

**AGENDA ITEM**

**SF.1     S05/1331/35**

Registration Date: 05-Oct-2005

Applicant	South Kesteven District Council Council Offices, St Peter's Hill, Grantham, Lincolnshire, NG316PZ
Agent	Rod Wilson, South Kesteven District Council Asset & Facilities Management - Council Offices, St Peters Hill, Grantham, Lincs, NG316PZ
<b>Proposal</b>	<b>Extension to provide customer reception centre</b>
<b>Location</b>	<b>Council Offices, St Peter's Hill, Grantham</b>
App Type	<b>Full Planning Permission</b>

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

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Applicant	Ben Sheppard, Development Manager, Henry Davidson Developments 36, Regent Street, Nottingham, NG1 5BT
Agent	
Proposal	<b>Public house/restaurant and access road</b>
Location	<b>Pt OS 2173, South Road (A15), Bourne</b>
App Type	<b>Outline Planning Consent</b>

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of five years from the date of this permission; or
  - (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs, the means of access and the landscaping of the site.
3. Before any development is commenced the approval of the District Planning Authority is required to:-
  - (i) a \*specification of the type of construction proposed for roads and/or footways;
  - (ii) a programme for the making up of the roads and/or footways;
  - (iii) details of the method and means of disposal of highway surface water;
  - (iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross sections taken at not more than 30 metre intervals normal to the proposed carriageway plotted to a scale of 1/100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);
  - (v) details of all proposed services showing the location within the highway in accordance with the Provision of Mains and Services by Public Utilities on Residential Estates published by the National Joint Utilities Group, November 1979.

\* This specification shall be such as to enable the local Highway Authority, in due course, to take over the roads and/or footways as highways maintainable at the public expense.

4. Before any development is commenced the approval of the District Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of surface water run-off from the development; and such scheme as may be approved shall be carried out before (the) (any) building is occupied.
5. Before any part of the development hereby permitted is commenced the junction of the estate road with the existing public highway shall be constructed and the estate road shall also be constructed for at least \*\*\* metres into the site to the satisfaction of the District Planning Authority.
6. When the application is made for approval of the 'reserved matters', that application shall show adequate land within the site reserved for the parking of all vehicles expected to call at the permitted building at any one time. Such parking provision as approved by the District Planning Authority shall be made on the site before the building is occupied, and shall thereafter be used for or be available for use for vehicle parking at all times when the premises are in use.
7. The line of the proposed bypass road, as shown on drawing received by SKDC in connection with S02/0643 shall be provided and such connection shall be retained and safeguarded to allow for the eventual development of the adjoining land to the east, via the site subject of this application.
8. Existing hedges on the site boundaries shall be retained and protected during the development period in accordance with details to be submitted to and approved in writing by the local planning authority.
9. Development should proceed fully in accordance with the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.
10. The 10m wide green strip on the attached copy of the submitted location plan shall be retained as landscaped buffer in accordance with details to be submitted and approved in writing by the local planning authority. Such details as may be approved in writing shall be undertaken in their entirety prior to the commencement of the construction of any building on the site.
11. No development shall take place upon 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 by the applicant and approved by the District Planning Authority.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
3. The local Highway Authority so requests to ensure an adequate standard of access to the estate in the interests of local amenity and convenience and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
4. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.

5. To ensure that the land required for the access including the visibility splays is not used or developed for purposes that could prejudice the development of the backland and to ensure that vehicles can park clear of the public highway in the interests of amenity and road safety whilst the development is being carried out and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
6. The local Highway Authority so requests so that adequate on- site motor vehicle parking facilities are provided in the interests of the safety and convenience of traffic using \*\*\* and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
7. To ensure that provision can be made for co-ordinating development in the future and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
8. These features make an important contribution to the appearance of the area and their retention will assist with the assimilation of development on the site with its surroundings.
9. To reduce the risk of flooding.
10. To provide a buffer between development on the application site and the nearby Math and Elsea Woods, which are designated Sites of Special Scientific Interest.
11. To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.

