

Applicant	Andrew Rogers, JGP Properties Ltd c/o Agent
Agent	Mr Andrew Rogers, Capita Symonds Architecture ICON Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT
Proposal	Outline planning permission for residential development and the formation of new vehicular access
Location	Land Off Main Road, Long Bennington
App Type	Major Outline (Residential)
Parish(es)	Long Bennington
Reason for Referral to Committee	Major application and likely to cause wider concern.
Recommendation Summary	<p>Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. the Site Allocations DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations.</p> <p>It is accepted that determining the application could prejudice the Examination of the Site Allocations and Policies DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan.</p> <p>Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable development endorsed by the National Planning Policy Framework.</p>

Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity
- Drainage
- Heritage Impact

Technical Documents Submitted with the Application

- Transport Statement (and Addendum)

- Reptile Survey/Habitat and Protected Species Assessment/Badger and Breeding Bird Survey
- Flood Risk Assessment
- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Statement

REPORT

The Proposal

The application was originally submitted in outline form with all matters reserved for subsequent approval except access. However, at the request of the case officer details of layout were requested to be considered at outline stage in order for a reasoned assessment of the development to be undertaken.

Accordingly a plan was submitted to demonstrate how the site could accommodate 35 residential units.

The site would be served off Main Road with the main access road running roughly through the centre of the site terminating with a turning head. The proposed dwellings would either be accessed directly off this road or off shared surface areas.

The application site and its surroundings

The application site is located on the northern edge of the existing village and is currently an open field. The site is bounded by Main Road to the west, residential properties off Water Lane and Westborough Lane to the south and properties off Riverview to the east. The north of the site is open fields.

There is a listed building, Mount Pleasant adjacent to the site to the south. The planning application has been advertised as affecting the setting of this listed building. Whether or not the development would result in any demonstrable harm to the setting of the listed building will be discussed as part of the officer evaluation.

Relevant Site History

SK.55/1444/89 - A scheme for residential development was submitted and subsequently refused on the grounds that the site was out of character with the rural nature of the village extending the built form into open countryside.

S03/0914 - A near identical proposal to the previous application was submitted earlier in 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S03/1510/55 – An outline planning application for the residential development of the site was submitted in November 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S04/1001 – Full Planning permission for 53 dwellings and garages was refused on 5th October 2004. The reasons for refusal are:

1. Full planning permission is sought for a residential development scheme on land at Town End Field at the northern extreme of the village of Long Bennington. The land is currently undeveloped open agricultural fields and is situated beyond the recognised confines of the settlement. In the opinion of the local planning authority the development forms an unwarranted extension of built development into an area of open countryside to the north of the village contrary to the aims of the Development Plan and contemporary central government planning guidance. The site is not allocated in the

South Kesteven Local Plan for residential purposes and is therefore considered to be contrary to the aims and objectives of Policies EN1, H6 and H8 of the adopted Local Plan, Policy 5a of the adopted Lincolnshire Structure Plan and Policy 11 of the deposit draft replacement Structure Plan.

2. This authority is in the process of preparing the Local Development Framework which will emerge to replace the current Local Development Framework Plan. It is considered that the granting of permission for the development of the site with a major residential proposal would be premature and would prejudice the outcome of the Local Development Framework process by pre-determining decisions about the scale and location of new development that are most appropriately determined through the Local Development Framework preparation process, detrimental to the planned growth of the settlement and the district as a whole.

Representations Received

Policy Considerations

Initial Comments

The relevant Development Plan policies for the consideration of the principle of this application are policies SP1 and H1 of the adopted Core Strategy. Whilst these policies allow for some modest housing development within the 16 Local Service Centres (which includes Long Bennington), both policy SP1 and the supporting text for H1 make it clear that housing development in the LSCs should be limited to brownfield sites within the built up part of the village, or sites which are allocated in the Site Allocation and policies DPD.

Preparation of the Site Allocation and Policies DPD (SAP DPD) is now quite advanced, and the plan is expected to be submitted to the Secretary of State before the end of this year. However until the DPD is adopted, only those sites which remain undeveloped from the adopted local plan remain as allocated housing sites. As this site is not allocated for development in the saved, adopted Local Plan it is not allocated. The application is therefore contrary to policies SP1 and H1 of the adopted Core Strategy.

The application site is, however, one of a large number of sites which has been considered and assessed as part of the preparation of the emerging Site Allocation and Policies Development Plan Document. As a result of this assessment process the application site has been identified by the Council as the preferred option for allocation in Long Bennington. However it should be noted that there were several other sites in Long Bennington which were also assessed as suitable for housing.

The DPD has just been published for the formal six week representation period prior to being submitted to the Secretary of State for Examination. 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 this and other competing sites in the village. In addition, the Inspector will need to test the principle of an allocation in Long Bennington is a sound one.

Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector's consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard

to the guidance in 'The Planning System: General Principles' [paragraph 17] regarding prematurity, I object to this application.

Final Comments

This memo updates and provides further policy advice to my consultation response about this application dated 11th October 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 therefore a material consideration in the determination of planning applications. In addition and the plan preparation process for the Site Allocation and Policies 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 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 LSC1(f), thereby the principle and suitability of the site for development has been accepted by the Council. Some weight should be afforded to this policy as it has progressed through to examination stage. However there are outstanding objections to the site which should be considered at the examination, in particular this site is one of a large number of sites in the village which were assessed, several other sites were also assessed as suitable for housing and a number of these sites are being pursued through the examination process. Those making representations about this have a right to have their concerns considered by the Inspector as part of the Examination. The emerging policy is considered to be consistent with the Framework.

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.

I conclude therefore that whilst some weight can be given to emerging policy LSC1f, I remain concerned that determining this application could prejudice the Examination process in relation to determining the scale and location of development in the LSCs, however I do not believe that the scale of development is sufficient to be considered "strategic" nor would it significantly affect the spatial strategy of the emerging plan. In all other respects the proposal is in accordance with the Core Strategy policies and in allocating the site in the council has agreed that it is suitable for development and can therefore be considered "sustainable development". In light of the NPPF's presumption in favour of sustainable development, 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.

Open Space Officer

The calculation for the provision of equipped children's play space is detailed in the attached spreadsheet. Based on the potential number of residents (35 dwellings x 2.36 = 83) in this development the calculation gives a figure of 125 m² (83 x 1.5 m²) to be provided for equipped children's play. 1.5m² of equipped children's playing space per head of population is as per the SKDC commissioned open space study – "A Study of Open Space, Sport and Recreation in South Kesteven District 2009".

Long Bennington Playing Fields are located on the opposite side of the Main Road adjacent to this proposed site. As well as ensuring there is a safe crossing point to these facilities I would request a contribution of £18,750 to these play equipment on these facilities, based on the following calculation.

Calculated equipped play space for proposed development = 125 m²

This is equivalent to 1.25 x LAP provision

Financial contribution for LAP provision = £15,000

1.25 x £15,000 = £18,750

Partnerships Projects Officer (Affordable Housing)

Initial Comments

With regards to the above application I can confirm that affordable housing requirements are as follows:-

- 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 affordable rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need

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

- Preference for the Council is that 35% affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.
- A minimum of 60% of the affordable housing to be 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.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development.

- The consideration of the affordable housing units to be offered for sale to a RHP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Please find below response with regards to the provision of affordable housing.

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Partnerships Projects Officer (Affordable Housing) further comments (2)

With reference to the layout of the potential development Main Road, Long Bennington.

I can confirm that the proposal includes the required 35% affordable housing on site consisting of 4 x 2 bedroom houses, 5 x 2 bedroom bungalows and 3 x 3 bedroom houses (12 units in total).

The greatest need in the district is for two bedroom properties. The Housing Needs Survey published in October 2010 also highlights the greatest need for two bedroom properties. The development proposes 9 x two bedroom properties which will meet local needs and 3 x 3 bedroom houses to meet larger family needs. It is possible that 1 or maybe 2 of the bungalows will need to

provide adaptations such as a wet room, easy access for a wheelchair. The layout provides two bungalows which may be able to meet this criteria.

With regards to the general layout the affordable housing is well integrated into the site and provides the same level of amenity space and privacy as afforded the open market units.

Partnerships Projects Officer (Affordable Housing)

Final Comments

I am happy with the proposed affordable housing units. The proposal is for 12 (35%) affordable housing units on site. Consisting of 3x2 bed bungalows, 6x2 bed houses and 3x3 bed houses which meet some of the affordable housing need identified for Long Bennington. The affordable housing units are well located in the proposed development and meet the requirements to create a mixed sustainable community.

The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties.

Police Architectural Liaison Officer

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; In the interest of security, crime reduction and community safety.

Environmental Protection

No known Contamination Issues

Property and Facilities (Drainage)

Upper Witham will want to comment on any outfall to existing watercourse. So may the EA.

Arboriculture Consultant

If you feel that significant trees, shrubs and hedgerows are growing inside and or just outside the site boundaries then a tree survey will be required to meet with the requirements of Section 197 of the Town and Country Planning Act 1990.

An accurate site survey showing all the existing trees, shrubs and hedges on and adjacent to the site should be submitted to the Local Planning Authority and be approved by it in writing.

The survey should be carried out by a competent and suitably qualified arboriculturist and shall show the position, species and crown radius at the four cardinal points, crown height and approximate heights of all the trees, shrubs and hedges and their apparent condition. The trunk diameters at 1.5m from 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.

Mitigation of issues relating to the trees and development should where appropriate be provided in the form of an Arboricultural Implication Study. Further details where deemed appropriate; including hard surface construction and on site tree protection should be submitted in the form of a Method Statement and Tree Protection Plan.

Local Highway Authority

Initial Comments

With reference to the above planning application which was passed to the Highway Authority for consultation on 2 September 2011, I inform you that all relevant information has not been provided to enable the Highway Authority to provide a substantive response. The 21 day consultation period will not commence therefore, until the Highway Authority is in receipt of the relevant information as detailed below.

Please can you go back to the Applicant/Agent and request a drawing is submitted showing the extent of the proposed cycleway/footway along Main Street which will form part of the Section 278 Agreement.

I hereby inform you that should you not agree to the request for delay of commencement of the consultation period, until the Highway Authority is in receipt of requested information, the Highway Authority will recommend refusal of the planning application.

Further Comments (1)

Requests that any grant of planning permission includes the following conditions:

HI00 - No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycleway along Main Road, Long Bennington (Distance as shown on drawing CS46981/T/002 Rev E) together with all ancillary works.

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

HI05 - 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.

HP16 - When application is made for approval of the 'Reserved Matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

HP21 - No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway along Main Road, Long Bennington (by means of a 3.0 metre wide footway/cycleway along with all associated ancillary works) 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.

HP23 - Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed 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.

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

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

HP26 - 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 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.

Final Highway Comments (Explanation)

The local highway authority looked carefully at the proposals for development of this site and potential improvements to overcome a number of issues some of which include continuing liaison with the Parish Council.

It should be acknowledged that the current width of the carriageway in this location far exceeds the normal standard for a county class 'c' road. The 'narrowing' will reduce the carriageway width to 7.3m where it fronts the Pavilion, sports ground and southwards to that commensurate with the hierarchy type 3 road.

Essentially, it is envisaged that by introducing the 'narrowing' in such a manner this will discourage HGV parking but retain enough width to safeguard on-street parking used by the bowls club:etc.

You will understand that the narrowing of carriageway in itself is considered to be a means of reducing speeds.

My understanding is that the access to the bowls club/sports field is not used by members for the parking of cars of players or their supporters and relatives on any regular or irregular basis although it is noted that car boot sales take place a small number of times per year.

The provision of the footway/cycleway it is hoped will encourage alternative modes of travel.

The mitigating proposals therefore, in conjunction with a 'Gateway' scheme and extension to the speed limit northwards are considered suitable improvements with added factors of safety for users of the highway at this end of the village.

The issue of traffic regulation orders to control parking in the locale is being discussed with the Parish Council, but it is suggested that this be investigated more once (should the development be

permitted) the improvements have been implemented as their imposition can affect normal accepted use and have wider implications elsewhere on the network.

Severn Trent Water

No objection subject to a condition regarding the submission of surface drainage details to the local planning authority for approval.

Anglian Water

Pre Development Report (summary)

Wastewater Treatment

The foul drainage from this development is in the catchment of Long Bennington Sewerage Treatment Works that will have capacity for these flows.

Foul Sewerage

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate

Surface Water

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed

Environment Agency

Initial Response

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the granting of planning permission.

Reason

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not, therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

- The discharge rate has been calculated based on the total site area of 1.2 hectares rather than the impermeable area of 0.5 hectares;
- The surface water will enter the River Witham via a watercourse within the drainage area of the Upper Witham Internal Drainage Board (IDB). Accordingly, the written agreement of the IDB should be included within the FRA;
- Further information should be provided regarding how the minor watercourse enters the River Witham. Our records indicate that this is via a sluice and therefore details should be

provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site;

- The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Further Comments (1)

In relation to the above application unless already consulted, we advise that Anglian Water Service Ltd are consulted to confirm whether or not 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 copy of their response should be forwarded to the Environment Agency for comment.

Further Comments (2)

I refer to our previous letter of 14 September 2011, in which we objected to the above application on flood risk grounds.

We have now received a copy of the South Kesteven Detailed Water Cycle Study (WCS), Final Report, November 2011. This report has brought to our attention the lack of sewerage network capacity issues in Long Bennington. As a result of this, we wish to make a further objection to this application on pollution and sewer flooding grounds.

Page 93 of the WCS says that “Anglian Water Services has stated that there is no allowance for any development in Long Bennington until the sewerage system has been upgraded.” The Study goes on to advise that all development will be subject to a minimum 5 year delay to resolve the sewerage constraint. Any additional development, even small scale, will increase the risk of, and be vulnerable to, sewer flooding until the strategic solution is implemented.

