

Applicant	Mr Gary Sharp, InterM2 Ltd Woodnook, Lower Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2BB
Agent	Mr Steven Wade, Steven Wade Architectural Design Goose Lane Farmhouse Thwaite Common, Goose Lane Farmhouse, Thwaite Common Erpingham, Norwich, NR11 7QG
Proposal	Demolition of Dutch Barn and Nissen Hut, conversion of former barn to 2 dwellings, erection of 3 bay detached garage and erection of detached dwelling
Location	Oak Farm Barns, Church Street, Harlaxton, Grantham, NG32 1HB
App Type	Full Planning Permission
Parish(es)	Harlaxton
Reason for Referral to Committee	Before committee at the request of the Chairman and the Development Management Service Manager
Recommendation Summary	Refuse for reasons outlined within report

Key Issues

- Planning History
- Accordance with policy
- Impact on highway safety
- Impact on neighbouring residential amenity
- Visual amenity
- Heritage Impact
- Drainage
- Wildlife and Biodiversity

Technical Documents Submitted with the Application

- Site Plan
- Elevational Drawings
- Floor plans
- Design and Access Statement
- Ecology Report
- Structural Survey
- Heritage Impact Assessment
- Drainage Details

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it considered to be locally controversial and at the request of the Development Control Committee Chairman.

The Proposal

The application proposes the demolition of a Dutch barn and Nissan hut and residential conversion of an existing group of barns to form two residential units.

The buildings are traditional in form, mostly dating from the 19th Century and have previously been considered worthy of retention and conversion. One single bedroomed and one three bedroomed unit are proposed within the barn conversion.

In addition to the conversion a new three bedroomed dwelling is proposed on the eastern portion of the site where the Nissan hut is currently sited. A three bay, open sided car-port is proposed to the rear of the proposed dwelling in the central section of the site.

The application site and its surroundings

The application site located within Harlaxton Conservation Area comprises of Oak Barn Farmyard which is sited to the south side of Church Street.

Church Street also provides access to the Church and two dwellings located within the Grade II Listed former school building.

Located within the application site to the northwest corner are three traditional barn structures, two of which are single storey and one larger two storey building. The barns are constructed from a mix of limestone and brick with pantile roofs.

Also located to the southern boundary of the farmyard are a Dutch barn and a Nissan hut. These structures run along boundaries of dwellings which front Rectory Lane.

Sweeping around with the curvature of Church Street is a low stone wall which defines the boundary of the site.

Site History

S10/0864 – Change of use of barn to 2 dwellings – Approved – July 2010.

S10/0952 - Demolition of steel framed agricultural building – Approved – June 2010.

S12/1727 – Demolition of barn and hut, conversion of barn and erection of dwelling –Refused - September 2012.

S12/1751 – Demolition of Dutch barn and Nissan hut – Approved - September 2012.

Policy Considerations

South Kesteven Core Strategy

Policy EN1
Policy SP1
Policy SP2

National Planning Policy Framework

Section 4 (Promoting sustainable transport)
Section 7 (Requiring good design)
Section 11 (Conserving and enhancing the natural environment)
Section 12 (Conserving and enhancing the historic environment)

Representations Received

Planning Policy

“Harlaxton has been identified in Core Strategy policy SP2 as a Local Service Centre. Core Strategy policies SP1 and H1 support small-scale development within the built-up part of the village, provided that it does not compromise the nature and character of the village. Emerging policy SAP H1 in the Site Allocation and Policies DPD, which has been submitted to the Secretary of State and will be subject to Examination in November 2012, allows for development on suitable brownfield redevelopment sites and small infill sites within the built-up part of Local Service Centres, provided that (among other criteria) it will not have a detrimental impact upon the quality of life of adjacent residents and properties and will not compromise the nature and character of the settlement.

The National Planning Policy Framework establishes a presumption in favour of sustainable development and, as this site is located within the heart of a village with a range of local facilities, it is considered a sustainable development proposal. As such, the principle of the proposed development, i.e. conversion of redundant farm buildings to residential use in the heart of the village, is acceptable from a policy perspective.”

Lincolnshire Heritage notes that no recognised archaeological features of interest would be affected by the proposed development.

Lincolnshire County Council as Highway Authority, does not object to the application, subject to conditions.

Environmental Health has no objections.

Natural England No objection. In addition commented in relation to concerns we had received as follows:

I have received your email from our Customer Service Planning hub and note the concerned local resident who is objecting to this scheme.

I have since advised our planning hub to continue with their response which will be a standard no objection response, subject to the implementation of the mitigation (secured by condition of necessary).

A few points of note to explain our rationale

- This protected species survey is an update of the previous survey undertaken in 2010 which at that time indicated the buildings were of low potential to bats (mainly due to being active cattle sheds) as well recording limited bat potential/evidence. This 2012 survey has sufficiently updated the baseline survey and identified (whilst there has been an increase in bat activity), this site is not of long term or significant importance to the favourable conservation status of each of the bat species recorded.
- Based on the buildings' 'low' bat potential, as per the BCT guidelines, NE are satisfied with the internal inspection and one dusk survey that has been undertaken. We do not insist on a second dusk survey being undertaken.
- Method statement – whilst I accept some of the concerned residents' comments, the implementation of the method statement (i.e. – suitably timing the work, sympathetic measures etc) will ensure that an absolute offence is not committed by protecting individual bats from harm.
- **Barbastelle bat** - as per our (English Nature's) Bat Mitigation Guidelines, a single Barbastelle bat is classified as low conservation significance thus requiring the provision of new roost facilities (although not necessarily like for like). The provision of access to crevices and associated niches in the new dwellings, as well as the erection of bat boxes on site, will provide Barbastelle bats with like for like replacement of the roosting opportunities currently present on site. Furthermore, the method statement approach described above will protect any individual Barbastelle bats from harm thus preventing an absolute offence.
- **Pipistrelle bats** – concern has been raised about the suitability of bat boxes for this development. It should be noted that the bat boxes recommended by Scarborough-Nixon are built into the fabric of the building thus becoming a permanent feature – rather than those simply erected on the exterior of a building.
- **Brown long-eared bats** - Natural England is satisfied that this building does not represent a significant roost of brown long eared bat and therefore does not require the large roof void provision argued by the local resident.
- **Internal inspection** - we are satisfied with the internal inspection undertaken by Scarborough-Nixon. We are confident that any constraints to the internal inspection will have been reported by the ecologist.

As you can see, Natural England are satisfied with the ecological survey that has been undertaken by Scarborough-Nixon. “

Lincolnshire Wildlife Trust has no objections.

Upper Witham Drainage Board has no objections subject to conditions.

Parish Council

1. This application is still an unacceptable design – overpowering to properties around and not suited to traffic access. Totally unacceptable as was the last application.
2. This application makes for an overcrowded site and will cause parking issues on neighbouring roads, and on the site itself.
3. There is nothing in the DAS produced by Mr Sibthorp that fundamentally alters the main reason for the refusal of the first planning application. It appears that the 3rd dwelling, the cottage, is being squeezed into this relatively small area for the sole purpose of making the rest of the development financially viable. It would be very close to the rear wall of 24 Church Street and sits uncomfortably in this location. Access to the site is by a narrow single track road leading to the Church. There is no scope for parking on this road without obstructing access to the Church car park. No visitor parking has been identified in the proposed development plan.

Harlaxton Parish Council strongly objects to this application and hopes that the Planning Committee will refuse it, as it did the first application.

Conservation Officer

“The current application appears to be largely identical to that submitted earlier in the year, Ref: S12/1727, the only differences appear to be a reduction on the number openings in the barn to be converted, the use of more appropriate materials for the open fronted cart shed/garage and the submission of more detailed supporting information in support of the application. Otherwise the application remains as previously proposed, in which case I have to reiterate the concerns I expressed in my e-mail of the 29th September 2012 regarding the erection of a new dwelling on the site frontage to Church Street:

“The design for the proposed house, in terms of scale and elevational treatment (apart from the proposed use of uPVC for the windows), would not, in my opinion, be inappropriate for this village. However, this does not overcome my concerns about the principle of development in this location where there is no evidence of any previous building/s prior to the mid-twentieth century Nissen hut and Dutch barn being erected and where the openness of this part of the site is important to the character of street scene in this part of the conservation area, the principal approach to the parish church.

I note that the D&A statement includes speculation on the use of the land to be occupied by the proposed new dwelling if the dwelling were not be built. Even if the proposed dwelling were allowed, the land at the front of the house would be garden land and given the limited space allowed for private amenity space, it would still be vulnerable to use for purposes ancillary to domestic occupation of the type suggested by the author of the D&A statement.

The townscape qualities of this spur off Church Street derive from the elongated S-shaped alignment of the road and the buildings/structures to either side. There are ‘pinch points’ at either end formed by the existing buildings coming close to the back edge of the highway with, in between, a brief opening out on the western side where there is the application site before there is again a narrowing due to the barn to be converted and No.20 Church Street coming upto the edge of the highway. At present when looking along this spur from Church Street proper the view is interrupted by the low curved roof of Nissen hut. The removal of this structure will reinstate the historical clear view in both directions from the cemetery to Church Street proper, and vice-versa.

The existing traditional farm buildings on the site, although not statutorily designated as heritage assets are an important reminder of how agriculture was once an activity was an integral part of village life. That is why, together with their contribution to the setting of the Church yard, the conversion of the traditional buildings at the rear of the site has been looked upon favourably but the erection of a dwelling on the site frontage would not only comprise the open character of the front of the site and, therefore, the street scene of this important approach to one of the village's most significant heritage assets, the Parish Church, but also the setting of the retained traditional buildings at the back of the site. The erection of a two storey dwelling will on the other hand intrude on these views to an even greater extent than does the Nissen hut at present.

Whilst historic maps show that there has never been a building on this part of the site until the arrival of the Nissen hut in mid C20, this does not of itself preclude the possibility of development. It is mentioned here to counter the claim often made that because there was a building on a site at some time in the distant past it justifies new development in the same location.

I would suggest that there is no significant change with regard to the proposal to erect a dwelling at the front of the site the application should be once again resisted."

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 12th December 2012. As a result of the consultation period representations were received. A summary of the points raised are reproduced below.

- Will enhance the condition and appearance of the site while maintaining the traditional look and feel of the conservation area.
- Looking forward to buildings being tastefully developed to be in keeping with what is a prominent position in the village.
- The protected species survey is not adequate and the subsequent recommendations are not legally correct.

At the time of writing this report the consultation period had not expired. Should any further representations be received they will be included in a late paper on the day of the committee.

Officer Evaluation

The application site is located within the historic core of the Harlaxton Conservation Area and comprises a group of redundant farm buildings, some traditional and of late C18/early C19 construction and others dating from the mid C20.

Planning permission and Conservation Area Consent were granted in 2010 for the conversion of the barns to dwellings with no new build elements.

The unlisted barns make a positive contribution to the character of the Conservation Area and the north range forms part of the boundary of the adjacent churchyard. The barns are currently redundant and in need of repair. Their conversion will secure their retention upkeep of the barns and is therefore to be welcomed.

Two unsightly twentieth century structures on the front/eastern part of the site, a Dutch barn and a Nissen hut, are to be removed and replaced with a detached dwelling. The approved conversion application (S10/0864) did not propose any new build development.

The road onto which the site fronts is a narrow spur off the northern side of Church Street that serves, in addition to the application site, the Church of St. Mary and St. Peter, and the grade II listed nos. 16 and 20 Church Street. A crumbling stone wall defines the site boundary to Church Street.

A structural report has been submitted and this recommends demolition of the milking parlour in the south-west corner of the site. It is considered that as a result of this information and a site inspection that the removal of this structure should be permitted.

As part of the reasons for refusal of the last application (S12/1727) the Conservation Officer expressed concerns about the number of new openings proposed in the northern elevation facing onto the churchyard and the western gable of the main barn. As a result of the new scheme which reduces the number of openings, the Conservation Officer has not renewed this objection.

The Dutch barn and Nissen hut are modern, unsympathetic structures and their removal would represent an enhancement of the scene on this important approach to the parish church and restore the openness of the site frontage. The demolition of these structures was approved under the associated Conservation Area Consent application (S12/1751).

A Heritage impact Assessment was submitted as part of the proposal in order to address the previous reasons for refusal.

Notwithstanding this, officers object to the principle of development in this location where there is no evidence of any previous building/s prior to the mid-twentieth century Nissen hut and Dutch barn being erected and where the openness of this part of the site is important to the character of street scene in this part of the conservation area, the principal approach to the parish church.

The application is recommended for refusal due to the harm that would be caused to the character of the street scene of this important part of the Harlaxton Conservation Area. Any benefit arising from the removal of the Nissen hut and Dutch barn would be negated by the erection of the proposed dwelling on the site frontage.

Crime and Disorder Implications

The application will not raise any significant issues.

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 Refusal

The application site is located within the historic core of the Harlaxton Conservation Area and comprises a group of redundant farm buildings, some traditional and of late C18/early C19 construction and others dating from the mid C20.

Two unsightly twentieth century structures on the front/eastern part of the site, a Dutch barn and a Nissen hut, are to be removed and replaced with a detached dwelling. The Dutch barn and Nissen

hut are modern, unsympathetic structures and their removal would represent an enhancement of the scene on this important approach to the parish church and restore the openness of the site frontage.

It is considered that the principle of development in this location where there is no evidence of any previous building/s prior to the mid-twentieth century Nissen hut and Dutch barn being erected and where the openness of this part of the site is important to the character of street scene in this part of the conservation area, being the principal approach to the parish church would neither conserve or enhance the character of the conservation area. Furthermore it is considered that the erection of a new dwelling on this site would have an adverse impact on the setting of the nearby listed buildings.

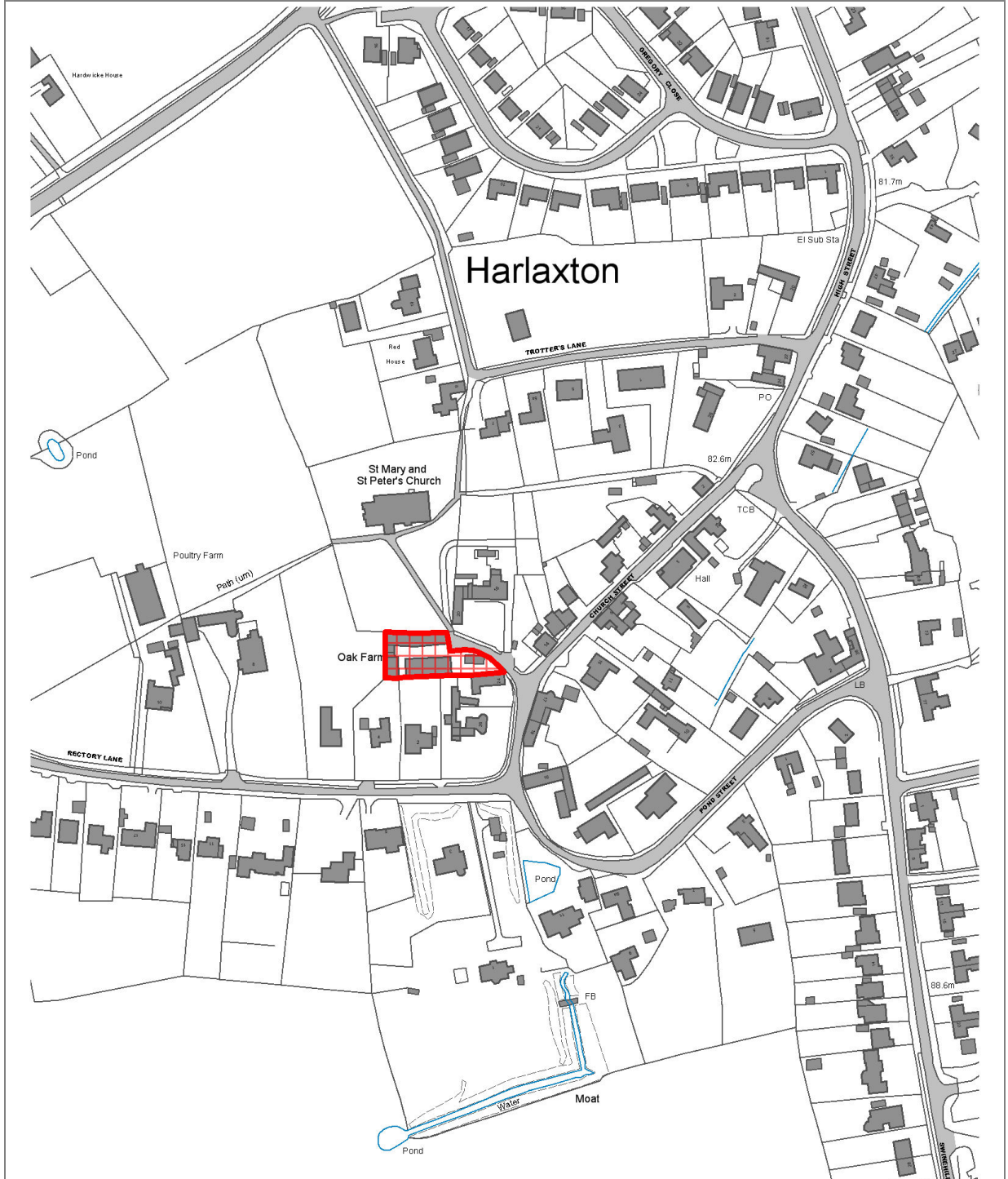
Accordingly the proposal is considered to be contrary to sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy

RECOMMENDATION: That the development be Refused

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Site Location Plan

Ref	S12/2727
Proposal	Demolition of Dutch Barn and Nissen Hut, conversion of former barn to 2 dwellings, erection of 3 bay detached garage and erection of detached dwelling
Location	Oak Farm Barns, Church Street, Harlaxton, Grantham, NG32 1HB



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Applicant	Asda Stores Ltd C/o Agent
Agent	Mrs Jenny Taylor-Smith, Drivers Jonas Deloitte 1, City Square, Leeds, West Yorkshire, LS1 2AL
Proposal	Application under Section 73 of the Town and Country Planning Act 1990 to allow for the Variation of Condition 3 of S98/0558 (to extend delivery hours)
Location	Asda Store, Union Street, Barrowby Road, Grantham
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application has been referred to the Development Management Committee at the request of a councilor.
Recommendation Summary	Recommendation is temporary consent for 12 months subject to conditions.

Key Issues

- Potential impact on residential amenity

Technical Documents Submitted with the Application

- Location plan

REPORT

Application Category

This application is categorised as a full application.

Reason for Referral to Committee

The application has been referred to the Development Management Committee at the request of a councillor.

The Proposal

This is an application under Section 73 of the Town and Country Planning Act 1990 to allow for the variation of condition 3 of S98/0558 which states:

“The revised delivery hours referred to are 0630-2200 Monday to Saturday and 0800-1800 Sundays and Bank Holidays.

Reason – In the interests of the residential amenities of adjoining residents.”

Proposed condition is

“Delivery movements to and from the store shall not take place outside the hours of 0600-2200 Monday to Friday, 0700-1800 Sundays and Bank Holidays.

Reason – In the interests of the residential amenities of adjoining residents.”

The Application Site and its Surroundings

The application site is located to the north west of Grantham town centre, between the roads of Sankt Augustin Way, Barrowby road and Union Street and adjacent to the Conservation area. The store is open 24 hours a day. The site is situated forward of residential flats known as “The Grange”, there are additional residential dwellings to the North.

Relevant Site History

S98/0558 – Amend condition relating to delivery hours approved conditionally September 1998

S99/1201 – Modification of opening hours refused December 1999

S99/1327 – Modification of opening hours (condition 11) approved conditionally March 2000

S02/0884 – Modification of condition 11 (opening hours) approved conditionally August 2002

S04/1704 – Removal of Condition 11 (opening hours) approved March 2005

Policy Considerations

National Policy

National Planning Policy Framework Paragraph 123

“Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have any unreasonable restrictions put on them because of changes in nearby land uses since they were established.”

South Kesteven Core Strategy

EN1 – Protection and Enhancement of the Character of the District

This policy seeks generally to protect the visual quality and amenity of the built and countryside environments. The policy lists seven points which development proposals should comply with, point seven states:

“Avoid pollution of their surroundings by noise, toxic or offensive odour by release of waste products.”

Representations Received

The local Highways Authority does not wish to restrict the grant of permission and it is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.

Environmental protection have reviewed the documents submitted with the application and made the following comments and recommendations.

- At no time during the delivery shall the delivery vehicle remain stationary with its engine idling whilst waiting to undertake a delivery or whilst its delivery is being offloaded.
- Between the hours 6:00am and 7:00am Monday to Saturday and 7:00am to 8:00am Sundays and Bank Holidays all refrigerated vehicles entering the service yard shall be switched off and remain switched off during the period of the delivery.
- No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00pm and 7:00am.
- Reversing alarms to delivery vehicles making deliveries to the store shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.
- The applicant shall have regard to the findings and advice from the ‘Quiet Deliveries Demonstration Scheme’ prepared by the Department of Transport (May 2011).

It is recommended that a temporary approval is made for a period of 12 months to assess any potential impacts associated with the increased delivery times being proposed.

Representations as a Result of Publicity

At the time of compiling the committee agenda one response had been received and the points raised are summarised below. The consultation period has yet to expire so any further responses will be included within the late papers or reported verbally.

- Noise issues in relation to surrounding residential properties

Officer Evaluation

The application seeks to extend the delivery times by an additional half hour in the mornings of Monday to Saturday from 0630-2200 to 0600-2200 and by an hour in the mornings of Sundays and Bank Holidays from 0800-1800 to 0700-1800.

Having regard to the limited increase in the delivery times and the comments from Environmental Protection it is recommended that a temporary consent is granted for a period of 12 months to assess any potential impacts associated with the increased delivery times being proposed. Additional conditions would also be imposed controlling the potential noise.

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.

SUMMARY OF REASON(S) FOR APPROVAL

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

1. The revised delivery hours referred to are 0630-2200 Monday to Saturday and 0800-1800 Sundays and Bank Holidays.
2. At no time during the delivery shall the delivery vehicle remain stationary with its engine idling whilst waiting to undertake a delivery or whilst its delivery is being offloaded.

Reason: In the interests of the residential amenities of adjoining residents.

3. Between the hours 6:00am and 7:00am Monday to Saturday and 7:00am to 8:00am Sundays and Bank Holidays all refrigerated vehicles entering the service yard shall be

switched off and remain switched off during the period of the delivery.

Reason: In the interests of the residential amenities of adjoining residents.

4. No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00p.m and 7:00am.

Reason: In the interests of the residential amenities of adjoining residents.

5. Reversing alarms to delivery vehicles making deliveries to the store shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.

Reason: In the interests of the residential amenities of adjoining residents.

6. The applicant shall have regard to the findings and advice from the 'Quiet Deliveries Demonstration Scheme' prepared by the Department of Transport (May 2011).

Reason: In the interests of the residential amenities of adjoining residents.