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## AGENDA ITEM

Development Control Committee  
15 November 2005

SU.1 S05/1288/25

Registration Date: 23-Sep-2005

Applicant	<b>Nottingham Community Housing Assoc Ltd C/o Agent</b>
Agent	DLP 4 Abbey Court, Fraser Road, Priory Business Park, Bedford, MK44 3WH
Proposal	<b>Erection of 55 houses for Registered Social Landlord</b>
Location	<b>R/o 30-38 Spalding Road, Deeping St. James</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Deeping St James</b> B Class Road Demolition of any building - BR1 Drainage - Welland and Nene EA: Development exceeding 1ha - EA6
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### **REPORT**

#### **The Site and its Surroundings**

The site is located in Deeping St James with a road frontage along Spalding Road. The site is L-shaped with residential properties to the west - Tudor Place, the south - Millfield Road and to the north - Spalding Road. To the east is a former farmyard which is subject to a separate planning application for 12 dwellings (S05/1274). The land is currently an orchard and is a greenfield site, as defined by PPG3.

#### **Site History**

Of relevance to this current proposal the only previous planning application that needs to be taken into consideration is:

S05/0760 – 60 dwellings. Not determined, withdrawn at the request of the applicant.

#### **The Proposal**

Full planning permission is sought for the erection of 55 affordable dwellings. As members will be aware the term affordable does not relate to free market housing but dwellings delivered and administered by a registered social landlord. This ensures that the affordability remains in perpetuity.

A single point of access is proposed off Spalding Road to serve the entire development. The development comprises of a range of accommodation in order to meet a proven and demonstrable need. The units comprise of:

18 - 2 bed flats

- 10 - 2 bed houses
- 23 - 3 bed houses
- 4 - 4 bed houses

In height terms the development is a mixture of 2, 2½ and 3 storeys which is consistent with similar contemporary developments. At the eastern end of the site, where it abuts the market housing scheme, there is an area of public open space that will serve both developments. There are 5 dwellings proposed along the Spalding Road frontage with the remainder fronting onto the new access road, shared parking courts and the open space. The majority of the existing properties along the site's boundaries have generously sized gardens. This fact coupled with adequately sized garden depths for the new dwellings results in satisfactory separation distances between new and old.

## Policy Considerations

### National Planning Policy

**PPS1 – Delivering Sustainable Development.** PPS1 sets out the governments broad aims and objectives on planning policy. The key thread of this policy is the principle of sustainable development, the prudent use of natural resources and social cohesion and inclusion. There are numerous definitions of sustainable development but the basic principles involve the re-use of previously developed sites, well related to the existing settlement and easily served by a range of transport choices for future occupants.

**PPG3 – Housing.** PPG3 specifically outlines the governments objectives in relation to the provision of housing. Whilst pre-dating PPS1, PPG3 also confirms the primacy of delivering sustainable developments. This guidance provides information that is of particular relevance to this proposal on the following matters (relevant paragraph numbers provided):

1. secure an appropriate mix of dwelling size, type and affordability (para 11)
2. encourage the provision of housing to meet the needs of specific groups (para 11)
3. avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes (para 11)
4. A community's need for a mix of housing types, including affordable housing, is a material planning consideration (para 14)

The Governments commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22)

Undertaking of a sequential approach to site selection (para 30 and 31)

Provision of open space in developments (para 53)

Designing for quality (para 54-56)

Making best use of land, i.e. avoiding developments below 30 to the hectare (para 57-58)

Defining previously developed land (annex c)

**PPG13 – Transport.** As with PPS1 and PPG3 the main thrust of this guidance relates to the promotion of developments that are in well served sustainable locations.

## **PPG17 – Recreation.**

### Development Plan

**Regional Spatial Strategy for the East Midlands – RSS8.** The regional spatial strategy sets the overall housing requirement for the County.

**Lincolnshire Structure Plan 1981 and Alteration No. 1.** Whilst still forming part of the development plan it is considered that these documents are of little significance to the consideration of this proposal. There is now a replacement Structure Plan, that is close to formal adoption, that should be ascribed significantly more weight as it is reflective of the RSS and national planning policy.

**South Kesteven Local Plan 1995. Policy H6** – This is a permissive policy that allows for developments in settlements such as Deeping St James that are not specifically identified on the proposals map. Whilst specifically allowing for small groups of dwellings (defined as up to 10) the supporting text does allow for greater numbers where the five criterion are satisfied. Those criterion being:

- i) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment;
- ii) The availability of utility services
- iii) The provision of satisfactory access;
- iv) The need to protect open spaces defined on the proposals map as serving an important visual or amenity function; and
- v) The need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

It must be acknowledged that this development is proposing housing numbers that are far in excess of that originally envisaged by Policy H6. It is in conformity with the determining criteria of H6 but minimal weight should be given to this policy due to the number of dwellings proposed.

