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# Appeal Decision

Hearing held on 14 June 2012

Site visit made on 14 June 2012

by **Andrew Jeyes BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 2 August 2012**

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## Appeal Ref: APP/E2530/A/12/2171469

### 49 St Catherine's Road and 1A Dudley Road, Grantham, Lincolnshire NG31 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against South Kesteven District Council.
  - The application Ref S11/0967, is dated 28 April 2011.
  - The development proposed is the erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking at 49 St Catherine's Road and 1A Dudley Road, Grantham, Lincolnshire NG31 9DE in accordance with the terms of the application, Ref S11/0967 dated 28 April 2011, subject to the conditions in the attached schedule.

## Procedural Matters

2. Although the Council has not determined the appeal proposal, it has established its general position through a report to the Development Control Committee on 3 April 2012, subject to further advice on highway matters. The Council would have refused the application on the basis of the adverse impact of the development on the street scene and the amenities of neighbours due to the scale and bulk of the proposed buildings, and there were issues relating to access and egress at the site, as well as on-site parking issues.
3. These matters were subsequently modified and refined in correspondence with the appellant to indicate that the Council regarded the scale and bulk of the building to be excessive and detrimental to the streetscene, and that the access to Dudley Road would have insufficient visibility splays; the proposal was considered to be contrary to Section 7 of the National Planning Policy Framework [the Framework], Policy 2 of the East Midlands Regional Plan 2009 [EMRP], Policy EN1 of the adopted South Kesteven Core Strategy [SKCS], and the Grantham Townscape Assessment 2011 [GTA]. The appeal has been dealt with on this basis.
4. Prior to the opening of the Hearing, the appellant sought to modify the original scheme and submitted revised plans to the Council. These changes are shown on Drawing Nos 1753-2-01 Rev A, 1753-02-02, 1753-2-03, 1753-02-04, 1753-2-05, 1753-02-06 and 1753-2-07. The revisions involve the deletion of three 1-bed apartments, the movement of the building line further east away from the Dudley Road boundary, the provision of two additional parking spaces and a consequent movement of the building footprint further north and minor elevational changes. These changes sought to

- address the Council's concerns. These plans reflect a further planning application submitted to the Council [Ref S12/0863/35/RN1(M)] that, at the time of the hearing, was still awaiting determination.
5. The revised plans were sent to the Council and the appellant informed interested parties about the revisions on the 16 May 2012. The Council consulted on the revisions and the new revised application with statutory consultees and local residents. Copies of the responses were submitted prior to the Hearing. The Council considered the position at a meeting of the Development Control Committee on the 29 May 2012 and requested that the amendments be not considered at the Hearing; the Committee did not consider the merits of the revised plans.
  6. In deciding whether I can determine the appeal based on the amended scheme, I have had regard to *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another*<sup>1</sup>. No new issues were raised in relation to the amended scheme. Having considered the responses to the original proposal and those to the amended scheme, and the reduction in scale of the revised proposals, I am satisfied that the amended scheme would not substantially prejudice the interests of third parties or those who had not previously commented. I have therefore accepted the revised plans for consideration as part of this appeal. The description of the development remains the same and I have determined this appeal on the revised drawings, whilst acknowledging the continued opposition of the Council and local residents to the scheme.
  7. The electricity sub-station at the southern corner of the site was included within the application site, but notice was not served on the owner at the time of application or appeal. Notice was served in respect of the appeal on the 9 May 2012. There were no responses to this notice.
  8. The appeal was submitted prior to the publication of the National Planning Policy Framework [the Framework], which now provides the national policy background in relation to development. Both the Council and the appellant have been consulted on the Framework. The appeal has been determined taking account of the national policy background established by the Framework.

### **Main Issues**

9. Based on the final views expressed by the Council, the main issues are the effect of the proposal on the character and appearance of the streetscene and the effect on highway safety in respect to access visibility.

### **Reasoning**

#### *Background*

10. The site forms the corner of St Catherine's Road, a busy road leading from the town centre, and Dudley Road, a quieter residential road. The site contains a modern bungalow, 1A Dudley Road, but predominantly consists of the grounds of St Catherine's House, a large older Victorian house. St Catherine's House has been vacant for some time, has been subject to a degree of vandalism and fire damage, and has overgrown grounds.
11. The area is predominantly residential in character, but with a church and school adjacent to the site on Dudley Road. St Catherine's Road is generally fronted by larger two-storey properties set in large gardens, whilst on the opposite side of the road lies South Lodge and an attractive area of parkland, known locally as *The Paddock*, and another older large property, the Grade II listed Stonebridge House. The north end of Dudley Road has some larger detached and semi-detached properties; this gradually changes to the south towards smaller terraced housing.

