

Applicant	J D Wetherspoon plc c/o agent
Agent	Julian Sutton, Signet Planning Limited c/o Signet Planning Limited, 56, Queen Anne Street, London, W1G 8LA
Proposal	<p>Variation of condition 11 of planning permission reference: S13/0232 so that -</p> <p>'The hours of use of 'courtyard area 1' (as delineated on Drawing No.7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays.</p> <p>The hours of use of 'courtyard area 2' (as delineated on Drawing No. 7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and the hours of use of 'courtyard area 2' as a means of pedestrian access/egress to the public house premises shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.</p> <p>The hours of use of the public house premises (as delineated on Drawing No. 7027-201-F) shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays'.</p>
Location	Mercury House, 7, Sheep Market, Stamford, Lincolnshire, PE9 2QZ
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Committee as the original application for the change of use to a public house was determined by the Committee because of local interest.
Recommendation Summary	This application for a variation of 11 of planning permission S13/0232 to provide for extended hours of operation of the public house premises and the associated courtyard area (in part to provide pedestrian access/egress) would not give rise to sufficiently increased levels of noise and disturbance in this town centre locality in relation to impacts on nearby residential properties to warrant a refusal of planning permission. The proposed erection of the railings and gates to the outside sitting area/beer garden area would be sympathetic to the setting of nearby listed buildings and would preserve the character and appearance of the Stamford Conservation Area. The development would not be detrimental to highway safety and would not have a negative impact on the archaeological interest of the site. The proposals are therefore considered to be compliant with Policy EN1 of the adopted South Kesteven Core Strategy (2010) and with national planning guidance contained in the National Planning Policy Framework.

Key Issues

- Effect on Residential Amenities
- Highway Safety Implications
- Impact on Heritage Assets/Visual Amenities

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans (including Courtyard division details)
- Premises floor plan drawings
- Design and Access Statement (including Heritage Impact Assessment)
- Wetherspoon's Code of Conduct of Responsible Retailing
- Supporting Documentation Submissions
- Noise Assessment

REPORT

Application Category

This application is categorised as an 'Other' type of application.

Reason for Referral to Committee

The application has been referred to the Committee as the original application for the change of use to a public house was determined by the Committee because of local interest.

The Proposal

This application submitted on behalf of J.D. Wetherspoon PLC relates to the proposed variation of a condition (No. 11) to change the hours of operation of the recently approved scheme for the conversion of the existing Stamford Mercury Offices at No. 7 Sheep Market to a public house (Class A4) and the provision of an associated outside seating area/beer garden (hereafter also referred to in this report as the 'original application'). Condition 11 of the approved scheme (ref: S13/0232) requires that "no customers shall be on the public house premises including the outside seating area/beer garden area outside the hours of 0800 hours to 2330 hours Monday to Saturday and 0800 hours to 2300 hours on Sundays." The reason was attached "in the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010)."

J.D. Wetherspoon PLC are now seeking to vary condition 11 of planning permission ref: S13/0232 so that:-

The hours of use of 'courtyard area 1' (as delineated on Drawing No.7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00hours and 23.30 hours on Monday to Saturdays.

The hours of use of 'courtyard area 2' (as delineated on Drawing No. 7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and the hours of use of 'courtyard area 2' as a means of pedestrian access/egress to the public house premises shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.

The hours of use of the public house premises (as delineated on Drawing No. 7027-201-F) shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.

'Courtyard Area 1' comprises the easternmost part of the forecourt area fronting onto Sheep Market which adjoins the property at No. 5 Castle Street; with 'Courtyard Area 2' comprising the remainder of the forecourt. In order to provide for a permanent sub-division of the beer garden/sitting out area into the designated courtyard areas (i.e. 1 and 2) it is proposed to erect 1.25m high vertical iron railings with a black paint finish. There are gates between the two courtyard areas which are proposed to be locked when the use of 'Courtyard Area 1' ceases at 23.30 hours on Monday to Saturdays and 23.00 hours on Sundays. The submitted plans show that the outdoor furniture from 'Courtyard Area 2' would be stored in 'Courtyard Area 1' when the latter area is closed off.

It is also proposed to erect vertical iron railings (with a black paint finish) upon a low brick plinth, with an overall height of 1.25m, along the Sheep Market frontage. Inward opening gates will be

provided to 'Courtyard Area 2' to provide a means of pedestrian access/egress to the public house from Sheep Market during the hours of operation of the premises.

The current application has been accompanied by a supporting statement along with an associated noise impact assessment, the details of J.D. Wetherspoon's Outdoor Area Management Policies and a Heritage Impact Assessment. In the supporting statement the applicant's agent makes the following points summarised below:-

- It is considered that the present restriction hours of operation provided by Condition 11 (of planning permission ref: S13/0232) are unreasonable and unnecessary and do not accord with the advice in national planning guidance.
- JD Wetherspoon is proposing a substantial commercial investment of circa £1.2 million. However, a robust business case is required. The vast majority of public houses within the Town Centre are permitted to retail alcohol for longer hours than the applicant's proposed premises. J.D. Wetherspoon simply seeks a level commercial playing field in which to operate within the town as in the absence of this, its investment and the creation of circa 50 jobs for local people are now in doubt.
- The applicant has now undertaken an acoustic assessment which supports the Company's preferred hours of operation. J.D. Wetherspoon has also agreed with the adjoining landowner (who has no objection to the proposed extended hours) to triple glaze the windows of No. 5 Castle Street which overlook the proposed beer garden. As such, it is considered that the Council's previous concerns raised are now satisfactorily addressed.

The applicant's agent also advises that *"it is essential that the current application is presented to the December (2013) Committee as there is a strong likelihood that if this does not occur, the applicants will not pursue this site further."*

In response to a request from the County Highway Authority to narrow the width of the pedestrian access gates onto Sheep Market - to 1.5 metres - to mitigate potential vehicular access (see below) the applicant's agent advised that the applicants do not wish to reduce the width of the gates as it is the intention for the site to be as welcoming to patrons as possible. The applicants have previously advised that deliveries to the site will be via Bath Row and as such there is no intention for vehicles to enter the front courtyard (off Sheep Market) although the applicants will agree to a condition prohibiting any deliveries from the front.

Members are advised that officers have also had correspondence with the applicant's agent in relation to the timing of the works for the implementation of the approved scheme submitted by J.D. Wetherspoon for the installation of triple glazing to the windows to the western side elevation of No. 5 Castle Street. Specifically, having regard to the fact that No. 5 Castle Street is outside the ownership of J.D. Wetherspoon - and indeed the fact that the application was for listed building consent - the District Council was not in a position to attach any condition to the consent requiring that the triple glazing be installed prior to the public house premises being brought into use. Accordingly, in terms of examining this issue in relation to the current application, officers raised the question with the applicant's agent as to whether J.D. Wetherspoon would be willing to accept a condition which would essentially require that the current submission for a variation of condition 11 could not be implemented until such time as triple glazing had been installed into the 4 No. window units to the western side wall of the adjoining property at No. 5 Castle Street.

In response the applicant's agent advises inter alia that:-

"... although my client is committed to installing the windows in question alongside the works which will occur on site (assuming permission is secured) my client does not wish to agree to a condition as proposed. Whilst I have given consideration to the condition in respect to paras 38-41 of Circular 11/95, my client does not wish to be beholden to a third party over which it has

no control. Although I am not suggesting this would occur, such a condition would obviously leave my client in a “ransom” position.”

The agent also points out that *“the applicants are more than happy to submit to the Council a further side letter confirming their intentions to provide the windows and will write further to agent to the owner of No. 5 Castle Street to confirm the timing of the works with his client. The Council will appreciate the applicants have already provided written confirmation to the adjoining owner confirming their intention to provide the windows.”*

Relevant Planning History for the Application Site

The original application (ref: S13/0232) relating to the proposed change of use of the existing Stamford Mercury Offices to a public house (Class A4) use was approved by the Development Control Committee in June 2013 and provided for external alterations to the premises including changes to window and door units, the replacement of roofing materials, the provision of new alterations to the roof structures to accommodate a glazed atrium as well as solar panels/air conditioning installations behind a raised parapet. The proposed outside seating area/beer garden, with a natural stone paving surface, will be created in the enclosed courtyard fronting onto Sheep Market.

Condition 11 of the approved scheme requires that *“no customers shall be on the public house premises including the outside seating area/beer garden area outside the hours of 0800 hours to 2330 hours Monday to Saturday and 0800 hours to 2300 hours on Sundays.”*

Another condition of the planning permission (condition 5) provides inter alia for the approval and implementation of a scheme for the provision of a moveable/removable barrier to be erected across the full width of the Sheep Market frontage of the site when the premises are closed to customers.

The original planning permission for the public house has not been progressed to date.

In July 2013 the applicants submitted an application (ref: S13/2018) proposing the variation of condition 11 so that the hours of use of the beer garden would be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and so that the hours of use of the public house premises would be limited to between 08.00 hours and 00.00 hours (midnight) on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays. The application as submitted was accompanied by correspondence from the applicants to the representative of the owners of No. 5 Castle Street confirming their willingness to pay for the installation of triple glazed window units to the courtyard facing side elevation to No. 5 Castle Street and correspondence from the representatives of the owners of No. 5 Castle Street indicating their agreement to such an installation.

Further to negotiations between officers and the applicant’s agents it was indicated that the applicants would wish to seek to divide the beer garden into two distinct areas to help facilitate access to the public house premises beyond the permitted hours of operation of the outside sitting area/beer garden facility. As the wording of the July 2013 submission (under ref: S13/2018) did not provide for such a course of action the scheme was withdrawn by the applicants and the current application submitted concurrently.

In response to the consultation process on application ref: S13/2018, Stamford Town Council advised that it supported the proposal as they believe(d) that a level playing field should apply to all such establishments within the town. Stamford Civic Society advised that it considered that the trading hours should be consistent with other local establishments, and in this case, in particular with the London Inn, opposite. Representations were also received from the owner of the adjoining property at No. 5 Castle St advising that he was happy with the Wetherspoons proposals and had no objections to the new opening times. No other letters of representation were received from interested parties.

J.D. Wetherspoon PLC have also appealed to the Secretary of State to request that condition 11 of planning permission ref: S13/0232 be removed. This appeal has not been determined to date. As part of the appeal process the Council has been forwarded by the Planning Inspectorate copies of 5 letters of representation raising objection to the appeal; three of the letters are from residents of one property on Sheep Market, with the other two being from residents of dwellings on Warrene Keep. The grounds of objection given include concerns that increased noise and disturbance would be to the detriment of local residential amenities, that there would be increased drunken behaviour/social disorder as a result of the likely unrestricted access to the outside beer garden/seating area and a likely increase in the use of Warrene Keep as a 'cut through' route. The point is also made that just because other pubs open later in town this does mean that the proposed Wetherspoons should too; this being because the Wetherspoons premises is nearer to residential properties.

The application site and its surroundings

The former Stamford Mercury Offices (No. 7 Sheep Market) are situated on the southern side of the Sheep Market at its junction with Castle Dyke within the town's conservation area. The premises comprise a nineteenth century built two storey stone and Welsh slate roofed L-shaped building fronting onto Castle Dyke and extending across the southern end of the site along with a modern single storey, double pitch, industrial building adjoining the nineteenth century structure that has its eastern side wall onto Goochs Court and its north facing frontage facing onto Sheep Market but which is set back considerably from the street. The area between the front of the modern building and Sheep Market is an open courtyard area which was used by the Stamford Mercury for the informal parking of motor vehicles.

A retail unit at No. 7A Sheep Market (Colin Bell of Stamford) is attached to the Sheep Market frontage of the range of buildings running alongside Castle Dyke. The attached two storey property to the east at No. 5 Castle Street is a Grade II listed building; the ground floor of which is used as a restaurant whereas the first floor level comprises recently refurbished flat accommodation. The approved hours of operation for the restaurant use on the relevant planning permission are from 9.00am to 11.30pm on Monday-Saturday and from 9.00am to 10.00pm on Sunday. The western side wall to No. 5 Castle Street runs alongside the open courtyard area to the application premises and there are first floor windows to the residential accommodation overlooking this courtyard area, along with other windows at ground floor level. An application for listed building consent (ref: S13/2148) - submitted on behalf of J.D. Wetherspoon PLC - was recently approved under officer delegated powers in relation to the installation of triple glazing to the 4 No. window units to this western side elevation (although the property itself remains in the ownership of another private party). The works for the installation of the triple glazed units have not been implemented to date.

