

**Development Control Committee
26 March 2013**

Additional Information

NB1 - S13/0221

A total of 13 additional letters have been received, 7 in support and 5 objecting. A further letter has also been received from the agent on the need for the audio recording.

Proposal

Approval of details of Conditions 3 and 4 (scheme protecting amenity) to planning permission S12/0193 for the erection of a skate park

Information Received

The letters of support raise similar issues to those previously considered namely that the skate park is required to offer much needed services to local teenagers and that the application should be approved.

The letters of objection express concern that the application is recommended for approval given the concerns expressed by MAS. Feel that the management plan is still inadequate with a lack of consultation with local residents. The CCTV should be infrared and on-line so that it can be monitored effectively at night. Independent noise consultants should be used for the monitoring of the park. Any litter and graffiti should be removed as a matter of course.

Officer Comment on Information Received

The setting of the noise meter to record at 125 milli-second is adequate to ensure that the noise readings undertaken can be assessed to know whether or not the skatepark is causing a noise nuisance. It is considered that in accordance with the recommendation of MAS audio recordings should be undertaken alongside the noise readings. In mitigation, it is indicated by the agent that the technical report to accompany the noise reading will identify likely noise sources; MAS suggest that the audio record will be required too.

As suggested by MAS, it is considered the audio recording is something that should be done and incorporated into the Management Plan. An alternative would be that readings are undertaken by Environmental Health Officers of the Council, but this approach is not recommended by your Officers.

The security cameras installed are not intended to be infrared but have the capability to be so if required, nor will they be linked to the Internet. There is no reason to question the impartiality of the noise consultants appointed by the applicants. Litter and graffiti removal is a feature of park management that would need to be undertaken by appropriate bodies, regardless of the skatepark.

Alterations to Conditions

None.

Changes to Recommendation:

The Management Plan be approved subject to the audio recording being undertaken alongside the noise readings.

NB2 - S12/1198

An amended landscaping scheme.

Proposal Erection of two retail units (non food)

Information Received

An updated landscaping scheme has been submitted that reflects the amended car parking layout.

Officer Comment on Information Received

The previous landscaping scheme was largely acceptable but did not reflect alterations to the parking layout. The amended plan now accords with the layout as proposed and the amended landscaping scheme is acceptable.

Alterations to Conditions

Delete condition 12 and alter condition 13 to reflect the updated landscaping scheme. The updated condition 13 is drafted below;

All hard and soft landscape works shall be carried out in accordance with drawing 1001 rev C. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or shrubs that die or are removed within the first five years of the landscaping being implemented shall be replaced.

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).

Changes to Recommendation:

None.

PJM1 – S12/2769

Proposal Proposed new community building / sports pavilion and additional associated parking.

Information Received

Amendments have been submitted at the request of the officer. The hardstanding to the frontage which leads to the main entrance of main hall has been extended to the back edge of the kerb to the road.

Furthermore, a 6.0m x0.9m steel palisade fence has been included to the east of the main hall to protect pedestrians from vehicles accessing the car park. It is considered that this fence will stop pedestrians stepping from the access path to the main front door straight into in-coming vehicles.

The applicants have also amended the opening hours from 21:30 to 23:00.

Additional Consultee Comment

Comments have been received from Environmental Health as follows:

I have looked at the documents submitted with the planning application S12/2769 (proposed community hall, Great Gonerby) and the further consideration for the hours of use of the building to be extended to 11:00pm. The condition relating to noise which was initially placed on the earlier application should remain. It would be sensible that the applicant provides for approval by the planning authority a noise management plan for the facility to minimising noise emissions associated by the use of the facility so as to protect the amenity of surrounding residential properties.

Alterations to Conditions

10. The premises shall not be used for the purposes authorised by this permission outside the hours of 07:30 to 23:00 hours.