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<sup>1</sup> *Bernard Wheatcroft Ltd v Secretary of State and Harborough D.C.* [1982] JPL 37

12. The Grantham Area Action Plan [GAAP] has been submitted for Examination. This plan initially included St Catherine's House, which forms most of the appeal site, as a proposal for development. This allocation was subsequently dropped, and does not form part of the submitted plan, as an application for retirement housing had been submitted. This plan carries little weight at present as the policies have not been subject to Examination.
13. The proposal, based on the revised plans, relates to the provision of 41 retirement apartments including communal facilities of a residents' lounge, guest suite, laundry and refuse facilities as well as landscaped gardens. It would consist of a "T" shaped building that rises from two to four storeys down the hill fronting St Catherine's Road and from four to three storeys along Dudley Road. The four-storey element, which includes rooms partly within the roof space, would form a focal point at the corner. The building would have a slate roof and brick and cedar faced walls. Access would be from Dudley Road, in the position of the existing access to 1A, which would serve 21 parking spaces. Existing boundary vegetation would be retained, with the lime trees and one sycamore to the Dudley Road boundary being covered by a Tree Preservation Order<sup>2</sup>.

#### *Character and Appearance*

14. The general character of the local area is one of spacious sites within a verdant setting, with the substantial tree screen around the roadside edge of the site making a significant contribution. To the west there is a marked change at the bottom of the hill where the River Witham divides this residential area from the increased commercial use and more densely developed fringe to the town centre. To the south, along Dudley Road, development slowly increases in density, but with retention of the verdant character as far as the terraced housing.
15. The GTA, which is not a policy document and carries little weight, includes the site within Character Area 3a and indicates the character as consisting of terraced and semi-detached buildings on regular to medium sized plots set to regular building lines with small front and large rear gardens. It notes some houses on a grand scale and some large gardens with trees to front and back, particularly on St Catherine's Road and Dudley Road. The site is not identified as having a positive building frontage. Area 3a is divided from the adjoining 3b character area by the River Witham.
16. The Framework indicates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative, but that design should respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation.
17. The Council consider the general design and appearance of the building, including its form, architectural style, materials, detailing, and proportion of built form to open space to be acceptable. In my view, these aspects of the proposal would contribute to achieving a development of good quality. However, the Council are concerned at the use of the four-storey element at the north-west corner and protrusion forward of established building lines.
18. The four-storey element would form a focal corner point at the junction of the two roads. It would have a pitched gable-ended roof with a ridge parallel to Dudley Road. This would reflect other aspects of the building's design. In respect of St Catherine's Road, where the gable end forms the elevation, the eaves would be lower than the overall lower adjoining three-storey element and the roofline slightly higher; this reflects the slope of St Catherine's Road down from east to west. From Dudley Road,

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<sup>2</sup> TPO 157: Grantham (Dudley Road) Tree Preservation Order 1980

- where the pitch of the roof forms the main elevation, the eaves line and the roofline would be higher than the adjacent three-storey apartments.
19. The tallest part of the building would be on the prominent corner of the site, but its setting would be within the context of the surrounding trees and other trees within the highway verge, which would be retained. Whilst a tree has been removed in the past from the corner of the site, remaining trees still form part of a substantial boundary screen. These trees are of a substantial height and would screen and break up the form and outline of the whole building, including the four-storey corner element. The existing trees would be effective in views from both directions along St Catherine's Road, from Dudley Road and in longer views across the park.
  20. The elevation facing St Catherine's Road would broadly reflect the existing building line of newer buildings further up the hill to the east with only minor projections in front. To Dudley Road, which has a slight curve further south, most of the proposed building would be behind any notional building line established by the church and adjoining houses, with part of the four-storey element projecting forward. The site is currently not identified as having a positive building frontage, with the existing St Catherine's House set back from Dudley Road, so that there is no firm established building line across this site. In any case, the existing trees screen the site to such an extent that any building line would not form a visible component of the street scene. I therefore consider that the elements of the four-storey building that would extend forward of any notional building line would not have any appreciable impact on the street scene.
  21. Concern has been raised in respect of the loss of trees, The submitted tree survey identifies seven of the 68 trees for removal based on their current condition; these are two apple, two cypress and three yew. The proposed development would also see a number of trees internal to the site removed, including four old pear and two apple trees, but overall this would have little impact on the visual appearance of the area because of surrounding screen trees. However, revised landscape proposals were not submitted with the revised plans, and if allowed, landscaping in total would need to be the subject of suitable conditions.
  22. Taking account of these reasons, the scale and bulk of the building would not appear as excessive and it would not appear as intrusive within views along the street; overall it would not be detrimental to the streetscene. The proposal would not therefore harm the character and appearance of the streetscene and would not be contrary to the objectives of relevant parts of the Framework, EMRP Policy 2, SKCS Policy EN1 or with the GTA. These aim for high quality design that is appropriate to the character and significant natural, historic and cultural and features of the landscape.