Immediately to the south of the application premises is the detached dwelling at No. 1 Castle Dyke and its garden area and opposite the site on the western side of Castle Dyke are the residential properties within a walled enclosure on Warrene Keep. Retail units with flat accommodation above are attached to the south-eastern corner of the premises on Goochs Court beyond which is a public car parking area accessed by vehicles off Bath Row. Pedestrian access from the Bath Row car park to Castle Street/Sheep Market is obtained along Goochs Court and beneath an archway adjacent to No. 5 Castle Street.

The application premises are situated within the secondary shopping frontage of the town centre shopping area as defined in the emerging Site Allocations and Policies Development Plan Document.

Policy Considerations

National Planning Policy Framework
South Kesteven Core Strategy Policy SP1
South Kesteven Core Strategy Policy E2
South Kesteven Core Strategy Policy EN1
Site Allocations and Policies Development Plan Document Submission (Incorporating Modifications) (June 2012) Policy SAP7

Representations Received

Stamford Town Council - no representations received to date.

Stamford Civic Society - no representations received to date.

Heritage Trust of Lincolnshire - indicates that no archaeological intervention is required in this instance.

County Highway Authority advises that they have no objections to the proposed extension of the opening hours, however, initial concerns were raised in relation to the height of the proposed railings to the site frontage. The Highway Authority pointed out that the gate(s) onto Sheep Market has a width of approximately 2.8 metres which may lead to the possibility that vehicles could still be accessing the beer garden.

The County Highway Authority also initially indicated that its concerns could be overcome if the applicants would be willing to accept a condition that the beer garden area shall not be used for vehicle access/parking and for there to be a reduction in the width of the pedestrian gate(s) to 1.5 metres. However, further to correspondence with the applicant's agent (see above) in relation to which it was confirmed that the applicants are intending for all deliveries to be from the rear of the premises via Bath Row - as per the original application submissions - and that there is no intention for vehicles to enter the front courtyard, the Highway Authority confirmed it no longer requires a reduction in the width of the gate(s).

District Council's Environmental Protection Officer comments that further to a review of the JD Wetherspoons application for the variation of condition 11 and a review of the proposed draft planning conditions (prepared by the planning officers) that he is in agreement with the proposed conditions to protect the amenity of No. 5 Castle Street. The Environmental Protection Officer also points out that he has made comments to the District Council's Licensing Section under the Licensing Act application for the premises which will support the proposed planning conditions.

District Council's Principal Conservation Officer has no objections in principle and welcomes the proposed use of a black paint finish to the proposed railings/gates to the forecourt area.

Representations received as a result of publicity

One representation has been received to date from the occupants of the adjoining property questioning as to whether this new proposal still includes the supported installation of the triple glazed windows to 5 Castle Street. (Officers have accordingly responded to advise that the current application does not itself provide for the installation of the triple glazed windows to 5 Castle Street. Rather, there is a separate approved listed building consent for the installation of the triple glazed windows to No. 5 Castle Street as set out earlier in this report). Any further representations received from the resident concerned or other local residents will be reported on the Late Items sheet.

Key Issues

Effect on Residential Amenities
Impacts on Highway Safety
Impact on Heritage Assets/Visual Amenities

Officer Evaluation

The principle of the use and alterations of the premises at No. 7 Sheep Market in connection with a public house use - along with the associated beer garden/sitting out area - has of course been accepted in relation to the grant of planning permission earlier this year. Accordingly, the key issues with regard to this proposal to vary the hours of operation/use, along with the associated proposals for the erection of railings to the beer garden/sitting out area(s), relate to the impact on residential amenities, the highway safety implications and the impact on heritage assets/visual amenities.

Effect on Residential Amenities

Members may recall at the time of the consideration of the original application at the Development Control Committee in June of this year that whilst J.D. Wetherspoon PLC advised they would readily accept the restriction of the use of the beer garden/open seating area to between 8.00am to 11.30pm on Monday-Saturday and to between 8.00am to 11.00pm on Sundays, the applicants wished for the proposed hours of operation of the public house premises itself to be between 7.00 am to 1.00 am daily.

With regard to the applicants submissions at the original application stage, the report to the Committee indicated that officers were mindful that there were many examples of public house premises where conditions have been attached to grants of planning permission to control the hours of operation of outdoor seating areas where these areas adjoin residential accommodation. In the specific case of the premises at No. 7 Sheep Market, however, the composition of the outdoor sitting area/beer garden as a single open courtyard area also potentially allowed unrestricted pedestrian access to and from the proposed public house premises alongside the flat accommodation at No. 5 Castle Street, which has first floor window units adjoining the western side of the courtyard area. As such, whilst in the case of other public house premises it might be possible to prevent customer access to a beer garden/sitting out area at specified times, in the case of the original application scheme there would have continued to have been unrestricted pedestrian activity through the outside sitting area/beer garden area to secure customer access to the public house from Sheep Market should the premises remain open until 1am. In those circumstances, it was the view of officers that the opening of the public house until 1am would be likely to give rise to unacceptable levels of noise and disturbance to the occupants of the flats at No. 5 Castle Street as a result of the activity associated with the use by customers of the access to the premises into the early hours of the morning so as to warrant a recommendation of refusal of planning permission. Members agreed with these officer conclusions and as such the Development Control Committee in June 2013 resolved to restrict the hours of operation of the public house and its beer garden/open sitting area to those now set out in condition 11 of planning permission ref: S13/0232; namely to between 8.00am to 11.30pm on Monday-Saturday and to between 8.00am to 11.00pm on Sundays

Insofar as the present scheme for the variation of condition 11 is concerned, this essentially will still provide for the Courtyard Area to the front of the premises to be used as a beer garden/open seating area between the hours 8.00am to 11.30pm on Monday-Saturday and to between 8.00am to 11.00pm on Sundays. However, by physically separating the Courtyard into two areas with the use of permanent railings/gates the applicants are proposing to close off the easternmost area (Courtyard 1) - adjacent to No. 5 Castle Street - after 11.30pm on Monday-Saturday and after 11.00pm on Sundays and to use the westernmost area (Courtyard 2) alone

to allow pedestrian access/egress from Sheep Market to the public house premises until midnight on Sundays to Thursdays and until 01.00 hours on Fridays and Saturdays.

Subsequent to the determination of the original application (ref: S13/0232) J.D. Wetherspoon PLC have also secured a listed building consent to install triple glazing to the 4 No. window units on the western side elevation at No. 5 Castle Street. However, given that the property is in another party's ownership, and the fact that the applicants have stated that they would be unwilling to accept a condition to require that the triple glazed window units be installed to No. 5 Castle Street prior to the public house being first brought into use, it is necessary to evaluate the impacts of the current application on the basis that the window units to the western side elevation of No. 5 Castle Street could remain single glazed as at present.

Accordingly, it is necessary to assess on the current application submissions alone as to whether the proposals now being put forward by the applicants to extend the opening hours of the public house by utilising only the western area of the Courtyard (Area 2) to provide pedestrian access/egress premises have successfully addressed the Council's previously expressed concerns in relation to impacts on local residential amenities.

With regard to their regulation under the Planning Acts, the District Council would in practical terms be able to control by planning conditions the proposals for the use of application premises/site in line with the current submissions of J.D. Wetherspoon PLC. With regard to the noise assessment report prepared on behalf of the applicants, the applicant's agent states that this demonstrates that in respect to the likely activity associated with the access/egress by customers to the public house via the courtyard area that the potential noise impacts would be sufficiently low so as not to cause significant impact or effect on any nearby residential units. This view is shared by the Council's Environmental Protection Officer who indicates that further to a review of the JD Wetherspoons application for the variation of condition 11 and a review of the proposed draft planning conditions (as prepared by planning officers and embodied later in this report) that he is in agreement with the proposed conditions to protect the amenity of 5 Castle Street.

Accordingly, subject to the imposition of the necessary suggested regulatory conditions (see Condition Nos. 16-22 inc), this proposed variation of 11 of planning permission S13/0232 to provide for extended hours of operation of the public house premises - and the associated use of Courtyard Areas - as per the current application submissions would not give rise to sufficiently increased levels of noise and disturbance in this town centre locality in relation to impacts on adjoining and nearby residential properties to warrant a refusal of the application.

Highway Safety Implications

The County Highway Authority has no objections to the proposed extension of the opening hours. The Highway Authority, however, raised initial concerns in relation to the height of the proposed railings to the site frontage potentially blocking visibility for any motor vehicles accessing the Courtyard Area(s) and consequently sought to secure pedestrian access gates of a reduced width. The County Highway Authority, however, have now indicated that there would no longer be a requirement for the reduction of the width of the gates having received clarification that the applicants were not intending to use the front courtyard for any vehicular access. A condition of any permission will in any event require that there shall be no vehicular access into Courtyard Areas 1 and 2 at any time to mitigate future highway safety concerns.

Impact on Heritage Assets/Visual Amenities

The proposed railings and gates to the outside sitting area/beer garden area would in terms of their scale and simple design be sympathetic to the setting of the adjoining and nearby listed buildings and would preserve the character and appearance of the Stamford Conservation Area. The District Council's Principal Conservation Officer comments that he also welcomes the proposed use of a black paint finish to the proposed railings/gates to the forecourt area and

this colour scheme will be secured in a condition of any approval. The Heritage Trust of Lincolnshire indicates that no archaeological intervention is required in this instance.

It is also pointed out that as the new railings will be permanent fixtures (to be retained by condition) there is now no necessity for provision to be made for the future approval and implementation of a scheme for a moveable/removable barrier to be erected across the full width of the Sheep Market frontage of the site when the premises are closed to customers. The relevant condition to the original approval has been amended accordingly to reflect this situation.

In conclusion, therefore, it is considered that the proposals are compliant with Policy EN1 of the adopted South Kesteven Core Strategy (2010) and with national planning guidance contained in the National Planning Policy Framework. Accordingly, this application to vary condition 11 of planning permission ref: S13/0232 is recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

This application for a variation of 11 of planning permission S13/0232 to provide for extended hours of operation of the public house premises and the associated courtyard area (in part to provide pedestrian access/egress) would not give rise to sufficiently increased levels of noise and disturbance in this town centre locality in relation to impacts on adjoining and nearby residential properties to warrant a refusal of planning permission. The proposed erection of the railings and gates to the outside sitting area/beer garden area would be sympathetic to the setting of adjoining and nearby listed buildings and would preserve the character and appearance of the Stamford Conservation Area. The development would not be detrimental to highway safety and would not have a negative impact on the archaeological interest of the site. The proposals are therefore considered to be compliant with Policy EN1 of the adopted South Kesteven Core Strategy (2010) and with national planning guidance contained in the National Planning Policy Framework.

In reaching this decision the Local Planning Authority has worked with the applicants at both the pre-application stage and the formal application stage to address matters in relation to impacts on heritage assets, highway safety 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 Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from 6 June 2013.

Reason: To comply with Section 91 (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 submitted as part of the application(s):

Drawing No. 7027-001-A

Drawing No. 7027-110-B

Drawing No. 7027-111-B

Drawing No. 7027-112

Drawing No. 7027-201-F

Drawing No. 7027-202-C

Drawing No. 7027-203-C

Drawing No. 7027-358-F

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

3. No development shall commence on the site until drawings showing full details (including cross-sections and external finishes) of the proposed new and replacement window units, the proposed new and replacement external door units and the proposed new atrium at a scale of 1:1/1:2/1:10/1:20 (or another scale first agreed in writing by the Local Planning Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

Reason: To ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. No development shall commence on the site until samples of all new external materials and external finishes to the premises (including to all external services such as vents/flues), samples of the proposed paving stones/slabs to be used to the open courtyard area and samples of the bricks to be used to the plinth to the railings along Sheep Market have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

Reason: To ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. Notwithstanding the details shown on the approved drawings no development shall commence on the site until details of the siting and appearance of the proposed outdoor furniture and associated structures to be located within the sitting out area(s)/beer garden(s), along with their means of storage when not in use, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of residential amenities; to ensure that the works preserve the character and appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. No development shall commence on the site until the building has been modified to provide sound insulation/attenuation against internally generated noise in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The approved sound insulation/attenuation scheme shall be installed before the premises are first brought into use as a public house and shall thereafter be retained in situ at all times.