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

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

Drawing Number T246 - 102 Rev B dated 7th March 2013
Drawing Number T246 - A-03 Rev K dated 18th March 2013
Drawing Number T246 - A-01 Rev F dated 18th March 2013
Drawing Number T246 - A-02 Rev F dated 9th September 2013

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

13. Before the buildings hereby approved are occupied a noise management plan shall be provided for approval by the planning authority for the facility to minimising noise emissions associated by the use of the facility

Reason: To protect the amenity of surrounding residential properties.

Changes to Recommendation:

No change to the recommendation. Approval of Planning Permission subject to conditions stated in the main committee report.

JJ1 -S13/0260

Proposal: Development of a Football Stadium, with associated infrastructure and facilities to include multi-use training pitch. Erection of sports college building to include dual use facilities for the football stadium. Provision of car and coach parking area with additional use for car boot sales on up to 30 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations.

Summary of information received:

The application has been advertised in accordance with the Council's Statement of Community Involvement and 9 additional letters to those summarised in the main agenda have been received. The letters raise the following additional comments to those already summarised in the main agenda:

- Concerns about the timing of the committee meeting and that it should be held in the evening in order to allow more members of the public to attend,
- Concerns about the way in which the noise assessment has been undertaken,
- Concerns about the opening hours for the use of the site which are proposed from 09:00 – 24:00,
- Concerns about impact on residents hearing from noise from whistles being blown during matches,
- Will there be any fencing along the boundary of the proposed footpath from Kesteven Road to the site to prevent people / animals from entering the adjacent allotments which will boarder this new footpath,
- Adverse impact on local wildlife,
- Pollution from car fumes,
-

In addition to the above the following comments have also been received:

Stamford Town Council: The Planning Committee was unanimously in favour and welcomes the application as it is considered that the proposal will be beneficial to Stamford. However, the following concerns were noted:

1. Access to the site should be referred to Lincolnshire County Council Highways for their recommendation. and,
2. Residents have raised the issue of noise which should be referred to SKDC Environmental Services for their assessment.

Uffington Parish Council: The Parish Council were concerned that the acoustic survey was extremely kind to the developers and because of this the 9 am closing down time for outside sports and the licensed premises should be rigorously enforced. The Parish Council were still also very concerned regarding the likely traffic problems and whether the Traffic Survey has been completed. Because of the envisaged increase in traffic flow and the entrance to the site being adjacent to a hidden dip, the installation of a roundabout was though paramount and the 30mph speed limit should also be extended. The Parish also raised concerns about increase traffic on surrounding roads, especially the Belmesthorpe to Newstead Road, as it appears this is being used as a rat run off the Ryhall Road.

Environmental Protection Team: The Environmental Protection Team has confirmed that the proposed development is acceptable from a noise perspective but recommend conditions to control the following:

1. Noise management scheme to control the PA and sports hall events,
2. Conditions to control the bund as set out in the recommendations from MAS (the Council's consultant advisors in relation to noise)

MAS Environmental: MAS have provided consultation advice to the Council's Environmental Protection Team in relation to noise from the proposed development. MAS's comments are summarised as follows:

"To summarise, MAS have highlighted areas in the Hepworth Acoustic noise impact assessment where information is lacking and which leads to uncertainty. This includes the following:

- Discrepancy in bund height between January and February assessments without confirmation of any changes to height.
- Changes in predicted noise levels and impact between January and February assessments without explanation.
- Lack of provision of detailed data upon which assessment is based including reference time periods over which noise measurements were made, spectral information of noise sources, ambient and background noise trace plotted against time etc.
- Limited information regarding calculations of predicted noise impact and failure to confirm the approach to calculation of noise impact.
- Limited information regarding calculations of predicted noise impact and failure to confirm the approach to calculation of noise impact.

Given the limited timescales on which the application is to be considered for approval and with reference to the response of Hepworth Acoustics in the letter dated 21st February 2013, MAS has undertaken an independent assessment of noise impact expanding on the information provided in the Hepworth Acoustics noise impact assessment.

