SB

S13/0775/EIAFP

Target Decision Date: 15-Jul-2013
Committee Date: 19-Nov-2013

Applicant	**Mr Martin Dale - Economic Regeneration, Lincolnshire County Council** County Offices, Newland, Lincoln, LN11YL
Agent	Mr Martin Dale Mouchel, Mercury Court, Tithebarn Street, Liverpool, Merseyside, L2 2QP
Proposal	**Construction of Southern Quadrant Link Road (SQLR) comprising new 3km single carriageway road between B1174 Spittlegate Level and A52 Somerby Hill including a new bridge spanning the East Coast Main Line and River Witham. Works to include a new 5 arm roundabout at B1174 Spittlegate Level, improvements to the existing A52/B6403 roundabout, associated new junctions/access roads, new cycleway/footpath at Whalebone Lane, site compound/construction and storage areas, recontouring of ground levels, formation of attenuation ponds and diversion of public right of way**
Location	**Grantham Southern Relief Road, Grantham**
App Type	FP Environmental Impact Assessment
Parish(es)	Grantham Little Ponton & Stroxton Londonthorpe & Harrowby Without Old Somerby
Reason for Referral to Committee	The application has been referred to Committee as a proposal generating local interest and as a major application accompanied by an Environmental Statement.
Recommendation Summary	The application seeks planning permission for the Southern Quadrant Link Road (SQLR) from B1174 Spittlegate Level to A52 Somerby Hill. In combination with the existing planning permission granted in August 2010 for the KiNG31 distribution hub (application S08/0448) which provides the link from B1174 Spittlegate Level to a new grade separated junction with the A1, the proposal for the SQLR will provide the full alignment of the Grantham Southern Relief Road. The ambition to provide a relief road south of Grantham, of which the SQLR forms part, has existed for a number of years. It formed part of the reasoning for the successful bid for Growth Point status awarded in 2008 which promoted a range of town centre, employment and housing projects supported by the appropriate strategic infrastructure provision aimed at Grantham's growth to realise its role as a sub-regional centre for South Lincolnshire. The delivery of the relief road is a key corporate objective, playing a significant role in meeting the Council's Priority of Creating the Right Environment to Grow the Economy. The Council has been clear that it expects the housing and business growth that has been planned for Grantham to be supported by the provision of the right infrastructure. The relief road will reduce through traffic in Grantham, especially HGVs, and in doing so help enhance the quality and attractiveness of the town centre. It will provide access to significant housing and employment land providing opportunities for investment. An economic appraisal commissioned by the Growth Point Partners, South Kesteven District Council and Lincolnshire County Council, by Focus Consultants in early 2013 calculated that an economic benefit in the order of an additional £745 million Gross Value Added generated by businesses in South Kesteven might be realised from the construction of the road through the release of land, construction of homes and

	businesses, from business formation and growth. The economic case for the construction of the relief road is a material consideration of significant weight. The importance of the relief road is recognised in the adopted Core Strategy and the proposed scheme complies with the relevant policies. In addition, the construction of the road complies with the National Planning Policy Framework (NPPF) for the planning system to operate to encourage sustainable growth and that "significant weight should be placed on the need to support economic growth though the planning system" (paragraph 19). The application for the SQLR is the subject of an Environmental Statement (ES). The ES and the application have been subject to full consultation. Where further or other information has been supplied to update the ES, appropriate consultation has been carried out in accordance with the Regulations. In assessing the ES, further and other information has been submitted and subject to consultation to better understand the issues, impacts, effects and mitigations proposed in relation to: • Ecology re: protected species including updating survey results; • Archaeology re: outcome of trial trenching investigations; • Heritage re: further assessment of the impact upon nearby heritage assets; • Local Wildlife Sites re: mitigation proposals. There are no outstanding objections from statutory consultees to the ES or application proposals. Where applicable, statutory consultees have directed that planning conditions be imposed. The application was subject to informal consultation to seek views and inform the bridge design. The applicant has demonstrated that they have had regard to the consultation responses and have designed the road alignment and mitigations to ensure that, amongst a number of issues, the impact on landscape, ecology, heritage and visual amenity is minimised. The recommendation for the approval of this application is sound in respect of national and local planning policy and has taken full regard of other material considerations.

Key Issues

- Principle of Development
- Impact on Traffic and Highway Safety
- Impact on Public Right of Way
- Impact on Road Drainage and Water Environment
- Impact on Heritage Assets
- Impact on Visual Amenity and Landscape
- Impact on Nature Conservation
- Impact on Noise and Pollution

Technical Documents Submitted with the Application

- Environmental Statement
- Environmental Statement Non-Technical Summary
- Supplementary Environmental Assessment
- Supplementary Heritage Assessment
- Supplementary Archaeological Information
- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Transport Assessment
- Stage 1 Road Safety Audit
- Route Appraisal and Justification
- Ground Investigation Report
- Drainage Design Strategy
- Tree Survey

REPORT

Executive Summary

The application seeks planning permission for the Southern Quadrant Link Road (SQLR) from B1174 Spittlegate Level to A52 Somerby Hill.

In combination with the existing planning permission granted in August 2010 for the KiNG31 distribution hub (application S08/0448) which provides the link from B1174 Spittlegate Level to a new grade separated junction with the A1, the proposal for the SQLR will provide the full alignment of the Grantham Southern Relief Road.

The ambition to provide a relief road south of Grantham, of which the SQLR forms part, has existed for a number of years. It formed part of the reasoning for the successful bid for Growth Point status awarded in 2008 which promoted a range of town centre, employment and housing projects supported by the appropriate strategic infrastructure provision aimed at Grantham's growth to realise its role as a sub-regional centre for South Lincolnshire.

The delivery of the relief road is a key corporate objective, playing a significant role in meeting the Council's Priority of Creating the Right Environment to Grow the Economy. The Council has been clear that it expects the housing and business growth that has been planned for Grantham to be supported by the provision of the right infrastructure. The relief road will reduce through traffic in Grantham, especially HGVs, and in doing so help enhance the quality and attractiveness of the town centre. It will provide access to significant housing and employment land providing opportunities for investment.

An economic appraisal commissioned by the Growth Point Partners, South Kesteven District Council and Lincolnshire County Council, by Focus Consultants in early 2013 calculated that an economic benefit in the order of an additional £745 million Gross Value Added generated by businesses in South Kesteven might be realised from the construction of the road through the release of land, construction of homes and businesses, from business formation and growth.

The economic case for the construction of the relief road is a material consideration of significant weight.

The importance of the relief road is recognised in the adopted Core Strategy and the proposed scheme complies with the relevant policies. In addition, the construction of the road complies with the National Planning Policy Framework (NPPF) for the planning system to operate to encourage sustainable growth and that "significant weight should be placed on the need to support economic growth though the planning system" (paragraph 19).

The application for the SQLR is the subject of an Environmental Statement (ES). The ES and the application have been subject to full consultation. Where further or other information has been supplied to update the ES, appropriate consultation has been carried out in accordance with the Regulations.

In assessing the ES, further and other information has been submitted and subject to consultation to better understand the issues, impacts, effects and mitigations proposed in relation to:

- Ecology re: protected species including updating survey results;
- Archaeology re: outcome of trial trenching investigations;
- Heritage re: further assessment of the impact upon nearby heritage assets;
- Local Wildlife Sites re: mitigation proposals.

There are no outstanding objections from statutory consultees to the ES or application proposals. Where applicable, statutory consultees have directed that planning conditions be imposed.

The application was subject to informal consultation to seek views and inform the bridge design. The applicant has demonstrated that they have had regard to the consultation responses and have designed the road alignment and mitigations to ensure that, amongst a number of issues, the impact on landscape, ecology, heritage and visual amenity is minimised.

The recommendation for the approval of this application is sound in respect of national and local planning policy and has taken full regard of other material considerations.

Application Category

The application is categorised as a large scale major application that is accompanied by an Environmental Statement (ES).

Reason for Referral to Committee

The application has been referred to Committee as a major application accompanied by an ES which the authorised officer considers should be taken by Committee.

The Proposal

The proposal is for the development of a new 3km single carriageway road, known as the Southern Quadrant Link Road (SQLR), located to the south of Grantham and which will provide access to the proposed Southern Quadrant Sustainable Urban Extension (SUE).

As mentioned above, the application is accompanied by an ES and is supported by a large number of technical reports and data. These are listed in the summary sheet at the front of this report.

The SQLR will comprise a number of sections which are described in a west to east direction:

- From the west, the SQLR will connect with the B1174 Spittlegate Level and the planning consented A1-B1174 link road, which is associated with the KiNG31 distribution park, via a new 5 arm roundabout. Splitter islands will be designed to aid pedestrian movements. The northern arm of this roundabout will allow access to the employment area of the proposed Southern Quadrant SUE and will offer access for maintenance of a detention pond, which will accommodate surface water drainage from the road, located to the west of the River Witham.

- The carriageway will rise up to meet the proposed new bridge on a landscaped embankment to a height of 15m. Within this stretch, the road will sever an existing Public Right of Way (ref: G/13/1)(PROW) that will be diverted around the west abutment of the bridge structure. A climbing lane will be included in the carriageway width. The bridge will be constructed over the East Coast Main Line and the River Witham, spanning a distance of 242m.

- From the bridge, the carriageway will be on a landscaped embankment to a height of 24m dropping down to a new roundabout that will serve the proposed Southern Quadrant SUE. An access will also be provided to the south of the roundabout to allow maintenance access, via an underpass, to a detention pond that will accommodate surface water drainage from the road and an allotment/amenity area. The carriageway width will include a climbing lane.

- From the proposed Southern Quadrant SUE roundabout, the road will continue along the southern boundary of the development site until it meets with Whalebone Lane. A new

junction and a 250m long link leading south to the retained section of Whalebone Lane will be constructed. The section of Whalebone Lane to the north will be 'stopped up'. A new footway / cycleway connection will be constructed to the east of the new road connecting Whalebone Lane to the A52 roundabout.

- To the east, the SQLR will connect with the strategic A52 route through the new 5-arm roundabout, constructed to replace the existing A52/B6403 roundabout. The applicant will ensure that the existing environmental features on the roundabout are reinstated. Splitter islands will be designed to aid pedestrian movements.

The new road will have a design speed of 100kph and a speed limit of 60mph. The carriageway of the road will be 7.3m wide with 1m wide hard strips on both sides of the route in accordance with current highway standards. Where a climbing lane is proposed, the carriageway will increase to 10m wide with 1m hard strips to each side. Lighting along the new road will be limited to the three new roundabouts and the approaches to the roundabouts. Columns will be either 10m or 12m high and will involve the use of full cut-off luminaries to limit upward dispersal.

The proposed bridge will have an overall span of 242m long and will spring from two abutments to the east and west. It will comprise four spans with three sets of foundations, each providing a base for two 'Y' shaped piers. The bridge will have a clearance height of 18-20m above the River Witham. A clearance height of 7.2m is required over the East Coast Main Line. There will be a parapet and anti-suicide fencing along the whole length of the bridge. Two options are under consideration for the materials palette: 'Harvest' (wheat / off-white piers with a weathered corten steel beam) and 'Town and Country' (more traditional OPC / grey piers with a light blue painted steel beam).

An existing Public Right Of Way (Little Ponton 13/1) will be diverted as part of the proposed scheme. From the south, it will run at grade along the edge of the red line boundary following the southern boundary of the Southern Quadrant SUE, return below the bridge at the toe of the embankment and run along the north of the road to rejoin the existing footpath. Apart from the new footpath / cycleway at Whalebone Lane, no additional provision for pedestrians and cyclists will be made along the new road. Instead, it will be provided via a network within the proposed Southern Quadrant SUE.

The landscaping strategy proposed along the length of the road corridor will involve the targeted use of mitigation planting. For example, on the approaches to the viaduct and to the roundabouts, the embankments would be planted with native low woodland and scrub and species rich grassland to help soften these artificial landforms. Woodland planting would be carried out on either side of the River Witham valley to reflect native riverside species, marry into existing planting and improve the diversity of the riverbank. The drainage detention ponds would be seeded with wetland grass mix to assist integration. Hedgerow and hedgerow trees are proposed to marry into section of hedges that would be severed by the road. The existing hedgerows on Whalebone Lane will be extended along the sides of the proposed path and cycleway through to the junction with the A52 and extending the existing hedges along Whalebone Lane. On the southern/eastern side of the road, a significant extension to Whalebone Spinney is proposed to create a new woodland block adding to and reinforcing the surrounding landscape character while screening views from the southeast.

As part of the mitigation for the loss of habitat within the Whalebone Lane Local Wildlife Site (LWS) and Sites of Nature Conservation Interest (SNCI) in the River Witham corridor, together with loss of calcareous grassland, hedgerows and trees and woodland; the landscaping proposals will include replacement habitat provision to exceed the amount lost by the proposed scheme.

The proposal includes a sustainable drainage scheme (SUDS) to ensure that surface water runoff is discharged into soakaways and two proposed detention pools located to the east and the west of the River Witham.

The applicant's state that construction of the proposed scheme is targeted to begin late 2014 at the earliest and the construction period will be 18 months. A total of approximately 21ha of land has been earmarked as temporary land-take for two contractor's compound sites, temporary storage of topsoil, bridge construction areas and contingency areas. These areas will be re-instated upon completion of the works and returned to their original use. A temporary bridge across the River Witham will be built to allow access to one set of bridge piers which is located on land between the river and the railway line. The temporary bridge will be located to the south of the proposed permanent bridge and will be to the east of Saltersford Water Treatment Works. It is anticipated that construction traffic from the south will use the B1174 Spittlegate and B6403 High Dike whilst construction traffic from the north with use the A52 and travel through the town centre.

The applicant will have a Construction Environmental Management Plan (CEMP) in place during the construction period which will include a number of detailed mitigation measures to reduce any impacts identified in the ES arising through the construction period.

In combination with the planning consented A1-B1174 link, the SQLR will comprise the Grantham Southern Relief Road (GSRR), an alternative route for traffic currently travelling through Grantham town centre.

The Application Site and its Surroundings

The application site is located to the south of Grantham town centre and the area known as Somerby Hill, and to the north of the villages of Little Ponton and Great Ponton. The landscape to the south of the town comprises the gently sloping valley sides of the River Witham.

The principal transport corridors associated with the area comprise: the B1174 Spittlegate Level, the East Coast Main Line, the A52 Somerby Hill, the B6403 High Dyke and Whalebone Lane. The principal land use is arable agriculture with large fields defined by low, relatively sparse hedges. The most substantial settlement and development associated with the area comprises the south eastern fringe of Grantham where there is a mix of residential development at Somerby Hill, industrial development at the former Invictas Works and the Prince of William of Gloucester Territorial Army Barracks on the A52. Other development includes a mix of industrial, commercial and residential land uses on the west side of the B1174. These comprise car showrooms and service related businesses, a disused ironstone quarry, the Cheveley Park mobile home park and the Phoenix School. Anglian Water operates the Saltersford Water Treatment Works immediately adjacent to the river. Access to the works is from the B1174 via Waterworks Lane along which there are three residential properties. Further south lies the village of Little Ponton where notable buildings include Little Ponton Hall, the Old School House (Grade II Listed) and the 15th century parish church of St Guthlac (Grade I Listed). Recreational and leisure interests within the area comprise the Kesteven Rugby Football club located on the B6403 and a Public Right of Way (Little Ponton 13/1) that runs parallel to the river.

Notable areas of planting associated with the area comprise specimen trees, woodland and scrub planting, hedgerows, hedgerow trees and grassland. To the southeast, adjacent to Whalebone Lane, is Whalebone Spinney.

A single Site of Special Scientific Interest (SSSI), Woodnook Valley, is found within the study area of the proposed scheme, located 0.6km south of the route. There are two Sites of Nature Conservation Interest (SNCIs) located within the River Witham corridor and twenty one Local Wildlife Sites (LWS) within the study area. Of these, both the SNCIs and six LWSs would be within the red line of the proposed scheme.

A single Scheduled Monument has been identified in the study area of the proposed scheme, a bowl barrow located 1km south of the route. The barrow could potentially contain archaeological deposits, including funerary remains.

The proposed scheme will run adjacent to the southern boundary of the proposed Southern Quadrant SUE as shown on the adopted Southern Quadrant Masterplan Supplementary Planning Document (SPD).

Relevant Site History

The proposed scheme was subject to two Environmental Impact Assessment (EIA) scoping requests for the two road options (s12/2831) and for an amendment to the preferred route alignment (s13/0542) that is the subject of the current application.

Planning permission was granted in 2010 for the KiNG31 distribution park located between the A1 and Spittlegate Level B1174, under reference s08/0448, which expires in August 2014. This development included a new access road from the B1174, via a new four arm roundabout, that ran through the site and provided a new junction with the A1. This would form one section of the Grantham Southern Relief Road. The permission has not been implemented to date. The proposed scheme would overlap with this permission in the vicinity of the roundabout and initial stretch of the new road from the B1174. The roundabout would be replaced by a five-arm roundabout with the additional arm forming access to the part of the proposed Southern Quadrant SUE identified for employment land.

Policy Considerations

South Kesteven Core Strategy
SP1: Spatial Strategy
SP3: Sustainable Integrated Transport
EN1: Protection and Enhancement of the Character of the District
EN2: Reducing the Risk of Flooding
EN4: Sustainable Construction and Design
H2: Urban Extension Sites (Grantham)

Southern Quadrant Masterplan SPD
The SPD aims to guide future development in the Southern Quadrant SUE in order to produce a distinctive and high quality scheme. It was adopted in February 2013.

National Planning Policy Framework
Section 1: Building a strong, competitive economy
Section 2: Ensuring the vitality of town centres
Section 4: Promoting sustainable transport
Section 7: Requiring good design
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

Representations from Consultees

As set out above, the application is subject to an ES and in such cases statutory consultees may make observations on the methodology, content, evidence, interpretation and mitigations set out. Where such observations are received and require a formal revision to the ES, then a further period of statutory consultation is mandatory.

Three rounds of additional consultation have been carried out in response to the submission of further and other information submitted by the applicant. These related to 1. Further information on various ecological and heritage matters as a result of comments received by English Heritage, Heritage Lincolnshire, Lincolnshire Wildlife Trust and Natural England; 2. Further information on protected species and other ecological matters; and 3. Other information on archaeological trial trenching, white clawed crayfish and a road safety audit. The application has, therefore, been subject to the required statutory consultation upon receipt of further or other information in accordance with the relevant Regulations.

The following section sets out a high level summary of the comments from each consultee to the initial consultation and, where applicable, to the consultations made under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. A copy of each of the statutory consultees' responses is appended to this report.

Environment Agency:
No objections raised but make detailed comments on Flood Risk, Ground Water and Contaminated Land and Pollution Prevention.

No further comments to Regulation 22 consultations. Conditions 7 and 12 have been attached at the request of the Environment Agency in relation to the provision of a detailed drainage strategy and working close to the River Witham. An informative relates to the protection of ground water.

Natural England:
Comment that this proposal does not appear to affect any statutorily protected sites or European protected species (bats). The comments refer to their standing advice on the impact on domestic protected species: badgers, barn owls and breeding birds, water voles, white-clawed crayfish, or great crested newts.

Regulation 22 consultation responses: Following confirmation that the Network Rail Works building would fall outside the scope of the construction works, Natural England is satisfied that bats do not represent a constraint to the determination of this application. Condition 14 relates to avoidance of the bird breeding season.

Highways Agency:
The proposed development is not expected to have a material impact on the closest strategic route, the A52. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure)(England) Order 2010, the Highways Agency has no objections to the proposal. No further comment to Regulation 22 consultations.

LCC Highways (Highway Authority):
They raised no objections subject to a number of conditions including surface water disposal. Conditions 4, 5, 6, 7, 8 and 10 relate to the provision a construction specification and programme of work; re-siting of highways / environmental features at the A52 Old Somerby roundabout; details of proposed lighting; provision of a detailed drainage strategy; details of management of the drainage scheme; and a Construction Environmental Management Plan.

Additional comments have been submitted that confirm their view that the SQLR stands as a stand-alone application and should be viewed accordingly. It is a first stage proposal to improve traffic conditions in and around Grantham and to enable delivery of commercial and residential development in the future as further planning applications come forward. The SQLR will not on its own create additional impact upon the A1-A52 junction as suggested by an objector. At an early stage of discussion relating to traffic assessment, the A1-A52 junction was specifically looked at but in confirmation of the above, traffic numbers and movements were considered to remain essentially the same. This was accepted by both Lincolnshire County Council as local highway authority and by implication, the Highways Agency who did not raise any objections to the proposed scope for the Transport Assessment.

No further comment to Regulation 22 consultations.

English Heritage:
They expressed initial concerns that insufficient information and evidence had been provided to understand the impact of the proposal on the significance of any heritage assets and their setting in accordance with the requirements of paragraph 128 of the NPPF. They make a recommendation that further information required before determining the application. They expressed concerns over archaeology.

Regulation 22 responses: do not object to this proposed development, but do have some interest regarding its impact on the historic environment. Their primary interest is the impact on the setting of nearby designated heritage assets, but also how the proposal might impact on traffic movements through Grantham town centre. Consider that the harm to designated heritage assets will not be substantial and that the public benefits of the development could outweigh any harm. Condition 17 relates to further archaeological investigation and condition 18 relates to a historic structures survey to provide mitigation for affected heritage assets.

SKDC Economic Development:
The Council's Economic Development Officer refers to the support for the Southern Quadrant SUE in the Core Strategy and Masterplan SPD and that the SQLR forms a key part of the SUE. The SQLR will serve the urban extension; provide a new route for east-west traffic; and support an improvement in public realm which will allow for the delivery of an improved leisure and cultural quarter. The importance of the SQLR in unlocking growth and improving the environment of Grantham Town Centre is set out in the recently published 'Economic Appraisal of the Grantham Southern Relief Road' by Focus Consulting. These include:

- Almost 30,000 jobs created / supported including almost 23,000 construction jobs over 20 years, of which at least 5,000 are expected to be filled by local people.
- An additional £745 million of GVA generated by businesses in South Kesteven
- Increase in the population of Grantham by 8,400
- Increase in the working age population by 3,480
- Increase in resident spend of £71.3 million per annum
- Additional spend in Grantham itself of £41.3 million per annum
- Savings in congestion costs of almost £5 million over 10 years
- Reduce the cost of bridge strikes in Grantham by almost £1.08m over 10 years.

SKDC Conservation:
The Council's Conservation Officer notes that there are no designated built heritage assets in the immediate vicinity of the line of the road or the bridge but that the proposals have the potential to impact on the setting of assets in the wider area.

He agrees with the conclusions reached in the EIA on the likely impact of the proposed development on built heritage assets and whilst there will inevitably be an impact on some assets, as the assessment identifies; these are likely to be moderate. Any heritage concerns will be outweighed by the wider benefits of the development to the town and the historic environment therein, not least by facilitating the removal of through traffic. Condition 18 provides for a historic buildings survey to be carried out prior to demolition of historic structures within the site.

SKDC Environmental Protection:
The results of the Environmental Impact Assessment and proposals being made are acceptable from an environmental protection view point. Environmental Protection accepts the conclusions of the contaminated land assessment for the relief road and the further investigative work which has been recommended. Condition 13 relates to the provision of noise mitigation measures.

SKDC Arboricultural Consultant:
The Council's Arboricultural Consultant is satisfied that the arboricultural survey submitted to accompany this application meets with the guidelines for best practice and has been carried out

objectively and grades the trees according to the Table 1 in BS5837 (2012). Condition 10 relates to the provision of a Construction Environmental Management Plan that includes protection of trees and hedgerows during construction.

Heritage Lincolnshire:
They expressed concern that the EIA did not include a full impact assessment including trial trenching as anticipated in the Scoping Request. Without this information the full impact of the proposed development has not been assessed. The proposals involve some large scale cut and fill proposals including embankments and a new bridge. The geophysical survey and the fieldwalking indicate that archaeological remains are likely to existing within the development site boundary and in particular relating to the Roman settlement of Saltersford. Without the trial trenching assessment it is difficult to assess the impact of the groundworks on the buried archaeological resource.

Regulation 22 response: They conclude that the trial trench evaluation has recorded archaeological remains dating from the Roman period and suggest that occupation during this period extended further than initially thought. However, it did not uncover any remains of national significance nor of significant rarity or importance to warrant scheduling. They raise no objection provided safeguards are put in place to record those remains to be disturbed by the proposed development. They are in agreement with the mitigation proposed in the Supplementary Archaeological Information comprising further archaeological investigation by means of either Strip, Map and Sample or Detailed Excavation and suggest this be achieved by way of a written scheme of investigation. This will be achieved through Condition 17. They no longer have any objections to the application.

Network Rail:
They raise no objections in principle to the development but have some requirements which must be met relating to drainage, fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, method statements / fail safe / possessions, demolition, cranes, trees / shrubs / landscaping, lighting and access to railway. Detail regarding retaining wall requires further consideration. Details of bridge design provided in the application are largely in line with discussions held between the applicant and Network Rail.

Anglian Water:
No comments on the proposals.

LCC Footpaths:
The Definitive Rights of Way Map shows Grantham Public Footpath no.13 link 1 / Little Ponton and Stroxton Public Footpath no. 2 link 1 affecting the proposal. No objections are raised.

LCC Strategic Planning:
The application boundary appears to run immediately adjacent to a Minerals Safeguarding Area and as such this should be taken into account in the determination of the planning application. The site of the application also appears to be immediately adjacent to an area permitted for extraction of minerals in association with Little Ponton Quarry and as such the determining Authority will need to ensure that the proposals would not have a detrimental impact on these permitted mineral operations, in order to avoid jeopardising future working of minerals.

Upper Witham Internal Drainage Board:
The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Drainage Design Strategy. Conditions are suggested. Conditions 7, 8 and 9 relate to the provision of a detailed drainage strategy, it's management and the protection of existing drainage routes on site.

Lincolnshire Wildlife Trust:
The route of the new link road, bridge and roundabouts directly impacts on six non-statutorily designated nature conservation sites. Whilst we note the assessment of impacts in the ES on five of these sites, we would wish to see further detail regarding the proposed mitigation and

enhancement of these sites. The sixth non-statutorily designated nature conservation site is the Whalebone Lane Verges LWS which was designated on 18 March 2013 and is not included in the ES. Suggest land restored to native species-rich calcareous as grassland; support the other biodiversity enhancements proposed; note that extension of the hedgerows on Whalebone Lane may negatively impact on the calcareous grassland for which this site was designated as a Local Wildlife Site; support the requirement for further pre-construction badger surveys and further investigation of the trees and structures which have been identified as having potential for supporting bat roosts.

Regulation 22 response: Satisfied with the information submitted and the assessment of impacts on the Local Wildlife Sites subject to conditions. Condition 15 relates to the provision of landscaping proposals that must include mitigation for the loss of habitat including that within Local Wildlife Sites.

The Ramblers Association:
The proposed diversion of the footpath under the western end of the bridge, as shown on the application, is as we requested.

Lincolnshire Fieldpaths Association:
They are disappointed that the proposed diversion goes against their advice. Verbal assurance provided that the footpath diversion will be linked into wider network as part of Southern Quadrant SUE.

Grantham Civic Society:
No comments received.

Ministry of Defence:
No safeguarding objections. No further comments to Reg 22 consultation.

Londonthorpe and Harrowby Parish Council:
Generally the Parish Council is in favour of the proposed road as it will relieve pressure through the town but raise concerns / questions regarding noise, traffic from new development, phasing and preservation of footpaths. The Parish Council is pleased to see wildlife is well documented.

Regulation 22 response: The Parish Council is pleased to see the wildlife side of the application to be well addressed. They acknowledge whatever work is done will have an impact on the surroundings and wildlife in the short term but it does appear that all that could be done to lessen the effect has been well thought through. It is important that contractors stick to the planning application in full.

Old Somerby Parish Council:
The Parish Council's main concern relates to the impact upon the area, including this village, of the very considerable increase in vehicular traffic following on from the construction of 4,000 dwellings. They are not convinced that sufficient thought or planning has been given to how the increased traffic flow will be controlled. The Parish Council was the driving force behind the securing of the sponsorship for and the planning and redevelopment of the roundabout in 2010 and wish to see the scheme retained in the new roundabout and the Parish Council consulted in relation to its development. Condition 5 relates to the provision of a scheme to ensure the highways / environmental features are reinstated as part of the new A52 roundabout.

Little Ponton and Stroxton Parish Meeting:
No comments received.

Representations Received as a Result of Publicity

The application was publicised by way of letters to over 250 residential properties and businesses located close to the application site. In addition, those respondents to the public

consultation on the Southern Quadrant Masterplan SPD who indicated that they wished to be contacted about further developments in the area were notified by letter. The application was further publicised by 5 site notices and a press notice which publicised the application as one that was accompanied by an Environmental Statement, was a major application, had a footpath crossing the site and affected the setting of an ancient monument, listed buildings and a conservation area.

Prior to submission, the public were involved in the selection of the route of the proposed road and the design of the proposed bridge both as an intrinsic part of the consultation on the Southern Quadrant SPD and through specific public information meetings on the scheme itself. These took place over a period from September 2011 to February 2013. The feedback received from the consultation process has informed both the preferred location for the road to the south of the Southern Quadrant site and the design of the bridge.