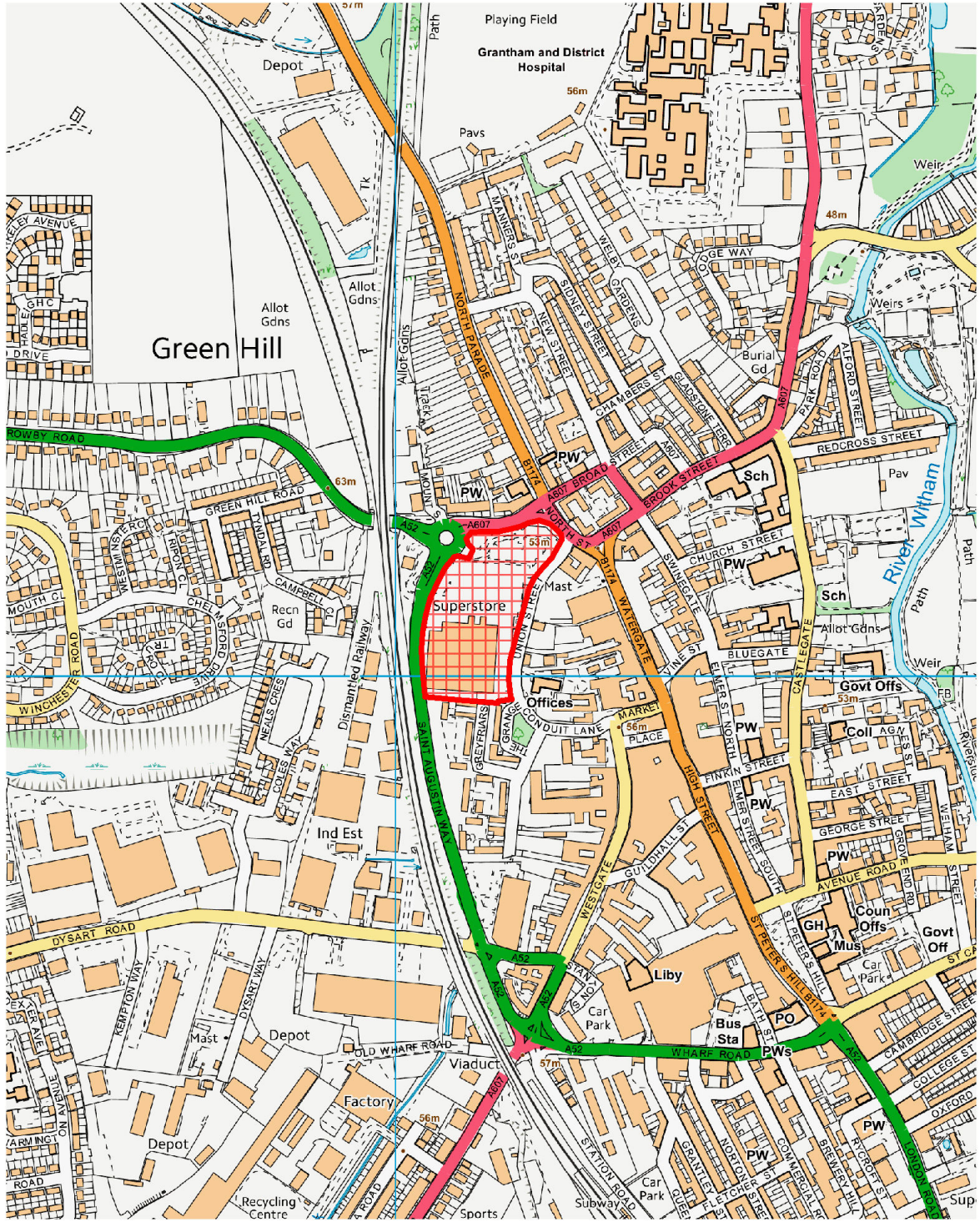
7. This permission is valid for a limited period only, expiring 12 months after the date of this notice.

Reason: In order for the Local Authority to assess any resulting impacts.

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Site Location Plan

Ref	S12/2613
Proposal	Application under Section 73 of the Town and Country Planning Act 1990 to allow for the Variation of Condition 3 of S98/0558 (to extend delivery hours)
Location	Asda Store, Union Street, Barrowby Road, Grantham



Applicant	Temple Garth Ltd Scampton House, Scampton, Lincs, LN1 2SF
Agent	Mr R Doughty, Robert Doughty Consultancy 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
Proposal	Erection of petrol filling station (reserved matters application pursuant to S12/0222)
Location	Land At, South Road, Bourne
App Type	Reserved Matters
Parish(es)	Thurlby
Reason for Referral to Committee	The original outline application was determined at the Development Control Committee.
Recommendation Summary	<p>The outstanding reserved matters under consideration in this application are scale, siting, design and landscape. Additional planting and landscaping is proposed within the site including a number of trees and notably a hedgerow along the western boundary adjacent to the A15, which will help assimilate the development within the locality.</p> <p>In addition, the scale, siting and design of the petrol filling station is acceptable with it having a visual appearance very much guided by its function and it would not be out of character in the context. Lighting details have also been submitted and would not affect the adjacent SSSI or residential amenity though light spill.</p> <p>The application is therefore deemed to comply with policy EN1 of the Core Strategy along with guidance contained in the national Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.</p>

Key Issues

- Planning history associated with the site, including outline application S12/0222.
- The outstanding reserved matters; scale, siting, design and landscape.
- Impact on the character of the area and residential amenity.

Technical Documents Submitted with the Application

- Location plan
- Elevation and floor plan drawings.
- Lighting survey
- Landscaping details

REPORT

Application category

The application is categorised as a minor application.

Reason for Referral to Committee

The application is to be determined at the Development Control Committee (DCC) with the outline application also determined by Members at the DCC of 01 May 2012. In addition, the application is considered to be locally controversial and on land formerly owned by the District Council.

The proposal

The erection of a petrol filling station.

The application site and surroundings

The application site is currently vacant with a spur off the adjacent roundabout entering the site. To the front of the site are a number of small trees with a Listed milestone in the grass verge just beyond the application site boundary.

Development is currently nearing completion on a Public House adjacent to the proposed petrol filling station.

Approximately 45m to the south of the application site, but on the opposite side of the A15, is a Site of Special Scientific Interest (SSSI), Math and Elsea Wood.

It should be noted that the site falls within Thurlby Parish.

Relevant site history

S02/0643 - Outline consent was granted for the erection of 'roadside services, filling station, garage and hotel' in April 2004.

S05/1353 – Outline consent was granted for the erection of a 'public house/restaurant and access road' in November 2005.

S06/0155 – Reserved matters approval was granted for the 'construction of link road and access road' in March 2006.

S06/1485 – A full application for the 'erection of petrol filling station, shop and forecourt incorporating a drive through Burger King' was refused permission in December 2006. The application was refused because of highway and archaeological concerns, along with the design of the building being inappropriate. This application was on land to the immediate east of the current application site.

S11/2957 – permission was granted on 20 March 2012 for the ‘erection of a public house/restaurant, access, parking and associated works and ancillary accommodation’, to the immediate north of the application site.

S12/0222 – outline consent was granted for the erection of a petrol filling station.

S12/2528 – an application to vary condition 4 of permission S12/0222, mentioned above, is also with the authority and would allow for the 24 hour sale of fuel.

S12/2681/ADV – advert consent for the ‘erection of 2 roadside pole signs and 12 hanging sign’ is with the authority and waiting to be determined.

Policy considerations

South Kesteven Core Strategy

SP1 – Spatial strategy

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the risk of flooding

E1- Employment Development

Site Allocation and Policies Development Plan Document (October 2011)

East Midlands Regional Plan

Policy 1 Regional Core Objectives

Policy 2 Promoting better design

National Policy Guidance

National Planning Policy Framework

Representations received

Bourne Town Council does not object to the application

The comments of Thurlby Parish Council are reproduced below;

“After considering the plan the Council would have no objection to the plan but would like the following matters to be considered.

1. We are not sure if any Section 106 money is going to be received from the development, If it is then we would ask that this money is used to provide a crossing at Northorpe and Thurlby crossroads and to facilitate the cost of reducing the speed limit at Northorpe to 40mph.
2. It is hoped that the hedge at the front of the development is retained.
3. In the vicinity of the hedge is a protected milestone and we hope that this will not be removed or damaged in any way
4. We believe that consideration should be given to the residents in the nearby properties with regard to the glare of the lights which there will be after dark

It is hoped these comments will be taken into account when a decision is finally made”.

Lincolnshire Heritage note that the application would not affect any known archaeological sites of interest.

Environmental Protection make no observations on the application.

The Principal Conservation Officer makes no observations on the application.

English heritage note that it is not an application normally referred to them and make no observations on the application.

Natural England does not object to the application noting that the SSSI does not represent a constraint in determining the application.

Representations as a result of publicity

The application was advertised in accordance with the Council's adopted Statement of Community Involvement with the closing date for representations being 16 November 2012.

At the time of writing 3 letters of representation have been received. One expresses concern about the proposed 24 hour operation of the site, being considered under a separate application. The other two letters raise concern about the resultant devaluation of properties in the locality; impacts on residential amenity through noise and light pollution, the odour from the station will be harmful as well as the building being detrimental to the character of the area. In addition, concern has been expressed about safety including fire risk and the proximity of the fuel tanks to nearby electricity sources.

Officer evaluation

The principle of development is supported following the approval of outline application S12/0222. When the outline application was determined only access was committed, this application seeks approval of the remaining reserved matters, namely; scale, siting, design and landscaping.

A petrol station is a building that is functional in design and its appearance determined by its use. It would have a canopy 5.55m at its highest point along with an associated shop. A totem style sign is proposed to be erected to the front of the site, close to the roundabout, and this is being considered under advertisement consent application S12/2681. The shop associated with the filling station would be sited to the rear of the site and be some 14m from the A15. The design of the shop, pumps and canopy is considered to be appropriate in the context.

Additional information has also been submitted identifying the lighting scheme for the building and this would not make the site unduly prominent; notably neither Environmental Protection or Natural England or object to the application.

An element of grassed areas is proposed to the periphery of the site combined with a hedge along the western boundary, adjacent to the A15. A small group of Goat Willow trees are proposed to be removed but they are not worthy of protection and the hedgerow combined with 7 new trees to be planted compensate for this loss.

It is noted that there is a listed milestone to the front of the site but the setting of the milestone would not be unduly affected.

Having regard to the reserved matters under consideration this application there is not considered to be any reason to object to the development as proposed.

Section 106 Heads of Terms

No section 106 Legal Agreement is required for this application.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right 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

Following support for the principle of development under outline consent S12/0222, the remaining reserved matters under consideration in this application are also considered to be acceptable taking into account the use proposed and scale, design, siting and landscaping details. The application is therefore deemed to comply with policy EN1 of the Core Strategy along with guidance contained in the national Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

Following support for the principle of development under outline consent S12/0222, the remaining reserved matters under consideration in this application are also considered to be acceptable taking into account the use proposed and scale, design, siting and landscaping details. The application is therefore deemed to comply with policy EN1 of the Core Strategy along with guidance contained in the national Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

L5/455/33 rev C
L5/455/34 rev A
L5/455/35 rev A
L5/455/36 rev B
L5/455/37 rev A

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

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the operation of the petrol filling or in accordance with the programme agreed with the local planning authority.

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

3. The lighting scheme as submitted by Hilclare Lighting Manufacturer shall be built as approved and no changes shall be allowed to it, without planning permission first having been obtained, which would increase illuminance levels.

Reason: To ensure that light spill is controlled and to comply with Core Strategy policy EN1.

Note(s) to Applicant

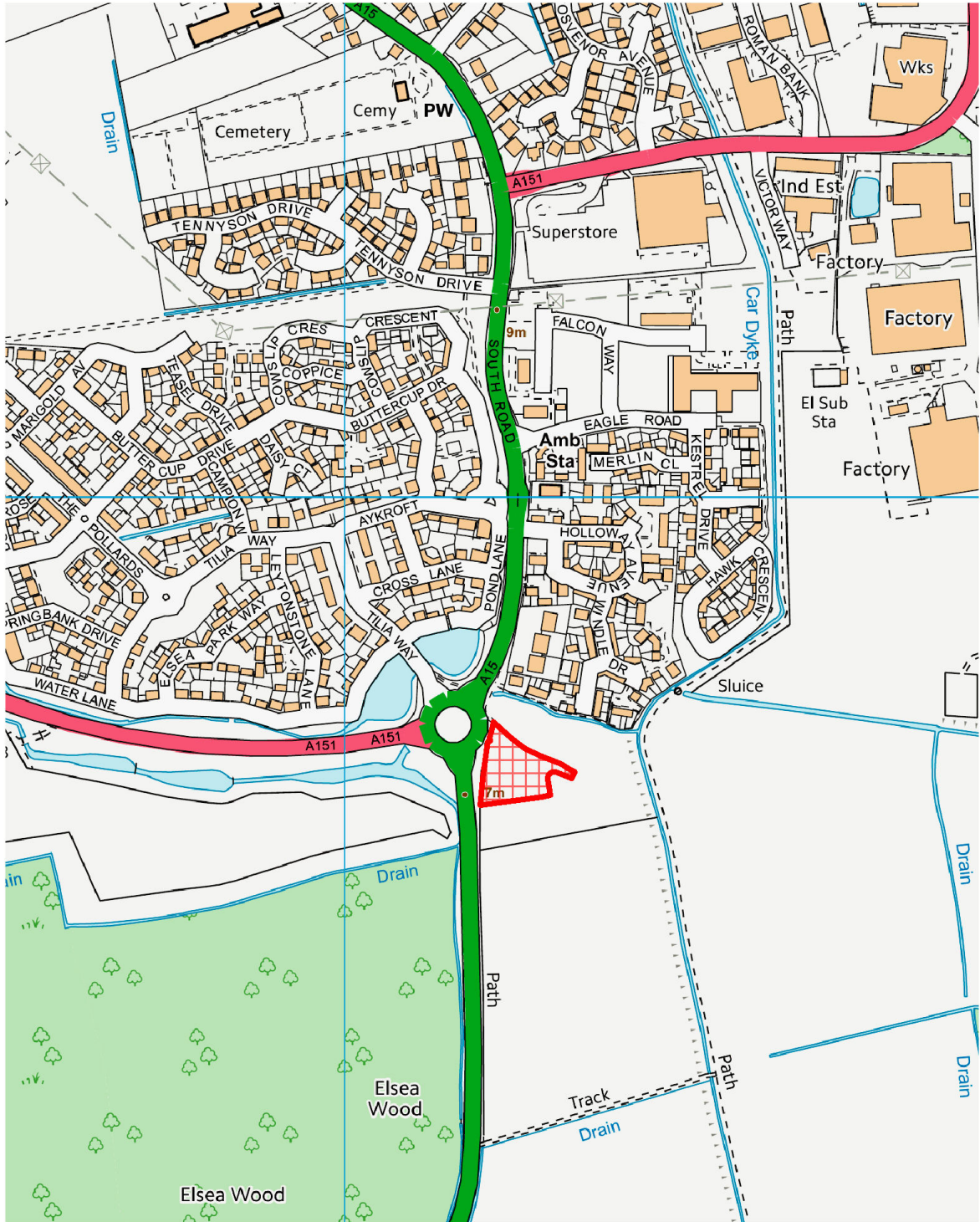
1. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
2. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m³ Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
3. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also 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.

* * * * *

Site Location Plan

Ref	S12/2528
Proposal	Erection of petrol filling station (reserved matters application pursuant to S12/0222)
Location	Land At, South Road, Bourne



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Applicant	Temple Garth Ltd C/o Agent
Agent	Mrs J Robinson, Robert Doughty Consultancy 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
Proposal	Section 73 application to remove Condition 4 of Outline Permission S12/0222/OUT, to allow 24 hour opening of the petrol filling station
Location	Land At, South Road, Bourne
App Type	Outline Planning Consent
Parish(es)	Thurlby
Reason for Referral to Committee	The original outline application was determined at the Development Control Committee.
Recommendation Summary	<p>Outline permission was granted and condition 4 did not allow the petrol station to operate outside the hours of 06:00 – 23:30. The condition was added because of concerns over noise and light spill.</p> <p>A noise report has been submitted in support of the application and indicates that provided no fuel deliveries take place at night time and that ancillary equipment e.g. car wash, vacuum, is not used outside the hours of 06:00 – 23:30, there would be no objection to the application on noise grounds. Environmental Protection raises no objection to the application.</p> <p>Information on light spill has been submitted with the application and shows a minimal impact on the immediate environs. Environmental Protection does not object to the application with the petrol station unlikely to detrimentally impact on the amenity of local residents or the adjacent SSSI.</p> <p>The application is, therefore, deemed to comply with Core Strategy policies SP1 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.</p>

Key Issues

- Planning history associated with the site.
- Impact on the character of the area and residential amenity through noise and light spill.

Technical Documents Submitted with the Application

- Location plan
- Noise survey
- Lighting survey
- Planning statement

REPORT

Application category

The application is categorised as a 'other' application and is for the variation of condition 4 of outline permission S12/0222. Condition 4 restricted the opening hours of the approved petrol filling station.

Reason for Referral to Committee

The application is considered to be locally controversial and on land formerly owned by the District Council. Also, the original permission (ref; S12/0222) was determined by Members at the Development Control Committee on 01 May 2012.

The proposal

The application is for the variation of condition 4 attached to outline permission S12/0222, for the erection of a petrol filling station.

The application site and surroundings

The application site is currently vacant with a spur off the adjacent roundabout entering the site. To the front of the site are a number of small trees with a Listed milestone in the grass verge just beyond the application site boundary.

Development is currently nearing completion on a Public House adjacent to the proposed petrol filling station.

Approximately 45m to the south of the application site, but on the opposite side of the A15, is a Site of Special Scientific Interest (SSSI), Math and Elsea Wood.

It should be noted that the application site falls within Thurlby Parish.

Relevant site history

S02/0643 - Outline consent was granted for the erection of 'roadside services, filling station, garage and hotel' in April 2004.

S05/1353 – Outline consent was granted for the erection of a 'public house/restaurant and access road' in November 2005.

S06/0155 – Reserved matters approval was granted for the 'construction of link road and access road' in March 2006.

S06/1485 – A full application for the 'erection of petrol filling station, shop and forecourt incorporating a drive through Burger King' was refused permission in December 2006. The application was refused because of highway and archaeological concerns, along with the design of the building being inappropriate. This application was on land to the immediate east of the current application site.

S11/2957 – permission was granted on 20 March 2012 for the ‘erection of a public house/restaurant, access, parking and associated works and ancillary accommodation’, to the immediate north of the application site.

S12/0222 – outline consent was granted for the erection of a petrol filling station.

S12/1528/RM – A reserved matters application, pursuant to the outline permission S12/0222 is currently with the authority for the ‘erection of a petrol filling station’ and is due for determination at this Committee too.

S12/2681/ADV – advert consent for the ‘erection of 2 roadside pole signs and 12 hanging sign’ is with the authority and waiting to be determined.

Policy considerations

South Kesteven Core Strategy

SP1 – Spatial strategy

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the risk of flooding

E1- Employment Development

Site Allocation and Policies Development Plan Document (October 2011)

East Midlands Regional Plan

Policy 1 Regional Core Objectives

Policy 2 Promoting better design

National Policy Guidance

National Planning Policy Framework

Representations received

Bourne Town Council does not object to the application

The comments of Thurlby Parish Council are reproduced below;

“After considering the plan the Council would wish to object to the condition being removed to allow 24 hour opening. The petrol station will be very close to residential homes and it would mean that for the whole of the night the residents will be affected by the lights from the petrol station. On the other hand at the moment the petrol station is close to the open countryside and again we feel that this would have a detrimental effect on the rural aspect of the area. We would certainly have no objections to the opening hours to be from 6 a.m to midnight, thus meaning the premises will be shut for 6 hours during the night”.

Lincolnshire Heritage note that the application would not affect any known archaeological sites of interest.

Environmental Protection have reviewed the content of the acoustic report and are satisfied that the operation of the petrol filling station can occur for a 24 hour period without any adverse impact on the surrounding area. However, they would request that a condition be added to ensure that peripheral operations e.g. car wash, jet wash and car vac, are not operated at night.

Representations as a result of publicity

The application was advertised in accordance with the Council's adopted Statement of Community Involvement with the closing date for representations being 23 November 2012.

At the time of writing 6 letters of representation have been received and all object to the application on a number of grounds, summarized below;

- Lighting will impact on nocturnal wildlife as well as local residents through light pollution and attract animals from the adjacent Math and Elsea wood;
- Noise disturbance will increase to the detriment of the local populous;
- Any ATM on the site will raise security concerns;
- Anti-social behaviour will increase as a result of the application;
- The original condition was put on for a just reason and should remain.

Officer evaluation

Outline application S12/0222 was granted permission with only access committed at that stage. Condition 4 of the approval restricted the opening hours of the garage to 06:00 – 23:30. The condition and reason for adding the condition is reproduced in full below;

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

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

There were two key areas of concern with regard to a 24 hour operation of the petrol station; possible impacts on the amenity of neighbouring properties through noise that may be generated and light spill.

A noise assessment has been submitted in support of the application. The report took background readings in the locality to have an understanding of existing noise levels and utilises noise readings from other petrol stations in the region to make a judgment on the likely impacts that would result from the extended opening hours of the petrol station. It should be noted that no noise report was submitted with the original application. The noise report concludes that given the distance to neighbouring properties, the nearest of which would be some 60m from the forecourt, it would not have a detrimental impact through noise that would be generated. However, this conclusion is based on the assumptions that no delivery of fuel will occur in the night time period and ancillary equipment e.g. car wash, should not be used. The original hours condition was added to be in line with the adjacent Public House that is due to open; however, the petrol station would be further from nearby dwellings and Environmental Protection does not object to the application subject to restricting the use of associated paraphernalia e.g. car wash, vacuum. Therefore despite previous reservations it is felt that with the additional information submitted there is no longer any reason to object to the application on the grounds of noise disturbance.

Natural England have been consulted on the application but no response received. Their initial observations were to ensure that light spill would not impact on the adjacent SSSI and this should be controlled through conditions when the reserved matters application is determined. That application (ref S12/2528) is also under consideration at this Committee and neither the Natural England or Environmental Protection have objected to the application on the grounds of light spill.

It is therefore recommended that the application to vary condition 4, allowing the 24 hour sale of fuel, be allowed although a replacement condition added that would restrict delivery hours and use of ancillary equipment. All other conditions attached to the permission would however need to be replicated and are still pertinent.

Section 106 Heads of Terms

No Section 106 Legal Agreement is required for this application

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right 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 principle of the development has been established following the grant of outline consent S12/0222. It is considered that, taking into account the additional information submitted in support of this application, along with the relationship with neighbour properties, the 24 hour sale of fuel would not detrimentally impact on the amenity of neighbour properties through noise that would be generated. Nor would light pollution detrimentally impact on wildlife or local residents. The application is, therefore, deemed to comply with Core Strategy policies SP1 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The principle of the development has been established following the grant of outline consent S12/0222. It is considered that, taking into account the additional information submitted in support of this application, along with the relationship with neighbour properties, the 24 hour sale of fuel would not detrimentally impact on the amenity of neighbour properties through noise that would be generated. Nor would light pollution detrimentally impact on wildlife or local residents. The application is, therefore, deemed to comply with Core Strategy policies SP1 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

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) layout;
- (b) scale;
- (c) appearance; and
- (d) landscaping.

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

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

3. When an application is submitted for the approval of reserved matters it shall be accompanied with a plan identifying the means of lighting for the development as well as indicate how long the lighting will be turned on.

Reason: To ensure that the amenity of neighbouring properties is not compromised as well as ensure that animals from the adjacent Matt and Elsea wood are not attracted to the site and to comply with policy EN1 of the Core Strategy.

4. The premises can be used for petrol and kiosk sales only with unrestricted hours of operation; however, outside the hours of 06:00 - 23:30 no petrol deliveries are allowed and ancillary equipment including the jet wash, car wash and car vac shall be restricted.

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

5. The recommendations contained in the submitted 'Riparian Mammal Survey', 'Reptile Survey' and 'Extended Phase 1 Habitat Survey' undertaken by delta-simons shall be implemented, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development would not have a detrimental impact on protected species and to comply with guidance contained in the NPPF.

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

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

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

Reason: To prevent possible pollution to the watercourse.