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

7. Notwithstanding the details shown on the approved drawings no flues, extract grills, air condition systems or any other means of ventilation/extraction shall be installed to the premises and operated until details of equipment for the suppression of fumes, odours and/or dust including details of the noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be installed in accordance with the approved details and brought into operation before the premises are first brought into use as a public house. The approved scheme(s) shall thereafter be maintained in accordance with the approved maintenance scheme and retained in use at all times during the hours of operation of the premises.

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

8. There shall be no live or recorded music played on the premises including the sitting out area(s)/beer garden area(s) unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall commence on the site until details of a scheme for the means of the collection of litter to the sitting out area(s)/beer garden area(s) have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the public house use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

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

10. All fire exit doors as notated on the approved drawings shall be retained in a closed position at all times unless they are in use for the purposes of providing a means of escape in the case of an emergency/emergency fire drill.

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

11. The hours of operation/use of the public house premises and its associated beer garden(s)/sitting out area(s) shall be as follows :-

(a) The hours of use of 'courtyard area 1' (as delineated on Drawing No.7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays.

(b) The hours of use of 'courtyard area 2' (as delineated on Drawing No. 7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and the hours of use of 'courtyard area 2' as a means of pedestrian access/egress to the public house premises shall be limited to between 08.00 hours and 00.00 hours (midnight) on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.

(c) The hours of use of the public house premises (as delineated on Drawing No. 7027-201-F) shall be limited to between 08.00 hours and 00.00 hours (midnight) on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.

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

12. There shall be no deliveries to the premises outside the hours of 0800 hours to 18.00 hours Monday to Sunday.

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

13. Notwithstanding the details shown on the submitted plans no part of any solar panel or its associated fixings/equipment shall exceed the height of any part of the parapet to the main entrance of the public house premises facing onto Sheep Market.

Reason: To ensure that the proposed development preserves the character and

appearance of the Stamford Conservation Area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

14. The window unit(s) to the southern elevation of the premises shall have obscure glazing to level 4 standard along with fixed lights (i.e. non-opening window units) at all times.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining residents at No. 1 Castle Dyke and in accordance with national guidance contained in National Planning Policy Framework.

15. The railings and gates (with a black paint finish) to Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) shall be erected/installed in accordance with approved scheme prior to the public house premises being first brought into use and thereafter retained in situ at all times. No alterations to the approved railings/gates (including the creation of new openings) shall be undertaken at any time unless approval is first given in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010); to ensure that the works preserve the character and appearance of the Stamford Conservation Area; in the interests of highway safety.

16. No customers shall be on the public house premises (as delineated on Drawing No. 7027-201-F) outside the approved hours of operation set out in condition 11 of this approval.

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

17. Courtyard Area 1 and Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) shall not be used for the purpose(s) of a sitting out area/beer garden area(s) outside the approved hours of use for the respective Courtyard Areas set out in condition 11 of this approval.

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

18. The pedestrian access gates between Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) shall be locked at all times outside the approved hours of use of Courtyard 1 as set out in condition 11 of this permission and Courtyard Area 1 shall not be accessed by any person(s) outside those approved hours of use.

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

19. Upon the cessation of use of Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) as a sitting out area/beer garden area Courtyard Area 2 shall only be used for the purpose of providing pedestrian access/egress between the public house premises (as delineated on Drawing No. 7027-201-F) and the public highway on Sheep Market in accordance with the permitted hours of use for access/egress to the premises set out in condition 11 of this permission.

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

20. Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) shall not be utilised by any customers for access and egress to the public house premises from Sheep Market outside the approved hours of use for this purpose set out in condition 11 of this

permission.

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

21. No outside furniture shall be retained on Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) outside the approved hours of use of Courtyard Area 2 for the purpose of its use as a sitting out area/beer garden area as set out in condition 11 of this permission.

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

22. With the exception of the purpose(s) of securing access/egress for staff employed at the application site/premises the pedestrian access gate(s) between Courtyard Area 2 and the public highway on Sheep Market (as shown on Drawing No. 7027-358-F) shall be locked at all times outside the approved hours of use of Courtyard Area(s)/the public house premises as set out in condition 11 of this permission.

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

23. There shall be no vehicular access into Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) at any time.

Reason: In the interests of vehicular and pedestrian safety.

* * * * *

Site Location Plan

Ref	S13/3045
Proposal	Variation of condition 11 of planning permission reference: S13/0232
Location	Mercury House, 7, Sheep Market, Stamford, Lincolnshire, PE9 2QZ



Applicant	Mrs Jo Wall, Lark Energy Unit 11, Spitfire Business Park, Northfield Road, Market Deeping, PE6 8GY
Agent	Mr Neil Osborn, DLP Planning Consultants 4, Abbey Court, Fraser Road, Priory Business Park, Bedford, MK44 3WH
Proposal	Installation of a 13MW solar photovoltaic farm and associated infrastructure
Location	Land adj. Deeping Gate Tree Nurseries, Northfield Road, Market Deeping
App Type	Major Full (Non-residential)
Parish(es)	Market Deeping
Reason for Referral to Committee	Because of the scale of the application and with it considered to be locally controversial.
Recommendation Summary	<p>The application is for the erection of a solar farm on land to the north of Market Deeping, which would cover some 29 hectares. The panels would have a maximum height of 3m and a gap of 900mm below. Associated structures would also be erected notably 12 inverters, 12 transformers, a substation, fencing and CCTV.</p> <p>The application site is within open countryside and well screened from the A1175, particularly when heading east to west. However, additional planting would be required on the western boundary of the site to further screen the development. The visual impact from the development would not be significant and long distance views of the panels, given the horizontal nature of the panels, would be acceptable. Impacts on the setting of heritage assets would be less than substantial nor would highway safety or residential amenity be compromised.</p> <p>Renewable energy is broadly encouraged with the proposal generating limited negative impacts; the land around the panels would be used for biodiversity improvements, a rich grassland, with appropriate management and possible sheep grazing.</p> <p>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.</p>

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
- Phase 1 Habitat Survey
- Transport Statement
- Landscape and Visual Impact Statement

REPORT

Application category

The application is a major.

Reason for referral to Committee

The application is considered to be locally controversial.

The proposal

The application is for the siting of some 56,254 solar panels and covers an area of approximately 29 hectares (72 acres). The panels would be sited on metal frames set direct into the ground by piling or screw piling. Rows of panels, running east to west, would be installed with a maximum height of 3m and a gap of 900mm between the lower edge of the panel and ground. In addition there would be a requirement to install 12 inverters, 12 transformers, a substation, fencing and CCTV. No permanent lighting is proposed.

The panels are predicted to generate up to 13 MW of electricity per annum.

Application site and its surroundings

The application site comprises three fields roughly rectangular in shape. The large Catchwater Drain separates two of the fields. Cables on telegraph poles pass through part of the site. Given the fenland landscape the area is flat and the fields have been recently farmed for arable purposes.

The application site is to the north of Market Deeping with the A1175 and Northfield Road to the immediate south. Between the A1175 and Northfield Road is a large amount of planting with maturing hedgerow and shrub planting, which screens views of the land from large parts of the A16. However, the boundary along the western edge of the site is a hedgerow that has gaps within it and is not large in height. The eastern boundary of the site is marked by a mixture of tree/conifer and hedgerow planting with a nursery and caravan storage, and associated homes, beyond. The northern boundary is marked by a dyke with agricultural fields beyond and mineral exploration further north.

An agricultural land classification report has been submitted in support of the application and notes that on the MAFF agricultural land classification map of 1983 the land was identified as Grade 2 (very good quality agricultural land). Under the recent survey undertaken by the applicant it is noted that current grading would be 3A (good quality agricultural land), and this is due to a moisture balance limitation for wheat.

Site history

None.

Representations received

Market Deeping Town Council (MDTC) – No objection to the application;

Highway Authority – raise no objection to the application subject to the imposition of conditions; notably that existing passing bays on Northfield Road are increased in size and that construction traffic is suitably managed;

Heritage Lincolnshire – Does not consider that enough information has been submitted to accurately assess the impacts from the development with regard to possible archaeological sites of interest. (note :- a survey is being undertaken and the results and response should be with the Local Planning Authority in advance of the application being considered by the Development Control Committee, without which the application will not be heard);

Planning Policy – Raise no objection, in principle, to the application. Key policies against which the application would be judged are EN3 (Renewable Energy Generation) and EN1 (Protection and Enhancement of the Character of the District) along with guidance contained in the National Planning Policy Framework and ‘Planning Practice Guidance for Renewable and Low Carbon Energy’ (July 2013);

Welland and Deepings Internal Drainage Board – Note that one drain within their control runs through the site and another along its northern boundary. A bye-law restricts development within 9m of the dykes for maintenance purposes but they may be willing to relax this to 7m, with appropriate consent. Raises no objection to the application on the grounds of flood risk but run-off from buildings would need to be appropriately controlled;

Environment Agency – Raise no objection on the grounds of run-off from the panels but note that run-off from the buildings would need to be appropriately controlled;

Principal Conservation Officer – Does not object to the application. It is observed that that, generally, solar farms lack the verticality of wind turbines but they can, due to the quantity of land required, still have a significant impact on the landscape. In this instance Langtoft Church and the village Conservation Area are approximately 1.5km to the north-west with other heritage assets in Towngate, and a milestone on the A15, closer still. Whilst noting that the solar panels would be prominent in views of Langtoft Church from the A1175 any harm to the setting of the Church would be less than substantial. The same conclusion is also reached on the setting of St Guthlac’s Church in Market Deeping. However, it is recommended that the final details e.g. colour and materials, of the fencing and associated buildings are approved prior to the commencement of development;

English Heritage – Note that the application may well result in a negative impact on views of St Michaels Church, Langtoft, from the A1175. That said, they request that the application be determined in accordance with national and local policy, and on the basis of SKDC conservation advice;

Natural England – Note that it is not the type of application normally referred to them; however, they request that the Local Planning Authority consider protected species, local wildlife sites, biodiversity enhancements and the local landscape;

Lincolnshire Wildlife Trust – Note the content of the Phase 1 Habitat Survey and welcome the recommendations contained therein notably to create a 30 hectare species rich grassland, which would contribute to the Lincolnshire Biodiversity Action Plan target for lowland meadow. Also support a management plan for the site.

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 04 October 2013. At the time of writing 1 representation has been received. A summary of the comments made is drafted below;

- The solar panels will spoil the view of the countryside as well as distract drivers and lead to glare;
- The panels will be out of character with the area in a rural landscape;
- There is no direct benefit to Market Deeping from the panels.

Policy considerations

National Guidance

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

With regard to loss of agricultural land paragraph 112 of the NPPF states that ‘local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’.

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 use (refer to paragraph 112 of the NPPF) and/or encourages biodiversity improvements around arrays*
(<https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference>)
 - . *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”.*

Further to the guidance published in July central government has also produced a ‘Solar PV Roadmap’. The document re-affirms guidance contained in the Planning Practice Guidance for Renewable and Low Carbon Energy, including the broad principle that ‘support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them’.

The guidance also provides advice on the planning issues associated with renewable energy including solar PV and makes it clear, for example, that:

- It is important that the planning concerns of local communities are properly heard in matters that directly affect them
- The need for renewable energy does not automatically override environmental protections
- Great care should be taken to ensure to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of planning proposals in views important to their setting
- Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

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

Other material considerations

Within the Landscape Character Assessment the site falls within the Fenlands. The management objectives identified for this type of landscape are, inter alia, maintenance of field boundaries, including ditches and dykes; protection of historic and archaeological sites and protection of water quality.