Planning Policy Statement 12: Local Spatial Planning states that “when it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted”.

Similarly, Planning Policy Statement 23: Planning and Pollution Control (PPS23) highlights that possible adverse effects on water quality, the provision of sewerage and sewage treatment and the availability of existing sewerage infrastructure are material planning considerations for planning applications. PPS23 directs that the precautionary principle should be applied in such cases.

If you are minded to approve the application contrary to this advice, we request that we are reconsulted to allow further discussion and/or representations to be made.

Further Comments (3)

I refer to my previous letter dated 14 September 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have received an amended FRA in support of the application. However, we consider that the details in the FRA are not yet fully Planning Policy Statement 25 'Development and Flood Risk' (PPS25) compliant. Accordingly, we MAINTAIN our objection to the proposed development subject to the submission of an amended FRA, which addresses the following points:

Further information needs to be provided in respect of how the minor watercourse enters the River

Witham. Our records indicate that this is via a sluice. Therefore, details should be provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site. The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Appendix E of the FRA has included the calculations for the required amount of attenuation storage. This has not considered a large enough range of storm durations. The volumes shown in the calculations keep increasing. Normally, if longer storm durations were considered you would expect to see the attenuation volume reach a peak amount and then start to reduce – the peak amount should be used as the amount of attenuation storage required. The amount of storage given in Table 6 of the report is not shown in the calculations in Appendix E. The calculations need to be expanded to include longer storm durations which should show the volume required reaching a peak value. We have carried out a check using the Windes Microdrainage software and this has produced a higher figure for the amount of attenuation storage that could be required.

Section 4.3 has considered the use of an above ground attenuation pond but this is not shown on any of the layout plans. An attenuation pond will inevitably have an impact on the development layout so it should be considered at an early stage. Alternative solutions, such as underground storage, may not be considered to be the most sustainable option. We would strongly recommend that the site is discussed at the South Kesteven Flood Risk and Drainage Management Group, so that all relevant organisations can assist with finding a sustainable solution. Lincolnshire County Council runs this group in its capacity as Lead Local Flood Authority. In future this development may need the approval from the SUDS Approval Body (SAB) which will also be the County Council. Early discussions should help to avoid problems later on.

Further Comments (4)

I refer to our previous letter of 30 November 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have since received an amended FRA submitted to support the application. We consider that the details in the amended FRA have been undertaken in line with the guidance contained in Annex E of Planning Policy Statement 25 'Development and Flood Risk' (PPS25). Accordingly, we are prepared to withdraw our objection on flood risk grounds, subject to the imposition of the following condition:

Condition

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

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and

amenity, and ensure future maintenance of the surface water drainage system.

As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions in Planning Permission'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our objection in respect of potential pollution and sewer flooding remains valid.

Information for applicant

We would also strongly advise the application to make contact with Lincolnshire County Council with regards to the sustainable drainage elements of the proposed drainage scheme. In the near future the development may require the approval of the SUDS Approval Body (SAB), which will also be the County Council.

Final Comments

I can confirm that we have since received a 'Pre-development report' prepared by Anglian Water, dated 3 January 2012. This report states that the sewerage treatment works and sewerage network have adequate capacity to accommodate the flows from this development. We therefore withdraw our objection subject to mains drainage being secured via condition. The following wording is suggested:

Condition

No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

Reason

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

Please note that the condition requested in our previous letter in relation to surface water drainage is still relevant, and we request that it be included as part of any permission granted.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'The Use of Conditions in Planning Permissions'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Upper Witham IDB

The applicant states within the Flood Risk Assessment that surface water is being directed to a watercourse. The applicant form suggests that surface water is being directed to a SUDS system or Main Sewer.

The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse

Reason: To prevent the proposed development increasing flood risk in places outside the immediate vicinity of the development site.

No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed.

Reason To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Surface water discharges from this site should be flow regulated so as not to exacerbate flooding problems elsewhere in the catchment. Therefore no development should be commenced until a Scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed. The maximum rate of discharge would not be expected to exceed that of a "greenfield site"

Reason: To prevent the increased risk of flooding.

The Applicant states that surface water is to be to a sustainable system but there is little or no information available as to what that means. It is therefore advised that no development should be commenced until a Scheme for the provision, implementation and maintenance of a SUDs system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. If it is found that a SUDs system is not suitable, the Applicant should be required to re-submit amended proposals showing how the Site is to be drained without increasing flood risk.

Reason: To provide an acceptable means of serving the development

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant and accepted/agreed by the Local Planning Authority in consultation with the Internal Drainage Board prior to works commencing.

Reason: To prevent an increase in flood risk

The applicant has provided an assessment of the agricultural discharge rate and this Board would not object if the rate quoted in the Flood Risk Assessment of 4.18 l/s is used as a maximum discharge rate from this location into a watercourse within the River Witham catchment under all conditions.

The Board wishes to make the following comments which should be included as INFORMATIVES with any Consent granted:-

It should be noted that the watercourse passing through, or adjacent to, the Site has insufficient capacity to accept additional surface water discharge that could be discharged from the Site. Any increase will result in the increased risk of flooding elsewhere.

Any watercourse adjacent to and/or affected by this development is not maintained by the Board. The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Further Comments

The original Flood Risk Assessment (FRA) and the original application were at variance. The FRA suggesting that surface water was being directed to a watercourse, the application form and SUDs system and public sewer. In both cases our comment to the planning authority was that the applicant should provide sufficient information to show that the watercourse into which the development site finally discharges is capable of accepting any increase in flow. We indicated that the site should have a regulated run-off rate not exceeding a maximum rate equivalent to "greenfield" run-off rates.

Taking each point that you raise separately. The Board does not currently maintain any watercourse in the area. The watercourses are maintained by the riparian owner who has no responsibility to maintain the watercourse to accept any increase in the natural flow. The Board may consider enmaining the watercourse under its permissive powers but there are issues to resolve. The majority of the site lies outside the Board's boundary therefore they will probably require some form of commuted sum to accept maintenance responsibilities. Your client should make contact with us to commence discussions. The Board are always concerned over development discharging into a riparian watercourse because of the potential impact that it may have.

As part of the response to the planning authority, and a letter dated 20th September, 2011 to Capita Symonds Ltd, Agent for the Applicant, we stated that:-

Under Section 23 of the Land Drainage Act. 1991 any works affecting a watercourse require the prior consent of the Board. Works in this instance will include outfalls, culverting etc.

Under the Board's Byelaws, made under Section 66 of the Land Drainage Act 1991

Any proposal to make a discharge to a watercourse, or amend an existing discharge, requires prior Consent. This Consent is in addition to any other Consent required from the Environment Agency with respect to discharge quality. This Consent is required even if the discharge is via a Public Sewer or other existing sewer network.

Any proposal to develop or undertake construction or landscaping works within a strip of 6.00 metres measured from the bank top of any watercourse requires prior Consent. In this instance works are any works, temporary or permanent, whether they have received planning consent or not, including such as fencing, walls, trees etc in addition to building above ground and/or underground services etc.

In general terms agricultural run-off rate in the area is considered to be 1.4 l/s/ha maximum discharge rate therefore a site of 0.5ha would have a maximum rate of 0.7 litres/sec. The non impermeable area will be contributing to the overall site rate "naturally". Of course this assumes that you show that the site currently discharges to the watercourse either via land drains or by natural methods.

The Board has no records of the watercourse in question as it is not currently maintained by them. Local feedback suggests that the field and area may suffer from water logging. We also consider the watercourses at return periods of up to 1 in 100 year events.

The 0.7 l/s is greater than that figure on the last page of the FRA and should be considered a maximum rate to the 1 in 100 year event.

We noted in the FRA that the Drainage Board, nor any other Drainage Authority was approached regarding this site other than the Environment Agency.

Perhaps in future you may wish to consider extending your consultations as, in addition to ourselves, the County Council may be involved as the Lead Local Flood Authority.

Highways Agency

Offers No objection

Heritage Lincolnshire (Archaeology)

The site officers a potential for archaeological remains to be encounters during the development. It is recommended that an archaeologist is contracted to undertake a staged approach archaeological evaluation as a scheme of works. This is to be undertaken post-determination and by condition on the outline planning permission but prior to the granting of detailed planning permission.

Principal Conservation Officer

I have read the revised Heritage Statement for the proposed development of land to the north of the grade II listed Mount Pleasant Cottages, Water Lane and can advise that I agree with the conclusions of the report that the proposed development will not have a significant impact on the setting of the heritage asset.

I would only suggest that a condition be imposed on any planning permission requiring retention of the mature hedging on the southern boundary of the application site and the northern side of Water Lane, in order to preserve the setting of the listed building and the character of the Lane.

Lincolnshire Wildlife Trust

We have read the ecological information submitted with the application and are satisfied that provided the recommendations are followed with regards to breeding birds, there should not be any significant negative impacts on protected species as a result of the proposed works.

We support the proposal to retain the boundary hedgerows and to infill with native species of shrub and standard trees. The Trust would strongly recommend that other biodiversity enhancements are incorporated within the development, such as features for roosting bats built into the buildings or fitted externally and nest boxes for declining urban birds such as swallows, swifts and house sparrows (all of which were recorded on site). We would expect there to be a net gain in biodiversity on the site as a result of the proposed development.

Natural England

Based on the information provided, Natural England has no objection to the above proposal in relation to species especially protected by law, subject to the following condition:

1. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

Three species of bird were recorded on site including in boundary vegetation which may be removed in order to facilitate to the development.

We also advise that your authority seeks clarification as to whether Tree 1 (as defined in the ecological surveys) will be affected by the proposal. Should this tree require felling (or any significant alterations to it as part of this proposal) then your authority should not determine this application until a nocturnal survey has been undertaken on the tree which establishes whether or not bats are roosting in this tree. This is in line with the ecologist's recommendations and classification of Tree 1 as having bat roost potential. If this tree is to remain unaffected, then we have no concerns surrounding bats and your authority may determine the application.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Natural England would strongly welcome the incorporation of bat roosting features (e.g. – permanent roof voids and/or bat boxes) and bird boxes into the design of the dwellings. This would enhance the site post development for these species.

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by South Kesteven District Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Lincolnshire Primary care Trust

Based on 35 Dwellings a contribution of 35x£904 is requested. Total: £31,640.

Lincolnshire Children's Services

The development would result in a direct impact on local schools. In this case the secondary schools at Grantham that serve Long Bennington are currently full to permanent capacity and projected, notwithstanding the proposed development to remain full in the future. A contribution is required to mitigate against the impact of the development at local level.

The level of contribution sought in this case equates to £98,708.

Long Bennington Parish Council

Initial Comments

- the application would appear premature on 2 accounts
- site allocations plan has not been adopted and is not expected to be until July 2012.
- bringing the site forward due to a shortfall in the five year supply of housing and lack of affordable housing is not adequate justification for granting such consent
- there are highway issues to be resolved on Main Road. These include heavy use of the Main Road adjacent to the site for sports events and in connection with frequent car boot sales.
- a traffic calming scheme has already been agreed with LCC but as yet not put in place.
- green field land and a further extension to the village envelope resulting in loss of agricultural land
- there are a considerable number of permissions already granted but are still to be fully implemented. The cumulative effect of these would exceed the housing units required for Long Bennington over the plan period 2011-2026
- there are concerns over the limited capacity of the mains drains in the village given the recent history of nearby flooding
- there is already a degree of affordable/social housing in the village which is reportedly difficult to fill
- this end of the village has limited access to public transport and is over 2/3 mile from the village school which is more than the comfortable walking distance for young children
- there is no clear demonstration how 35 units can be accommodated on the site
- the village primary school is already close to capacity and 35 new homes would almost certainly put further pressure on the school
- anyone without a car would be adversely affected by the lack of public transport in Long Bennington as commuting to work is virtually impossible
- the replacement of the countryside with the built environment will have a negative visual impact on the village
- the village local plan 2005-15 suggest that this land is suitable for an additional sports field and no consideration has been paid to this allocation
- (22 residents attended the meeting, all confirmed they were against the development).

Further Comments from the Parish Council (1)

In relation to the planning application and the non-technical summary of the water cycle study prepared to support the LDF:

- the comments in relation to the sewerage constraints that affect the site state that a minimum of five years may be required to resolve sewerage flooding issues in this location.

The report states:

“Potentially minimum of 5 years required to resolve sewerage constraint. This is not simply a local site specific problem. The whole of Long Bennington is vulnerable to sewer flooding and a strategic solution is required. All parties should be made aware of this situation when considering applications”.

The water cycle study also goes on to state:

“All wastewater treatment works serving the Local Service Centres to accommodate the modest levels of growth planned, except at Harlaxton and Marston. These constraints may affect the ability of these wastewater treatment works to accommodate development in the first phase of the plan period. In Long Bennington flooding in the sewer catchment requires a strategic solution, rather than a local upgrade, development proposals may have to be restricted to a later phase in the plan period to allow the necessary upgrades to take place prior to the development”.

Further Comments from the Parish Council (2)

The parish council confirms that they support the views of local resident in that the proposal will result in a detrimental effect on the environment (in particular the issues with regard to protested species on the site) and parking issues along Main Road especially during football training (at the sports field opposite).

Further Comments from the Parish Council (3)

Concerns have been raised regarding the effect on an important listed building and the proposed nearby development does not reflect the architectural vernacular of the area.