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

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

9. Before the petrol station is brought in to use the roads and/or footways providing access to the building, 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. Details of the roads and/or footways shall be submitted to and approved in writing and clearly demonstrate how pedestrians and cyclists will be accommodated within and around the scheme.

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.

10. 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 visibility splays indicated on drawing number L5/455/21 B dated 12 March 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.

11. Before any unit is occupied, 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.

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

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

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

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

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

L5/455/20 rev A
L5/455/21 rev B
L5/455/22 rev B

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

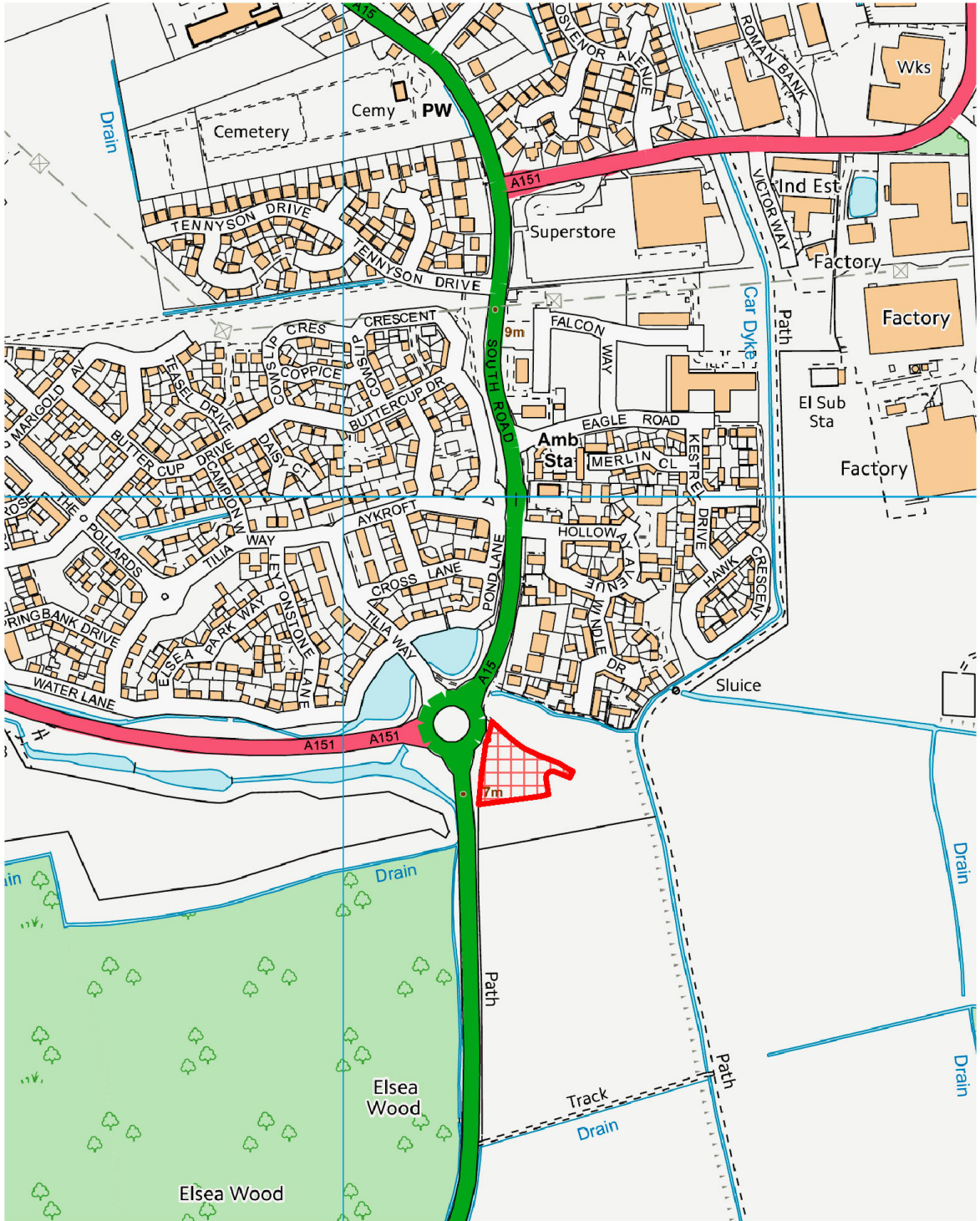
Note(s) to Applicant

1. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
2. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m³ Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
3. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also 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.

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Site Location Plan

Ref	S12/2504
Proposal	Section 73 application to remove Condition 4 of Outline Permission S12/0222/OUT, to allow 24 hour opening of the petrol filling station
Location	Land At, South Road, Bourne



Applicant	Wm Morrison Supermarkets plc Hilmore House, Gain Lane, Bradford, BD3 7DL
Agent	Peacock & Smith Suite 2A, Josephs Well, Hanover Walk, Leeds, LS3 1AB
Proposal	Non food retail development (6 units) with associated parking, servicing and access
Location	Former Mirlees Blackstone Site, Uffington Road, Stamford
App Type	Major Full (Non-residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	<p>The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. the policy accords with the requirements of policies 1, 2, 3, 4, 22,26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4 E1 and E2 of the adopted South Kesteven Core Strategy 2010.</p> <p>Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues, the design of the proposed development and concerns about the impact of the development on local wildlife and trees on the site. Whilst all of these issues are material consideration to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal.</p> <p>A retail impact assessment and a transport assessment have been submitted in support of the application and it is considered that these demonstrate that the development, subject to conditions, would not have a significant adverse impact on Stamford Town Centre or highway safety.</p> <p>An ecological assessment has also been submitted and it is considered that subject to a condition requiring additional details of mitigation measures to be submitted in accordance with the measures set out in the supporting ecological survey the development would not result in any significant adverse impact on local wildlife and ecology.</p>

Key Issues

- Retail impact
- Access and highway safety
- Design and layout
- Impact on wildlife

Technical Documents Submitted with the Application

- Amended arboricultural survey plan
- Amended arboricultural survey report
- Amended landscape master plan
- Amended letter and revised tables
- Amended tree protection plan
- Peacock and Smith Updated Retail Assessment - including missing page 78
- Proposed bus layby plan
- Proposed pedestrian crossing option 2
- Roundabout access option plan
- Amended Plan - Acoustic Impact report
- Amended Plan - Arboricultural Survey Plan
- Amended Plan - Design and Access Statement
- Amended Plan - Ecology Report
- Amended Plan - Flood Risk and Drainage Assessment
- Amended Plan - Framework Travel Plan
- Amended Plan - Landscape Masterplan
- Amended Plan - Part Typical Elevation
- Amended Plan - Proposed Elevations Plan
- Amended Plan - Proposed Site Layout Plan
- Amended Plan - Retail Planning Assessment
- Amended Plan - Site Investigation
- Amended Plan - Soil and Groundwater Assessment
- Amended Plan - Statement of Public Consultation and Community Engagement
- Amended Plan - Transport Assessment
- Application Form
- Arboricultural Survey
- Covering Letter
- Proposed Site Sections Plan
- Site Location Plan

REPORT

Application Category

This application is categorised as a 'major' application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as the application has been considered by the Committee previously.

The application was first considered by the development control committee on 13 November 2007. At the meeting Members decided to defer the application for determination by the Lead Professional, subject to the Secretary of State not calling the application in and, subject to certain provisos, including the completion of a S106 Agreement to improve pedestrian and cycle access from the town centre to the development and to provide a bus service to the site.

Following the meeting Solicitors acting on behalf of Stamford Chamber of Trade and Commerce and F.H.Gilman & Co wrote to the Council and enclosed a copy of a final draft retail report from a consultant, MT Town Planning (raising further objections to the application). The report undertook a critical review of the retail assessment submitted in support of the application and of the council's assessment of retail issues in the report presented to committee in November 2007. The report was critical of the question as to whether there had been demonstration of need for the proposed development. There was an assertion that the quantum of floorspace proposed was excessive in relation to likely turnover and floorspace in the town centre; it was of an inappropriate scale; and the impacts on the town centre were likely to be in excess of those reported to committee. In addition, it was said that the site was not sufficiently accessible, inasmuch as there was insufficient provision for public transport.

Following this, additional reports were produced by consultants acting on behalf of Stamford Chamber of Trade and Commerce and F.H.Gilman & Co to the council commenting on reports prepared on behalf of the council by White Young Green (WYG). WYG being a firm of consultant the council used to critically assess the retail impact of the application.

The application was reported back to the Development Control Committee on 25 March 2008. At that meeting Members resolved to defer the application to enable Members to read and consider additional information which was circulated at the meeting.

The application was then considered at the Development Control Committee meeting on 22 July 2008. At the meeting an updated officer report was produced. The updated report dealt with updating the position in relation to matters which had either not been dealt with fully in the previous reports or in respect of addressing issues where additional objections and criticisms had been raised. Following consideration of the information before them Members resolved to grant planning permission for the development.

Following the grant of planning permission Stamford Chamber of Trade and Commerce and F.H. Gilman & Co (Claimants) applied for judicial review of the decision in September 2008. The Claimants submitted that (1) the material relating to bulky and non-bulky goods floor space capacity, the turnover likely to be achieved by the proposed development and the impact of the development provided in the committee report was confusing; (2) the council had failed to impose a retail condition that imposed a restriction on the non-bulky comparison floor space which was a requirement of the committee's decision; (3) the council had failed to have regard to material consideration that there were no proposals to extend the local bus service to the development site.

The Court in granting the application for judicial review quashed the planning consent and held that (1) the figures produced in the committee report concerning the bulky and non-bulky comparison goods floor space and the turnover were, in the circumstances, confusing and may have unintentionally misled the Committee. (2) The council had failed to impose the retail condition in accordance with the committee's resolution. Concern about the enforceability of the condition was not a justification for not imposing the condition. If the council believed the condition was inappropriate the correct course of action should have been to send the matter back to the committee. (3) In the circumstances, matters relating to the provision of bus services and the frequency of the bus service were not properly dealt with.

Following the Courts decision to quash the decision the application is now been reported back to the Development Control Committee to be re-determined.

The Proposal

Original Scheme:

The application when originally submitted comprised:

- A JJB Fitness Club of 2,128 sq m gross floorspace;
- A JJB Sports non-food retail unit of 2,145sq m gross / 1,502sq m net floorspace; and
- 6 non-food retail units totalling 4,190sq m gross / 2,933sq m net floorspace.
- Associated car parking alterations and new service and access road to serve the development.

In total, the proposal at that time involved 6,335 sq m gross / 4,435sq m net new retail floorspace and 2,128sq m gross leisure floorspace. Of the net comparison goods floorspace it was proposed that 2,282sq m was to be used for the sale of bulky goods and 2,153sq m for the sale of non-bulky goods. It was indicated that units 1, 4, 5 & 6 would be used for bulky goods retailers, whilst the JJB unit and units 2 and 3 would be for the sale of non-bulky comparison goods.

Amended Scheme:

The applicants have amended the scheme since it was last considered by the Development Control Committee and following the quashing of the previous planning decision by the High Court. The amended scheme, which is now before the Committee for consideration, comprises:

- A reduction in the proposed gross floorspace from 6,335 sp m to 5,083sq m with a small increase in proposed net sales area from 4,435 sq m to 4,576sq m;
- Removal of the leisure element of the proposal (2,128sq m gross);
- A decrease in the amount of floorspace devoted to bulky comparison goods floorspace from 2,282sq m net to 1,773sq m net;
- An increase in the level of devoted non-bulky comparison goods floorspace from 2,153sq m net to 2,803sq m net.

The proposed six units vary in size and are grouped in an 'L' shaped terraced block running in a north south orientation towards the sites eastern boundary. The proposed units would be of a modern design constructed from buff brickwork at the lower level and modern flat cladding panels at the higher levels.

A new roundabout would be created towards the south of the site on Uffington road and this would serve the proposed parking for the development and a service road which would run to the rear of the proposed units. Parking would be provided to the front of the units and would be located between the new units and the existing Morrison store.

The Application Site and its Surroundings

The application site comprises approximately two thirds of the former Mirlees Blackstone factory, foundry and adjacent quarry, at its southern end, plus part of the existing WM Morrison Stamford superstore car park and a length of Uffington Road.

The western boundary comprises, from south to north, the superstore car park, the east elevation of Morrison's superstore at the top of a steep embankment, and Stamford Retail Park. The rear service road and delivery yard to Stamford Retail Park is protected by a low concrete retaining wall and substantial timber security fence for most of its boundary, with a small section of post and wire mesh fencing at the extreme northern end. Beyond Stamford Retail Park lies Ryhall Road. There is no means of either vehicle or pedestrian access into the northern part of the site.

The remainder of the former Mirlees Blackstone factory and foundry area lies beyond the north of the application site, and comprises land cleared of buildings and structures in 2009.

The eastern boundary of the site abuts commercial and industrial land. At the extreme northern end of the adjacent land there is an area of scrub vegetation. Further south the adjacent land comprises industrial and commercial buildings and associated areas of hardstanding. A continuous post and wire mesh fence runs along the sites eastern boundary. Mature trees also run along the eastern site boundary.

The southern boundary of the site runs parallel to the A16 Uffington road and is formed by a brick and timber wall with metal access gates.

In general the site comprises concrete roadways, hardstandings and floor slabs. Across the site weeds and scrub species have started to become established within the hardstanding. There are also isolated groups of mature trees towards the southern end of the site.

Relevant Site History

S.69.92.76.140 – In February 1976 planning permission was granted for an oil storage compound and pump house on the site.

S.69.78.77.126 – In February 1977 planning permission was granted for a factory extension.

S.69.1364.79.2309 – In November 1979 planning permission was granted for an additional fuel storage tank and surrounding spillage pit.

SK.69.2113/88 – In March 1989 planning permission was refused for the erection of non-food retail store on the site. The application was refused on highway safety grounds.

SK.93/0406/69/17 – In June 1993 planning permission was granted for the erection of new fence and wall and gate house on the site.

S04/1861/69 – In December 2004 an application was submitted for retail/leisure development with associated car parking, servicing and new access, including extension to existing car park. The application was eventually withdrawn in April 2005.

S05/1656/69 – In March 2006 planning permission was refused for retail and leisure development and associated works at the site. The application was refused on highway safety grounds. The applicants began the appeal process but the appeal was withdrawn in March 2008.

S06/1151 – This relates to the current application the history to this application is set out above in the 'reasons for refusal to committee' section of this report.

S11/2694 – In November 2011 an EIA Screening Opinion was issued in relation to proposed retail development, fast food restaurant, car parking and associated access works. It was concluded that an EIA would not be required for the development.

S11/2782 – In November 2011 a planning application was submitted for the erection of a pub/restaurant with associated parking. The application is currently under consideration.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1 – Building a strong, competitive economy
Section 2 – Ensuring the vitality of town centres
Section 3 – Supporting a prosperous rural economy
Section 4 – promoting sustainable transport
Section 7 – Requiring good design
Section 8 – Promoting healthy communities
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

East Midlands Regional Plan March 2009 (RSS8)

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 22 Regional Priorities for Town Centre and Retail Development
Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 29 Priorities for Enhancing the Region's Biodiversity
Policy 35 A Regional Approach to managing Flood Risk
Policy 45 Regional Approach to Traffic Growth Reduction
Policy 46 A Regional Approach to Behavioural Change
Policy 48 Regional Car Parking Standards

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 EN2 Reducing the Risk of Flooding
Policy EN4 Sustainable Construction and Design
Policy E1 Employment Development
Policy E2 Retail Development

Representations Received

Consultations received in relation to the scheme as amended following the Judicial Review process:

Stamford Town Council – the updated retail assessment was considered and noted. The Town Council Planning Committee wish to reiterate its previous request to ensure a sizable S106 agreement is negotiated to support the infrastructure for Stamford. (10/8/2010)

- 1) Access to new car park too close to existing building as this is the busiest point in complex for pedestrians, cyclists and disabled entering the store,
- 2) Stamford should be the beneficiary from proceeds of S106. (29/11/2011)

Environment Agency:

The Environment Agency has raised no objections to the development subject to conditions relating to the following:

1. Details of sustainable surface water drainage for the site being submitted,
2. Surface water to be passed through oil traps,
3. A scheme to be submitted to deal with possible contamination,
4. A condition restricting the use of piling foundations,

Planning Policy Team:

"Policy comments were made to this application in December 2011. This memo updates the advice given in those comments, in light of the publication of the National Planning Policy Framework has been issued [which replaced all PPGs and PPSs] in March 2012.

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, and is clear that a presumption in favour of sustainable development should be applied when assessing and determining development proposals. The Framework is also clear that decision makers may give weight to relevant policies in emerging plans: the amount of weight given being dependent on how advanced the plan preparation is, the extent of any unresolved objections to the policy and the degree of consistency of relevant policies in the emerging plan within those in the Framework [para 216]. The Council believes that the policies of the adopted Core Strategy and of the emerging Site Allocation and Policies DPD are largely consistent with the Framework. Although the Council is proposing modifications to the submitted SAP [consultation on these ends on 27 June 2012], no modifications have been made to policies which impact on this application.

This application is for development of a former industrial site to the east of Stamford. The site is located immediately adjacent to the Morrison supermarket (accessed from Uffington Road) and the retail park (accessed from Ryhall Road). It is located south, and west, of areas which have been identified in the Site Allocation and Policies DPD for protection as Existing Employment Sites.

The proposal is to construct a retail park, comprising six units of varying sizes along with the appropriate infrastructure, which will include a new junction to the A16 Uffington Road. The proposal also involves some reconfiguring of existing car parking at the adjacent supermarket. The site has been disused for several years and has been cleared of all the industrial buildings. This application proposes the redevelopment of a previously developed (or brownfield) site.

The adopted Core Strategy is clear that the focus of development within the District will be the towns and identified Local Service Centres. Policy SP1 locates development within Stamford in order to maintain and support its role as a market town. SP1 gives 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. It also allows for the use of appropriate edge-of-town sites where there is insufficient land available within the built-up part of the town. This site is well located, immediately adjacent to existing retail units and within easy reach of the town centre. I would regard this as an appropriate location for this type of development.

Core Strategy policy E2 relates to the location of retail development. It aims to strengthen the town centres by locating retail development within the identified town centre boundaries. The policy is clear that retail development should be focused in identified town centres, and where this is not possible, advocates a sequential approach to site location, with preference first to sites on the edge of the defined town centre prior to consideration of out-of-centre sites. This approach is consistent with that proposed in the Framework, which is clear that when assessing applications for retail development in locations outside town centres a sequential test, and an impact test, should be applied [paras 24 and 26]. The recommendations of the Council's Retail Needs Study is to be used to inform the implementation of Policy E2. This study is to be updated on a regular basis and the most up-to-date study should be used.

The Framework [para 27] is clear that applications for town centre uses which are not in a town centre should be refused unless it can be demonstrated that the applicant can satisfy the sequential test [para 24] or where there is no evidence that the development will have adverse impacts [para 26].

From the information provided, it appears that the applicant has looked at the likely sites in and around the town centre. The Retail Needs Study (published March 2010) which looked at retail capacity in the market towns of the District found that there was significant retail capacity in Stamford. The following is an extracted from para 14.5 and table 14.1:

Stamford	floorspace sq m gross			
	convenience	comparison	other	total
by 2016	2,200	5,600	1,600	9,400
by 2021	2,700	11,700	2,900	17,300

The report shows that re-use of vacant premises is unlikely to reduce the projections significantly. It identifies areas where, it suggests, redevelopment may meet some of this capacity. As part of the preparation of the Site Allocation and Policies DPD, these sites were assessed for their redevelopment potential. It was, however, decided that it was not appropriate to identify any of the areas for redevelopment. I note that these sites are among those identified by the applicants in their sequential assessment, detailed in Appendix 3 of the Retail Planning Assessment. Taking into account the findings of the Council's assessment of the sites, I would not disagree with their conclusions.

The Site Allocation and Policies DPD has been submitted to Secretary of State for Examination prior to adoption: the Examination is expected to be in November 2012. The DPD does not identify land for retail use. It does, however, identify Locally Important Existing Employment Sites in policy SAP5. The intention is that these will be protected from redevelopment for non-employment generating uses. The site which is the subject of this planning application is located to the south and to the west of sites which have been identified in policy SAP5 for protection.

The area east of Ryhall Road and north of Uffington Road comprises a mix of employment and retail uses. This area of Stamford is also a major destination for the larger retail operations which are usually found in out-of-centre locations. The protection of areas identified as ExE S1 and ExE S2 is intended to ensure that they are not subsumed into the neighbouring retail areas. It is considered that the whole of the area east of Ryhall Road benefits from the mixed economy of retail and employment/business uses which presently exist. The redevelopment of this now derelict former industrial site should further strengthen the economy of the area. The site will have access to the A16 Uffington Road. This provides good access to Stamford town centre and also to the villages to the east of Stamford.”

Lincolnshire Wildlife Trust:

Have read the ecological report and consider that provided the consultant’s recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

They also support the recommendations made for enhancement of the site for biodiversity through planting of native trees and hedgerows. The site also falls within a priority area for calcareous grassland recreation and LWT are pleased that use of calcareous grassland seed mix has been recommended. LWT advise that this would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets and would also fit well with a partnership project called Life on the Verge (www.lifeontheverge.org.uk). LWT would also support the inclusion of features for roosting bats and nesting birds around the site.

Natural England: No objections to the proposed development.

Environmental Protection:

The Environmental Protection Team has raised no objections to the proposed development. They have, however, requested a condition requiring details of any external lighting to be submitted to and approved in writing prior to being implemented.

Highways Agency: No objections to the proposed development.

Local Highway Authority: No objections to the proposed development subject to conditions. With regard to the applicant's letter received on 21 September 2012 the highway authority has made the following comments:

"In meetings with the applicants consultants it was recognised that the 'Service Road' could in the future be incorporated as part of a relief road. It was also recognised by both parties that there are no firm proposals for the provision of such a relief road nor indeed is any provision forged in policy.

If Members are minded to pursue the voluntary offer of adoption of the Service Road as shown on drawing A(PL)01-101 Rev B the local highway authority will be prepared and willing to undertake the process.

It should be borne in mind however that without the agreement of the applicant the structural construction of the road can only be commensurate with its proposed use under this application.

The 4-arm roundabout and ancillary works are to be provided under the terms of a Section 278 Agreement of the Highways Act 1980, being as they are, 'works in existing publicly maintained highway'.

The means for adopting the Service Road will be under the terms of a Section 38 Agreement of the Highway Act.

Suggested wording of the Condition taking this into account would be:

Prior to commencement of first use of each unit the road and/or footways providing service access to that unit for the whole of its frontage from an existing public highway shall be constructed to a specification to enable them to be adopted as highway 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 occupation is commenced of the penultimate unit."

Heritage Lincolnshire:

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

Consultant Arboriculturalist:

"The site layout & tree protection plan appear to be consistent with what was agreed in my meeting with the landscape architects for the client.

While the proposal will inevitably result in the loss of a significant number of trees at the site, it does now show the trees on the eastern boundary with industrial estate as retained. This is beneficial in that it keeps an important natural screen & visual amenity. Given the merit of the trees on the eastern boundary in terms of the amenity of the area & the possible threat from development, I would recommend that they be considered for protection by a TPO. This would give them added status within the development, ensure their long term retention & enable the LPA to take action in the event of their inadvertent loss or damage.

It appears that a number of trees growing close to the existing site frontage are to be retained also. These trees should also be considered for TPO status.

If planning consent is to be granted then I would recommend that it should be subject to a condition ensuring the protection of all the retained trees on the site in accordance with the guidelines in the accompanying report & tree protection plan.

