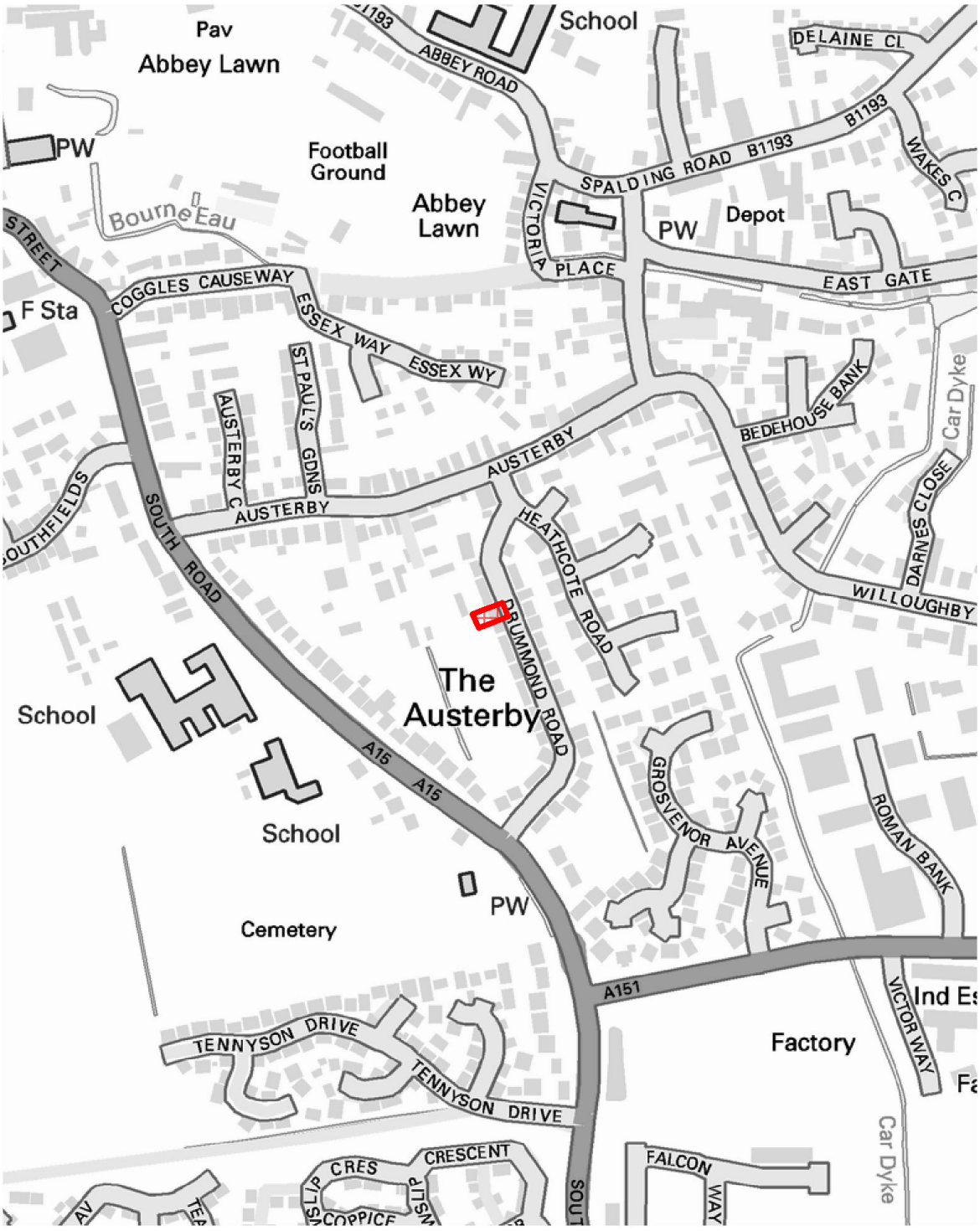
   Reason: The earlier submitted drawings were unacceptable because they incorrectly showed the proposed development.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.

* * * * *

Site Location Plan	
Ref	**S12/0209**
Proposal	**Single storey rear extension and retention of garage as built**
Location	**29, Drummond Road, Bourne, Lincolnshire, PE10 9JF**



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RV1 **S10/2002/FULL** Target Decision Date: 26-Oct-2010

Applicant	**Mrs N Jacobs *, Bourne Town Council** The Town Hall, North Street, Bourne, PE109EA
Agent	
Proposal	**Change of use from residential land to cemetery and 14 space car parking area**
Location	**Land Rear Of, 41-45, South Road, Bourne**
App Type	Full Planning Permission
Parish(es)	Bourne
Reason for Referral to Committee	The development requires a 106 Agreement.
Recommendation Summary	That the development be approved subject to conditions.