Five letters of objection were received. Four letters were received from local residents on the grounds of (in summary):

- Our property will be overlooked and our privacy will be taken away from us. The new buildings will be visually intrusive and create excessive noise and a much busier area. It will affect nature conservation. Overall we think the new build will be an eyesore because it will spoil the outlook and cause a more oppressive environment.
- The proposal will result in more vehicles and people living in the area. There will be loss to the environment of the fields and open spaces and abundant wildlife along with potential damage to the river. Houses in the area will be overlooked and local amenities are already overstretched. Grantham cannot cope with 10,000 more residents and 5,000 more vehicles. The scheme is flawed.
- Pleased to see there will not be a roundabout on the B1174 itself so that local residents do not have to queue to get over the bypass. A large roundabout in the middle of the new road should not be proposed as this is supposed to be a new bypass. It could lead to traffic delays, damaging for the local environment if traffic ends up queuing in places. Removal of roundabouts on the A1 has been very successful and seems odd that this is not also being considered as the first option for the new road. The submitted reports do not appear to account for the extra capacity that will be needed once the new housing development is built eg getting to work and supermarkets.
- Having lived at the above address for the last 18 years we are not very happy to be losing the countryside views for which we have become accustomed, however, we also realise that life moves on and one can't stand in the way of 'progress'. We would like to make the following observations: 1. only bungalows be built opposite our property and 2. increase the 25m buffer to 50m and plant this area with native trees and shrubs before the construction of the properties. This area contains habitat for brown hares, Canadian Geese and raptors.

It should be noted that some of the concerns being expressed in these representations relate to the built form of development which will be subject to a future application anticipated later this year rather than specifically relevant to the SQLR proposal. Nonetheless they have been included for information.

One letter has been received from a local land owner who is the majority owner of land situated between the A1 and the built up area of Grantham; south of Barrowby Road and north of Barrowby Stream. They do not raise an objection to the principle of development, but raise concerns about the off-site implications of the proposed development and issues relating to the timing and delivery of the road. First, they raise a concern that the SQLR is linked to the A1-B1174 link that was given planning permission as part of the KiNG31 distribution park (s08/0448). They state that the A1-B1174 scheme is by a separate developer and so the applicant can provide no certainty as to when it will be delivered. Given this situation, they state that the application for the SQLR should identify what the impact on the non-provision of the A1-B1174 link is, through appropriate traffic modelling. They also request that a condition should be attached to any planning permission for the SQLR stating that no development may take

place (or the use of the SQLR by vehicular traffic) until the A1-B1174 link has been provided and is open to vehicular traffic. Secondly, they point out that the development of their site requires a roundabout junction at the A1/A52 southbound junction and traffic control at the A1 northbound junction. They state that the treatment of this junction not only has a critical bearing on their site but has major implications for all other major developments in the town, for example, Poplar Farm, North West Quadrant and Southern Quadrant. They state that any through traffic, currently using the town centre, will need to use the A1-A52 junction in order to access the SQLR. In relation to the Southern Quadrant development, the amount of traffic will increase through the development of 3500 new dwellings and it will increase Nottingham-bound traffic that will utilise the A1-A52 junction. The A1-A52 junction, they state, is at capacity and thus further traffic modelling is required to test the impact of the SQLR and other developments on this junction. They state that any grant of planning permission for the SQLR should be contingent upon improvements being made to this junction. In conclusion, they ask for a single SKDC / LCC led proposal that addresses the requirements of all the developments at this junction.

This matter is dealt with in the next section under Traffic Generation and Highway Safety. It has been considered in detail by the Highway Authority who advise that the A1-A52 junction was considered within the traffic modelling carried out in the Transport Assessment and no improvement is required to this junction.

Officer Evaluation

The main issues to be considered are the principle of development; impact on traffic and highway safety; impact on road drainage and water environment; impact on heritage assets; impact on visual amenity and landscape; impact on nature conservation; and impact on noise and pollution.

Principle of Development

The proposals are in line with the NPPF in terms of helping to build a strong, competitive economy (Section 1) as highlighted in the Economic Appraisal and in assisting in the delivery, through subsequent applications, of a wide choice of high quality homes (Section 6). The NPPF requires local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century. It requires local planning authorities to "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs" (paragraph 17). The Core Strategy, sets the proactive framework being called for by national policy in identifying the SQLR, along with the Southern Quadrant SUE, to provide a step forward towards meeting these development needs in Grantham. In doing so, the priorities for the District Council will also be served.

One of the primary objectives of the South Kesteven Core Strategy is "To promote and strengthen the role of Grantham as a Sub-Regional Centre, and properly plan and deliver the additional housing growth expected by the Grantham Growth Point and the Regional Spatial Strategy." That objective requires Sustainable Urban Extensions, such as that promoted in the Southern Quadrant, to be brought forward which, in turn, requires the provision of key infrastructure such as the Southern Quadrant Link Road.

Policy SP3 states that "... As part of the growth agenda for Grantham the delivery of traffic relief, including heavy goods vehicles, from the town centre will be a priority and any major development proposals within these areas will be expected to contribute towards delivering these schemes. The provision of an east-west relief road between the A1 and A52 to the south of Grantham will be brought forward as part of the Southern Quadrant SUE to the town." The policy advises that, where appropriate, developer contributions will be sought towards the provision of necessary improvements. The proposed SQLR will form a significant part of an

east-west relief road, with the remainder being brought forward under the planning permission for the KiNG31 distribution park, in compliance with the policy.

Policy H2B identifies that access to the residential part of the Southern Quadrant SUE will be dependent upon the provision of a new road from the A52. The policy identifies that the Southern Quadrant SUE will need to take into account important features and characteristics of the site and incorporate them into the design of the development, ensuring their protection and enhancement where necessary. These include: incorporation of appropriate SUDs to alleviate any potential increase to flood risk on land adjacent to the River Witham; protection of nature conservation interests given part of the site has been identified as a site of nature conservation interest; investigation and protection of known archaeological remains on part of the site; and protection of the river corridor and wooded areas which are important for biodiversity and contribute to the landscape character of the area. The SQLR would provide access to both the employment and residential parts of the Southern Quadrant SUE as required by the policy. The features identified for consideration have been taken into account in the Environmental Statement that accompanies the application and are discussed in more detail below.

The Southern Quadrant Masterplan SPD establishes a set of objectives, principles and guidelines to inform the preparation of detailed development proposals and is a material consideration in the assessment of such proposals. The route of the SQLR is identified within the Illustrative Masterplan and public consultation on the SPD included seeking views on a preferred route for the new road within the overall site. The proposed new road will provide access to both the employment and residential parts of the Southern Quadrant development and forms an integral part of the development. The proposals are in broad compliance with the guidance in the SPD and the route shown on the Illustrative Masterplan. A short section of the proposed scheme lies marginally outside the SPD boundary as, during the development of the road design, the applicant has sought to create an improved alignment where the road will cross Whalebone Lane. This is not considered to be a material change to the support given by the SPD to the proposed scheme. The revised alignment was the subject of a revised EIA scoping request (s13/0542) and is fully assessed in the submitted ES.

The Transport Strategy for Grantham (2007) and the 4th Local Transport Plan for Lincolnshire (2013) set out the transport policies for Grantham. Both transport plans recognise the benefit of the Southern Relief Road on the A52 to remove HGVs unavoidably passing through the town in order to reduce the very high level of bridge strikes and the congestion that this creates in the town centre. These transport plans support a Southern Relief Road of which the SQLR would form a significant part in combination with the KiNG31 stretch.

The Grantham Movement Strategy (2007), which was produced as part of the Grantham Urban Design Framework, looks at how land use change is the prime determinant of the nature and volume of movement demands that will be generated. It sets out a suite of sub-strategies for transport modes across the town. The Southern Relief Road as a whole is considered to play a key part of the strategies to reduce town centre and freight traffic, and unlock development in the Southern Quadrant.

The economic benefits of the proposed Grantham Southern Relief Road have been researched and quantified. In addition to the benefits to the transport network, the proposed scheme will create almost 30,000 jobs, generation of £745 million GVA by businesses in Grantham, increase in the population of Grantham, increase in resident spend and saving in congestion costs and reduction in frequency of bridge strikes and the resultant costs of closing the line and repairing the bridge. This represents a significant impact in terms of delivering economic growth.

The principle of the proposed scheme is well established in planning policy terms through the NPPF, policies SP3 and H2B together with the Southern Quadrant Masterplan SPD and supporting studies of Grantham. There is an established need for the proposed scheme and there would be benefits in terms of providing access to the Southern Quadrant SUE and reducing traffic through Grantham town centre.

Impact on Traffic Generation and Highway Safety

The application is accompanied by a Transport Assessment (TA) that includes the likely traffic generation from the KiNG31 development and the Southern Quadrant SUE as part of the demand assumptions. It is based on the assumption that the KiNG31 stretch will have been constructed. The TA refers to the various transport policies for Grantham which support the proposals for the SQLR as part of a Southern Relief Road, namely, the Transport Strategy for Grantham (2007), the Grantham Town Centre Masterplan (2007) and the Lincolnshire Local Transport Plan (2013). A Stage 1 Road Safety Audit has been submitted with the application.

The TA concludes that the proposed scheme has been designed to a standard that can accommodate forecast traffic flows generated by the expected Southern Quadrant SUE in 2031. The traffic modelling forecasts show that the scheme provides an 'attractive' alternative route for traffic that currently travels through the town centre (including HGVs). The modelling forecasts that by 2016 (the road opening year), there will be around 4,200 fewer vehicles per day in the town centre as a result of the new road. In assessing the impact of the new road on junctions at the three roundabouts within the proposed scheme and the existing / consented junctions within Grantham, the Transport Assessment concludes that all junctions are expected to operate within capacity in the 2016 scenario.

In respect of the future Southern Quadrant SUE, the planning application for the new development will need to be accompanied by a TA that considers the impact of the development on the wider highway network around Grantham. The submitted TA, however, has assessed the impact of the SQLR on existing and consented junctions in 2016 and shown that resultant forecast changes in traffic within the wider Grantham area can be accommodated. It has also demonstrated that, using forecast traffic flows, the proposed SQLR junctions can accommodate the level of development proposed within the Southern Quadrant SUE. It is anticipated that the SQLR will help to provide the infrastructure for a bus route through the Southern Quadrant SUE as it includes a roundabout to allow bus access into the development site as envisaged in the Southern Quadrant Masterplan SPD and the Grantham Movement Study.

The Highway Authority have no objections to the proposed scheme and recommend a number of conditions to control the detailed design of the road and its junctions. They are satisfied that the proposed scheme would not have a detrimental impact on any existing junctions; including the A1-A52 junction at Barrowby (subject of a landowner representation), and that this has been satisfactorily assessed within the submitted Transport Assessment using an appropriate strategic traffic model (SATURN). With regard to the connection to the A1-B1174 KiNG31 link road, it is recognised that if this road was not brought forward then a continuous Grantham Southern Relief Road would not be provided – the Council is working with Lincolnshire County Council and other parties to investigate how the two schemes might be brought forward together. Otherwise, taking the SQLR as a stand-alone scheme, if it were constructed on its own then there would be some re-assignment of existing traffic but as it would not generate additional traffic of its own right; it will not create additional capacity issues at junctions nor exacerbate any existing adverse conditions. Accordingly, the Highway Authority considers that the concerns raised by the local landowner have been dealt with through the information submitted. There are no objections from the Highway Agency.

The proposed scheme provides road access to the detention ponds and to either end of the bridge for maintenance purposes. The proposed scheme ensures that users of Whalebone Lane will have access and egress from the new road. The remaining part of Whalebone Lane to the north of the new road will be stopped up through provisions of the Highways Act 1980.

The proposed scheme includes a footpath / cycleway to link the southern part of Whalebone Lane with the A52 roundabout. This will ensure continuity for pedestrians and cyclists using Whalebone Lane. No footpaths are proposed across the bridge as the Southern Quadrant Masterplan SPD envisages pedestrian access from the east to the west of the SUE, thus linking

proposed residential and employment areas, being made as part of an extensive footpath network across the SUE site which includes pedestrian access into the town centre via a riverside walkway.

There is no requirement arising from the modelling carried out to inform the capacity and design of the road that would justify the provision of a dual carriageway. The road design, however, incorporates the provision of crawler lanes on the sections of the road leading up to the bridge to allow overtaking of slower moving vehicles.

With regard to the likely impacts on the highway network during the construction of the proposed scheme, the ES states that all the materials that will come into the site from the south will utilise the existing B6403 or B1174. The delivery route for materials coming into the site from the north will follow the A52 through the town centre. Typical plant equipment and vehicles to be used in the construction of the proposed scheme include site staff vehicles, pumps, asphalt laying and compacting machinery, dump trucks, dozers, ready mix concrete lorries, mechanical excavators, motor scrapers and graders. As the proposed scheme is at an early stage of design and there is yet to be a contractor appointed, there is limited detailed information within the TA on the likely impact of construction activities on the transport network. The environmental impacts of the construction works will be controlled and mitigated through a CEMP which will cover issues such as construction traffic and wheel washing facilities. The Highway Authority have raised no concerns in relation to the impact of construction traffic subject to the provision of a routing plan as part of the CEMP which would minimise the use of Gainsborough Corner and prevent the use of the southern part of Whalebone Lane.

On the basis of the submitted information, the Highway Authority has no objections, subject to the conditions, to the proposed development.

Impact on Public Right of Way

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 8. Public access to and community value of the landscape. An assessment of the application, however, must be made in light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

The proposed scheme includes the proposed route for the diversion of the footpath from Little Ponton to Grantham that would otherwise be severed by the line of the road. The diverted footpath would follow a route that would not be less convenient or enjoyable to walkers in terms of distance and setting of the route. It would be relatively straight with clear forward visibility and would follow the side of the SQLR or existing field boundaries. The footpath would run beneath the bridge thereby avoiding the need for an underpass. The landscaping proposals have taken into account the route of the diversion and propose a woodland setting to the south of the road. The legal diversion of the footpath will be sought at a later date via a Public Paths Order to be made under Section 257 of the Town and Country Planning Act 1990.

It is anticipated within the Southern Quadrant Masterplan SPD that the existing footpath would be integrated into a network of footpaths across the Southern Quadrant SUE. The proposed Public Right of Way diversion would reflect this aspiration.

There are no objections from LCC Footpaths or the Ramblers Association to the proposed diversion. The concerns raised by Lincolnshire Footpaths Association have been discussed with them verbally. They are assured that the proposed realignment of the footpath is intended to become integrated into the Southern Quadrant SUE taking on board the principles for good footpath layout that they described. The proposed route of the footpath diversion would be acceptable in terms of ensuring continued public access along an existing PROW, would reflect

the aspirations of the Southern Quadrant SPD in relation to an extensive footpath network throughout the Southern Quadrant SUE and would comply with policy EN1 of the Core Strategy.

Impact on Road Drainage and Water Environment

Policy EN2 states that planning permission will not normally be granted in areas at risk of flooding from any source. All applications must be accompanied by a Flood Risk Assessment and statement of how surface water is to be managed and discharged. On-site attenuation and infiltration will be required wherever possible. NPPF paragraph 99 advises local planning authorities to take into account of climate change including factors such as flood risk.

The planning application is accompanied by a Flood Risk Assessment together with other assessments of runoff, accidental spillage, channel geomorphology and groundwater. The River Witham is designated as a 'main river'. The entire study area lies within groundwater source protection zones (SPZs) for public water supply abstractions.

The ES states that there is a risk of construction related pollution from silt and sediment laden site runoff generated during construction activities, such as soil stripping and earthworks. Accidental spillage of potential pollutants can impact both groundwater and surface waters. The ES proposes a number of mitigation measures to prevent construction related pollution of the water environment. In terms of operational impacts on pollution, these could potentially relate to pollution from routine runoff or from accidental spillages. The assessments that have been carried out as part of the ES demonstrate that the impacts from these sources are likely to be negligible.

The proposed scheme has been designed to minimise impinging on the floodplain of the River Witham in terms of both flood risk and geomorphology. No extent of the proposed scheme bridge piers and abutments will be located within the 100 year plus climate change flood event floodplain so no displacement of flood volume for this return period event is expected. The height of the deck of the proposed bridge will exceed the level of the 100 year flood event (with climate change) by 20m taking it out of risk for flooding. The proposed temporary construction bridge will be programmed to be as far as practicable outside of the likely peak flow season and of minimal duration to avoid flood risk.

The proposed bridge will avoid impinging on the river as far as possible and the road drainage outfalls on the River Witham have been designed to deliver construction to current good practice standards to minimise the impact on the geomorphology of the river.

The surface water run-off discharge rate to the River Witham has been agreed with the Environment Agency and attenuation, in the form of Sustainable Urban Drainage features, will be provided for road surface water run-off that is in excess of the agreed rates. For the upper western part of the proposed scheme these include swales and soakaways adjacent to the carriageway while for the areas comprising the valley sides surface water runoff is proposed to two detention basins.

The NPPF requires that a sequential approach is adopted to ensure that inappropriate development in areas at risk of flooding is avoided by directing development away from areas at highest risk. If the development cannot be located in an area of lower probability of flooding, an Exception Test may be required. Applying the Sequential Test set out in the NPPF, the majority of the route of the SQLR (which is in Flood Zones 1 and 2), is appropriate. An Exception Test is required for the proposed scheme where it crosses Flood Zone 3. The proposed scheme will meet the Exception Test as it will provide wider sustainability benefits to the community that outweigh flood risk as supported by the Core Strategy policies SP3 and H2B and the application is supported by a Flood Risk Assessment that demonstrates the proposed scheme will be safe for its lifetime without increasing flood risk elsewhere. In reaching this conclusion, account has been taken of the Strategic Flood Risk Assessment for the district.

Once mitigation measures have been implemented, the ES concludes that there will be no significant impact on the water environment. The environmental impacts of the construction works will be controlled and mitigated through a CEMP which will include measures to prevent pollution of the water environment. The proposed scheme complies with policy EN2 and section 10 of the NPPF. There are no objections from the Environment Agency in relation to flood risk, ground water and contaminated land, and pollution prevention.

Design and Appearance

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 10. Visual intrusion and 11. Noise and light pollution. An assessment of the application, however, must be made in light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

The choice of bridge design arose out of a public consultation exercise that began in October 2012 and continued until February 2013. It involved both members of the public and stakeholder organisations.

The Design and Access Statement submitted with the application states that the design rationale behind the bridge concepts developed from the concept of reflecting the rural valley through a simple yet functional structure providing aesthetic appeal and creating a relatively low profile structure with a more open aspect within the valley. The proposed design aims to strike a balance between form and functionality with the piers and material palette providing the main design features of the structure. It comprises four main spans. The main parts of the bridge comprise the piers which will be 'Y' shaped, spanning an overall distance of 242m. There would be 12m between the 'Y' shape of the pier arms. The structure would be a ladder deck construction spanning each of the three piers.

For the majority of the bridge length, it would be enclosed by a normal parapet with a minimum height of 1.0m above the adjoining paved surface, incorporating a 2.4m anti-suicide fence to the outer part and mesh infill on the inner part. A high parapet will be provided over the railway with a minimum height of 1.6m above the adjoining paved surface, incorporating a 2.4m high anti-suicide fence. Both parapets will include anti-climb plates at the outer part of the base section.

Two options are under consideration for the materials palette, namely the 'Harvest' (wheat / off-white piers with a weathered corten steel beam) and 'Town and Country' (more traditional OPC / grey piers with light blue painted steel beam). It is envisaged that the final colour of the bridge will be controlled by way of a planning condition.

It is not proposed to uplight the bridge or illuminate the road itself except at the three roundabouts and the approaches to them. Columns will be either 10m or 12m high and will incorporate full cut-off luminaries to limit upward dispersal of light.

The proposed scheme is considered to be acceptable in terms of design and appearance subject to planning conditions and in compliance with policy EN1.

Impact on Landscape and Visual Amenity

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 3. Historic character, patterns and attributes of the landscape and 6. Condition of the landscape. An assessment of the application, however, must be made in light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

The NPPF is mainly concerned with the protection of landscape areas of the highest status of protection such as National Parks.

The site falls within National Character Area 75 - Kesteven Uplands. The South Kesteven Landscape Character Assessment (2007) identifies the proposed scheme as falling within the Grantham Scarps and Valleys and Kesteven Uplands landscape character areas. The landscape management objectives for these areas that are relevant to the proposed scheme include:

- Protect and improve field boundary condition
- Protect existing hedgerow trees and plant new hedgerow trees
- Maintain important grassland areas
- Protect important and distinctive woodland cover
- Use new planting to minimise the visual impact of major roads
- Protect and enhance watercourses

The ES includes a landscape and visual impact assessment which divides the study area into three Local Character Areas. These are: A – Grantham Scarps and Valleys; B – Kesteven Uplands and C – South Lincolnshire Edge. The designated sites of the Grantham Conservation Area, Belton House Grade I Registered Park and Garden and Harlaxton Manor Grade II* Registered Park and Garden lie outside the study area. A set of photomontages is included with the Design and Access Statement comparing the existing and proposed views from a number of vantage points in the vicinity of the application site. In addition, detailed cross sections of the proposed bridge and embankments are provided with the application.

In terms of visual amenity the ES states that overall, the study area is comprised of an attractive working rural landscape which contains well managed vegetation and mature woodland set within the varied topography. In general, the extent of urbanisation within the landscape is not overly apparent and is only indicated through the prominent infrastructure which seems to be always present in views, for example, the water tower on Gorse Lane, the telecoms tower at the Barracks, the electricity pylons, the A1 and the East Coast Main Line.

The ES recognises that there will be a temporary impact on the local landscape during the construction phase with key activities being: removal of woodland, construction of haulage routes within the site, introduction of heavy plant, temporary storage of spoil (prior to reuse or removal off-site) and visual clutter associated with temporary diversions / closure of existing roads.

The ES states that the proposed scheme would result in varied landscape character impacts across the site:

- A – Grantham Scarps and Valleys
  This area to the east and west of the River Witham is considered to be of medium sensitivity to change and given the impact of the new lit roundabouts together with the loss of trees and vegetation in the river valley to accommodate the bridge and earthworks; there would be significant changes to the valley landform and the proposed scheme would introduce prominent urban features within the rural urban fringe. The impact is assessed as moderate adverse.

- B – Kesteven Uplands
  This area rising up to Whalebone Lane and to the A52 roundabout is considered to be medium to high sensitivity to change. The proposed scheme would be in cutting for the length of the route within this area and would be enclosed by a 2m high bund along the north side thus preventing views from the north but creating an unnatural landform. There would be lighting columns to the reconfigured A52 roundabout. An informal avenue of 250m long of semi and early-mature trees would be removed along Whalebone Lane. The proposed scheme would bisect three field hedgerows but is

generally aligned with existing field patterns. A significant extension to Whalebone Spinney is proposed to reinforce existing landscape character and screen views from the south-east. The impact is assessed as moderate adverse.

- C – Southern Lincolnshire Edge
  The site is not located within this area, which is located to the north of the A52 roundabout, but the likely impacts were assessed as nearby views would be available from the open plateau. The ES concluded that these views would be limited and there would be negligible changes to the area.

The visual impacts on 53 visual receptor groups, mainly comprising residential properties, were assessed and the ES concluded that there would be impacts on properties at Spittlegate, Paper Mill Farm, on the edge of Grantham (Fircroft, Bridge End Road, Saltersford Road, Spittlegate Farmhouse and cottages, Kesteven Rugby Club, Woodnook Farm, Little Ponton) during the construction phase and, to a lesser degree upon the opening of the road. By year 15 these impacts would have diminished considerably. The Water Treatment Works, the Daily Mail Cottage and the properties at the Cheveley Mobile Home Park would experience the greatest adverse impacts in terms of visual amenity. The ES recognises that, whilst the Little Ponton Public Right Of Way would be diverted, there would be large effects on the users of the footpath in terms of the impact of the road on their views across the river valley.

Lighting columns are proposed on and at the approaches to the three proposed roundabouts. Precise details of the position and design of the lighting columns will be provided as part of a planning condition. At present, there are lighting columns along the B1174 Spittlegate Level and at the A52 Somerby Hill roundabout. There will be a minor change in the character of the landscape in the vicinity of the Southern Quadrant development roundabout through the introduction of lighting columns which would comprise 'urban features' in a currently rural landscape, however, the road will enter cutting at this point providing some mitigation.

The mitigation measures proposed to reduce impacts on landscape character and visual amenity include:

- During construction phase: screen mounds and fencing around compounds, monitoring of topsoil storage and protection of trees / vegetation to be retained.
- The targeted use of mitigation planting throughout the length of the scheme to soften the visual appearance of earthworks, assist in screening and framing traffic movements, reduce lighting impacts and headlight glare, and improve biodiversity by integrating the scheme into the existing landscaping framework. The planting will include specimen tree, woodland and scrub planting, hedgerows, hedgerow trees and grassland.
- Significant extensions to Whalebone Spinney to create a new woodland block adding to and reinforcing the surrounding landscape character. The woodland would offer compensation for the woodland lost to the proposed scheme.
- The existing sponsored landscaping at the roundabout at the A52 would remain, or be replicated, in accordance with the comments of Old Somerby Parish Council.

Once the mitigation proposals have been implemented, the ES concludes that for the majority of visual receptors to the north and north-west of the proposed scheme, the impact of the new road will not be significant as it will form a new component within the view but will not be an intrusive or obstructing element given the existing views. There will, however, be significant visual effects on three receptor groups (Water Treatment Works, Daily Mail Cottage and Cheveley Mobile Home Park) located close to the proposed scheme as these groups share an existing uninterrupted outlook across the valley where the proposed scheme would become a prominent feature. The proposed landscaping scheme aims to soften the visual appearance of the scheme and assist its integration into the existing landscape framework as far as possible. Following landscape mitigation, by year 15 of the scheme, the significance of the visual effect is anticipated to diminish further in respect of the majority of properties located in proximity to the application site. Only the Water Treatment Works, Daily Mail Cottage and the Public Right of Way will experience residual large and adverse visual effects.

The purpose of the ES is to assess the significance of the change to landscape character and visual amenity. Although there are some adverse visual impacts of the proposed scheme on specific residential properties that cannot be completely mitigated, a balance must be struck between these localised impacts and the overall impact of the proposed scheme in the landscape character of the area together with the economic and traffic benefits to Grantham that will arise. Consideration of the planning merits of the proposed scheme must give weight to the fact that the proposed scheme forms a key part of a new sustainable urban extension to Grantham that is identified in the Core Strategy and is the subject of a Southern Quadrant Masterplan SPD. The landscape character of the area is likely to change more significantly should the SUE be developed.

Whilst there are significant localised impacts set out above, the balance is in favour of the development which has been designed, with mitigations, to integrate in to the wider landscape of the area as a whole. The proposed scheme complies with policy EN1, in relation to landscape and visual intrusion, and with the Southern Quadrant Masterplan SPD.

Impact on Heritage Assets

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 1. Statutory, national and local designations of landscape features, including natural and historic assets. An assessment of the application, however, must be made light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

Paragraph 131 of the NPPF advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 135 states that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The ES is accompanied by a Supplementary Heritage Assessment and Supplementary Archaeological Information regarding the results of trial trenching carried out in the study area. The trial trenching revealed archaeological features or finds in 13 trenches. The features included:

- Ditches, pits and other features from the early to middle iron age through to the 4th century AD which might make up part of the Iron Age field system of enclosures.
- A section of wall relating to a high status Roman building, including a layer of possible painted plaster. This building appears to have been demolished in the 3rd to 4th century AD.
- Other ditches, cuts and features which may relate to iron smithing activity.
- Two areas of a metalled surface which may be the northern edge of the Salters Way Roman Road.
- Remains of two Roman buildings with associated trackway / yards.

The construction of the proposed scheme is likely to include topsoil stripping for the creation of temporary work compounds and topsoil storage areas and prior to the construction of the embankments to the bridge. Areas of cutting and the creation two detention ponds as part of the sustainable drainage scheme will require more extensive groundwork. The archaeological evaluation shows that the archaeological remains of one Roman building will be removed by the construction of the eastern detention pond while a ditch enclosure will be removed by the road

cutting. The other areas of known archaeological remains lie within the areas of topsoil stripping but the likely topsoil stripping is not envisaged to impact on archaeological remains, subject to an archaeological mitigation strategy.

The proposed archaeological mitigation will comprise strip, map and sample techniques for the majority of the site with an area of detailed excavation in the vicinity of the Roman building to be affected by the construction of the detention pond. The methodology for the mitigation will be set out in a Written Scheme of Investigation and linked to the proposed CEMP.

Heritage Lincolnshire advises that the investigation has been undertaken in line with paragraph 128 of the NPPF. They conclude that the archaeological finds are not of national significance and therefore do not need to be assessed in a manner equivalent to that of the Scheduled Monument. The results of the trial trenching are of local significance and help to further the current understanding of the extent of the Roman settlement at Saltersford. The geophysical survey has also been tested for reliability and found to be sound. The proposed mitigation measures have been devised in consultation with Heritage Lincolnshire who consider them to be acceptable and recommend they are secured by way of a planning condition.

The ES identifies that the Scheduled Bowl Barrow would experience a minor impact from both construction and operational impacts through separation of the Bowl Barrow from other archaeological features in the landscape. It is noted that a degree of separation already exists through the development of the railway line, the B1174 and later field boundaries. This impact would be partly mitigated by the landscaping proposals which will soften the appearance of the proposed scheme, however, the separation of the Bowl Barrow from other archaeological features in the landscape will remain.

The ES states that the setting of the Registered Parks and Gardens of Belton House and Harlaxton Manor would not be affected by the construction of the proposed scheme. The ES states that neither Registered Parks and Gardens are anticipated to appear in long distance views to and from these assets. The Belton House and Park Setting Study and Policy Development document (2010), produced in conjunction with the National Trust, advises that *'the Southern Quadrant site is not considered to be sensitive in relation to the setting of Belton Park unless the development visually rises above containing ridgelines and tree screens.*' The photomontages produced in the Design and Access statement illustrate that this would not be the case. In view of this, the operational impact of the proposed scheme is unlikely to have an adverse impact on the setting of these Registered Parks and Gardens.