During my meeting with the landscape architects, plans were discussed relating to installing a new hard surfaced footpath inside the root protection areas of the retained trees on the eastern boundary. This is shown by purple hatching on the plan. I would recommend that any new hard surfaces installed inside the root protection areas of retained trees should be constructed using the no-dig method as described in Arb Practice Note 12. This should be required by a condition & subject to the provision of a detailed site specific method statement.

A further landscape condition will also be necessary describing what tree & shrub planting is proposed & to what standard .e.g. sizes locations etc. Post planting maintenance proposals will also be necessary to ensure the longevity of the landscape.”

Representations as a Result of Publicity

Representations received in relation to the scheme as amended following the Judicial Review process:

The application has been advertised in accordance with the Council’s Statement of Community Involvement and 9 letters of representation have been received from members of the public. The comments are summarised below:

- The development will have a detrimental impact on the vitality and viability of the shops in the town centre,
- Concerns in relation to extra traffic travelling across Stamford through the Conservation Area (400 new homes on Empingham/Tinwell Road) will cause terrible damage to the roads and the stone buildings,
- Stamford is in need of affordable housing and leisure facilities in the correct locations and this site would be more than suitable,
- Stamford already has enough out of town retail parks,
- It would be much better if the site was used for leisure uses rather than retail,
- Design is out of keeping with the local town,
- The effect of traffic travelling across Stamford through the conservation area,
- The visual effect it will be a blot on the landscape,
- The effect on the health of the local population due to extra traffic,
- Damage to listed buildings, trees and the general conservation area,
- Local and government planning has already stated that Stamford does not need this development and it was refused, greed by Morrison should not be allowed just so that a few people can by a pair of socks, the business of Stamford should be protected and not turned into a ghost town,
- Stamford does not have the traffic infrastructure to cope with the demand of east/west traffic flow, this will cause un-repairable damage to the conservation area,
- Concerns about impact on mature trees and wildlife,
- No objection so long as the 6 units do not affect the vitality of similar commercial enterprises within Stamford Town Centre.
- In the previous proposals, the Section 106 benefits were allocated to the provision of free buses for the elderly. Stamford lacks facilities for the young, it would be prudent to expect the above development to donate sufficient land for a youth centre with multi function hall.

- As an interested Stamfordian, I would be glad to speak for the development since it would bring more choice and employment to the Eastern Sector of Stamford.
- “out of town” shopping and supermarkets etc are killing “retail” shopping in all town centres including our precious and historic town of Stamford. We shall soon be only left with “cafes, restaurants and take-aways”:- Charity shops (low rate payers) and estate agents and banks leaving nothing to attract “retail” customers.
- So called “sequential” surveys are very often a sham being used to justify a change of land use for profit and to build large so called single purpose shops which finish up in multiple use (in effect lots of small “shops” within the same building in different uses). Look at the so-called Waterside Garden Centre at Kates Bridge. – They retail anything now,
- Increased traffic congestion on Uffington Road due to additional roundabout.

In addition to the above, comments have also been received from the following people / companies:

F.H.Gilman & Co

Letter dated 13 August 2010 – Summary of comments:

Objects to the 'latest' application on the grounds that 'out of centre' retailing has a detrimental impact on the viability and vitality of the town centre of Stamford. The proposed development would also prejudice the creation of a Stamford Relief Road/Ring Road.

F.H.Gilman & Co together with the Chamber are taking specialist advice in relation to both the retail and the highway issues raised by the application.

Stamford Chamber of Trade and Commerce:

Letter dated 31 August 2010 – Summary of comments:

The Chamber object to the Morrison proposal for an 'out of centre' non-food retail/leisure park on the following grounds:

- The proposals are contrary to Policy E2 of the Core Strategy,
- The proposals will have a detrimental impact on the viability and vitality of the town centre, and
- The proposals will prejudice the creation of a Stamford Relief Road/Ring Road.

In relation to retail considerations, the Chamber advises:

1. The proposal intends the creation of some 6335 square metres (gross) of retail and 2128 square metres (gross) of leisure floorspace. Policy E2 : Town Centre and Retail Development of the adopted South Kesteven Core Strategy ('SKCS') directs large retail development to Grantham. 'Large retail development' is defined in Paragraph 14.23 of the March 2010 Retail Needs and Town Centre Study ('RNTCS'), prepared for South Kesteven District Council ('SKDC') by Nathaniel Lichfield and Partners, as being "over 5000 sq.m gross floorspace.
2. Further, the RNTCS indicates that capacity in Stamford also be re-allocated to Bourne and vacant units in the Town. The RNTCS suggests that such re-allocations, coupled with the utilisation of potential development areas in St John's Lane/Bath Row, Stamford Bus Station and North Street Car Park/Nelson's Butchers, could be sufficient to meet the projection for required retail floorspace in Stamford up to 2016.
3. The proposal is therefore inconsistent with the RNTCS and offends SKCS Policy E2.

4. The above notwithstanding, the Applicant, via its Peacock & Smith ('P&S') Updated Retail Assessment, has not demonstrated compliance with the 'sequential approach' demanded by Policy EC15 of Planning Policy Statement 4 ('PPS4'). P&S have not identified and considered all more central locations in the Town. As a result the sites concerned have not been "thoroughly tested, having regard to their suitability, viability and availability having regard to the identified need/demand and the timescales over which it arises" (See PPS4 Practice Guidance on Need, Impact and the Sequential Approach at Part 6, Para. 6.52). Because of its 'out of centre' location and the failure of P&S to address all of the PPS4 Practice Guidance sequential list items, the proposal fails the sequential assessment to site selection.
5. In terms of impact, the proposal is speculative. P&S have not considered a range of possible occupiers and impacts as recommended in Appendix D.12 of the Practice Guidance. Such impact as has been identified has been based upon an unrealistically high level of 'clawback leakage' of 45%. If this was not to be achieved, the impact upon the town centre of Stamford will be far greater than the estimated 3.8%. Even if P&S are correct in their assertions, the test required by Policy EC16.1d of PPS4 is that of the impact on trade and turnover; not turnover alone. The Government's own Market Towns research indicates that impacts on turnover can be significantly different to impacts on profitability. Evidence from recent research in Abergavenny and Ilkley has confirmed that for small shops the true impact, or loss of net profit, is much higher than the impact on turnover. Thus even a 3.8% reduction in turnover within the town centre of Stamford would adversely affect the net profitability of independent retailers' operations significantly.
6. The development proposals are not only inconsistent with the RNTCS and contrary to SKCS Policy E2, they are in any event premature in relation to the production of the Site Allocations and Policies Development Plan Document currently in course of formulation. Preparation of this Document is to be informed, so far as sites for future retail developments are concerned, by the conclusions and recommendations of the RNTCS. Approval of the Morrison proposals would prejudice the preparation and final form of the Document. In addition the proposals are inconsistent with Policy EC5.5 of PPS4 for the "phasing and release of allocated sites to ensure that those sites in preferred locations within centres are developed ahead of less central locations".

In respect of prejudice to the creation of a Stamford Relief Road/Ring Road:

7. At Paragraph 1.06 of their Updated Retail Assessment P&S state "by not building on the protected road corridor, the development allows for the construction of the first part of a relief road linking Uffington Road and Ryhall Road". This is patently untrue. The 'estate road' which is proposed to serve the site encroaches into the lands which comprised the A16 Uffington Road/A6121 Stamford Ryhall Road Link Protection Corridor and which was safeguarded from development by the 1995 South Kesteven Local Plan. Further, the number of access points leading off the site estate road, coupled with road's deficient horizontal and vertical alignments and access roundabout, make this road incapable of performing the functions required for this piece of strategic highway infrastructure. These points have been repeatedly drawn to the attention of both Lincolnshire County Council and SKDC since the first submission by Morrison of development proposals for this site in 2004.
8. Lincolnshire County Council's Second Local Transport Plan contained a commitment to undertake a Feasibility Study into a possible Stamford Bypass/Relief Road. Work on the Study began in late Spring 2009. An extensive traffic survey was undertaken leading to the development of a new traffic model for the Town. However at the SKCS Examination Hearings in January 2010, the County Council's agents advised that further work on the project had been halted due to the lack of financial resources. Whilst the SKCS Examination Hearings Inspector declined to re-instate the 1995 Local Plan Protection Corridor, changes

were made at her behest to Chapter SP3: Sustainable Integrated Transport of the Core Strategy Submission. Thus at Paragraph 3.3.7. of Chapter SP3 of its adopted Core Strategy SKDC acknowledges that "Stamford experiences problems from the presence of through traffic, increasing demand for access to the town centre with congestion and parking problems at peak periods, limited public transport services and constraints imposed by the historic road network and historic core the town". SKDC has therefore committed itself to "work in partnership with the County Council, service providers and others to develop and implement measures to reduce traffic congestion and improve accessibility". The commitment is further strengthened by the terms of SKCS Policy SP3 itself as "the council will ensure that the objectives of the most recent local transport plan for Lincolnshire are met". Approval of the Morrison development proposals will be an abandonment of this commitment, and thus contrary to SKCS Policy SP3.

9. Approval of the Morrison development proposals will prejudice not only the outcome of the presently stalled LTP2 Stamford Bypass/Relief Road Feasibility Study, but also the preparation of Lincolnshire County Council's Third Local Transport Plan. Thus notwithstanding the other highway deficiencies associated with the proposed development, the proposals must be deemed premature.

For the reasons outlined above, our Chamber asks that this Planning Application be refused.

The Chamber has also made reference to the successful outcome of the July 2009 Judicial Review High Court Hearing when Mr Justice Collins quashed the Planning Committee's grant of Planning Permission for this development. The Chamber has provided a copy of the decision which has been circulated to Committee Members.

Letter from Stamford Chamber of Trade and Commerce dated 13 January 2012 – Summary of comments:

The Chamber has appointed Martin Tonks of MT Town Planning to undertake a critique of the application to support the Chambers objections. The Chamber has also appointed JMP Consultant Ltd to comment on the highway and transport implications of the development. The comments contained in these reports are summarised below.

Conclusions from the Review Note prepared by JMP Consultants Ltd (JMP) on behalf of Stamford Chamber of Trade and Commerce:

“Conclusions

Non-food retail development

Section 10 of the TA contains the summary and conclusions drawn by Brian G Hall. These are:

“In summary therefore, the proposals are well located to encourage linked shopping trips and trips other than by private car, consistent with the advice of PPS6 and PPG13. The site can be satisfactorily accessed and the traffic likely to be generated by the development proposals can be safely and satisfactorily accommodated on the local highway network. It can be concluded that there are no highway reasons why planning consent for the proposed redevelopment should be withheld.”

In this review of the planning application, TA and FTP, JMP has identified the following omissions and deficiencies that should be material to the consideration of the planning application:

- The application includes the necessary infrastructure to serve a much larger development, but the Transport Assessment considers only the traffic impact of the first phase. Thus there is no indication of the impact on the local highway network of the intended development.
- The standard and proximity of the proposed development access points would not be compatible with the function, standard and integrity of a future Ryhall Road Link and hence would impose severe constraints on the scope for and outcome of the feasibility work that the County Council is committed to undertaking for a Stamford Bypass / Relief Road.
- If the Morrison proposal was to be approved it would constrain the options for the junction between the Ryhall Road Link, Uffington Road and 2nd Town Bridge and therefore could compromise the Link and opportunities for a relief road to Stamford Town Centre..
- There is a significant unexplained difference in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout.
- The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that 'the computer model is a reasonable representation of actual operating conditions' has to be considered with some caution.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout shows extensive queues on the Ryhall Road approach but only modest queues on Uffington Road and St Paul's Road. The TA claims that the model is not representative of the current situation and therefore can only be used for comparison rather than for capacity purposes. JMP is aware that this junction is a problem location and queuing is a regular occurrence on all approaches therefore any impact at this junction is relevant to its operation.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout does not include the interaction with traffic movements into and out of Pinfold Lane.
- The method of deriving the trip generation is not in-line with DfT's Guidance on Transport Assessment, and is therefore flawed. The vehicle trip generation rates used in the TA for the proposed retail use are low for this location and level of public transport services available in Stamford.
- The car parking proposals are unacceptable given that the proposals include for an additional 140 spaces for a possible Phase 2 development, and 34 spaces for the existing Morrison store. The car parking provision is also excessive given the peak hour arrivals predicted.
- As a consequence of the deficiencies in the base traffic models for the Morrison roundabout and the Uffington Road / Ryhall Road / St Paul's Street mini roundabout, as identified by JMP, it is JMP's opinion that the TA results for future year (2016) assessments at these junctions both without and with committed and proposed developments, plus traffic growth, are not valid and therefore they must be treated with caution.
- No evidence is presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions.
- The FTP is poor, and needs significant work to make it acceptable including measures to specifically encourage visitors to use sustainable modes to access the site, measures to maximise the use of sustainable modes of travel to work for staff, clarity on improvements to bus services, baseline and future mode split targets for staff and visitors, vehicle trip generation targets for staff and visitors and further clarity on monitoring and mitigation procedure.

JMP's conclusion is that the TA conclusion is flawed for the following reasons:

- No consideration is given to the County Council's policies and proposals in respect of feasibility work on the Stamford Bypass / Relief Road.
- The development proposal compromises options for the proposed Ryhall Road Link and 2nd Town Bridge as proposed by the Stamford Chamber of Trade and Commerce and discussed at the Structure Plan examination in public.
- There is an unexplained discrepancy in the peak base traffic flows for Uffington Road.
- The existing junction base models do not realistically represent the current operational situation.
- Given that the base models are suspect, it follows that the results of the future year assessments with developments must also be suspect irrespective of whether the development trip rates used are representative or not of what might occur with the development.

Pub / Restaurant development

JMP's conclusions are as follows:

- No assessment of the additional impact the pub / restaurant traffic will have on the local highway network. Given the location of the pub /restaurant it is likely to increase traffic on junctions that already have some degree of congestion at peak times.
- Further investigation is required by Bryan G Hall on the number of car parking spaces provided, who they are for and how they will be managed, as part of FTP for the proposed development or as part of the FTP for the non-food retail proposal.
- The location of the proposed development could restrict opportunities for the delivery of future highway schemes, by constraining the land available for a relief road junction with Uffington Road.

JMP's Recommendation

In view of the deficiencies and omissions in the TA and FTP, for both the non-food retail and pub / restaurant proposals as outlined in this review report, JMP would recommend that the planning applications be refused for the following reasons:

- i) They are not compatible with the principles of the Ryhall Road Link or a future 2nd Town Bridge,
- ii) They are premature pending the County Council's proposed feasibility work for the Stamford Bypass / Relief Road, and
- iii) The likely traffic impact of the developments on the wider local highway network has not been demonstrated satisfactorily or mitigated.
- iv) The traffic impact of the intended full development has not been assessed.
- v) The Framework Travel Plan does not satisfactorily address the detailed requirements to ensure sustainable travel from the outset of the development."

Conclusions from Martin Tonks review of the application, submitted on behalf of Stamford Chamber of Trade and Commerce (Tonks review):

"In this report I have demonstrated that the planning arguments and principles for the proposed development have not been established for this proposal from a policy standpoint contrary to the claims of P&S in their Planning and Retail Assessment (1.05). The revised proposal and does not comply with current national planning guidance as the original application addressed PPS6 policy tests, although not satisfactorily in the view of SCOT.

Since the original application was determined in July 2008 PPS4 and the accompanying Practice Guide (PG) have been published (December 2009) and the SKDC LDF Core Strategy has been adopted (5 July 2010). In addition SKDC commissioned a Retail Need and Town Centre Study (March 2010) and WYG carried out a review of the earlier application and supporting information concluding it did not comply with PPS4 EC16.1 (b) and (d) and compliance with the sequential assessment (EC15) had not been demonstrated. These are all material considerations in the determination of this planning application.

This report demonstrated that the revised proposal and updated supporting information still fail to address the PPS4 sequential (EC15) and impact (EC16) assessment policy tests satisfactorily. In addition I have demonstrated that the proposal does not comply with EC10.2 Economic Development impacts. Similarly this large scale development proposal does not comply with EC16 (e) „Scale“ as the SKDC Core Strategy Policy E2 clearly states:

“The scale of development should be appropriate to the role and function of the centre where it is to be located, having regard to Policy SP1. Large scale developments should be located in Grantham and all proposals should support and enhance the town’s status as a sub-regional centre and growth point.”

Quantitative need or capacity is no longer a PPS4 policy test but it does inform the sequential and impact assessment policy tests of PPS4 as confirmed by recent Secretary of State decisions. I have demonstrated that the P&S capacity assessment fails to follow specific PG guidance and is flawed in several areas. In contrast to the conclusions of the more robust SKRNTCS that itself is now superseded by more cautious population / expenditure information, there is barely sufficient capacity for this proposal (4,576 sq m net) in Stamford in the short term covered by the study period. As a result of there being insufficient current or future capacity to support this proposal the impact on the town centre and local shops will be far greater than assessed by P&S.

With regard to the sequential assessment P&S have failed to address a number of the PG checklist criteria. The SKRNTCS identifies two sites capable of accommodating disaggregated elements of this proposal and P&S have provided insufficient justification as to why either sequentially superior sites 4 or 9 should be discounted from the sequential assessment to site selection. The applicant therefore fails to demonstrate compliance with the requirements the sequential assessment (PPS4 EC15) which under EC17.1a is sufficient grounds to refuse the proposal.

Due to its excessive scale this out of centre proposal it will have a negative impact on town centre trade and turnover, which could possibly be „significant adverse“, and in turn will have a negative impact on the vitality and viability of Stamford town centre.

There are no PPS4 (EC10.2) material considerations that can be weighed heavily in favour of the proposal. It is uncertain whether it will result in a decrease in CO2 emissions. The proposal is not accessible by a choice of means of transport. There are some regeneration benefits and possibly limited employment gains but no great weight can be attached to the PPS4 (EC10.2) considerations in the determination of this proposal.

PPS4 (EC17.1) advises out-of-centre retail proposals should be refused planning permission where they fail to demonstrate compliance with the sequential assessment

(EC15) or where a proposal is likely to lead to significant adverse impacts (EC16 and EC10).

It is concluded that P&S have failed to demonstrate compliance with the both these PPS17.1 "gateway" policy tests and can be refused on either of these grounds alone (EC15, EC16 or EC10). If the Council disagree with this conclusion then the proposal has to be determined against EC17.2 that advises "the positive and negative impacts of the proposal" should be balanced along with cumulative impact considerations.

I have demonstrated that only limited weight can be attached to the positive benefits of the proposal. In contrast, greater weight might be attached to the negative impact of the proposal and particularly when considered cumulatively with the Sainsbury occupation of the former Focus unit on Markham Retail Park and the proposed second phase. Although impact of the proposal on its own might not be "significant adverse" it is significant and a material consideration. The cumulative impact of the proposal and other recent / proposed developments on Stamford town centre is of particular concern. The proposal is not a sustainable development therefore the NPPF "presumption in favour" is not a material consideration in the determination of this planning application.

My overall conclusion is that need has not been demonstrated for this proposal in the updated PRA that fails to follow specific PG guidance and is flawed in many respects. This has implications for the sequential assessment, which the proposal fails to satisfy, and impact assessment which also fails to follow specific PG guidance and is flawed. As a result the proposal fails to satisfy both PPS17.1 „gateway“ policy tests and can be refused on either of these grounds alone. Even if this is not accepted the proposal fails the planning balance of positive and negative impacts set out in EC17.2 particularly when considered cumulatively with other recent / proposed developments. The Council are therefore respectfully asked to consider this application and this report submitted by SCOT very carefully and to refuse the planning application as it contravenes national and local planning guidance.”

Wedlake Bell on behalf of Stamford Chamber of Trade:

Letter dated 30 November 2011:

The letter from Wedlake Bell is summarised below and the comments made are also reiterated in a letter from Voice of Stamford dated 30 November 2011:

That the application should not be treated as a reconsideration of the previous application as there are some notable and significant differences between the current and previous development proposal.

The consideration of the latest application under the original application reference is misleading as it suggests that this latest application is the same or similar application and may result in less objections/comments being received by members of the public who will be misguided into believing that they are the same or largely the same applications.

The manner in which the latest development proposal is being considered would legitimately mislead members of the public.

There are clear discrepancies between the site layout plan and the Transport Assessment (TAA).

Planning Policy

The application site is not allocated as a suitable site in the Development Framework. The Council's Core Strategy dissuades applications of this size and nature from being sited out of the town centre/edge of centre in Stamford. The policy position makes it clear that if applications of this scale for out of centre schemes are to be approved they should be located in Grantham.

The site is not allocated for retail development in the Allocations DPD,

Policy E2 of the Core Strategy seeks to strengthen and regenerate the town centres in the district. The policy identifies that provision will be made to accommodate additional retail floorspace over the plan period based on the recommendations of the most up-to-date Retail Needs Study.

The Site Specific Allocations and Policies (SSAP) Development Plan Document and Grantham Area Action Plan will identify sites.

The Council's policies in these regards are up to date and the development site has not been identified as a suitable site for additional retail development and certainly not for the scale and extent proposed. The development proposal therefore should be considered not to comply with policy requirements and is likely to undermine the retail policies adopted by the Council.

Impact on the vitality and viability of the town centre

The last reconsideration of this application resulted in a withdrawal on account of the fact that it was not supported by White Young Green, who undertook a review of the application on behalf of the Council.

The revised scheme as now submitted still appears to our client to pose a threat to businesses in the Town Centre, and would undermine the vitality and viability of the town centre.

The application remains a speculative one as no anchor or other tenants are identified. The applicant supports the retail case for this scheme on the basis that there is much leakage to Peterborough which the scheme would address rather than impact on the existing retail operations in Stamford.

The potential for leakage clawback (which is promoted as the main benefit of the scheme) from a speculative scheme such as this one is uncertain and therefore the percentages of likely clawback suggested in the retail assessment is far from reliable or certain.

It should also be noted that leakage, specifically to Peterborough is less evident in respect of DIY/Hardware items which now forms a significant part of the development proposal. Stamford appears to retain some 80% of its DIY sales. It would also be interesting to know whether the new Homebase store has made a significant improvement to these figures.

The retail assessment carries out an impact assessment but fails to consider the real impacts which would result from the loss in trade by existing town centre outlets in terms of their profitability and therefore fails to consider properly the impact on trade

which is required under PPS4. The Council's Core Strategy is clear in its aims of promoting Stamford town centre and nothing in PPS4 or emerging central government policy changes that position.

Given the history of the applications made by this applicant for various retail uses at the site we ask that the Council carries out its own independent retail audit of the submissions made by the applicant.

Highways/Transport

Our client has maintained since 1999 that a Stamford Ring Road is required to relieve traffic in the town centre, and to provide for natural growth in traffic over time as well as from development proposals.

The applicant states in his planning statement that the roundabout and the service road which it proposes will provide the first leg of the relief road. It is clear to our clients that the development proposal will make impossible delivery of a Stamford Ring Road. The Applicant needs to be prepared to dedicate the appropriate lands and cooperate with neighbours in facilitating and sharing the construction costs of a major roundabout on the A16 positioned to enable access to a future 2nd Stamford Town Bridge and the Ryhall Road Link sections of the Stamford Ring Road. Such a facilitating and cost sharing approach will also greatly enhance access to Morrison and other local properties. It is the clear intention of Morrison to shirk their responsibilities in this regard. Thus the proposed development will make impossible the Ryhall Road Link, a possible 2nd Town Bridge and an eventual Ring Road.

Our client's transport consultant advises that it is simply not correct to claim that the proposal "demonstrates that the link road is accommodated and the proposal is therefore in accordance with the requirements of Policy T1 in any case." The proposal will frustrate the link road because the access road, with its multiplicity of individual access points, will not be capable of functioning as a part of the strategic road network and thus the link road will fail in its purpose of providing relief to the town. This is clearly a matter of fundamental concern to our clients.

