

# REPORT TO DEVELOPMENT CONTROL COMMITTEE

**REPORT OF:**     **Development Management Service Manager**

**REPORT NO:**    **PLA 994**

**DATE:**           **4 June 2013**

<b>TITLE:</b>	S13/0260 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. On land west of Ryhall Road, Stamford	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Mrs Frances Cartwright Portfolio: Grow the Economy – Economic Development	
<b>CONTACT OFFICER:</b>	Justin Johnson – Principal Planning Officer, South Team Tel: 01476 40 63 92 E-mail: <a href="mailto:j.johnson@southkesteven.gov.uk">j.johnson@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>  Equality and Diversity	Carried out and Referred to in paragraph (7) below  Not applicable	Full impact assessment Required:
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Planning application S13/0260 and Development Control Committee Agenda and Munities from meeting on Tuesday 26 March 2013.	

## **1. RECOMMENDATIONS**

- 1.1 That the application be approved, subject to minor amendments to conditions 27 & 30 referred to in this report that are required to update both the architectural site layout drawings and the technical highway drawings.
- 1.2 Authority be delegated to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman subject to the signing of a legal agreement to secure the necessary highways contributions and subject also to the conditions and notes set out in the report circulated at the meeting on the 26 March 2013 with the amended highways conditions (conditions 27 & 30) set out in this report.
- 1.3 Where the legal agreement has not been completed prior to the committee meeting a period of six weeks post the date of the committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and Vice-Chairman of the committee there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

## **2. PURPOSE OF THE REPORT**

- 2.1 At the meeting of the Development Control Committee on the 26 March 2013 it was resolved that planning permission be granted subject to a Section 106 agreement, but it has not been formally determined as the legal agreement has not yet been completed. Since that date the applicant has submitted updated access plans to clarify the relationship between the technical highway specifications and the architectural drawings.
- 2.2 The amendments are considered acceptable by the Local Highway Authority as the revised details do not significantly amend the access arrangements but more accurately tie the highways technical drawings in with the architectural layout plans. The proposed changes require conditions 27 and 30 to be slightly amended to refer to the new plan numbers to address the timing of the implementation of the access works. The purpose of this report is to explain to Members the rationale behind these minor amendments to the conditions and how this does not fundamentally affect the earlier decision of Members at their meeting on 26 March 2012.

## **3. DETAILS OF REPORT**

- 3.1 The principle of the development has already been accepted at the 26 March 2013 committee meeting and the proposal itself has not changed. The only aspect of the development which is under consideration is the proposed changes to conditions 27 and 30 which are relatively minor and do not affect the fundamental acceptability or otherwise of the development. The amended conditions are required to update both the architectural site layout drawings and the technical highway drawings.

3.2 The proposed access position will not change from that shown on the site layout and block plans originally considered by the development control committee. The basis upon which the earlier decision was made remains sound. The amended highways drawings are acceptable to the local highway authority and it is recommended that conditions 27 and 30 be amended from:

27. Before the development commences the land between the highway boundary and the vision splays indicated on drawing number 10000/04/01 & 10000/04/02 dated January 2013 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

30. No development shall be commenced before the works to improve the public highway (by means of ghost island right turn facility and 2 metre combined foot/cycleway together with all necessary lighting, drainage, marking and ancillary works as indicatively identified on drawing number 10000/04/01) or as specified have been certified complete by the local planning authority.

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

to state the following:

27. Before the development commences the land between the highway boundary and the vision splays indicated on drawing number 10000/04/01 & 10000/04/02 received on 14/5/2013 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

30. No development shall be commenced before the works to improve the public highway (by means of ghost island right turn facility together with all necessary lighting, drainage, marking and ancillary works as indicatively identified on drawing number 10000/04/01 received on 14/5/2013) or as specified have been certified complete by the local planning authority.

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

#### **4. OTHER OPTIONS CONSIDERED**

4.1 None

**5. RESOURCE IMPLICATIONS**

5.1 No significant impact on resources

**6. RISK AND MITIGATION**

6.1 No significant risks identified.

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

7.1 N/A

**8. CRIME AND DISORDER IMPLICATIONS**

8.1 None

**9. COMMENTS OF FINANCIAL SERVICES**

9.1 There are no specific financial implications associated with this report.

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 In circumstances where amendments to planning conditions are required following the submission of updated access plans and subsequent to the matter having been considered by the Development Control Committee (“the Committee”) on 26<sup>th</sup> March 2013, it is appropriate that the planning application be brought back to the Committee for further consideration.