Key Issues

- Impact on the surrounding area.
- Protection of TPO Trees on the site boundary.
- Protection of underground water tables from contamination.
- Secure Bridle Path crossing the site.
- Archaeology conditions required.

Technical Documents Submitted with the Application

- Car Parking Plan.
- Access and Design Statement.
- Trial Hole Dig Report.

REPORT

The Proposal

The proposal is for the change of use of residential land to extension to existing cemetery and 14 space car parking area. The scheme will have a visual impact on the area but in terms of the use of this vacant plot of land it will be compatible with the existing cemetery to the south and have low level impact on the school site to the north and residential development in close proximity to the site.

The application site and its surroundings

The application site is to the east side of South Road and is an existing vacant plot of land between the existing school site to the north, residential development to the east, existing cemetery to the south and new housing development to the west.. The site has an area of 0.9 hectares.

Site History

S03/0160 - Residential Development to the rear 41-45 South Road, Bourne –Approved Conditionally in September 2003.

S07/1707 – Residential Development (245 dwellings) Zone 3 Elsea Park with associated open space and footpath link – Withdrawn.

S08/0647 – Residential Development Reserved Matters (139 dwellings) Zone 3 Elsea Park with associated open space – Approved conditionally in August 2008.

Planning Considerations

National Policy

NPPF – Section 11 – Conserving and Enhancing the Natural Environment.

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality **and amenity of t**he built and countryside environments and criteria 2, 4, 5, 10 and 11 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings, the quality and character of the built fabric, visual intrusion and noise and light pollution..

Representations Received

Archaeology – Requests A scheme of works condition as Roman burials and settlement remains have been recording adjacent to the site, to the north.

Environment Agency have indicated that following the trial hole report are satisfied that the proposal is unlikely to result in pollution of ground or surface waters. Therefore their original objection has now been withdrawn.

Lincolnshire County Council Highways Division – Requests that the grant of permission be subject to standard conditions being imposed and a 106 Agreement being entered into for footway improvements.

Tree Officer – Requests conditions regarding tree survey and protection for trees on the site boundary before work commences.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement to which one resident supported the application and the developer of the land to the west objected on impact on residential amenities, their access road insufficient to serve cemetery and car parking area, the proposal does not comply with Elsea Park Development Master Plan leading to loss of residential units on the Elsea Park Development.

Officer Evaluation

With regard to the impact on the character of the area the development of the site in principle is acceptable as this will be an extension to the existing Bourne Cemetery. There is no major impact on the amenities of neighbouring residential occupiers and the application has been supported by one of the adjacent property owners. It is felt on balance that the proposed cemetery extension will not detrimentally affect the new development to the west and the road system should be adequate to serve the cemetery car park as there is already residential use approved that create greater traffic movement. The Environmental Agency have indicated that underground water and surface water should not be affected by the proposal. With regard to the Trees on the site boundary, provided a tree survey and a scheme for their protection is submitted and it is accordance with BS5837(2005) and the guiding principles of Table 1, the proposal will be acceptable. Conditions to this affect can be imposed. Likewise the Archaeology remains issue can also be conditioned as requested by the Historic Environment Officer. Provision must be made for the protection of the Bridle Path crossing the site.

Crime and Disorder Implications

It is considered that the proposed development will not have any significant or detrimental crime and disorder implications.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that by virtue of the location of the site will have minimal visual impact and would be well integrated into the street scene context of the surrounding area. There would be no detrimental impact on the residential amenities of the occupiers of nearby dwellings or on highway safety. The issue regarding impact on underground and surface water has been cleared by the Environmental Agency and issues relating to archaeology, trees and the Bridal Path can all be conditioned.

It is therefore considered that the proposal is in accordance with National Planning Policy Framework Section 11 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

   Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

   Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. The access and parking is to be in accordance with the submitted Design and Access Statement submitted with the application.

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

4. Before any development commences on site an accurate site survey showing all existing trees, shrubs and hedges on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The survey shall show the position, species and crown radius at the four cardinal points, crown height and approximate heights of all trees, shrubs and hedges and their apparent condition. The trunk diameters at 1.5 metres from the ground level of each tree shall also be submitted. The tree survey and plan should be in accordance with BS5837 (2005) Trees in Relation to Construction and will provide details of Root Protection Areas. Details of retention categories according to the guiding principles in Table 1 of BS5837 and proposed works must be provided.