In addition no regard has been given to the very clear intention of the County Council to carry out a feasibility study into a wider transport measure to provide traffic relief to Stamford, in accordance with LTP2 and the Structure Plan. The new site access roundabout will clearly frustrate the options to be considered in relation to a second Town Bridge. At SCOT's request JMP has recently undertaken further work to assess the traffic implications of proposals within SKDC's LDF consultation Site Allocations and Policy DPD. This work has confirmed that without new highway infrastructure committed and proposed development within Stamford will result in traffic gridlock. The outcome of this work has been submitted to the Council as supporting evidence to SCOT's representation and objection to the DPD.

As this proposal could compromise the provision in the future of essential highway infrastructure it is SCOT's contention that the current planning application cannot be considered in isolation and that it can only be considered in the context of a full LDF infrastructure study of Stamford to be undertaken by the highway authority, Lincolnshire County Council. Thus this application is premature to the outcome of such a study.

Our client has obtained the view of its transport consultants JMP in relation to the latest application who advise as follows:

“planning consent for the proposed redevelopment should be withheld.”

JMP has identified the following omissions and deficiencies that should be material to the consideration of the planning application:

- The application includes the necessary infrastructure to serve a much larger development, but the Transport Assessment considers only the traffic impact of the first phase. Thus there is no indication of the impact on the local highway network of the intended development.
- The standard and proximity of the proposed development access points would not be compatible with the function, standard and integrity of a future Ryhall Road Link and hence would impose severe constraints on the scope for and outcome of the feasibility work that the County Council is committed to undertaking for a Stamford Bypass / Relief Road.
- If the Morrison proposal was to be approved it would constrain the options for the junction between the Ryhall Road Link, Uffington Road and 2nd Town Bridge and therefore could compromise the Link and opportunities for a relief road to Stamford Town Centre.
- There is a significant unexplained difference in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout.
- The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that ‘the computer model is a reasonable representation of actual operating conditions’ has to be considered with some caution.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout shows extensive queues on the Ryhall Road approach but only modest queues on Uffington Road and St Paul's Road. The TA claims that the model is not representative of the current situation and therefore can only be used for comparison rather than for capacity purposes. JMP is aware that this junction is a problem location and queuing is a regular occurrence on all approaches therefore any impact at this junction is relevant to its operation.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout does not include the interaction with traffic movements into and out of Pinfold Lane.
- The method of deriving the trip generation is not in-line with DfT's Guidance on Transport Assessment, and is therefore flawed. The vehicle trip generation rates used in the TA for the proposed retail use are low for this location and level of public transport services available in Stamford.
- The car parking proposals are unacceptable given that the proposals include for an additional 140 spaces for a possible Phase 2 development, and 34 spaces for the existing Morrison store. The car parking provision is also excessive given the peak hour arrivals predicted. The rationale for the further 140 spaces is to serve Phase 2 development which “may be applied for at a later date.” (Paragraph 7.7 of the TA) JMP does not consider this to be acceptable. Providing an additional 55% over and above the maximum number of parking spaces for a future phase of the development, which may or may not be submitted for planning approval, is against local and national policy on delivering sustainable developments by reducing the need to travel by car. It is therefore unjustifiable. An oversupply of car parking spaces would create a car culture from first occupation, a behaviour that will be difficult to influence once the development is operational. Furthermore, this provision would most likely lead to a

significant parking problem if and when phase 2 comes forward, causing on-street parking and congestion on the surrounding highway network in addition to congestion within the development itself, once the Phase 2 development opened.

- JMP also questions the additional 34 spaces identified for use by customers of the existing Morrison store. The TA states that these additional spaces are required “in order to overcome deficiencies in this car park, which results in vehicles queuing back onto the Morrison access roundabout during busy trading periods.” However, following the review of the base year junction capacity assessment at this roundabout, no queuing or capacity issues have been identified at this roundabout, which contradicts this statement. Therefore, JMP does not agree with the justification for the provision of these additional spaces as presented.
- As a consequence of the deficiencies in the base traffic models for the Morrison roundabout and the Uffington Road / Ryhall Road / St Paul’s Street mini roundabout, as identified by JMP, it is JMP’s opinion that the TA results for future year (2016) assessments at these junctions both without and with committed and proposed developments, plus traffic growth, are not valid and therefore they must be treated with caution.
- No evidence is presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions.
- The FTP is poor, and needs significant work to make it acceptable including measures to specifically encourage visitors to use sustainable modes to access the site, measures to maximise the use of sustainable modes of travel to work for staff, clarity on improvements to bus services, baseline and future mode split targets for staff and visitors, vehicle trip generation targets for staff and visitors and further clarity on monitoring and mitigation procedure.

JMP’s conclusion is that the TA conclusion is flawed for the following reasons:

- No consideration is given to the County Council’s policies and proposals in respect of feasibility work on the Stamford Bypass / Relief Road.
- The development proposal compromises options for the proposed Ryhall Road Link and 2nd Town Bridge as proposed SCOT and discussed at the Structure Plan examination in public.
- There is an unexplained discrepancy in the peak base traffic flows for Uffington Road.
- The existing junction base models do not realistically represent the current operational situation. Given that the base models are suspect, it follows that the results of the future year assessments with developments must also be suspect irrespective of whether the development trip rates used are representative or not of what might occur with the development.

Sustainable Development

The applicant seeks to rely on emerging central government policy in the form of the draft National Planning Policy Framework to support its application. It should be noted that whilst the draft NPPF was consulted upon the strength of the consultation responses received by the government casts serious doubt on the final form that such a policy document will take. It is therefore dangerous to assume that the final document will be in the same or similar form to the version consulted upon. The applicant maintains that its scheme would accord with the presumption in favour of “sustainable development”. Whilst the planning and the design statement maintains that the development is a sustainable form of development, detailed analysis makes it apparent that many of the sustainable options have been considered but considered to be undeliverable for this site. It is therefore far from evident that this is a sustainable form of development.

Sustainable Access

SCOT's transport consultant identifies the deficiencies with the development proposals which question the sustainability credentials of the scheme. It will already be seen from the summary of the transportation advice detailed above that the car parking provision is excessive and cannot be considered to be sustainable. It is likely to generate greater CO2 emissions than a scheme of this nature should generate and would promote the use of the car to the site. In addition to the concerns over sustainability arising from the car use likely to be generated by this scheme there is doubt over the sustainability of the remaining forms of access, namely:

Walking/Cycling and Public Transport

Walking

The TA and FTP contain a plan showing catchment areas for recommended walking and cycling distances. The majority of residential areas in Stamford are within the 800m-2km band, i.e. within the acceptable, not desirable walking distance. It is therefore considered that walking to the site will be relatively limited without firm measures to encourage this mode of travel particularly as walking to non-food retail is not conducive to the purchase of bulky goods.

The TA or FTP do not identify or quantify a particular pedestrian desire line at this location, it merely states, "Its [the crossing] provision will be an incentive to pedestrians travelling between the application site, Morrison, the town centre and the local residential areas within convenient walking distance of the site."

JMP comment that there is little evidence of customers walking to out of centre non-food retail developments, particularly where bulky goods retailers are located. JMP also comment that the proposed development site is quite remote from local residential areas and therefore are not 'within convenient walking distance of the site.'

Therefore, as there is no evidence presented in the TA to support the contention that the crossing will be an incentive to pedestrian customers, JMP has doubts over the value of providing a crossing at this location.

Additionally, the footpath along the northern side of Uffington Road is relatively narrow, with trees impinging on the width along the route. This doesn't make for a good walking route to encourage pedestrians to walk to and from the proposed development from the town centre.

Cycling

The TA and FTP need to specify the number of spaces that would be provided (for staff and for visitors) and the quality of the facilities. All cycle parking facilities should be covered and provided in a convenient location, namely outside store entrances where they will be well overlooked and promote the use of cycling. It might be appropriate to provide a separate facility for staff. JMP suggests that the current proposed locations for cycle parking are not appropriate.

Buses

JMP considers the existing public transport service provision to the site to be relatively poor, with only one regular (hourly) Stamford Town Centre 'hopper' service on Monday to Friday, and eight other sporadic services Monday to Friday and five sporadic services on Sundays. There are no services currently operating on Saturday.

Bryan G Hall has agreed with the bus operator (Delaine Buses) that the 'Stamford Town Centre' service would run between the local areas and the site, providing some six journeys between 09:50 and 14:45. This would be funded for a period of three years. This proposal would have to be secured under a Section 106 planning Agreement.

We note that contrary to the general position in relation to development schemes of this nature no planning agreement is proposed or countenanced to address the adverse impacts of the scheme. At the very least we would have expected contributions to public transport and the travel plan to be properly secured by the use of a section 106 planning obligation. It would be wholly inappropriate to grant a planning permission in the belief that a bus service will be provided when no steps have been taken to secure this.

Sustainable Design/Construction

The applicant acknowledges in section 8 of its design and access statement of the need to reduce energy consumption and carbon emissions in the design and construction of the development but then fails to identify how this has been achieved here. It simply states that BREEAM standards have been considered but all that is stated is that Building Regulations Requirements are "intended" to be exceeded. All development would need to comply with Building Regulations requirements and an aspiration (which is not specific) to achieve more cannot be said to be a reason to treat the scheme as being particularly noteworthy.

Local construction material - There is a further suggestion that locally sourced materials for construction and fill may be used "where possible and practicable"; once again this is aspirational and falls far short of any concrete proposal.

Microwind/Energy generation- it is stated that "the site is positioned on ground lower than its surroundings, the very high expense of a multiple turbine installation versus the minimal power generated; the use of microwind turbine would be both impractical and not economically viable". Once again therefore this option is discarded and the option of using biomass for energy generation is also dismissed for similar reasons. Use of photovoltaic is also considered prohibitive on grounds of costs associated with its provision.

Localised energy generation and saving natural resources- these options are suggested as measures which could be investigated but it is not proposed that any of the suggestions will actually be secure as part of this development proposal, once again this is aspirational and falls far short of any concrete proposal.

There is therefore very little to commend this application as a sustainable form of development.

In addition to the above Wedlake Bell submitted a further letter on behalf of Stamford Chamber of Trade dated 21 August 2012:

The contents of the letter is set out below:

"We write on behalf of the Stamford Chamber of Trade ("SCOT") and the Voice of Stamford to object to the above application. We refer to our previous letter in respect of this application. We understand that material changes were made to the application which we previously objected to, however we were neither informed nor consulted in respect of those changes.

We are concerned that only having discovered the details of the proposed changes in the last few days that we have not been provided with a proper or reasonable opportunity to comment on the amended application. In this regard we believe the Council has failed to comply with its statement of community involvement and has offended the principle set out in the case of *Bernard Wheatcroft LLP v SSE (1982)* which has been endorsed much more recently in further court decisions. We believe that having to submit these objections in circumstances where we have not had adequate opportunity to consider the implications of the amendments mean that we are not able to undertake a full assessment of the implications of the changes for our client.

We have already requested the Council to defer the matter until such opportunity is provided and we ask again that a reasonable opportunity is provided. In particular we have not been able to obtain the advice from our clients' highways/transport advisers.

New Application

We have previously written to state that the application now before members is a different application to that previously considered and quashed by the courts. We remain of the view that the latest application requires a complete resubmission and cannot be considered as a reconsideration of the previous application(s).

We further note that the details of the application have changed since the application was screened for EIA purposes and as such we are of the view that the application cannot be determined until the revised application has been reassessed.

We also note that the planning application plans being approved demarcate areas for the A3 use and for further phases (including further 30,000 sq ft of retail space), none of which have been assessed and approval of the plans currently before committee sits at odds with the matters it is considering. It is also likely to leave the council in a very precarious position at a later date when and if those applications were submitted. It is probable that in approving the current application the Council will be fettering its discretion in relation to future decisions.

PLANNING AND RETAIL ASSESSMENT

Planning Policy

The applicant maintains that "the planning arguments and principles for the proposed development on the site have already been established from a policy standpoint".

We ask that members seek clarification from its officers as to whether they are being advised that this application is in fact contrary to the Core Strategy and the emerging Site Allocations DPD. We strongly believe that the application is contrary to the Council's adopted policies and in the absence of clear clarification of the point from its

officers the Council risks making a decision having taken account of incorrect information.

Impact on the vitality and viability of the town centre

In the short time which has been available to us we have managed to obtain an initial assessment from our clients' retail consultant on the latest retail data submitted by the applicant and reviewed on behalf of the Council. The Council's retail consultant has in the past verified many of the findings of our clients' retail consultant and as such we ask the council to read the latest review from our clients' retail consultant Martin Tonks set out below (sections have been highlighted):

Further to my report dated January 2012 I write to advise you of my comments on the revised planning application and additional information submitted by Peacock & Smith (P&S) in support of the above Planning Application. The committee report also contains a review of the revised planning application and supporting information on behalf of the Local Planning Authority by White Young Green (WYG) and I comment upon this too.

The P&S assessment is unchanged from the earlier assessment I commented upon in my January 2012 report other than the inclusion of a table (7) that takes into account inflow expenditure into Stamford town centre. In their review of the revised information submitted by P&S, WYG do refer to my report with regard to the sequential assessment and also the vitality and viability of Stamford town centre. WYG agree with my criticism of the P&S assessment that it is speculative and understates the amount of turnover diverted from the town centre (15% of the overall turnover).

WYG undertake a sensitivity assessment where (in the worst case scenario) 45% of the turnover of the proposal is drawn from the town centre – this results in an impact of 8.6%. However, this is calculated against the turnover for the town centre drawn from the now outdated 2010 South Kesteven Retail Needs and Town Centre Study (SKRNTCS). The SKRNTCS is based upon pre-recession growth rate projections of 4.7% per annum (pa) for comparison goods. The latest forecasts from Experian Business Strategies is 3.0% pa from 2014 onwards and before then the growth rates are even lower than 3.0%.

The SKRNTCS is also based upon 2006 Office of National Statistics (ONS) population projections that have been superseded by more cautious 2010 ONS projections. Similarly the allowance for special forms of trading (SFT mainly internet sales) of 8.9% for the period 2011 onwards is very low. The latest Experian Business Strategies Retail Planner Brief 9 recorded SFT rates of 8.8% in 2010 (allowing for internet sales sourced in retail outlets) and forecast this would grow to 12.8% by the design year of 2017.

In addition the SK Retail Study allowed for 23% of comparison goods turnover in the town centre to come from inflow beyond the already extensive study area based upon street surveys undertaken in 2009. However, this appears to be based upon very generous assumptions about expenditure levels of visitors / tourists to Stamford when the greatest level of expenditure is likely to be on food and drink.

Given the above outdated data sources of the SKRNTCS the conclusions of the WYG sensitivity assessment are also too optimistic. If more up-to-date data sources were used to inform WYG's sensitivity assessment then impact levels would be much greater and probably significant adverse as the turnover of the town centre is overstated and the market share of SFT and particularly internet shopping is greatly understated.

I have also read the comments of the Council's Planning Policy team with regard to the revised planning application. I consider their comments in the 24 July 2012 memorandum are inconsistent with guidance in the PPS4 Practice Guide which remains extant guidance on retail and town centre planning policy. With reference to Core Strategy Policy SP1 the memo states "It also allows for the use of appropriate edge-of-town sites where there is insufficient land available within the built-up part of the town" There is no such designation as 'edge-of-town' in NPPF or PPS4 before it, the site is out-of-centre and contrary to the statement of the policy officer in retail terms, the site is not well located.

With regards to the policy officer's comments on the site being "immediately adjacent to existing retail units and within easy reach of the town centre" the objective of the sequential assessment set out in PG (6.2) is to generate linked trips with the town centre, not out-of-centre retail parks. The PG (3.8) specifically advises with regards to successful out-of-centre destinations:

"it would not necessarily be appropriate to plan for further growth at existing successful out of centre locations where these locations do not meet other key policy objectives e.g. accessibility etc. In these circumstances, it may be appropriate to proactively plan to reinforce the offer of other existing centres in order to 'recapture' market share from less sustainable retail locations."

Clearly that is what the Core Strategy Policy E2 attempts to do redirecting major retail development such as this to Grantham.

Finally, since I reported in January 2012 the National planning Policy Framework (NPPF) has been published (March 2012) that contains specific guidance that is relevant to Stamford as a market town. Para 23 of NPPF advises LPAs in drawing up Local Plans that they should (amongst other things) "retain and enhance existing markets..." Clearly the Government place a great deal of emphasis on retaining and enhancing markets as demonstrated by the amendments in NPPF (para 23) from the draft presumably because they accept Mary Portas's view that they can be "traffic drivers back to our high streets". Clearly NPPF supports Mary Portas's vision of the enhancement and promotion of markets as 'fundamental traffic drivers back to our high streets...' Stamford is a market town and this speculative proposal will impact upon market traders as well as town centre shops.

I therefore conclude that the original conclusions of my January 2012 report on impact remain valid. The P&S capacity assessment fails to follow specific PG guidance and is flawed in several areas. In contrast to the conclusions of the more robust SKRNTCS that itself is now superseded by more cautious population / expenditure / SFT information, there is barely sufficient capacity for this proposal (4,576 sq m net) in Stamford in the short term covered by the study period. As a result of there being insufficient current or future capacity to support this proposal the impact on the town centre and local shops will be far greater than assessed by P&S.

Due to its excessive scale this out of centre proposal will have a negative impact on town centre trade and turnover, which could possibly be 'significant adverse', and in turn will have a negative impact on the vitality and viability of Stamford town centre.

NPPF (para 27) advises out-of-centre retail proposals should be refused planning permission where they fail to demonstrate compliance with the sequential assessment (para 25) or where a proposal is likely to lead to significant adverse impacts (para 26). I conclude that P&S have failed to demonstrate compliance with the NPPF impact test

(para 26) and can be refused on these grounds alone. If the Council disagree with this conclusion then the proposal has to be determined against the whole NPPF and para 14 advises adverse impacts should be weighed against the benefits.

In my January 2012 report I demonstrated that only limited weight can be attached to the positive benefits of the proposal. In contrast, greater weight might be attached to the negative impact of the proposal and particularly when considered cumulatively with the Sainsbury occupation of the former Focus unit on Markham Retail Park and the proposed second phase. Although impact of the proposal on its own might not be 'significant adverse' it is significant and a material consideration. The cumulative impact of the proposal and other recent / proposed developments on Stamford town centre is of particular concern. The proposal is not a sustainable development therefore the NPPF 'presumption in favour' is not a material consideration in the determination of this planning application.

My overall conclusion is that need has not been demonstrated for this proposal in the updated information submitted by P&S that fails to follow specific PG guidance and is flawed in many respects. The WYG review is also based upon the SKRNTCS that is based upon outdated (pre-recession) information sources. This has implications for the impact assessment which also fails to follow specific PG guidance and is flawed. As a result the proposal fails to satisfy NPPF para 26 and can be refused on these grounds alone (NPPF para 27). Even if this is not accepted the proposal fails the planning balance of positive and negative impacts set out in NPPF (para 14) particularly when considered cumulatively with other recent / proposed developments. I therefore suggest the Council are respectfully asked to consider this application very carefully and to refuse it as it contravenes national and local planning guidance.

It is clear that the proposal is likely to significantly adversely affect Stamford Town Centre. In the current economic climate where town centre traders across the country are struggling it would be remiss of the Council to fail to properly consider the serious consequence of the proposals before them on the town centre. The proposal is clearly contrary to the retail policies being promoted by the Council through its Core Strategy and Site Allocations DPD to promote the market town of Stamford.

HIGHWAYS/TRANSPORT

Our clients have made representation on this in the past. We have not been able to take expert advice on the latest amendments. A reading of the committee report makes it apparent that no real attempt has been made to address the lack of accessibility of the site. We do not believe that the concerns previously set out have been adequately addressed. In particular we note that whilst all parties agree that the roads should be made to adoptable standard no provisions have been secured for the actual adoption of the roads to ensure that proper provision has been made for future planning of the area.

In addition we find it surprising that the council believe they can approve planning consent for an extra 140 car parking spaces which have not been assessed. This is a flaw which we believe cannot be remedied by mere discussion at the committee meeting. In addition we believe that the attempt to deal with the same by way of the condition proposed is incorrect, flawed in law and in any event unenforceable.

SUSTAINABLE DEVELOPMENT

The applicant seeks to rely on emerging the National Planning Policy Framework to support its application. We would stress again that whilst the planning and the design statement maintains that the development is a sustainable form of development, detailed analysis makes it apparent that many of the sustainable options which have been considered have been discounted because the applicant maintains them to be undeliverable for this site. No detailed assessment of this claim appears to have been made by the council. It is therefore far from evident that this is a sustainable form of development.

Sustainable Access

We stress again the unjustified allocation of an extra 140 car parking spaces which would be completely contrary to all sustainability principles now promoted through the NPPF (see our earlier more detailed objections). We believe little account has been taken of the additional sustainability criteria we set out in our previous objection.

There is therefore very little to commend this application as a sustainable form of development.

In light of the comments detailed above, in the event the council is minded to consider this application notwithstanding our submissions, we would urge that Application S06/1151 is refused."

Delaine Buses Ltd:

Delaine Buses Ltd have made comments in relation to the application. They have advised that the siting of a bus stop within the site will give rise to the potential for conflict with vehicles ingressing and egressing the joint sites. Delaines currently serve their Stamford – Deeping route with 12 metre long buses. Should these have to navigate the car park to service the proposed stop then this will undoubtedly give rise to potential for accidents with both pedestrians and vehicles.

The siting of the proposed bus stop is such that inevitably delays will be occasioned as a result of indiscriminate parking in front of the existing store by drivers waiting to pick up and drop down shoppers and also from vehicles such as security vehicles making cash deliveries and pick-ups. A more sensible approach would be for the consideration of the provision of bus lay-bys on Uffington Road.

Savills – on behalf of the administrative receivers of FH Gilman and Company Limited:

"Firstly, we would like to stress that we support the principle of the redevelopment of previously developed land in this general location for both non-food retail and a public house/restaurant. We consider that such development should be encouraged provided it does not adversely impact upon the deliverability of other nearby development sites, particularly those allocated for redevelopment and which are brownfield and which require environmental improvements.

In particular we note the proposed roundabout which will provide access to both applications as well as having the potential to provide part of the long awaited relief/link road.

This roundabout is adjacent to both the land to the south and north of Uffington Road in the ownership of FH Gilman. In the Council's Site Allocations Submission Document the land to the south is identified under policy STAM1c for housing and under STAM2b for employment and the

land immediately north of the road under Policy SAP5: Locally Important Existing Employment Sites as site ExE S3. In addition the land is identified in the Adopted Local Plan under Policy E2.1.

In the interests of good planning and to facilitate the delivery of the Council's vision for the area as contained in the Adopted Local Plan, the Core Strategy and the Submission Site Allocations Document, we strongly advise the Council, acting as Local Planning Authority, that they need to ensure that the roundabout's design and location does not prejudice the delivery of the allocated employment sites (both in the adopted Local Plan and those sites emerging in the site allocations document) or the redevelopment of existing employment sites.

There are limited opportunities to provide appropriate access points along this part of Uffington Road and the proposed Morrison development should not be considered in isolation from the other development/redevelopment sites in this locality.

In respect of the land to the north, this is identified under Policy E2.3 for employment. This was subject to planning application for the development of a business park. Although agreed in principle by Committee, subject to the completion of a Section 106 agreement, a decision notice was never issued.