#### *Highway Safety*

23. Detailed submissions indicate that the concern of the Council is with visibility from the proposed access, which utilises the existing access serving No 1A. This arises from the encroachment of vegetation, the presence of the electricity substation and from on-street car parking. The Highway Authority raised concerns at the initially proposed retention of an access on St Catherine's Road to serve two parking spaces, but confirmed, in an e-mail to the appellant, that in their view all vehicular access should be from Dudley Road; the revised plans reflect this. They also required a financial contribution.
24. The visibility standards suggested by the Council are based on Manual for Streets [MfS] that indicates a minimum splay of 2.4 metres by 43 metres within a 30 mph speed limit, as here. A survey showed that the 85 percentile speed in dry conditions was marginally over 30 mph in dry conditions and under 30 mph in wet conditions. Dudley Road has an 8.4 metre wide carriageway with a footway of around 1.9 metres width on the side of the appeal site; there are parking restrictions around the junction with St Catherine's Road and "zigzag" markings across the school frontage.

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25. A plan submitted by the appellant indicates that the required visibility standards could be achieved and involve reducing the spread of vegetation that currently extends over the footway and a small reduction in boundary wall height over a short distance. The plan indicates that the visibility splay to the south, which is taken to the channel line, would just clip the outer edge of the substation, which would give a very minor reduction. However, if the nearside point of approaching vehicles is used, as is suggested in MfS, then the substation would have no impact on visibility. Plans showing smaller splays based on reduced requirements have also been submitted. In my view, the required visibility splays to ensure highway safety can be provided to an adequate standard and could be ensured through an appropriate condition.
  26. However, on-street parking is common along this stretch of road from morning to early evening. This is thought to be associated with persons using the town centre and other local facilities. There is also parking associated with people delivering and collecting children to the adjacent school, with some vehicle drivers paying insufficient heed to parking and waiting restrictions and blocking access drives. Some of this parking takes place within the area covered by the proposed visibility splays. Overnight, this stretch of the road has little on-street parking.
  27. On-street parking is not an uncommon feature and occurs in relation to other access points along Dudley Road and at other residential road junctions. MfS indicates that parking within visibility splays within built-up areas is quite common, yet does not seem to create significant problems in practice. The Highway Authority has powers to control parking and, whilst these may be devolved to the Council in Grantham, this does not alter the situation. Traffic flows on Dudley Road are not substantial and the parking of vehicles either side of the access, whilst reducing visibility, would not in my view, substantially affect highway safety. Traffic generation arising from the site, using data from other similar developments, is likely to be light and mainly in the daytime.
  28. Taking account of the above, the proposal would not significantly affect highway safety in respect to access visibility and would not be contrary to policy in the Framework.
  29. Representations have raised concerns in respect of parking and traffic generation arising from the use. The Council use the adopted parking standards of the Highway Authority, which indicate a maximum of one space for each two units of sheltered accommodation, which would equate to 21 spaces. This is the amount of car parking proposed. There is no evidence of substance to indicate that a higher standard is required or that this would result in overspill onto surrounding streets. Indeed, the appellant indicates that, based on experience from other sites, car ownership decreases over time as residents age.
  30. The appellant charges residents for a permit to use their parking spaces, but generally find this does not discourage use because of the difficulties of ensuring on-street parking close to the facility. However, if this were to happen, then it would displace other long-term on-street parkers over the working day, which would not have a significant effect on highway safety.
  31. The site is in a sustainable position, relatively close to the town centre and other facilities, and the development would have facilities for storing and charging of mobility scooters. Traffic generation from similar sites elsewhere, which have overall higher car ownership rates than Grantham, was around 1.66 trips per apartment per 12 hour day [07.00 to 19.00]; this would give rise to some 68 vehicle trips per day, with a peak around midday. Vehicle movements at night would be low. This pattern of movements and the relatively small numbers involved would not be likely to increase congestion or harm highway safety.
  32. Overall, there are no matters that would militate against the development in terms of highway safety, and it would meet the aims of the Framework to ensure that safe and suitable access to the site can be achieved for all people.
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*Other Matters*