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 and appearance of the area

The application site and surrounding landscape is characterised by its flat and open nature. Planting along the southern boundary of the site between Northfield Road and the A1175 would ensure that views of the panels would be restricted, particularly when heading west to east along the A1175. Heading east to west there is planting along the A1175 but the panels would be visible through gaps and over the hedgerow, although the impact is likely to be on a small scale. There is an opportunity to supplement this planting to screen the development, with additional hedging not being out of character in this location.

The most significant visual impact from the panels would be along Northfield Road heading west, having passed the residential properties and commercial uses. Whilst the visual impact would be significant in this location there is no reason for people to travel along this road other than to maintain the panels. Meadowview would be the nearest property to the panels at about 20m but having regard to existing screening along the boundary, and orientation of the property, the impact would not be significant and, as noted above, there is no reason for the occupiers to head further west along Northfield Road. There would also be long range views of the site from Cross Road to the east and Langtoft to the north; however, given the distances involved and horizontal nature of the panels any visual impacts would be minimal.

In addition to the solar panels other structures would be sited including fencing 2.2m tall, which would be green, along with security cameras on a pole 3m tall. Buildings to be erected on site include solar inverters, transformer stations and a substation. The buildings to be erected would not be large in scale or height and in the context of the large site not be unduly prominent. Furthermore, the security measures would not be prominent within the landscape because of existing planting. Additional planting, and appropriate colours, would further minimise the visual impact of the development.

Impact on the natural environment and loss of agricultural land

A phase 1 Habitat survey was undertaken on the application site. With the majority of the site being arable there are limited opportunities for protected species to be on-site with the exception of in the hedgerow and grassland field margins. No evidence was found of Great Crested Newts, Reptiles, Bats, Badgers or Otters, although Hare were found to be present. There are no statutory designated sites within a 2km radius of the centre of the site and the nearest non-statutory designated site is Baston Common Sand Gravel Pits SNCI at 1.9km; at this distance it is considered unlikely that the development would have a detrimental on the designated site. The application is, therefore, unlikely to have a detrimental impact on existing ecology although nesting birds would need to be protected, as required under the Wildlife and Countryside Act. It is also identified that once operational the land underneath the panels presents an opportunity to enhance biodiversity within the area.

The development would result in the loss of good quality agricultural land (grade 3A). The NPPF and more recent Government guidance states that where a proposal involves greenfield land it should allow *“for continued agricultural use and/or encourages biodiversity improvements around arrays”* (part para 27 of DCLG Planning Practice Guidance for Renewable and Low Carbon Energy – July 2013).

The land is currently used to produce a variety of arable crops. The applicants have produced a Phase I Habitat Survey which recommends that a Management Plan including either a planting and mowing regime of species rich grassland or low stock density grazing of sheep would

enhance the biodiversity value of the habitat, while not impacting upon the proposed development. A condition is proposed to ensure the implementation of an appropriate Management Plan.

Highway considerations

Vehicular access to the site would be from Northfield Road, an adopted highway which is predominantly single width with two passing places along its length. It is a narrow road that is used to access agricultural fields, 2 residential properties, a nursery, cattery and caravan storage business. During the construction period a temporary compound would be installed and it is anticipated that the works would take approximately 16 weeks. Materials are likely to arrive in HGVs with commercial vehicle deliveries totalling 281, of which 100 will be aggregate deliveries for turning areas and a temporary hard surface for a crane. Once the site is operational it is anticipated that only 3 visits a year would be required for maintenance purposes and these would typically be a van or 4x4.

The Highway Authority does not object to the application subject to existing passing bays being extended prior to the commencement of development, which would improve traffic movements in the area. Furthermore, a Construction Traffic Management Plan would need to be approved by the Local Planning Authority to manage vehicle movements associated with the development. However, there is no objection to the application on highway safety grounds with the increased vehicle movements associated with the construction phase of the development only temporary in nature. Vehicle movements associated with the operation of the site would be negligible.

It should also be noted that the panels would be approximately 25m from the A1175 and, subject to conditions, well screened. The panels are light absorbent and no objection from the highway authority has been raised on safety grounds. Possible impacts from glare is not a significant issue.

Other considerations

The Environment Agency does not object to the application and a condition about the removal of the panels is recommended should they no longer be required for energy production. Details of surface water drainage for buildings on-site would be required.

The setting of heritage assets would not be unduly compromised.

Conclusion

While the land would no longer be used for agricultural production there would be environmental benefits through the production of renewable energy as well as benefits to the environment through increased biodiversity. Views of the site from public vantage points are not prominent because of existing landscape features and, with additional planting to further screen the site the development, is appropriate in the context. In this instance the benefits would outweigh the loss of agricultural land and visual impact.

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 the following conditions:

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

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

2. 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 emphasis on supplementing the hedgerow on the western boundary of the site and biodiversity improvements identified in the phase 1 habitat survey (notably a species rich grassland).

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. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the panels being connected to the national grid. The landscape management plan shall be carried out as approved.

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).

6. Prior to the commencement of development details for the means of surface water discharge of any buildings to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented.

Reason: To prevent pollution of the water environment and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. Prior to commencement of the development hereby permitted, a joint survey at the junction Cross Road/Northfield Road East and along Northfield Road East shall be jointly undertaken between the developer and representatives of the local highway authority to identify the condition of the carriageways, passing places and verges pre and post construction to determine remediation measures that may be required within the limit of highway arising from construction operations.

Reason: In the interests of safety and convenience of the users of the public highway

8. No development shall be commenced (apart from those works identified on drawing number N-LI227-1T-006-01 or as specified) before the works to improve the public highway by means of extending the existing passing places together with all necessary ancillary works have been certified complete by the local planning authority.

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

9. Prior to commencement of the development hereby permitted and in accordance with the aims and objectives outlined in the Transport Statement submitted with the Application, the Applicant shall provide a Construction Traffic Management Plan in liaison with and to the approval of the local planning and highway authorities. Such Plan shall incorporate details of: a means of monitoring and ensuring compliance with the operations of the Plan; measures to provide adequate signage/warning to highway users of increased vehicle turning movements in and around the proposed point of access off the A16 and Cross Road to the site together with control and management of arrivals and departures to minimise risk of conflict; measures to ensure that mud and other such loose material does not migrate onto the highway; source materials in such a way to minimise or remove HGV movements through villages and along roads deemed unsuitable for such traffic; co-ordinating deliveries to avoid amassing arrivals or departures; temporary site access construction; a means of protecting watercourses and controlling surface water runoff arising from site works.

Such measures as may be approved shall thereafter be implemented and maintained for the duration of the construction period.

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

10. No development shall take place until samples of the materials (including facing materials for the buildings and colour of fencing to be erected) to be used in the construction 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).

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

Deeping/DWG001
Deeping/DWG002
Deeping/DWG003
Deeping/DWG004
Deeping/DWG005
Deeping/DWG006
Deeping/DWG007
Deeping/DWG008

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

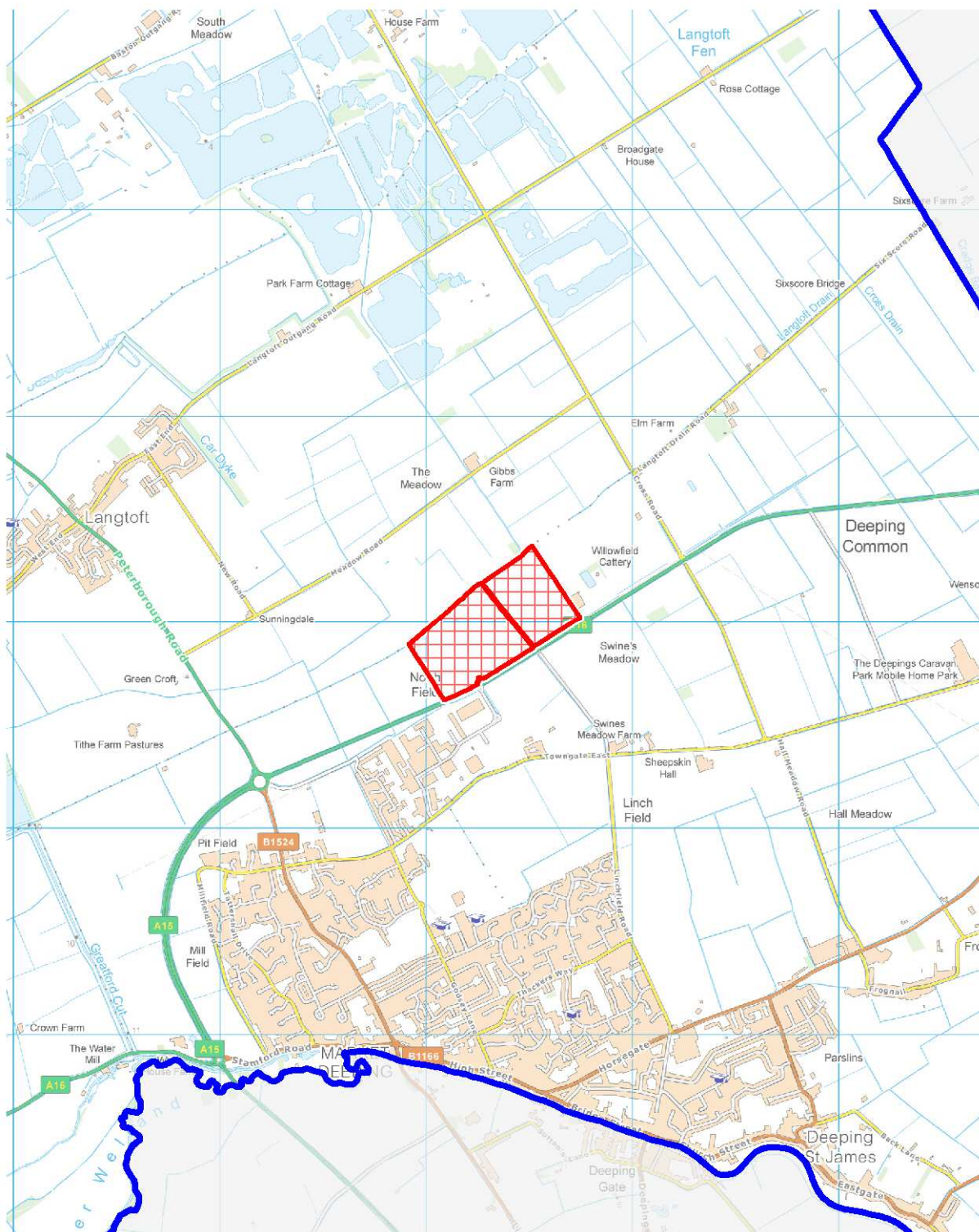
Note(s) to Applicant

1. Works within the highway and including routing of service connections/erection of plant shall be arranged in liaison with the Divisional Highways Manager, Lincolnshire County Council.
2. No works shall commence on site until a Section 278 Agreement (Minor Works) has been entered into with the local highway authority, Lincolnshire County Council to extend the existing passing places together with all necessary ancillary works as indicatively shown on drawing N-LI227-1T-006-01
3. Please note that the grant of planning permission does not override other legislation, notably the Wildlife and Countryside Act with regard to development affecting nesting birds.

* * * * *

Site Location Plan

Ref	S13/2242
Proposal	Installation of a 13MW solar photovoltaic farm and associated infrastructure
Location	Land adj. Deeping Gate Tree Nurseries, Northfield Road, Market Deeping



Applicant	Ms Tina Dalgleish 20, Gladstone Terrace, Grantham, NG318BW
Agent	Mr Mike Sibthorp, Mike Sibthorp Planning Logan House, Lime Grove, Grantham, Lincolnshire, NG31 9JD
Proposal	Section 73 Application to Vary Conditions 4 (Landscaping), 5 (Boundary Treatments), 7 (Access and Turning) & 9 (Amended Drawing) of S09/2454 for the erection of 5 dwellings with associated access roads
Location	Land R/o 13 - 23 Gladstone Terrace, Grantham
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee because the proposal is locally controversial
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
- Planning Statement

REPORT

Application Category

The application is categorised as a minor application

Reason for Referral to Committee

The application is before the Development Control Committee because the proposal is locally controversial.