We note that although the Morrison proposals do take limited account of the need to facilitate the provision of, or at least not prejudice the delivery of a new relief road, there is further scope, to make sure that the development enhances the deliverability of Council policy, namely Policy E2.3. This can be achieved in a number of ways, for example:

- The proposed service road running from the roundabout alongside the boundary between the Morrison site and the FH Gilman land has the potential, in addition to providing part of the potential relief road, to provide an alternative access to the allocated employment site E2.3, to east of the application site. Ideally this road should be built to adoptable standards to facilitate access to the north and east of the Morrison site.
- The roundabout can be designed in such a way to facilitate rather than prejudice access to the sites to the east, such as the existing employment site to the north of Uffington Road (ExE S3) and the proposed mixed use development site to the south of Uffington Road (STAM1c and STAM2b).

This part of Stamford has a significant amount of previously developed land such as that owned by FH Gilman and Wm Morrison Supermarkets. These sites, like many brownfield sites, are environmentally degraded as a result of their previous uses. Their redevelopment will bring significant environmental benefits along with the other benefits associated with such development such as investment and jobs. As such these sites, in accordance with national and local policy, should be a priority for development for the Council and the Council should do everything in its power to facilitate the regeneration of these sites."

Cllr Sandall:

Cllr Sandall has requested a Section 106 Contribution of £7,000 - £8,000 to go towards new play equipment for the children of Stamford at Kesteven Road playing fields and Empingham Road playing fields and any money left over to go towards the new toilet block at the Rec being provided by Stamford Town Council, The Friends of the Rec, The spend a penny group and the Bowls and Tennis Club.

Officer Evaluation

The key issues in the consideration of this application are retail impact; access and highway safety; design and layout; impact on wildlife.

RETAIL IMPACT:

The Council has appointed White Young Green Planning & Design (WYG) to undertake a retail audit of the Retail Assessments produced by the applicant's consultants Peacock & Smith (P&S) in support of the proposal to develop a non-food retail park at Uffington Road Stamford.

The application when originally submitted comprised:

- A JJB Fitness Club of 2,128 sq m gross floorspace;
- A JJB Sports non-food retail unit of 2,145sq m gross / 1,502sq m net floorspace; and
- 6 non-food retail units totalling 4,190sq m gross / 2,933sq m net floorspace.

In total, the proposal at that time involved 6,335 sq m gross / 4,435sq m net new retail floorspace and 2,128sq m gross leisure floorspace. Of the net comparison goods floorspace it was proposed that 2,282sq m was to be used for the sale of bulky goods and 2,153sq m for the sale of non-bulky goods. It was indicated that units 1, 4, 5 & 6 would be used for bulky goods retailers, whilst the JJB unit and units 2 and 3 would be for the sale of non-bulky comparison goods.

Following the Judicial Review of the original decision the applicant has now submitted these revised proposals. The revised retail elements to be considered by the Committee comprise of the following:

- A reduction in the proposed gross floorspace from 6,335 sq m to 5,083sq m with a small increase in proposed net sales area from 4,435 sq m to 4,576sq m;
- Removal of the leisure element of the proposal (2,128sq m gross);
- A decrease in the amount of floorspace devoted to bulky comparison goods floorspace from 2,282sq m net to 1,773sq m net;
- An increase in the level of devoted non-bulky comparison goods floorspace from 2,153sq m net to 2,803sq m net.

The alterations are summarised in the following table:

Unit	Size (Sq m gross)	
	Previous	Now Proposed
1	930	1,970
2	465	604
3	465	465
4	700	465
5	700	929
6	930	650
JJB Unit	2,145	0
Total	6,335 (net = 4,435)	5,083 (net = 4,576)

The National Planning Policy Framework (NPPF) has replaced the former guidance contained in PPS4 'Planning for Sustainable Economic Development'. The NPPF therefore contains the most up to date national guidance in relation to ensuring the vitality of town centres.

Paragraph 24 of the NPPF states that “local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Paragraph 26 goes on to state that when assessing retail applications outside of the town centres, which are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment if the development exceeds locally set thresholds or a floorspace of 2,500Sq m. This should include an assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 states clearly that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Policy E2 of the Adopted Core Strategy seeks to strengthen and regenerate Grantham, Stamford, Bourne and the Deepings town centres and support uses and activities which sustain and improve their vitality and viability.

The policy states that provision will be made to accommodate additional retail floorspace over the Plan period based on the recommendations of the most up to date Retail Needs Study.

The policy goes on to states that town centre development should be focused in identified town centres. Where developments cannot be identified with town centres a sequential approach will be followed with preference first to sites on the edge of the defined town centre prior to consideration of out-of-centre sites.

The application site is located on Uffington Road approximately 900 metres walking distance from Stamford Town Centre. It is considered that the site is located in an out-of-centre location in relation to the retail assessment purposes.

Sequential Assessment:

P&S have identified eight sites which are more centrally located than the application site for the purposes of the Sequential Assessment:

1. The Cattle Market, Station Road Car Park;
2. The Riverside area, Wharf Road/Priory Road & Wharf Road Car Park;
3. North Street Car Park
4. Scotgate Car Park;
5. Bath Row Car Park;
6. St Leonards Street Car Park;
7. St Johns Lane/Bath Row Site; and
8. Bus Station Site

It is considered that the assessment of these sites complies with the requirements of the NPPF and Policy E2 of the Core Strategy. It is considered that the sites listed above represent an appropriate assessment of relevant sites.

Following the assessment of the above sites P&S concluded that “There are no suitable, available and viable sequentially preferable sites to accommodate the scale and type of the proposed development, together with the necessary car parking and servicing arrangements, even when adopting a flexible approach. This, in turn, has led to the identification of the application site, which abuts two well-established retail destinations that benefit from good transport connections. It fully satisfies the sequential analysis criteria within a reasonable period of time.”

The review of the P&S Retail Assessment undertaken by MT Town Planning (Tonks review) in support of Stamford Chamber of Trade and Commerce’s objections to the development stated that P&S have failed to address a number of the Planning Guidance checklist criteria and that the South Kesteven District Council Retail Needs and Town Centre Study (SKRNTCS) identifies two sites capable of accommodating disaggregated elements of this proposal and P&S have provided insufficient justification as to why either sequentially superior site at the Bus Station or at North Street Car Park should be discounted.

WYG have undertaken a review of the P&S Retail Assessment on behalf of the Council. They have concluded that “overall, it is considered, in consultation with planning policy officers at the Council, that there are no sequential preferable sites or units suitable for accommodating the proposal.” In assessing the development WYG advised following discussions with the council’s Policy Team that the Bus Station Site would not be suitable for redevelopment if it resulted in the loss of the bus station. It was therefore considered that retention of the bus station would result in the site not being able to physically accommodate the size and type of units proposed in this application.

With regard to the North Street Car Park Site P&S in their assessment considered the site not to be viable for the proposed development on the grounds that the site is not in the ownership of the applicant; land acquisition costs may be prohibitive; and owing to the small size of the site, replacement car parking will need to be provided either on-site as part of a multi-storey development or off-site in close proximity to the town centre. WYG discounted the site stating “This site is identified in the SKRNTCS as a ‘potential development site’ (Site S3). It is suggested that it is potentially suitable to accommodate a small foodstore with surface car parking, such as a discount retailer. The only possible alternative use identified is for its existing use to be retained. The site is identified as potentially available in the short to medium term. The site could physically accommodate either a non-food retail or leisure unit but this would be contrary to the recommendations of the 2010 Retail Needs Study.” It is considered that given the constraints of developing the North Street Car Park and the potential loss of car parking close to the town centre the site is not considered viable for redevelopment.

Retail Impact

As set out above paragraph 26 of the NPPF advises that planning applications for retail development outside town centres, not in accordance with an up-to-date Local Plan, should include an impact assessment. As P&S’s updated assessment was produced before the publication of the NPPF it is based on the impact tests set out in the recently abolished PPS4 Policy EC16. Notwithstanding this, as the NPPF impact tests essentially encompass the previous PPS4 Policy EC16 tests (a), (b) and (d), it is considered that P&S’s updated assessment considers the NPPF impact tests.

Impact on Investment in Stamford Town Centre

With regard to the impact of the development on investment in Stamford Town Centre it is considered that there is no proposed public investment schemes planned or committed for the town centre, other than the shop front improvement scheme. Officers are also not aware of any significant private investment currently planned in Stamford Town Centre.

Impact on In-centre Trade / Turnover

P&S have used the household survey results of the SKRNTCS to identify Stamford's catchment area for comparison goods. The catchment area adopted by P&S represents Zone 6 (postcodes PE9 1, PE9 2, PE9 3 and PE9 4). The Council's consultants WYG have confirmed that the extent of the catchment area is reasonable and acceptable.

Floorspace and Turnover of the Proposal

Table 5 of the P&S report details the floorspace and turnover details of the proposed development. The table is reproduced below:

P&S Proposals Development (Floorspace and Turnover Forecasts) and Commitments:

Proposals and Commitments in Catchment Area (Zone [^])	Total Sales Area (Sq m net)	Average Sales Density (£ per sq m net)	2014	Trade Draw from Catchment Area (%)	2014	2017
			Benchmark Turnover (Design Year) (£M)		Turnover from Catchment Area (Design Year) (£M)	Turnover from Catchment Area (Assessment Year) (£M)
Bulky Goods Retail Floorspace	1,773	£3,303	£6.5	90%	£5.8	£6.2
Non-Bulky Goods Retail Floorspace	2,803	£4,500	£13.9	90%	£11.8	£13.3
Total Floorspace Proposed	4,576		£20.4		£17.6	£19.5
Commitments	None					

(Source P&S Table 5 update)

P&S have provided an updated Proposed development (Floorspace and Turnover Forecasts) and commitments table based on a worst case scenario using the latest floorspace efficiency rates.

	Total Sales Area (Sq m net)	Benchmark Sales Density 2009 (£ per sqm net)	Benchmark Sales Density 2017 (£ per sqm net)	Benchmark Turnover 2017 (£ million)
Bulky Goods Retail Floorspace	1,773	£3,303	£3,713	£6.6
Non-Bulky Goods	2,803	£4,500	£5,058	£14.2

Retail Floorspace				
Total Floorspace Proposed	4,576			£20.8
Commitments	None			

Average sales density figures have been increased from 2009 in accordance with the annual floorspace efficiency rates (Table 4B, Experian Retail Planner 9)

WYG has noted that gross/net floorspace ratio adopted by P&S in the assessment undertaken in October 2011 has changed from a split of 70%/30% to 90%/10%. WYG advise that the majority of retail park operators usually adopt a 80%/20% gross / net floorspace split. However they go on to advise that providing the Council, if minded to approve the application, attach a suitable net sales floorspace restriction planning condition this should not be a matter for concern.

In terms of the adopted average retail warehouse park sales densities for the bulky and non-bulky comparison goods elements of the proposal WYG has advised that P&S have adopted the bulky goods sales density from the SKDCRNS and the non-bulky goods sales density is an estimate. WYG have confirmed that both average sales density figures are reasonable.

Expenditure Capacity

The SKNTCS contains a detailed quantitative capacity assessment based on the results of a household telephone survey conducted in October 2009. In respect of the Stamford shopping catchment area, the study concludes that:

- There is likely to be in the region of £23m comparison goods expenditure capacity by 2016.
- Comparison goods expenditure is expected to increase to around £53m by 2021.

WYG has advised that they are not aware of any current retail commitments or other proposals in Stamford. On the basis of the Council's LDF evidence base there would appear to be potential sufficient comparison goods capacity by 2016 to support the proposed development.

Trading Assessment

WYG has advised that in terms of the year for testing the impact of the development P&S assess impact at 2017. This is considered to be in accordance with the guidance contained in the NPPF at paragraph 26.

WYG has advised that in terms of trade draw assumptions P&S assess that the proposal is anticipated to draw 80% of its trade from retail facilities outside of Stamford (this is based on the figures provided in P&S's October 2011 assessment). It is unclear how P&S have derived this figure. WYG has advised that having regard to the current levels of comparison goods expenditure leakage from Stamford identified in the SKRNTCS they consider that P&S have overestimated this level. The SKRNTCS identifies that the current level of comparison goods expenditure leakage from the Stamford catchment area is 42%.

The SKRNTC also identifies that 46% of comparison goods expenditure from Stamford's catchment area is spent in the town centre whilst 12% is estimated to be spent in out-of-centre retail warehouses in Stamford. Taking the existing shopping patterns into consideration WYG has advised that in their opinion P&S have underestimated the level of trade anticipated to be drawn from the centre. P&S have estimated that 15% of the proposals trade will be drawn from the town centre and 5% from retail warehouses in Stamford.

WYG having regard to the existing shopping patterns, the size and type of units proposed, and the fact that the proposal is speculative suggest that the proposal could draw between 30-45% of its trade from Stamford Town Centre.

In light of there being no named end retailers associated with the proposal WYG considered it necessary to sensitivity test the potential level of trade assessed to be drawn from Stamford Town Centre. They provided a sensitivity impact test of the proposal under two scenarios:

- Sensitivity Test 1 – Assumes that 30% of proposal's turnover is drawn from Stamford Town Centre
- Sensitivity Test 2 – Assumes that the proposal will draw 45% of its trade from Stamford Town Centre.

Sensitivity Test 2 is considered to provide the worst case scenario in relation to the potential level of trade drawn from Stamford Town Centre. The table below provides an assessment of impact under the sensitivity tests.

	2017 Turnover (£m)	Trade Draw To Proposal		2017 Residual Turnover (m)	2017 Impact (%)
		%	£m		
Sensitivity Test 1 – 30% trade draw from					
Stamford Town Centre	111.4	30	6.1	105.3	-5.8
Stamford Town Centre	-	15	3.1	-	-
Stamford Out of Centre	-	55	11.2	-	-
Outside Stamford		100	20.4		
Total					
Sensitivity Test 2- 45% trade draw from					
Stamford Town Centre	111.4	45	9.2	102.2	-8.3
Stamford Town Centre	-	10	2.0	-	-
Stamford Out of Centre	-	45	9.2	-	-
Outside Stamford		100	20.4		
Total					

Notes:

Turnover of subject proposal is the total turnover

Figures rounded by WYG Planning

(Source WYG Review April 2012)

The above sensitivity testing undertaken by WYG assesses that the proposal could draw between £6.1m and £9.2m of its turnover from Stamford Town Centre. The resulting impact on the town centre at 2017 is assessed to be between 5.8% and 8.3%.

WYG has advised that whilst the level of impact on Stamford Town Centre is assessed to be higher than P&S have assessed in their current retail assessment (2.6% impact figure from updated information provided by P&S on 28th March 2012) it is not considered that it is of a level which would materially harm the trading position of the town centre.

In view of the above concerns raised by WYG in relation to the October 2011 P&S retail assessment and concerns raised by Marin Tonks acting on behalf of Stamford Chamber of Trade

P&S have provided updated figures. P&S have made a number of changes to the updated assessment including using the following information:

- Latest population and expenditure figures from Pitney Bowers (September 2012)
- Price base is now 2011
- Latest expenditure growth rates from Pitney Bowes – November 2011 Updated (Table 3.5)
- Latest SFT figures sourced from Pitney Bowes – September 2011 (Table 3.1)
- Latest floorspace efficiency rates sourced from Experian Retail Planner 9 (Table 4B)

P&S have advised that the SKRNTCS (appendix C, Table 3C) indicates that Stamford town centre and Stamford's out-of-centre retail provision draw 51.8% of their combined turnover from zone 6 (Stamford and surrounding villages). This reveals an inflow figure of 48.2%. P&S have therefore assumed that the proposed development will experience a similar pattern of trade draw.

P&S have taken account of WYG's audit and now applied a trade draw figure from Stamford town centre of 45% this is representative of the very upper end of WYG's suggested 30%-45% range in their 'worst case scenario'

P&S have produced their own worst case scenario Impact table and this is copied below for ease of reference:

**Wm Morrison Supermarkets Plc
Comparison Goods Impact Assessment**

Worst Case Scenario - September 2012

Table 5: IMPACT

	[A]	[B]	2017 Without Scheme				Scheme Trade Draw / Diversion		[I]	[J]	[K]	[L]
	Retail Floorspace Net	Market Share from Zone 6	Turnover from Zone 6	Total Turnover	Sales Density	Overtrading/ Undertrading index	Trade Draw	Trade Diversion	Residual Turnover	Impact	Consequent Sales Density	Consequent Overtrading/ Undertrading Index
	(sqm)	(%)	(£M)	(£M)	(£ per sqm)	(1 = Benchmark)	(%)	(£M)	(£M)	(%)	(£ per sqm)	(1 = Benchmark)
Stamford Town Centre	11,781	46%	£52.02	£103.17	£8,757	1.95	45.0%	£9.34	£93.83	9.1%	£7,964	1.77
Stamford Out-of-Centre Retail Warehouse Provision	9,608	12%	£13.6	£23.41	£2,436	0.74	6.8%	£1.41	£22.00	6.0%	£2,289	0.69
Shopping Destinations Outside the Catchment Area		42%	£47.5				48.2%	£10.01				
Proposed Development		-	-				100%	£20.8				
Available Expenditure in Zone 6		100%	£113.1				-	-				

Notes

[A]: Derived from SKRNTCS (2010) - Appendix A, Table 2A.

[B]: Market shares derived from SKRNTCS (2010) - Appendix C; Table 3C.

[C]: Turnover from Zone 6 at 2017 calculated by applying market shares ([B]) to 'Available Comparison Spend in Zone 6 at 2017'.

[D]: Total turnover at 2017 (on the basis of constant market shares) derived by dividing Turnover from Zone 6 ([C]) by trade draw from Zone 6 (Stamford Town Centre: 50.4%; Stamford Out-of-Centre Retail Warehouse: 58%) as derived from SKRNTCS (2010) - Appendix C, Table 3C.

[E]: Sales densities at 2017 derived by dividing anticipated turnover at a constant market share ([D]) by floorspace ([A]).

[F]: Level of overtrading calculated by dividing anticipated sales densities in 2017 at constant market shares (without scheme) by benchmark sales densities (Table 4).

[G]: Trade draw from Stamford Town Centre derived from WYG's Retail Audit's 'Worst Case Scenario'; trade draw from outside catchment area (inflow) derived from the results of SKRNTCS's household telephone survey - Appendix C, Table 3C.

[H]: Trade diversion figures at 2017 calculated by applying Trade Draw assumptions ([G]) to estimated scheme turnover at 2017 (Table 4).

[I]: Residual Turnover at 2017 calculated by subtracting Trade Diversion at 2017 ([H]) from Turnover at 2017 ([D]).

[J]: Impact calculated by representing Trade Diversion at 2017 ([H]) as a percentage of total turnover (without scheme) at 2017 ([D]).

[K]: Consequent sales densities at 2017 derived by dividing anticipated residual turnover at a constant market share (with scheme) ([I]) by floorspace ([A]).

[L]: Consequent level of overtrading calculated by dividing consequent sales densities in 2017 (with scheme) (at constant market shares) by benchmark sales densities (Table 4).

WYG have confirmed that they consider the 45% trade draw to provide the worst case scenario in relation to the potential level of trade drawn from the town centre. P&S have adopted the same worst case scenario trade draw figure of 45%. Accordingly, the trade draw figure used by P&S is considered to be acceptable and robust.

WYG's sensitivity impact testing assessed that the proposal could result in an impact on Stamford Town Centre of between 5.8% (30% trade draw) and 8.3% (45% trade draw).

P&S's updated impact assessment, assuming 45% of the proposals trade is drawn from the town centre, assesses that the proposal could have an impact on the town centre of 9.1%. WYG do not consider that the impact, assessed by P&S, on Stamford Town Centre is of a level which would materially harm the trading position of the town centre.

P&S have reviewed the overall performance of existing town centre comparison goods retailers before and after the proposal. P&S consider that the sales density of comparison goods retailers (£7,964/sq m (residual turnover post impact divided by net floorspace of town centre)) is much higher than "commonly accepted benchmarks" post impact. WYG agree that it would appear that the trading performance of comparison goods retailers in the town centre is likely to remain healthy and strong post development.

However, WYG have noted that in calculating the post impact sales density performance figure P&S have adopted the town centre comparison goods floorspace figures from the SKRNTCS (16,830sq m gross/11,781sq m net (70/30 net/gross split)). These figures are based on a survey of the town centre undertaken in October 2009 by Experian Goad.

WYG have checked P&S's sales density performance figure using the latest available town centre comparison goods floorspace figures from Experian Goad (March 2012). They have noted that there has been a marginal increase in the level of comparison goods floorspace since October 2009 from 16,830sq m gross to 17,330sq m gross. Adopting the same gross/net split as adopted in the SKRNTCS they have calculated that the level of net floorspace has marginally increased from 11,781sq m net to 12,131sq m.

Adopting the latest available comparison goods floorspace figures for the town centre, it is considered that the sales density performance of comparison goods retailers post impact is still considered to remain healthy and strong (£7,735/sq m).

Impact on Vitality and Viability of Stamford Town Centre

With regard to the impact of the development on the vitality and viability of Stamford Town Centre P&S have undertaken a vitality and viability health check assessment of Stamford Town Centre. WYG has reviewed the assessment and advised that the health check appears to have been undertaken two years ago in January 2010 and that it is unclear why P&S have not sought to up-date the assessment. Notwithstanding these comments it is clear that P&S have updated the report in some areas including the current number of vacant units in which they indicate that there were only 12 vacant units following a survey of the town centre in September 2011.

MT Town Planning (Tonks Review) has raised concerns that there are a significant number of charity shops including in the primary shopping frontages and that the Portas Review advises this can also be an indicator of poor performance.

Notwithstanding the above it is considered that the town centre is vital and viable. In particular the centre has good representation of comparison goods shops; has a low vacancy rate; provides a very attractive shopping environment; is popular with tourists; contains a good provision of independent and specialist shops; and is accessibly by both bus and train services.

In light of the current health of the town centre, and on the basis that it is considered that the proposal is unlikely to materially harm the trading position of the town centre and will not impact on any current or planned investment in the centre, WYG has advised that the proposal is unlikely to have a significant adverse impact on the vitality and viability of Stamford Town Centre.

WYG have accordingly advised that should the Council be minded to approve the development conditions restricting the following should be attached to any consent:

- Total net sales floorspace to 4,576sq m;
- Net sales non-bulky comparison goods floorspace to 2,083sq m (including clothing, footwear, glassware, medical goods, jewellery and other personal effects, games, toys, books, pets and pets products, and soft furnishings);
- Net sales bulky comparison goods floorspace to 1,773sq m (including furniture, floor-coverings, DIY and decorating goods, garden supplies, office equipment and supplies, motor accessories, bicycles, electrical and gas goods and appliances);
- The sub-division of the retail units; and
- The minimum retail unit size to 465sq m gross.

ACCESS AND HIGHWAY SAFETY:

Section 4 of the NPPF sets out the Governments approach towards promoting sustainable transport. Paragraph 29 states that “transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. When determining planning applications local authorities should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 of the NPPF goes on to state that planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 36 of the NPPF advises that developments which generate significant amounts of movement should be required to provide a Travel Plan in support of the application.

The applicant has appointed Bryan G Hall consultants to prepare a Transport Assessment for the site and a Framework Travel Plan in support of the proposed development. The redevelopment of the site comprises 5,082sq m gross floorspace for non-food retails across 6 units. The proposed development would be served from a purpose built roundabout junction to the south of the site on A16, Uffington Road.

With regard to the concerns raised in the letter from Savills on behalf of the administrators of FH Gilman the applicant's consultants and the Objections from Voice of Stamford and Stamford Chamber of Trade and Commerce Bryan G Hall have advised that "the A16/A6121 Stamford relief road was previously known as Policy T1 within the South Kesteven Local Plan (adopted April 1995). Policy T1 expired on 27 September 2007 and such was not saved within the Local Plan. The decision not to save Policy T1 was subject to a legal challenge by Stamford Chamber of Commerce on 23 June 2010. The appeal was dismissed." Therefore there is no planning requirement to protect and accommodate for a future relief road in this location.