The ES and Supplementary Heritage Assessment specifically considered the impact of the proposed scheme on the setting of a number of designated built heritage assets: namely, St Guthlac's Church, Buildings at Little Ponton Hall, St Wulfram's Church, Officers' Mess and Grantham Conservation Area. They concluded that the proposed scheme would either have no impact or a very minor impact on these specific heritage assets. It has also examined the impact of the proposed scheme on the setting of other undesignated built heritage features would be affected by the construction of the bridge piers and road itself and are classed by the ES as ranging from negligible to minor impacts. For example, a former air raid shelter and derelict brick building within the area of the Water Treatment Works. These conclusions relate to both construction and operational impacts.

There would be a moderate impact on the historic landscape character of the area in relation to the field boundary system and hedgerows through construction and operational impacts.

By way of mitigation, the ES proposes the following works to be agreed by the local planning authority by way of compliance with planning conditions:

- The proposed scheme has the potential to damage or destroy known and unknown archaeological remains during construction. The proposed mitigation will include a Written Scheme of Archaeological Investigation including a mitigation strategy involving strip, map and sample techniques for the majority of the site with an area of detailed

excavation in the vicinity of the Roman building to be affected by the construction of the detention pond.

- Archaeological remains that are not to be directly affected by the construction but that may fall within working areas will be protected from damage.
- Specific mitigation measures have been identified for each of the known assets to be affected. Two historic buildings (not listed) that would require removal will be subject to a level 2 historic building record prior to demolition.
- The landscape mitigation proposals will soften the appearance of the proposed scheme within the setting of the archaeological remains, built heritage and historic landscape.

Once the mitigation proposals have been implemented, the ES concludes that there will be a minor impact on built heritage assets of a slight to neutral significance, a moderate impact on historic landscapes and a moderate impact on archaeological remains as these will effectively be damaged or destroyed through intrusive archaeological investigation and construction works.

English Heritage are satisfied that the likely harm to designated heritage assets will not be substantial and that the public benefits of the proposed scheme will outweigh any harm.

Heritage Lincolnshire have confirmed that they no longer have any reservations regarding the application and suggest that a planning condition is included to achieve the archaeological mitigation measures suggested in the Supplementary Heritage Assessment.

Overall, the proposed scheme will not have an adverse impact on any designated heritage assets. The impacts on undesignated built heritage assets and archaeological remains will be mitigated through a historic structure recording and through a Written Scheme of Archaeological Investigation. This provides an acceptable level of mitigation. The proposed scheme is considered to comply with policy EN1, in relation to built and archaeological heritage assets, and paragraph 135 in section 12 of the NPPF.

Impact on Nature Conservation

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 7. Biodiversity and ecological networks within the landscape. An assessment of the application, however, must be made in light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things: minimising impacts on biodiversity and providing net gains in biodiversity, where possible. Paragraph 118 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, which include: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The proposed scheme is located within an area of largely arable farmland of limited biodiversity value. The main areas of interest for nature conservation in the vicinity of the site comprise the River Witham valley corridor together with discrete areas of road verge, hedgerows, woodland and semi-improved grassland. An extensive area around the site was studied through desktop assessments, an extended Phase 1 Habitat and Woodland Survey and more detailed species studies (badgers, bats, breeding birds, great crested newts, otters, reptiles, water voles and white-clawed crayfish).

There are no statutorily designated wildlife sites that would be affected by the proposed scheme. Lowland Calcareous Grassland is a Habitat of Principal Importance as designated

under Section 41 of the Natural Environment and Rural Communities Act 2006 and is found in the Local Wildlife Sites.

The proposed scheme would impact to differing degrees on the non-statutory wildlife sites within the site area. There would be a temporary loss of 0.2 ha of woodland / scrub habitat within the Grantham BR SNCI and 0.15ha of vegetation in the Saltersford Valley SNCI which are located in the River Witham river valley. A permanent loss of 0.02 ha of land from these areas would result from the construction of the bridge foundations and supports and is not considered to be significant as it would not affect the integrity of the SNCI. There would be loss of habitat within five LWSs, including Lowland Calcareous grassland, through the construction of the A52 roundabout and where the SQLR would cross Whalebone Lane. The main impact is on the Whalebone Lane LWS where there would be a loss of 1.7 ha of habitat. These impacts are considered to be significant. The proposed mitigation would include the provision of replacement habitat of equivalent quality and increased quantity within the landscaping proposals for the proposed scheme.

The proposed scheme would lead to the loss of 10 ha of arable land and 1.5 ha of semi-improved grassland which is not considered to be significant. The impacts on open water (ponds), running water and ephemeral / short perennial vegetation would not be significant.

The loss of 2.9km of species-poor hedgerow and 20m of species-rich hedgerow together with a further 0.9 ha of woodland on the valley sides of the River Witham to construct embankments leading to the bridge are considered to be significant at a local level. The mitigation to the loss of habitat within the SNCI and LWSs will occur through the construction phase and will be reinstated following completion of the proposed scheme.

New areas of native species rich grassland, including wet grassland and woodland have been incorporated into the landscape scheme and new roadside planting will include a species rich grassland mix. The proposed mitigation to hedgerows and trees / woodland will include planting species-rich hedgerow along Spittlegate Level and Whalebone Lane and broadleaved tree planting along the road embankments and within the river valley. The amount of new habitat created will be in excess of the amount of habitat permanently lost as a result of the proposed scheme.

Indicative proposals for new planting include:

- Species rich grassland (including a minimum 3 ha calcareous grassland) = 25.3 ha
- Verge mix = 0.76 ha
- Wet grassland = 1.1 ha
- Woodland mix = 5.8 ha
- Low woodland mix = 1.9ha
- Specimen trees = 42
- Feathered trees = 229
- Hedges = 5,232m

With regard to protected species:

- Badgers - there is an outlier badger sett located within the river valley corridor near the Water Treatment Works. Any temporary or permanent loss of suitable foraging habitat is likely to be relatively minor as extensive suitable habitat is available on adjacent land. A badger survey has been carried out and the ES concludes that there will be no significant impact on badgers as a result of the proposed scheme.

- Bats - within the site, the majority of the area is generally of low bat roost suitability, with the exception of a mature Ash tree and seven trees within the river valley and two built structures which are identified to have moderate bat roost suitability. As three of these trees will be removed to facilitate the construction of the bridge piers, dusk emergence and pre-dawn re-entry surveys were carried out together with an endoscope survey of

one of these trees. The surveys concluded that no bat roosts were present in any of the eight trees with bat roost potential. No bats were seen emerging from or entering the two man-made structures within the woodland.

- Breeding birds - may be impacted by habitat loss along the route of the proposed scheme. The majority of habitat to be lost, however, is arable land which is likely to support far fewer species and breeding pairs per hectare than woodland, scrub and aquatic marginal habitats. The ES concludes that there should not be a significant impact on breeding birds due to habitat loss through the construction of the proposed scheme.

- White-clawed crayfish – no evidence of this species was found during the applicant's surveys in 2012 (potentially as a result of a preceding pollution incident) but more recent surveys in 2013 by the Southern Quadrant developer identified populations of white-clawed crayfish in the vicinity of the proposed scheme. As a result, the applicant has resurveyed the River Witham, the results of which corroborate these findings. No works are anticipated that will impact directly on the river bank or river bed. The temporary bridge to be laid across the river to facilitate the construction of one bridge pier is not anticipated to have an impact on the habitat of white-clawed crayfish. A number of mitigation measures are proposed to ensure that the construction works will not adversely impact on this species.

- Great crested newts, otters, reptiles or water voles – the surveys carried out as part of the preparation of the ES did not find any evidence of these species within the site area.

Natural England raises no objection to the proposals in relation to designated nature conservation sites and protected species. Natural England's standing advice on badgers, water vole, otters, white-clawed crayfish, reptiles and breeding birds has been taken into account in considering the application. The Lincolnshire Wildlife Trust is satisfied that the Supplementary Environmental Assessment demonstrates there will be no adverse impact on Local Wildlife Sites.

Once mitigation proposals have been implemented, the ES concludes that there will be no significant impact arising on ecological matters. The survey work that has been carried out demonstrates that there will be no direct impacts on protected species. The CEMP will ensure that construction work will not adversely impact on protected species and their habitats. The proposed scheme seeks to minimise the impact on biodiversity and where significant harm would occur through the loss of habitat, additional habitat creation will be provided. The proposed scheme complies with policy EN1, in relation to biodiversity, and section 11 of the NPPF.

Impact on Noise, Vibration and Air Quality

Policy EN1 states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to a number of criteria including: 11. Noise and light pollution. An assessment of the application, however, must be made in light of the comments of statutory consultees and alongside other policies in the Core Strategy and NPPF.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraphs 123-24 provide more detailed guidance on noise and air pollution.

The ES considered the impact of the proposed scheme on noise during both the construction and operational phases of the road. Noise readings of the current ambient noise levels at a

number of receptors around the vicinity of the site have been undertaken. An estimate of the likely increase in noise levels has been made. During the construction phase, assuming a detailed survey is carried out and noise abatement measures are implemented via a CEMP, it is envisaged that there will be short term, temporary (and in the main, negligible) noise impacts at properties in the study area as a result of construction activities. During the operation of the road, traffic noise is anticipated to be negligible for the majority of receptors within the study area. Within the short term, 199 properties are likely to experience a minor / moderate increase in noise but only four properties are predicted to be exposed to major adverse impacts in either the short or long term as a result of the proposed scheme as a result of their proximity and a direct line of sight to the road. There are 3 buildings associated with the Water Treatment Works (1 in residential use, 1 vacant and 1 converted to offices) and the Daily Mail Cottage on Waterworks Lane. The mitigation suggested for those properties include the application of low noise surfacing to the carriageway and localised noise barriers. The properties around the A52 are likely to experience a decrease in noise levels.

The ES considered the impact of the proposed scheme on air quality during both the construction and operational phases of the road. Based on a qualitative assessment, the ES states that construction-related dust as a result of earthworks, construction and trackout (vehicle movements) will result in a moderate adverse impact on the environment. The likely impacts of construction-related emissions are likely to be temporary, short-term and slight adverse. During the operation of the road, the ES states that there would be a negligible impact on the area by way of emissions. In particular, there would be slight beneficial impacts in the town area and the link roads to the town ie A607 Springfield Road and A52 Bridge End Road. Some properties close to the A1 would experience a slight adverse impact. There will be no adverse impact on the Air Quality Management Areas in Grantham.

The applicant has indicated that rotary boring techniques are likely to be most suitable method of piling for the ground conditions present on site. This is likely to have limited impact by way of vibration. Measures to control the impact of vibration will be included in the proposed CEMP.

The CEMP will include a number of mitigation measures to reduce the magnitude and duration of dust deposition and to ensure noise abatement. There are no objections from SKDC's Environmental Protection officer. Once mitigation proposals have been implemented, the ES concludes that there will be no significant impact arising on noise, vibration and air quality. The proposed scheme complies with policy EN1, in relation to noise, and section 11 of the NPPF.

Other Planning Matters

The proposals will result in the loss of predominantly agricultural land of differing quality comprising a mix of Grade 2 and Grade 3 best and most versatile (BMV) land. In total, approximately 30 ha of the BMV agricultural land will be lost to the proposed scheme. In accordance with paragraph 112 of the NPPF, the Council has taken into account the economic and other benefits of the highest quality farmland. The ES identifies that that would be an adverse impact on one farm holding as the proposed scheme would sever access to his fields. Given that the route of the proposed scheme is defined by the approved new junction on the A1 at one end and the location of the A52 roundabout at the other; it is unavoidable that it will impact on some land that is defined as the best, most versatile agricultural land. The proposed scheme, however, seeks to minimise the amount of land take necessary and seeks to ensure that top soil is stored for re-use as part of the landscaping works.

As the proposed scheme would be located close to the East Coast Main Line, the applicants have been in close liaison with Network Rail. Network Rail have commented on the application and while they do not raise any planning related objections, they have commented on the proximity of a retaining wall to land in their ownership. The applicant has confirmed they will continue discussions with Network Rail during the detailed design of the proposed scheme and that separate consent will be required from that organisation in addition to planning permission which will ensure no adverse impact on the East Coast Main Line.

The extant minerals consent at Little Ponton Quarry extends to the southern boundary of the application site. It is not considered that the proposed scheme would have a detrimental impact on these permitted mineral operations.

The ES has taken account of the cumulative impact of the proposed scheme with other developments and plans. The principle developments are the proposed Southern Quadrant development and the KiNG31 commercial development. Based on the available information, there would be no significantly adverse cumulative impacts in respect of the historic landscape, archaeology, visual impact, loss of agricultural land and construction related impacts if the schemes take place at the same time. Moreover the impacts can be successfully mitigated through appropriate planning conditions and limitations on development.

The impact of the proposed scheme during the construction of the road has been assessed under each topic within the ES and mitigation proposals have been suggested where applicable. The impact of construction traffic on the wider area has been considered and it is suggested in the Design and Access Statement that construction traffic would use the main strategic routes to the north and south. It is not anticipated that the route north along Spittlegate to the A52 Somerby Hill via Gainsborough Corner would be used to transport materials from one side of the site to the other. Similarly, it is not proposed that Whalebone Lane would be used by construction traffic but would be routed via the B6403 High Dike. The movement of construction traffic associated with the development is proposed to be controlled through the Construction Environmental Management Plan (condition 10 refers), an approach that has the support of the Highway Authority.

Section 106 Heads of Terms

No Section 106 Planning Obligation is provided or necessary in the case of this application.

Crime and Disorder

The development is not considered to raise any significant issues with regard to crime and disorder.

Human Rights Implications

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

SUMMARY OF REASONS FOR APPROVAL

In accordance with the Environmental Impact Regulations 2011, the environmental information submitted with the application is considered to be sufficient to enable an assessment of the environmental effects of the proposed scheme and it has been taken into consideration in assessing the proposals. The main reasons and considerations on which the recommendation to approve this application was reached are summarised in this section together with a summary of the main mitigation measures.

The proposed development will help contribute to the economic growth of Grantham and the delivery of new homes through the provision of new road infrastructure as part of the Southern Relief Road. It would be in accordance with the objectives of Core Strategy policies SP3 and H2B together with the Southern Quadrant Masterplan SPD. The specific impacts of the proposed scheme on a range of environmental matters; the amenity of nearby residential, commercial and community occupiers; and on highway safety has been taken into account. On balance, specific localised impacts of the scheme can be adequately mitigated through the use

of planning conditions to ensure that the proposed scheme would be acceptable and to comply with Core Strategy policies EN1, EN2 and EN4.

The likely environmental impacts of the proposed scheme have been assessed through the EIA process and where significant impacts have been identified, mitigation measures are proposed. The ES considered the impacts of the proposed scheme on air quality, cultural heritage, ecology and nature conservation, geology and soils, landscape and visual amenity, noise and vibration, road drainage and water environment, land use and community effects and cumulative impacts. The main impacts of the proposed scheme that would lead to significant adverse residual effects are those of noise and visual impact on four buildings on Waterworks Lane and the operation of one farm holding. The traffic impacts of the proposed scheme have been assessed through a Transport Assessment which concludes that, together with the approved A1-B1174 KiNG31 link, it will assist in removing strategic traffic and HGV trips from the town centre and that all the junctions analysed are expected to operate within capacity in the 2016 scenario.

The general public were involved in the planning application decision making process as over 250 properties were directly notified of the application by letter resulting in 5 letters of objection. In addition, the application was publicised by way of a press notice in the local paper and by a number of site notices. Prior to submission, the public were involved in the identification of the preferred route of the proposed road and the design of the proposed bridge both as an intrinsic part of the consultation on the Southern Quadrant SPD and through specific public information meetings on the scheme itself. These took place over a period from September 2011 to February 2013. The feedback received from the consultation process has informed the preferred location for the road to the south of the Southern Quadrant site and the design of the bridge.

A number of planning conditions are proposed to ensure that mitigation measures are carried out including the provision of a CEMP to ensure that the mitigation of construction related impacts is achieved. In particular, as noise and visual impacts will have a major adverse impact on properties at the Water Treatment Works and Daily Mail Cottage, noise abatement measures together with targeted landscape planting will be provided to help mitigate the predicted impacts on these properties. The impact on the farm holding cannot be mitigated; however, it is included within the Southern Quadrant Masterplan SPD area for employment development.

The impact of the proposed scheme on residential amenity and highway safety has been assessed and it is not considered that the impacts would be so significant as to warrant the refusal of planning permission.

The proposed scheme would comply with Core Strategy policies SP1, SP3, EN1, EN2, EN4 and H2B. It would be in accordance with paragraph 17 and Sections 1, 2, 4, 7, 10, 11 and 12 of the National Planning Policy Framework.

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

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

   Site Location Plan B/HRADB5081/01/7500
   Site Plan B/HRADB5081/01/7501 RevA1
   Site Plan B/HRADB5081/01/7502

Existing Levels and Contours B/HADB5081/01/7503
Existing Levels and Contours B/HRADB5081/01/7504
Scheme Cross Sections B/1045388-DWGHIG-001 RevA
Scheme Cross Sections B/1045388-DWGHIG-002 RevA
Option 2D General Arrangement B/93/23/65/STRDWG/001 RevB
Option 2D General Arrangement B/93/23/65/STRDWG/002 RevB
Option 2D Pier Elevations & Cross Sections B/93/23/65/STRDWG/003 RevB
Option 2D Abutment Elevations & Cross Sections B/93/23/65/STRDWG/004 RevB
Option 2D Underpass B/93/23/65/STRDWG/005 RevB
Option 2D General Arrangement B/93/23/65/STRDWG/006 RevA

Environmental Statement, Mouchel (March 2013)
Supplementary Environmental Statement, Mouchel (September 2013)
Supplementary Heritage Assessment, Mouchel (July 2013)
Supplementary Archaeological Information (October 2013)
Design and Access Statement, Mouchel (July 2013)
Grantham SQLR Drainage Design Strategy, Lincolnshire County Council Highways Alliance (March 2013)
Transport Assessment, Lincolnshire County Council Highways Alliance (March 2013)

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

3. No development shall commence until final details of the materials (including colour of paintwork) to be used in the construction of the proposed bridge have been submitted to and agreed in writing by the local planning authority. Only the agreed materials shall be used in the construction of the bridge.

   Reason: To ensure a satisfactory appearance to the development and in accordance with policy EN1 of the South Kesteven Core Strategy (2010).

4. No development shall commence until final details for (a) the construction specification of the proposed development comprising the road, bridge and associated structures and (b) a programme of work; have been submitted to and approved in writing by the local planning authority. The road, bridge, footways, cycleways and ancillary areas shall be designed to a specification to allow these elements to be adopted as Highway Maintainable at the Public Expense. The proposed development shall be constructed in accordance with the approved details.

   Reason: In the interests of the visual amenities of the area and in the interests of the safety of the users of the public highway and the safety of the users of the site.

5. Development shall not commence until a scheme to take up and re-site the highways/environmental features located on the existing A52 Old Somerby roundabout has been submitted to and agreed in writing by the local planning authority. The highways/environmental features shall be reinstated on the new A52 Old Somerby roundabout in accordance with the approved scheme before the roundabout is brought into use.

   Reason: In order to ensure satisfactory arrangements are made for the reinstatement of highways/environmental features at the A52 Old Somerby roundabout in the interests of landscape quality in accordance with policy EN1 of the South Kesteven Core Strategy (2010).

6. Prior to commencement of use, details of all proposed lighting to be implemented as part of the development shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details before the proposed development is brought into use.

Reason: In the interests of highway safety and visual amenity and to minimise the impacts of light pollution on the local landscape, adjoining land uses and the railway line in accordance with policy EN1 of the South Kesteven Core Strategy (2010) and paragraph 125 of the National Planning Policy Framework.

7. No development shall commence until a detailed drainage strategy for the development has been prepared, in accordance with the Grantham SQLR Drainage Design Strategy, Lincolnshire County Council Highways Alliance (2013), submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented before the proposed development is brought into use.

   Reason: To ensure that surface water run-off from the development will not adversely increase the risk of flood, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with policy EN2 of the South Kesteven Core Strategy (2010) and the core planning principles of the National Planning Policy Framework (2012).

8. No development shall commence until details of the implementation, maintenance responsibility and management of the approved drainage scheme have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

   i. a timetable for its implementation, and
   ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

   Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and to accord with the provisions of policy EN2 of the South Kesteven Core Strategy (2010) and the National Planning Policy Framework (2012).

9. All existing drainage routes through the site should be maintained both during works on site and after completion of the development. Drainage routes include all methods by which water may be transferred through the site and shall include such systems as ‘ridge and furrow’ and ‘overland flows’. A method statement shall be submitted to and approved in writing by the local planning authority to ensure that upstream and downstream riparian owners and those areas that are presently served by any existing drainage routes passing through or adjacent to the site are not adversely affected by the development. The method statement shall take account of the effect of raising site levels on adjacent land.

   Reason: To prevent an increase in the risk of flooding and / or waterlogging on adjacent land and in accordance with policy EN2 of the South Kesteven Core Strategy (2010).

10. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. The approved CEMP shall include means of monitoring and compliance and shall be adhered to throughout the construction phase of the development. As a minimum, the CEMP shall provide for the following measures, but shall not be restricted to this list:

    i. identification of nearest residential properties and a contacts / complaints procedure
    ii. details of hours of working
    iii. the parking of vehicles of site operatives and visitors

iv. loading and unloading of plant and materials
v. storage of topsoil, plant and materials used in constructing the development
vi. storage of fuel and refuelling
vii. the construction of screen mounds and fencing around site compounds, topsoil storage and working areas
viii. monitoring of topsoil resource to ensure correct storage and separation of soils for re-use
ix. wheel washing facilities
x. measures to control the emission of noise, vibration, dust and dirt during construction
xi. a scheme for recycling / disposing of waste resulting from demolition and construction works
xii. further detail on the daily anticipated vehicle movements
means of access and routing plan for deliveries, construction traffic and movement of excavated material such that use of B1174 and A52 via Gainsborough Corner is minimised and that Whalebone Lane (to the south of the proposed development) is not used at all
xiii. measures to provide adequate signing/warning to highway users of increased turning movements in and around the points of temporary access
xiv. control and management of arrivals and departures to minimise risk of conflict or amassing of vehicles at the access and within the limits of the highway
xiii. measures to prevent pollution of the water environment including ground water, the River Witham and other surface waters
xiv. construction method statement, a programme of water quality monitoring and post-construction geomorphological monitoring for construction works in or near the River Witham
xv. control of lighting
xvi. protection of existing trees, hedgerows and vegetation
xvii. measures to protect protected species (bats, badgers and breeding birds) and ecologically sensitive areas (SNCI / LWSs, calcareous grassland, hedgerows, trees and woodland)
xviii. measures to protect archaeological remains

Reason: To ensure appropriate mitigation for the impact on residential amenity, nature conservation interests and the water environment caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement, to accord with the objectives of the Southern Quadrant Masterplan SPD, policies EN1 and EN2 of the South Kesteven Core Strategy (2010) and paragraph 110 of the National Planning Policy Framework (2012).

11. No development shall commence until a scheme and timetable to restore the land proposed to be used as temporary site compounds and topsoil storage areas, shown on Drawings: Site Plan B/HRADB5081/01/7501 RevA1 and Site Plan B/HRADB5081/01/7502, following the end of the construction phase has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable.

    Reason: To ensure the land reverts to its current appearance in the interest of the amenities of the area in accordance with policy EN1 of the South Kesteven Core Strategy (2010).

12. No development shall commence until a detailed method statement and construction drawings, to include full details of any proposed temporary works in, under, over or within 9m of the landward edge of the toe of the bank of the River Witham, designated a 'main river', has been submitted to and agreed in writing by the local planning authority. The method statement should take account of modelled flood levels and extents and ensure that the works are capable of withstanding high flows without impeding these flows or increasing flood risk. If necessary, contingency plans should be in place to

make the works safe in the event of forecast flooding. The development shall proceed in accordance with the approved details.

Reason: To ensure the development will not adversely increase the risk of flood in accordance with policy EN2 of the South Kesteven Core Strategy (2010) and paragraph 103 of the National Planning Policy Framework (2012).

13. No development shall commence until a detailed scheme and timetable for the provision of noise mitigation measures proposed in the Environmental Statement (Mouchel, March 2013) has been submitted to and approved in writing by the local planning authority. The scheme shall mitigate any predicted long term increases in noise over 3 dB(A) above baseline noise levels (LA10,18h), set out in Table 11-8 of the Environmental Statement, for the four properties located in the vicinity of the Anglian Water Waterworks and Daily Mail Cottage. The scheme shall include a programme for post-implementation monitoring and compliance. The development shall only be implemented in accordance with the agreed scheme and timetable.

    Reason: To protect the amenity of local residents in accordance with policy EN1 of the South Kesteven Core Strategy (2010) and paragraph 123 of the National Planning Policy Framework (2012).

14. No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) or where survey work by a suitably qualified ecologist has confirmed the absence of breeding birds.

    Reason: To safeguard protected species and to accord with the core planning principles of the National Planning Policy Framework (2012) and policy EN1 of the South Kesteven Core Strategy (2010).

15. 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 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 local planning authority gives written consent to any variation.

    The landscaping scheme shall include new areas of native species rich grassland mix (including calcareous grassland), new species-rich hedgerow planting and native broad-leaved tree planting by way of mitigation for the loss of such features through development as proposed in Table 1.9 of the Supplementary Environmental Statement (Mouchel, September 2013).

    Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. It will mitigate against the loss of important ecological features caused by the development. The implementation of the scheme is therefore necessary to create a pleasant environment and create replacement habitats in accordance with Policy EN1 of the South Kesteven Core Strategy and the National Planning Policy Framework.

16. 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 occupation of any part of the development or in accordance with the programme agreed in writing by the local planning authority.

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

17. No development shall commence until a Written Scheme of Archaeological Investigation, having regard to the Supplementary Heritage Assessment (Mouchel, July 2013), and Supplementary Archaeological Information (Mouchel, October 2013), has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:

    1. A proposed mitigation strategy (preservation by record, preservation in-situ or a mix of these elements)
    2. A methodology and timetable of site investigation and recording
    3. Provision for site analysis
    4. Provision for publication and dissemination of analysis and records
    5. Provision for archive deposition
    6. Nomination of a competent person/organisation to undertake the work
    7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

    The proposed development shall only be carried out in accordance with the approved scheme. The applicant shall notify the local planning authority of the intention to commence at least 14 days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

    A copy the findings of the archaeological investigation shall be submitted within 3 months of completion of the work to the local planning authority.

    Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with paragraph 141 of the
    National Planning Policy Framework (2012) and policy EN1 of the South Kesteven Core Strategy (2010).

18. No development shall commence until a record is made of the historic structures comprising the air raid shelter (site 63) and the ruined building (site 65) as referenced in the Environmental Statement (Mouchel, March 2013) and Supplementary Heritage Assessment (Mouchel, July 2013). The record shall include a measured survey, written description and photographic record. The information shall be submitted to the local planning authority and for inclusion in the Historic Environment Record for Lincolnshire.

    Reason: In order to record the historical interest of the structures prior to demolition in accordance with paragraph 141 of the National Planning Policy Framework (2012) and policy EN1 of the South Kesteven Core Strategy (2010).

Note(s) to Applicant

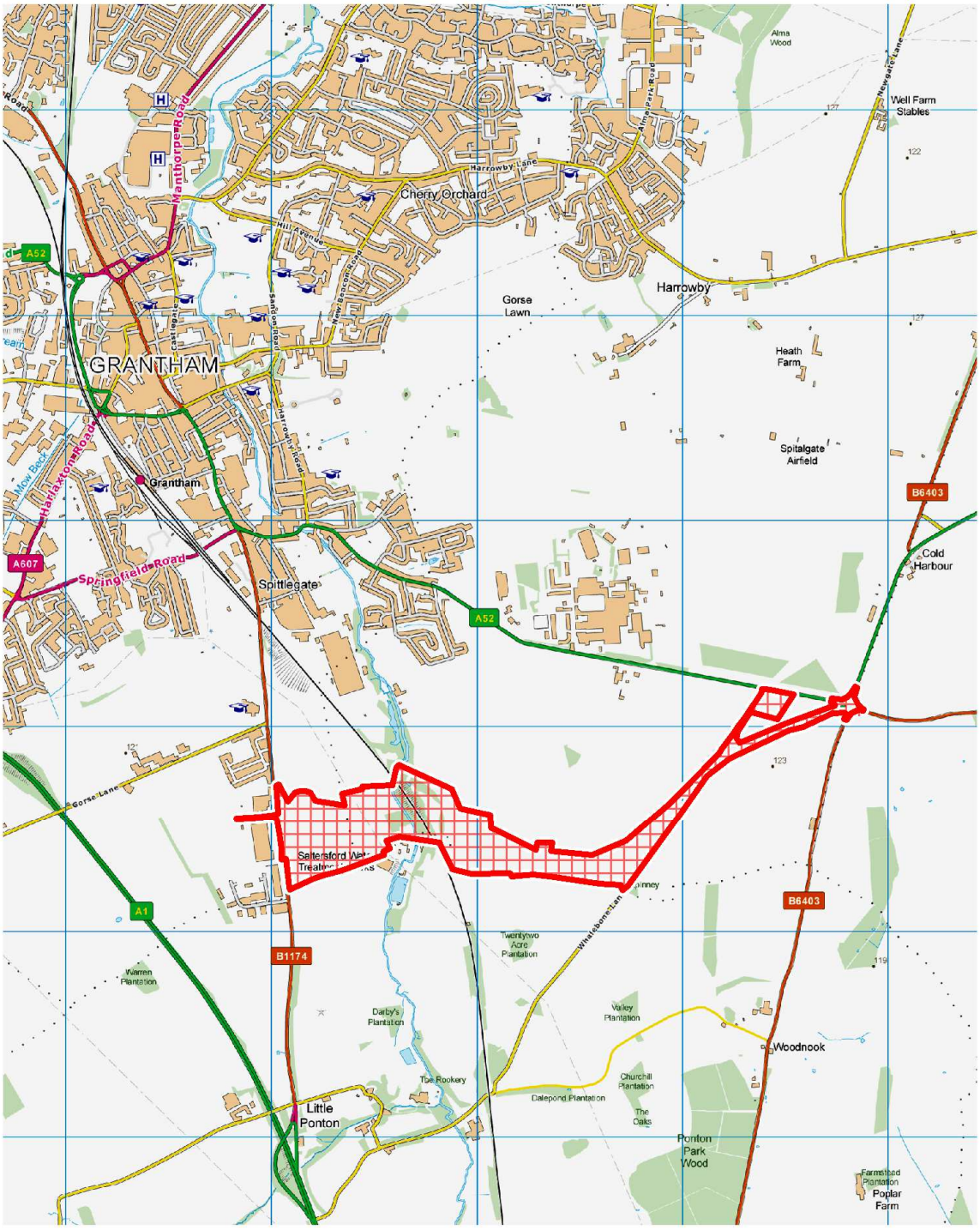
1. Prior to the submission of details for any temporary or access works within the public highway you must contact the Divisional Highways Manager on 01522 782070.
2. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, any works in, over, under or within 9.0 metres of the landward toe/brink of any Main River requires the prior written permission from the Environment Agency by way of a Flood Defence Consent.
3. Pursuant to condition 4, the final details shall include (but shall not be exclusively limited to) the following elements of the proposed development: carriageway surfacing, bridges,

structures, retaining walls, underpasses, bridge wing walls, bridge abutments, safety features, parapets and embankments.