**Policy EN1** – The protection and enhancement of the environment. This is a general consideration policy that aims at ensuring that new developments do not have an adverse impact upon their environs.

**Policy REC3.** Defines the requirement for formal open space within new residential developments of the scale currently proposed.

### Other Relevant Policy

Revised deposit draft Lincolnshire Structure Plan 2005. This plan has now been through the Examination in Public and is close to formal adoption. Once adopted it will form part of the formal development plan but due to the advanced stage it is currently at it can be given significant weight. As with all contemporary planning documents the promotion of sustainable development is the central plank of the revised Structure Plan. The Structure Plan translates the regional strategic housing requirement into district allocations. As

Members will be aware South Kesteven's allocation has been cut to approximately 9200, a figure which has largely been accommodated in commitments and urban capacity sites. The revised Structure Plan identifies the settlement hierarchy for the County and classifies The Deepings as a small town.

Additionally the revised Structure Plan adopts a lower than national threshold for the delivery of previously developed sites at 35% of all new dwellings.

Urban Capacity Study. This site was originally included within the Urban Capacity Study but later discounted as not being a previously developed site.

### **Statutory Consultations**

Parish Council:

“Objections as follows:

1. 3 storey flats are inappropriate to rural location and shared entrance can lead to undesirable behaviour.
2. Communal car parking can lead to social problems/nuisance. It is desirable for car parking to be adjacent to relevant properties.
3. Present sewage facilities are already inadequate for area.
4. there would be risk to conifer hedging.”

Housing Strategy Manager :

“The proposed housing units on the site are all affordable and the size of the housing units have been agreed.”

Local Highway Authority: Requests 4 conditions – see below.

Environment Agency: No objections.

Welland and Deeping IDB: Object to proposal as development contravenes 9 metre byelaw.

LCC Education Authority – Summary of comments: The development would result in a direct impact on local schools. The PPR indicates that 8 primary and 10 secondary places be required in the locality as a direct consequence of this development. As primary school places exist there is a capital contribution of £122,575 to mitigate the secondary school impact.

Primary Care Trust:

The need for social housing is recognised but increasing populations have a major impact on demand for health services. I would be grateful if planning officers could note/consider our request for a contribution based on 55 dwellings x £770 per dwelling equalling £42,350.

### **Representations as a result of publicity**

At the time of drafting this report the following representations has been received from interested parties.

The following planning issues were raised:

- a) The Deepings is identified in Lincolnshire Structure Plan as a small town with the lowest priority for development in terms of urban areas.
- b) The Deepings strategic housing requirement is already exceeded, this development will add to potential over-supply.
- c) Lincs Structure Plan applies a target of 35% of new dwellings on previously developed land.
- d) The Deepings should only be considered for additional employment based activities
- e) Site is not identified in Local Plan and is greenfield.
- f) Brownfield sites should be developed in advance of this site.
- g) Contrary to Policy H1 of Lincs Structure Plan – leading to an over supply of dwellings.
- h) The proposals will exacerbate the current problems associated with a lack of facilities.
- i) Proposals will make the settlement less sustainable by exacerbating the existing housing/employment imbalance.
- j) Prematurity – The LDF process has only just begun.
- k) Policy H8 only allows for small sites/
- l) No evidence has been provided to demonstrate need.
- m) A similar development has recently been refused on Godsey's Lane that also delivered a considerable amount of affordable housing.
- n) The sequential approach to site selection applies equally to affordable housing as it does to market housing.
- o) A decision to support this proposal would appear inconsistent in relation to policy and open to challenge.
- p) No objections if the development is for residents of The Deepings..
- q) Impact on existing services.
- r) Exacerbate existing traffic problems.
- s) Objections to communal parking courts on grounds of noise and disturbance and potential anti-social behaviour.
- t) Open space along western boundary may give rise to possible noise and nuisance.
- u) Loss of trees.
- v) Loss of privacy.
- w) Housing association residents tend to cause nuisance and noise pollution.
- x) Design and number of dwellings is totally out of keeping with the character of the area.
- y) Height of buildings would lead to a loss of privacy.
- z) Request that trees on boundary be retained by way of condition or tree preservation order.
- aa) Concerns over boundary treatment..
- bb) Creation of a dominant and oppressive environment.
- cc) Development will exacerbate existing sewage smell problem.
- dd) Concerns over noise and disturbance during construction.
- ee) Concerns expressed over future of existing bus stop.