Concerns regarding the protection of the ancient hedgerow in this immediate area have been raised, These should not be removed.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 65 letters of objection have been received. A summary of their main concerns are listed below:

- Use of a Greenfield site
- Issues regarding highways, surface water, children’s services, health services and highway improvements need to be addressed before the development takes place
- lack of quality of drains and sewers
- schools and surgery are at capacity
- bus service is poor
- vehicular access will cause problems to existing residents particularly if the road is narrowed as is already used by large vehicles
- already a busy road and this will add further traffic
- threat to safety of existing users of the playing field and bowling club opposite
- there have been increased incidences of flooding in the district. This development will exacerbate this
- previous reasons for refusal still
- sites within the confines of village are preferable
- visual impact on the approach to the village from the north
- frequent parking around the proposed access

- conflict with vehicles and children using the facilities opposite
- protected species could be affected
- is there a need for the housing
- will the affordable housing be available to residents of Long Bennington
- impact on utilities
- buildings will not be in keeping with the surroundings
- the village has a soft green edge. This would remove this.
- the determination of the application in advance of the consideration of the Site Allocations and Policies DPD could prejudice the outcome of the DPD examination and represents an inappropriate, and unreasonable pre-determination in advance of the consideration of the DPD by the secretary of state.
- The proposed development would materially conflict with the provisions of the Long Bennington Parish Plan. Specifically, a) it discourages development that would further extend the linear character of the village. b) the application site is identified as being suitable and appropriate for the provision of further amenity space within the village.
- the development will extend the village beyond the existing curtilage into open countryside.
- There are no jobs in walking distance as per the submission. The jobs at Long Bennington Business Park are already taken.
- there are bats circling around the area and they are believed to roost in the trees and hedge on the south side of the development.
- overburden the infrastructure
- as this is a Greenfield site why is it being considered
- there is no provision of play equipment as part of the development. The sports facilities opposite are already at capacity.
- nothing has been done to address the concerns raised by residents during the pre-application consultation exercise.
- Long Bennington doesn't need anymore housing. If any are built they should be built in the centre.
- traffic calming is required on the road off the A1
- sewer network capacity issues which flood in wet weather
- previously considered inappropriate for housing when compared to more central sites such as Winters Lane
- existing village infrastructure cannot cope with the demand of the over 2000 residents
- more appropriate to extend south between Main Road and the A1
- hedge along the frontage of the site has parts which are over 300 years old and must be retained.
- there are no employment opportunities in Long Bennington
- poor connectivity with the village. It is too far to walk to the centre of the village. Especially for small children as it is a mile to the village school and there is no bus service.
- the village needs a break from all of the development to allow the village infrastructure to be provided.
- additional traffic would be a risk to public safety particularly due to the proximity of the playing fields opposite.
- school is at full capacity
- the only people to benefit from this would be the developers
- there should be additional planting along the boundary adjacent to the listed building (Mount Pleasant).
- there are more sustainable sites within the village
- the alternative sites do not have the associated visual impact of this development.
- access to the site off the slip road is dangerous. The access road is also used by articulated lorries for overnight parking and car parking for the bowls club etc. Lorries also park there during the day.
- 35 units meets the total allocation for housing in Long Bennington in one location. This is unbalanced when they should be spread throughout the village.
- loss of privacy to properties on Riverview
- loss of agricultural land that provides food. Instead we have to rely on imported food.

- the proposal will result in more car journeys than indicated in the submitted information. Long Bennington is a village that most people commute to work. southbound traffic would need to travel the entire length of the village to access the A1. The opposite occurring when people return from work and/or collect their children from school.
- the proposed narrowing of the slip road will cause problems in relation to parking on the highway in relation to the adjacent facilities.
- this may impact on the attractiveness of these facilities and make them virtually unusable
- the site is at risk of flooding
- parking is not sufficient for the number of homes
- electricity supply to Long Bennington is at capacity and experiences power cuts. No details have been provided.
- the need for the dwellings is unproved.
- we wish to protect against further irreversible damage and reckless invasion of the rural environment.
- we have a duty to make the most of brownfield sites
- will the developer contribution be sufficient to improve the school
- capacity of the foul drainage system to accommodate the proposed units
- traffic calming measures would affect the parking for the bowls club and playing field.
- the village has expanded that much that it is becoming a suburb of Newark, not a village that most have opted to purchase houses in.
- there is already adequate social housing stock in the village
- proposal will result in increased traffic, noise, and pollution.
- de-value property (not a planning matter)
- cars will conflict with the comings and goings of the business park, sports facilities and car boot sales
- Long Bennington is not a suitable location for affordable housing as there is limited employment, no bus service which will allow you to work normal 9-5 hours. No effective grocery shopping that has extended hours. Each future occupier will need to have access to a car to maintain employment and shop cost effectively. This negates the affordability of the housing.
- the proposal is an accident waiting to happen. Will result in deterioration of road safety particularly for children and elderly
- village infrastructure stretched too much
- noise pollution
- impact on the character of the village
- greenfield sites should be preserved and not built on.
- the parish council does not support the site for housing
- it is perverse to determine the planning application ahead of the DPD allocations document
- I will be directly overlooked by the proposal. There is a bedroom window in my property that will either be overlooked or experience visual intrusion.
- there should be no substantial development in the village until there have been substantial improvements to the sewerage infrastructure (results of the local Water Cycle Study). This could take up to 5 years.
- the whole of Long Bennington suffers from a sewerage constraint. This is not a site specific problem and needs to be dealt with at a strategic level.
- determination of the application ahead of the allocations document would be premature and contrary to the plan led approach promoted by the NPPF.
- the application site is in open countryside and as such contrary to SP1 of the adopted South Kesteven Core Strategy
- the site selection methodology for the DPD Site Allocations is flawed (as indicated by the Inspector) as such determination of the application should be held in abeyance.
- if the proposals impacts on the ability of adjacent facilities to function would be contrary to the para 70 of the NPPF that guards against the loss of valued facilities and services
- the proposal would have a detrimental impact on the intrinsic character and beauty of the countryside which would be contrary to the core principle of the NPPF.

- Long Bennington is the subject of sewage constraints that are unlikely to be solved within 5 years.
- the comments of Anglian Water in relation to infrastructure capacity are flawed as they are not based on the best current information. The findings of the Water Cycle Study should not be ignored.
- hazard, risk to children. Would interfere with the recreational time of the many villagers via parking conflict
- proposed vehicular access is totally inappropriate as the traffic along the main road at this point is busy with vehicle leaving the A1. At this point any traffic calming proposals have not been passed.
- Long Bennington Priory Academy are over subscribed. This would leave the development without a school (in walking distance). I am aware of the developer contribution, however, unless this is substantial enough to expand the school it would not be a solution.
- drainage problems, flooding to Main Road, and 57/57a Main Road, not aware that this has been rectified
- overdevelopment of the site
- inadequate bus service
- plans for the village do not indicate a need for this size of development
- bat activity within the site not included in the habitat survey
- there are far more suitable sites in Long Bennington should further development be necessary
- considerable bat activity seen on/over the site
- prematurity ahead of the Site Allocations and Policies DPD
- proposed development would materially conflict with the provisions of the parish plan
- site is not the preferred choice of the parish council
- the site should be termed strategic due to the limited number of rural local service centre sites to be considered for allocation. It is certainly an issue of some considerable importance
- the spacious setting of Mount Pleasant combined with the undeveloped northern aspect would be significantly affected by the proposed development which would encircle the listed building to the north
- as the listed building has been materially affected by the development on three sides, further development on the remaining side, significantly closer than the existing development to the east and west
- as the application is in outline form assessment of impact on setting cannot be fully assessed at this time
- the development will be a highly visible backdrop to the listed building when viewed from Westborough Lane
- no assessment has been undertaken as per English Heritage Guide: The Setting of Heritage Assets
- the assessment fails to consider the impact on the development upon the setting of Mount Pleasant when viewed from the permissive footpath which crosses the site, and from pints along Main Road.
- key concern of impact on any development on the hedge that runs along the northern side of Water Lane
- any built form that impacts the hedge will no doubt impact the setting of the listed building
- if multiple future occupiers individually attempt to manage the hedge it is likely to result in an unattractive and discordant feature to the detriment of the setting of the listed building
- openings may be made in the hedges by individual occupiers for access to rear gardens
- development immediately adjoining the hedge appears to be wholly incompatible with preservation of the setting of the listed building

Officer Evaluation

The main issues for consideration in relation to this application are planning policy matters, impact on visual amenity and form and character of the area, residential amenity, drainage and highway safety.

Planning Policy

As can be seen from the comments of our policy section there was an initial objection to the proposal on policy grounds. Specifically that the proposal would be premature in relation to the allocations process:

The planning policy officer initially states:

“Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector’s consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard to the guidance in ‘The Planning System: General Principles’ [paragraph 17] regarding prematurity, I object to this application”

However, further comments were made following the meeting with the Inspector:

“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”.

The conclusions of the policy officer are that the scale of the development is not ‘strategic’, as such it would not affect the overall spatial strategy or the site allocations policy.

Visual Amenity and Form and Character of the Area

The proposed development would be for 35 dwellings served off a central access road. There would be a mix of properties on the site. The submitted Landscape and Visual appraisal states that the properties would be limited to two storeys. The site has substantial landscaping/hedgerows along the frontage of the site and along the southern boundary. This would be reinforced by additional planting to help screen and aid assimilation of the development.

It is accepted that the proposal would result in built form beyond the current confines of the village. However, it is considered that it can be seen as a logical ‘rounding off’ of the village and would be seen as an infill between Westborough Lane and the Riverview development.

The proposed density and layout are comparable to that of the adjacent Riverview development and is not considered out of character. The proposed layout would provide ample opportunity for a comprehensive landscaping within and reinforcement of the existing boundary screening.

As such it is considered that the proposed development would not result in any significant impact on the visual amenity of the area.

The adjacent property, Mount Pleasant, to the south off Water Lane, is a listed building. A heritage assessment has been undertaken to assess the impact of the development on heritage

asset(s). The conclusion of this assessment indicates that the impact on the listed building would not be significant. This conclusion is supported by our conservation officer.

Residential Amenity

Whilst the planning application is in outline form, layout was requested to form part of the submission to demonstrate how 35 units could be accommodated on the site. The submitted layout plan demonstrates how a mix of detached, semi-detached and terraced properties could be accommodated on the site. The proposed layout would ensure that there would be appropriate separation distances between the proposed dwellings and the existing residential properties to ensure there would not be any significant overlooking/loss of privacy or overshadowing/loss of daylight and/or sunlight.

The exception to this is the relationship of the proposed development with 1, Westborough Lane. It is considered that the proximity of the proposed development to the side facing bedroom window would result in a significant impact on amenity. Additionally it is considered that the proposed dwelling immediately adjacent to 1, Westborough Lane would be likely to be overlooked from this window. Accordingly an amended plan removing this dwelling from the scheme has been requested.

It is accepted that the occupiers of the properties that bound the site currently experience unrestricted views over open countryside and the proposed development would change this. This may not be welcomed by local residents. However, to ensure that local residents would experience no change as a result of a development is an unrealistic test for a planning application.

As such it is considered that there would be no significant loss of amenity to neighbouring occupiers that would justify refusal of planning permission on these grounds.

A noise assessment has been requested in order to assess the impact of noise, particularly from traffic, on the future occupiers of the site. It is important that it can be demonstrated that appropriate amenity levels can be achieved both in the proposed dwellings and externally in private garden areas. The results of this assessment will be reported in the late items paper.

Drainage

There have been significant discussions between all parties in relation to providing a satisfactory means of drainage on the site. Whilst initial comments indicated that there was insufficient capacity in the sewerage network to accommodate the development this was found not to be the case.

A Pre- Development report has been prepared by Anglian Water for the proposed development. It states:

“Foul Sewerage Network

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate”.

A further letter from Anglian Water in relation to pumping rates states:

“The topographical information provided does tend to suggest that discharging flows by gravity would pose a problem for you and that pumping appears to be justified.

Should pumping be ultimately required, the pumped rate should not exceed the minimum self cleansing velocity of the required 80 millimetre rising main.

The amount of properties connected to a pumped facility should be kept to a minimum with the maximum number of properties being allowed to gravitate where possible”.

Surface Water Disposal

In relation to surface water disposal Anglian Water states:

“The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed”.

The Environment Agency also had initial concerns in relation to both surface and foul water disposal. But have withdrawn their objection subject to appropriate conditions on any grant of planning permission.

Based on the comments of Anglian Water and the Environment Agency it is considered that a means of disposal of both surface and foul water can be achieved and it would be unreasonable to refuse planning permission in relation to this matter.

Highway Safety

A significant number of residents have raised concern in relation to highway matters. The local highway authority has clearly fully assessed the proposed development and is aware of the wider issues in relation to neighbouring uses.

The comments of the highway authority state that the proposed highway improvements would improve highway safety by naturally performing a traffic calming function. The road narrowing would still allow on road parking and that the issue of parking restrictions/traffic regulation order would be a matter to be investigated should this planning permission be approved.

Notwithstanding the comments of local residents it is considered that the proposal would be acceptable from a highway perspective, and it would not be reasonable to refuse the planning application on highway grounds.

Other Matters

Need

5 Year Supply of Land

The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all previous national planning policy provided by PPGs and PPSs. The NPPF seeks to boost the supply of housing, and requires Planning Authorities to demonstrate a five year supply of deliverable housing land. SKDC has prepared a new five year land supply paper (2012-2017) which demonstrates a 5.2 year supply of deliverable sites across the district. This paper also demonstrates how the district has continued to deliver an appropriate amount of housing development over the period since 2006, and how an additional 5% buffer of housing land can be identified to be drawn forward should sites fail to be delivered, in accordance with the Framework requirements.

The preparation of the Site Allocation and Policies DPD and the Grantham Area Action Plan make an important contribution to providing a continuing supply of deliverable housing land, through the allocation and phasing of new sites across the district. The delivery of housing on sites or parts of sites allocated for housing in the first phase of these plans (2011-2016) over the next five year period has therefore been taken into account in preparing the five year supply paper. The contribution that these allocated sites make to the current five year supply is important. Together with the sites committed via planning approvals and other potential supply, they ensure that more than 5 year supply of deliverable housing land is available to meet the Core Strategy requirement across the district. If these allocations fail to be delivered the supply of housing land will be reduced and may fall below the required five years.