4. A public right of way crosses the site and you are advised that a public path order under the Town and Country Planning Act 1990 will be required under separate consent to seek the legal diversion of the footpath. Any such application should include details of the specification construction including footpath width, materials and gradient. Further advice can be obtained from Lincolnshire County Council Rights of Way on 01522 782070.
5. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, any works in, over, under or within 9.0 metres of the landward toe/brink of any Main River requires the prior written permission from the Environment Agency by way of a Flood Defence Consent.
6. The applicant should follow the best practice guidelines and advice on legal responsibilities contained within the following Environment Agency pollution prevention guidelines:
   PPG1 - Understanding your environmental responsibilities – good environmental practice
   PPG5 – Works and maintenance in or near water
   These documents can be found at the following link:
   http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx
7. The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 (amended 2012) and the Protection of Badgers Act 1992 in relation to European and domestic protected species. It is the applicant's responsiblity to comply with the provisions of this legislation, in respect of the protection of protected species and their breeding sites, in carrying out the approved development.
8. The applicant's attention is drawn to the existence of a Source Protection Zone 1 (SPZ1) within the site. The Environment Agency advises that no infiltration of surface water drainage into the ground within Source Protection Zone (SPZ) 1 is permitted and, as such, the drainage strategy shall be devised to take this requirement into account.

* * * * *

Site Location Plan	
Ref	**S13/0775**
Proposal	**Construction of Southern Quadrant Link Road (SQLR) comprising new 3km single carriageway road between B1174 Spittlegate Level and A52 Somerby Hill including a new bridge spanning the East Coast Main Line and River Witham. Works to include a new 5 arm roundabout at B1174 Spittlegate Level, improvements to the existing A52/B6403 roundabout, associated new junctions/access roads, new cycleway/footpath at Whalebone Lane, site compound/construction and storage areas, recontouring of ground levels, formation of attenuation ponds and diversion of public right of way**
Location	**Grantham Southern Relief Road, Grantham**



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NB1 **S13/2535/MJNF**

Target Decision Date: 06-Dec-2013
Committee Date: 19-Nov-2013

Applicant	**Nick Sewell, New River Retail** 37, Maddox Street, London, W15 2PP
Agent	Warren Cullen, Corstorphine & Wright Brook Hall, Brook Street, Warwick, CV34 4BL
Proposal	**Erection of 2 non food retail units (amendments to application S12/1198)**
Location	**Former R F Witt & Sons and adjacent car park, Godsey Lane, Market Deeping, Peterborough, PE6 8HT**
App Type	Major Full (Non-residential)
Parish(es)	Market Deeping
Reason for Referral to Committee	The application is considered to be locally controversial and a major application.
Recommendation Summary	**Grant permission subject to the imposition of conditions** Planning permission was refused for the erection of two units under reference S12/1198 because of the overbearing impact that would result. The height of both buildings has reduced by 1m from 5.5m to 4.5m; it is deemed that this reduction in height has gone far enough to allow the grant of permission. In all other aspects the application remains the same with pedestrian links to the existing town centre and an increase in parking provision. Within Market Deeping there is capacity for additional non-food retail units, this application would address the shortfall and enhance rather than detract from the town centre. Following the reduction in height of the building and having regard to their location it is not considered that the buildings would have a significant detrimental impact on the amenity of neighboring properties through a dominating or overlooking impact. Furthermore, the design of the buildings is appropriate in the context and would enhance the character of the area over and above the existing. The increase in vehicle movements from the units would not be significant and deliveries would also be acceptable and parking provision increase. Controls over the hours of deliveries and noise generating equipment would be required. Trees worthy of retention will be incorporated within the landscaping scheme and possible contamination removed. The application is, therefore, deemed to comply with Core Strategy policies E1, E2, SP1 and EN1; emerging policy SAP8, along with guidance contained in the National Planning Policy Framework.

Key Issues

- Whether the units would enhance or detract from the existing town centre;
- Impact on the character of the area and wider locality;
- Impact on residential amenity through a dominating impact;
- Highway safety through impacts on parking provision, vehicle movements and deliveries;
- Impact on the environment notably existing trees and possible contamination;

Technical Documents Submitted with the Application

- Floor plans, elevations, site layout and tree protection plans
- Noise assessment
- Phase 1 Desk Study Environmental Assessment
- Transport Assessment
- Design and Access Statement
- Planning and Retail Statement

REPORT

Application category

The application is a major (non-residential).

Reason for referral to Committee

A previous application for a similar form of development was determined at the Development Control Committee (DCC), with it being a major application and one of local interest.

The proposal

The application is for the erection of two non-food retail units. Unit 1 would be to the north of the site and have a floor area of 743sqm, with a maximum height of 4.5m. Unit 2 would be to the south of the site and have a floor area of 929sqm, with a maximum height of 4.5m too. External materials for the buildings will primarily be timber cladding and glazing.

The application site and surroundings

The application site comprises two parcels of land either side of the entrance to 'The Precinct'. Part of the site, where unit 2 would be sited, was the former R F Witt and Sons engineering firm, the building of which is now demolished and site vacant. A number of trees surround this part of the site and in particular there are a number to the frontage with Godsey Lane, which are mature and provide a relatively attractive aspect. To the south of the site are a number of residential properties including 25 and 25A Godsey Lane and properties on Dixons Lane.

The land to the north of the entrance to The Precinct is a car park. 27 and 29 Godsey Lane are adjacent to the site along with a number of properties on Thyme Avenue; the boundaries of which a marked by a mixture of planting and fencing.

Site history

Planning application S12/1198/MJNF for the erection of two retail units was refused permission at the DCC of 26 March 2013. The reason for refusal is reproduced below;

> "The development by reason of the scale, height, massing and siting of unit 1 would have a significantly detrimental and dominating impact upon the residential amenity of nearby residents and harmful to the character of the area contrary to policy EN1 of the South Kesteven Core Strategy (2010) and the core principles of the National Planning Policy Framework (2012).
>
> After debating the merits of the application at Development Control Committee, Members of the committee raised a fundamental objection to the application and considered that this could not be overcome. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework".

The application as submitted is identical to the previous application in terms of highways and design; however, the height of both units 1 and 2 have been reduced in height by 1m from 5.5m to 4.5m.

Policy considerations

Core Strategy (Adopted July 2010)
SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
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
E1 – Employment Development
E2 – Town Centre and Retail Development

Site Allocation and Policies - Development Plan Document (DPD)

SAP7 – Development within the defined Town Centres
SAP8 – Town Centre Opportunity Areas

National Planning Policy Framework

1 – Building a strong, competitive economy
2 – Ensuring the vitality of town centres
4 - Promoting sustainable transport
7 – Requiring good design
10 – Meeting the challenge of climate change, flooding and coastal change
11 – Conserving and enhancing the natural environment
12 - Conserving and enhancing the historic environment

Representations received

Market Deeping Town Council (MDTC) - The observations of MTDC are reproduced below;

> *"The Town Council welcomes the investment in retail development but there are concerns over the positioning of units one which was expressed in response to the previous application. The Town Council is gravely concerned by the huge loss of parking that will come about with the erection of unit 1. In addition, members of the public have raised concerns listed below".* (Please note the concerns of members of the public are covered in the relevant section of this committee report)

Peterborough City Council - make no observations on the application.

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

The Member of Parliament for the area, Mr John Hayes - expresses concern about the application and feels that parking provision would be inadequate as well as that small business will suffer. The end users of the units are unclear but it is likely to be national retailers at the expense of local/independent firms. Whilst noting the reduction in height of the units still feels that neighbours will suffer through excessive noise and the close relationship with adjoining properties.

Welland and Deepings Internal Drainage Board – note that surface water is to be discharged via a sewer and that they do not have any pipeline or sewer on the locality, although Anglian Water may have. However, a sustainable form of surface water discharge would be more appropriate.

Property and Facilities – request that a condition be added about the approval of an appropriate surface water drainage scheme.

Environmental Protection - recommend that the hours at which delivery vehicles are allowed to access the units is restricted to between 7am and 8pm. The noise report did not specify what plant or equipment e.g. air-con units are to be installed, and a condition to ensure that any equipment should not exceed +5db above existing back ground noise levels is recommended. Furthermore, an intrusive report would be required to identify if there is any contamination of the land that housed the former Witt and Sons building.

Tree Consultant - notes that the trees which contribute to the character of the area are to be retained within the scheme and, therefore, does not object to the application subject to conditions about the retention of trees identified within the report and mitigation to ensure that protection measures are in place during construction. The submitted landscaping scheme is also acceptable.

Planning Policy - support the application and their comments are reproduced in full below;

"The application is a resubmission of a proposal for two new retail units on the site of a former workshop located just outside the defined town centre of Market Deeping. The resubmitted application seeks to address Development Management Committee Members concerns regarding the overall height and massing of the proposed buildings. In all other respects the application appears unchanged. Therefore my comments made about application S12/1198 dated 20th June 2012 and 8th March 2013 are of relevance to the consideration of this revised application.

The proposal is for two retail units on a brownfield site, which will front onto and utilise part of the town centre car park which lie just outside the town centre boundary as defined in the emerging Site Allocation and Policies DPD. The site benefits from good bus access and is in close proximity to a range of existing retail opportunities within the town centre.

The NPPF states that planning policies should be positive, promoting competitive town centres and growth. The NPPF also reinforces the primary role of the town centre and the importance of promoting new development in the town centre. In so doing it retains the need to apply the sequential test to planning applications for retail development outside defined town centre. When considering edge of centre proposals, the NPPF states that preference should be given to sites which are accessible and well connected to the town centre. (Paragraphs 23 – 27 apply)

The councils adopted Core Strategy promotes development which helps to maintain and support the role of the market towns (SP1), and seeks to strengthen, regenerate and promote the vitality and viability of the town centres (E2). Policy E2 also establishes that preference will be given to retail uses located within the defined town centre, and in conformity with the NPPF requires a sequential approach to be followed for proposals for retail development in locations outside the town centre. Policies SAP7 and SAP8 of the emerging Site Allocation and Policies DPD also reflect National and Strategic policy requirements

In 2010 the Council commissioned NLP to prepare a retail needs and town centre study (South Kesteven Retail Needs and Town Centre Study (SKRN)) for the district. This report identified a potential unmet capacity within Market Deeping for an additional 2,300 sqm of retail floorspace in the town by 2016. It also identified that there was a considerable amount of expenditure leakage from the town centre to other town centres. Despite this Market Deeping town centre retains a good range of small local retailers and is a small but vibrant town centre.

The application proposal is supported by a Planning and Retail Statement (PRS), which considers the compliance of the scheme with national and local policy, and the potential impact the proposal will have on expenditure and turnover within the centre. It should be noted that the floorspace figures used in the PRS differ within that report

and therefore do not always agree with the floorspace figures shown on the planning application form and in the Design and Access statement. (both of which show that the proposals is for total net floorspace of 1672 sq m (or 18,000sq ft)). This matter was clarified as part of the previous application, therefore, I have assumed that the floorspace proposed is that set out on the application form. This should however be confirmed by the applicant before the application is determined. The Council's own Retail Capacity Study (NLP report 2010) demonstrates that there will be capacity for an additional 2,300sqm of retail floorspace by 2016. There is therefore capacity within the town centre to support the floorspace proposed.

Having reviewed the PRS I am satisfied that the applicant has applied the sequential assessment required by both Core Strategy policy E2 and the NPPF, as such there would appear to be no other more suitable sites available to meet the floorspace requirements of the proposed development.

The PRS also considers the potential impact the proposal may have on the existing centre. (Although NPPF only requires this for developments of 2,500sq m or more). Again, I am satisfied that, using the assumptions and data within this report and the SKRNS relating to expenditure, turnover and catchment draw, that there will be sufficient surplus expenditure within the catchment at 2014 and 2016 to support the proposed increase in retail floorspace, and that the proposal will not therefore have a detrimental impact upon the viability of the existing centre. The proposal may actually result in a claw back of expenditure to Market Deeping from other centres such as Peterborough, benefiting Market Deeping town centre as a whole.

The town centre boundary and the primary shopping frontage has been defined in the emerging Site Allocation and Policies DPD (SAP). The town centre boundary for Market Deeping is drawn around the traditional high street comprising Market Place and Church Street. It also includes the parade of small units known as The Precinct and extends eastwards to include the Co-op and its petrol filling station. The proposed stores included in this application lie to the east of the Co-op, and are located outside the town centre boundary. Although they would be in close proximity to the defined town centre the effect will be to draw the town centre further east, away from the more traditional Market Place. I am concerned about the effect this may have on the Market Place, however it is noted that the proposed stores would be in close proximity to the Co-op, and The Precinct and could promote combined trips to stores within the town centre, thereby improving the attractiveness of the centre as a retail destination. The proposed layout for the car park make provision for pedestrian routes from the proposed units through the car park to the Co-op and the Precinct. These routes will allow shoppers the opportunity to walk safely into the town centre from the new units and will hopefully encourage increased footfall along the Precinct. This could promote combined trips to stores within the town centre, thereby improving the attractiveness of the centre as a retail destination. The NPPF suggests that when considering edge of centre proposals preference should be given to sites which are accessible and well connected to the town centre. (Paragraphs 23 – 27 apply).

I am satisfied therefore that there is sufficient capacity within the town centre to accommodate the scale of retail floorspace proposed, and that the applicant has addressed both national and local policy in relation to the sequential approach to the location of retail development. The scheme shows pedestrian connections to the town centre through defined pedestrian links which should provide the opportunity to increase footfall into the town centre. I consider therefore that the application is also in accordance with the criteria for the development of opportunity areas on the edge of the defined town centre given in policy SAP8 of the emerging Site Allocation and Policies DPD. As such I consider the proposal is in accordance with adopted and emerging policy relating to the location of new retail floorspace and I have no objection to the principle of the scheme".

Lincolnshire County Council – the Highway Authority does not object to the application, subject to the imposition of conditions.

Representations received as a result of publicity

The application has been advertised in accordance with the Council Statement of Community Involvement, the closing date for representations being the 11 October 2013. During the consultation period a total of 14 representations have been received, a summary of their observations is reproduced below;

- Loss of much needed parking spaces;
- The road layout close to the petrol filling station looks very tight and there has been congestion here in the past;
- The units are too large and will dominate the environment and result in an overbearing impact and loss of light;
- Trees to the edge of the site will be lost and should be retained;
- The proposed air-con units will generate an unacceptable noise level;
- Express concern about possible increases in parking prices that may result;
- Where will waste from the units be stored and trolleys?
- The turning of HGV's and delivery vehicles is likely to be harmful to highway safety;
- Vehicle movements will increase because of the proposal;
- A reduction in the number of parking spaces is not acceptable;
- Is there a demand for the units or will they be left empty like all the others; who are the proposed end users?
- The design of the buildings is out of character with the area and they are too large;
- If approved additional landscaping should be considered;
- The car park to be built on is used as a meeting place for many community groups;
- House prices for the surrounding properties will reduce;
- Delivery hours and vehicles may be a problem and should be controlled;
- Construction of the units will harm the amenity of neighbouring properties; and
- Proposed opening hours for the stores is unacceptable;

Officer evaluation

Principle of development

The application site falls outside of the town centre of Market Deeping, as defined in the emerging Site Allocations and Policies DPD. However, the proposed buildings would be just 75m from this boundary and would have good access from the units to the town centre through a pedestrian only link to the existing precinct. A Planning and Retail Statement has been submitted in support of the application and the Councils own Retail Capacity Study identifies that there is capacity in Market Deeping for 2,300sqm of retail floorspace by 2016. There is, therefore, not any reason to object to the principle of development that would enhance existing provision within the town and Planning Policy raise no objection to the application.

Highways

While unit 1 would be sited on an existing car park the proposed re-configuration of parking spaces would actually result in an increase of parking spaces of 18. Vehicle movements on Godsey Lane as a result of the application are indicated to increase by approximately 1% during the weekday evening peak hours and between 1% and 2% on the Saturday peak. This increase in vehicle movements and parking is considered to be acceptable with the highway network capable of accommodating this increase and parking provision also acceptable.

Amendments are proposed to the front of the petrol station to aid the movement of HGV's so that they can turn around to the rear of the Co-op. Loading bays are to the side of each unit along the access road to The Precinct.

Impact on the environment and character of the area

Both buildings would be 4.5m tall, 1m lower than what was proposed under application S12/1198/MJNF, which was refused permission. Unit 1, which would be close to the properties on Thyme Avenue, would be sited at the end of the cul-de-sac. It would be visible when entering the street and from a number of the homes. However, it would be adjacent to the blank gable of 7 Thyme Avenue and forward of no.10. It would not run along the boundary of the rear gardens of these properties and whilst visible from them the reduction in height of the building would reduce overbearing impacts and allow the grant of planning permission. The building would be approximately 19m from the rear elevation of 27 and 29 Godsey Lane and at 4.5m tall the unit would be lower than the eave height of a conventional two-storey dwelling.

This relatively modest building would have no more impact upon the amenities of neighbours than the current activity associated with the car parking spaces adjacent to Thyme Avenue.

Unit 2 would be on the site of the former Witt and Sons industrial unit. This building would have a height of 4.5m also and be set some 20m from Godsey Lane, allowing the trees to the front of the road to be retained. Unit 2 would be longer and run parallel to the boundary with properties on Dixon Road and 25/25A Godsey Lane for a distance of 45m; it would be sited 6m from this boundary. There is an element of planting along this boundary and this will be supplemented through additional planting to screen the development. The majority of the building would be adjacent to parking areas for dwellings off Dixons Road although some would run alongside the rear garden of 25A Godsey Lane. However, given the reduction in height of the building, distance to property boundaries and planting proposed a refusal on overbearing grounds would not be justified.

The primary external material for the buildings would be timber with a glazed shopfront, set within an aluminium frame. Entrance to the buildings would be from the west elevation overlooking the precinct with no access for customers from Godsey Lane. The design of the buildings is appropriate in the context and typical of such shop buildings with the Market Deeping Conservation Area some 75m away and its setting not affected.

There a number of trees that surround the site, most notably unit 2. The trees to the front of this unit are intended to be retained within the scheme and would ensure that the Godsey Lane frontage would not change significantly. Other trees toward the periphery of the site would be removed but additional landscaping is, where possible, proposed to screen the development and reduce the visual impact of the buildings on neighbouring properties. Subject to the protection of trees to be retained, along with the approval and implementation of a landscaping scheme, the impact on existing flora is acceptable.

Restrictive conditions would be required to ensure that the amenity of neighbouring properties is acceptable with regard to noise that may be generated along with further exploratory investigations for possible contamination on the former Witt and Sons site.

Section 106

No section 106 legal agreement is required for this application.

Crime and Disorder

The development is not considered to raise any significant issues with regard to crime and disorder.

Human Rights implications

Articles 6 and (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.

SUMMARY OF REASON(S) FOR APPROVAL

The retail units fall outside of the town centre, as defined in the Site Allocations DPD, but by virtue of the relationship between the proposed units and existing town centre, where there is an identified shortfall of retail space within Market Deeping, it is considered that the development would enhance rather than detract from the viability of the town. Nor is it considered that the application would be detrimental to highway safety or parking provision with the proposal resulting in only a slight increase in vehicles movements and parking provision for the precinct increasing over and above the existing. Furthermore, the design of the buildings are appropriate in the context and would enhance the character of the area over and above the existing. Residential amenity would not be compromised through noise that would be generated nor is it considered that the development would result in a significant overbearing or overlooking impact. The application is, therefore, deemed to comply with Core Strategy policies E1, E2, SP1 and EN1; emerging policy SAP8, 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.

   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. Prior to the commencement of use of any building(s), the vehicular access to Godsey Lane shall be improved in accordance with the indicative drawing number 10407/1000 Rev K dated 06/09/13.

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

4. The arrangements shown on the approved plan 10407/1000 Rev K dated 06/09/13 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 Godsey Lane and the access road known as The Precincts and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

5. No part of the development shall commence trading before the works to improve the public highway (by means of widening the existing carriageway, taking up and replacing and re-siting kerbing & footways, together with provision of an uncontrolled pedestrian crossing and all necessary lighting and ancillary works as indicatively shown on drawing 10407/1000 Revision K) have been completed.

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

6. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

   Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

7. The retail units shall not be used for the sale of food.

   Reason: To comply with guidance contained in the South Kesteven Needs and Town Centre Study (March 2010).

8. The loading/unloading of delivery vehicles to the units shall only be carried out between the following times; 07:00 and 20:00 - Monday to Saturday and; 08:30 and 20:00 on Sunday and Bank Holidays.

   Reason: To protect the amenity of the residents of adjacent properties, and in accordance with Policy EN1 of the South Kesteven Core Strategy.

9. Any plant or equipment to be installed on the units shall not exceed +5dba above the existing background noise levels, as identified in table 5.4 of the submitted noise assessment.

   Reason: To protect the amenity of the residents of adjacent properties, and in accordance with Policy EN1 of the South Kesteven Core Strategy.

10. No works pursuant to this permission shall commence on unit 2, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

    (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;

    (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

    (c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

    Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of

the adopted South Kesteven Core Strategy (July 2010) and guidance contained in the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority (persuant to unit 2). The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

    (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;

    (b) As built drawings of the implemented scheme;

    (c) Photographs of the remediation works in progress; and

    (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

    Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

    Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and guidance contained in the National Planning Policy Framework.

12. 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 sale of goods from the buildings 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 of the landscaping scheme 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).

13. Before development is commenced on site all existing trees shown on the approved plan (tree survey with constraints plan - tree 23 shall be retained within the scheme unless the Local Planning Authority give written consent for its removal) shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

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

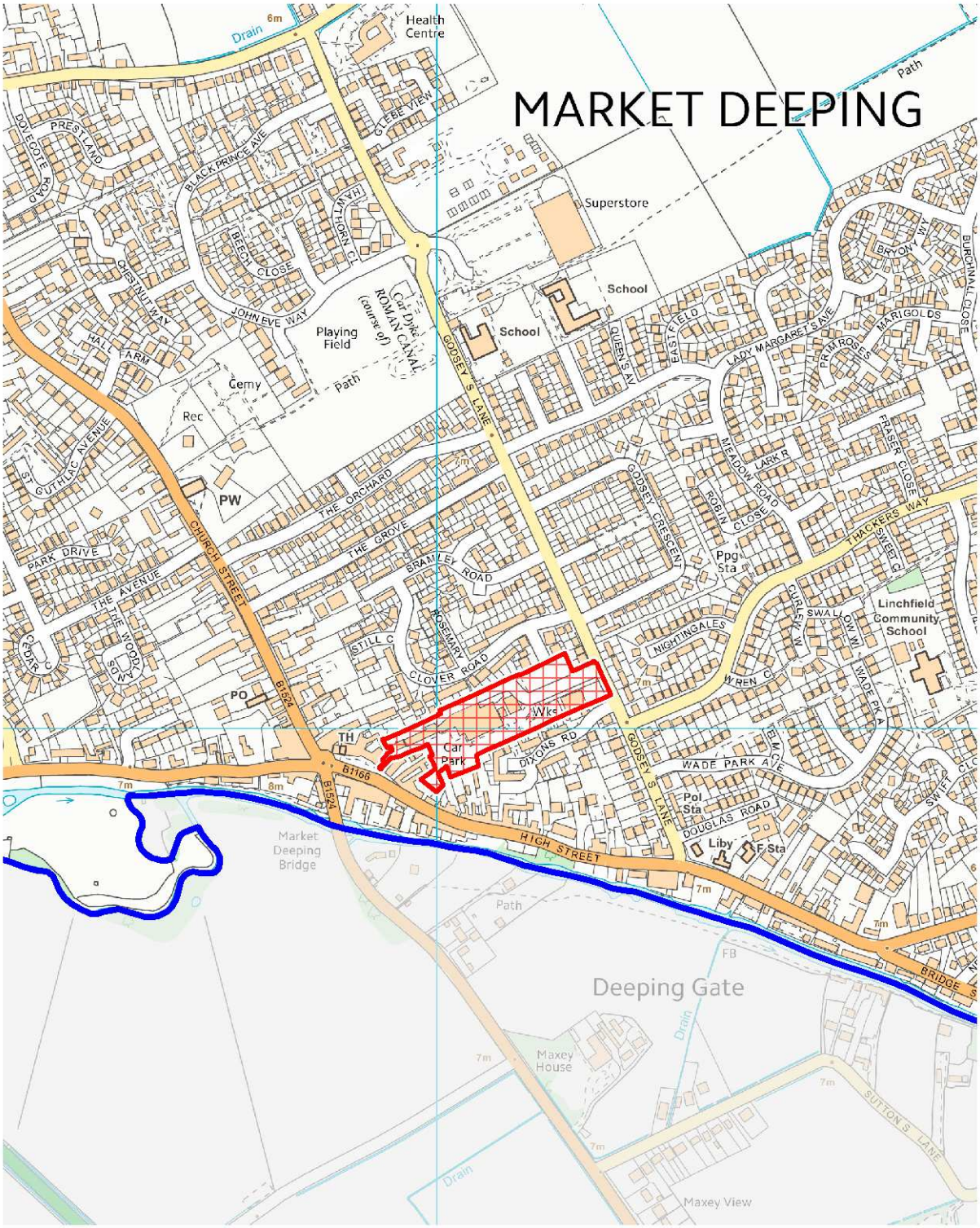
14. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

    1000 rev K
    1001 rev C - unit 1 plans and elevations
    1002 rev C - unit 2 plans and elevations
    Tree survey with constraints plan

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

* * * * *

Site Location Plan	
Ref	**S13/2535**
Proposal	**Erection of 2 non food retail units (amendments to application S12/1198)**
Location	**Former R F Witt & Sons and adjacent car park, Godsey Lane, Market Deeping, Peterborough, PE6 8HT**



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AH1 **S13/2586/FULL**

Target Decision Date: 03-Dec-2013
Committee Date: 19-Nov-2013

Applicant	**Linden Homes Midlands** Ashurst, Southgate Park, Bakewell Road, Orton Southgate, Peterborough, PE2 6YS
Agent	Mrs Natalie Wallinger, NKW Design Irvine House, 84, Eastfield Road, Wollaston, Northampton, NN29 7RU
Proposal	**Erection of 7 no. dwellings with associated garaging, roads and sewers**
Location	**land off, Belvoir Close, Stamford**
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	This application has been referred to Committee because the scheme is one of local interest that would need to be determined by Members, as well as necessitating a Section 106 Legal Agreement.
Recommendation Summary	The application site is allocated for residential development in Policy STM1b of the emerging Site Allocations and Policies Development Plan Document and is proposed for delivery within the first phase of the plan period of 2011-2016. As such it is considered that the proposed development would in principle be in line with the aims of Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010). The levels of provision of affordable housing proposed on the site, along with the commuted sum contributions proposed towards education and informal/natural green space and equipped children's play space, would be compliant with Policies H3 and SP4 of the South Kesteven Core Strategy (2010). The residential development scheme also provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy. The development would not be detrimental to highway safety or be significantly detrimental to the natural and water environment, heritage assets or archaeological interests. The proposed development by reason of its scale and design would be in keeping with the character of the locality and would not have a significant overbearing, overshadowing or overlooking impact on adjoining properties. It is considered that the levels of traffic likely to be generated by the proposed development would not give rise to levels of noise and disturbance that would be significantly detrimental to the residential amenities of existing surrounding dwellings. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010).

Key Issues

- Planning policy implications (including affordable housing provision)
- Highway safety implications
- Impacts on residential amenity and visual amenities
- Water/drainage/land contamination issues
- Impacts on the natural and historic environments.

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans

- Dwelling and Garage Designs and Streetscene Drawings
- Design and Access Statement
- Planning Statement
- Transport Statement
- Habitat survey and Protected Species Assessment and Reptile Survey
- Tree Survey/Assessment/Method statement
- Noise climate report
- Contaminated Land Investigations

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to Committee because the scheme is one of local interest that would need to be determined by Members, as well as necessitating a Section 106 Legal Agreement.