The Proposal

The application is a Section 73 Application to Vary Conditions 4 (Landscaping), 5 (Boundary Treatments), 7 (Access and Turning) & 9 (Amended Drawing) of S09/2454 for the erection of 5 dwellings with associated access roads. The proposed development is for the erection of five dwellings on the site split into two blocks. The first block into the site will consist of three dwellings with the following block consisting of two.

The access arrangement for S09/2454 originally showed the block of three units being accessed from Gladstone Terrace and the block of two being accessed from Prospect Place. The only alteration from the approved and implemented scheme is that a grassed area and fence has been moved from being sited between Units 3 & 4 to now separate Units 1 & 2. This has in affect altered the access arrangements. Gladstone Terrace will now only serve as the access to one dwelling while the remaining four will be accessed from Prospect Place.

In all other aspects the application remains unchanged. The details are as follows:

The dwellings will be two and a half storey's high consisting of a kitchen diner, study, utility and living room to ground floor, three bedrooms and bathroom to first floor and a third bedroom and en-suite in the roof space.

The dwellings are set centrally in the site offering private amenity space to the rear and parking provision to the frontage. A total number of 10 spaces will be provided for the potential occupants of the new dwellings with an additional two spaces for visitors.

Provision of two parking spaces each has also been made for replacement parking for No.'s 20 and 23 Gladstone Terrace.

A pedestrian access will run between the two blocks and along the rear boundary of one of the new dwellings, providing access to the rear garden and pedestrian access from the rear garden to the proposed double garage for No. 20. Gladstone Terrace.

At the access point which serves the single unit the existing garage serving No. 23, Gladstone Terrace is to be removed to make way for the 4.5m wide access road. Two new parking spaces are to be provided off the access road for the occupants of No. 23, Gladstone Terrace, situated directly against their rear boundary.

The application site and its surroundings

This 0.25 hectare site is located directly to the north of the town centre within the Grantham Conservation Area and situated to the rear of Gladstone Terrace. The northern boundary of the site runs along the rear gardens of the dormer bungalows at 20-22 Lodge Way and the burial ground to the east. To the south east are the terrace properties of Prospect Place and to the north west, the site shares a boundary with Little Gonerby House.

The site currently comprises garden land within the curtilage No. 20 Gladstone Terrace and the access and garden serving No. 23 Gladstone Terrace. The access to No. 23 coming off Gladstone Terrace leads to a single garage running along the boundary set to the rear of the dwelling.

The proposed access to one unit is directly opposite the junction of Chambers Street, Welby Gardens and Gladstone Terrace. A further access to the east will be gained directly off Prospect Place, which leads off Manthorpe Road / Brook Street.

The application site is relatively flat with a slight slope towards Prospect Place.

Representations Received

Highway Authority: No objections subject to conditions.

" The Applicants Consultant has accurately explained the issues that concerned the local highway authority in the original consultations, and responded point by point.

In the intervening period between grant of permission for the 5 units, there have been changes to national guidance to the benefit of proposers wishing to develop more difficult sites.

I refer to both the National Planning Policy Framework and Manual for Streets, the latter being quoted in the supporting documents.

It is further confirmed that there are plans to introduce parking restrictions on Prospect Place.

On the understanding that it will be difficult, if not impossible to introduce a Condition whereby the access to Gladstone Terrace for 3 of the units could revert when the owner of Plot 1 is in apposition to proceed, it must be considered that serving four units rather than the two originally permitted will be permanent.

The concerns of the local highway authority and the answers in mitigation make for a fine balance when considering a request for refusal solely on highway grounds.

The Application details make the point that the access and road that forms Prospect Place has no recorded accident history and in that, it has to be assumed that the road functions adequately.

The question therefore that has to be considered in this case is whether the two additional units served via Prospect Place will be of a severity to warrant a request for refusal on highway grounds alone.

In this case, the local highway authority does not so request. "

Community Archaeologist: The proposed development does not affect any known Archaeological sites.

Conservation Officer:

"The proposal relates to the construction of five houses on land to the rear of Gladstone Terrace which lies within the boundary of Grantham Conservation Area.

This part of the Conservation Area is characterised by high density 19th/early 20th century terraced housing built of red brick with slate roofs. Nos. 20-23 on the east side of the

terrace and those on the west side have been identified as key unlisted buildings which make a positive contribution to the character of the Conservation Area as they have largely retained their original features.

The proposed development largely reflects the prevailing character of this part of the Conservation Area in terms of the terraced layout, the scale and the sympathetic choice of materials of red clay brick, slate and timber. The site is well screened by the existing terrace along Gladstone Terrace, Prospect Place and Brook Street and will therefore not impact upon views within or outside of the Conservation Area.

I do not believe that the development will significantly detract from the character of the Conservation Area as it largely preserves the existing character and therefore I do not wish to raise any objections.”

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 18th October.

13 objections had been received through the public consultation period. The issues raised included:

1. Access crosses land not within the applicants ownership
2. Development will create excessive noise levels
3. Development will increase levels of traffic
4. Will impact adversely on road safety
5. Pedestrians will be at greater risk being in the path of on-coming traffic
6. Poor visibility from access onto Manthorpe Road
7. Prospect Place access is unsuitable being narrow and restricted
8. Development will damage existing boundaries
9. Will add to existing parking problems
10. Access road not wide enough for commercial vehicles
11. Will damage the Conservation Area
12. Will damage mature trees
13. Development allows for high car ownership
14. Houses will overlook my property
15. Too many large houses in a tiny area
16. Will create a dominant and oppressive environment
17. Gardens will lose light
18. Bins sited near site boundaries will create smells
19. Unacceptable levels of light pollution

Site History

S00/1307 - Change of Use of Land and erection of garages – Refused 6th March 2001. Allowed on appeal 3rd September 2001

S07/1729 - Erection of 9 Terraced properties and 1 detached property – Withdrawn 13 Feb 2008

S08/0485- Erection of 9 Units and associated parking – Refused 2 July 2008. Appeal Dismissed 19th January 2009.

S09/2454 - Demolition of garages and erection of 5 dwellings with associated access roads – Approved 18th December 2009.

Policy Considerations

National Planning Policy Framework.

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

Policy H1 - Residential Development

Key Issues

Impact on residential amenity

Impact on Character of the Conservation Area

Highway safety

Assessment

History

An application for 9 dwellings, all accessed from Gladstone Terrace was previously refused by the authority and subsequently dismissed at Appeal (S08/0485). With regard to privacy, block spacing and overshadowing the Inspector concluded that, subject to controlling conditions, the principle and overall design of the scheme in block spacing and three dimensional terms was broadly acceptable and that adequate levels of privacy could be achieved.

A revised scheme was submitted (S09/2454) and approved which followed the design principles of the previous application, providing terraced blocks sited in a linear form centrally within the site whilst maintaining suitable levels of separation.

The applicant has carried out sufficient works on site in relation to this approval to warrant a start and received with confirmation from the authority of commencement of development.

Scale / Layout

This is a Section 73 application to vary conditions attached to S09/2454 which was for the erection of 5 dwellings, access roads and associated parking. As a proposal involving the redevelopment of a site within the confines of a major settlement the proposal is in conformity with strategic and local criteria within the policies set out above.

The development comprises of 2 blocks of properties, with the first element consisting of 3 units and the adjacent block consisting of 2. It is considered that the proposed scale and layout reflects that of other residential developments in the surrounding area, mainly the terrace properties along Gladstone Terrace and the terraced houses to the south east of the site along Prospect Place. The two blocks running in a relatively straight line will also follow the linear form of the Gladstone Terrace and Prospect Place.

The properties have been sited so as to give the maximum distance of separation from neighbouring properties whilst providing an area of private amenity space for occupants and room for an access road and on site parking.

Impact on the Conservation Area

This part of the Conservation Area is characterised by terraced housing built of red brick with slate roofs. The proposed development largely reflects the prevailing character of this part of the Conservation Area in terms of the layout, the scale and the sympathetic choice of materials

The site is well screened by the existing terrace along Gladstone Terrace, Prospect Place and Brook Street and will therefore not impact upon views within or outside of the Conservation Area.

The development will not significantly detract from the character of the Conservation Area whilst preserving the existing character.

Overlooking / loss of privacy

Given the proposed site layout, orientation and positioning of fenestration together with the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties. The applicants have paid particular attention to the siting and nature of window openings in the elevations facing the rear of the Gladstone Terrace properties. The rear elevations within the roof only have high level roof lights serving en-suites and bedroom accommodation ensuring no significant levels of overlooking.

There are no side openings to the terraced blocks; therefore, due to the nature of the mature trees to the boundary to Little Gonerby House and levels of separation this eliminates any possibility of overlooking or loss of privacy to this neighbouring dwelling and those adjacent along Prospect Place.

Loss of light / overshadowing

The first of the terrace blocks is a distance of 20m from the rear of Nos. 20 & 21, Lodge Way and 16m from the rear of the closest properties along Gladstone Terrace. This can also be said of the second block which is also a distance of approximately 18m from the Gladstone Terrace properties. Given the proposed site layout and distances between the existing and proposed dwellings, there will be no significant loss of light /overshadowing.

Impact on mature trees

Regarding the overall impact on mature trees to the boundary of Little Gonerby House, the access road is to be constructed by a no dig method. This can be achieved without affecting the root systems of the trees and a planning condition is recommended requiring an exclusion zone around any retained trees within the site. Although a level of green space and vegetation will be lost a scheme of landscaping and planting will be required through the attachment of a condition to help the development assimilate with its surroundings and reduce its overall impact.

Impacts of traffic, access and parking

The access arrangements have been amended with four as opposed to two units being accessed from Prospect Place. Due to the history of the existence of various garages owned by the applicant and accessed from Prospect Place it is considered that the anticipated vehicular movements will not increased to an unacceptable level as a result of the proposed development.

This additional access has also enabled the applicant to provide pedestrian connectivity to Manthorpe Road / Brook Street.

The Local Highway Authority has been consulted about the proposed development and has raised no objection to the proposal in terms of parking, visibility and access arrangements which will serve this number of dwellings. It is therefore considered that the proposed development will be detrimental to highway safety.

Other Matters

Representations have been received regarding land ownership matters and rights of way. The applicant has submitted ownership information to the authority which conforms to the submitted ownership certificates and red site outline. Rights of Way are not a material planning consideration and are Civil Matters to be resolved between all concerned parties.

Issues have been raised regarding house de-valuation, neighbour disputes and damage to property but these again are not material planning considerations.

Crime and Disorder Implications

It is considered that the proposed development will not have any detrimental crime and disorder implications.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article 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). 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. 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 Approved subject to condition(s)

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

Reason: To ensure a satisfactory appearance to the development and in accordance with Saved Policy EN1 of the South Kesteven Local Plan.

2. The surface and foul water drainage for the development hereby approved shall be constructed in accordance with the details as shown on drawing number PMGT/12/003 dated 25 October 2012.
Note: The Lorgester and soakaway units need to be of a suitable construction to sustain the weight of vehicular traffic.
3. The development hereby approved shall be constructed in accordance with the hard and soft landscaping details as shown on drawing number PMVC/12/001 received on 13th September 2013.
4. The boundary treatments for the development hereby approved shall be erected and maintained thereafter in accordance with the details as shown on drawing number PMVC/12/001 received on 13th September 2013.
5. Before development is commenced on site all existing trees shown on the approved plan 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.

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number PMVC/12/001 received on 13th September 2013, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policy EN1 in the Saved Policies of the South Kesteven Local Plan.