   Reason: To safeguard the trees, shrubs and hedgerows in the interests of visual amenity and wildlife preservation and to meet the requirements of Section 197 of the Town and Country Planning Act 1990.

Note(s) to Applicant

1. The existing Bridleway/Right of Way shall be left intact and must not be diverted or stopped up without the express consent of the Lincolnshire County Council.

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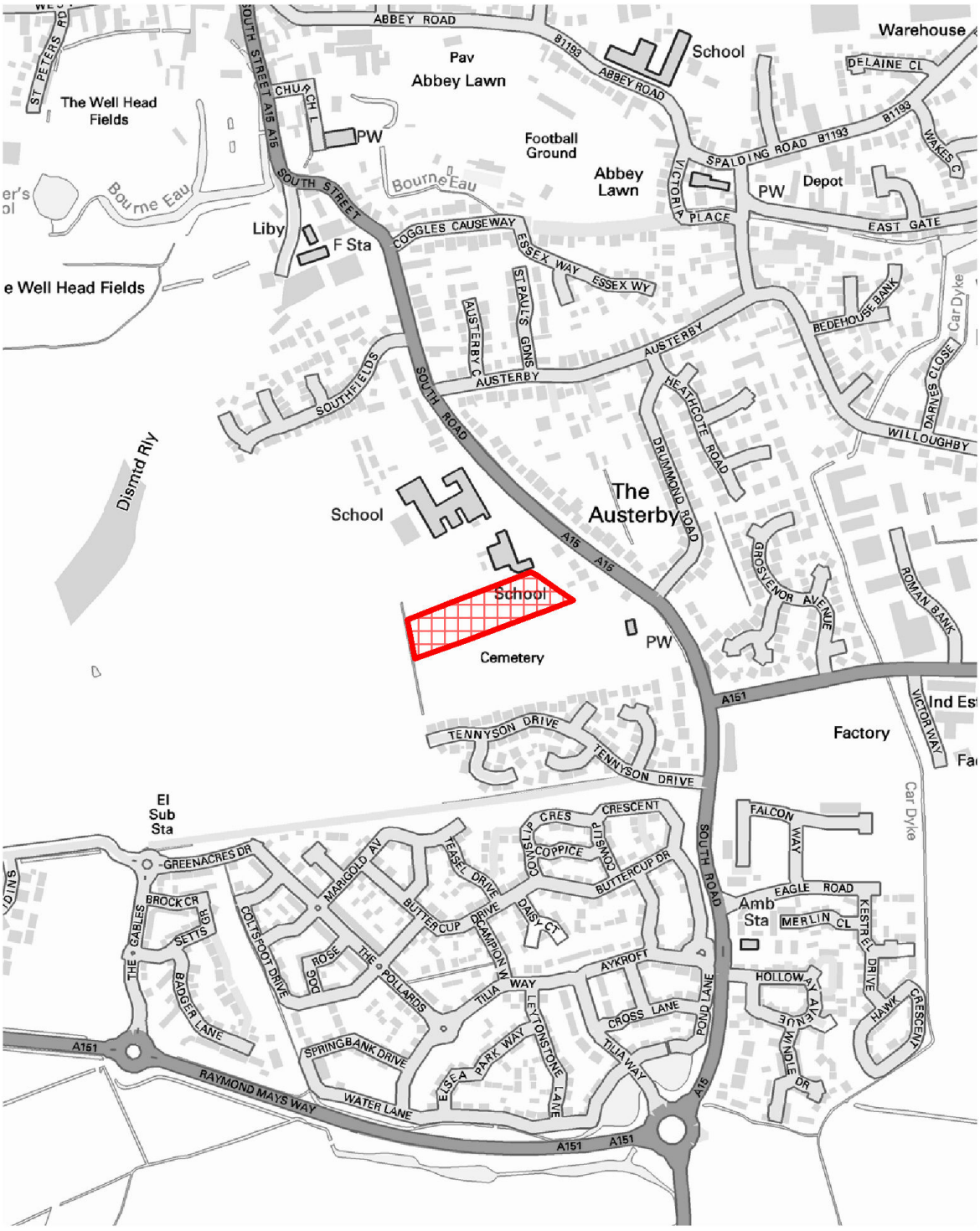
Site Location Plan	
Ref	**S10/2002**
Proposal	**Change of use from residential land to cemetery and 14 space car parking area**
Location	**Land Rear Of, 41-45, South Road, Bourne**



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