33. In respect of housing supply, the Framework indicates the importance of establishing a 5-year supply of deliverable housing sites against housing requirements, including at least a 5% buffer. The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. It was agreed at the Hearing that the Council could not demonstrate a five-year supply of deliverable housing sites and the figures do not include any buffer. The SKCS indicates that housing development should be focussed on Grantham. The Council indicated that a presumption in favour should take precedence, and that there was no fundamental objection to use of the site for housing which is in a sustainable location. There is also a shortage of this form of housing. As the amount of deliverable sites for the district as a whole is substantially less than the required 5-year supply, the proposal should be considered in the context of the presumption in favour of sustainable development. This carries substantial weight in support of the appeal.
34. An application was made to English Heritage to have St Catherine's House listed. This has been rejected by English Heritage as the house, although large and imposing, is relatively plain and standard and lacks flair, innovation and character, and progressive alterations have compromised its overall architectural integrity. Whilst a local resident indicated that English Heritage have verbally corrected some of their reasons, there is no written confirmation. However, the Council still consider that the building should be considered as an unlisted heritage asset.
35. St Catherine's House is identified in the GTA of 2011 as a positive contribution building. However, the building is not included on any list maintained by the Council and nor is it included in the GTA, which lists "Heritage Assets" as part of its assessment; in this context "Heritage Assets" are buildings of local architectural or historic interest or are significant in the townscape, the loss of which would be detrimental to the character of Grantham. These would fall within the definition of heritage assets contained within the Framework. The GTA included South Lodge and 6-8 Dudley Road as heritage assets. The building has substantial modern additions and has been subject to vandalism and fire damage. There is no evidence of substance to indicate that the building should be considered as an unlisted heritage asset.
36. The GTA recommended that the Council consider the potential of designating a new conservation area focused on sections of Harrowby Road, Dudley Road and the cemetery. It was indicated at the Hearing that the Council was about to undertake public consultation in respect of this matter. At this time, no designation has been made and this carries little weight.
37. Local residents have expressed concern at ecological aspects of the proposals in respect of the adequacy of ecological surveys, bat reports, the closeness of the site to the River Witham Green Infrastructure Corridor and the loss of an open green area.
38. The appellant submitted an "Extended Phase 1 Habitat Survey" that concluded that a bat survey was required, that clearance should take place outside of the bird nesting season, and that bat and bird boxes should be provided as part of the development. No UK Biodiversity Action Plan [BAP] species were recorded and the site was considered of low ecological value. However, residents indicate that many BAP species have been seen in and around the site and that the impact on biodiversity should be considered on the basis of the entire territorial and foraging areas of the species, and that the development would give rise to the loss of a green space. The site is not a designated nature conservation site, but is part of the wider environment. Many features of the site would be retained, including most trees and a substantial garden area, which, in conjunction with other existing green space in the vicinity, would ensure that territorial and foraging activity would not be unduly restrained and that green space is still available.