Clearly this site would contribute to the 5 year supply of land.

Affordable Housing

The comments of the affordable housing officer indicate that there is an identified need for affordable housing in the village.

“The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties”.

This scheme would contribute to meeting that need.

Protected Species

The site has been assessed in relation to protected species and the comments from both Natural England and Lincolnshire Wildlife indicate that the assessment is acceptable. Whilst there is a tree identified as having bat roost potential. It is outside of the application site and as such will not be directly affected by the proposed development.

Concerns have also been raised in relation to sightings of protected species within the site not identified in the report. However, there is a distinction between species foraging, feeding, and commuting through a site than actually residing on the site.

The submitted habitat survey suggests a further bat survey if tree T1 is directly affected by the site. This is not the case as the tree is outside the application site.

It also suggests a reptile survey in April to October and any removal of hedgerows, trees or scrub to be undertaken outside of the bird breeding season.

It is considered that these requirements can be successfully secured by an appropriately worded condition.

Section 106 Heads of Terms

The following Developer Contributions are sought:

NHS Trust - £31,640 based on 35 x £904

Affordable housing – 35%with a mix of 60% social rent and 40% shared ownership.

Open Space - £18,750 – off site contribution towards play equipment on the land opposite the application site.

Education - £98,708 based on the impact of 35 units.

Crime and Disorder

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

Human Rights Implications

Article 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 the act will be breached.

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the committee meeting a period not exceeding six weeks post 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 and Vice Chairman of the Development Committee, there are no extenuating circumstances which justify a further extension of time, the planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. the Site Allocations DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations.

It is accepted that determining the application could prejudice the Examination of the Site Allocations and Policies DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable development endorsed by the National Planning Policy Framework.

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 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) scale;
- (b) appearance; and
- (c) 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 building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

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

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

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

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

5. When an application is made for approval of reserved matters details of biodiversity improvements as part of the development shall be submitted to and approved in writing by the local planning authority.

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

Reason: in the interests of promoting biodiversity on the site.

6. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority.

Reason: To ensure that breeding birds are not adversely affected by the development.

7. The all existing hedgerows along the boundaries of the site shall be retained unless otherwise agreed in writing by the local planning authority.

Reason: To aid assimilation of the development and in the interests of visual amenity.

8. Landscaping details pursuant to condition 2 above shall include specific plating details in relation to reinforcing the existing hedgerows along the boundaries of the site. Such details shall include species, numbers and location of additional planting.

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

Reason: To help assimilation of the development with its surroundings.

9. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, 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: In the interests of visual amenity and to ensure a satisfactory form of development.

10. 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. 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).

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that a reasonable provision of affordable housing is met as part of the development in accordance with national, regional and local housing policies and in accordance with Policy H3 of the adopted South Kesteven Core Strategy (July 2010).

- 12. 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.
- 13. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed 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.

- 14. No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway (by means of a 3.0 metre wide footway/cycleway with all associated) 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.

- 15. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

16. 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).

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 building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
18. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
19. When an application is made to the local planning authority for approval of reserved matters that application shall be accompanied by further survey work in accordance with the recommendations of the approved Habitat Survey undertaken by Clear Environmental Consultants.

Any mitigation required as a result of this survey work shall be undertaken prior to the commencement of development on site.

Reason: In the interests of ecology and to ensure a satisfactory form of development.

Note(s) to Applicant

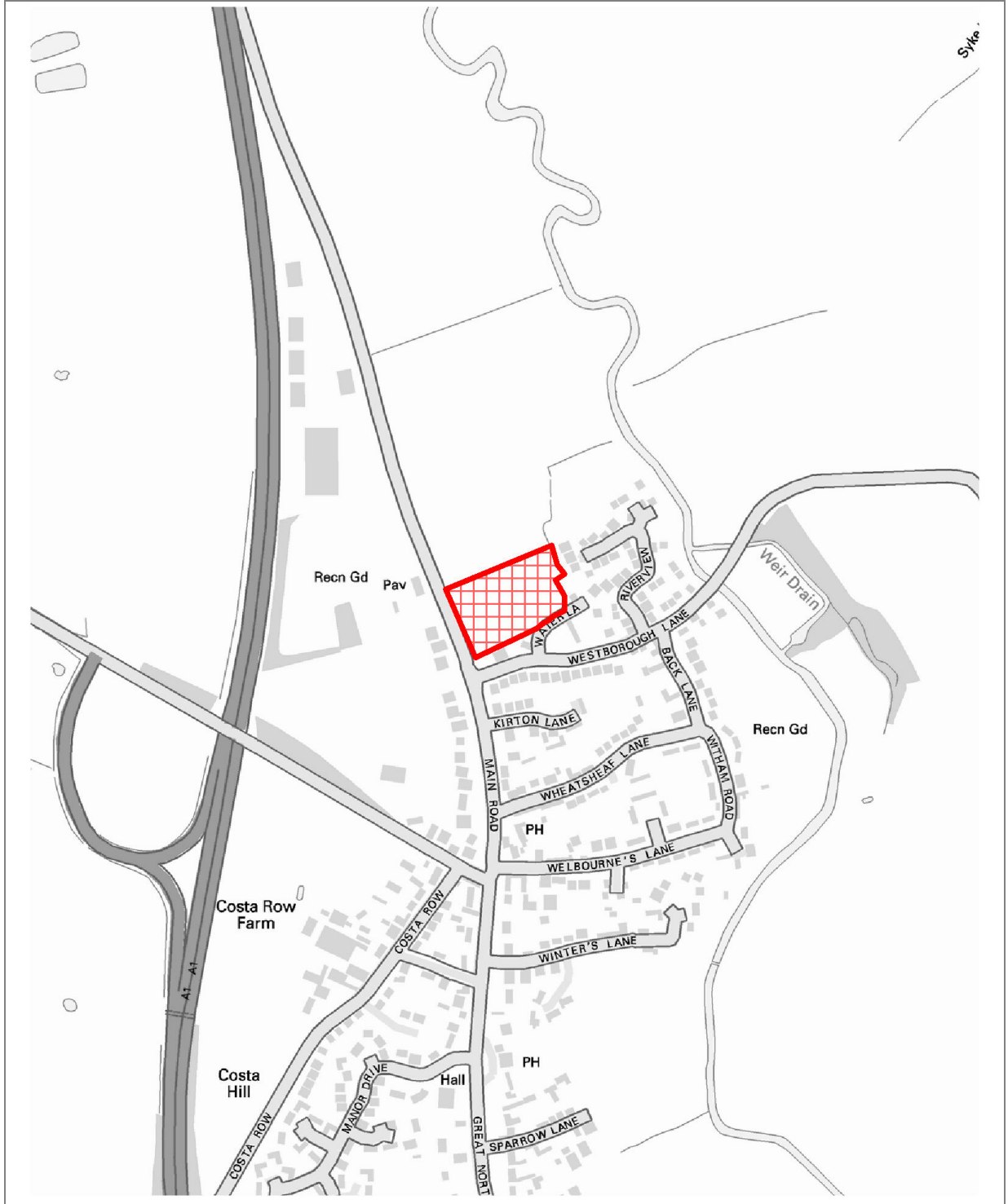
1. In accordance with the comments of Natural England it is recommended that bat roosting features and bird boxes are incorporated into the design of the dwellings. This would enhance the site post development.
2. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycle way along Main Road, Long Bennington (Distance as shown on drawing No. CS46981/T/002 Rev E) together with all ancillary works.
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. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

5. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
6. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Site Location Plan

Ref	S11/2002
Proposal	Outline planning permission for residential development and the formation of new vehicular access
Location	Land Off Main Road, Long Bennington



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Applicant	Mr D Pallett, Anvils of Stamford 2A, Radcliffe Road, Stamford, PE9 1EE
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Demolition of existing retail warehouse building and erection of 11 dwellings
Location	2A, Radcliffe Road, Stamford, Lincs
App Type	Major Full (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as this is a major application and is considered to be locally significant. In addition Cllr Powell has requested that the application be referred to the Committee due to concerns about density and parking.
Recommendation Summary	Approve subject to condition(s)

Key Issues

- Planning History
- Design / Scale
- Residential Amenity
- Highway Safety
- Drainage

Technical Documents Submitted with the Application

- Amended elevations
- Amended ground floor plans
- Amended second floor plans
- Amended north and south elevations
- Application forms
- Contaminated land questionnaire
- Design and access statement
- Elevations sheet 1
- Elevation sheet 2
- Existing first floor layout plan
- Existing ground floor plan
- First floor plan
- Ground and first floor layout plan
- Location plan
- Second floor plan
- Sketch plans
- Transport statement

REPORT

The Proposal

This is a full planning application for the demolition of an existing warehouse building, currently used for furniture retail, and the erection of 11 dwellings comprised within two terraces. The development is predominantly three storeys with some of the rooms in the roof space. There is also a single storey dwelling located towards the north-western corner of the site. The proposed dwellings have ridge heights ranging between 9.7m and 10.7m and eaves heights between 5.2m and 7.1m.

The proposed site is accessed via a private driveway leading into the site past Hazel Court. Two terraces of units are proposed, running approximately north-south. The terraces run along the east and western site boundaries and face each other across a central courtyard, used for parking. Twenty two parking spaces are proposed providing two spaces per dwelling. The eastern terrace occupies land presently taken up by the warehouse building. The warehouse currently runs up to and forms the eastern site boundary. The proposed dwellings will be set off the site boundary by approximately 5m. The area to the rear of the properties would provide a small private amenity space for the properties.

The northern most unit of the western terrace is a single storey hipped roofed unit. The unit has been designed this way in order to minimise the impact upon the adjoining bungalow on Fontwell Gardens.

Outline planning permission was granted under application S05/1505 for residential development of the site. Subsequently an application for reserved matters approval was granted in January 2007 for the erection of 10 townhouses and 1 bungalow (application S06/0832). This current application proposes an almost identical scheme to that previously approved.

The Application Site and its Surroundings

The application site is located approximately 300m to the north of Stamford Town Centre within the built framework of the town. The application site comprises a retail warehouse and its associated parking and manoeuvring areas.

The site is located on the northern side of Radcliffe Road. To the north of the site lies a small development of bungalows on Fontwell Gardens. To the east of the application site lies residential development which fronts on to Cliff Road. Directly to the west of the application site lies S.A.P.S (Stamford Animal Pet Supplies). Beyond the S.AP.S building there are a number of other commercial premises.

Relevant Site History

SK.69/0181/88 – In March 1988 planning permission was granted for a change of use to light industrial at Hallidays Yard, Radcliffe Rd, Stamford.

SK.69/1221/90 – In November 1990 planning permission was granted for the erection of a light industrial unit at 2A Radcliffe Rd, Stamford.

S01/1226 – In December 2001 planning permission was granted for the change of use of the factory/warehouse to storage, assembly and retail of furniture.

S05/1505 – In February 2006 outline planning permission was granted for residential redevelopment of the site.

S06/0832 – In January 2007 reserved matters approval was granted for the erection of 10 townhouses and 1 bungalow at the site.

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

East Midlands Regional Plan 2009:

Policy 1 Regional Core Objectives
Policy 2 Promoting Better Design
Policy 3 Distribution of New Development
Policy 4 Development in the Eastern Sub-area
Policy 13a Regional Housing Provision

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect. In November 2010 this decision was successfully challenged in the High Court by Cala Homes, which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considered that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

On appeal, the Court confirmed that there may be circumstances in which the intention to abolish the RSS could be material to a development control decision.

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
Policy E1 Employment Development

Representations Received

Community Leisure Officer – has requested an off-site contribution of £11,475 towards improvements of the nearby Recreation Ground Play Area.

Stamford Town Council – Strong objection to the proposed application as this development will have a serious impact on another development in the vicinity in Scotgate. The erection of 11 dwellings will overdevelop the site. The height of the design will dwarf the neighbouring buildings and will impact the skyline. There is concern over the traffic impacts at an already busy junction on Radcliffe Road and North Street. Consideration should be given to the road layout at this very busy intersection which is the main access for emergency vehicles. It is recommended that this application is deferred to the Development Control Committee and a site visit is conducted.

Town Council Comments on amended plans – The Committee is still very concerned over the density of this development and repeats its original comments. It is considered that there is no reduction to the density and with loss of privacy as the development overlooks neighbouring properties. There is serious concern over the potential subsidence to the Police houses at the rear of the site.

Planning Policy – 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 make appropriate provision for affordable housing. Policy H3 also allows that provision may be made off-site or as commuted sums in the case of smaller developments, such as the subject of this application. In this case, the applicant argues that there are viability issues with the proposed development. I assume, therefore, that the advice of the Partnership Project Officer has been sought in this regard.

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 is located on the edge of Stamford's town centre, and is surrounded on three sides by residential properties. It can, therefore, be considered to be a brownfield site within the built-up part of the town. There are, therefore, no policy objections in principle to residential development on this site.

Heritage Lincolnshire – No archaeological intervention is required on this site.

Partnership Projects Officer (Affordable Housing) – A contribution of 35% affordable housing should be provided on the site. The developer will need to provide evidence on the viability of the site if the target is less than 35%. Consideration may be given to off-site provision or as a commuted sum in lieu of provision of the affordable homes on site if it is not viable to provide the affordable

units on site. The applicant has provided a 'viability assessment' from local estate agency Richardsons. This will need to be assessed independently to determine the viability of the site with regard to the provision of affordable housing on site / off site or a commuted sum.

Crime Prevention Design Advisor – It appears that crime prevention and community safety issues have been considered as a result I have no comments to make.

Environment Agency – No objections subject to conditions to mitigate any possible contamination.

Environmental Protection – Recommend standard conditions for demolition works; specifying hours of work and control of dust. A contaminated land mitigation condition is also recommended given the past industrial use of the site.

Property Services (Drainage) – The application states the use of soakaways for SW drainage. The ground in Stamford is known to be generally unsuitable for infiltration drainage. What is the existing means of surface water for the site?