7. The access from Gladstone Terrace shall be constructed in accordance with the details as shown on drawing number PMGT/12/003 dated 25 October 2012.
8. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number AS1504/1 received on 19th October 2009
Drawing Number M/08/06 received on 28th October 2009
Plan number DB/LCS/12/009 received on 13th September 2013
Drawing Number PMVC/12/001 received on 13th September 2013

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

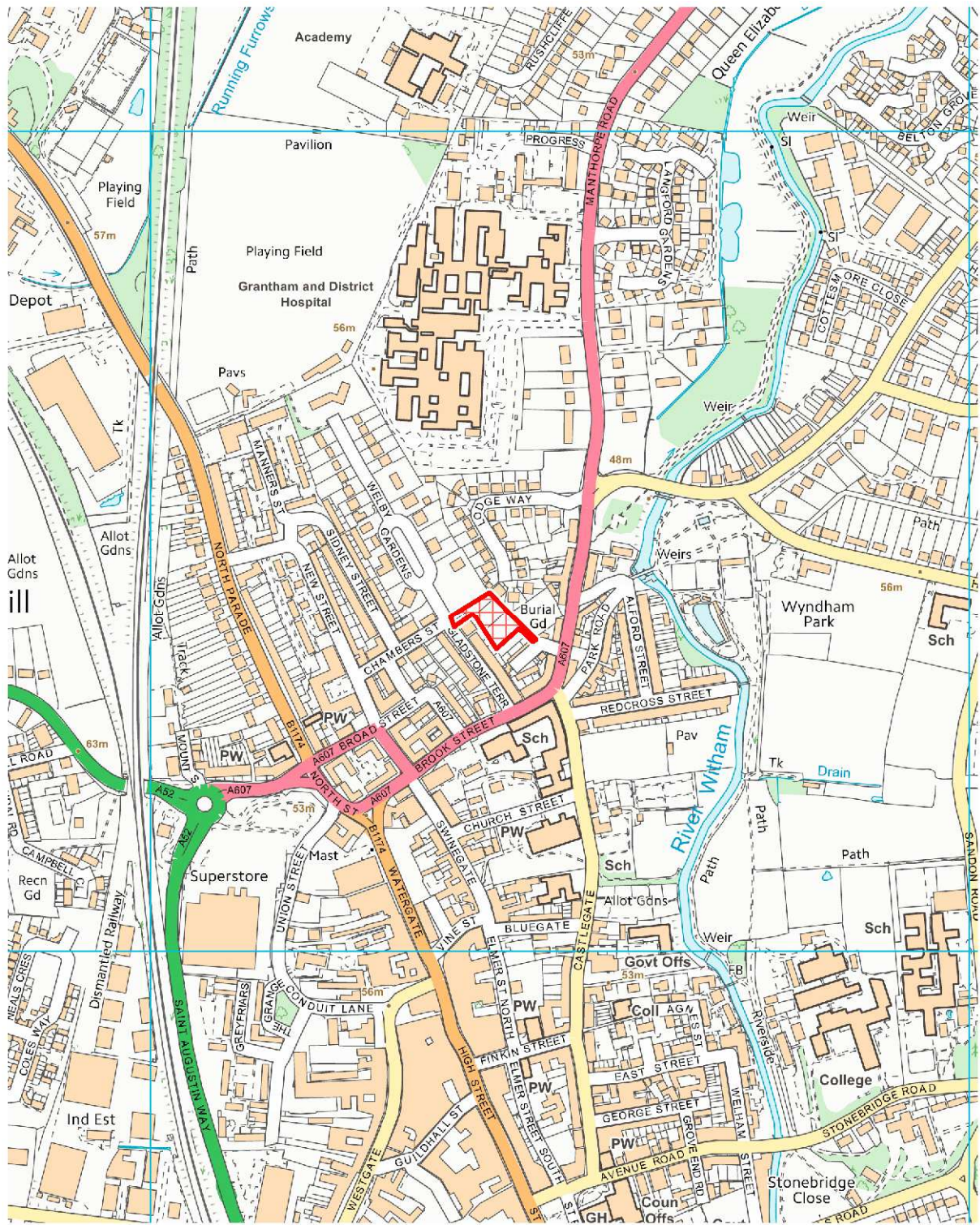
Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for application, specification and construction 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.
3. This road is a private road and will not be adopted as Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

* * * * *

Site Location Plan

Ref	S13/2448
Proposal	Section 73 Application to Vary Conditions 4 (Landscaping), 5 (Boundary Treatments), 7 (Access and Turning) & 9 (Amended Drawing) of S09/2454 for the erection of 5 dwellings with associated access roads
Location	Land R/o 13 - 23 Gladstone Terrace, Grantham



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Applicant	Community Assets, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	Geoff Carter Architects Mohan Business Centre, Tamworth Road, Long Eaton, NG10 1JG
Proposal	Build 2no. one bedroom flats and associated parking
Location	Between 53 and 55, Thames Road, Grantham, NG31 7SP
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The Council is the applicant
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with national and local policy.
- Impact on amenities of occupiers of neighboring dwellings.
- Impact on pathways.

Technical Documents Submitted with the Application

- Design and Access Statement
- Contaminated land Questionnaire.

REPORT

Application Category

The application is categorised as an 'MINOR' type of application.

Reason for Referral to Committee

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

The Proposal

This application seeks permission to construct a two storey building with a one bedroomed flat on each floor. Three car parking spaces are proposed with access off Thames Road.

The Application Site and its Surroundings

The application site comprises an area of open land between Nos 53 and 55 Thames Road. The land is surfaced and provides a link to footways running to the front of the row of terraced dwellings backing onto to Thames Road. Historically, the site appears to be open land used for parking and informal play.

Relevant Site History

The site has no planning history.

Policy Considerations

National Policy

National Planning Policy Framework

Section 1 – Building a Strong Economy.

Section 6 – Delivering a Wide Choice of High Quality Homes.

Section 7 - Requiring Good Design.

South Kesteven Core Strategy

Policy EN1 – Protection and Enhancement of the Character of the District.

Consultation Responses Received

Planning Policy - has stated that the proposal accords with Core Strategy Policies SP1 (Spatial Strategy), H1 (Residential Development) and the need to meet the housing needs of the community. There is therefore no objection to the development subject to relevant issues under policy EN1 being addressed.

The District Archaeologist - has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

The Highway Authority - has recommended conditions relating to the provision of parking and turning, details of drainage and an informative drawing attention to the need to contact the Area Surveyor for details of any access works within the highway.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. The period for receipt of representations does not expire until 13 December 2013, two letters received up to the time of writing this report are summarised below:

- The development will impede access for emergency services.
- Property values will be reduced.
- Noise and disturbance.
- Access through the site and to the pathways serving the front of the properties will be blocked.
- Out of keeping.
- Views will be adversely affected.
- Loss of street light.
- Loss of privacy.

Officer Evaluation

The principle of the development is acceptable, additional housing will be a valuable addition to community needs.

The building will be in line with those to its north (No 55) and south (No 53) and any adverse impact on these properties is unlikely to be significant. There is sufficient separation distance (18.5 metres) to the dwelling to the rear and west (No 71) for amenities and privacy of the occupiers of this dwelling not to be affected.

The design of the building differs from the existing rows of terraced properties, but would not be out of keeping in this setting.

The main issue in the consideration of this application is that the existing pathway serving the front of the row of terraced properties (Nos 43 to 53) to the south of the application site remains unobstructed. To this end the scheme has been revised to allow for a 2 metre wide access strip immediately to the north of No 53.

Crime and Disorder

It is considered that the development would not result in any significant adverse crime and disorder implications.

Human Rights Implications

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

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

RECOMMENDATION:

In the circumstances where the proposal accords with national and local policy approval is recommended subject to conditions relating to time, materials, turning, parking and drainage

and any other conditions considered necessary arising from the consultation process providing no representations are received which in the opinion of the Head of Development in consultation with the Chairman and Vice Chairman would require reconsideration of the application by Development Control Committee.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal by reason of its size, siting and design will not impact upon the amenities of the area or occupiers of neighbouring properties, or highway safety, and is compliant with Core Strategy Policy SP1 (Spatial Strategy), H1 (Residential Development) and National Planning Policy Framework (March 2012) Section 1 (Building a Strong and Competitive Economy), Section 6 (Delivering a Wide Choice of High Quality Homes) and Section 7 (Requiring Good Design).

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

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

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

1. Drawing No: 1807/3/PO1 Rev A received on 22 October 2013.
2. Drawing No: 1807/3/PO2 Rev A received on 21 October 2013.
3. Drawing No: 1807/3/PO3 Rev A. received on 21 October 2013
4. Drawing No: 1807/3/PO1 Rev A.

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

4. 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 [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved drawing number 1807/3/PO2 Rev A dated 21 October 2013, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building 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.

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

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

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

* * * * *

Site Location Plan

Ref	S13/2101
Proposal	Build 2no. one bedroom flats and associated parking
Location	Between 53 and 55, Thames Road, Grantham, NG31 7SP



Applicant	Alliance Trust Pensions Ltd C/o Agent
Agent	Mr Jeff Gillett, The Gillett Macleod Partnership 1, High Road, Old Eastcote, Pinner, London, HA5 2EW
Proposal	Demolition of existing factory units and erection of 4 two bed terraced houses and a three storey office development
Location	38, East Street, Grantham, Lincolnshire, NG31 6QW
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application has been referred to Committee as it is considered to be locally significant.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with national and local policy.
- Impact on amenities of occupiers of neighboring dwellings.
- Highway Safety.

Technical Documents Submitted with the Application

- Design and Access Statement.
- Contaminated Land Risk Assessment.
- Protected species Survey.
- Health and Safety Plan (Demolition).

Addendum to planning application S13/1640

This application was deferred from the meeting held on 29 October 2013 for the following reasons:

- Consultations with the Fire Brigade.
- A plan showing a scale model of a car using a car parking/turning space.
- Clarity on the use of the use of the proposed offices.
- Details of how vehicles will enter and exit the site.
- A full report from the Highways authority.
- A further site inspection (particularly for those members who were unable to attend the previous visit).

1. FIRE BRIGADE

Members Concern

Members expressed concern that the Fire Brigade had not been consulted.

Officer Comments

There is no statutory requirement to consult the Fire Brigade which receive a weekly list of planning applications and would have commented on the application if it had any observations. Nonetheless, as requested, the Fire Brigade was specifically consulted on the application; it has no objections to the development. The Fire Brigade's comments are reiterated below:

"I refer to the planning application reference S13/1640. The Fire Authority do not object to the application.

Approved Document B, Building Regulations 2000, Section 16 Vehicle Access B5 indicates the access requirements;

Buildings not fitted with fire mains

16.2 There should be vehicle access for a pump appliance to small buildings (those of up to 2000 square metres) with a top storey up to 11 metres above ground level) to either:

a. 15% of the perimeter; or

b. within 45 metres of every point on the projected plan area (or footprint) of the building;

Access can be gained to both the housing and the office accommodation from an appliance parked on the road. There would not therefore be any necessity for a fire appliance to travel under the proposed archway to deal with any incident involving either of the premises proposed within this application.

Additionally, if we were called to an incident within the car parking area we would again deal with this from an appliance parked on the road".

2. HIGHWAY AUTHORITY

Members Concern

Members expressed concern that the highway authority has not provided an explanation why it found the development acceptable.

Officer Comments

The Highway Authority has stated “The site is close enough to the services, facilities and transport hubs within the town centre for there not to be a requirement for on-site car parking. The proposed car parking for the residential and office elements (8 spaces in total) is therefore supplementary and acceptable and to request additional parking would be unreasonable.

The applicant has demonstrated through the submission of an electronic swept path (Drawing No: 12/2685/9 REV C) that the site can be accessed safely, and vehicles can be turned within the site to allow forward exit.

There are therefore no highway reasons to resist this development which could be supported at appeal”.

3. INGRESS/EGRESS/TURNING AREA/DISTURBANCE

Members Concern

Members were unclear as to how the parking areas were accessed off East Street, whether there was sufficient turning space within the site, and impact of disturbance on residents directly opposite the entry point.

Officer Comments

The agent has provided an electronic swept path indicating access/egress and turning within the site. The details have been examined by the Highways Authority and are acceptable as cited above.