## **Planning Gain Requirements**

Whilst the scheme is submitted by a registered social landlord for affordable housing, an agreement needs to be entered into to ensure the affordability remains in perpetuity and is passed on to future occupants beyond the first tenants. You will note that the Local Education Authority and the Primary Care Trust have both made requests for commuted sum payments in order to mitigate the impact of this development. This issue is commented upon in the following sections.

## **Applicants Submissions**

The following are the conclusions of the applicant's planning statement. The full document is available for inspection.

“There are a number of positive benefits derived from the grant of planning consent for a comprehensive development of the application sites.

- i) The sites are in a sustainable location within walking distance of local facilities including schools and with access to good levels of public transport;
- ii) They lie within the built up area of one of the defined urban centres in the district;
- iii) There is an emerging requirement to concentrate a higher proportion of housing development within the defined urban locations;
- iv) The sites substantially comprise previously developed land which is the first priority for development or redevelopment in the sequential approach identified in the emerging Structure Plan and in Government Guidance;
- v) The overall area includes four existing residential dwellings which will be retained;
- vi) The retention of the existing dwellings means that the target figure identified in the Council's draft Urban Capacity Study cannot be secured from the residual area comprising all or part of the former agricultural yard;
- vii) The residual area of land which is not identified as previously developed in the Urban Capacity Study is entirely surrounded by residential development and serves no functional planning purpose if retained undeveloped;
- viii) Retention of part of the overall site undeveloped at present will not reflect an efficient use of land as the residual area will be incapable of beneficial alternative use and will lead to piecemeal development;
- ix) Piecemeal development would provide a discordant and unsustainable approach towards design and infrastructure provision;
- x) The comprehensive development of the site can provide significant additional provision of affordable housing for which there is a need in the area and for which there is funding available through the Applicant RSL;
- xi) Comprehensive development of the site will provide on-site open space in accordance with existing plan policy and NPFA guidance which would otherwise not be secured in this location.

We therefore invite the grant of consent for the scheme as proposed.”

## **Conclusions**

The proposal before you represents a significant development of 55 affordable dwellings and associated public open space provided by a Registered Social Landlord. The site is

located within the established urban area of The Deepings and in a sustainable location that is reasonably close to local facilities and has access to public transport. There is clear evidence within The Deepings that there is a demonstrable need for such units of accommodation and the current shortfall in supply is not being met elsewhere. The revised strategic housing requirement for South Kesteven, and in particular in relation to the southern towns and the rural area, has effectively meant that the required supply of affordable dwellings is not going to be delivered through 'normal' market housing proposals, i.e. as a percentage of the total. Therefore in order to meet this demand exceptional developments of the nature of this current proposal need to be considered.

As Members are aware the 2004 Planning and Compulsory Purchase Act places a legal duty upon the decision maker to make decisions in accordance with the development plan unless other material considerations indicate otherwise. It is clear that certain conflict with the development plan can be found in the consideration of this proposal. The Regional Spatial Strategy translates the governments objectives in relation to sustainable development. Clearly this is a greenfield site and as such conflicts with the aim of developing previously developed sites in advance of greenfield land. Additionally the site is not specifically allocated within the Local Plan for residential development. It is therefore necessary to consider this proposal against the more generic policies relating to housing, H6, and the protection of the environment, EN1. Whilst the number of dwellings proposed here is greater than envisaged by H6, the policy does not apply a ceiling on numbers. The determining criteria of this policy are not specifically offended by this development. However, due to the high numbers of dwellings proposed significant weight to this policy should not be applied. Likewise the development does not conflict with the aims and objectives of policy EN1. Additionally the delivery of the Public Open Space is in accordance with policy REC3. In relation to these specific policies it can be said that the development is in accordance with the development plan.