Lincolnshire County Council's Third Transport Plan was adopted in April 2011. Paragraph 3.26 of the LTP3 relates to Stamford and states "A feasibility study into a bypass or relief road was proposed in LTP2. Work started on this, with the traffic model being updated. However, currently work is on hold as it seems unlikely that funding for any major improvement will be available in the short to medium term." It is therefore considered that it is unlikely that the bypass scheme or relief road is likely to take place in the near future.

Bryan G Hall have advised that the access road is designed to a carriageway width of some 7.3 metres with a footway provision of some 2.0 metres and that "the design of the road is therefore consistent with adoptable standards."

Bryan G Hall have also advised that there is capacity within the proposed junction and roundabout design to account for future traffic growth and to accommodate other development schemes which may come forward or be promoted through the Local Development Plan.

The Local Highway Authority has also advised that the proposed service road would be built to an adoptable standard over and above that which would be necessary to solely serve the proposed development. They go on to advise that the proposed service road is consistent with the dimensions that would be expected for the initial length of such a relief road. In that respect, the future potential for delivery of the road may not be compromised.

The Highway Authority has undertaken checks on the detail contained in the Transport Assessment (TA) and subject to conditions they concur with its conclusions. The Highway Authority advise that the findings of the TA demonstrate that the proposed roundabout junction design is capable of accommodating traffic growth associated with future demands including other possible future developments in the area. In this context the proposed development will not forestall regeneration of previously developed land.

It has been argued that the proposal could compromise the provision of future essential highway infrastructure and that the current planning application should not be determined in isolation and that it should only be considered in the context of a full LDF infrastructure study of Stamford undertaken by the Local Highway Authority. As already stated above the Local Highway Authority has raised no objections to the

proposal subject to conditions and indicated that the proposed junction / roundabout improvements have capacity built in to accommodate future growth and development in the area.

Concern has been raised that the application includes the necessary infrastructure to serve a much larger development, but the TA only considers the traffic impacts of the first phase and that there is no indication of the impact on the local highway network of the intended larger development. The proposed development did originally include approximately 428 car parking spaces of which 254 would serve the current development and 34 spaces would provide some additional provision to the adjacent Morrison store. This left 140 spaces which would have provided additional parking for a possible future development to the north of the application site.

Any future development to the north of the site would need to be assessed as part of a separate planning application and that would need to be supported by an appropriate TA. The potential impacts of any future development would therefore be assessed at that time and do not form part of the consideration of this current application.

However following discussions with officers the applicant has omitted the additional parking provision to leave a total of 299 spaces, of which 254 would be to serve the new retail development (at a ratio of 1 space per 20 sq m) and 45 additional spaces for the existing Morrison's store. The local highway authority has raised no objection to this and it is not considered to represent an over provision of parking to the development.

Concern has been raised in relation to the traffic survey data contained in the TA and discrepancies in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout. Bryan G Hall have advised that there are two reasons for the differences in traffic flows. Firstly there is a priority T-junction of Pinfold Lane / Uffington Road which serves residential properties and provides a link between Uffington Road and Priory Road to the south. Secondly Stamford and Rutland Hospital has an access located on Uffington Road with approximately space for 100 vehicles. The Local Highway Authority has not raised concerns about the data provided and it is considered that the reasons put forward are reasonable and could account for the differences in the surveyed traffic flows.

JMP in their review of the TA raised concerns stating "The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that 'the computer model is a reasonable representation of actual operating conditions' has to be considered with some caution."

Bryan G Hall have advised that the reference that JMP refer to is made at paragraph 7.5 of the TA. They have clarified the situation and advised that this paragraph talks about queuing which can occur internally within the Morrison store car park associated with customers queuing looking for a space or queuing to access the petrol filling station. They advise that the reference is not therefore related to vehicles on the local highway network. They also state that the junction models presented within the TA have been validated against on-site queue observations undertaken at the time of the vehicular surveys. The Highway Authority has raised no objections to the data provided it is therefore considered to be accurate and fit for purpose.

The JMP review of the TA raised a number of concerns about the data used to assess the development. The Local Highway Authority has advised that checks have been undertaken in relation to the data contained within the TA and they have raised no concerns. It is therefore considered that the data contained in the TA is reliable and that the submitted Traffic Assessment provides an accurate account of traffic in the area.

JMP have raised concerns stating that no evidence has been presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions. The crossing is proposed in order to enhance pedestrian linkages between the site and Stamford Town Centre. It is considered that the provision of a crossing in this location is in accordance with current national and local planning policies. The Local Highway Authority has requested the provision of the crossing by way of condition and it is considered that this forms a necessary part of the proposed development to help encourage visitors of the site to use more sustainable options i.e. walking.

Bryan G Hall have advised in the TA that there are informal bus stops located on Uffington Road approximately 190 metres to the east of the application site immediately adjacent to the Gwash Valley Business Park access. The existing public transport services on Uffington Road operate on a 'hail and ride' basis. These stops are served by the number 203 bus service which is operated by 'Delaine Buses' and provides six daily services (typically every 2 hours) during the week (Monday to Friday) in each direction. These serve a catchment area running between Bourne and Stamford and the Deepings.

Informal bus stops are also located adjacent to the Morrison store at the 'drop off/pick up point' within the car park and are served by the number 182 Town Centre Hopper bus service which is operated by 'Mark Bland Travel'. This service provides an operational frequency of 60 minutes during the week (Monday to Friday) in each direction.

The 401/404 buses operated by 'Peterborough City Services' also provide a service to the site. These provide a limited service to Stamford on a Monday to Friday and some 4-5 services per day on a Sunday (approximately every 2 hours).

Lincolnshire 'Call Connect' also provides an "on demand bus service which operates in response to pre-booked requests on a 'dial-a-bus' basis".

In order to help improve access to the site by public transport the applicants following discussions with the local highway authority propose to provide a designated bus stop located directly to the entrance of the site on Uffington Road.

In addition in order to address concerns raised by the Court when quashing the previous decision a S106 Agreement is proposed requiring that a Saturday bus service be secured prior to the commencement of the development and available prior to the occupation of the buildings and that the service be maintained for a period of three years in order to enable it to become established.

There has been some concern raised in relation to the detail contained in the draft Framework Travel Plan submitted in support of the application. Although it is accepted that this will require some amendments before it can be considered acceptable the local highway authority has indicated that they are happy for the details to be addressed by way of a condition requiring the travel plan to be submitted and approved prior to the occupation of the proposed units.

DESIGN AND LAYOUT:

The proposed six units vary in size and are grouped in an 'L' shaped terraced block running in a north south orientation towards the sites eastern boundary. The proposed units would be of a modern design constructed from buff brickwork at the lower level and modern flat cladding panels at the higher levels.

The proposed design is considered to be in scale and character with the other modern retail and commercial development directly adjacent to the site. The proposals is therefore considered to comply with the requirements of policy EN1 of the Core Strategy relating to the protection and enhancement of the character of the District.

IMPACT ON WILDLIFE:

An initial protected species survey was undertaken in May 2009, and an up-dating survey was carried out in April 2011. The following is a summary of the findings:

Badgers

Consultation with the Lincolnshire Environmental Records Centre provided a number of badger records, from within a 2km radius on the site. Badgers are protected under the Protection of Badgers Act 1992 and offences can result from both reckless and deliberate damage, disturbance or destruction.

Signs of badgers were identified during the initial site visit in April 2009. During the updated survey in 2011 it was considered that badger activity at the site had reduced.

The submitted ecological report recommends that precautionary working methods are undertaken during the construction phase of the development including: covering trenches at the end of each working day, or a means of escape should be added to prevent animals becoming trapped, and exposed pipes should be capped to prevent badgers gaining access. As badgers are primarily active at dusk and dawn it would be preferable to avoid using construction vehicles at these times.

Bats

A number of trees within the site were assessed as having the potential to support roosting bats, with features such as cracked limbs, crevices within the main stems, etc. Trees within the site proposed for removal were re-examined during the additional protected species assessment.

It was considered that the proposed development has the potential to impact upon bats as; a number of trees within the application site are considered to have a low to moderate risk of supporting roosting bats, there are known bat records within the area, there is suitable foraging habitat within the vicinity of the site.

As a result of these initial findings a climb and inspect tree survey was carried out in July 2011. It was concluded that a repeat survey would be required prior to any development taking place on site.

The ecological survey advises that during any tree work planning procedure, consideration should be given to the timing of works. Dependant on weather conditions and temperatures, the bird nesting season could restrict felling operations. It is therefore recommended that the trees are worked on prior to early-mid March or after late July. It is also important to avoid June to August as this could be critical time for young bats in maternity roosts; these bats are not as mobile and cannot

move away from roosts quickly. Additionally the winter months should be avoided because of hibernating bats for the same reason of immobility.

Rooks

The site is known to support a rookery, which was originally considered during a survey undertaken in 2009. During the April 2011 site visit the rookery was found to be active with up to 50 nests predominantly within the group of trees to the south of the site.

All birds, their eggs and nests are given protection whilst breeding. To ensure the protection afforded to nesting birds is not contravened, all tree and vegetation clearance works should be undertaken outside of the bird nesting season (which generally runs from March to August inclusive, but which may extend outside of this period, depending on local weather conditions). Rooks have been noted to begin breeding early, sometimes as early as February, depending on local climatic conditions. Breeding often starts before leaves appear on the trees. Therefore all vegetation clearance and tree works should be carried out during October to January, unless first checked and confirmed by an ecologist that there are no nests present or in use.

Trees intended to be retained within the proposed development, at the eastern and western boundaries, would potentially provide an alternative rookery site. Landscaping within the site, would include tree and shrub planting to provide potential rookery sites in the future. Proposed lighting would avoid retained sections of vegetation and any new areas of planting to ensure these features would provide a suitable alternative.

Following discussions with Natural England and consideration of their standing advice it is considered that the proposed development will not have any significant impacts on protected wildlife, subject to the proposed mitigation measures in the report being implemented.

Lincolnshire Wildlife Trust has read the ecological report and consider that provided the consultant's recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

They also support the recommendations made for enhancement of the site for biodiversity through planting of native trees and hedgerows. The site also falls within a priority area for calcareous grassland recreation and LWT are pleased that use of calcareous grassland seed mix has been recommended. LWT advise that this would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets and would also fit well with a partnership project called Life on the Verge (www.lifeontheverge.org.uk). LWT would also support the inclusion of features for roosting bats and nesting birds around the site.

It is therefore considered that the proposed development will not have an adverse impact on local ecology. It is however recommended that a condition be attached to any consent requiring details of a scheme of mitigation to be submitted prior to any development taking place. The scheme to be submitted will also be required to be in accordance with the findings and recommendations set out in the Ecological Report (Revision A) prepared by Smeeden Foreman dated October 2011.

Section 106 Heads of Terms

Cllr Sandall has requested a Section 106 Contribution of £7,000 - £8,000 to go towards new play equipment for the children of Stamford at Kesteven Road playing

fields and Empingham Road playing fields and any money left over to go towards the new toilet block at the Rec being provided by Stamford Town Council, The Friends of the Rec, The spend a penny group and the Bowls and Tennis Club. As the proposed development relates to retail development it will not generate any impact on local leisure facilities. It is therefore not considered appropriate to request a contribution towards improving the facilities on Kesteven Road, such contributions would usually be required on residential development. The proposed request would not meet the relevant tests associated with S106 contributions and as such the request is considered to be inappropriate in this instance.

A Section 106 Agreement will however be required in order to secure the necessary implementation of a bus service of a minimum 3 year period.

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.

Recommendation: That the application be delegated for approval to the Development Management Service Manager in consultation with the Chairman / Vice Chairman of the Development Control Committee subject to the application not being 'called in' by the Secretary of State.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. The policy accords with the requirements of policies 1, 2, 3, 4, 22,26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4 E1 and E2 of the adopted South Kesteven Core Strategy 2010. Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues, the design of the proposed development and concerns about the impact of the development on local wildlife and trees on the site. Whilst all of these issues are material consideration to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal.

A retail impact assessment and a transport assessment have been submitted in support of the application and it is considered that these demonstrate that the development, subject to conditions, would not have a significant adverse impact on Stamford Town Centre or highway safety.

An ecological assessment has also been submitted and it is considered that subject to a condition requiring additional details of mitigation measures to be submitted in accordance with the measures set out in the supporting ecological survey the

development would not result in any significant adverse impact on local wildlife and ecology.

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

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

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

2. No development shall take place 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).

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitats.

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas of fifty car parking spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained.

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

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:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.

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

- 3) The results of the site investigation and detailed risk assessment referred

to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: The site is located in a sensitive area for groundwater, with a Principal Aquifer present below the site (Lincolnshire Limestone) and is also within a Source Protection Zone 2. In addition, surface waters are in close proximity to the site, including the River Gwash and the River Welland.

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 any unforeseen contamination encountered during development is dealt with in an appropriate manner.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the local planning authority, for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any piling or foundation designs do not increase the potential for contaminants at the site to migrate and impact the underlying Principal Aquifer.

8. No development shall take place until details of any external lighting have been submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed lighting does not have an adverse impact on the amenity of the surrounding area in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

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

Proposed Site Layout Plan: Ref A1A00037 A(PL) 01-101 Rev B
Proposed Elevations: Ref A1A00037 A(PL) 01-200
Part Typical Elevation: Ref A1A00037 A(OO) 01-201
Proposed Site Section AA and BB: Ref A1A00037 A(PL)01-202
Landscape Masterplan: Ref SF1412 LL01 Rev D
Tree Protection Plan: Ref SF1412 TPP01 Rev B
Proposed Roundabout: Ref 10-257-TR-009 Rev A
Proposed Bus Layby : Ref 10-257-TR-011
proposed Pedestrian Crossing: Ref 03/332/100/013 Rev A

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

10. The buildings hereby approved shall not be occupied until a new four arm roundabout on Uffington Road (as indicatively shown on drawing ref 10-257-TR-009 Rev A) has been implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

11. Development shall not commence until details of the proposed bus stop together with all ancillary works on Uffington Road have been submitted to and approved in writing by the local planning authority; and the buildings hereby approved shall not be occupied until the bus stop has been provided in accordance with the approved details.

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

12. Development shall not commence until details of a pedestrian crossing facility on Uffington Road together with all necessary ancillary works as indicatively shown on drawing number 03/332/100/013A have been submitted to and approved in writing by the local planning authority; and the buildings hereby approved shall not be occupied until the pedestrian crossing facility has been provided in accordance with the approved details.

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

13. Prior to commencement of first use of each unit the road and/or footways providing service access to that unit for the whole of its frontage from an existing public highway shall be constructed to a specification to enable them to be adopted as highway 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 occupation is commenced of the penultimate unit.

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

14. Prior to the buildings hereby approved been occupied all objects exceeding 0.6 metres high shall be removed from the vision splays as indicated on drawing number 10_257_TR_009 Rev A dated 21 March 2012, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6metres in height.

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

15. No development shall take place until the detailed design for the arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved arrangements.

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

the occupants/residents/users of the site

16. No development shall take place until details of the provision of parking/turning/manoeuvring/loading/unloading areas for vehicles have been submitted to and approved in writing by the local planning authority.

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

17. Development shall not commence until an updated Framework Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order that the local planning authority conforms to the requirements of the National Planning Policy Framework in terms of promoting sustainable development.

18. No development shall take place until all existing trees to be retained as part of the development as shown on the approved plan (ref SF1412 Tpp01 Rev B) have been fenced off to the limit of their branch spread, or as otherwise approved in writing by the local planning authority. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these fenced areas. The tree protection measures shall comply fully with the guidelines and recommendations set out in the Arboricultural Survey Report submitted on 27 February 2012.

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

19. No development shall take place until details indicating the position, design, materials and type of boundary treatment to be erected together with a timetable for their provision has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance for the proposed development in the interests of visual amenity in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

20. No development shall take place until 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; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). 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; and an 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).

21. No development shall take place until details of any new hard surfaces to be installed inside the root protection areas of any retained trees has been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that the hard surfaces will be constructed using the no-dig method of construction as described in Arboricultural Practice Note 12.

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

22. The total net sales floorspace for the development hereby approved shall be restricted to a maximum of 4,576 sq m.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

23. The total net sales non-bulky comparison goods floor space shall be restricted to 2,803sq m (clothing, footwear, glassware, chemists goods, jewellery and other personal effects, sports equipment, games, toys and hobbies, books, pets and pets products, small electrical appliances, chinaware and kitchenware, perfume goods, toiletries, stationary, fashion accessories and soft furnishings).

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

24. The total net sales bulky comparison goods floor space shall be restricted to 1,773 sq m (furniture, floor-coverings, DIY and decorating goods, garden supplies, office equipment and supplies, motor accessories, bicycles, electrical and gas goods and appliances, audio visual equipment).

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

25. The minimum retail unit size shall be restricted to 465sq m gross.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

26. The retail units hereby permitted shall only be sub-divided in accordance with the approved plans and there shall be no further sub-division of the units without an express grant of planning permission by the local planning authority.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

27. No development shall take place until details of a scheme for the mitigation of the ecological impacts of the development and enhancement of habitat creation have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the recommended enhancement measures as set out in section 4.4 and 5.0 of the Ecology

Report (rev A) undertaken by Smeeden Foreman dated October 2011. The development shall then be carried out in strict accordance with the approved scheme.

Reason: To ensure that the development does not have an adverse impact on the local ecology.

28. The premises hereby permitted shall be used for the sale of non-bulky and bulky comparison goods only and for no other purpose (including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the retail operation would not adversely affect the vitality and viability of Stamford Town Centre.

29. The premises hereby permitted shall not be used for the sale of food and convenience goods (food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals, non-durable household goods) without an express grant of planning permission by the local planning authority.

Reason: To ensure that the retail operation would not adversely affect the vitality and viability of Stamford Town Centre.

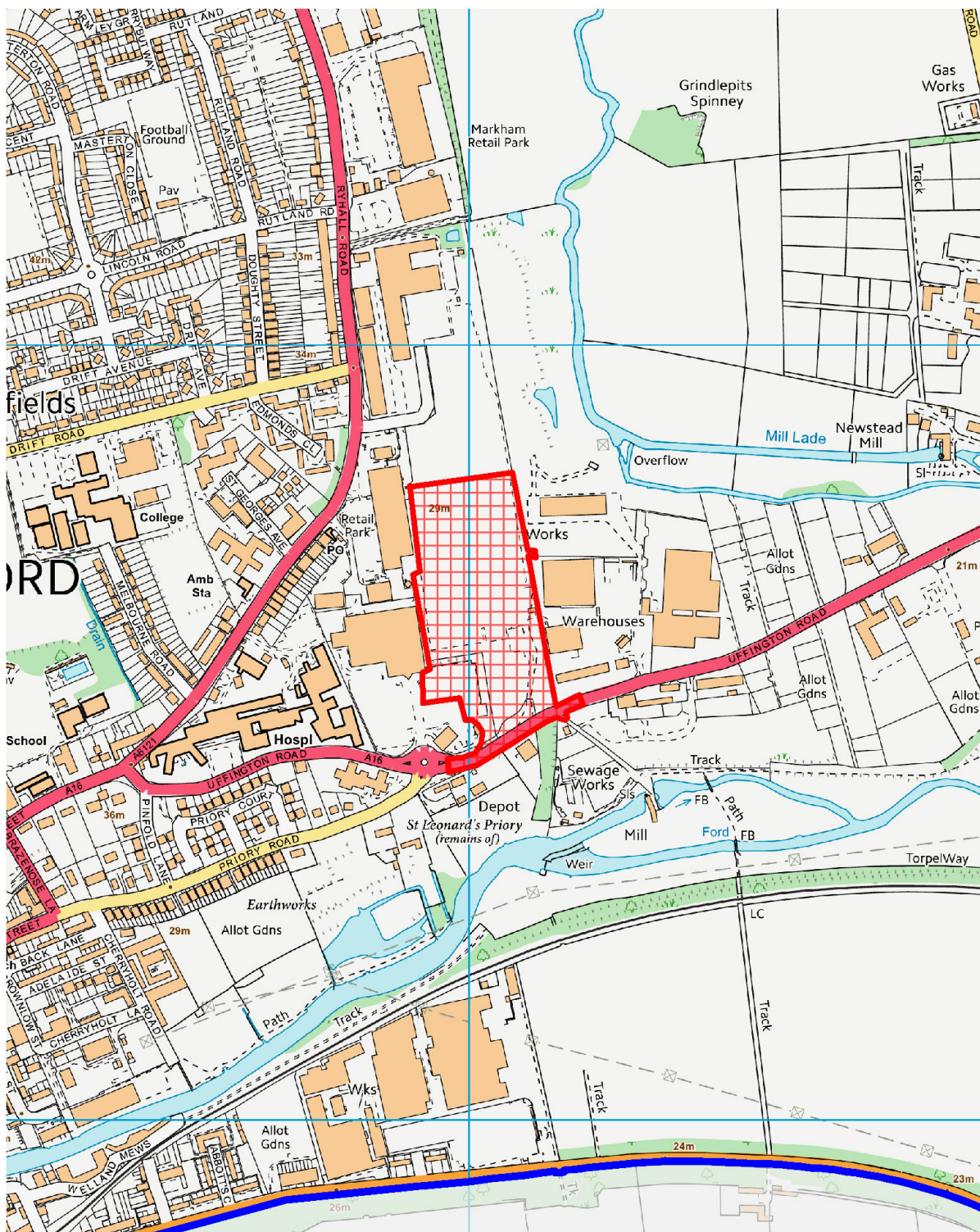
Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
2. prior to commencement of the permitted development a Section 278 Agreement of the Highways Act 1980 shall be entered into with the local highway authority Lincolnshire County Council to provide a four arm roundabout and bus stops and pedestrian crossing facilities together with all drainage, lighting and necessary ancillary works.
3. This permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to drainage may need to be submitted on request for approval of the Lead Local Floods Authority and any amendments to the approved scheme shall subsequently be implemented before occupation of the first unit of the phase to which this permission relates.
4. Your attention is drawn to the attached letter from the Environment Agency dated 05 November 2012 which provides additional information in relation to the details to be submitted for the conditions outlined above.

* * * * *

Site Location Plan

Ref	S06/1151
Proposal	Non food retail development (6 units) with associated parking, servicing and access
Location	Former Mirlees Blackstone Site, Uffington Road, Stamford



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Applicant	South Kesteven District Council South Kesteven District Council, Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Agent	Mark Blackwell, South Kesteven District Council South Kesteven District Council, Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Proposal	Erection of single storey side and rear extensions
Location	10, Glen Crescent, Stamford, Lincolnshire, PE9 1SW
App Type	Householder Development
Parish(es)	Stamford
Reason for Referral to Committee	This application has been referred to Committee as the applicant is the District Council.
Recommendation Summary	The proposed single storey extensions would have no significant adverse overbearing, overshadowing or overlooking impacts on the adjoining properties and would be in keeping with the character of the application dwelling and the wider streetscape. The proposed development is therefore in accordance with national and local policies as set out in the National Planning Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

Key Issues

- Impact on Residential Amenity
- Impact on Visual Amenities

Technical Documents

- Application Form
- Site Location Plan
- Existing and Proposed site layout plans
- Existing and Proposed elevation and floor plan drawings

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to Committee as the applicant is the District Council.