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39. A separate bat survey noted bat activity, but there was no evidence of roosting bats or of buildings being used as roosts; no bats were observed entering or leaving the buildings. The Lincolnshire Wildlife Trust point out that the survey does not meet the good practice guidelines laid down by Natural England. In addition, it is noted that an internal inspection of the building has not been carried out because of its dangerous condition. In these circumstances, a condition would be required relating to further survey work to confirm whether or not bats roost in the building.
  40. The GAAP includes proposed Policy G11: *Green Infrastructure Provision*, which would include a network of high quality green spaces and other environmental features. One such green link is identified along the River Witham. The Council has not identified the site as part of the green corridor and the only link between the site and green spaces that abut the river is the park on the opposite side of St Catherine's Road. The site is not a green space, but consists of two residential properties, one with a large garden. The development of the site would not impact on the green corridor along the River Witham.
  41. Concern was expressed in representations about the effect of the proposal on the living conditions of adjoining residents in respect of daylight and privacy. The large trees on the site already contribute to shadowing. Shadow projections were submitted as part of the proposal, which indicated a relatively small effect resulting from the proposed apartments on the adjacent house at 50 St Catherine's Road; the existing building of St Catherine's House already lies close to this boundary, although of lesser height than the proposal. There would be no habitable room windows in the adjoining elevation, but to ensure privacy, obscure glazing would be required to two corridor windows. The Council had no direct concerns relating to these matters and I do not consider that any significant harm would result.
  42. Concern was also raised in respect of the living conditions of future residents that would arise from the close association of habitable room windows to trees to be retained on the roadside boundaries, leading to requests for their removal. There would be sufficient distance between windows and the tree screen to provide modest outlook and the appellant indicates that older people often prefer shadier conditions for their own comfort. The boundary trees to Dudley Road are in any case protected by a Tree Preservation Order.
  43. It is also indicated that residents would prefer other alternative uses of the site to be considered. The appellant does not own the site at present and the owner of St Catherine's House, the County Council, is able to consider alternative uses if it wishes. The Council has no funding for such activity. There are no formal proposals in existing or emerging development plan documents for other uses of the site. This appeal is to consider the planning merits of the appeal proposal, but does not include balancing these merits against other unknown alternative uses.
  44. Residents point to difficulties with road drainage on Dudley Road. However, the proposed development would not impact on this drainage as all of its drainage requirements would be met through discharge to public systems as indicated in the options included within the submitted drainage report. These drainage matters would need to be conditioned.

#### *Section 106 Obligation*

45. A draft S106 obligation was considered at the Hearing and a completed S106 Unilateral Undertaking was submitted following closure of the Hearing [Document 8].
46. Statutory tests are set out in the Community Infrastructure Levy Regulations 2010 [CILR] indicating that the obligation must be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonable related in scale. The undertaking covers contributions to affordable housing provision, off-site highway infrastructure and towards health service provision.

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47. SKCS Policy H3 requires the provision of affordable housing as part of all housing developments of five dwellings or more, but recognises that a contribution to off-site provision may be acceptable. The Council has accepted in this case that because of the nature of the development it would not be appropriate for on-site provision to be made. There is a local shortfall of affordable housing provision and this would go towards meeting the shortfall and would be fairly and reasonably related in scale.
  48. Improvements to local highway infrastructure would be required relating to the provision of dropped kerb crossings and tactile paving at junctions. These would be in the vicinity of the site and related to increased use by elderly and/or infirm residents. This would be fairly and reasonably related in scale and provide facilities that are directly related to the development.
  49. A health service contribution is required based on a defined amount per dwelling, applied as a standard across Lincolnshire, based on an expectation that all developments accept responsibility for increased requirements for healthcare provision, where there is an increased requirement. Whilst it indicates that some health services are over-subscribed and that town practices generally have above average numbers of patients, no evidence has been submitted indicating the extent of provision in Grantham or the problems that would arise as a result of this development. There is no evidence of substance to indicate that this payment is necessary to make the proposal acceptable in planning terms, that it would be directly related to the development and would be fairly and reasonable related in scale.
  50. In conclusion, the obligations relating to contributions to affordable housing and highways meet the tests set out in Regulation 122 of the CILR and provide support to the appeal. The healthcare contribution does not meet the relevant tests and cannot be taken into account.

### Conclusions

51. Drawing together the matters relating to this appeal, I have concluded that the proposal would not harm the character and appearance of the streetscene and would not significantly affect highway safety. As the supply of deliverable sites for the district as a whole is substantially less than the required 5 years, the proposal should be considered in the context of the presumption in favour of sustainable development. There are no other matters raised in representations that would outweigh these matters or otherwise indicate that the appeal should not be allowed. For these reasons and considering all other matters, the appeal is allowed and planning permission is granted.