Policy H8 of the Local Plan allows for exception sites to be considered for affordable housing but does specify that this relates to small sites. It is not therefore applicable to consider this proposal against that specific policy but what is proposed is in general conformity with principles of H8 but on a larger scale.

With the above in mind Members also need to consider the proposal against contemporary planning policy. The Local Plan is over 10 years old and is not necessarily reflective of current planning policy. When weighing up the relative merits of each applicable policy the 2004 act emphasises that where conflict exists between plan policies, that difference must be resolved in favour of the policies most recently adopted, i.e. current policies need to be given more weight and take precedence. The Regional Spatial Strategy has set the housing figure for the county. Members will be fully aware that South Kesteven's slice of that county figure was greatly reduced to a point where the housing requirement for the 3 southern towns has been effectively met when commitments and urban capacity sites are included.

The site is currently used as an orchard and therefore cannot be described as being previously developed. Members will be aware that the government emphasises that 60% of all new developments should be on previously developed sites in a drive to promote sustainable forms of development by re-using underused urban land (although the revised Structure Plan advocates a figure of 35%). Additionally it is stated in PPG3 that when considering development proposals a sequential approach to site selection should be made, bringing forward brownfield sites in advance of any greenfield sites. The exception to this approach allows for greenfield development where the brownfield sites perform so badly in terms of sustainable patterns of growth. It is clear that from the evidence of the

recent Urban Capacity Study that there are no previously developed sites available in The Deepings capable of delivering the quantum of affordable housing proposed by this application.

You will note from the responses received from both the Local Education Authority and the Primary Care Trust that the development may result in pressures on local education and health facilities. It is acknowledged that this may well be the case but the applicants have clearly stated that their funding for the affordable housing scheme can only be utilised for the purpose of delivering the housing and not for other benefits via a S106 agreement. The issue here is therefore quite clear. If these benefits are to be insisted upon by the Local Planning Authority then the development will not take place.

To conclude, this proposal requires careful balancing of the development plan issues referred to above and the other material considerations that have also been described. It will be the weight that you ascribe to each of those issues that will determine the success or otherwise of this development.

The following matters are examples of issues that can be considered in support of the proposal:

- Broad conformity with policies EN1 and REC3 of the Local Plan (in terms of design, relationship to adjacent uses, highway safety and overall appearance.)
- The sustainable location of the site.
- The proposed development is for 100% affordable housing.
- The delivery of 55 affordable homes where a demonstrable need exists.
- No sequentially preferable previously developed sites exist within The Deepings capable of delivering the quantum of development proposed.

In contrast there are examples of planning policy conflicts that must be considered, such as:

- The site is not previously developed.
- The development could lead to an over supply of houses within the 3 southern towns.
- Potentially unmitigated impact upon local services (schools and health facilities)

Clearly this is a finely balanced proposal where the delivery of affordable housing has to be weighed against some fundamental current planning principles. There is no doubt that The Deepings has a proven need for affordable housing and when considering a development of this scale there are no other identified sequentially preferable previously developed sites. As previously stated this level of affordable housing provision is not going to be delivered on the back of a market housing scheme. It is therefore concluded that if this Council is to have a realistic prospect of meeting the demand for affordable housing then exceptions such as this will need to be made. I have already stated that there is some policy support for this proposal in the shape of policies EN1 and REC3 and broad conformity with the principles of policy H6. That coupled with the proven need that will not be met on other sites is, in my opinion, sufficient justification to warrant approval.

The final consideration that Members need to take account of is the requests by the Education and Health Authorities for commuted sum payments to mitigate the impact of the proposal. This is clearly a material consideration and one that the applicant has made clear cannot be met due to the funding mechanisms that are in place. The balance to be struck here is again whether the delivery of affordable housing should take precedence over other

planning gain issues. Whilst I accept that there will clearly be an impact on these services it is my opinion that the affordable housing need is the greater.

**RECOMMENDATION:** That the development be Approved subject the completion of a satisfactory planning obligation to ensure that the affordability remains so in perpetuity and for the future maintenance of the Public Open Space and subject to the following condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
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 building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a \*specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

\*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

7. 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.
8. No dwellings (or other development as specified) shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing NCHA/DSJ/01RWC dated 23 September 2005 has been completed.
9. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. 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 of the South Kesteven Local Plan.
7. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
8. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy EN1 of the South Kesteven Local Plan.