The applicant must demonstrate the efficacy of a suitable sustainable drainage system and submit test results and detailed design accordingly, together with the proposals for future maintenance.

Highways – Comments awaited and will be reported in the late background papers document.

Representations as a Result of Publicity

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

- Concerns about the overbearing impact of the development on the single storey properties on Fontwell Gardens,
- Consider the scheme to be dominant and oppressive,
- Loss of privacy / overlooking,
- The western block of properties should be reduced in scale to two storey only,
- Loss of property value,
- Maintenance and stability of the retaining wall to Fontwell Gardens should be protected at all times,
- Concerns that foul and surface water drains for Fontwell Gardens run under the proposed development. These services must be protected as a condition of any approval,
- Request that existing boundary treatments should not be reduced as part of the development,
- There should be no access from the proposed development in to Fontwell Gardens,
- Concerns that the first and second floor windows of the proposed development will overlook the rear gardens of the properties on Cliff Rd,
- Concerns relating to access to the rear of the S.A.P.S building for maintenance. If a rear passage way was installed this would help,
- Concerns about increase noise or smell nuisance form the proposed residential properties,
- Concerns that there has been a lack of consideration to the existing properties and a lack of integration of the scheme with the surrounding area. The main goal of the scheme is to maximise the square footage of floor space,
- Concerns relating to inaccuracies, omissions and ambiguity of the submitted drawings,
- Concerns about the brevity of the submitted viability appraisal,

- I did not object to the original scheme as I only owned the property since 2009. The property was previously rented and the tenants may not have been bothered by the previously approved scheme,
- The terrace of 7 shown in the 2006 proposals featured a traditional mansard roof without full height gables as now proposed. The 2012 roof is approximately 1800mm higher than the 2006 roof at the gable peak (650mm at ridge level),
- The following alterations should be considered to minimise the impact of the development:
 - Reduce the height of the terrace, ideally to 2 or at least 2.5 storeys (as 2006 scheme).
 - Move the living rooms from the rear to the front of the terrace at 1st floor level to prevent unacceptable overlooking into properties on Cliff Rd
 - Position bathrooms overlooking rather than bedrooms as 2nd floor levels.
 - Reduce the number of overlooking windows.
 - The use of obscure glazing to prevent overlooking.
 - Construction of a boundary wall at least 2.5m high.
 - Agree a scheme of planting along boundary (within neighbouring residential gardens if required).
- The planning committee should make a site visit to include properties on Cliff Rd in order for them to fully appreciate the potential impact of the development,
- The applicant should provide levels and dimensions to clearly and accurately show the precise position and height of the development,
- The applicant should provide full details of the proposals for excavation to reduce levels and details of the proposed retaining wall and boundary walls,
- The applicant should provide a detailed cross section to show the precise impact of the development on properties on Cliff Rd, showing window locations and overlooking sight lines,
- The application should be determined by the committee and members of the public should be given the opportunity to make representations to the committee,
- In relation to the amended plans and the proposed boundary wall it is considered that the wall needs to be no higher than 3m, or to a height to avoid overlooking from the ground floor windows in Constable Mews to the first floor sitting rooms of the proposed development. It is considered that as the bedroom windows on the first and second floors of Constable Mews are relatively small, overlooking is not an issue,
- The proposal to retain the existing external wall of the warehouse does solve a lot of my concerns regarding being overlooked and this is welcomed,
- Concerns about feasibility of retaining existing boundary wall and structural stability,
- Conditions should be imposed requiring the developer to place covenants on the purchasers to maintain the retained warehouse wall in good condition and retain its existing height in order to prevent its subsequent deterioration and / or removal,
- I note that the bedrooms and landings to the 3rd floor rear of units 5, 6 & 7 will have obscured glazing. However, the 3rd floor bedrooms to the rear of units 8, 9 & 10 will still overlook my property. If the internal layouts are altered to match units 5, 6 & 7 then my concerns regarding overlooking could be completely resolved,
- The very small rear yard areas of the proposed houses and the close proximity of the retained wall the yards will be oppressive and therefore have a very low/negligible amenity value to the new occupiers,
- Whilst welcomed to limit the impact of this totally undesirable development the retained wall will effectively look and act like an enclosing compound almost akin to a prison camp enclosure – a type of development feature that surely cannot be deemed acceptable from an aesthetic or planning respect? Its retention smacks of desperation to obtain the maximum possible intensity of development without regard to the new living environments being created or the existing adjoining residences.

Objections have also been received from an agent acting on behalf of five residents in Police Houses, Constable Mews and Fontwell Gardens. The points raised can be summarised as follows:

- My clients do not object to the redevelopment of the Anvils Yard for housing in principle, the objection lies squarely at the design and impact of the current scheme.
- It is considered that the proposal is an overdevelopment of the site which leads to a cramped and contrived development lacking in amenity space and which has a significant adverse impact on the privacy and amenity of a number of adjoining homes.
- Concerns relating to errors and omissions on the submitted plans,
- The previous planning permission has now lapsed and as such they cease to be material to the consideration of the current permissions as they do not offer a fall back permission,
- Planning policy has changed significantly since the 2006 approval,
- Lack of public amenity space within the development,
- Lack of information in relation to levels. The properties have a sunken patio area as amenity space, as well as being sub-standard, cramped, cold and overshadowed spaces in their own right, they are very close to the rear gardens of adjoin properties, no details have been provided as to accurate levels and how the rear gardens of the properties to the east will be retained as it appears that this is a substantial levels change proposed,
- Concerns relating to noise and disturbance,
- Concerns about garden sizes and separation distances with adjacent properties,
- Concerns about overlooking and loss of privacy. The rear gardens of plots 5-11 are only 4.7m long with 5.2 to the end of the (as yet undefined retaining wall) the double sitting room windows will enable a completely unacceptable level of overlooking directly into the private rear gardens of adjacent properties,
- Overshadowing – via a massive loss of evening sunlight with significant overshadowing throughout significant proportions of the day,
- It is considered that the viability assessment submitted with the application is very sparse in information,
- The refuse collection area indicated on the layout is substantially inadequate for the scale of the development proposed.
- It is accepted that the retention of the wall across the rear of the site adjacent to Constable Mews will address some of the overlooking issues and to that respect it is welcomed; however this is a token gesture designed to obscure the worst aspects of this unacceptable proposal. It remains the case that my client's rear gardens and houses will still be overlooked from the second floor rear windows,
- How is the proposed boundary wall to be retained and supported?
- How is this retention to be squared with the provision of appropriate residential amenity within the rear gardens of plots 5-11? It is apparent that the gardens will be very small and in permanent shade sandwiched between the rear of the block and a 7-8m solid wall.

Officer Evaluation

Introduction:

This is a full planning application for the demolition of an existing warehouse building, currently used for furniture retail, and the erection of 11 dwellings comprised within two terraces.

Outline planning permission was granted under application S05/1505 for residential development of the site. Subsequently an application for reserved matters approval was granted in January 2007 for the erection of 10 townhouses and 1 bungalow (application S06/0832). This current application proposes an almost identical scheme to that previously approved. Although these consents have

now lapsed and can no longer be implemented they are still a material consideration relevant to the determination of this current application.

Since the outline and reserved matters applications were approved in 2006 & 2007 there have been some policy changes. The Regional Plan was adopted in 2009, the Core Strategy was adopted in 2010 and more recently the National Planning Policy Framework was published earlier this year (2012). These policy changes are also material to the determination of this application.

Although there have been some significant changes in the relevant policy documents since the previous decisions were made, the actual physical layout of the site and the surrounding area has not significantly changed over the last five to six years.

Design:

The design of the proposed development is very similar to that previously approved under applications S05/1505 and S06/0832. The proposed development comprises two rows of terraced properties facing each other with a central parking and turning area between them.

The proposed design is considered to be acceptable and picks up on design themes used elsewhere in Stamford. Subject to the use of appropriate materials for the roof and elevations it is considered that the designs would appear to be in character with the surrounding development.

Concern has been raised about the scale of the development it is however considered that the properties would not appear out of scale with surrounding development. The height of the proposed development is the same as that previously considered to be acceptable by the Council in 2007.

Overlooking / loss of privacy:

Concern has been raised in relation to overlooking / loss of privacy. As already stated an almost identical scheme has previously been approved at the site and although this consent has now lapsed it is still a material consideration in the determination of this application.

When considering the previous application (S06/0832) officers and Members had some concerns about the impact of the development on the S.A.P.S building which runs along the western site boundary and has a number of windows in its eastern elevation. At the time the application was approved cross sections were submitted which demonstrated that these windows were to office and storage areas and at high level. It was considered that this would not result in any significant loss of privacy notwithstanding the very small amenity space to the rear of the proposed properties (approximately 5 metres). This arrangement has not material changed and it is considered that the proposals should therefore be considered to be acceptable as previously accepted by the Council.

In relation to the northern boundary the unit proposed at the end of the western terrace is single storey only. This will ensure that there is no significant loss of privacy to the properties on Fontwell Gardens.

The majority of the objections received relate to the relationship of the proposed eastern terraced to the properties on Cliff Road. The separation distances from the rear of Constable Mews to the proposed terraced would be approximately 13.5 metres and from number 5 Polices Houses approximately 23 metres. The units within the eastern terrace would have garden depths of approximately 5 metres. The properties would also be set significantly lower than the properties on Cliff Road. These separation distances and the limited rear amenity space was previously considered to be acceptable by the Council and notwithstanding the policy changes there has not been any significant material change in circumstances since the previous approval in 2007.

Notwithstanding the above officers have sought to negotiate some changes to the scheme in order to further minimise any potential overlooking / loss of privacy. The changes sought include the retention of the existing rear wall of the existing warehouse to help screen the first and second floor windows of the proposed development. This does however impact on the amenity space of the proposed dwellings although it is considered that as this wall is on the sites eastern boundary it will not result in any significant overshadowing of the garden area above the previously approved scheme.

The applicants have also indicated that the bathroom and landing windows on the second floor of plots 5, 6 and 7 will be obscure glazed to help minimise any overlooking of Constable Mews. It is considered that this will further help to reduce the impact of the development on adjacent properties.

Highway Safety / Parking:

Concerns have been raised in relation to the proposed access and parking arrangements. The access and parking arrangements are not significantly different to the arrangements which were previously considered to be acceptable. The local highway authority has requested additional information in relation to the traffic assessment. The comments from the highway authority will be reported in the late background papers document.

Drainage:

Some concern has been raised in relation to drainage and possible damage to surface and foul water drainage pipes which cross the site. A surface water pipe and a foul water pipe cross the site running adjacent to the western boundary. It is the responsibility of the developer to ensure that during construction no damage is caused to the pipes. Given the close proximity of the development to the pipes it may also be necessary for the developer to enter into a build over agreement with Anglian Water.

Given that the majority of the site is already hard surfaced it is considered that the proposed development is unlikely to result in any significant increase in surface water drainage. It is however considered appropriate to attach a condition requiring details of surface water and foul drainage to be submitted prior to any development taking place.

Section 106 Heads of Terms

The Community Leisure Officer has requested an off-site contribution of £11,475 towards improvements of the nearby Recreation Ground Play Area.

Contribution towards affordable housing – Policy Target up to 35% subject to viability.

The applicant has submitted a viability assessment which indicates that the development would currently be unviable with any S106 contributions. The viability assessment suggests that the applicant would make a profit of approximately 10.69%. The council's financial consultant has indicated that whilst there is some difference in the figures they are not considered to be unreasonable. They indicate that a profit of 13.25% could possibly be achieved. They have however indicated that most developers and their funders would expect a profit in the region of 18-20% after any S106 contribution.

Based on the above information it is considered that in the current financial market the scheme would not be viable with a S106 contribution. It is therefore recommended that a S106 be required

but that the wording of the agreement includes a claw back clause where the developer only has to make contributions if the market circumstances change and the profits from the scheme increase above the indicated figure of 13.25%.

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.

Conclusion

This is an application for the erection of 11 town houses on land off Radcliffe Road, Stamford. A similar development has previously been approved on the site under application S06/0832. It is considered that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the residential amenities of the occupiers of adjacent properties. Whilst there have been material changes in policy since the previous approval in 2007 the material circumstances relating to the physical layout of the site have not changed. Although the previously approved development consent has lapsed it is still a material consideration in the determination of this application.

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, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the appearance of the proposed development, that the development would have detrimental impact on residential amenity, concerns about highway safety, drainage, over development of the site. 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.

SUMMARY OF REASON(S) FOR APPROVAL

This is an application for the erection of 11 town houses on land off Radcliffe Road, Stamford. A similar development has previously been approved on the site under application S06/0832. It is considered that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the residential amenities of the occupiers of adjacent properties. Whilst there have been material changes in policy since the previous approval in 2007 the material circumstances relating to the physical layout of the site have not changed. Although the previously approved development consent has lapsed it is still a material consideration in the determination of this application.

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, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the appearance of the proposed development, that the development would have detrimental impact on residential amenity, concerns about highway safety, drainage, over development of the site. 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 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 developers attention is drawn to the attached letter from the Environment Agency.
3. Before the first occupation of the building hereby permitted, the secondfloor bathroom and landing windows to plots 5, 6, and 7 on the eastern elevation(s) shall be fitted with obscure glazing (to a minimum obscurity of Pilkington Level 3 or equivalent) and if any part of the window(s) is less than 1.7m above the floor of the room in which it is installed, it shall be non opening. The window(s) shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and in accordance with the guidance contained in national Planning Policy Framework.

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. 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:

- (i) all previous uses
- (ii) potential contaminants associated with those uses
- (iii) a conceptual model of the site indicating sources, pathways and receptors
- (iv) 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 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 charges to these components require the express consent of the local planning authority. the scheme shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and the National Planning Policy Framework.