### Conditions

52. The conditions suggested have been considered in accordance with the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. Wording has been adjusted where necessary. The plans to which this decision relates are specified for the avoidance of doubt and in the interests of the proper planning of the area.
53. Whilst details of materials are shown on the plans, they are indicated to match old brickwork etc on a nearby building, but to ensure a suitable match a condition requiring agreement of samples with the Council is necessary. Conditions requiring submission of a landscaping scheme with a programme of implementation, and relating to tree retention and protection, are required to ensure the setting of the building. A desk based archaeological assessment has been submitted that indicates that a programme of archaeological monitoring would be required during ground works, so I consider that an appropriate condition is reasonable and necessary.
54. In the interests of ensuring highway safety, conditions are necessary in respect of closing the existing access to St Catherine's Road, details of the access and visibility splays to the Dudley Road access, and the provision of parking and circulation within the site. To ensure that car use is minimised a Travel Plan requires agreement with

the Council. Conditions are required to ensure species protection relating to carrying out work in accordance with the submitted ecological assessment and, as previously indicated, a further bat survey is also required.

55. A condition relating to the provision of drainage is required to ensure adequate provision is made. A method statement relating to building works is required in the interests of neighbour's living conditions, and this also needs to include parking and delivery arrangements in the course of construction in the interests of highway safety. A condition limiting occupation to persons over 55 is reasonable and necessary as the proposal relates to retirement living housing and the parking and travel demands specifically relate to this form of accommodation.
56. A condition withdrawing permitted development for windows and dormer windows is not necessary as apartments do not enjoy any such rights and nor are conditions requiring details of flue and extraction systems, and all plant and machinery, as the proposal relates to a residential form of development. A condition requiring heritage survey work of the site is not necessary as I have indicated that the building and its site are not considered a heritage asset.

*Andrew Jeyes*

INSPECTOR

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#### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1753-2-01 Rev A, 1753-02-02, 1753-2-03, 1753-02-04, 1753-2-05, 1753-02-06 and 1753-2-07.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 4) No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with details that have been submitted to and agreed in writing by the local planning authority prior to the commencement of development. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which will require a fuller rescue excavation, then construction work shall cease until the applicant, or their agents or successors in title, has secured implementation of a further programme of archaeological work in accordance with details that have been submitted to and agreed in writing by the local planning authority prior to any work recommencing.
- 5) No development shall take place until details of the closure of the existing access onto St Catherine's Road, as indicated on Drawing No 1733-2-03, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to any other aspect of the development commencing.
- 6) No development shall take place until details of the access and accompanying visibility splays to the Dudley Road access, as indicated on Drawing No 1733-2-03, have been submitted to and approved in writing by the local planning authority. The access

- arrangements shall be carried out in accordance with the approved details prior to the first occupation of any of the apartments hereby permitted.
- 7) The parking, turning and manoeuvring arrangements indicated on Drawing No 1733-2-03 shall be provided in full prior to the first occupation of any of the apartments hereby permitted and shall be retained thereafter.
  - 8) The apartments hereby permitted shall not be occupied until a Travel Plan, including a programme of implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details and programme.
  - 9) No development shall take place until drainage details based on the recommendations of the "Drainage Survey" prepared by Such:Salinger:Peters, including a programme of implementation, have been submitted to and approved in writing by the local planning authority. The drainage shall be implemented in accordance with the approved details and programme prior to the occupation of any of the apartments hereby permitted.
  - 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    - i) the parking of vehicles of site operatives and visitors;
    - ii) loading and unloading of plant and materials;
    - iii) hours of operation;
    - iv) types of machinery and equipment to be used on site;
    - v) details of measures to control the emission of noise, vibration, dust and dirt during construction; and
    - vi) details of the method of demolition and storage of material to ensure that materials to be salvaged are not irreparably damaged beyond suitability for re-use.
  - 11) 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. The details submitted shall include a programme of implementation, proposed finished levels or contours, means of enclosure, indications of all existing trees and hedgerows on the land, details of those to be retained, including root protection areas, together with measures for their protection in the course of development.
  - 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the agreed programme of implementation, and any trees or plants which within a period of 5 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 local planning authority gives written approval to any variation.
  - 13) All retained trees indicated on the details approved in accordance with condition 11 shall be protected in accordance with an approved method statement that shall be agreed in writing by the local planning authority prior to the commencement of any works. The method statement shall include details of:-
    - i) any no-dig permeable hard surfacing to be installed within or adjacent to the root protection areas of retained trees;
    - ii) position and form of protective fencing to be installed around retained trees; and
    - iii) how scaffolding will be erected within any root protection areas of retained trees;
- A qualified arboricultural supervisor shall be appointed to monitor and supervise works on site to ensure that the retained trees on the site are adequately protected in accordance with the agreed details. Details of the qualified arboricultural