Most Concern relates to the use of the main / Stadium ground and noise from the PA. There is also concern that measured ambient noise levels may not be representative of typical ambient noise in the absence of transient noise sources. As such, the MAS assessment has been largely based on comparison of predicted noise, modelled using CadnaA noise mapping software, to background noise levels and consideration of duration and frequency of impact.

MAS conclude that provided suitable conditions are put in place to achieve the level and frequency of noise discussed below, there is no reason to refuse the application on noise grounds. Although noise impact is predicted at a significant margin above background and ambient noise levels and predictions are likely to under-represent impact, sufficient controls can be introduced so that noise impact at this level is acceptable. MAS recommend that the application is approved subject to the following controls and conditions:

- A noise management scheme should be submitted to control noise emitted from the sports hall (see Hepworth Acoustics report, para 5.64). This should include consideration of noise impact from functions proposed to operate until 24:00.
- External generators are not allowed for car boot sales (see Hepworth Acoustics report, para 5.62).
- Mechanical services plant noise levels should adhere to the Hepworth Acoustics recommendations specified in the Hepworth Acoustics report, para 5.65 – 5.67.
- The bund should be at least 10m high relative to the pitch level at the development site and at least 4m high relative to the ground level at nearby housing to the south of the development site.
- Stricter limits would be required where events were more regular than proposed in Hepworth Acoustics noise impact assessment.
- The PA system may be used for Saturday afternoon senior football team matches, may be used for no more than 5 weekday matches in a season and may not be used for other activities or events.
- If it is confirmed that there will be only one PA speaker in the stadium, the PA system should be limited to 70dB LAeq 10m from the source at all times.
- If a single PA speaker is not confirmed or not proposed, the application can only be approved subject to the requirement of a PA noise management scheme. This should include the layout, location, height, type, method of control and sound power level of the PA system. The aim should be for PA noise at nearby dwellings to not exceed the relevant predicted PA values in table 1 of this report.”

Letter from Local Resident

A local resident Mr Durrant who cannot attend the meeting has submitted a statement objecting to the proposed development. The statement is attached in full below:

“To the Members of the Development Control Committee

The development application S13/0260 is an extension to, or continuation of, the previous planning application by Insight Town Planning (on behalf of Burghley Estates) S11/2288, and as such all the reasons for objection that I have previously presented to the Development Control Committee remain valid. I therefore request that these are reviewed by the Committee as part of my objection to this application.

In fact the decision to combine usage with Stamford College as part of this revised application, not only increases the potential levels of noise, traffic and light pollution, but also extends the period of duration that these pollution factors will be felt by those most adversely affected by them.

The planned provision of bunding is inadequate to prevent this pollution and the planting of a treeline will only provide effective (a debatable point in itself) screening 15 years after planting. Something which will be stated in the planning applications own documented reports.

The requirement for a development of this type is perhaps agreed by many, but what is clearly obvious to those not with a vested interest in this application being approved, is that there are more suitable locations which should be considered. This is particularly more relevant now that Stamford College will be a prime user of the facilities. There are locations significantly closer to the college that are more suitable and are brown field sites.

I have even had a direct conversation with one of the Stamford Town Football Club representatives who agreed that this proposal was not his personal preferred location and that we were also in agreement with the most ideal site for a development of this kind. I regrettably suspect however that he would (perhaps understandably) be reticent to publicly announce this due to the pressure within the interested parties to complete this application.

Assumptions have also been made that due to it's out of town location, the provision of a cycle path will allow for non-motorised methods of transport to be used. This assumption is made in complete ignorance of the way that the vast majority of the population of the UK travel, either for recreation or work. The proposed location of this development will without doubt increase vehicular traffic which does not comply with the requirements of the Planning Key Principles (formally PPS1, PPG13 & PPG17), although these policies may now have been superseded by subsequent revised documents, the principles of my objection on these grounds remains valid.