The Proposal

This application for full planning permission relates to the erection of 7 No. two storey dwellings served by an extension of the private drive off Belvoir Close, Stamford that was recently approved to serve a development of 15 No. dwellings (under application reference: S13/0150).

This application scheme proposes that three of the plots at the southern end of the proposed development have direct vehicular access off the driveway with a turning head approved under application ref: S13/0150, with the remaining four properties being situated on a shared access driveway. The dwellings are proposed to incorporate sustainable construction and design measures and are each provided with a minimum of two No. parking/garage spaces.

The scheme comprises 5 No. detached dwellings and 2 No. semi-detached properties. The detached properties are of 4 No. bedrooms and the semi-detached dwellings, which are allocated for affordable housing, are of three bedrooms. The proposals provide for the erection a new 2m fence with trellising of 0.5 m in height on top to the (eastern) boundary with the bungalows on Belvoir Close.

The application was accompanied by a Design and Access Statement, a planning statement, a transport statement, a habitat survey and protected species assessment, a reptile survey (along with details of follow up hand search), a tree survey/assessment/method statement, noise climate report and contaminated land investigations.

The developers have submitted a draft unilateral Section 106 document providing for 2 No. affordable housing units at the site along with commuted sums for education and off-site green space and equipped children's play space facilities.

Subsequent to the original submissions being registered the applicants have made changes to the scheme, including the provision of a revised house type on Plot 19 in the north-eastern corner of the site (with no window units at first floor level to the eastern side elevation); extended the 2m high fence with 0.5 m high trellis above to run along the full length of the eastern boundary and re-positioned the dwellings on Plots 21 and 22 slightly further away from the eastern boundary of the site. The applicants have also added the recently constructed extension to the adjoining property at No. 5 Belvoir Close onto the site layout drawings (further to representations received from a local resident).

The Application Site and its Surroundings

The application site, which is roughly triangular in shape and occupies an area of 0.28 hectares, is located at the northern end of the private drive (serving 15 No. dwellings) currently being constructed off the western side of Belvoir Close, Stamford. The entrance to the private drive itself is some 40 metres to the north of the Belvoir Close/Casterton Road (B1081) junction; immediately to the south of No. 1 Belvoir Close. The southern boundary of the application site

is adjoined by the dwellings under construction under planning permission ref: S13/0150 and the eastern boundary is adjoined by the rear garden areas to the bungalows at Nos. 4-9 Belvoir Close (consec) which are at a lower level than the application site. An access track runs along the western boundary of the site and formerly served the smallholding that will be replaced by the proposed development. The western/north-western boundary of the application site also forms the administrative boundary with Rutland County Council.

The application site, which has recently been cleared of vegetation, is predominantly flat. There are mature hedges to the western side boundary of the site and the east boundary of the site is a mix of fencing to the existing dwellings on Belvoir Close. There is open countryside to the west of the site.

Site history

The land immediately to the south of the application site is presently being developed for residential purposes with vehicular access off Belvoir Close (application ref: S13/0150). The scheme for 15 No. two storey dwellings, including 5 No. affordable dwellings, was approved subject to a Section 106 Agreement, by the Development Control Committee earlier this year. The applicants refer to the approved scheme as phase 1.

On the application site itself, an application for full planning permission (ref: S11/0445) was submitted in 2011 for the erection of a single dwelling with vehicular access directly onto B1081 Casterton Road. The application was refused on the grounds that the scheme would be detrimental to highway safety.

Policy Considerations

National Planning Policy Framework.

1- Building a strong, competitive economy
4 - Promoting sustainable transport
6 - Delivering a wide choice of high quality homes
7 - Requiring good design
10 - Meeting the challenge of climate change, flooding and coastal change
11 - Conserving and enhancing the natural environment
12 - Conserving and enhancing the historic environment

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy
Policy SP4 - Developer Contributions
Policy EN1 - Protection and Enhancement of the character of the District.
Policy EN4 - Sustainable Construction and Design
Policy H1 - Residential Development
Policy H3 - Affordable Housing

Site Allocation and Policies Development Plan Document

STM1 - Housing Allocations in Stamford

District Council's Planning Policy comment as follows:-

> *"The application relates to the rear part of the site which is allocated for housing development in the emerging Site Allocation and Policies DPD reference STM1b. The frontage part of the site gained planning consent earlier this year for 15 houses and is now under construction. The allocation proposes approximately 30 homes (including a*

target of 10 affordable homes (this is based on 35% of the site capacity in accordance with Core Strategy policy H3). The site is proposed for delivery within the first phase of the plan period (2011 - 2016). This application is therefore in accordance with the emerging allocation and policy included within the Site Allocation and Policies DPD (SAP DPD).

The SAP DPD is currently at examination. The NPPF attributes weight to emerging plans as they progress nearer adoption. The degree of weight is dependent upon the stage of preparation and the extent to which there are unresolved objections. In this case the plan is quite advanced and the allocation was the subject of only one representation and this was in support of the allocation. In light of the advice of NPPF para 216 I consider that significant weight can be attributed to the allocation in the SAP DPD.

The NPPF introduces a presumption in favour of sustainable development. The adopted Core Strategy sets out a spatial strategy which seeks to concentrate new development in the most sustainable locations. Stamford is identified within the spatial strategy as a market town where appropriate new development will be allowed. Policy SP1 sets out that development in Stamford should be prioritised to sustainable sites within the built up part of the town and on site allocated in the SAP DPD. In identifying this site for allocation the Council has determined that the site is suitable and appropriate for development and meets the criteria set out in the Core Strategy for allocating housing sites (para 5.1.5 refers). It must therefore be determined that the site is "sustainable" in accordance NPPF.

I therefore conclude that the application is in accordance with adopted and emerging National and Local planning policy."

Stamford Town Council - no representations received to date

Rutland County Council - no representations received to date.

Lincolnshire County Council Highways - raised no objections in principle.

Environmental Protection - note that the application submissions indicate that the site contains made ground to a significant depth - potentially due to mineral extraction many years ago over parts of the site - and the ground has been filed with inert material as described in the two site investigation reports. Accordingly, Environmental Protection recommends that all necessary ground works in relation to the development scheme be completed as per the recommendations set out in the submitted site investigation reports.

Environmental Protection also indicate some buried asbestos sheets were identified in the report submissions which may be associated with a shed or small building that was historically on the site, along the surface ash from a bonfire. Environmental Protection recommend that the surface ash from the bonfire be placed under hard landscaped areas and that the identified asbestos sheets be removed from site and disposed of by a licensed asbestos removal company.

Environment Protection also advise that given the proximity of the site to existing residential dwellings that controls should be put in place in relation to the hours of operations and work on the site, the types of machinery and equipment to be used and details of how noise, vibration and dust are to be controlled using best practicable means.

Lincolnshire County Council Children's Services - seek a total commuted sum of £19,722; equating to 2 No. primary school places and 1 No. secondary school places.

District Council's Leisure and Communities - comment in the absence of proposed on site provision that a combined commuted sum contribution(s) of £14,715 is required for

informal/natural green space and equipped children's play space provision (£9,191 and £5,524 respectively).

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

Lincolnshire Fire and Rescue Service - comments that in respect of vehicle access for fire appliances there should be access for a pump appliance to within 45 metres of all points within the dwellinghouses. The Service also requires that an additional fire hydrant be provided near the site entrance.

District Council's Affordable Housing Officer - confirms that the provision of two No. affordable housing units on the site (35%) is in line with the Council's current overall requirements and requests that one of the affordable housing units should be rented accommodation.

Consultant Arboriculturist - raises no objections subject to the trees shown to be retained on the submitted drawings receiving protection during the development.

The Lead Local Flood Authority - raises no objections in principle subject to any grant of planning permission securing a detailed design and management plan in respect of the proposed surface water systems and the permeable pavement SUDS proposal.

District Council's Property and Facilities - has no objections in principle in respect of drainage matters.

The Environment Agency - has no objections.

Lincolnshire Wildlife Trust - no representations received in response to the formal consultation.

Representations as a Result of Publicity

Three letters of representation have been received from local residents in relation to the application. The two letters received from adjoining residents on Belvoir Close raise objections to the scheme for the following reasons summarised below :-

The development will give rise to the overlooking of the adjoining bungalows on Belvoir Close which are at a lower level by some 1-1.5 metres than the application site with a loss of privacy to the residents concerned. It is pointed out the proposed dwellings on this site are closer to existing bungalows on Belvoir Close than was the case with the previous application for the land to the south.

The proposed two storey development would present a dominant and oppressive environment to the residents of the existing adjoining bungalows.

The proposed two storey development would be out of keeping with the area.

The proposed dwellings adjacent to Belvoir Close would block out existing light to the occupants of the adjoining dwellings and result in the loss of sunlight.

The level of traffic that will be generated by the proposed development will have a great impact on the Belvoir Close/Casterton Road junction.

Concerns are expressed that the construction of the new dwellings could cause existing gardens to slip down into the development site.

The scheme represents an overdevelopment of the site and is about cramming new houses on the site for the generation of profits.

The scheme will mean that existing residents of adjacent dwellings will be looking at brick walls rather than the open countryside as at present.

The building works - including drilling and piling - will generate noise and dust to the further detriment of adjoining residents who have already had to put up with years of building works on development schemes off Belvoir Road.

There are concerns that the use of piling to foundations in relation to the construction of the proposed houses may result in damage being caused to existing adjoining properties.

The development will cause depreciation in the value of the adjoining bungalows.

The application submissions are inaccurate in that they show a tree that does not exist and fail to show that the property at No. 5 Belvoir Close has recently been extended some 10 metres to the rear towards the intended development site (a plan was provided showing the extension in question).

One letter from a nearby resident indicates that whilst there is no objection to the erection of the houses on the site the proposed increased use of the new access off Belvoir Close compounds the previous stated concerns that the access is unsuitable form a highway safety point of view. Specifically, it is pointed that drivers along Casterton Road have not yet become accustomed to the increased use of the Casterton Road/Belvoir Close junction and that unnecessary strain is being put on Belvoir Close as a minor road with already considerable use; given it is, amongst other things, a main pedestrian route from the estate to at least two local schools. The third party concerned questions as to why access to the development site was not granted directly from Casterton Road instead.

Officer Evaluation

Like the recently approved scheme immediately to the south of the application site (application ref: S13/0150), the main issues for consideration in relation to the proposed development are the planning policy implications (including affordable housing provision), highway safety implications, impacts on residential amenity and visual amenities, water/drainage/land contamination issues and the impacts on the natural and historic environments.

Planning Policy Implications

The overarching locational policies for new development within the Core Strategy relevant to this proposal are Policy SP1 (Spatial Strategy) and Policy H1 (Residential Development). Policy SP1 identifies that new development which helps to maintain and support the role of Stamford as a market town will be allowed. Priority will be given to sustainable sites within the built up part of the town where development would not compromise the nature and character of the town and sites which are allocated in the Site Allocations and Policies Development Policy Document (DPD). Policy H1 identifies that within Stamford there is a need for 1140 new homes for the plan period, up to 2026.

To supplement these Core Strategy policies the emerging Site Allocations and Policies DPD has been produced and this site was included as part of allocation STM1b for residential development. The site is proposed for delivery within the first phase of the plan period; namely 2011-2016.

The Site Allocation and Policies DPD was progressed to the examination stage and hearings were held during November 2012 at which no objections to the inclusion of the site were made, and the site was not discussed during the hearing sessions. Therefore, whilst it is recognised that the adoption of Site Allocation and Policies DPD has subsequently been delayed, the

development of this site would in principle be in line with the overarching aims of the locational policies for new development in the South Kesteven Core Strategy.

The proposal includes provision of 2 No. affordable housing units on the site in accordance with the requirements of Policy H3 of the Core Strategy (35%) and these will be secured via a Section 106 Agreement. The breakdown of tenure will also be dealt with in that Agreement, although the District Council's Affordable requests that one of the affordable housing units should be rented accommodation.

The scheme provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy.

Highway Safety Implications

Local residents raise objections/concerns in respect of the proposed increased use of the access onto Belvoir Close and use of the junction of Belvoir Close and The Old Great North Road/Casterton Road (B1081). It is also questioned by local residents as to whether sufficient off-street car parking/garaging facilities will be provided to serve the proposed dwellings. However, and having regard to the detailed Transport Statement submissions of the applicants, the County Highway Authority raises no objections in principle to the scheme. Each dwelling will be provided with at least two No. off-street car parking/garage spaces.

It is also pointed out that the applicants have demonstrated that the proposed scheme provides for access for a pump appliance to within 45 metres of all points within the dwellinghouses as per the requirements of the Lincolnshire Fire and Rescue Service.

Water/Drainage/Land Contamination Issues

The Lead Local Flood Authority raises no objections in principle subject to any grant of planning permission securing a detailed design and management plan in respect of the proposed surface water systems and the permeable pavement SUDS proposal. Similarly, the Environment Agency and the District Council's Property and Facilities have no objections. Foul water will be connected to the mains sewer and there is adequate capacity. The application site does not fall within any flood zone.

With regard to land contamination issues, the Council's Environmental Protection Services note that the application submissions indicate that the site contains made ground to a significant depth - potentially due to mineral extraction many years ago over parts of the site - and that the ground has been filed with inert material as described in the two site investigation reports. Environmental Protection Service, however, raise no objections in principle to the scheme provided that all necessary ground works are completed in accordance with recommendations set out in the submitted site investigation reports. This requirement can be addressed by a condition of any grant of planning permission.

Environmental Protection also indicate some buried asbestos sheets were identified in the report submissions which may be associated with a shed or small building that was historically on the site, along the surface ash from a bonfire. Environmental Protection recommend that the surface ash from the bonfire be placed under hard landscaped areas and that the identified asbestos sheets should be removed from site and disposed of by a licensed asbestos removal company. These matters can also be dealt with by way of condition.

Impacts on Visual and Residential Amenities

The proposed residential dwellings are two storey in height and comprise a mix of detached and semi-detached properties set within a cul-de-sac arrangement. With regard to existing surrounding development, whilst the adjacent dwellings to the eastern boundary are bungalows, other existing development along and off Belvoir Close is of two storey construction. The proposed development will be in keeping with the character of the predominantly modern

residential development in the locality. With regard to the wider landscape, the views towards the site from the open countryside and from along the Old Great North Road/Casterton Road will be partially screened by the hedges to the western boundary of the site. Like the scheme for the development of the southern area (phase 1) it is appropriate to recommend a condition(s) of any approval requires that the hedgerows to the western boundary be maintained to a minimum height of 2 metres above ground level at all times. Any supplementary planting to boundaries could also be secured by condition(s).

With regard to impacts on existing residential amenities, it is noted that in terms of the relationship with existing properties that the bungalows (Nos. 4-9 Belvoir Close consec.) which adjoin the eastern boundary of the site, are situated at a lower level than the development site. Objections have been raised by adjoining residents on the grounds that there will be overlooking from the new dwellings on the proposed development towards the existing bungalows on Belvoir Close and their garden areas with a resultant loss of privacy to the residents concerned. The residents concerned also submit that the proposals would be visually dominant and oppressive and have an overbearing impact. The impacts on residential amenities of the scheme are thus considered in respect of the each of the dwellings on the development site (Plots 19, 20, 21 and 22) which adjoin existing properties on Belvoir Close.

The proposed detached two storey dwelling on Plot 19, which occupies the north-eastern corner of the site, would essentially be situated at right angles to the existing dwellings on Belvoir Close. Given that the proposed dwelling would be situated a minimum distance of some 20 metres from the main rear elevation of the nearest dwellings (Nos. 7 and 8 Belvoir Close) the property would not have a significant overbearing or overshadowing impact. There are no first floor windows proposed to the eastern elevation of the dwelling and therefore there would be no significant overlooking of adjoining properties. It is, however, recommended that any condition of a planning permission would control the future introduction of window units above ground floor level to the eastern side elevation of the dwelling on Plot 19.

With regard to the proposed detached two storey dwelling on Plot 20, the first floor window(s) to the rear of the main dwelling would be some 13 metres from the rear boundary of the site. There is a two storey outshoot proposed to this dwelling which would be approximately 8.2 metres from the common boundary, however, given that no window is proposed at first floor level to the rear elevation of the outshoot no overlooking impacts would arise towards the dwellings on Belvoir Drive. The separation distance to the adjoining dwellings would also be sufficient to ensure that there would be significant overbearing or overshadowing impacts on adjoining properties. It is nevertheless recommended that a condition withdrawing permitted development rights be attached to any grant of planning permission to control the impact of any future extensions and alterations (including the insertion of window units) to the property on Plot 20.

The pair of semi-detached dwellings proposed on Plots 21 and 22 will have rear gardens with a depth of between 11.5-11.9 metres. This rear garden area provision to the proposed dwellings would mean that there would be a minimum separation distances of at least 21 metres between the proposed dwellings and the adjoining properties on Belvoir Close (Nos. 4 and 5). As such the proposed dwellings would not have significant overbearing, overshadowing or overlooking impacts. It is nevertheless again recommended that conditions withdrawing permitted development rights be attached to any grant of planning permission to control the impact of any future extensions and alterations to the properties on Plots 21 and 22.

The application proposals also provide for the erection a new 2m fence with trellising of 0.5 m in height on top to the (eastern) boundary with the bungalows on Belvoir Close to Plots 19, 20, 21 and 22. Such provision, which can be secured by condition, will mitigate any overlooking between adjoining garden areas. The proposed single storey garages to serve the dwellings on Plots 19 and 20 would not have any significant impacts on adjoining residential amenities. The other proposed dwellings within the application site also would have no impact on existing residential amenities and the new dwellings themselves will satisfactory relationships in terms of separation distances.

The use of the shared access road to serve the proposed scheme would not give rise to levels of noise and activity that would be likely to be detrimental to the residential amenities of the adjoining and nearby dwellings. Given the distance of the site away from the Casterton Road/The Old Great North Road (B1081), the existing traffic along the B1081 will not give rise to any detrimental impacts in terms of noise and disturbance on the future residents of the dwellings on the proposed development site.

Environment Protection also advise that given the proximity of the site to existing residential dwellings that controls should be put in place in relation to the hours of operations and work on the site, the types of machinery and equipment to be used and details of how noise, vibration and dust are to be controlled using best practicable means. These provisions, to be secured by conditon, would mitigate the concerns/objections raised by local residents in respect of the likely disruption to their amenities during building works.

Impacts on the Natural and Historic Environment

The application site is in close proximity to the Tolethorpe Road Verges and Great Casterton Road Banks Sites of Special Scientific Interest (SSSI). However, given the nature and scale of the development proposal there is not likely to be an adverse effect on these sites as a result of the proposal.

Having regard to the existing natural environment of the site, the applicant's submission was accompanied by a habitat survey and protected species assessment and it is considered that these documents have satisfactorily demonstrated that the development of the site would not impact upon the Candidate Local Wildlife Site to the north of the application site. A detailed reptile survey of August/September 2012 concluded that there were no protected reptile species on the site; with a follow up hand search (in September 2013) in association with site clearance works also providing no evidence of protected species on the site.

In relation to the presence of bats, the applicant's submitted habitat survey and protected species assessment concluded that the site did not provide a suitable habitat for bats. It is recognised that these findings were contradicted by a local resident in their submissions in relation to the 15 No. dwelling scheme on the adjoining site, however, any potential impacts on roosting bats in the locality could be successfully mitigated by a condition on that planning permission requiring the provision of bat boxes/roosts. Therefore, in line with the recommendation of the applicants' ecologists report planning permission reference: S13/0150 requires the provision of three No. bat boxes/roosts (along with the provision of 3 No. bird boxes). Given that these mitigation measures also took into account the potential future development of the present application site no further provision of bat boxes/roosts or bird boxes are required as part of this scheme. These previously secured mitigation measures, along with the landscape planting to be secured as part of the current application scheme and the retention of hedgerows will represent opportunities to provide biodiversity enhancements as part of the scheme.

The proposed residential scheme will have no impact on the setting of any heritage assets and the Heritage Trust of Lincolnshire advises that the application scheme does not affect any known archaeological sites and therefore no archaeological intervention is required.

Other Matters

It is noted that residents have raised objections to the scheme on the loss of value to surrounding properties and loss of views, however, these are not relevant planning considerations. Rights of light falls out with the planning act and thus subject to other legislation. The concerns expressed that the construction of the new dwellings could cause damage to surrounding properties are matters to be dealt with the under the building regulations.

Furthermore, and notwithstanding the suggestion made by the local residents that access to the scheme be provided directly from Casterton Road/The Old Great North Road, it is also pointed that any development proposal needs to be considered on its own relevant merits and having due regard to the planning considerations set out in this report this application is recommended for approval subject to conditions.

Section 106 Heads of Terms

The following have been sought in light of the consultation responses and have been agreed in principle by the applicants:-

The provision of 2 No. Affordable Housing Units on the application site.

A commuted sum contribution of £19,722 in relation to primary and secondary school places.

A combined commuted sum of £14,715 is required for informal/natural green space and equipped children's play space provision (calculated as being £9,191 and £5,524 respectively).

The scheme would thus be compliant with Policy SP4 of the South Kesteven Core Strategy (2010).

Crime and Disorder

It is considered that the proposals would not result in any 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

Accordingly, having due regard to all the relevant planning considerations set out in this report this application is recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development would in principle be in line with the aims of Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010) and Policy STM1b ('Housing Locations in Stamford') of the Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012). The levels of provision of affordable housing proposed on the site, along with the commuted sum contributions proposed towards education and informal/natural green space and equipped children's play space, would be compliant with Policies H3 and SP4 of the South Kesteven Core Strategy (2010). The residential development scheme also provides for sustainable construction and design measures to the proposed dwellings in line with Policy EN4 of the Core Strategy.

The proposed development by reason of its scale and design would be in keeping with the character of the locality and would have any significantly overbearing, overshadowing or overlooking impacts on adjoining properties. The development would not be detrimental to

highway safety or be significantly detrimental to the natural and water environment, heritage assets or archaeological interests. It is considered that the levels of traffic likely to be generated by the proposed development would not give rise to levels of noise and disturbance that would be significantly detrimental to the residential amenities of existing surrounding properties. Furthermore, the use of the existing highways by vehicular traffic in the proximity of the application site would not give rise to levels of noise and disturbance that would be significantly detrimental to the residential amenities of future residents on the development site. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010) and that there are no material considerations which indicate otherwise although conditions have been attached.

In reaching this decision the Local Planning Authority has worked with the applicants at the pre-application stage and at the formal application stage in relation to addressing issues in respect of impacts on highway safety and visual and residential amenities. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman/Vice Chairman of the Development Control 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.

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

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

   Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Unless otherwise required by another conditon of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

   Site Location Plan (Scale 1:1250) received on 17 September 2013
   Drawing No. 1132/2-004 Rev D received on 25 October 2013
   Drawing No. 1132/2-005 Rev A received on 25 October 2013
   Drawing No. 8673-131 received on 3 October 2013 (Finished Floor Levels only)
   Drawing No. 1132/2/GARA/02 received on 17 September 2013
   Drawing No. 1132/2/LA1 received on 17 September 2013
   Drawing No. BVR-Topo 03C received on 17 September 2013
   Drawing No. 2419.TPP received on 17 September 2013
   Drawing No. 2419.AIA received on 17 September 2013
   Sawston Planning 03 Rev A received on 17 September 2013
   Casterton Planning 07 Rev A received on 17 September 2013

Cast(19) - Planning 01 received on received on 24 October 2013
Deeping Planning 05 Rev A received on 17 September 2013
House Type AF3B (N) Planning 01 received on 17 September 2013
House Type AF3B (N) Planning 02 received on 17 September 2013

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

3. The development shall be undertaken in accordance with the schedule of materials shown on Drawing No. 1132/2-005 Rev A.

   Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

4. Notwithstanding the details shown on the submitted plans no development shall be commenced on the site until details of a hard and soft landscape scheme, together with a programme of implementation and a long term landscape management plan, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority the landscape scheme shall provide for the retention and maintenance of the hedgerows to the western boundary of the site at a minimum height of 2 metres above ground level at all times; shall identify all other trees and hedgerows to be retained; and shall contain provision for the replacement of any trees, shrubs or hedgerows that die, are removed or become seriously damaged or diseased. The hard and soft landscape scheme shall be implemented in accordance with the approved details and the approved programme of implementation and upon the completion of the approved hard and soft landscape scheme the landscaping shall thereafter be managed/maintained in accordance with the agreed long term management plan unless the local planning authority gives written approval to any variation.

   Reason: In the interests of the visual amenities of the locality.

5. No development shall commence on the site until details of a scheme for the protection of the trees or hedgerows to be retained as part of the development during the building works (including the provision of boundary treatments) are submitted to and approved in writing by the Local Planning Authority. The protection scheme shall be undertaken in accordance with the approved details and shall be retained in situ until the development is completed.

   Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010); having due regard to the requirements of the BS5837 (2012) guidelines.

6. Notwithstanding the details shown on the submitted plans no development shall commence on the site until a plan(s) indicating the positions, design, materials (including finishes) and type of boundary treatments (including plot boundaries) to be erected, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall provide for a 2.0 metre high close boarded fence with a trellis above to give a minimum height of 2.5 metres above ground level along the eastern boundaries of the dwellings on Plots 19-22 (inc) as shown on Drawing No. 1132/2-004 Rev D. The scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained in situ at all times unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In the interests of the residential and visual amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. No development shall commence on the site until a programme of works (including a timetable for those works) for the agreed removal of trees and other vegetation on the site taking into account the presence of nesting birds is submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

   Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

8. No development shall commence on the site before the detailed design of the arrangements for foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details prior to the dwelling being first occupied.

   Reason: To ensure satisfactory foul water drainage provision.

9. No development shall commence on the site until details of the design, specifications, calculations and levels of all surface water systems and the permeable pavement Sustainable Urban Drainage Scheme (SUDS) proposal, along with a Management Plan, are submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following details :-

   (i) A overview of the SUDS proposal
   (ii) A Management statement to describe the SUDS scheme and set out the management aims for the site. The statement should consider how the SUDS will perform and develop over time anticipating and additional maintenance tasks to ensure the system continues to perform as designed.
   (iii) A specification that describes how SUDS will be constructed and the materials to be used.
   (iv) A maintenance schedule describing the nature of the work to be undertaken and when that work is to be undertaken using frequency and performance requirements were appropriate.
   (v) Details of the responsibility for the management and maintenance of each element of the SUDS scheme to be detailed.

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

10. No development shall commence on the site until details of the street lighting to be provided on the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

    Reason: In the interests of residential amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

11. No development shall commence on the site until details of the means of closing off the existing access track from the application site onto Casterton Road/The Old Great North Road are submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority the works for the closing off of the existing access track development shall be undertaken in accordance with the approved details prior to construction works commencing on the application site.

    Reason: In the interests of residential amenities of the locality and in accordance with Policy EN1 of the South Kesteven Core Strategy (2010).

12. The construction and surfacing of the private access/private driveway and associated footpaths as shown on Drawing No. 1132/2-004 Rev D shall be undertaken in accordance with a phased programme of works to be first agreed in writing with the Local Planning Authority prior to the commencement of works on the site. The construction and surfacing works shall be undertaken on the site in accordance with the agreed phasing programme.

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

13. The approved arrangements for the turning/manoeuvring of vehicles as shown on Drawing No. 1132/2-004 Rev D shall be provided before any dwelling is first occupied and shall thereafter be retained as being available for the turning/manoeuvring of vehicles at all times.

    Reason: In the interests of highway safety.

14. The approved parking and garaging facilites to each dwelling shown on Drawing No. 1132/2-004 Rev D shall be provided before the relevant dwelling is first occupied and shall thereafter be retained as being available for the parking of vehicles at all times.

    Reason: In the interests of highway safety and to ensure adequate off-street car parking are retained to dwellings.

15. No dwelling on the development site shall be first occupied until such time as the visibility splays to the new access road from its junction with the public highway on Belvoir Close have been completed. The visibility splays shall have an 'x' distance of 2.4 metres and a 'y' distance of 43 metres in an north-eastward direction and 39 metres in a south-westward direction.

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

16. No development shall take place on the site until a method statement regarding construction works (including ground works) has been submitted to and approved in writing by the local planning authority. The statement shall cover the hours of operations and work on the site, the types of machinery and equipment to be used and details of how noise, vibration and dust are to be controlled using best practicable means. The development shall be carrried out in accordance with the approved method statement.

    Reason: In the intertests of residential amenities.

17. No development shall take place on the site until a method statement regarding the proposed removal of buried asbestos sheets from the site and the disposal of surface ash from bonfires on the site have been submitted to and approved in writing by the local planning authority. The development shall be carrried out in accordance with the approved method statement.

    Reason: In the intertests of the residential amenities of existing and future residents.

18. The development scheme shall be undertaken in accordance with all the necessary recommended ground works as detailed in the following documents submitted to accompany the application :-

    GeoDyne Limited ‘Combined Phase I Desk Study and Phase II Exploratory Investigation – Belvoir Close, Stamford dated September 2012, Ref: D32033

    GeoDyne Limited letter report ‘Supplementary Trial Pits and Trial Trench – Belvoir

Close, Stamford dated October 2012, Ref: D32033

Reason: In the interests of the residential amenities of existing and future residents.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration (including the insertion of new window openings) of any of the dwellings on Plots 20, 21 and 22 as identified on Drawing No. 1132/2-004 Rev D shall be carried out without Planning Permission having been first obtained from the Local Planning Authority.

    Reason: The Local Planning Authority considers that further development could potentially cause detriment to the amenities of the occupiers of nearby properties, and for this reason would wish to control any future development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window units or other opening shall be inserted above ground floor level to the eastern side elevation of the dwelling on Plot 19 (as identified on Drawing No. 1132/2-004 Rev D) without Planning Permission having been first obtained from the Local Planning Authority.