The Proposal

This is an application for full planning permission in relation to the proposed erection of a single storey flat roofed extension to the southern side/rear elevations of the property. The proposed extension has a maximum width of some 5.05 metres and projects some 3.3 metres beyond the existing rear wall of the dwelling. The extension, which has a height of 2.75 metres above ground level, is located a minimum distance of 3.2 metres from the common boundary with No. 12 Glen Crescent. Facing materials are specified to match the existing.

The Application Site and its Surroundings

The application property at No. 10 Glen Crescent, Stamford is - along with No. 12 - one of a pair of two storey semi-detached dwellings located adjacent to a garage court area close to the junction of Glen Crescent with Willoughby Road. The common boundary between Nos. 10 and 12 Glen Crescent is defined by a mature hedgerow approximately 1.8 metres in height. The site is adjoined to the west by the rear garden areas of dwellings fronting onto Willoughby Road.

The application property has an existing small flat roofed single storey extension to its southern side elevation.

Relevant Planning History

No relevant planning history

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 EN1 - Protection and Enhancement of the character of the District.

Representations Received

Stamford Town Council - no representations received to date.

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

Representations as a Result of Publicity

No representations received to date.

Officer Evaluation

The proposed scheme will not lead to any loss of off-street parking facilities and therefore the key issues in relation to this proposal are the impacts on residential and visual amenities.

The Impact on Residential Amenities

Given the modest height of the proposed extension, its distance from the common boundary with No.12 Glen Crescent and the screening provided by the existing mature boundary hedgerow, it is considered that the proposed development would have no significant adverse overbearing, overshadowing or overlooking impacts on the residential amenities of the occupiers of the attached property. The separation distances between the proposed extension and the adjoining properties fronting onto Willoughby Road will also ensure that there will be no significant physical or overlooking impacts on other properties.

The Impact on Visual Amenities

It is considered that by virtue of its design, scale and materials to be used, the proposed development would be in keeping with the character of the host building and the wider streetscape.

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(S) FOR APPROVAL

It is considered that the proposed development would have no significant adverse overbearing, overshadowing or overlooking impacts on the residential amenities of the occupiers of the adjoining properties. It is also considered that by virtue of its design, scale and materials to be used, that the proposed development would be in keeping with the character of the application dwelling and the wider streetscape.

It is therefore considered that the proposal is in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the South Kesteven Core Strategy and that there are no material considerations which 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 development shall be undertaken in strict accordance with the details shown on the following approved drawing numbers :-

Location Plan (Scale 1:1250) received on 7 November 2012
Existing Layout Plan (Scale 1:200) received on 13 November 2012
Proposed Layout Plan (Scale 1:200) received on 13 November 2012
Existing Layouts (Scale 1:50) received on 7 November 2012
Proposed Layouts (Scale 1:50) received on 7 November 2012

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

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

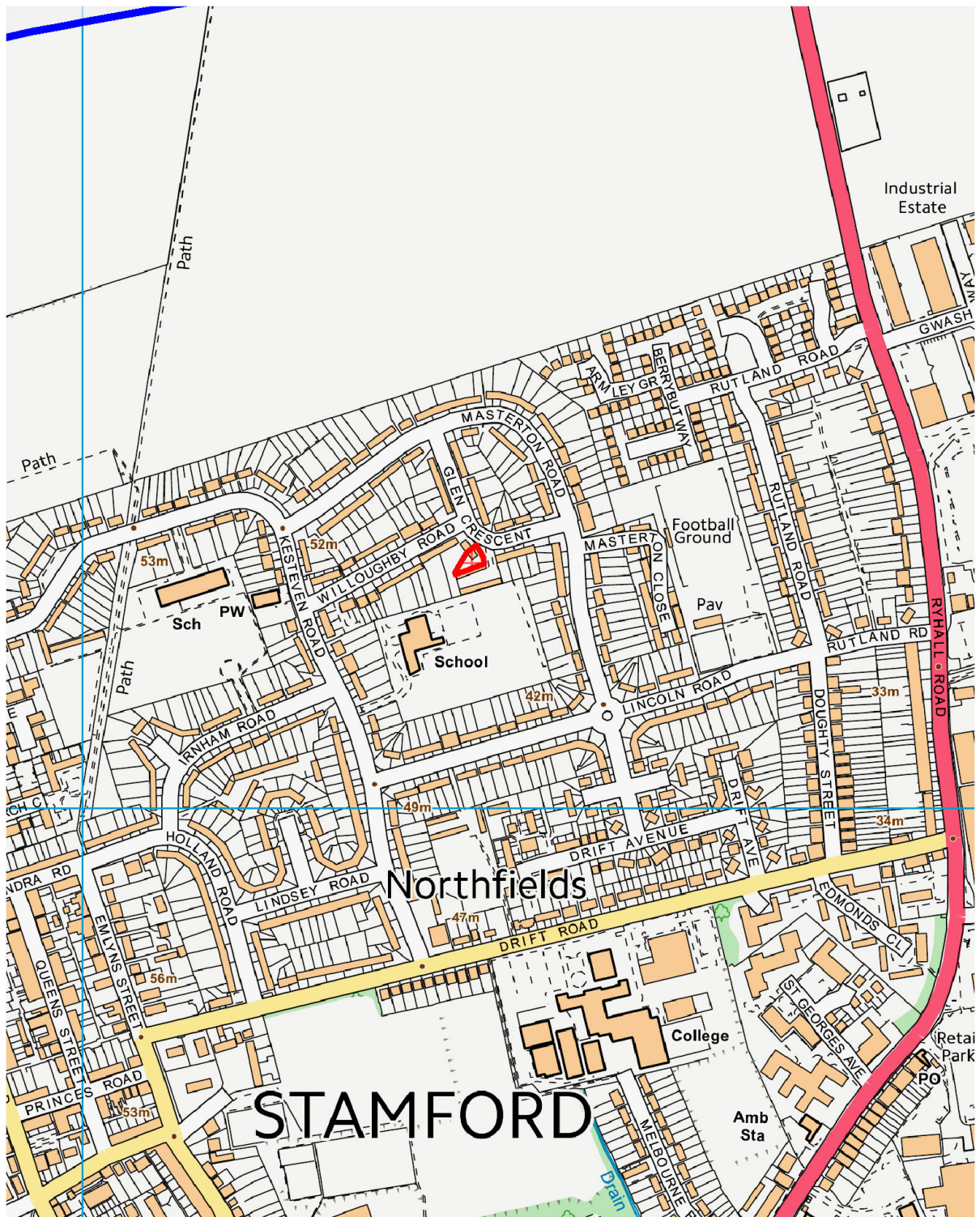
Note(s) to Applicant

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	S12/2875
Proposal	Erection of single storey side and rear extensions
Location	10, Glen Crescent, Stamford, Lincolnshire, PE9 1SW



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Applicant	D Dobney, Mantels c/o agent
Agent	Mr S & R Willows, Plan-It Design Ltd Unit 27, Roseland Business Park, Long Bennington, Newark, NG23 5FF
Proposal	Erection of storage unit, 2.4m high gates and fencing and replace flat porch roof with mono pitch
Location	9, Ruston Road, Grantham, Lincolnshire, NG31 9SW
App Type	Full Planning Permission
Parish(es)	Londonthorpe & Harrowby Without
Reason for Referral to Committee	The application has been referred to the Development Management Committee as the applicant is related to a member of staff.
Recommendation Summary	Recommendation is approval subject to conditions.

Key Issues

- Potential impact on visual amenity

Technical Documents Submitted with the Application

- Design and Access Statement
- Proposal drawing
- Site plan

REPORT

Application Category

This application is categorised as a full application.

Reason for Referral to Committee

The application has been referred to the Development Management Committee as the applicant is related to a member of staff.

The Proposal

The application proposes the erection of a steel clad storage building, 2.4M high steel palisade fence with secure gates and replacing flat roof to the front entrance porch with a pitched roof.

The Application Site and its Surroundings

The application site is situated within the industrial estate at Alma Park on the west side of Ruston Road which in turn lies to the west of Alma Park Road.

Relevant Site History

There is no relevant site history on this site.

Policy Considerations

National Policy

National Planning Policy Framework Section - 1 Building a strong, competitive economy

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy

Policy E1 – Employment Development

Representations Received

The local Highways Authority does not wish to restrict the grant of permission and it is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.

Environmental Protection has reviewed the documents for the planning application and has no comments to make.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and no representations have been received.

Officer Evaluation

The application proposes the erection of one striate unit and fence on the site and replacement roof to porch , the site is situated within an established industrial area. The outdoor unit will provide additional storage for the existing established business.

The proposed storage unit is situated to the far North of the site and behind the existing unit a considerable distance from the main road frontage and located in a position that doesn't have any residential buildings to the rear.

The storage building will be surrounded by 2.4M high steel palisade fence with secure gates these are a continuation of existing fences to units adjacent to the proposal site. The main consideration in the determination of this application is potential impact on visual amenity.

The alterations to porch include the removal of the existing flat roof to porch and replace with mono pitch roof with concrete tiles. Again the only issues relating to this part of the development is any potential impact on visual amenity.

It is considered that although all the siting of the outbuilding is not a detriment to the visual amenity of the surrounding area, it is not considered to be a suitable long term solution and should be granted on a temporary basis to allow the applicant to look at a more suitable solution to potential storage issues on the site such as a brick built extension attached to existing unit.

The proposals by reason of size, siting and design will not impact upon the amenities of the occupiers of nearby units, or the character of the area and complies with Policies SP1 and E1 of the adopted South Kesteven Core Strategy and Section 1 of the National Planning Policy Framework building a strong, competitive economy.

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.

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 storage unit hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this permission.

Reason: Whilst permission has been granted in this instance, because of the position of the building and the materials used in its construction the planning authority wish to be in a position to review the effect which the continued siting of the building will have on the appearance of the area.

3. The storage unit shall be used for the purpose hereby permitted and for no other purpose.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings.

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

Drawing No. BB/M/12/001 received 22 October 2012

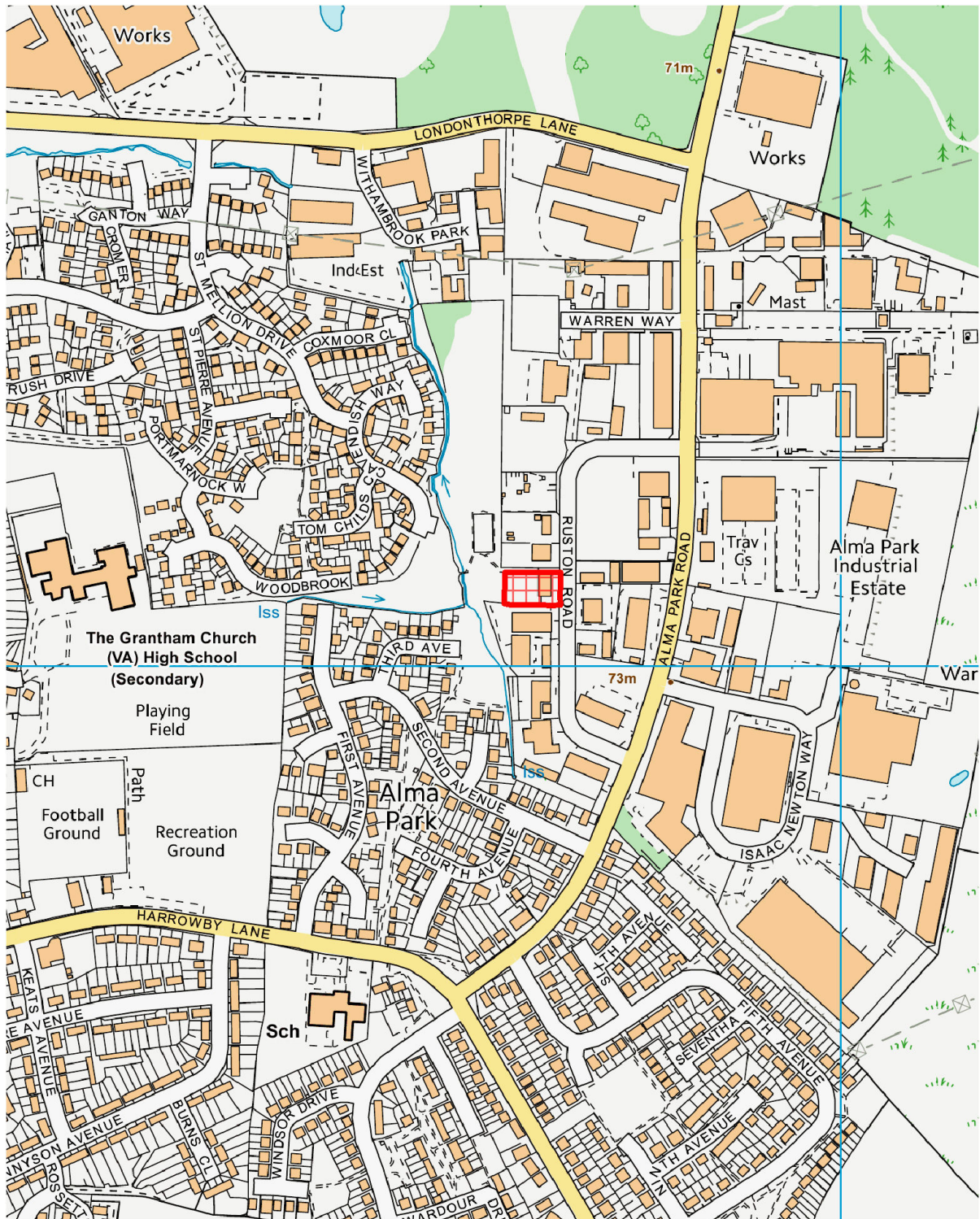
Design and Access Statement revised 5 November 2012 received 6 November 2012

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

* * * * *

Site Location Plan

Ref	S12/2734
Proposal	Erection of storage unit, 2.4m high gates and fencing and replace flat porch roof with mono pitch
Location	9, Ruston Road, Grantham, Lincolnshire, NG31 9SW



JJ2

S12/2555/DC

Target Decision Date: 30-Nov-2012

Committee Date: 18-Dec-2012

Applicant	Mr L Goodale, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	Mr N Connett, Wm Saunders Partnership Sheppard Lockton House, Cafferata Way, Newark, NG24 2TN
Proposal	Approval of details relating to Condition 11 (landscaping) for application S11/2953
Location	Land off, Burghley Street, Bourne
App Type	Discharge of Condition(s)
Parish(es)	Bourne
Reason for Referral to Committee	South Kesteven District Council application
Recommendation Summary	The submitted landscaping details are considered acceptable in relation to condition 11 of planning permission S11/2953. (Landscaping).

Key Issues

- Acceptability of the submitted landscaping details

Technical Documents Submitted with the Application

- Site plan incorporating landscaping details

REPORT

Application Category

This application is an application for the approval of details relating to conditions.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the Chairman as the application is for South Kesteven District Council.

Introduction

This application was reported to the Development Control Committee on 4 December 2012. At that meeting Members were minded to approve the application subject to the landscaping having an area of grasscrete in order to allow for parking. The application has been referred back to the Development Control Committee as there was no requirement on the original consent for this area to have any element of grasscrete. The area of land in question was always intended to be cleared and to have minimal landscaping (turfing / grass seeding), as this is only intended to be a temporary landscaped area until phase 2 of the Bourne Core Area development advances in the future.

The Proposal

This is an application for discharge of condition 11 of application S11/2953. Condition 11 requires landscaping details to be submitted and approved by the local planning authority.

Application S11/2953 relates to the Bourne Core Area redevelopment scheme which comprises of five main elements:

1. The demolition and removal of existing buildings,
2. The conversion of Wherry's Mill to apartments,
3. The development of 7 retail units with apartments above along Wherry's Lane,
4. Alterations to the car parking layout of Burghley Street car park,
5. The landscaping of an area of land to the north of the proposed development which could form Phase 2 of the development at some point in the future.

The Application Site and its Surroundings

Bourne Core Area comprises an area of land between North Street and Burghley Street measuring approximately 2 hectares. The application site is a linear strip of land on an east west axis located towards the southern end of the Bourne Core Area and measures approximately 0.68 hectares.

The application site is comprised of a number of smaller sites including Herewards Freemasons Lodge, 15A Burghley Street, Freemans Cars and Commercials 17A Burghley Street and the adjacent Burghley Street car park. The site also includes the Wherry's Mill Building.

The surrounding area is characterised by strong retail frontages to North Street and West Street with many listed buildings and other buildings of architectural interest.

The southern part of the site including part of the car park, Wherry's Mill and the Freemasons Lodge are also located within Bourne Conservation Area.

Burghley Street provides rear access to North Street and some of the West Street businesses. The land to the north and west of Burghley Street is predominantly residential in character, comprising a mix of terraced, semi-detached and detached properties.

A number of the buildings proposed to be demolished have now gone including the commercial buildings to the north of Wherry's Mill and the rear industrial extension to the old mill.

Relevant Site History

The following site history is relevant to this particular application:

SK.12/2066/88 – In February 1989 planning permission was granted for the change of use of 14A Burghley Street to shops and offices.

SK.12/1274/89 – In September 1989 outline planning permission was granted for residential development of land to the south of Burghley Street Bourne.

SK.12/1593/89 – In January 1990 outline planning permission was granted for residential development of warehouse, Burghley Street Bourne.

SK.98/0512/12 – In October 2002 this application which was for the demolition and replacement residential development on the Wherry's Mill site was deemed to be withdrawn. The Council at the time had concerns with regards to the loss of the Mill which was considered to be a heritage asset at that time. An associated application for Conservation Area Consent for demolition of the warehouse was also deemed withdrawn (SK.98/CA/5142/12).

S99/0138/12 – In May 1999 planning permission was granted for the conversion of workshop and office to day nursery at 14 A Burghley Street Bourne.

S11/2953 – In March 2012 planning permission was granted for the redevelopment of the Bourne Core Area (Phase 1). The scheme involves the renovation of Wherry's Mill and its conversion for apartments including the demolition of the industrial extension to the old mill and the creation of a modern link to the proposed retail and residential development to the rear of the mill.

S12/1076/DC – In June 2012 approval was given for the details submitted in relation to conditions 2 and 22 (surface water drainage), 4 (materials), 5 and 6 (contamination), 11 (landscaping), 14 (method statement for construction/demolition) and 23 (method statement for protection of bats) of planning application S11/2953

Policy Considerations

National Planning Policies:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS4 – Planning for Sustainable Economic Growth
- PPS5 – Planning for the Historic Environment
- PPS9 – Biodiversity and Geological Conservation
- PPG13 – Transport

PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

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
Policy 14 – Regional Priorities for Affordable Housing
Policy 18 – Regional Priorities for the Economy
Policy 22 – Regional Priorities for Town Centres and Retail Development
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 48 – Regional Car Parking Standards

South Kesteven Core Strategy:

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
EN3 – Renewable Energy Generation
EN4 – Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing
E1 – Employment Development
E2 – Town Centre and Retail Development

Supplementary Planning Guidance:

Bourne Town Centre Redevelopment SPG revised June 2009

Representations Received

None

Representations as a Result of Publicity

No comments received

Officer Evaluation

In June 2012 approval was given for the details of the proposed landscaping scheme submitted in relation to condition 11 of application S11/2953. The approved landscaping scheme showed three trees which are to be removed to be retained until phase 2 of the scheme is implemented.

This current application, for approval of the landscaping details, proposes to remove these trees as part of the phase 1 development. As the proposed trees were always

shown to be removed as part of the development it is considered acceptable for them to be removed as part of phase 1.

Section 106 Heads of Terms

Not applicable to discharge of condition applications.

Crime and Disorder

The proposed landscaping details raise no significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

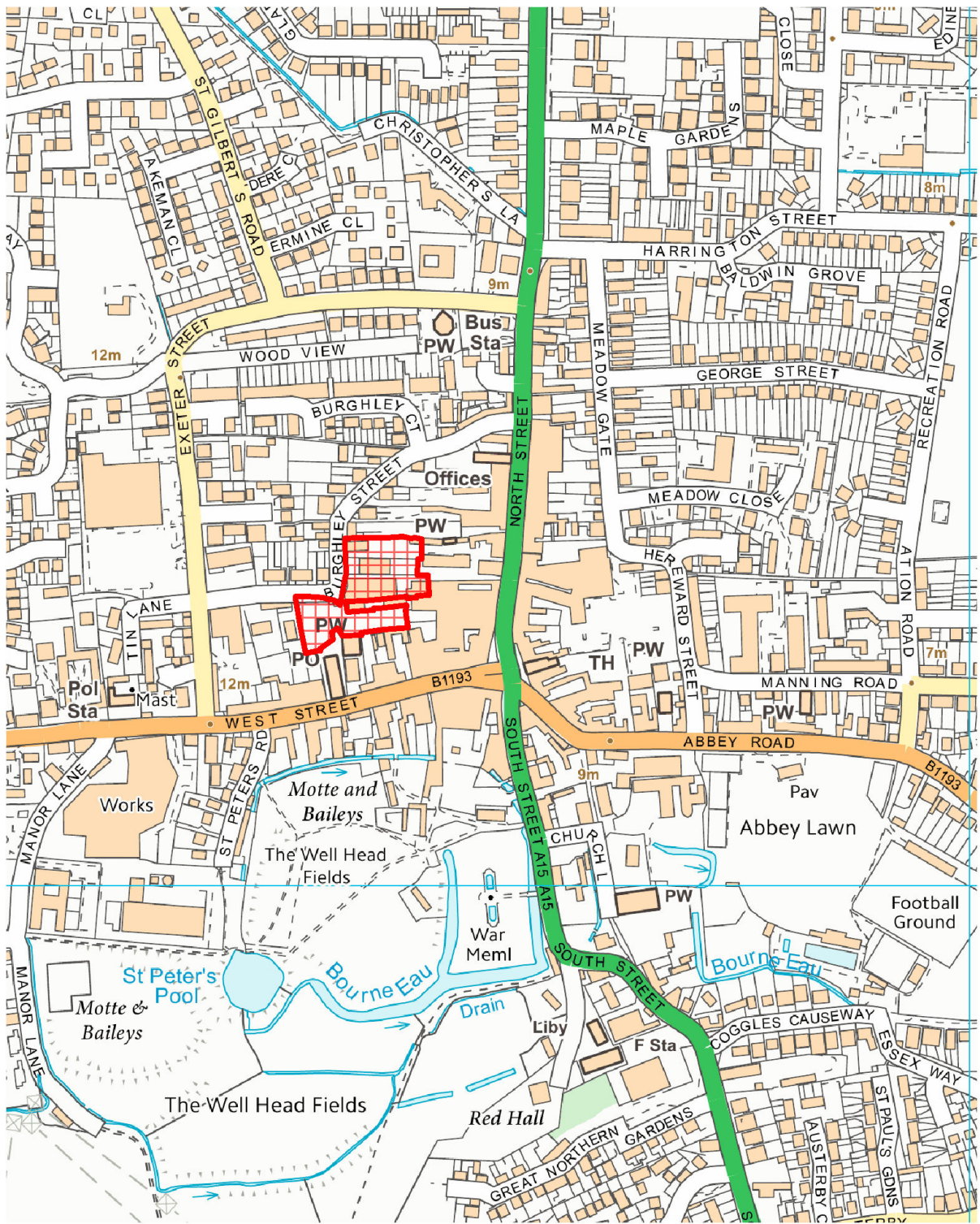
The proposed landscaping scheme is considered to be acceptable and complies with the original documentation submitted in support of the substantive full application S11/2953 for the Bourne Core Area redevelopment.

RECOMMENDATION: That the development be Approved (without conditions)

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Site Location Plan

Ref	S12/2555
Proposal	Approval of details relating to Condition 11 (landscaping) for application S11/2953
Location	Land off, Burghley Street, Bourne



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