The issue of transport is compounded by the lack of suitable public transport to this site and with it being considerably further from public transport 'hubs' than it's exiting or other more suitable locations.

In conclusion, I would like to state that this proposal is wholly inappropriate for this greenfield site and that the facts presented to support it have been found to be unsound and biased towards granting approval.

I would respectfully request that those Councillors who raised similar concerns over application S11/2288 remain 'in objection' to this revised application and those councillors who voted in favour, revisit the evidence that has been presented by all parties and more importantly consider the irreversible damage that will be done should the planning application be granted."

Letter from Applicant

The applicant's have also made the following additional comments in relation to the proposed development and suggested conditions:

Having read the report to next week's Committee meeting, I note that matters relating to noise associated with the development are to be reported to Members by way of an update to be issued on 22 March 2013. This report will no doubt make reference to the advice of MAS to the Council in its letter dated 7 March 2013, in which it advises that the application can be approved on noise grounds, subject to conditions.

As I write, I do not know what conditions relating to noise that you will be recommending to Members. However, in recent days we have expressed concern to MAS directly regarding the suggested limitation of weekday matches to 5 in a season. We have pointed out that the reference to 5 matches in the noise report submitted by the appellant is a typographical error, and should read 15. The applicant's planning consultant has sought to encapsulate the conditions suggested by MAS in its 7 March letter in a form that could be used in a formal decision on the application. The two suggested conditions are attached. The effect of the conditions is to:-

1. Require the football club to undertake noise monitoring of the first 5 weekday matches;
2. Submit the findings as part of an overall noise management plan for the site;
3. Identify whether the 70 dB limit for PA noise suggested by MAS has been adhered to;

4. If not, to identify additional mitigation to ensure that it is adhered to at future events; and
5. To require the implementation of that mitigation.

This approach enables the football club to function effectively whilst ensuring that the noise level of 70 dB for the PA system identified by MAS is adhered to (if, that is, the Planning Authority agrees that as an appropriate level). I understand that MAS has reservations about the frequency of weekday matches, considering that 5 matches is an appropriate maximum. However, nobody advising the applicant is aware of an evidential basis for this figure.

Furthermore, and importantly, the outline planning permission for the football stadium and training pitch does not place a limitation on the number of weekday matches. Such a limitation was not considered necessary then, and there is no technical evidence that it is necessary now. This is placed in sharp focus when one considers that the outline permission set a maximum noise level of 78 dB for the PA system. The overall position therefore is that the maximum noise level of the PA system in this application, as recommended by MAS, provides reduced impact on residential amenity in comparison with the outline permission: and yet it is suggested to your Authority that the number of weekday matches should now be limited. A limitation to 5 weekday matches will have fundamental implications for the operation of this facility, the creation of which has huge support in the town.

I hope you will agree that in drafting the attached conditions, the applicant has been proactive in reassuring both you and your Committee that the football club is 'signed up' to monitoring noise levels and acting upon them if required, in the interest of the amenity of residents. Once football matches are being played at the site, it is in the Club's interest to make every effort to maintain good relations with local residents.

We would like to emphasise that to our knowledge there have been very few adverse comments on this application and that MAS have stated that there is no reason to refuse the application on noise grounds.

Clearly, it is a matter for you whether you recommend the attached conditions to your Committee, or alternative conditions which you may already have compiled. Nonetheless, I hope that you find this letter and the suggested conditions helpful in clarifying the applicant's position.

Suggested Noise Conditions:

1. Prior to commencement of the development hereby permitted, a noise management scheme shall be submitted to the Local Planning Authority. The scheme shall include:

(i) details of noise attenuation measures to be incorporated in the construction of the approved building, taking account of use of the building for functions operating until 24:00 hours;

(ii) details of the number of public address (PA) speakers to be installed in the stadium. In the case of a single PA speaker, it shall be limited to not more than 70dB LAeq at 10m from the source at all times. In the case of multiple PA speakers, the submitted scheme shall include the layout, location, height, type, method of control and sound power level of the PA system. The aim should be for PA noise at nearby dwellings to not exceed the relevant predicted PA values in table 1 of the Hepworth Acoustics report 31340.2v1.