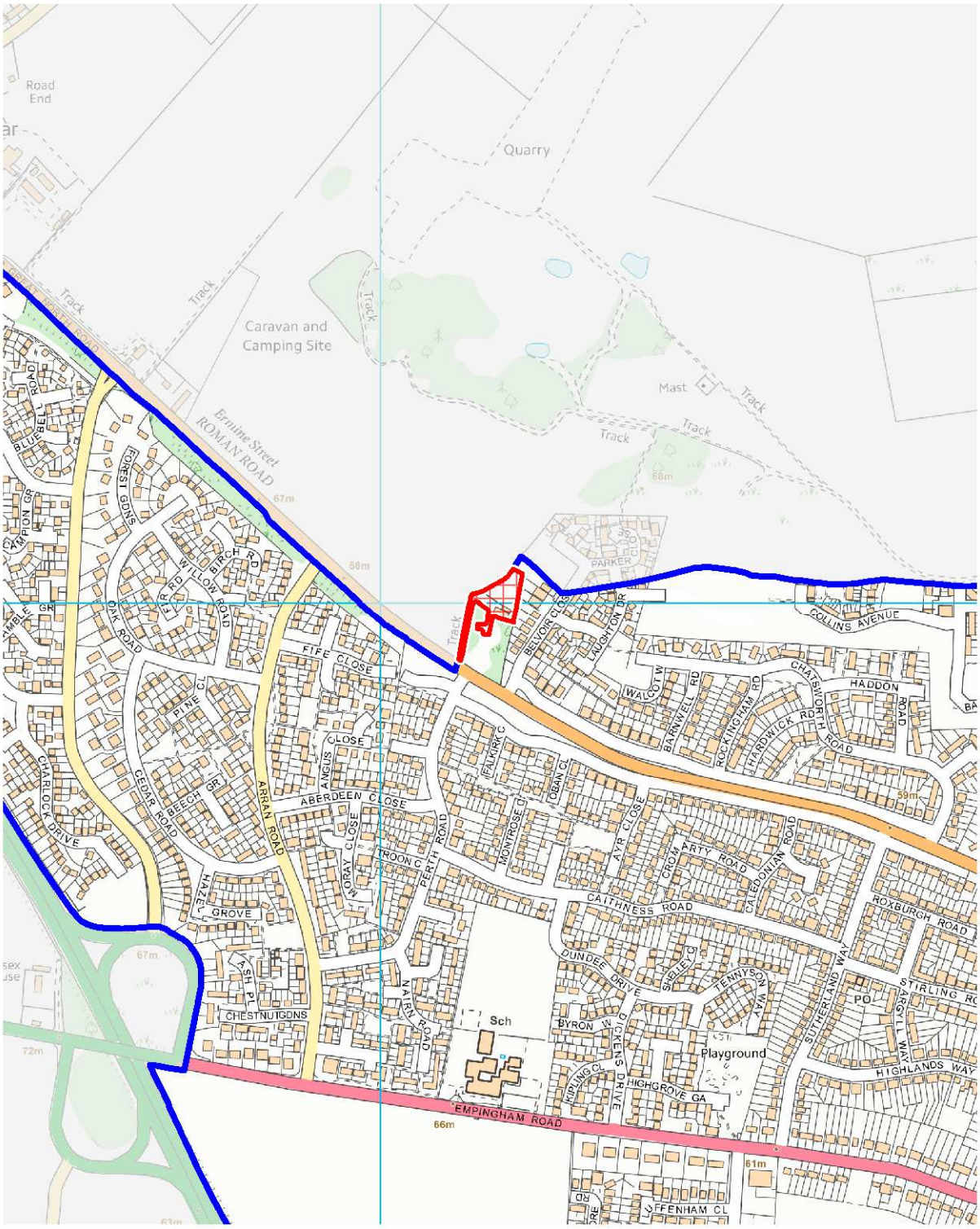
    Reason: The Local Planning Authority considers that future installation of window units or other openings above ground floor to the eastern side elevation of the dwelling on Plot 19 could potentially result in the overlooking of the adjoining properties on Belvoir Close, and for this reason would wish to control any future development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. You are reminded to also comply with the conditions of planning permission ref: S13/0150 and also to have regard to the notes to applicant on the decision notice for that permission.
2. The County Highway Authority advise that where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
3. The County Highway Authority advises that 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 submiited on request of the Lead Local Flood Authority.
4. You are advised that any developer that wishes to connect to Anglian Water sewerage network should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise of the most suitable point of connection.

* * * * *

Site Location Plan	
Ref	**S13/2586**
Proposal	**Erection of 7 no. dwellings with associated garaging, roads and sewers**
Location	**Land off, Belvoir Close, Stamford**



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AH2 **S13/2409/OUT**

Target Decision Date: 06-Nov-2013
Committee Date: 19-Nov-2013

Applicant	**Mrs J Burrows, Executors of the late Mr D Fisher dec'd** 24, North Road, Bourne, Lincolnshire, PE10 9AP
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, Lincolnshire, NG31 9JD
Proposal	**Erection of 2 no. single storey dwellings (outline application with details of access, layout and scale provided)**
Location	**land rear of, 73 & 75, West Road, Bourne**
App Type	Outline Planning Consent
Parish(es)	Bourne
Reason for Referral to Committee	This application has been referred to Committee as the scheme represents a departure from the Development Plan policies.
Recommendation Summary	The application site is situated within the built up area of Bourne and it is considered that the development proposals are in accordance with the National Planning Policy Framework and would not undermine the overall aims of Policies SP1 and H1 of the South Kesteven Core Strategy. The proposed development by reason of its scale would be in keeping with the character of the locality and would not be likely to have a significantly overbearing, overshadowing or overlooking impact on surrounding properties. It is considered that the levels of traffic likely to be generated by the proposed development would not give rise to levels of noise and disturbance that would be significantly detrimental to the residential amenities of existing surrounding dwellings. The development would not be detrimental to highway safety. The development would not be significantly detrimental to the natural and water environment or archaeological interests. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010) and that there are no material considerations which indicate otherwise although conditions have been attached.

Key Issues

- Planning policy implications
- Highway safety implications
- Impacts on residential amenity and visual amenities
- Impacts on the natural environment and drainage and land contamination issues

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans
- Design and Access Statement (including Planning Policy Statement)
- Tree Survey
- Land Contamination Certificate

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 scheme represents a departure from the Development Plan policies.

The Proposal

This is an application for outline planning permission - with details of siting, access and scale provided at this stage - relating to the proposed erection of 2 No. single storey detached dwellings to the rear of Nos. 73 and 75 West Road, Bourne. The proposed dwellings would be served by an existing private driveway some 54 metres in length off Ostler Drive; which exits between the properties at Nos. 11 and 13 Ostler Drive. The submissions show that the proposed front and rear elevations to the dwellings would be in approximate alignment with those of the existing adjoining dwelling to the south at No. 11a Ostler Drive. The submissions also indicate that the dwellings would have a maximum height of 2.4 metres to their roof eaves and 5.45 metres to their ridge. The dwellings are each to be provided with a detached single garage.

The application as originally submitted was accompanied by a Design and Access Statement (including a planning policy statement), a Land Contamination Screening Assessment and a tree survey. The tree survey indicates that the existing mature ash tree within the site is in poor condition; although the submissions also demonstrate that this existing tree could be retained if necessary.

Further to the submission of the original scheme, in response to which it was contended in third party correspondence that the driveway did not have a width of 5.0 metres throughout its length (as stated in the original documentation) revised plans have been received in relation to the driveway detail. The revised plans now show that the width of the drive ranges along its length between 4.2m and 5m.

In support of the revised submissions, the applicant's agent points out that the "residential design guide specifies a minimum width requirement of 4.1m for the first 10m and 3.7m with passing places of 4.1m thereafter. (A width of) 4.1m is achieved along the full length of the drive in this case." The agent also confirms that the two dwellings would be single storey in height and has also provided the relevant Land Registration documentation to demonstrate that all the land within the application site is within the applicant's ownership.

The Application Site and its Surroundings

The application site, which is rectangular in shape and occupies a land area of some 0.14 hectares, is accessed via a private - largely unmade - driveway between the dwellings at Nos. 11 and 13 Ostler Drive. The application site, which slopes eastwards down towards its rear boundary, presently comprises part of the substantial rear (southern) garden area to No. 75 West Road. The northern boundary is also adjoined by the rear garden area to No. 73 West Road. The eastern boundary is adjoined by the rear garden areas to the dwellings at No. 69 and 71 West Road and immediately to the south is No. 11A Ostler Drive. No. 11A Ostler Drive is already served by the private driveway off Ostler Drive (which is also proposed to serve the two dwellings the subject of this application). To the west is the rear garden area of No. 77 West Road; which is defined by a mature hedgerow. There is a mature ash tree within the

application site adjacent to the proposed access drive. The site boundaries largely comprise close boarded fencing, approximately 1.8 metres in height.

Policy Considerations

National Planning Policy Framework.

1- Building a strong, competitive economy
4 - Promoting sustainable transport
6 - Delivering a wide choice of high quality homes
7 - Requiring good design
10 - Meeting the challenge of climate change, flooding and coastal change
11 - Conserving and enhancing the natural environment

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy
Policy EN1 - Protection and Enhancement of the character of the District.
Policy EN4 - Sustainable Construction and Design
Policy H1 - Residential Development

Site Allocation and Policies Development Plan Document

Policy SAP H1 - Residential Development

Representations Received

Bourne Town Council - raises no objections.

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

Lincolnshire County Highways - raises no objections subject to conditions.

Consultant Arboriculturalist - comments that he concurs with the findings of the applicant's tree report that the most prominent ash tree is structurally very poor. The Consultant Arboriculturalist would therefore have no objections to the ash tree being removed subject to a condition requiring a suitable replacement with sufficient room to establish and grow. Further, the Consultant Arboriculturalist indicates that he has no major concerns relating to the proposed development and the remaining trees at the site and points out that false acacia tree in the neighbouring garden (No. 71 West Street) is evidently in a poor state and should also be removed.

Environmental Protection - has reviewed the contaminated land screen submission and has no comments to make.

Representations as a Result of Publicity

Neighbours

Four letters of representation were received from local residents in relation to the application as originally submitted raising objections on the following grounds summarised below :-

The proposed access drive from Ostler Drive to serve the development would require traffic to negotiate some 60m of single track road which at its narrowest is 4.20m (and not the 5m quoted

in the application). The length of this track would require vehicles to reverse back onto Ostler Drive should they attempt to access while another is exiting. The additional traffic to the two proposed 3 bedroom properties could well mean that 6 additional vehicles to those already using the road make this occurrence very likely.

In order to support the safe access and egress of vehicles to and from three dwellings (i.e. No. 11a Ostler Drive plus the two proposed dwellings) it is considered that the access needs to be wide enough to support 2-way traffic. A footpath alongside the access roadway may also be necessary.

The proposed development would lead to increased traffic noise directly alongside the properties adjoining the access drive from both private and commercial vehicles.

The application submissions indicate that the loft space to the dwellings may be utilised for living space and this would give rise to overlooking of adjoining properties.

The scheme will create an unnecessary safety issue for vehicular and pedestrian traffic and the driveway is also the pedestrian entrance and exit to the occupants of 11a Ostler Drive.

The private road to serve the proposed development is not surfaced to a sufficient standard to be used as a shared driveway nor has any maintenance or repairs been carried out on the road by the Council, leaving it down to the users at 11a Ostler Drive to ensure it is suitable for their cars and pedestrians as it is their only means of exit and entrance.

Two of the letters pointed out that the location plan shows a considerably shorter and more easily to develop alternative access to the north of the application site (onto West Road).

Further to the submission of the revised plans the local residents were re-consulted and two further letters of representation have been received objecting to the scheme. The letters note that it has now been acknowledged by the applicants that the private drive at its narrowest is 4.20m in width (and not the 5m quoted previously) and re-iterate the highway safety concerns in respect of the increased use of the private access as well as again pointing that the potential exists for a shorter alternative access to be provided to the north onto West Road.

Officer Evaluation

The main issues for consideration in relation to the proposed development are the planning policy implications, highway safety implications, impacts on residential amenity and visual amenities and the natural environment, drainage and land contamination issues.

Planning Policy Implications

The overarching locational policies for new residential development within the Core Strategy relevant to this proposal are Policy SP1 (Spatial Strategy) and Policy H1 (Residential Development). Also of relevance is the emerging policy SAP H1 of the Council's Site Allocation and Policies Development Planning Document (SAP), which is at Examination stage and can, therefore, be afforded some weight having regard to the national guidance set out in the National Planning Policy Framework.

Policy SP1 of the Core Strategy allows for development in Bourne, and gives preference to sustainable sites within the built-up part of the town and sites allocated in the emerging Site Allocation and Policies Development Planning Document (SAP)) The policy is also explicit that suitable sites are those which do not compromise the nature and character of the town. Policy H1 of the Core Strategy restricts residential development in Bourne to that which was already committed via planning approval at the date of its adoption (5 July 2010). This application is, therefore, a departure from the adopted plan.

Emerging policy SAP H1 in the Development Planning Document (SAP), however, allows in principle for development on suitable brownfield redevelopment sites and small infill sites within the built-up part of Bourne, 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 application site is clearly within the built-up part of Bourne and is regarded as an "infill" site in terms of SAP H1. As such in principle its development would not compromise the overarching locational policies for new development set out within the Core Strategy. The scheme could also provide for sustainable construction and design measures to the proposed dwellings in line with the requirements of Policy EN4 of the Core Strategy.

Highway Safety Implications

It is noted that local residents raise objections to the development scheme on the basis that the unmade access drive is unsuitable to serve three dwellings (the application scheme and No. 11a Ostler Drive) by reason of its narrow width and would given rise to conflicts with vehicular and pedestrian traffic at its junction with Ostler Drive. The County Highway Authority, however, raises no objections in principle to the scheme. It is also considered that sufficient space is available within the application site to provide adequate turning facilities to enable vehicles to exit onto Ostler Drive in a forward direction and sufficient off-street parking facilities to serve the proposed dwellings.

Impacts on Visual and Residential Amenities

The proposed dwellings are to be single storey in height and the proposed front and rear elevations to the dwellings would be in approximate alignment with the existing adjoining dwelling immediately to the south at No. 11a Ostler Drive. As such the proposals would be unlikely to have significant overbearing, overshadowing or overlooking impact on this adjoining property. Having regard to the depths of the rear garden areas to the proposed dwellings – of at least 14 metres – and the separation distances to the adjoining dwellings to the north and west, the development would not be detrimental to the residential amenities of any other surrounding properties. The individual plot sizes on the development are also comparable to other dwellings in the locality and therefore the scheme would neither be out of character with its surroundings nor represent an overdevelopment of the site.

Local residents raise objections to the proposed development for the reason that it would lead to increased traffic noise directly alongside the existing properties adjoining the access drive from both private and commercial vehicles. However, the use of the proposed access road for vehicular traffic to serve a total of three dwellings would not give rise to levels of noise and activity that would be likely to be detrimental to the residential amenities of the adjoining and nearby dwellings.

Natural Environment/Drainage/Land Contamination Issues

The site contains an existing mature ash tree - close to the access drive - which the applicants submitted tree survey indicates is in poor condition; albeit the submissions also demonstrate that this existing tree could be retained if necessary. The District Council's Consultant Arboriculturalist comments that he concurs with applicant's tree report that the Ash tree is structurally very poor and that he would therefore have no objections to the tree being removed provided a suitable replacement is planted. This matter can be adequately dealt with by a condition of any approval.

The District Council's Environmental Protection Section has reviewed the contaminated land screen submission and has no comments to make. The District Council's Property and Facilities have no objections in principle in respect of the drainage proposals.

Other Matters

Local residents indicate that they consider the application site should be served by a vehicular access from West Road (rather than off Ostler Close). However, it is a fundamental tenet of the Planning Acts that each application should be determined on its own merits. In any event, as set out in this report, the County Highway Authority has raised no objections in principle to the proposed vehicular access arrangements which comply with the Authority's design guide. Accordingly, having regard to the relevant planning considerations set out above it is recommended that the scheme be granter permission subject to conditions.

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.

Recommendation

That planning permission be granted subject to the attached conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The application site is situated within the built up area of Bourne and it is considered that the development proposals are in accordance with the National Planning Policy Framework and would not undermine the overall aims of Policies SP1 and H1 of the South Kesteven Core Strategy.

The proposed development by reason of its scale would be in keeping with the character of the locality and would not be likely to have a significantly overbearing, overshadowing or overlooking impact on surrounding properties. It is considered that the levels of traffic likely to be generated by the proposed development would not give rise to levels of noise and disturbance that would be significantly detrimental to the residential amenities of existing surrounding dwellings. The development would not be detrimental to highway safety. The development would not be significantly detrimental to the natural and water environment or archaeological interests. It is therefore considered that the proposal is also in accordance with national planning guidance contained in the National Planning Policy Framework and Policy EN1 of the adopted South Kesteven Core Strategy (2010) and that there are no material considerations which indicate otherwise although conditions have been attached.

In reaching this decision the Local Planning Authority has worked with the applicants at the formal application stage in relation to securing accurate drawings to address the issue of highway safety. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

1. 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) appearance;
   (b) 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.

2. Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans/drawings submitted as part of the application:

   Drawing No. MSP.958/004 Rev A received on 7 October 2013
   Drawing No. MSP. 958/401 Rev A received on 7 October 2013
   Drawing No. MSP.866/005 Rev A received on 7 October 2013

   Reason: To define the outline planning permission and for the avoidance of doubt; the original submissions having been insufficiently accurate in terms of the dimensions of the width of the access drive to serve the proposed development.

3. The development hereby approved shall provide for the erection of dwellings with a maximum height to eaves of 2.4 metres above finished ground level and a maximum height to ridge of 5.45 metres above finished ground level and for the erection of associated detached garages with a maximum height to eaves of 2.4 metres above finished ground level and a maximum height to ridge of 3.3 metres above finished ground level.

   Reason: In the interests of the residential and visual amenities of the area.

4. The proposed dwellings shall comprise of ground floor accommodation only.

   Reason: In the interests of residential amenities.

5. The application for reserved matters shall include details (including cross-sections) of the heights of the proposed finished ground levels of the site along with details of the finished floor level of the proposed dwellings and their associated garages (all relative to the existing adjoining development and roads). The scheme shall be implemented in strict accordance with the agreed details.

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

6. The application for reserved matters shall include details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site to serve the proposed dwellings. The scheme shall be implemented in strict accordance with the agreed details before any dwelling is first occupied and the turning facilities and parking facilities thereafter retained at all times for the purposes specified.

   Reason: To enable calling vehicles to wait clear of the carriageway of Ostler Drive and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety; in order to provide sufficient off-street car parking facilities.

7. No development shall commence on the site until details of the materials 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. The scheme shall be carried out in accordance with the approved details.

   Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. No development shall commence on the site before the detailed design of the arrangements for foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details prior to the dwelling it serves being first occupied.

   Reason: To ensure satisfactory foul water drainage provision.

9. No development shall commence on the site before the detailed design of the arrangements for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing the submitted scheme shall :-

   (a) Provide results and calculations for percolation tests to determine a) the suitability of the ground for infiltration drainage, and b) the correct size/capacity of the soakaways;
   (b) Provide details of the construction of the soakaway, including provision of positive outfall overflow in the event of inundation;
   (c) Provide a maintenance plan for the future maintenance of the system; and
   (d) Indicate the flow-paths both on and off-site in the case of exceedence.

   The surface water drainage scheme shall be implemented in strict accordance with the agreed details prior to any dwelling its serves being first occupied and once provided the system shall be maintained in accordance with the approved maintenance plan.

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

10. No development shall commence on the site until a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details prior to any dwelling being first occupied.

    Reason: In the interests of the visual and residential amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

11. The landscaping scheme to be submitted (under conditon 1) shall include details of all trees to be retained on the site as part of the development. The approved landscaping scheme (under conditon 1) shall be undertaken in the first planting season following the first occupation of the dwelling concerned 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 Local Planning Authority gives written consent to any variation.

    Reason: In the interests of the visual amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. The District Council's Project Officer (Land Drainage and Flood Prevention) Officer advises that it is believed that the access driveway off Ostler Drive is also the line of a former, possibly now culverted, watercourse. You are advised that care should be taken during any excavation works and no building works should take place over the line of it. If the watercourse is exposed during construction, it is recommended that an access chamber should be provided in order to allow for its future maintenance/cleansing.

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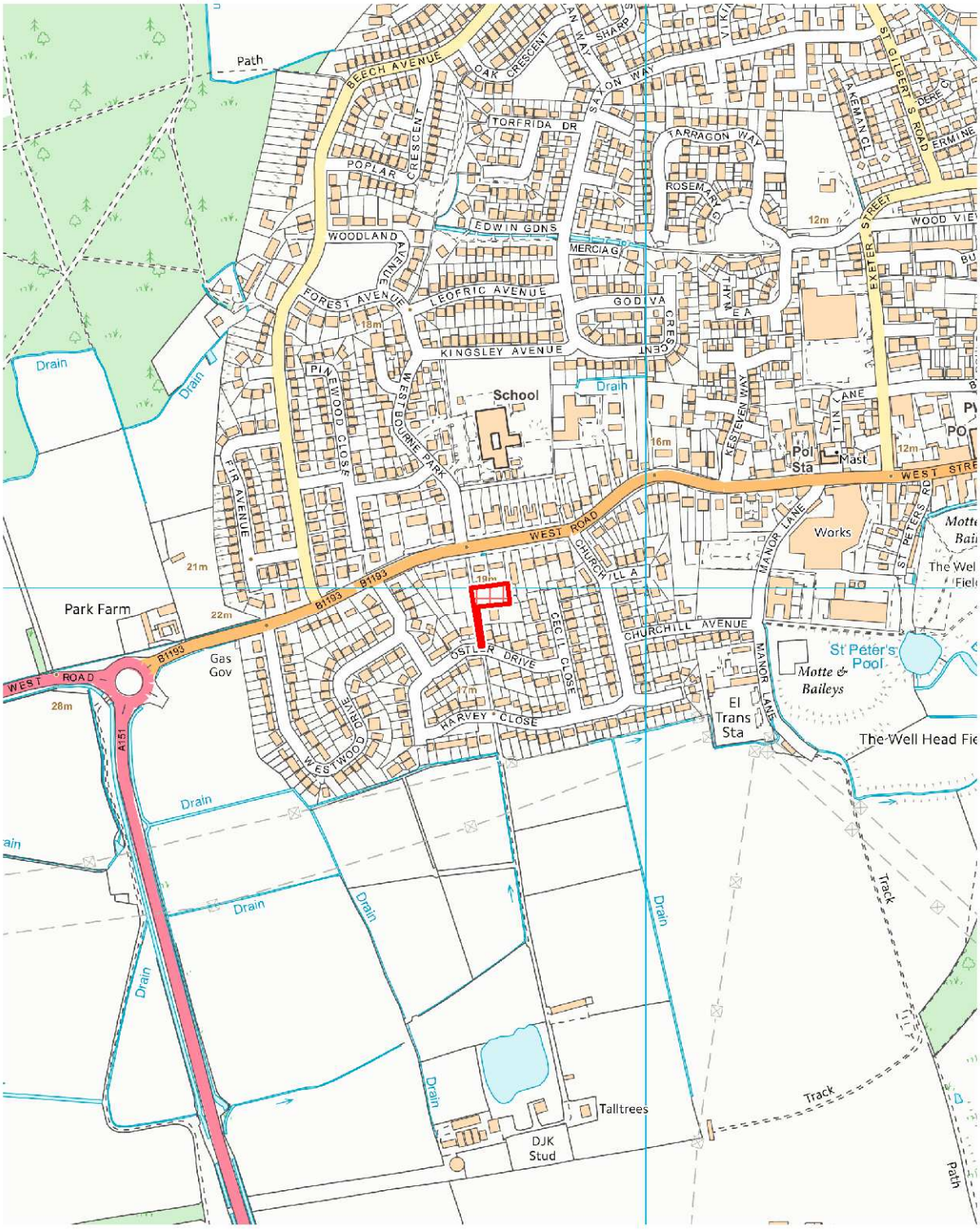
Site Location Plan	
Ref	**S13/2409**
Proposal	**Erection of 2 no. single storey dwellings (outline application with details of access, layout and scale provided)**
Location	**land rear of, 73 & 75, West Road, Bourne**



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PJM1 **S13/2244/FULL**

Target Decision Date: 08-Oct-2013
Committee Date: 19-Nov-2013

Applicant	**Grantham College** C/o Agent
Agent	rg&p 130, New Walk, Leicester, LE1 7JA
Proposal	**Section 73 application to vary condition 2 (approved plans) of S12/1715 to alter internal layout to accommodate hair and beauty department**
Location	**Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD**
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee at the request of the Chairman of the Development Control Committee
Recommendation Summary	Recommendation to Approve

Key Issues

- Accordance with policy
- Impact on residential amenity
- Impact on visual amenity
- Impact on Highway Safety

Technical Documents Submitted with the Application

- Site Plan
- Layout Plan
- Elevational Plans
- Floor Plans

REPORT

Application Category

This application is categorised as an Other application.

Reason for Referral to Committee

The application is reported to the Development Control Committee at the request of the Chairman.

The Proposal

This is an application to alter the plans which were approved under planning application S12/1715. The plans indicate alteration to the internal layout to accommodate the Hair and Beauty Department.

The applicants have permission for the temporary use of the site (3 years) for administrative purposes and classrooms in relation to the College use whose main campus is adjacent.

There is no change to the external appearance of the buildings.

The application site and its surrounding

The application site comprises of the former Police Station. The 1.6ha site includes the Grade 2 listed Stonebridge House and outbuildings together with more modern additions.

The site is close to Grantham town centre and immediately south of the main Grantham College Campus on Stonebridge Road.

The buildings are set in extensive landscaped grounds including many mature trees. The main vehicle access is off St. Catherines Road, which adjoins the southern and eastern sides of the site. A secondary access is off Stonebridge Road.

Site History

S07/0851 – Conversion of Stonebridge House and associated stables to 13 dwellings – Appeal for Non-Determination – Appeal Dismissed – 25th February 2009.

S07/0854 – Residential Development – Appeal for Non-Determination – Appeal Dismissed – 25 February 2009.

S07/LB/6805 - Conversion of Stonebridge House and associated stables to 13 dwellings – Approved 23 July 2008.

S12/1716 – External alterations to building and erection of antenna – Current application undetermined.

S12/2244 - Re-development of the former Police Station site to include the temporary change of use (3 years) of the buildings to an administrative facility for Grantham College – Approved.

Policy Considerations

South Kesteven Core Strategy

Policy EN1
Policy E1
Policy SP1

National Planning Policy Framework

Section 1 (Building a strong, competitive economy)
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

Lincolnshire County Council Highway Authority does not object to the application subject to a condition attached.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 27th September 2013. As a result of the consultation no representations have been received.

Officer Evaluation

The two main issues are the principle of the use and whether there are any details which must be addressed.

The Principle of the use

- Their building forms a small part of the overall College Campus, which is managed as a single entity. The College plans to redevelop both the existing Campus and the Policy Station site, but for a temporary period intend to utilise this existing building.

As part of that plan the current approval indicates that this building would be used for administrative purposes and classrooms. The College's short term plans for the building have now been finalised and propose a suite of hair and beauty rooms accommodating up to 46 students with an associated ICT classroom.

This is an acceptable proposal which provides some short term flexibility for this important local institution.

Details of the Proposal

The main works consist of internal alterations. Due to the works being of such a minor nature minor and being carried out on the more modern element of the building that there will be no adverse impact on the character of the listed building.

A parking plan has been submitted which shows parking spaces for 10 vehicles, two of which are disabled spaces. The whole Campus is in a sustainable location which can be accessed by students and staff using a range of modes of transport.

The Highway Department do not consider that the proposal will impact adversely on parking or highway safety in the area, requesting a condition requiring that parking and turning shall be in accordance with the submitted plan.

The application should be considered accordingly in that the use and associated works would secure the future of the buildings without, subject to conditions, being detrimental to the historic fabric of the listed building, ecology or highway safety. As a result, it is recommended that the application be granted permission subject to appropriate conditions.

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 Approval

It is considered that the amendments are minor and the proposal is a suitable use of a site that has been vacant for a considerable time. The works are relatively minor and will help secure the long term future of the buildings and its surroundings.

The proposal would not raise any significant issues with regard to impacts on the character of the listed building, ecology, parking or highway safety. Subject to conditions the proposal would not be detrimental to highway safety. The proposal is, therefore, deemed to comply with guidance contained in Sections 1, 4, 7, 11 and 12 of the National Planning Policy Framework and policies EN1, E1 and SP1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay.

SUMMARY OF REASON(S) FOR APPROVAL

This is an application to alter the approved plans which were approved under planning application S12/1715. The plans indicate alteration to the internal layout to accommodate the Hair and Beauty Department.
It is considered that the amendments are minor and the proposal is a suitable re-use of a site that has been vacant for a considerable time. The works are relatively minor and will help secure the long term future of the buildings and its surroundings.
It is not considered that the proposal would raise any significant issues with regard to impacts on the character of the listed building, ecology, parking or highway safety. Subject to conditions the proposal would not be detrimental to highway safety. The proposal is, therefore, deemed to comply with guidance contained in Sections 1, 4, 7, 11 and 12 of the National Planning Policy Framework and policies EN1, E1 and SP1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

1. The use hereby permitted shall be discontinued on or before 8th January 2016.

   Reason: For the avoidance of doubt.