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Applicant	<b>Larkfleet Homes C/o Agent</b>
Agent	Development Land & Planning Consult Ltd 4 Abbey Court, Fraser Road, Priory Business Park, Bedford, MK44 3WH
<b>Proposal</b>	<b>Residential development (12)</b>
<b>Location</b>	<b>R/o 30-38, Spalding Road, Deeping St. James</b>

<b>Site Details</b>	
<b>Parish(es)</b>	
	<b>Deeping St James</b> B Class Road Demolition of any building - BR1 Drainage - Welland and Nene

## REPORT

### The Site and its Surroundings

The site is located in Deeping St James with a road frontage along Broadgate Lane. The site is basically square with residential properties to the south, Millfield Road. The property immediately to the south, 67 Broadgate Lane is a bungalow. The site and the land immediately to the north is part of a long established farmyard. The application site itself represents the redundant and unused element of the farm yard. There is a related application on the adjacent land to the west (S05/1288/25) which is also on this agenda.

### Site History

Of relevance to this current proposal the only previous planning application that needs to be taken into consideration is:

S05/0760 – 60 dwellings. Not determined, withdrawn at the request of the applicant.

### The Proposal

Full planning permission is sought for the erection of 12 market dwellings. A single point of access is proposed off Broadgate Lane to serve the entire development. The development comprises of 12 dwellings with a mixture of detached, semi detached and terraced properties. In height terms the development is a mixture of 2 and 2 ½ storeys which is consistent with similar contemporary developments.

### Policy Considerations

#### National Planning Policy

**PPS1 – Delivering Sustainable Development.** PPS1 sets out the governments broad aims and objectives on planning policy. The key thread of this policy is the principle of sustainable development, the prudent use of natural resources and social cohesion and inclusion. There are numerous definitions of sustainable development but the basic principles involve the re-use of previously developed sites, well related to the existing settlement and easily served by a range of transport choices for future occupants.

**PPG3 – Housing.** PPG3 specifically outlines the governments objectives in relation to the provision of housing. Whilst pre-dating PPS1, PPG3 also confirms the primacy of delivering sustainable developments. This guidance provides information that is of particular relevance to this proposal on the following matters (relevant paragraph numbers provided):

5. avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes (para 11)
6. The Governments commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22)
7. Undertaking of a sequential approach to site selection (para 30 and 31)
8. Designing for quality (para 54-56)
9. Making best use of land, i.e. avoiding developments below 30 to the hectare (para 57-58)
10. Defining previously developed land (annex c)

**PPG13 – Transport.** As with PPS1 and PPG3 the main thrust of this guidance relates to the promotion of developments that are in well served sustainable locations.

#### Development Plan

**Regional Spatial Strategy for the East Midlands – RSS8.** The regional spatial strategy sets the overall housing requirement for the County.

Lincolnshire Structure Plan 1981 and Alteration No. 1. Whilst still forming part of the development plan it is considered that these documents are of little significance to the consideration of this proposal. There is now a replacement Structure Plan, that is close to formal adoption, that should be ascribed significantly more weight as it is reflective of the RSS and national planning policy.

**South Kesteven Local Plan 1995. Policy H6 –** This is a permissive policy that allows for developments in settlements such as Deeping St James that are not specifically identified on the proposals map. Whilst specifically allowing for small groups of dwellings (defined as up to 10) the supporting text does allow for greater numbers where the five criterion are satisfied. Those criterion being:

- vi) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment;
- vii) The availability of utility services
- viii) The provision of satisfactory access;
- ix) The need to protect open spaces defined on the proposals map as serving an important visual or amenity function; and

- x) The need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

**Policy EN1** – The protection and enhancement of the environment. This is a general consideration policy that aims at ensuring that new developments do not have an adverse impact upon their environs.

#### Other Relevant Policy

Revised deposit draft Lincolnshire Structure Plan 2005. This plan has now been through the Examination in Public and is close to formal adoption. Once adopted it will form part of the formal development plan but due to the advanced stage it is currently at it can be given significant weight. As with all contemporary planning documents the promotion of sustainable development is the central plank of the revised Structure Plan. The Structure Plan translates the regional strategic housing requirement into district allocations. As Members will be aware South Kesteven's allocation has been cut to approximately 9200, a figure which has largely been accommodated in commitments and urban capacity sites. The revised Structure Plan identifies the settlement hierarchy for the County and classifies The Deepings as a small town.