Note:

A desk top study (also known as a Phase I Environmental Assessment) is required as the first stage in assessing the potential risk posed to controlled waters from past use of the site. Based on the findings of the Phase I assessment, further works including site investigation is likely to be required.

6. 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 if previously undetected contamination is encountered during the redevelopment, that it is dealt with appropriately.

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

Reason: to ensure that the use of soakaways does not increase the potential risk posed to controlled waters and to ensure that soakaways are no located in potentially contaminated ground.

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. 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).

10. 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 building(s) 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. The details to be submitted shall include details of the retaining wall along the eastern site boundary and details of how this will be supported to ensure that it maintains its structural integrity.

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).

11. The first floor windows in the north facing gables shall be obscure glazed.

Reason: To safeguard the privacy of the neighbouring residential properties to the north in accordance with guidance contained in the National Planning Policy Framework.

12. Prior to the commencement of any demolition or construction work on site a method statement regarding the proposed construction and demolition works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:

- a) Hours of operation;
- b) Types of machinery and equipment to be used on site; and
- c) Details of how noise, vibration, dust and asbestos removal are to be controlled, using best practicable means.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that the construction of the development is carried out according to the best practice to minimise disruption to adjoining occupiers.

13. 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.

Note(s) to Applicant

1. The developers attention is drawn to the attached letter from the Environment Agency.
2. 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)

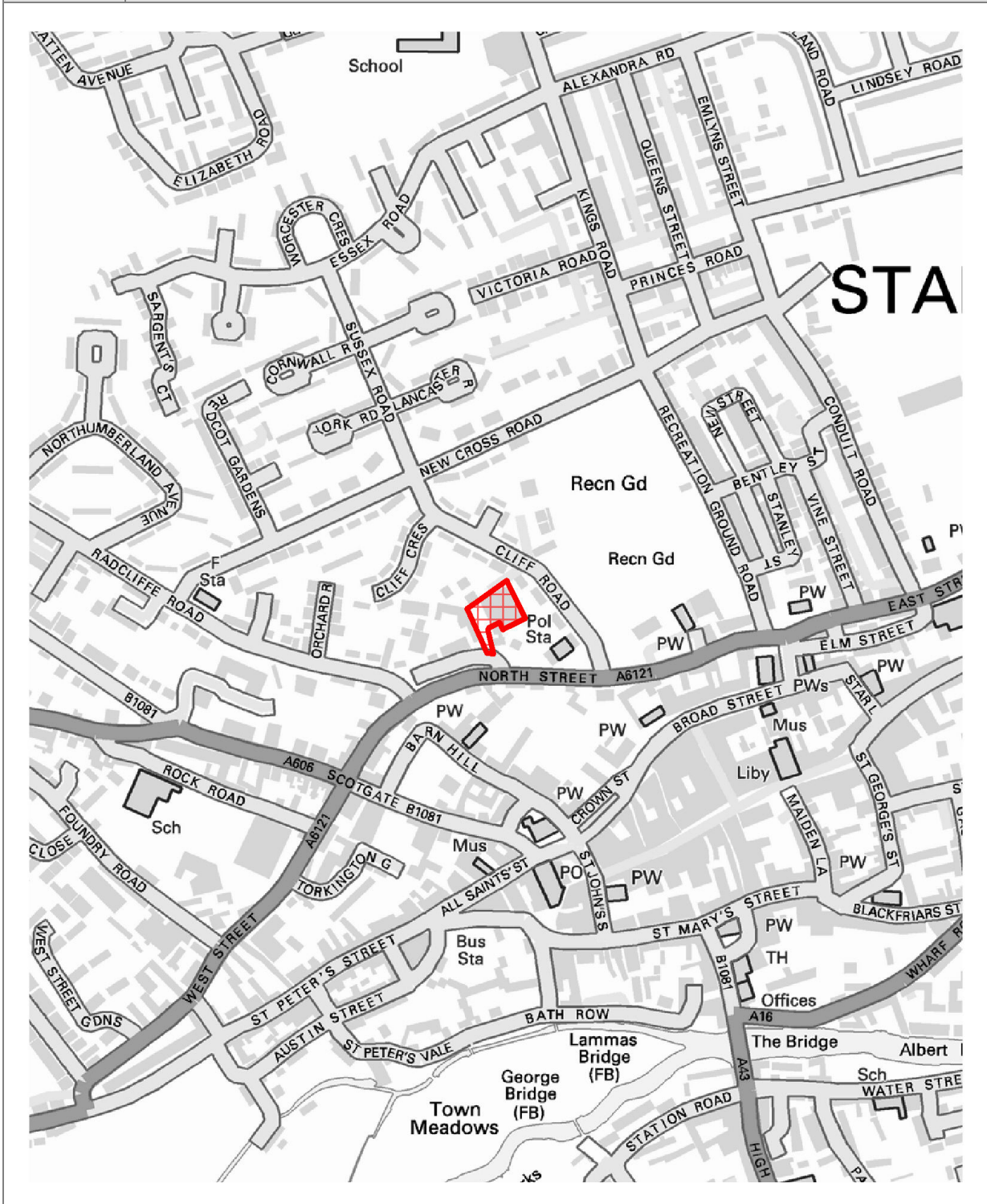
to ascertain the level of protection required and whether a geological assessment is necessary.

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

* * * * *

Site Location Plan

Ref	S12/0438
Proposal	Demolition of existing retail warehouse building and erection of 11 dwellings
Location	2A, Radcliffe Road, Stamford, Lincs



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

REPORT

Note.

This application was deferred from the last committee on 26 June 2012 for officers to discuss with the applicant a reduction in the height of the garage. Amended drawings have been submitted showing a reduction in the height of the garage by 0.3m.

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 which it is now proposed would be reduced from the current "as built" height of 3 metres to 2.7 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.

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 changes to the garage as shown on drawing 2012-343-PC received on 2 July 2012 shall be carried out withn three months from the date of this permission.

Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

2. 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.

3. 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).

4. This permission relates solely to the application as amended by drawings no. 2012-343-PC received on 28 March 2012 and 2 July 2012.

Reason: The earlier submitted drawings were unacceptable because they incorrectly showed the proposed development.

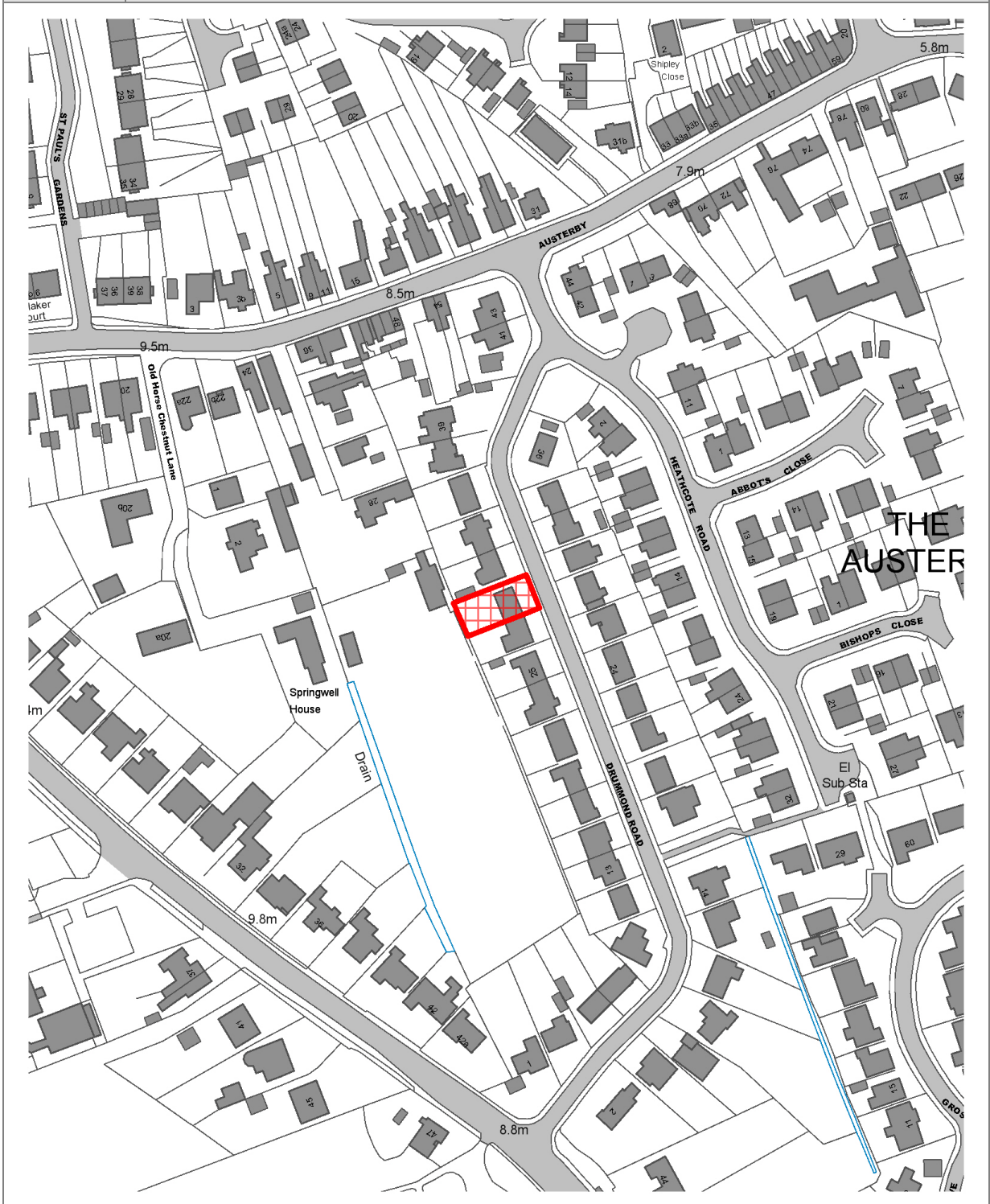
Note(s) to Applicant

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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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 falls within Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the proposed new floorspace exceeding 500 square metres. A screening assessment has been carried out on the development and has concluded that the proposal is unlikely to have a significant effect on the environment and a decision has been issued confirming that an Environmental Impact Assessment would not be required.

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 two responses 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.

My clients have no objection to normal farming procedures.

No justification has been submitted as to why the barn needs to be so close to my clients property.

The previous Inspectors decision letter concluded that a building this close would have an unacceptable detrimental effect on living conditions in terms of odour.

The orientation of the barn should be changed to provide maximum screening and to reduce noise and odour.

Building likely to have a detrimental impact in relation to pests and vermin.

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.

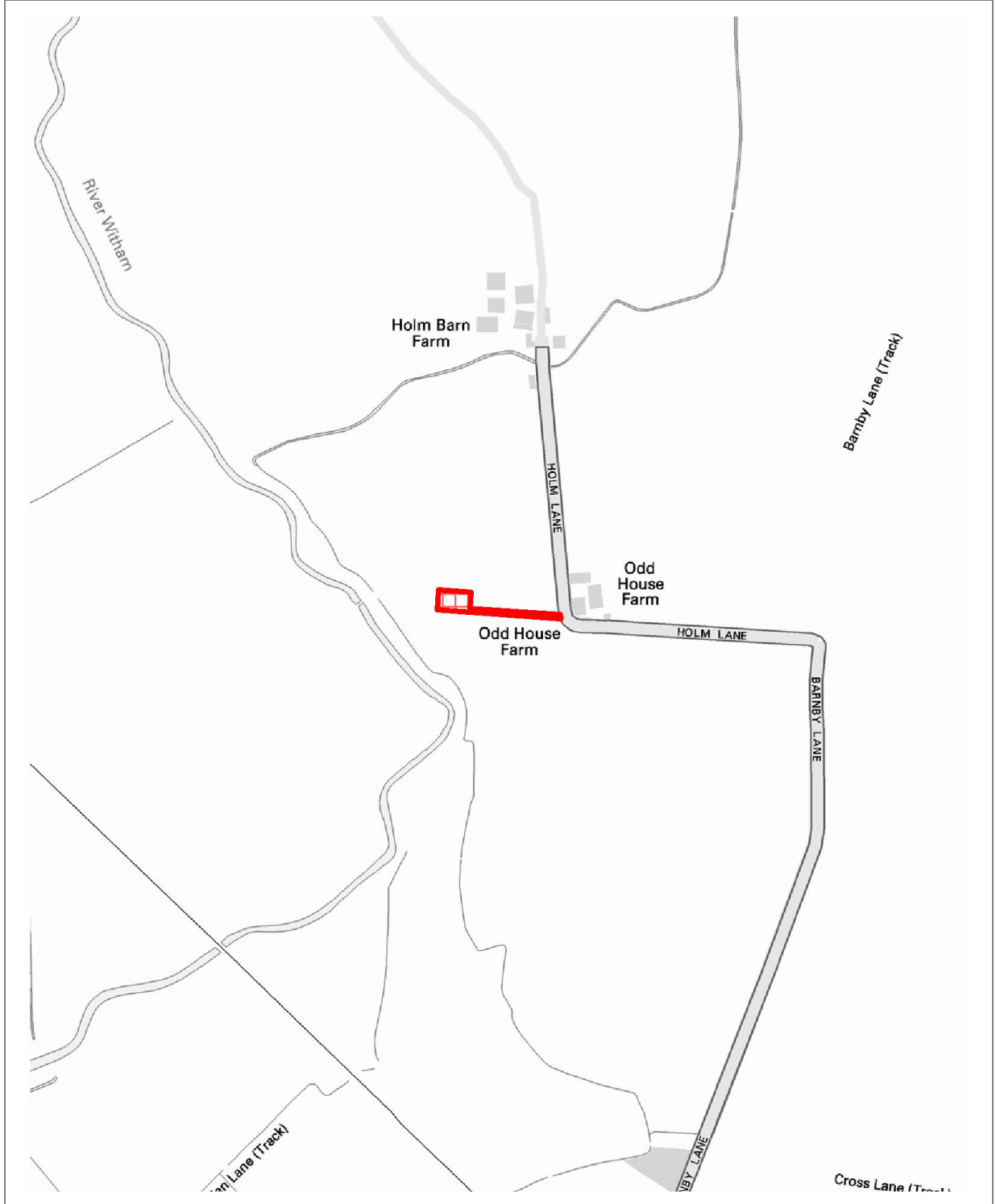
3. If fresh food is to be used to feed the livestock details of what is to be used and where it is to be stored shall be submitted in writing to and approved by the local planning authority.