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

   Drawing Reference: 7881/007 received on 12th August 2013
   Drawing Reference: 7881/009 received on 12th August 2013
   Drawing Reference 7881/014 received on 12th August 2013
   Drawing Reference 7881/023 received on 2nd October 2013

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

3. The arrangements shown on the approved plan 7881/023 dated September 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 Stonebridge Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

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.
2. In accordance with E-Mail dated 2nd October 2013 regarding the use of the access onto Stonebridge Road.

* * * * *

Site Location Plan	
Ref	**S13/2244**
Proposal	**Section 73 application to vary condition 2 (approved plans) of S12/1715 to alter internal layout to accommodate hair and beauty department**
Location	**Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD**

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JJ1 **S13/2261/MJRR**

Target Decision Date: 20-Nov-2013
Committee Date: 19-Nov-2013

Applicant	**Mrs Alison Lea, Larkfleet Homes** Larkfleet House, Falcon Way, Bourne, PE10 0FF
Agent	
Proposal	**Section 73 application to vary condition 5 of application S09/0420 and condition 4 of application S12/1483 to amend the access provisions**
Location	**Land at former Mears Motors, Main Road, Thurlby, Bourne, PE100DZ**
App Type	Major RM (Residential)
Parish(es)	Thurlby
Reason for Referral to Committee	This application has been reported to the Development Control Committee as it is a major application and at the request of the Chairman and Development Management Service Manager
Recommendation Summary	The local highway authority Lincolnshire County Council has been consulted and has raised no objections to the proposed access and parking arrangements subject to the imposition of conditions on any consent. It is therefore considered that the proposed access arrangements are acceptable and that the development will not have an adverse impact on highway safety. The use of permeable paving as a drainage solution is acceptable and subject to conditions will ensure that the site is drained properly. The proposed development complies with the requirements of the National Planning Policy Framework, and Policies SP1, SP2, SP3, EN1, EN2 and H1 of the adopted South Kesteven Core Strategy 2010 and it is considered that the other material considerations outlined above do not in this instance outweigh the requirements of these policies.

Key Issues

- Highway safety
- Site drainage

Technical Documents Submitted with the Application

- Application Form and covering letter

REPORT

Application Category

This application is categorised as a 'major' application

Reason for Referral to Committee

This application has been reported to the Development Control Committee as it is a major application and at the request of the Chairman.

The Proposal

This is a Section 73 application to vary the wording of condition 5 of application S09/0420 & condition 4 of application S12/1483 which relate to the construction of the roads and footways.

Condition 5 & 4 currently state:

> *"Before each dwelling is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.*
>
> *The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.*
>
> *Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety."*

The applicant wishes to amend the wording to state the following

> *"Before each dwelling is occupied, the road and/or footways providing access to that dwelling, for the whole of the frontage, from an existing public highway shall be constructed in line with approved submitted documents.*
>
> *The carriageway and footways surface courses shall be completed within 3 months from the date upon which the erection is commenced of the penultimate dwelling."*

The applicant has advised that the proposed changes are required for the following reasons:

> *"The essential issue here is that the material circumstances and levels for the site point to a particular drainage solution, that of permeable paving (which is perfectly acceptable and an adoptable solution in many area.) The condition also requires that the highways are built to an adoptable std. As you are aware LCC has no adoptable standard for permeable paving. This does not mean that the site can't be properly drained, simply that LCC won't adopt it. Given the scale of the site it is proposed to be privately managed in any case and as such the remaining material issue is that will the drainage work? Our consultants are confident that it will.*
>
> *We are proposing to designing and constructing to an appropriate standard (a standard that would be adoptable in many areas) but we cannot square the circle between the only practical drainage solution for the site and the contradictory wording of the condition. The drainage circumstances for the site that point to the permeable surfacing solution, are set out in the engineers summary below;*

1. *The site is contaminated (a legacy of its pervious use), with no soakage potential and has shallow ditches, around 750mm deep, to the east & west.*
2. *Deepening or rerouting these ditches is not viable due to the flat nature of the downstream system.*
3. *We are required to attenuate surface water discharge back to original levels for 1 in 100yr plus 30% climate change, approx. 70cum.*
4. *This volume of water has to sit above the level of the ditch otherwise it has to be pumped.*
5. *Pumping is not a very good idea, as pump failure at a critical moment is very likely and the potential to flood homes.*
6. *No other means of attenuation structure can hold this water as high as a permeable pavement [PP].*
7. *Any other form of storage would need too much cover to allow it to drain under gravity.*
8. *PP also offers the improvement of water quality required of us as it treats flows as they pass through the pavement."*

The application originally included variations to condition 6 of application S12/1483 to allow minor internal and external alteration to the proposed house types. This element has however been withdrawn from the proposed scheme. It is the applicant's intention to submit these amendments as a spate application.

The Application Site and its Surroundings

The application site is approximately 0.421 hectares in size and is located on the western side of the A15 close to the villages of Northorpe and Thurlby. The application site comprises a former car sales showroom and associated hardstandings.

The application site is bordered by residential development to the north, south and west. Hard surfaced areas currently cover half of the site with the remaining areas being gravelled and grassed. The site frontage to Bourne Road (A15) is approximately 59m and is delineated by a low level brick wall and steel access gates.

Relevant Site History

S05/0751 – An application for residential development was approved on 22 February 2006.

S09/0420 – Outline planning permission was granted for the demolition of the existing garage and erection of 14 dwellings 0n 6 July 2009.

S12/1483 – Planning permission for the reserved matters relating to application S09/0420 were approved in October 2012.

Policy Considerations

National Planning Policy Framework:

Section 1: Building a strong, competitive economy
Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

Section 8: Promoting healthy communities
Section 11: Conserving and enhancing the natural environment

South Kesteven Core Strategy 2010:

SP1: Spatial Strategy
SP2: Sustainable Communities
SP3: Sustainable Integrated Transport
EN1: Protection and Enhancement of the Character of the District
EN2: Reducing the Risk of Flooding
H1: Residential Development

Representations Received

Thurlby Parish Council: The Parish Council has made the following comments:

1. In view of the fact that there will be additional bedrooms in a number of the houses this will mean possible more movement of cars to and from the site onto the busy A15.
2. In view of what is said above there are likely to be children and other vulnerable users who might have to cross the road when at the moment the speed limit is 60mph and we are in the process of trying to get the speed limit reduced. We would urge that steps are taken immediately to have the speed limit reduced before the development starts.
3. On many occasions we have asked for some of the funds received by way of either Sec106 or CIL as a result of the development on this site. To date we have not met with any success. I have been Clerk since 1988 and since that time not once has any money from Sec 106 been given back to the parish. Any money that has been received has been spent outside the village so if we cannot get any money from this development would it be possible to have some money from the development outside Thurlby? We believe that if CIL is going to be charged then the increase in the size of the dwellings will increase the amount of money the developers has to pay. Why cannot we get any of that money?

Heritage Lincolnshire: The development does not affect any known archaeological sites.

Local Highway Authority: No objections to the proposed development being a Private Drive.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. No comments had been received at the time of writing this report.

Officer Evaluation

The proposed changes to the condition are required due to the circumstances relating specifically to the site. The Local Highway Authority has raised no objections to the proposed changes, the access arrangements are therefore acceptable in highway safety terms.

The proposed drainage solution is acceptable and the Council's Project Officer (Drainage) has advised that the proposed system will adequately drain the site. The use of permeable paving as a drainage solution for sites is used throughout the Country. However, Lincolnshire County Council does not currently adopt such systems. The proposed system will provide adequate drainage to the site and will be maintained through a private management company. Subject to a condition requiring precise details of the proposed construction of the private drive and drainage the amendments to the wording of the conditions is acceptable subject to the following condition:

"Before each dwelling is occupied, the road and/or footways providing access to that dwelling, for the whole of the frontage, from an existing public highway shall be constructed in line with a specification to be approved in writing by the local planning authority. The details to be submitted shall also include measures for its ongoing maintenance.

The carriageway and footways surface courses shall be completed within 3 months from the date upon which the erection is commenced of the penultimate dwelling."

Section 106 Heads of Terms

The Section 106 contributions were assessed under outline application S09/0420. The following contributions were required:

- A financial contribution towards education facilities
- A contribution of £904 per dwelling towards the Primary Care Trust facilities in the locality.

It is considered that the same requirements should be attached to a new Section 106 Agreement, as approval of this application will effectively grant permission for a new development which the S106 attached to application S09/0420 could not be enforced.

Crime and Disorder

The proposed development raises no significant crime and disorder implications

Human Rights Implications

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

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

Conclusion

The proposed development complies with the requirements of the National Planning Policy Framework and Policies SP1, SP2, SP3, EN1, EN2 and H1 of the adopted South Kesteven Core Strategy 2010 and it is considered that the other material considerations outlined above do not in this instance outweigh the requirements of these policies.

Recommendation:

That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control 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 of community contributions

essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

The local highway authority Lincolnshire County Council has been consulted and has raised no objections to the proposed access and parking arrangements subject to the imposition of conditions on any consent. It is therefore considered that the proposed access arrangements are acceptable and that the development will not have an adverse impact on highway safety.

The use of permeable paving as a drainage solution is acceptable and subject to conditions will ensure that the site is drained properly.

The proposed development complies with the requirements of the National Planning Policy Framework, and Policies SP1, SP2, SP3, EN1, EN2 and H1 of the adopted South Kesteven Core Strategy 2010 and it is considered that the other material considerations outlined above do not in this instance outweigh the requirements of these policies.

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

Outline application Conditions:

1. The development hereby permitted shall be commenced within 2 years of the original grant of reserved matters planning permission under application S12/1483, which was approved on 16 October 2012.

   Reason: To comply with Section 91 (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. The development hereby approved shall be restricted to a maximum of 14 dwellings.

   Reason: To ensure the provision of satisfactory form of development in accordance with Policy EN1 of the adopted South Kesteven Core Strategy.

4. The vehicle parking areas and garages shown on any approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

   Reason: In the interests of highway safety to accord with the guidance contained within the National Planning Policy Framework.

5. Before each dwelling is occupied, the road and/or footways providing access to that dwelling, for the whole of the frontage, from an existing public highway shall be constructed in line with a specification to be approved in writing by the local planning authority. The details to be submitted shall also include measures for its ongoing maintenance.

The carriageway and footways surface courses shall be completed within 3 months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: In the interests of highway safety to accord with the guidance contained within the National Planning Policy Framework.

6. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;

(b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until verification has been submitted to the Local Planning Authority by the agreed competent person that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

(a) As built drawings of the implemented scheme;

(b) Photographs of the remediation works in progress; and

(c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development to accord with the principles contained within the National Planning Policy Framework.

7. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Bourne Road (A15) and the minimum width of the access shall be 5 metres.

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

8. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage, to accord with the principles and conclusions of the Flood Risk Assessment an incorporating filters/interceptors from carriageways, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

   Note: No form of soakaway is acceptable in contaminated land to prevent the spread of pollution through ground water. The use of soakaways proposed in the FRA may not be acceptable if contamination is found as a result of investigations pursuant to condition 6.

   Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal to accord with the principles contained within the National Planning Policy Framework.

9. None of the dwellings shall be occupied until it has been connected to the sewage disposal and drainage works required by condition 8 have been completed in accordance with the submitted plans.

   Reason: To prevent pollution and flooding to accord with the principles contained within the National Planning Policy Framework.and policy EN1 of the South Kesteven Core Strategy.

10. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before each dwelling is occupied. Development shall be carried out in accordance with the approved details.

    Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings to accord with Policy EN1 of the South Kesteven Core Strategy.

11. This permission has been determined in relation to the information submitted. The indicative plans set out the spatial parameters for the built development and dwellings should not exceed these parameters indicated on drawing refs: 08063/SK-A-01, 08063/SK-B-01, 08063/SK-C-01and 08063/SK-D-01.

    Reason: The details submitted form part of the design and access statement and building exceeding these dimensions may offend against Policy EN1 of the South Kesteven Core Strategy.

Reserved Matters Application Conditions:

1. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Bourne Road and the minimum width of the access shall be 5.0 metres.

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

2. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 0659-101-A dated 21st June 2012, and retained for that use thereafter.

   Reason: To ensure safe access to the site and each dwelling in the interests of

residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

3. The arrangements shown on the approved plan 8659-101 A dated 21st June 2012 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 Main Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

4. Before each dwelling is occupied, the road and/or footways providing access to that dwelling, for the whole of the frontage, from an existing public highway shall be constructed in line with a specification to be approved in writing by the local planning authority. The details to be submitted shall also include measures for its ongoing maintenance.

   The carriageway and footways surface courses shall be completed within 3 months from the date upon which the erection is commenced of the penultimate dwelling.

   Reason: In the interests of highway safety to accord with the guidance contained within the National Planning Policy Framework.

5. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

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

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

   8659-114 received 21 June 2012
   8659-101 Rev A received 21 June 2012
   12017/PL04 received 21 June 2012
   12017/PL06 received 21 June 2012
   12017/PL11 received 21 June 2012
   12017/PL07A received 29 August 2012
   12017/PL08A received 29 August 2012
   12017/PL09A received 29 August 2012
   12017/PL10A received 29 August 2012

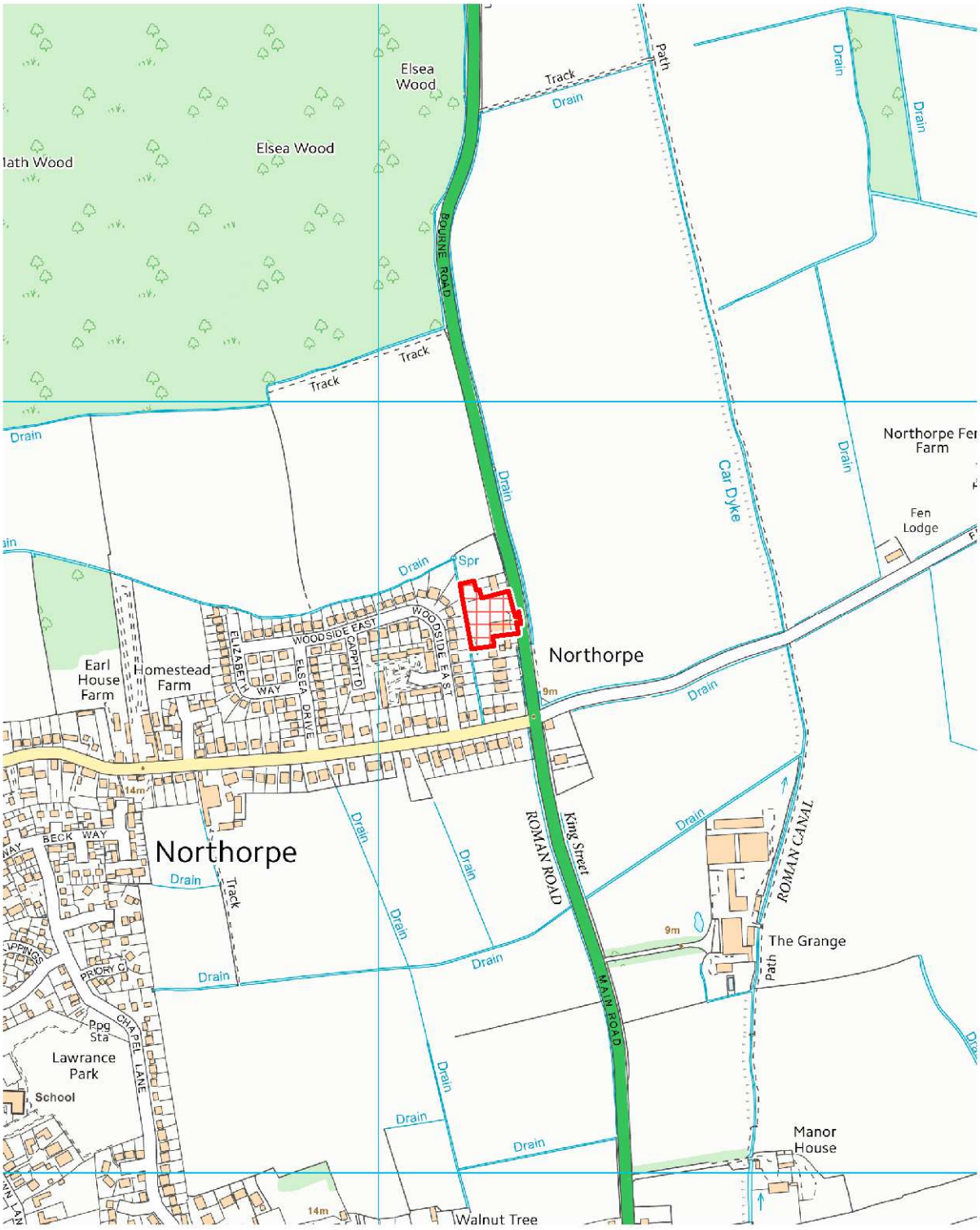
   Reason: To define the permission and for the avoidance of doubt.

Informative(s)

A. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
B. 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.

* * * * *

Site Location Plan	
Ref	**S13/2261**
Proposal	**Section 73 application to vary condition 5 of application S09/0420 and condition 4 of application S12/1483 to amend the access provisions**
Location	**Land at former Mears Motors, Main Road, Thurlby, Bourne, PE100DZ**



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NB2 **S13/0681/MJNF**

Target Decision Date: 07-Jun-2013
Committee Date: 19-Nov-2013

Applicant	**Mr C Thompson** Lings Farm, Main Street, Witham On The Hill, Bourne, Lincolnshire, PE10 0JN
Agent	Mr C Toulson, Plan A Designworks Datum House, 3, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Proposal	**Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period (retrospective) (amendments to application S12/1350)**
Location	**Warren Farm, Main Street, Witham On The Hill, Bourne, PE10 0JN**
App Type	Major Full (Non-residential)
Parish(es)	Careby, Aunby & Holywell
Reason for Referral to Committee	The application is considered to be locally controversial and with a previous application on the site determined at the Development Control Committee.
Recommendation Summary	**Refuse permission** The application is a re-submission of S12/1350 where the application was refused permission; there were 3 reasons for refusal, 2 relating to highway concerns and the third a noise issue. The application as submitted addresses, subject to conditions, the highway concern through utilising an alternate access point further along Main Street. However, there has been no change to the application through noise that would be generated. Furthermore, additional information has been received from an independent noise consultant who has modeled the noise impacts from the use, with the site not benefiting from 14 days permitted development because of the operational development that has been undertaken. The noise report has concluded that the use would be harmful to both residential amenity and the tranquility of the area. Therefore the recommendation remains to refuse permission but with an amended reason for refusal taking into account recently received information. The application is, therefore, deemed contrary to policy EN1 of the South Kesteven Core Strategy and guidance contained in the NPPF.

Key Issues

- Planning history attached to the site.
- Access to the site and vehicle movements associated with the development, including highway safety.
- Impact of development on residential amenity and the adjacent Nature Reserve through noise that may be generated.
- Whether the principle of the development should be supported in this location.
- Environmental considerations including possible pollution and loss of agricultural land.

Technical Documents

- Application Forms
- Site Location Plan

- Environmental Noise Assessment
- Proposed Site Plan

REPORT

Introduction

The application was deferred at the Development Control Committee (DCC) of 04 June 2013 so that an additional noise assessment, within parameters set by Environmental Health, could be undertaken to determine whether or not noise from the track is likely to be harmful to residential amenity

Since that date a court case has come to the Council's attention (Messrs R W and J P Ramsey vs the SoS and Suffolk Coastal District Council) which highlighted that because of the operational development that has taken place to create the track (e.g. earthworks), it does not, as first thought, benefit from the 14 days temporary use under permitted development rights. As a result there is no fallback position, e.g. the need to consider whether 24 days of controlled use would be more/less harmful than 14 days unrestricted use; which was an important material consideration in the determination of this application.

As a result, an independent assessment of the noise implications has been undertaken by MAS on behalf of this Council. This has reviewed previously submitted information; no new readings have been taken on site. Given that the site does not benefit from permitted development rights the noise impacts have been modelled to asses the likely impacts on the nature reserve and nearest properties, which are West Farm and a number of barn conversions to the rear of this property. It is recognised that residents of nearby villages have referred to the local topography and the impact of noise over a wide area given the site occupies an elevated position. This did not expressly form part of the MAS assessment but we have asked for their views on this issue to help inform Members.

Consultation

Following receipt of the Independent noise assessment further consultation was undertaken, allowing 14 days for representations to be received. Interested parties consulted were those who live nearby and those who had expressed an interest in the application previously. 30 letters of objection were received and 1 of support

The letters of objection maintain their opposition to the application and note that the use is inappropriate and should be refused permission; the original committee report is misleading and the site does not benefit from 14 days use under permitted development rights (see above); whilst supporting the independent noise assessment it does not go far enough and consider the likely impacts on nearby villages including Witham on the Hill and Careby; the MAS report vindicates the views expressed by the majority of local residents. Other comments were made on the application not directly related to the independent noise assessment and these have been previously covered in the original committee report, which is attached below.

The letter of support questioned the validity of the modelling and feels that the original noise report, which used readings undertaken whilst an event was underway, is more accurate.

Little Bytham Parish Council, Witham on the Hill Parish Council and Careby, Holywell and Aunby Parish Meeting maintain their objection to the application. They feel that the adjoining environment e.g. the nature reserve will be detrimentally affected; noise will be harmful to residential amenity; highway safety will be compromised through extra vehicle movements; the MAS report re-affirms local residents concerns and the failings of the original noise report; the site has continued to be used by riders and it should be levelled to prevent future unauthorised use; no reference to Core Strategy policy is made in the MAS report; the MAS report should identify what the noise impacts will be on other surrounding villages; Members were previously mis-informed about permitted development rights associated with the use and this should be addressed.

Independent noise assessment

The independent noise assessment is critical of the original noise assessment submitted in the support of the application. Primary criticisms are that the background noise readings were not taken over an appropriate time frame or at suitable locations; the weather conditions were not noted as well as not knowing the number of bikes on the track when the noise readings were taken.

The modelled noise assessment has looked at the impact on both the adjacent nature reserve and nearest properties. In terms of the assessment it has looked at the likely impacts based on the number of bikes operating, including 2, 10, 20 and 40, as well as differentiating between 2 stroke and 4 stroke engines, with the later generating a louder noise.

The modelling is quite a clear in that the noise generated will have a detrimental impact on both the amenity of the nearby residential properties and the nature reserve. The report concludes that a significant noise intrusion will occur when the track is in use, dominating the sound environment and thereby detracting from the amenity of nearby dwellings and use of the nature reserve.

The report then goes on to explore the options open to the Local Planning Authority; firstly, that the application be granted as submitted but this is likely to generate significant disturbance to local residents; secondly, to refuse permission because of the likely noise disturbance; thirdly, to allow the use of the track for not more than 3 or 4 days a year, although given works undertaken e.g. earthworks etc, this may be unreasonable in its own right.

It should be noted that the modelling does not take account of the likely noise impacts on properties in neighbouring villages, notably Careby and Witham on the Hill. Whilst this information has not been modelled and we await further comment from MAS the detrimental impact on the amenities and living conditions of nearby properties is a robust basis upon which to justify a refusal of planning permission.

The development proposed by reason of the impacts of noise on the amenity and tranquillity of the area represents a conflict with Core Strategy Policy EN1 and the emerging Policy SAP4 of the Site Allocation and Policies Development Plan Document, such that planning permission should be refused.

Conclusion

The primary issue with the application when considered by Members at their meeting of 04 June 2013 was the noise impacts from the use on residential amenity and the adjacent nature reserve. Following receipt of the independent noise assessment the original recommendation of refusal appears just. However, the original recommendation of refusal related only to the impact on the tranquillity of the area, and adjacent nature reserve in particular. The independent noise assessment clearly demonstrates that not only will the use impact on the tranquillity of the area but also residential amenity. The recommendation, therefore, remains to refuse the application but with a revised reason which reflects the results of the independent noise assessment.

The original Committee report of 04 June is below

The proposal

The application is for the retention of earthworks on the site to create a motorcross track along with the continued use of the land for the same purposes. In addition, a portacabin is on site and also considered as part of this proposal.

The application site and its surroundings

The application site is a former agricultural field to the south of Stanton's Pit Nature reserve. It should also be noted that the site actually falls within the Parish of Careby, Aunby and Holywell, not Witham on the Hill.

Vehicular access to the site is from Main Street Witham on the Hill, a C classified road. Previously the site was to be accessed from the same point as the Nature Reserve; however, following the refusal of application S12/1350 it is proposed to access the site from an entrance some 250m further west. The access is to a weighbridge and currently has permission to be utilised as the entrance point to an extant mineral permission under reference S.16 & 52/1404/88. The access track, in terms of maintenance, is typical of a farm track and primarily compacted earth mixed with hardcore.

In terms of physical alterations to the land the main impacts are through the earthworks to create jumps and other physical features e.g. a portacabin. The majority of the course is marked by wooden or metal posts stuck into the ground with rope between. A small area of hardstanding has been laid where drainage is poor and holes dug to assist with the same.

To the immediate north of the application site is a large mound of earth approximately 9m tall. It is understood that this was created when the land was a gravel pit and this has now been converted into the Stanton's Pit Nature Reserve, which includes a bird hide and small area for parking. To the immediate south and west the land is relatively open and some 200m to the east a wood.

The nearest dwellings to the site are approximately 300m away and include West and Oak Tree Farm; along with dwellings that were barns formerly associated with these farmsteads. The nearest property within Careby is some 600m away from the application site.

Site History

Application S12/1350 was refused permission at the Development Control Committee of 02 October for the reasons outlined below;

1. The proposal if permitted is likely to result in an increase in the number of private vehicles entering, leaving, waiting and turning right on the Main Road where visibility afforded to following or oncoming traffic and for drivers of vehicles entering the highway is below the national recommended distance. The consequent danger to highway safety and interruption that will be caused to other road users cannot be justified.
2. Visibility to the west from the proposed point of access to Main Road is substantially below requirements as indicated both on the drawings submitted and from observations on site due to the geometry of the road and presence of mature hedge and tree lines. It is considered that vehicles emerging from the access will be in conflict with traffic travelling west-east due to the lack of forward visibility, on Main Road and visibility from the point of egress on the minor road contrary to the interests of highway safety.
3. The range of noise levels from this site would have an adverse impact upon the remoteness and tranquillity of this area, particularly the quiet enjoyment of the adjacent nature reserve,

contrary to Policy EN1 of the South Kesteven Core Strategy.

With the exception of the aforementioned planning application there is no formal planning history to the site which indicates that the land has been used for similar purposes in the past.

The applicants contest that the site has been used prior to their own involvement by another motorcross group but the Council has no evidence to substantiate whether or not this is the case. Furthermore, given the retrospective nature of the application it is unclear what earthworks were carried out by the applicant and those that are natural features. That said, from an aerial photograph dating to 2006 there does not appear to have been any earth works on the site with it being a flat agricultural field.

Policy Considerations

National Planning Policy Framework

Section 1: Delivering sustainable development
Section 3: Supporting a Prosperous rural economy
Section 4: Promoting sustainable transport
Section 11: Conserving and enhancing the natural environment

South Kesteven Core Strategy 2010

SP1 – Spatial Strategy
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
E1 – Employment Development

SAP4 – Business Development in the Countryside (including Rural Diversification Scheme)

Representations received

Environment Agency (EA): observations will be reported to Members in the late items paper.

Lincolnshire County Council: as Highway Authority, note that the access point has altered to that considered under application S12/1350. They do not object to the application subject to the visibility splay being in place when the site is in use and there being no conflict with vehicle movements associated with extant mineral permission S.16 & 52/1404/88. The full observations of the Highway Authority are reproduced below;

"In consideration of this Application, it must be stated that insofar as access is concerned, the visibilities indicated are to the latest guidance as contained in 'Manual for Streets' (MfS).

It is apparent from recent Appeals that the Planning Inspectorate expects local authorities to have adopted the guidance in MfS and apply the Stopping Sight Distance values and thence visibility splays set out within it.

It has been reported that whilst the landfill is currently closed it does have an extant permission with sufficient void space to receive a significant amount of inert waste.

The proposed access is an existing access used in connection with minerals extraction/ landfill in the past and with the extant permission and therefore its use is established.

As the Applicant has demonstrated visibility to MfS can be achieved, use of the access would be difficult to refuse on its geometry alone or indeed on safety grounds connected with limits to visibility.

The Quarry/Landfill use was restricted to 0700 to 1800 Monday to Friday; 0700 to 1300 Saturday with no operations permitted on Sundays or Bank Holidays.

The approach roads via either Little Bytham or Witham on the Hill are classified highways and are capable of taking a reasonable amount of additional traffic.

The number of parking spaces available and to be provided would appear relatively modest. No motorcycle parking is indicated as either existing or proposed. No indication of projected numbers of attendees or spectators is included in the submitted detail.

The access road could facilitate parking by bikers along its length but this would be detrimental should the landfill operations recommence.
The issues that need to be considered are the potential sharing of the access by both the landfill operator in conjunction with the use proposed by the Applicant and the increased number of movements along a road where accidents have occurred in the past and its tortuous alignment particularly through Little Bytham and Witham on the Hill.

The quarry/landfill permissions granted and extant indicates that the local highway authority was satisfied that the A6121 was and is capable of accommodating HGV traffic albeit that these movements have ceased (however temporarily).

There will however be a noticeable increase in movements by cars, vans (+trailers) and motor bikers in the locale of indeterminate number on Saturdays, Sundays and Bank Holidays and should landfill operations recommence, the potential conflicts will be confined to the Saturdays as permission is sought only for that day.

The Applicant has demonstrated that the access can accommodate the required visibilities in excess of MfS requirements.

Additional traffic can be accommodated on the existing highway network.

The manner of driving and any controls or enforcement would be a matter for the Police.