Additionally the revised Structure Plan adopts a lower than national threshold for the delivery of previously developed sites at 35% of all new dwellings.

Urban Capacity Study. The larger site was originally included within the Urban Capacity Study but later discounted as not being a complete previously developed site.

#### Statutory Consultations

Local Highway Authority: Requests 4 conditions – see below.

Parish Council:

“Objection as 12 four bedroom houses is over intensification and car parking provision is inadequate for residents with no provision for visitors.”

Environment Agency: No objections

Welland and Deeping IDB: Object to proposal as development contravenes 9 metre byelaw.

LCC Education Authority – Summary of comments: The development would result in a direct impact on local schools. The PPR indicates that 3 primary and 3 secondary places be required in the locality as a direct consequence of this development. As primary school places exist there is a capital contribution of £36,773 to mitigate the secondary school impact.

Primary Care Trust: No comments received.

#### Representations as a result of publicity

At the time of drafting this report the following representations had been received from interested parties.

The following planning issues were raised:

- a) The Deepings is identified in Lincolnshire Structure Plan as a small town with the lowest priority for development in terms of urban areas.
- b) The Deepings strategic housing requirement is already exceeded, this development will add to potential over-supply.
- c) Lincs Structure Plan applies a target of 35% of new dwellings on previously developed land.
- d) The Deepings should only be considered for additional employment based activities
- e) Site is not identified in Local Plan and is greenfield.
- f) Brownfield sites should be developed in advance of this site.
- g) Contrary to Policy H1 of Lincs Structure Plan – leading to an over supply of dwellings.
- h) The proposals will exacerbate the current problems associated with a lack of facilities.
- i) Proposals will make the settlement less sustainable by exacerbating the existing housing/employment imbalance.
- j) Prematurity – The LDF process has only just begun.
- k) A decision to support this proposal would appear inconsistent in relation to policy and open to challenge.
- l) Impact on existing services.
- m) Exacerbate existing traffic problems.
- n) Objections to communal parking courts on grounds of noise and disturbance and potential anti-social behaviour.
- o) Loss of trees.
- p) Loss of privacy.
- q) Design and number of dwellings is totally out of keeping with the character of the area.
- r) Height of buildings would lead to a loss of privacy.
- s) Request that trees on boundary be retained by way of condition or tree preservation order.
- t) Concerns over boundary treatment..
- u) Creation of a dominant and oppressive environment.
- v) Development will exacerbate existing sewage smell problem.
- w) Concerns over noise and disturbance during construction.
- x) Concerns expressed over future of existing bus stop.
- y) Lack of site survey.
- z) Piecemeal development – the actual site is larger and should be considered as a whole.
- aa) Development should not proceed until the urban capacity study has been concluded.
- bb) No design analysis provided in support of the proposal.
- cc) Development is far too close to 67 Broadgate Lane resulting in unacceptable overlooking.

### **Planning Gain requirements**

You will note that the Local Education Authority and the Primary Care Trust have both made requests for commuted sum payments in order to mitigate the impact of this development. This issue is commented upon in the following sections.

## **Applicants Submissions**

The following are the conclusions of the applicant's planning statement. The full document is available for inspection.

"There are a number of positive benefits derived from the grant of planning consent for a comprehensive development of the application sites.

- i) The sites are in a sustainable location within walking distance of local facilities including schools and with access to good levels of public transport;
- ii) They lie within the built up area of one of the defined urban centres in the district;
- iii) There is an emerging requirement to concentrate a higher proportion of housing development within the defined urban locations;
- iv) The sites substantially comprise previously developed land which is the first priority for development or redevelopment in the sequential approach identified in the emerging Structure Plan and in Government Guidance;
- v) The overall area includes four existing residential dwellings which will be retained;
- vi) The retention of the existing dwellings means that the target figure identified in the Council's draft Urban Capacity Study cannot be secured from the residual area comprising all or part of the former agricultural yard;
- vii) The residual area of land which is not identified as previously developed in the Urban Capacity Study is entirely surrounded by residential development and serves no functional planning purpose if retained undeveloped;
- viii) Retention of part of the overall site undeveloped at present will not reflect an efficient use of land as the residual area will be incapable of beneficial alternative use and will lead to piecemeal development;
- ix) Piecemeal development would provide a discordant and unsustainable approach towards design and infrastructure provision;
- x) The comprehensive development of the site can provide significant additional provision of affordable housing for which there is a need in the area and for which there is funding available through the Applicant RSL;
- xi) Comprehensive development of the site will provide on-site open space in accordance with existing plan policy and NPFA guidance which would otherwise not be secured in this location.