Access and egress will be concentrated at one point. This is unlikely to result in any significant disturbance to the occupiers of the dwelling directly opposite the access point. Any disturbance has to be balanced against the previous commercial use of the site where vehicular movements/activity would have been greater than that of the proposed use. In these circumstances it would be unreasonable to refuse planning permission for these reasons.

4. PARKING

Members Concern

Level of onsite parking for the proposed office element. Further clarity was requested on the office use.

Officer Comments

The Highway Authority does not require any provision for parking in a town centre location; see its comments cited above. The agent has submitted a revised drawing (No 12/2685/1 Rev F) which indicates the allocation of spaces between the residential and office elements of the scheme to avoid conflict between users.

The agent has confirmed that the office element will; be marked as a single office use and allocated four parking spaces.

5. REPLACE THE OFFICE ELEMENT

Members Concerns

Members enquired about the possibility of a solely residential scheme, as they considered the current scheme to circumvent the requirement for developer contributions.

Officer Comments

The applicant has asked for the application to be determined as submitted, and has indicated that an appeal would be lodged in the event of a refusal with an application for costs.

A condition is proposed to ensure that the offices can only be converted to dwellings with planning permission and not benefitting from any current or future permitted development rights. In that case, in accordance with the Developer Contribution SPD, the need for the whole development to provide the affordable housing would have to be taken into account. However, that would be dependant upon the viability of the whole scheme to support such a contribution.

6. PUBLICITY

Members Concern

At the meeting held on 29 October 2013 Members expressed concern that the application had been reported to Committee before the period of receipt for representations had expired.

Officer Comments

At the time of the 29 October Committee meeting the application had been re-advertised following receipt of amended drawings detailing the design changes recommended by the Principal Conservation Officer; the substance of the scheme remained essentially unaltered. No further representations from neighbours have been received.

It is not unreasonable to request the Development Control Committee to consider an application before the expiration of the consultation exercise and subject to no material considerations being raised determine the application once the consultation period has expired.

CONCLUSION

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

The proposal is considered to be acceptable in terms of impact on the street scene, amenities of the occupiers of neighbouring dwellings and on highway safety. There are no justifiable grounds for refusal. It is therefore recommended that the application be approved subject to conditions.

Report

Application Category

The application is categorised as an 'MINOR' type of application

Reason for Referral to Committee

The application has been referred to Committee as it is considered to be locally significant.

The Proposal

The proposal is for full planning permission to demolish two vacant factory units and replace them with a terrace of four two storey dwellings (with accommodation in the roof space), and a three storey office building. Parking will be provided to the rear of the development, accessed through a tunnel between the residential and office elements.

The application site and its surroundings

The application site covers an area 718 m² and is located on the south side of East Street, and some 25 metres to the west of Castlegate which forms the eastern boundary of the Grantham Conservation Area. Immediately to the west of the site is a three/four storey office development granted permission in 1991 (SK/1269/91). The eastern boundary of the site is adjacent to a row of four brick built terraced properties.

Directly opposite the site and to its north are rows of existing three storied terraced properties, and a more recent three storey residential redevelopment of the former Kwik Save site (S06/0552). Immediately to the rear (south) of the application site lies a residential development which involved the conversion of former offices (S02/0565).

Statutory Consultees.

The Highway Authority has no objections.

The Environmental Health Officer has recommended conditions which require an assessment of contamination, with any necessary remedial measures to be carried out prior to the commencement of development.

The Principal Conservation Officer had recommended revisions to the design/materials of the roofs of the dwellings and further assessment on the historic significance of the larger unit to be demolished. Comments on any further revisions will be reported to the Committee in the late items paper or verbally on the day.

The District Archaeologist has recommended a condition which requires an archaeological evaluation to be carried out so that mitigation measures can be taken to preserve any remains.

The Planning Policy Section has stated that the proposal will involve the loss of existing employment floorspace but that is of a configuration and age that is not attractive to those seeking employment premises in Grantham, and its loss in any case will be compensated by the provision of an office block on part of the site. The proposal is therefore considered to be in accordance with Core Strategy policies SP1, H1 and E1 which support proposals for new residential and employment/commercial development within Grantham.

Representations as a result of publicity

Neighbours were reconsulted following the receipt of amended drawings. Representations (4 in total) have been received from the occupiers of dwellings in East Street and George Street. The objections can be summarised as follows:

- The height of the proposed development will result in the loss of daylight, and loss of sun to solar panels installed on a property.
- Loss of privacy through overlooking.
- Nuisance caused by car headlights exiting the proposed access.
- The proposed layout will encroach onto an already narrow footpath.
- Loss of a parking space for a local resident.
- Possible impact on a dividing boundary wall.
- Differing land levels with adjacent properties on George Street need to be taken into account.

Site History

There is no relevant planning history for the site.

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

Local Policy

Policy SP1: (Spatial Strategy) of the South Kesteven Core Strategy (2010).

Policy EN1: (Protection and Enhancement) of the South Kesteven Core Strategy (2010).

Policy H1: (Residential Development) of the South Kesteven Core Strategy (2010).

Key Issues

The main issues that need to be taken into account in considering this application are:

1. The Principle.

The proposal is in accordance with the sustainable development principles of Sections 1, 4, 6 and 7 of the National Planning Policy Framework (NPPF), and Core Strategy policies SP1, H1 and E1 which support proposals for new residential and employment/commercial development within Grantham.

2. Impact on Amenities.

The larger of the existing vacant units along the eastern boundary of the site is flat roofed and approximately level with the ridge of the row of terraced dwellings adjacent. The smaller vacant unit on the other boundary has a pitched roof (with a flat roofed side extension) is somewhat lower but on rising land. The submitted scheme provides for a row of four terraced dwellings which are two storeys high with accommodation in a mansard roof space (rooflights to the front and flat roofed dormers to the rear).

The separation distance between the rear wall of the dwellings proposed and the rear of the dwellings on George Street directly to the rear of the application site will be approximately 18 metres at the nearest point, and 22 metres at the furthest. At the front, on East Street, the development will be set approximately 1.5 metres at the nearest point to the footpath. It should be noted that the largest of the existing factory units is set immediately to the back of the footpath.

The Council has no adopted standards relating to separation distances. In the instance of this application the separation distances of around 18/22 metres at the rear is adequate in preserving amenities. To the front the separation distances from the dwellings across the road will be some 11 metres at the nearest point, again this is not an unacceptable separation in a traditional terraced setting.

The ridge levels of the proposed development will be approximately in line with the buildings on either side of the application site, and will be somewhat lower in part than the three storey development allowed opposite.

3. Highway Parking and Parking.

A parking space for each dwelling is proposed, and four spaces in total for the offices use. The dwellings are linked to three storey offices with an entrance in between to provide access to parking for both uses to the rear.

The Highway Authority has no objections to the proposals, it has recommended conditions/informative which are listed in the recommendation. Four car parking spaces are provided for the proposed dwellings and another four for the proposed offices – a total of eight spaces for the development. It should be noted that this is a town centre location where the Highway Authority is satisfied with the proposed parking provision, the principle of which is also in accordance with the government's objectives of sustainable development. The site is well served by public transport and therefore the proposed level of parking is appropriate for this location.

In addition, the Welham Street and Conservative Club pay and display car parks are approximately 200 metres away and within close walking distance of the site.

Responses to consultations

- Loss of Light.

Given that the proposed development will not be higher than the existing buildings, will be set back from the footpath and will have a smaller footprint than the existing development, the proposed development will have a lesser impact on light.

- Loss of Privacy

The proposed development will have a different impact on neighbours than the previous light industrial use. There will, as a matter of course, be a degree of overlooking between buildings across East Street through windows. The issue is whether the

impacts are at a level which is unacceptable. A separation distance across the street of at least 11 metres is acceptable in a traditional setting, and consequentially there would not be any unacceptable loss of privacy.

- Encroachment onto the Footpath.

The proposed development will not be higher than the existing units on the site, and will be set further back and away from the footpath by at least 1.5 metres at the nearest point than the existing buildings. There will therefore be no encroachment. The siting of the development near the front of the site is necessary to maintain the traditional appearance and setting of the street scene.

- Vehicular Activity.

Vehicular access to the site will be through the development via a passage and opposite No 7 East Street. Vehicular activity will be concentrated at this point and will have some impact in terms of disturbance to the occupiers of dwellings directly opposite. The additional activity needs to be balanced against that associated with the previous industrial use, and a tyre repair business in particular. In comparison, the proposed use would not result in additional disturbance.

- Loss of Parking space

The loss of a motorcycle parking space (agreed by private arrangement) for a local resident is not a material planning consideration.

- Impact on Dividing Boundary Wall.

The agents have confirmed that the boundary wall between 50 George Street and the application site will be taken down and rebuilt to a height of 2 metres along the boundary with No 50, and to a height of 3.8 metres within the application site. Although essentially a private matter between the relevant parties the rebuilding of the wall will maintain screening and privacy.

- Differing Land Levels.

A submitted drawing (No 12/2685/5A) shows in cross-section the relationship and land levels between George Street and East Street. This shows that there is a difference in land levels of just less than two metres between the application site and the dwelling in George Street. As mentioned above, there is sufficient separation between the buildings on George and East Streets (about 20 metres) not to adversely impact on amenities. The drop in land levels is also to the benefit of the existing dwellings as the proposed development will be set lower in the ground.

Affordable Housing Requirement.

The proposed development is below five residential units, a target that triggers the Council's requirement for affordable housing or a commuted sum.

Recent changes introduced by government allow for the possibility for a change of use of office accommodation to residential. To avoid a circumvention of the Council's affordable housing policy it is recommended that the permitted developments rights which allow a change of use from offices to dwellings are removed.

Other Matters

There were no other relevant matters at the time of writing.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

RECOMMENDATION:

In the circumstances where the proposal accords with national and local policy approval is recommended subject to conditions mentioned in the report and any other conditions considered necessary arising from the consultation/publicity process providing no representations are received which in the opinion of the Head of Development in consultation with the Chairman and Vice Chairman would require reconsideration of the application by Development Control Committee.

SUMMARY OF REASON(S) FOR APPROVAL

In summary, the proposal is in accordance with national and local planning policy and guidance, and precedent has been set in allowing development similar residential development in the vicinity. The development of this site is considered to be an improvement in visual and impact terms. In this instance adverse impacts on the amenities of the occupiers of neighbouring dwellings are not such as to warrant refusal. Approval is therefore recommended subject to conditions.

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. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 12/2685/1c Rev C received on 14 August 2013 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building 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. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

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

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

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

5. 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 [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. 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 and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. The office use hereby permitted shall be used for no other purpose including use as a dwelling permitted by Class J of part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) order 2013, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Alternative residential uses would not be in accordance with the Council's adopted policy on affordable housing.

8. The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to any development commencing.

Reason: To protect the amenities of the occupiers of neighbouring dwellings in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. 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 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
 - (b) 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 national guidance contained in the National Planning Policy Framework.

10. 2. 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. 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 national guidance in the National Planning Policy Framework.