**11. COMMENTS OF OTHER RELEVANT SERVICES**

11.1 N/A

**12. APPENDICES:**

12.1 Minutes of Development Control Committee 26 March 2013

**Extract from Development Control Committee minutes  
26 March 2013**

**Extract from minute number 103**

JJ1

Application ref: S13/0260/MJNF

Description: 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 boot sales on up to 30 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations.

Location: Land west of, Ryhall Road, Stamford

Decision: Approved, subject to the completion of a Section 106 agreement

In presenting the application, the Case Officer referred to a further letter which had been received, and drew the attention of Members to a complete revised list of conditions which had been circulated to Members at the meeting.

*(2.43pm – Councillor Adams left the meeting).*

*(2.45pm – Councillor Adams returned to the meeting).*

*(3.15pm – Councillor Stokes left the meeting).*

*(3.17pm – Councillor Stokes returned to the meeting).*

*(The meeting adjourned from 3.19pm to 3.35pm).*

Noting comments made during the public speaking session from:-

Mr P Williams – Ryhall Road Residents' Association – objecting  
Egerton Gilman – objecting  
County Councillor John Hicks  
Mr Paul Huyton – objecting  
John Burrows – Stamford AFC – supporting  
Gary McPartland – Director of Learning for Construction, Motor Vehicle, Sports and Public Services, New College, Stamford – supporting  
Geoff Capes – supporting  
Andrew Patience – Principal and Chief Executive, New College, Stamford – supporting  
David Pennell – applicants  
Peter Hepworth – applicants' noise consultant

together with comments from the Highway Authority, Ryhall and Uffington Parish Councils, Sport England, Lincolnshire Wildlife Trust, Lincolnshire Police, Lincolnshire

Fire and Rescue, Natural England, Consultant Arboriculturalist and the SKDC Landscape Consultants, objections from nearby residents and the Ryhall Road Residents' Association, and a note of the Section 106 Heads of Terms; late information report circulated to Members before the meeting, including a note of 10 further letters of objection, support from Stamford Town Council, comments from Uffington Parish Council, no objection from Environmental Protection, comments from MAS Environmental, a statement of objection from a local resident, information in support from the applicant and officer comment on all the information received; together with comments made by Members at the meeting.

*(4.16pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).*

It was proposed and seconded that the application be approved in accordance with the conditions set out in the list circulated at the meeting.

Following comments in relation to the access into the site off Ryhall Road, the Chairman drew the attention of Members to condition 30, which required the provision of a ghost island. He also suggested an amendment to condition 27, to require works to the access to be carried out before the commencement of development on site. The proposer and seconder accepted this amendment.

A Member requested that the discharge of condition 9 be brought before the Committee, but the Chairman advised that as this would require an application, any Member could request committee consideration at the time the application was submitted.

Following comments in regard to the opening hours of the sports hall, it was proposed and seconded that the hours be 7am to 12 midnight, seven days a week. The proposer and seconder of the original motion declined to accept this amendment. On being put to the vote, the amendment was lost.

The Chairman suggested an amendment to condition 18, to require the submission of details of the noise management scheme prior to the commencement of development, rather than the commencement of the use. This was agreed by the proposer and seconder of the motion.

Comments were made in relation to the effect of lighting on wildlife, and it was suggested that there should be an appropriate condition. Advice on conditions was available within the Wildlife and Countryside Act. The Solicitor advised that any condition must be necessary, and the test to consider was whether or not the application would be refused if the condition was not imposed. In the circumstances, he suggested that it was debateable whether the suggested condition was in fact necessary and reasonable. The Member withdrew the suggestion.

The proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman subject to the summary of reasons set out in the Case Officer's report, to the signing of a legal agreement to secure the necessary highways contributions and subject also to the conditions and notes set out in the report circulated at the meeting, and as amended above. Where the legal agreement has not been completed prior to the committee meeting a period

of six weeks post the date of the committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and Vice-Chairman of the committee there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.