It is suggested that further information could be pursued in order to determine the likely attendance at the events.

Should Committee or delegated officers be minded to permit this application
It is recommended:

That events be strictly limited to the days and times as stated on the Application and there be no variation without the express permission of your Authority.

It is recommended that no parking of any vehicle be permitted on the haul route/"access road" and parking be confined to the dedicated parking area only.

The access and its visibility be Conditioned accordingly in accord with the minimum visibility dimensions indicatively shown on drawing number 1094-02 Rev H

That provision be made for re-visiting the Conditions should landfill operations be proposed to recommence."

Natural England: note that the application is a re-submission of a previous proposal and re-iterate their previous comments; they note that it does not appear to affect any statutorily protected sites or landscapes, or have a significant impact on the conservation of soils, nor is

the proposal EIA development. However, the organisation would still expect the Local Planning Authority to consider protected species, local wildlife sites and biodiversity enhancements.

Environmental Protection: note that the noise report concludes only bikes fitted with silencers are permissible for the track and there would be a need to comply with the 'code of practice from organised off road motorcycle sport 1994'. It has also been indicated in the noise report that an additional bund is proposed and details of this should be sought. Also, the noise report is the same as previously submitted and there is therefore no reason to come to a different conclusion to that previously reached.

Planning Policy: note that policy SP1 of the Core Strategy would generally restrict development in open countryside, save for certain exceptions, including rural diversification projects. There would also be a need to consider policy EN1 which identifies that, inter alia, development should be assessed in relation to remoteness and tranquillity; noise and light pollution and the condition of the landscape.

Lincolnshire Wildlife Trust (LWT): raise concern about the application and question whether or not the use is appropriate given the adjacent nature reserve which should be quiet for the enjoyment of users. However, they do note that having been on site whilst an event was underway there was limited disturbance to birds. The observations of LWT are reproduced below;

> *"Thank you for consulting the Lincolnshire Wildlife Trust on the above application which is adjacent to Stanton's Pit nature reserve, Local Wildlife Site (LWS) and Local Geological Site (LGS). We have read the information submitted with this application and our comments remain largely the same as those submitted on 23 July 2012 in relation to application S12/1350.*
>
> *We believe that the proposed (and indeed the existing) use of the site in question is at odds with the established nature reserve and may dissuade legitimate visitors from visiting a site which is managed for wildlife and the quiet enjoyment of nature. We feel that a more appropriate location should have been sought.*
>
> *We note the conclusions of the environmental noise assessment; however we have some remaining concern that the noisy motorcycles may disturb birds using the nature reserve. Experience during one of the motorcycle events suggests that some birds may not be affected, however we do not know if this result was typical or how any effects may change throughout the year, with different bird assemblages and varying levels of vegetation cover.*
>
> *There have been issues with vandalism on the nature reserve which has been attributed to people attempting to gain unauthorised access to the motorcycle track. We are grateful for the owners' assistance in this matter, however we are concerned that further damage to our property may occur with the continued usage of the track.*
>
> *We are aware that even should this application be refused, usage of the site on a more limited basis for motorcycle sports can legally continue. We are pleased therefore that the owners have demonstrated they would be willing to listen to our concerns and work together as neighbours. Whatever the outcome of this planning application, we would welcome discussion regarding the sites. The overriding concern of the Trust remains that a motorcycle track in this location is inappropriate and is likely to result in additional work and expense for the Trust, as well as spoiling visitors' enjoyment of the nature reserve".*

Witham on the Hill Parish Council: observations will be reported in the late items paper.

Careby, Holywell and Aunby Parish meeting: object to the application and a summary of their objection is reproduced below;

"SKDC's Development Control Committee rejected an almost identical application for the same facility in the same location by the same applicant in October 2012.
Grounds for rejection included noise levels being contrary to Policy EN1 of the South Kesteven Core Strategy. No relevant material changes have been made to the proposals, nor further supporting information submitted to suggest that the Council should reach a different conclusion in respect of application S13/0681.

Policy - the application runs contrary to Core Strategy and SKDC policies in 6 key areas:
o Rural Tranquillity & Landscape (Policy EN1 and SAP4)
o Scale (Policy SAP4)
o Employment (Policy SP1 & SAP4)
o Noise (Policy EN1 and SAP4)
o Highways (Policy SAP3)
o Unbudgeted costs to Public Authorities

Noise – at a level likely to cause statutory nuisance
Need – there is no demonstrated "need" for the proposed development
Location – the site is situated in an elevated position which exacerbates issues associated with noise and disturbance to the local communities.

Degradation of wildlife habitat - Stanton's Pit Nature Reserve adjoins the proposed circuit.
Highways danger – the proposed entrance is on a minor road with a record of accidents.
Traffic nuisance – traffic volumes will have a significant detrimental impact on surrounding villages
No local benefits (zero incremental employment)
Damage to established local businesses
The application is not sufficiently defined - insufficient detail/errors in the application documents to define an enforceable permission.
Enforcement will become a financial burden for SKDC and LCC and the costs of monitoring, policing and enforcing will cause cutbacks in more important public services".

Little Bytham Parish Council: object to the application. They feel that the development would detrimentally affect the adjacent nature reserve; the noise generated from the use is excessive and detrimental to residential amenity, as well as highway safety being compromised.

Clipsham Parish Meeting: note that the noise can be heard as far away as 10 miles and that the number of events is excessive. Stantons Nature Reserve will be negatively affected and the bank to the north of the site does not protect the amenity of villages in other directions. They question the impartiality of the noise report as well as note that the number of vehicle movements is likely to be excessive. Request that if permission is granted an independent noise assessment should be undertaken; the number of events restricted to not more than 2 as well as some form of routing agreement and marshalling of vehicles.

Heritage Lincolnshire: note that no archaeological sites of interest would be affected by the development.

Representations received as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement with the closing date for representations being the 26 April 2013.

At the time of writing 111 letters of objection have been received. A summary of the concerns raised are drafted below;

- The retrospective nature of the application gives cause for concern about future management of the site through possible expansions in the number of events;

- Noise from the motor bikes is harmful to the amenity of neighbouring properties and could possibly lead to mental health problems as well as ruin the quiet enjoyment of the rural environment;
- The submitted noise report is sub-standard and does not specify the weather conditions on the day the survey was undertaken nor is a 'worst case' scenario considered;
- No measurements were taken from properties in either Careby or Witham on the Hill, where it is possible to hear the bikes;
- Pollution from the bikes into neighbouring water courses;
- Negative impacts on the adjacent Nature reserve and wildlife through noise generated by the bikes which would also deter visitors;
- Harmful to the economy through a reduced number of bookings for nearby Bed and Breakfasts;
- Sunday is a day of rest and it should be respected, local Church services may be detrimentally affected ;
- The access point to the main road is substandard and a hot spot for accidents, the use would exacerbate existing problems;
- The alternate access proposed is no better than the previous one as well as conflicting with vehicles associated with an extant mineral planning permission;
- Re-fuelling is occurring on-site and any waste will pollute the land and/or watercourse;
- What constitutes an 'event', how many days will the site be used in a calendar year;
- Jet-washing of vehicles is occurring and this will cause pollution from the run-off;
- The Design and Access statement is misleading
- Dust generated from the site is excessive;
- A long section of hedgerow would need to be removed to provide appropriate visibility and this would be harmful to the natural environment and character of the area;
- The number of people using the site is over and above what the applicants have stated with up to 100 people being on site;
- The application is contrary to Core Strategy policy EN1 along with policies SAP3 and SAP4 of the Site Allocation and Policies DPD. Guidance in the NPPF also aims to restrict noise generating uses;
- Valuable agricultural land will be taken out of food production;
- Alternative sites are readily available and there is no demand for the use;
- The strength of local feeling could lead to public disorder.

A further 78 letters of support have been received and a summary of their comments are drafted below;

- This is a valuable resource to local residents with there being no other such facility in the locality;
- It is a facility that is good for socialising with other likeminded people and gives young people something to do;
- The site is well run, safe and a good family day out;
- Local business will benefit from the spin-offs of this commercial use;
- Noise can be adequately controlled and would not affect neighbouring residents unduly with the number of events not excessive;
- It is a great day out for all the family;
- A misleading letter has been circulated to local residents asking them to object to the application which as lead to an increased number of objection letters.

A petition with over 300 signatures has been submitted indicating that they support the application.

Officer evaluation

The application is made retrospectively with the use of the land for motorcross purposes being brought to the attention of the Council in November 2011. Up until application S12/1350 was determined the site continued to be used for the purposes of motorcross. Since the refusal of

the application the site has not been open to the public although it is understood that it has been used intermittently by the applicant and his immediate family.

The amended application has been re-submitted to primarily overcome the highway reason for refusals attached to decision notice S12/1350, with a new access point proposed.

The application is two-fold in that there is operational development on site, including the earthworks, along with a material change of use of land from agriculture to its use as motorcycle dirt track. It should be noted that the applicants contest that the site has been used for such purposes in the past; however, there is, in planning terms, no lawful use of the land for motorcross. It is possible that the site could be used for motorcycle practice for a period not exceeding 14 days in one calendar year without the need to apply for planning permission, provided the land is primarily used for agricultural purposes for the remainder of the year. Regardless, the earthworks to create the track require permission in their own right and this application is for the use of the site for a period of 24 days in a calendar year, over and above the permitted 14.

Highways

As noted previously, the access point under consideration in this application is different to that under application S12/1350. It would still be accessed off a C Classified road; however, it would utilise an alternate access point some 250m further west along Main Street. Under the Manual for Streets (MfS) guidance a visibility splay of 2.5m by 123m would be required. As indicated on the submitted drawings, this can be achieved although some of hedgerow, particularly to the right hand side when exiting the site, would need to be cut back.

It is indicated on the application form that parking for 50 vehicles, including 20 light goods vehicles would be provided. Given that the existing access has an extant permission for HGV's associated with a mineral use it is considered that the access is appropriate for likely vehicle movements and that it would, subject to conditions, not be harmful to highway. However, this is subject to there being no conflict between the vehicle movements associated with the extant mineral permission, which is restricted to 07:00 – 13:00 on Saturdays, and the motor cross traffic, something that could be controlled by condition.

Therefore based on the information supplied it is considered that the revised access point is acceptable and has overcome reasons for refusal 1 and 2 of application S12/1350.

Noise

It is noted in the submitted noise report that an initial survey of the site undertaken in February 2012 found the bikes to be a noise nuisance and this was through a small number of individual bikes. A subsequent test was undertaken with greater controls on the bikes and only those with adequate silencers were allowed to take part; this is in accordance with the Code of Practice on Noise from Organised Off-road Motorcycle Sport. With greater controls the noise nuisance to the nearest dwellings, where measurements were taken, did not form a statutory nuisance. The nearest dwellings being those on the opposite side of the road to the Nature reserve. Therefore in terms of management there would be a need to ensure that the Code of Practice is adhered to ensure that residential amenity would not be compromised through noise that would be generated. Surveys indicate that the noise level generated when the track is in use, from the nearest dwelling, is the same as the background noise and adding a +5db for a 'character' noise still indicates that any impacts would be within tolerance levels.

There is a nature reserve adjacent to the site with a bird hide and associated parking. No guidance is available as to what would constitute a noise nuisance to such a site. The noise report indicates that the use did not impact on wild birds with a number on the water when an event was taking place. Lincolnshire Wildlife Trust have expressed concern about the use and how it may deter visitors when an event is taking place but having visited the site when an event was underway there did not appear to then to be a negative impacts on the birds.

In addition, the noise report concludes that an additional bank to block views of the site from the nearest dwellings would be beneficial.

It should be noted that no noise readings have been taken from properties within the village of Careby rather they have been taken from the properties nearest the site on Main Road. The property nearest to the site accessed off Main Street, Careby is some 600m away. Given that this is twice the distance from the nearest properties on Main Road Witham on the Hill the noise report is considered acceptable to determine the likely impacts on the properties most likely to be affected by the development.

While the noise from the site may not be a statutory nuisance and could probably be controlled in accordance with the recognised Code of Practice, there are still concerns about the adverse impact of the use upon this quiet rural location.

The evidence submitted to-date suggests that the use could be managed to tolerable levels. However, policy EN1 specifically states that the remoteness and tranquillity of rural sites must be taken into account in the consideration of planning applications.

The nature of their use, particularly the range and modulation of noise levels and the proposed daily duration of the activities, is likely to have a significant impact upon this remote, tranquil area. In particular the quiet enjoyment of the adjacent Nature Reserve will be adversely affected by the use, contrary to Policy EN1.

Principle of development

Development should normally be concentrated close to the main urban areas of the District; however, as identified in policy SP1 of the Core Strategy, exceptions can be made for rural diversification projects. Policy SAP4 of Site Allocation and Policies DPD expands on Business Development in the Countryside and identifies that sport and recreation uses are acceptable, subject to certain criteria. This includes the need for a rural location, impact on the character of the area, residential amenity and the local economy. The application constitutes a rural diversification project. It is accepted that a location closer to a Local Service Centre would reduce the need to travel but this would have to be assessed against the nature of the development which would be best located away from urban areas. Given the use it is unrealistic for users to utilise public transport to access the site with the nearest bus stop in the neighbouring villages of Witham on the Hill and Little Bytham.

Policy EN1 of the Core Strategy identifies the need to consider the impact on 14 criteria including, inter alia, the condition of the landscape, remoteness and tranquillity, visual intrusion and noise and light pollution. The visual impact from the development would be limited as views of the site are restricted by the earth bund to the north which acts as a visual barrier. Physical alterations to the site are also limited to the creation of bunds for the track and siting of a portacabin. The physical impact from the development is therefore limited and not in conflict with policy EN1. However, the impact from noise in relation to Policy EN1 is addressed above.

Policy E1 (Employment Development) of the Core Strategy identifies that rural diversification projects which require a rural location will be supported subject to them supporting or generating a sustainable rural economy. It is noted that the site is proposed to be used for a period of 24 events and whilst there would be some economic benefits from the site it is likely that these would be sporadic in nature given the temporary use of the site and limited to part time employment or even volunteering e.g. marshals.

There is, therefore, a policy objection to the proposal because of the likely impact from noise upon this quiet tranquil area.

Other considerations

It is accepted that farmland would be taken out of production as a result of the application; however, it is not felt that this one issue would justify a refusal of permission although could add weight to a refusal should members feel that the location of the development is inappropriate. In addition, attention has been drawn to the refusal of permission for a golf course (ref; S10/2296) and subsequent dismissal of appeal for a site some 800M away, to the west of Witham on the Hill. It is noted that there are parallels between the two applications in terms of sustainability but given that the proposed use is one that would be best located away from major urban areas an isolated location is actually sought after. The National Planning Policy Framework has also superseded Planning Policy Guidance notes and there is no requirement to look at sequentially preferable sites.

It has been indicated that re-fuelling will not take place on site and this could be controlled if necessary. With the site formerly being an agricultural field there is unlikely to be any negative impacts on local wildlife and birds on the adjacent nature reserve appear unaffected.

Conclusion

In view of the above the amended application has addressed two of the reasons for refusal attached to application S12/1350, through utilising a new access point. However, there is still a need to consider what impact the use would have on the tranquillity of the area, as required by Core strategy policy EN1, and this reason for refusal would still remain and, as a result, the application is recommended for refusal.

Section 106 Heads of Terms

Given the proposed use there is no requirement for a section 106 Legal Agreement.

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.

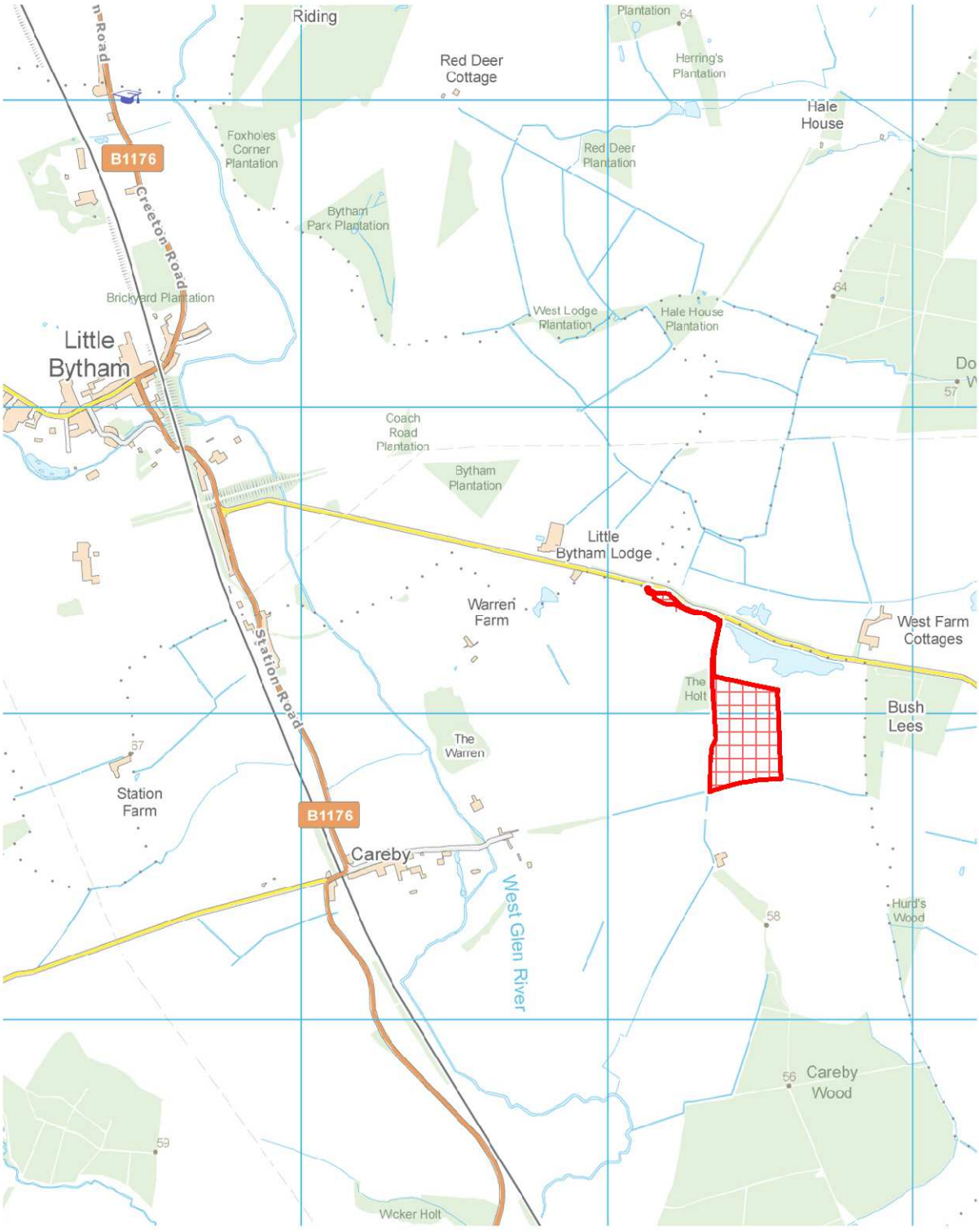
RECOMMENDATION: That the development be Refused for the following reason(s)

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan	
Ref	**S13/0681**
Proposal	**Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period (retrospective) (amendments to application S12/1350)**
Location	**Warren Farm, Main Street, Witham On The Hill, Bourne, PE10 0JN**



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NB3 **S13/1869/FULL**

Target Decision Date: 25-Sep-2013
Committee Date: 19-Nov-2013

Applicant	**PJ & JA Watts LTD** Vine House Farm, Deeping St. Nicholas, Spalding, PE11 3DG
Agent	Miss Claire Harness, Bowler Energy LLP Badger Farm, Willowpit Lane, HILTON, Derbyshire, DE 65 5FN
Proposal	**Siting of 2192 ground mounted photovoltaic panels**
Location	**The Pheasantries, Casewick Lane, Uffington, Stamford, Lincolnshire, PE9 4SX**
App Type	Full Planning Permission
Parish(es)	Uffington
Reason for Referral to Committee	At the request of the local Cllr and with the development considered to be locally controversial.
Recommendation Summary	It is proposed to site 2192 ground mounted photovoltaic panels in a field to the west of Casewick Lane, Uffington. The panels would be sited in six rows and be 2.44m tall at their highest point and linked into the national grid. An area of approximately 0.3 hectares would be covered and generate enough electricity to power in the region of 112 homes. The application site is within open countryside and well screened from public vantage points by existing planting. As a result there would be limited discernable impacts on the character of the area nor would the setting of adjacent heritage assets be detrimentally affected. Renewable energy is broadly encouraged with the proposal generating limited negative impacts; the land around the panels would continue to be used for the agricultural purposes through grazing or a chicken run. The application is therefore deemed to comply with guidance contained in the National Planning Policy Framework (notably chapters 3, 7, 10, 11, 12) and policies SP1, EN1 and EN3 of the Core Strategy; with no other material planning considerations to indicate that the application should be determined otherwise.

Key Issues

- Impact on the character of the area and heritage assets;
- Visual impacts from the development, including amenity and possible glare;
- Highway considerations

Technical Documents Submitted with the Application

- Layout, elevation drawings and location plan
- Planning and Design and Access Statement
- Flood Risk Assessment

REPORT

Application category

The application is a minor.

Reason for referral to Committee

The application is considered to be locally controversial and at the request of the local Ward Member.

The proposal

The application is for the siting of 2192 ground mounted photovoltaic panels. They would be sited on posts and be 2.44m above ground level at their highest point and run in six rows, east to west, across an agricultural field covering approximately 0.3 hectares. A small central area would have no panels and is left void because of an existing telegraph pole, which will provide a link to the national grid. Given their isolated location no CCTV or fencing is proposed.

The panels are predicted to generate 500,000k Wh of electricity per annum, enough to power approximately 112 homes.

Application site and its surroundings

The application site would be accessed off a long narrow track that is currently used to access a property, The Pheasantries, and two chicken sheds recently granted permission.

The land on which the panels would be sited is flat and devoid of any significant features of interest. Around the field is hedging approximately 2m tall; there are sporadic gaps within the hedge but for the most part the hedge is around the entire site. To the north of the site, between Casewick Hall and the panels, is a small wood.

Site history

An application for the erection of two wind turbines, one of which would be on the same site as the panels and one slightly further north, was withdrawn prior to being determined (reference number; S12/1017)

Representations received

Uffington Parish Council (UPC) – the observations of UPC are reproduced below;

"As these panels would be less intrusive than the previous application for wind turbines the Council were concerned about the possibility of glare/reflection on to the A1175 and it was suggested that if this application was approved that some sort of screen be erected to eliminate this possible problem. The Parish Council were also concerned about the increase of good agricultural land being taken up by this type of development. One of our Parish Councillors, Cllr Mulvaney, works for Cummins Generator Technologies and made the following comments.

If the design is going to be connected to the grid then the design must be validated to ensure that it provides the voltage control (SGI) that meets the High and Low voltage ride to ensure

a stable point of connection. Whilst ENTSO-E will be enforced in 2015 which make these requirements mandatory for all grid connected systems that produce 0.8kV and above. As the local grid has known power issues the local businesses do not want electrical instability and we need to protect the area against further grid instability. To ensure against "brown outs" a good design should mitigate this.

As regards sun refraction, in Bavaria where some farmers have implemented small solar farms there have been instances of solar refraction on roads near these installations. This must be avoided at the Uffington/Tallington site as the A1175 is nearby".

Tallington Parish Council – raise no objection to the application;

Barholm and Stowe Parish Meeting – No response received;

Heritage Lincolnshire – the application would not affect any known sites of archaeological interest;

Planning Policy – No objection in principle to the development. Note that policy SP1 'Spatial Strategy' would generally restrict development outside of main urban areas but EN3 'Renewable Energy' would allow such proposals subject to linking to the national grid and removal of the equipment once they are no longer required. Consideration would also need to be had to policy EN1 'Protection and Enhancement of the Environment', with particular regard to possible visual intrusion;

Environmental Protection – make no comment on the application;

Lincolnshire County Council - The Highway Authority does not object to the application;

Environment Agency – Does not object to the application subject to complying with the submitted Flood Risk Assessment;

Principal Conservation Officer – considers that the solar panels will not harm the setting of nearby heritage assets and will have a less than substantial harm on the rural landscape;

English Heritage – Ask that the application be determined in accordance with local and national policy guidance;

Representations received as a result of public consultation

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being the 20 September. At the time of writing four representations have been received. A summary of their observations is drafted below;

- No consideration has been given to the potential bypass for Tallington;
- The drawings submitted with the application are not adequate enough to identify the location of the site;
- The solar panels will be an 'eye-sore' as well as distract drivers and lead to glare;
- Agricultural land would be lost from food production;
- Statements in the Design and Access Statement are in-correct and mis-leading;
- Health and safety will be compromised through the site not having any fencing and members of the public being able to access the site. A magnetic field will be generated from the panels, similar to a power line;
- The setting of Casewick Hall will be detrimentally affected;
- The panels will be out of character with the area in a rural landscape;

- Planning policy is relatively quiet on solar farm developments but green targets need not necessarily override the views of local residents or the need to protect the character of the area

Policy considerations

National Guidance

The National Planning Policy Framework indicates that renewable energy will generally be encouraged if the 'impacts' from the development are acceptable (paragraph 98)

More specific guidance has been produced on solar farms in a document titled 'planning practice guidance for renewable and low carbon energy' (July 2013). Three paragraphs of the document relate specifically to solar farms and are reproduced below;

"*What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?*

1. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

2. Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use11 and/or encourages biodiversity improvements around arrays12*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use*
- *the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun*
- *the need for, and impact of, security measures such as lights and fencing*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect*

1. The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines (see paragraphs 41-44). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero".

Core Strategy

Policy EN3 'Renewable Energy Generation' of the Core Strategy is pertinent to the determination of the application and is drafted below;

The District Council will grant planning permission for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:·
The proposal can be connected efficiently to existing national grid infrastructure, unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user.

The proposal should make provision for:

- o the mitigation of the real emissions/impacts arising from the installation of the renewable energy generation
- o the removal of the facilities and reinstatement of the site, should the facilities cease to be operational.

Policies EN1 are SP1 are also relevant to the application with the former aiming to preserve or enhance the character of the area and the later aiming to concentrate development within appropriate locations.

Other material considerations

Within the Landscape Character Assessment the site falls within the Kesteven Uplands. The management objectives of this document are, inter alia, to protect and improve field boundary condition and pay special attention to sensitive spaces around the edge of historic towns such as Stamford and the villages

Officer evaluation

Renewable energy sources are broadly supported subject to them being in the right location and not harming the character of the area.

Impact on the character of the area

The solar panels would be sited some 550m from the nearest residential property. The field in which they would be sited is also well screened from any residential properties, particularly from properties to the north in Casewick Park, which houses a number of Listed Buildings and is within a Conservation Area. The setting of any adjacent heritage assets would not be detrimentally affected, with the Conservation Area some 600m away from the panels.

There may well be sporadic views of the site for drivers on the A16 but views would be restricted by the hedgerow and the panels would be approximately 600m from the road and they would not be unduly prominent features within the landscape. Given the distance of the panels from the road and fact that the panels are light absorbent, with planting between the two, it is not considered that then panels would result in any glare that would be harmful to the character of the area or drivers.

Given the relatively isolated nature of the site and screening that surrounds it, it is not considered that the panels would be harmful to the character of the area or Casewick Park. However, to ensure that sporadic gaps within the hedgerow along the A16 are filled it is recommended that a landscaping condition be added to further screen the development from this vantage point.

Other considerations

The highway authority raises no objection to the application with there unlikely to be any great vehicle movements associated with the panels once erected. The Environment Agency doesn't

object and a condition about the removal of the panels is recommended should they no longer be required for energy production.

The land is currently use for agricultural purposes. As a result of this application the use will not change with the ground beneath the panels to be used for the grazing of sheep or as a run for chickens.

Conclusion

Renewable energy would be created with relatively limited impact on the character of the area or residential amenity from the siting of the panels. Given the broad presumption in favour of renewable energy, and limited negative impacts from the development, the application is acceptable, subject to conditions.

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.

Section 106 Legal Agreement

No S106 is required.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed solar panels would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and number of panels is appropriate in the context to ensure that the setting of heritage assets and the character of the area would not be compromised. Nor would residential amenity or highway safety be compromised.

For the reasons outlined above, it is deemed that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy; with no other material planning considerations to indicate that the application should be determined otherwise.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

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

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

2. In the event that the solar panels are no longer used for the generation of electricity all structures associated with the solar farm shall be removed and the land restored to its original condition within six months.

   Reason: To ensure that the land is being used productively should the panels no longer be required for electricity generation and to comply with policy EN3 of the Core Strategy.

3. No development shall take place until full details of 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 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, with a particular emphais on supplamenting the hedgeorw on the southern boundary of the site adjance to the A16.

   Reason: Soft landscaping makes 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).

4. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting year from the date that the first panel is sited or in accordance with a programme agreed with the local planning authority.

   Reason: 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).

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref number 042-BEPW012-IP-Flood Risk Assessment) and e-mail dated 27 September 2013.

   Reason: To ensure no increase in impermeable surfaces and to reduce the risk of flooding to the proposed development and surrounding area.

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

   27/09/13/Location PlanREV2/CH
   27/09/13/ Access plan/ CH
   30/07/13/ Profile ViewREV1/ CH
   30/07/13/ Front - Rear View/ CH
   30/07/13/ Site PlanREV1/ CH

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

* * * * *

Site Location Plan	
Ref	**S13/1869**
Proposal	**Siting of 2192 ground mounted photovoltaic panels**
Location	**The Pheasantries, Casewick Lane, Uffington, Stamford, Lincolnshire, PE9 4SX**

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