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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Applicant	Mrs D Dodd c/o agent
Agent	David Wells, Building Design Services 15, West Road, Pointon, Sleaford, NG34 0NA
Proposal	Proposed replacement dwelling and detached garage (revised scheme) along with air source heat pumps
Location	1, Main Road, Uffington, Lincolnshire, PE9 4SN
App Type	Full Planning Permission
Parish(es)	Uffington
Reason for Referral to Committee	This application for an amended dwelling design has been referred to Committee on the grounds that the scheme proposes external finishes which vary from a condition attached at the request of the Committee to the originally approved scheme.
Recommendation Summary	Approve subject to condition(s)

Key Issues

- Impact of Residential Amenity
- Impact on Visual Amenities

Technical Documents

- Application Form
- Design and Access Statement
- Design and Access Statement Addendum
- Tree Report
- Site Location Plan
- Noise Data Sheet for Air Source Heat Pumps

REPORT

The Proposal

This is a revised application for full planning permission in relation to the erection of a replacement two storey detached dwelling with a single storey indoor swimming pool to its rear elevation and a free standing double garage on the frontage. The new dwelling will be of the same overall scale and design as a replacement dwelling approved for the site in June 2011 and will occupy the same footprint. The principal amendments to the scheme relate to the following matters:-

- The use of Clipsham stone to the plinth and the application of a white render finish to the proposed main dwelling (a condition of the June 2011 approval having required inter alia that the proposed dwelling shall be rendered in the same colour as the adjoining property at No. 3 Main Road i.e. a mushroom colour). Specifically, and further to discussions between officers and the applicants agent in relation to the shade of white being used, it is proposed that the precise finish be of Oyster White.
- The single storey swimming pool is to be of Clipsham stone construction (rather than the timber cladding previously proposed).
- Solar panels are to be added to the front (southern) roof slope
- The provision of two No. air source heat pumps; with one unit situated between the proposed dwelling and its detached garage and one unit located to the rear of the proposed swimming pool.
- Minor changes to the fenestration details and a revised porch design.

The Application Site and its Surroundings

The application site (No. 1 Main Road) is situated at the western entry into Uffington. The site was occupied until its recent demolition by a large two storey 1930's built detached property. Works have commenced on the construction of the replacement dwelling approved in 2011. A condition of this approval, attached at the request of the Planning Committee at its meeting in June 2011, was that "the proposed dwelling shall be rendered in the same colour as the adjoining property at No.3 Main Road and details of the colour finishes to both the windows of the dwelling and the walls of the swimming pool shall be submitted to and agreed with the local planning authority before any development is commenced." The reason given for the attachment of the condition was primarily in the interests of the visual amenities of the locality.

The application site forms part of a ribbon of development along with a further (and adjoining) large detached two storey dwelling (No. 3 Main Road), a pair of two storey semi - detached dwellings (Nos. 5 and 7) and a bungalow (No. 9). This group of dwellings are separated from the village by a 100 metre paddock to the east. The application site is some 0.15 ha in area and to the west is a large enclosed paddock area used in connection with the dwelling.

Relevant Planning History

S11/0707 - Erection of Replacement dwelling and detached garage approved on 30 June 2011

Policy Considerations

National Planning Policy Framework.

Achieving sustainable development
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

South Kesteven Core Strategy 2010

Policy SP1 - Spatial Strategy
Policy EN1 - Protection and Enhancement of the character of the District.
Policy EN4 - Sustainable Construction and Design

Representations Received

Uffington Parish Council comments that there are concerns about the change of colour from mushroom (as conditioned in the original planning application ref: S11/0707/FUL) to white. The inclusion of Clipsham stone to DPC levels at the front and the large area of stone to the east side adjoining No. 3 Main Road, (where it will not be seen from the old A16) is an improvement in materials with the stone being honeyed coloured this will be in keeping with much of old Uffington. It is felt it would be incongruous to have white contrasting with the stone.

The Parish Council also comments that if the application is approved, from a distance the house will “stand out” and not enhance its overall blending in with the buildings of West Hall Farm when travelling east. The houses adjoining No. 1 Main Road will not be “seen” when driving by.

Lincolnshire County Council Highways raises no objections subject to conditions.

Heritage Trust of Lincolnshire comments that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Council’s Environment Protection Section comments that air source heat pumps can create noise, however, it consider that provided the location of the heat pump remains the same as in the submitted plan it would not be facing any other properties and therefore, would not consider that a noise nuisance would be created from this pump.

Representations as a Result of Publicity

Letters of representation received - none

Officer Evaluation

The principle of the erection of a replacement dwelling of the scale envisaged was accepted in relation to the grant of planning permission for a similar scheme in June 2011. There are also no objections raised by the County Highway Authority on highway safety grounds. Accordingly, it is considered that the key issues with regard to this proposal relate to the impact on residential and visual amenities.

The Impact on Residential Amenities

As the previously approved scheme for the replacement property, the new dwelling is to be sited centrally on the site so that in terms of the overall impact on the adjoining property at No. 3 Main Road it is considered that it the scheme may result in an improvement to light and outlook to the rear of that dwelling in comparison with the former 1930's built house. The changes being proposed to the fenestration will not result in any detrimental impacts in terms of potential overlooking. With regard to the proposed air source heat pumps, it is considered that given their proposed positions these are unlikely to result in a noise nuisance to the adjoining properties.

The Impact on Visual Amenities

The revised dwelling will essentially reflect the overall design of the scheme approved in 2011 and therefore be of a basic rectangular form with a two storey secondary wing on the western side enclosing a west facing boundary. In overall terms the new proposal therefore remains of simple contemporary style and in relation to the alterations to the fenestration and porch the scheme these would be complementary. It is also considered that the addition of the solar panels to the front slope would not significantly detract from streetscape. With regard to the visibility of the site when approaching from Stamford there is a paddock owned by the applicant adjoining the plot which is both well hedged and has several mature trees which will conceal the new dwelling from public views. Additionally the applicant has indicated that four trees will be replaced within the curtilage and the hawthorn boundary from the field gate on the western boundary northwards will be planted.

With regard to the external render finish to the main dwelling it is noted that the Committee in attaching a condition to the 2011 approval wished to see that the proposed dwelling would have a mushroom paint finish in order to match that to the existing adjoining property at No. 3 Main Road. The applicant is now proposing that a white paint finish be used and it is noted that Uffington Parish Council have concerns as they feel that it would be incongruous to have white contrasting with the Clipsham stone. Such concerns would have been shared by officers if it was proposed to be the case that the shade of white being used was stark or bright. However, it is considered that the softer tone of white being proposed - namely that of Oyster White - would be sufficiently complimentary to the external finishes to the other dwellings in this relatively isolated group of properties - such that a refusal of planning permission would not be justified in this instance. It is also considered that the use of Clipsham stone to the plinth to the main dwelling and in the construction of the rear single storey swimming pool would be acceptable.

Section 106 Heads of Terms

Not applicable

Crime and Disorder

No 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 FOR APPROVAL

It is considered that the amended scheme for the proposed replacement dwelling in terms of its design and materials of construction/external finishes and in respect of its impact upon the adjoining residential properties is acceptable and will have no adverse impact upon the character and appearance of the locality. The proposal is therefore considered to comply with national planning guidance set out in Sections 6 and 7 of the National Planning Policy Framework and with Policies SP1, EN1 and EN4 of 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. Unless otherwise required by another condition of this permission, the development shall be undertaken in strict accordance with the details shown on the following approved drawing numbers :-

2634-1A
2634-2C
2634-3D
2634-4B
2634-5C
2634-6B

Location Plan (Scale 1:1250) received on 14 April 2012

Reason: For the avoidance of doubt; to ensure a satisfactory development.

3. Notwithstanding the details shown on the approved plans, the render to the main dwelling shall have a Oyster White paint finish.

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).

4. Before the dwelling is first occupied the access and vehicular turning area shall be completed in accordance with the approved plan number 2634/2C dated 2 May 2012 and retained for that use thereafter.

Reason: To allow a vehicle to turn within the site and leave in forward gear in the interests of highway safety.

5. The tree and hedge planting as proposed in the tree report of Michael J Sumner received on the 17 April 2012 shall be implemented within the first available planting season .

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

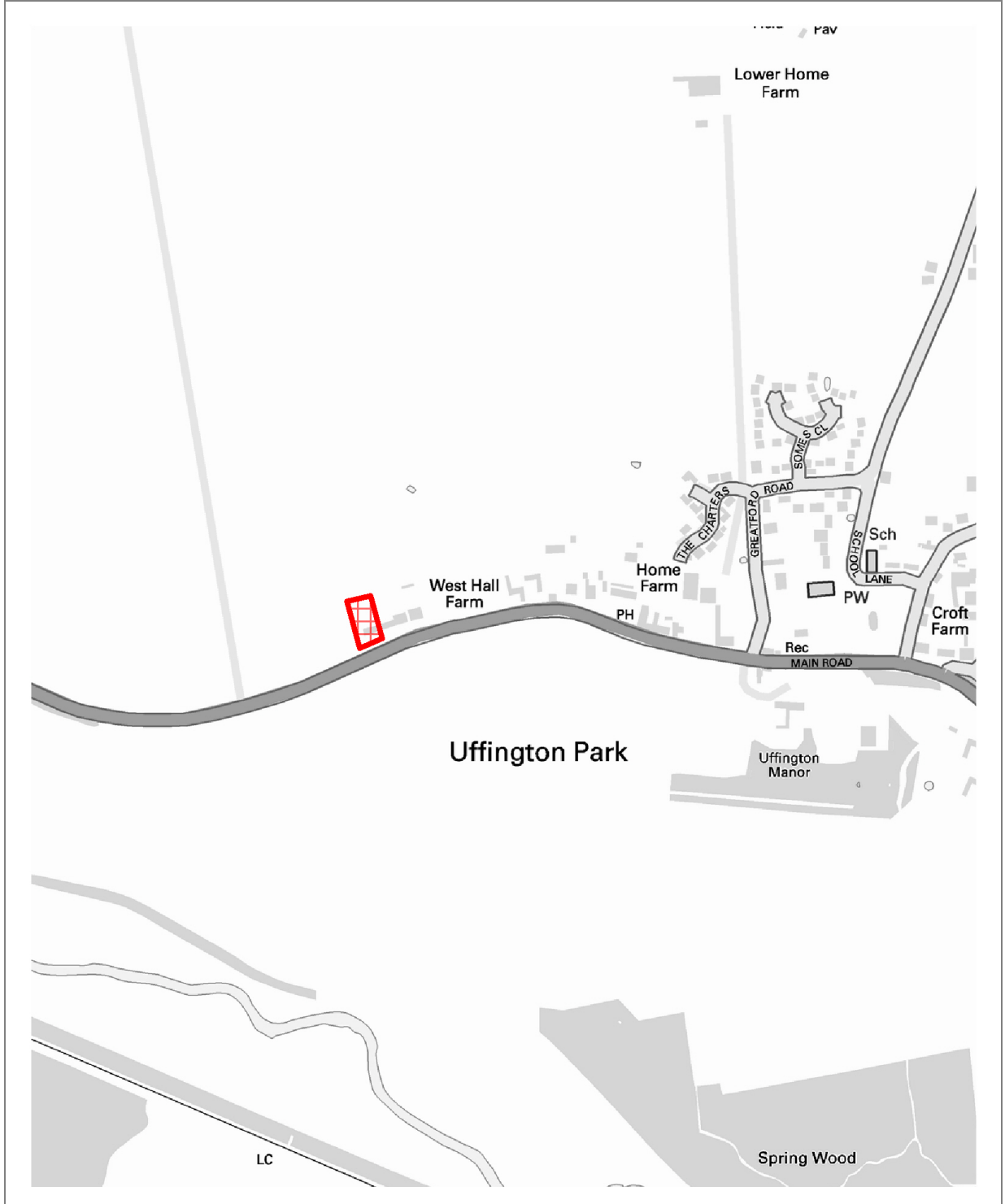
Note(s) to Applicant

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	S12/0927
Proposal	Proposed replacement dwelling and detached garage (revised scheme) along with air source heat pumps
Location	1, Main Road, Uffington, Lincolnshire, PE9 4SN



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Applicant	Mr Julian Dodd C/o Agent
Agent	Mr Matt Hubbard, Antony Aspbury Associates Limited 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW
Proposal	Demolition of existing dwelling and erection of 3 no. dwellings
Location	Land adjacent The Laurels, Bottom Street, Allington, Grantham, NG32 2DT
App Type	Outline Planning Consent
Parish(es)	Allington
Reason for Referral to Committee	The application is a departure to the development plan and is considered to be locally controversial, the previous application was also presented to the committee.
Recommendation Summary	Refusal

Key Issues

- Contrary to Planning Policy
- Not a Local Service Centre

Technical Documents Submitted with the Application

- Allington Levels received 14-06-2012
- Heritage Impact Assessment received 14-06-2012
- Indicative Plan A received 14-06-2012
- Indicative Plan B received 14-06-2012
- Land Contamination Form 14-06-2012
- Applicant Letter dated 08-06-2012 received 14-06-2012
- Proposed Site access layout received 14-06-2012
- Statement of community engagement received 14-06-2012
- Design and Access Statement received 14-06-2012

REPORT

The Proposal

The application is an outline application for the erection of three dwellings with associated accesses including demolition of existing dwelling on land to the West side of Bottom Street.