We therefore invite the grant of consent for the scheme as proposed."

## **Conclusions**

One of the key issues regarding this market housing scheme is whether or not the site in question is previously developed land as defined by PPG3. The statutory definition from PPG3 is as follows:

Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously-developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures.

The definition excludes land and buildings that are currently in use for agricultural or forestry purposes, and land in built-up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments - even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site - such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment. PPG3 annex c.

You will note that in the first line that the definition excludes agricultural or forestry buildings. However it you will also note that the first line of the second paragraph goes slightly further in stating that the definition excludes land and buildings that are currently in use [my emphasis] for agricultural or forestry purposes.

The applicant has stated in the submission that “the site comprises the southern half of the agricultural yard which is now redundant and therefore comprises previously developed land defined by PPG3”. The question is therefore whether or not the non operation of this part of the yard has resulted in the land being classified as ‘brownfield’. The guidance does not offer any commentary regarding how long an area farm yard needs to be redundant or whether any other tests need to be applied. Unfortunately there are conflicting appeal examples that do not provide any further clarity on this particular matter.

The site is not specifically allocated within the Local Plan for residential development. It is therefore necessary to consider this proposal against the more generic policies relating to housing, H6, and the protection of the environment, EN1. Whilst the number of dwellings proposed here is greater than envisaged by H6, the policy does not apply a ceiling on numbers. The determining criteria of this policy are not specifically offended by this development. Likewise the development does not conflict with the aims and objectives of policy EN1. In relation to these specific policies it can be said that the development is in accordance with the development plan.

With the above in mind Members also need to consider the proposal against contemporary planning policy. The Local Plan is over 10 years old and is not necessarily reflective of current planning policy. When weighing up the relative merits of each applicable policy the 2004 act emphasises that where conflict exists between plan policies, that difference must be resolved in favour of the policies most recently adopted, i.e. current policies need to be given more weight and take precedence. The Regional Spatial Strategy has set the housing figure for the county. Members will be fully aware that South Kesteven’s slice of that county figure was greatly reduced to a point where the housing requirement for the 3 southern towns has been effectively met when commitments and urban capacity sites are included.

Additionally it is stated in PPG3 that when considering development proposals a sequential approach to site selection should be made, bringing forward brownfield sites in advance of any greenfield sites.

It is therefore concluded that if this is a brownfield site then there is clear policy support for the proposal and is in line with contemporary planning policy. On the contrary, if the term ‘currently in use for agriculture’ refers to the planning definition of ‘use’ then the mere fact that the buildings are no longer used is not sufficient to define the land as being previously developed. It must inevitably be a matter of fact and degree in such cases and the extent to

which the physical buildings and hardstanding form a proportion of the overall site as well as the previous uses that have been carried out there. In this case the buildings and hardstandings form 100% of the site, do not extinguish the agricultural use of the remainder of the site to the north and do not involve the development of any land which is not occupied by buildings or hardstanding. It is therefore considered that a conclusion that this site is now previously developed could be reached.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
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 building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a \*specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

\*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

7. 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.
8. No dwellings (or other development as specified) shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing L14/001 dated 23 September 2005 has been completed.
9. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
10. Before the development hereby permitted commences on site a scheme shall be submitted to and approved in writing by the local planning authority to provide the equivalent of 3 additional secondary school places. The cost of such provision shall be calculated on the basis of the DfES cost multiplier and any appropriate local adjustment prevailing at the time and shall be paid in accordance with the written agreement.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
3. Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
5. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
6. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
7. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
8. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.

9. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
10. To ensure that adequate measures are in place to mitigate the potential impact of this development on the local secondary school.

\* \* \* \* \*