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

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

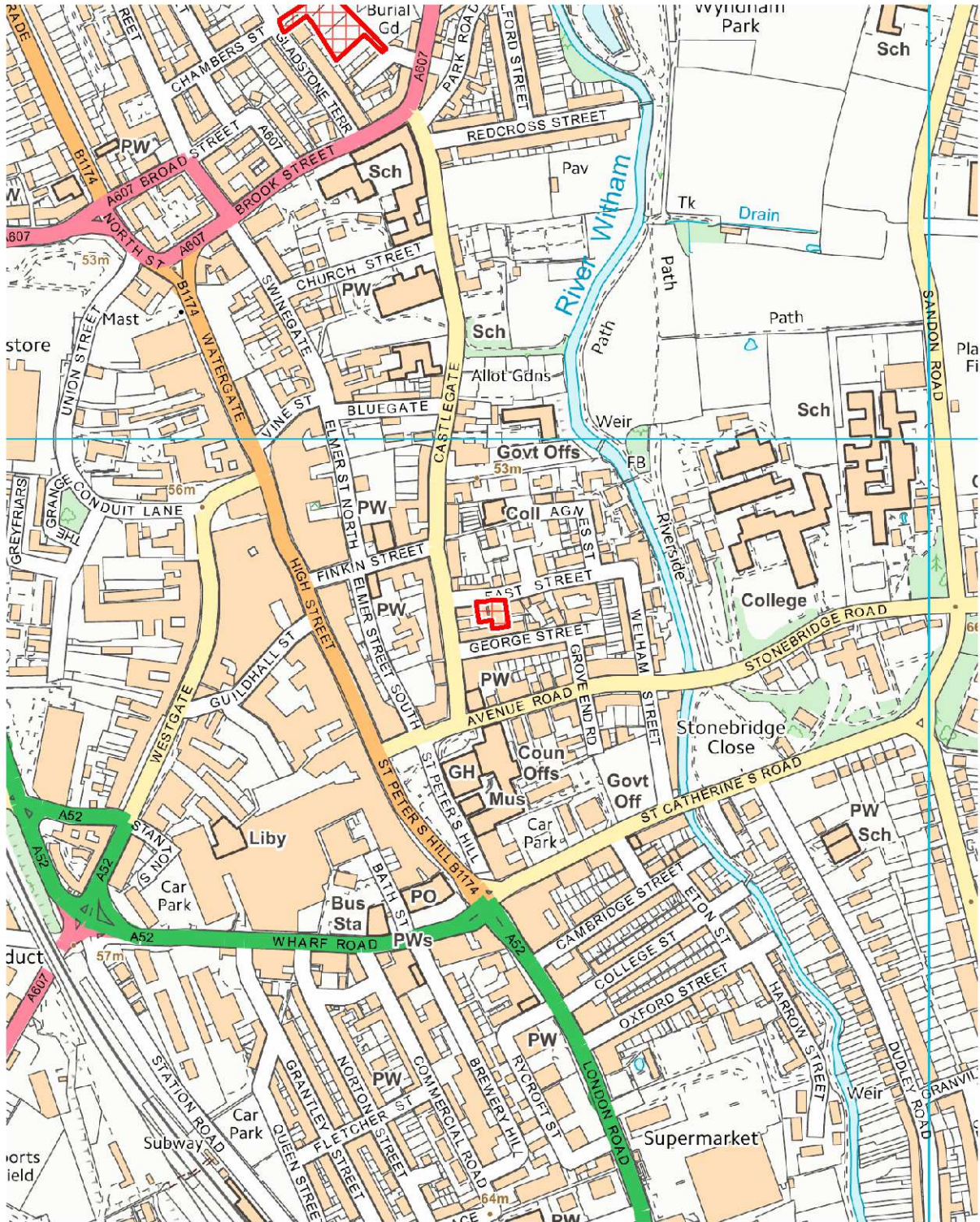
Note(s) to Applicant

- 1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager and Street Lighting Engineer on 01522 782070 for application, specification and construction information.
- 2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
- 3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Site Location Plan

Ref	S13/1640
Proposal	Demolition of existing factory units and erection of 4 two bed terraced houses and a three storey office development
Location	38, East Street, Grantham, Lincolnshire, NG31 6QW



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Applicant	Mr & Mrs Harrish Bisnauthsing Reedmans Court, 9, St Georges Street, Stamford, Lincolnshire, PE9 2BJ
Agent	David Heeley Design 11, St Leonards Street, Stamford, Lincolnshire, PE9 2HN
Proposal	Installation of two roof lights to rear roof slope and sliding doors replaced with conventional french doors with side lights.
Location	Reedmans Court, 9, St Georges Street, Stamford, Lincolnshire, PE9 2BJ
App Type	Listed Building Consent
Parish(es)	Stamford
Reason for Referral to Committee	This application has been referred to the development Control Committee due to the proposal being submitted by a District Councillor.
Recommendation Summary	<p>It is considered that by virtue of the location, scale and design the proposed roof lights there will be minimal visual impact on this Grade 2 Listed Building and will be well integrated into the street scene context of the surrounding area. There would be no detrimental impact on the residential amenities of the occupiers of nearby dwellings or on the surrounding Conservation Area. The Conservation Officer has indicated the scheme is acceptable subject to a condition being imposed regarding the use of 'Conservation' type roof lights.</p> <p>It is therefore considered that the proposal is in accordance with NPPF Sections 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.</p>

Key Issues

- Impact on the existing Grade 2 Listed building/street scene,
- Impact on the residential amenities of neighbouring occupiers

Technical Documents Submitted with the Application

- Design and access statement
- Existing and proposed french doors
- Existing and proposed roof and section plan
- Existing elevation and section plan
- Listing
- Proposed elevation and section plan
- Survey and general works plan

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the development Control Committee due to the proposal being submitted by a District Councillor.

The Proposal

The Proposal is to install two roof lights on the rear single storey roof slope to the 1980's extension and replace modern sliding doors with conventional French doors with side lights. The scheme will have a minimal visual impact on the Conservation Area and the proposal will be compatible with the surrounding residential development. With regard to impact on the building the Conservation Officer has indicated he has no objections to the scheme.

The application site and its surroundings

The dwelling is a three storey mid terraced cottage on the east side of George Street. It is a Grade 2 Listed Building in stone with Colly Weston slate mansard roof and sits on the back edge of the pavement in the heart of the Stamford Conservation Area. The rear of the site which is a public car park is the only location that the site can be viewed with glimpses of the rear of the property but the roof lights will have little or no impact on the visual amenities of the area and the sliding doors replaced with french doors whilst having no public impact will improve this elevation.

Site History

The site history relating to this property, in terms of known applications, goes back to 1978 with the most recent in 1999 which was Listed Building Consent for alterations to the building granted in April 1999. However none of these applications are particularly relevant to the current proposal.

Planning Considerations

National Policy

NPPF Section 11 – Conserving and Enhancing the Natural Environment.

NPPF Section 12 – Conserving and Enhancing the Historic Environment.

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 3, 4, 5 and 10 refer in this case relating to, local distinctiveness and sense of place, historic character, patterns and attributes of

the landscape, the layout and scale of buildings and designed spaces, the quality and character of the built fabric and visual intrusion.

Representations Received

Town Council – No objections but suggest that the window frames should be dark colour finish to blend in and be less obtrusive.

Conservation Officer – No objections subject to ‘Conservation’ type roof lights are used.

Stamford Civic Society – They have no objections as the roof lights cannot easily be seen from anywhere there is a public access.

Archaeology – There is no known affect.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement to which no responses have been received.

Officer Evaluation

The main issues are the impact on the existing Grade 2 Listed building/street scene and impact on the residential amenities of neighbouring occupiers.

In terms of scale and visual impact on the existing dwelling the roof lights and sliding door replacement will have little or no impact. There is no impact on the street scene as there is no public view of this part of the dwelling. There is no impact on the amenities of neighbouring property as the roof lights are in a single storey section and boundary demarcation remains unaltered. The Conservation officer has indicated that he does not wish to raise any objections subject to ‘Conservation’ type roof lights being used.

Crime and Disorder Implications

It is considered that the proposed development will not have any significant or detrimental crime and disorder implications.

Human Rights Implications

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

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

Summary of Reason(s) for Approval

It is considered that by virtue of the location, scale and design the proposed roof lights there will be minimal visual impact on this Grade 2 Listed Building and will be well integrated into the street scene context of the surrounding area. There would be no detrimental impact on the residential amenities of the occupiers of nearby dwellings or on the surrounding Conservation Area. The Conservation Officer has indicated the scheme is acceptable subject a condition being imposed regarding the use of ‘Conservation’ type roof lights.

It is therefore considered that the proposal is in accordance with NPPF Sections 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

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

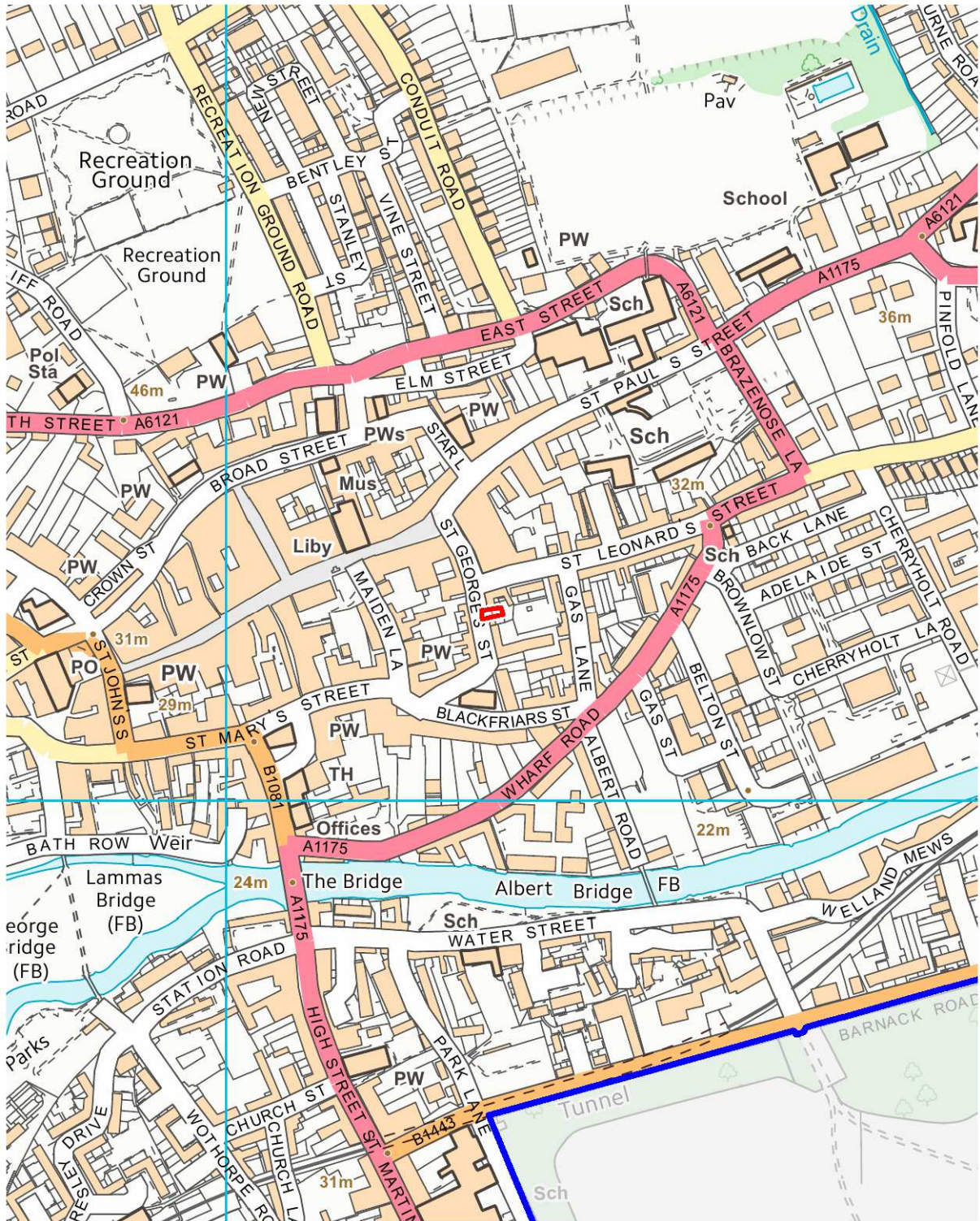
Drawing Ref No: DH 13-8-04 Proposed Elevation and Section.
Drawing Ref No: DH-13-8-05 Propose Floor Plan and Roof Section.

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

* * * * *

Site Location Plan

Ref	S13/2827
Proposal	Installation of two roof lights to rear roof slope and sliding doors replaced with conventional french doors with side lights.
Location	Reedmans Court, 9, St Georges Street, Stamford, Lincolnshire, PE9 2BJ



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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	<p>Grant permission subject to the imposition of conditions</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Trees worthy of retention will be incorporated within the landscaping scheme and possible contamination removed.</p> <p>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.</p>

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 are 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 MDTC 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, from 234 to 240. 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 (pursuant 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