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- supervisor, including contact details, shall be provided to the local planning authority prior to the commencement of development.
- 14) The development hereby permitted shall be undertaken in accordance with the recommendations contained within the "Extended Phase 1 Habitat Survey" prepared by Marishal Thompson Group including:-
- i) all clearance work shall be undertaken outside of the bird nesting season of March to August inclusive, unless otherwise agreed in writing by the local planning authority;
  - ii) details of all bat and bird boxes to be erected on site, including a programme of implementation, shall be submitted to and agreed in writing by the local planning authority prior to development commencing; the bat and bird boxes shall be provided in accordance with the agreed details and programme; and
  - iii) a further bat survey, based on the Bat Surveys Good Practice Guide of the Bat Conservation Trust, including recommendations based on the findings and including a timetable for implementation shall be carried out of the site and its buildings. The survey shall be submitted to the local planning authority prior to commencement of development. All agreed recommendations shall be implemented within an agreed timetable.
- 15) The occupation of the development hereby permitted shall be restricted to:
- i) persons aged 55 years or older;
  - ii) other persons who are living as part of a single household with a person or persons aged 55 years or older; or
  - iii) persons who were living as part of a single household with a person or persons aged 55 years or older who has since died.

**APPEARANCES**

## FOR THE APPELLANT:

Sarah Reid, of Counsel	Instructed by McCarthy & Stone
Lisa Matthewson MTCP MRTPI	Senior Planning Associate, Planning Bureau Limited
David Beardmore MSc MA DipLD DipUD Dip Bldg Cons FRTPI CMLi IHBC	Principal, Beardmore Urban
Kevin Lewendon BA[Hons] DipBArch	Senior Architect, Planning Bureau Limited
Dr Allan J Burns BSc[Hons] MSc PhD MICE MIHT	Traffic and Transportation Consultant
Ian Keen NDFor MICFor FArborA	Ian Keen Limited
Paul Hiscock BSc[Hons] MIEEM	Senior Ecologist, Marishal Thompson Group

## FOR THE LOCAL PLANNING AUTHORITY:

Paul Rushworth	Solicitor, South Kesteven District Council
Philip Moore MSc	Development Management Officer, South Kesteven District Council
Pat Reid BA MRTPI	Development Management Services Manager, South Kesteven District Council
William Smart BSc MCIHT	Transport Planning Director, Morgan Tucker Ltd

## INTERESTED PERSONS:

Alice Brown	Local resident
Anne Gayfer	Local resident and representing Conserving Grantham
Charmaine Morgan	Local District Ward Councillor
Marilyn Campbell	Local resident and representing Grantham Civic Society
Rhona Repton	Local resident
John Ferguson	Minister, Seventh Day Adventist Church and Dudley House School

**DOCUMENTS AND PLANS**

- 1A Submission on acceptance of revised plans; submitted by the appellant.
- 1B Report re Bernard Wheatcroft Ltd v Secretary of State and Another; submitted by the appellant.
- 1C Information re Localism Act 2011; submitted by the appellant.
- 1D Planning Inspectorate Good Practice Advice Note 09: *Accepting amendments to schemes at appeal*; submitted by the appellant.
- 2A Report to Development Control Committee of the 3 April 2012; submitted by the Council.
- 2B Minutes of Development Control Committee of the 3 April 2012; submitted by the Council.
- 3 Unconfirmed minutes of Development Control Committee of the 29 May 2012; submitted by the Council.
- 4 E-mail of 1 June 2012 re Council's position on proposed amendments; submitted by the appellant.
- 5 Signed copy of the Statement of Common Ground.
- 6 Three plans indicating varying visibility splay requirements; submitted by the appellant.
- 7 Community Infrastructure Levy Regulations - Regulation 122 compliance document; submitted by the appellant.

**DOCUMENT SUBMITTED AFTER CLOSURE OF THE HEARING**

- 8 Signed and dated S106 Unilateral Undertaking; submitted by the appellant.