The Application Site and its Surroundings

The application site is located to the West side of Bottom Street between the existing properties of The Laurels and Ashes Farm. Adjoining the Western site boundary is the churchyard of the former Church of St. Andrew, which was demolished in the mid C20. The site which is relatively level houses one dwelling and a vacant outbuilding, these are to be demolished as part of the application. The site lies adjacent to the Allington Conservation Area, the boundary of which is, in part, coterminous with the boundaries of the application site. On its northern side it is only separated from the Conservation Area by a narrow public footpath.

Relevant Site History

S10/0030 – Erection of two detached houses with detached double garages granted March 2010.
S11/1931 – Erection of five dwellings with associated accesses including demolition of existing dwelling refused November 2011.

Policy Considerations

National Policy

NPPF – Section 4 Promoting sustainable transport
NPPF – Section 6 Delivering a wide choice of high quality homes
NPPF – Section 12 Conserving and enhancing the historic environment

South Kesteven Core Strategy

SP1 – Sustainable Communities
SP3 – Sustainable Integrated Transport
EN1 – Protection and Enhancement of the Character of the District
EN4 – Sustainable Construction and Design
H1 – Residential Development

East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 13a – Regional Housing Provision
Policy 48 – Regional Car Parking Standards

Representations Received

Planning Policy – The Policy Team object to the proposal for residential development on land adjacent to The Laurels, Bottom Street, Allington, which is contrary to Policy SP1 of the Core Strategy.

Lincolnshire County Council Highways – Requests that any permission given by the local planning authority shall include conditions.

Archaeological – no affect upon any known sites.

Property and Facilities – There are no mains surface water drains anywhere near the site. Any subsequent full application should include detailed proposals for a sustainable drainage system.

Environmental Health – No issues with contaminated land.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and currently 3 letters of objection have been received.

The comments made are summarised below:

1. Contrary to policy and not a Local Service Centre
2. Concerns about overlooking / loss of privacy
3. Concerns about overdevelopment of the site
4. Concerns about highway safety, access arrangements and parking provision
5. Concerns about the proposal not being in scale and character with the surrounding area
6. Concerns about lack of facilities and less sustainable location for development
7. Concerns about lack of transport available and infrequent bus service
8. Proposal highlights same issues as previous refusal
9. Unanimous rejection of previous application at Committee

Officer Evaluation

The Planning Policy Team has advised that development on this site has been considered previously, in respect of both four and five dwellings, and planning permission has been refused for development on this site.

The National Planning policy Framework is clear that "Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise" (para 12).

The Core Strategy is clear that the focus of all development within the District will to the towns and identified Local Service Centres. Allington has not been identified as a Local service Centre. Core Strategy Policy SP1 restricts development in locations other than the towns and LSCs, and in such locations "proposals will only be considered acceptable if they are sites for:

- A. Affordable housing (rural exception or allocated sites)
- B. Agriculture, forestry or equine development
- C. Rural diversification projects
- D. Local services and facilities
- E. Replacement buildings (on a like for like basis) or
- F. Conversions of buildings.... (with conditions)...."

Policy SP1 also allows for development in “other villages and the countryside” of affordable housing schemes on rural exception sites.

This application is to demolish an existing dwelling and to replace it with three dwellings within the same site. The replacement of dwellings is permitted by Core Strategy Policy SP1, but the policy is quite clear that this should be on a like for like basis. From the information supplied, it is clear that the applicant wishes to replace one dwelling with three dwellings. It is unlikely that this could be treated as like for like.

As such the council is not allocating land for housing development in Allington in the emerging site Allocations and Policies DPD. The Policy Team therefore object to the proposal for residential development on land adjacent to The Laurels, Bottom, Street, Allington, which is contrary to Policy SP1 of the adopted Core Strategy

The proposed development would result in the creation of an additional two residential units in a village that is not regarded as a sustainable location by the adopted Core Strategy. Policy SP1 clearly identifies which locations residential development should be focussed, specifically the three market towns and the local service centres as defined by Policy SP2. Allington is not a Local Service Centre.

Section 5 of the submitted Design and Access Statement focuses on local precedent, all application have to be assessed on their own individual merits and it is considered that the development at Lambert House Allington reference number S10/0030 (referred to as the earlier approved S09/1068 in the submitted Design and Access Statement) for the erection of 2 detached houses with detached double garages has significant difference from this proposal and development at Lambert House Allington should not be considered as setting any form of precedent for the approval of this application as Allington is not identified as a Local Service Centre within the South Kesteven Core Strategy.

It is considered that the adopted Core Strategy has significant weight in the determination of this application. It is the most up to date policy document and clearly represents the spatial policy framework for the district embracing current government guidance.

The document was the subject of extensive consultation with the local community and other key stakeholders as such it is a vision or the District and sets out how the vision can be achieved through decisions made about different land uses, location and form of development.

Notwithstanding the aforementioned S10/0030 and S09/1068, and any previous grants of planning permission in Allington prior to the adoption of the Core Strategy. Planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant has claimed that the site has been neglected for some time and that the “views of the dilapidated property are to the visual detriment of the street” the applicant implies that the proposed development will improve the streetscene: replacement of the dwelling may well achieve that objective but it is argued that objective could be achieved with a one for one replacement.

Additionally the introduction of the National Planning Policy Framework has defined previously developed land as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such a private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but were the

remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.

It goes on to explain that any windfall allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. Whilst encouraging Local planning authorities to consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The Local Highway Authority has considered the submitted application and requests that any permission given by the local planning authority shall include the conditions below :-

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

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

HP13 – Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number F11103/01 dated 14 June 2012 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.

HP16 – When application is made for approval of the ‘Reserved Matters’, that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear. Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

HP24 – No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no building shall be occupied before it is connected to the agreed drainage system. Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site.

The Conservation officer has viewed the application details, including the submitted Heritage Impact Assessment and advises that there is no objection from a conservation point of view to the development of the site although in addition to the usual Reserved Matters conditions, one be imposed requiring the existing hedgerow to the northern, western and southern boundaries to be retained and the replanting of a hedge set back on the site frontage, to replace that removed to achieve the visibility requirements.

Crime and Disorder

It is considered that the development would 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.

Conclusion

This is an outline application for the erection of three dwellings in a less sustainable location and the proposal would be contrary to Policy SP1 of the adopted South Kesteven Core Strategy 2010 which states that in all villages, other than Local Service Centres, countryside development will be restricted. As such, the proposal will introduce two additional dwellings in a less sustainable location whereby future occupiers of the site would be reliant on the use of the motor vehicle to meet their everyday needs.

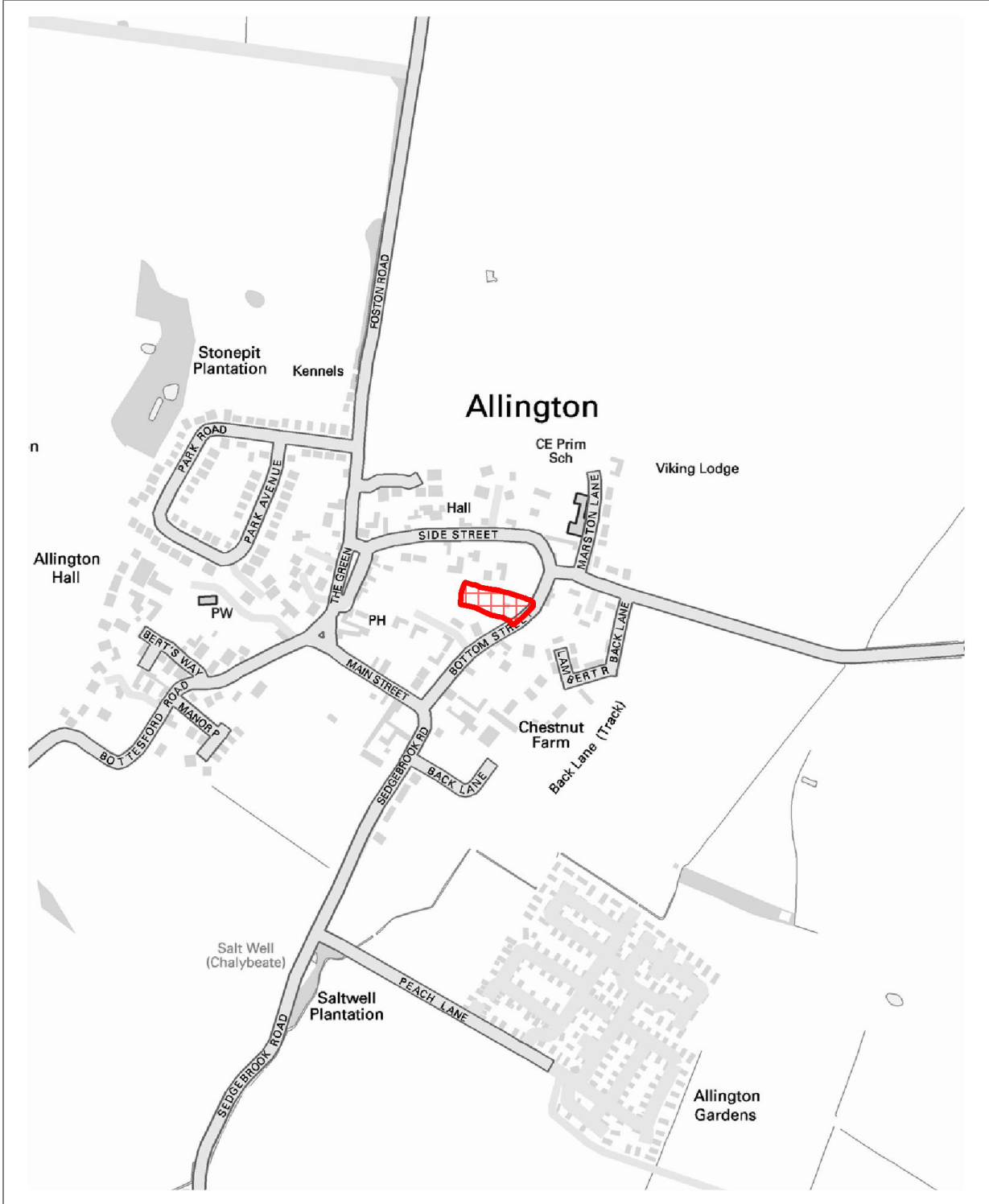
RECOMMENDATION: That the development be Refused for the following reason(s)

1. This is an outline application for the erection of 3 dwellings in a less sustainable location and the proposal would be contrary to Policy SP1 of the adopted South Kesteven Core Strategy 2010 which states that in all other villages other than Local Service Centres and the countryside development will be restricted.
2. In the opinion of the local planning authority the proposal, which is to be situated on land in the countryside, will introduce two additional dwellings in a less sustainable location whereby future occupiers of the site would be totally reliant on the use of the motor vehicle to meet their everyday needs.

* * * * *

Site Location Plan

Ref	S12/1436
Proposal	Demolition of existing dwelling and erection of 3 no. dwellings
Location	Land adjacent The Laurels, Bottom Street, Allington, Grantham, NG32 2DT



Applicant	Mr & Mrs S Chambers 106, Kedleston Road, Grantham, Lincolnshire, NG31 7FH
Agent	Mr Bruce Watt, Hilltop Planning & Design Services Hill Top, Harrowby Lane, Harrowby, Grantham, NG31 9HB
Proposal	Conservatory to rear
Location	106, Kedleston Road, Grantham, Lincolnshire, NG31 7FH
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The applicant is a member of staff
Recommendation Summary	That the development be approved subject to condition(s)

Key Issues

- Impact on neighboring dwelling

Technical Documents Submitted with the Application

- Proposed and existing details date stamped 28 June 2012.

REPORT

The Proposal

The application is a householder application for conservatory to the rear of 106 Kedleston Road, Grantham.

The Application Site and its Surroundings

The application site is located in a residential area located off Springfield Road. 106 Kedleston Road is a semi detached dwelling with a standard sized rear garden.

Relevant Site History

No history since completion of dwelling.

Policy Considerations

National Policy

NPPF – Section 7 Requiring good design

South Kesteven Core Strategy

EN1 – Protection and Enhancement of the Character of the District

Representations Received

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 no letters of objection have been received.

Officer Evaluation

This proposal is for the erection of a conservatory to the rear of dwelling, the existing garden currently measures approximately 12.5 metres. The length of the conservatory would be 4 metres, leaving a garden of approximately 8.5 metres in length. The boundary to the attached dwelling is currently separated by an existing 2 metre high fence, the conservatory will replace this boundary fencing with a 2.5 metre brick wall forming the north east elevation of the conservatory and having an additional 1 metre of glazing at the highest point, the overall height of the conservatory being 3.5

metres. The design is typical of a standard conservatory with brickwork to match the existing dwelling and a white upvc finish. It is considered that due to the existing 2 metre high fencing the additional height of the conservatory mainly glazed would not have an overbearing impact on the neighbouring dwelling and would not therefore cause any loss of light nor would it infringe on the private amenity of the neighbouring dwelling. It is considered that the proposal would be visually sympathetic to the area and is similar to conservatories granted within the neighbouring vicinity.

Crime and Disorder

It is considered that the development would 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.

Conclusion

The proposed conservatory by reason of its size, siting and design will not impact upon the amenities of the occupiers of neighbouring properties, or the character of the area and complies with Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework Requiring Good Design.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed conservatory by reason of its size, siting and design will not impact upon the amenities of the occupiers of neighbouring properties, or the character of the area and complies with Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted South Kesteven Core Strategy and Section 7 of the National Planning Policy Framework Requiring Good Design.

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

Project number 12/1180/1 date stamped 28-06-2012

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

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	S12/1610
Proposal	Conservatory to rear
Location	106, Kedleston Road, Grantham, Lincolnshire, NG31 7FH



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