(iii) a programme of noise monitoring to be undertaken during the first football season following the completion of the approved development, to include not less than 5 weekday first team matches. The programme shall provide that within two weeks of the 5th weekday match, a report of the noise monitoring shall be submitted to the Local Planning Authority. The report shall identify whether the PA noise limits established by the noise management scheme have been complied with, and if they have not it shall include details of further noise management measures, and a timetable for their implementation, to ensure that the limits are complied with at all future matches.

The development shall not be occupied until the noise management scheme has been approved in writing by the Local Planning Authority, and the scheme shall be implemented as approved.

2. The PA system shall only be used during first team football matches, and at no more than 15 weekday matches in any one football season.

Officer's comments on information:

In relation to the additional comments from the Council's Environmental Protection Team and their Consultant advisors MAS it is considered, subject to appropriate conditions in accordance with the advice and guidance set out above from MAS, that the proposed development will not result in such significant noise and disturbance issue to warrant refusal of this application. It is however acknowledged that the development will have an impact on the area from noise generated by the development but that this can be satisfactorily controlled through the imposition of suitable planning conditions.

Changes to recommendation:

Approve as per recommendation. A full updated list of planning conditions will be circulated prior to the committee meeting.

KJC1 - S12/0484

Proposal Residential Development

Please note this application will not be discussed at the Development Control Committee on 26 March 2013 but will be reported at a future Development Control Committee meeting, the date of which has yet to be arranged.

PWM1 - S12/2038

Proposal Erection of poultry broiler unit - including 8 new broiler sheds with service buildings & associated stores, feed bins & associated equipment and new access track.

Summary of information received:

Amended Plans submitted 14 March 2013 with the dwellings omitted

The original report was written on the basis of the applicant's written agreement to omit the 2 dwellings (which are considered to be contrary to policies SP1 and H1 of the south Kesteven Core Strategy) from the application. However at that time amended plans had not been received. They have now been submitted and a new schedule of conditions has been drawn up to correspond to the amended plans. A number of conditions have been reviewed and reworded.

Changes to recommendation: That the application be approved subject to the following amended schedule of conditions:

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

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

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

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010). The development shall not commence until details of the external finish and colour of the proposed turbines have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

3. Prior to the occupation of the poultry units hereby approved, the site entrance on Caythorpe Heath Lane (C326) shall be improved in accordance with the details shown on the approved plan reference WARD-21 received on 4 January 2013.

Reason: In the interests of highway safety.

4. No development shall take place until Caythorpe Heath Lane has been widened and improved to a minimum width of 6m between the site entrance on Caythorpe Heath Lane (C326) and the junction with High Dyke (B6403).

Reason: In the interests of highway safety.

5. The arrangements shown on the approved site plan referenced WARD-01J received 14 March 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Caythorpe Heath Lane and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.to ensure that military aircraft avoid the area.

6. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

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

7. No development shall take place until full details of planting and landscaping (including planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme) have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. The implementation of the scheme is therefore necessary to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Core Strategy.

8. Notwithstanding the details submitted with the application relating to two proposed new dwellings (drawing nos WARD-04A, 05 and 11), these elements of the proposal are considered withdrawn by the applicant's agent in accordance with the email from Acorus Rural Property Services Ltd dated 12 March 2013 and the amended plans submitted 14 March 2013

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

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 Plan WARD-01J received 14 March 2013

Location Plan WARD-06E received 14 March 2013

Proposed New Units 303-01 received 15 August 2012

Proposed Site Plan with annotated drainage details WARD-01D received 15 August 2012

Access Detail Plan WARD-21 received 04 January 2013

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