

## AGENDA ITEM 5

### Development Control Committee 14 November 2006

SU.1 S04/1455/56

Date Received: 22-Sep-2004

Applicant	<b>Holland House Nursing Homes</b> Holland House Residential Home, 35, Church Street, Market Deeping, Peterborough, PE6 8AN
Agent	Baxter & King Construction Squirrels Lodge, Hards Lane, Frogmire, Deeping St James, Peterborough, PE6 8RP
Proposal	<b>Erection of 14 sheltered housing units</b>
Location	<b>Holland House Residential Home, 35, Church Street, Market Deeping</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Market Deeping</b> Conservation Area 1000 sq.m. plus in Conservation Area A Class Road Radon Area - Protection required Curtileg Listed Building Area of special control for adverts C9 Area Conservation Policy Drainage - Welland and Nene

### REPORT

#### The Site and its Surroundings

The proposal relates to the erection of detached sheltered accommodation to the rear of the existing nursing home, Holland House. It would create 14 apartments in two detached blocks. Holland House is a grade II listed building within the Market Deeping Conservation Area.

It is located on the east side of Church Street and is adjoined by dwellings to the north and south. The residential cul-de-sac of Still Close borders the site to the east.

#### Site History

S01/0890 – Planning permission was granted for the erection of an extension to the residential care home to form an additional 24 units.

## The Proposal

The application is for full planning permission to form 14 units. The site would be accessed via the existing vehicular access adjacent to Holland House. The development would be in the form of two detached blocks of apartments. They would have an overall ridge height of approximately 7.1 metres. There would be no first floor windows to the rear elevations. The front elevation would contain dormer windows at first floor level built of the front wall.

## Policy Considerations

### South Kesteven Local Plan

Policy C9 – Buildings in Conservation Areas.

Policy EN1 – Protection and Enhancement of the Environment.

Policy E5 – Small Businesses.

## Statutory Consultations

Town Council:

Object – Access too congested. There are already parking issues on Church Street with regard to the Post Office/bus stop which is opposite.

The proposed development is too dense.

Welland and Deepings Internal Drainage Board:

No objections. Should any land or surface sewer pipes be uncovered during excavations the Board should be informed immediately.

Environment Agency: No comments.

Local Highway Authority:

I have serious concerns regarding the intensification of vehicular movements at this access and would therefore request the following:

1. Visibility splays for the site entrance are shown. Note these should be 2.4 metres by 90 metres.
2. The parking spaces at the site of Holland House are not acceptable.
3. Parking calculations for the Nursing Home and the proposed development shall be stated and shown on the plan.
4. Transport statement is required in respect of the reduced parking numbers.

Community Archaeologist: Requests Note to Applicant – ARC1.

Conservation Officer:

The southernmost of the two proposed housing blocks is now modelled in a more traditional form and scale and, subject to appropriate external materials and detailing should not over-intrude on the scene, not least due to the comparatively discreet siting.

I remain of the opinion that the proposed block to the north is generally ill-fitting and will have an uncomfortable overbearing impact on the setting to the listed buildings adjacent as the new block to the south. I would therefore advise that the northern block would be better deleted from the scheme.

English Heritage:

We do not wish to make any representations on this occasion. We recommend that this case should be determined in accordance with government advice, development plan policies and with the benefit of conservation advice locally.

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

The application was advertised in accordance with established procedures. Letters of objection have been received from interested parties.

A summary of the main concerns are listed below:

- a) Would add to existing traffic congestion on Church Street.
- b) Increase in traffic would impede emergency vehicles.
- c) Access is a narrow domestic style drive.
- d) Traffic calming would be appropriate on Church Street.
- e) The infrastructure, utilities, sewers, water supply etc have no spare capacity.
- f) A section 106 agreement could be used to secure the necessary improvements.
- g) South Kesteven policy is not to allow 'backland' development.
- h) Infrastructure cannot accommodate additional 14 residents.
- i) Available parking on Church Street is a major problem.
- j) The addition of the second storey would invade the privacy of my garden area (31-33 Church Street).
- k) Although the developers call it "sheltered housing" they are just another housing development on backland.

- l) The access will be through a relatively narrow entrance onto an ongoing traffic hazard area with the continuing and seemingly unstoppable parking violations caused by customers to the post office.
- m) Support for accommodation for the elderly but concern regarding increased traffic.
- n) The existing car parking spaces at Holland House is insufficient.

### **Applicants Submissions**

The following information was submitted by the applicant in support of the application:

Holland House is currently registered as a residential care home for 21, being 15 in the main house and 6 in the converted barn.

This arrangement is not completely satisfactory as the residents of the barn either have to cross the yard to the communal dining room or the staff have to carry food from the main kitchen over to the barn.

In 2003 a planning application to increase the number of beds from 21 to 45, with a separate unit built in the garden was approved (planning ref. S01/0890/56). This included a fully serviced unit with additional car parking.

This current proposal changes to the rear unit approved in 2002 from a 24 bed residential unit to a close care facility with 14 apartments for independent living.

The total facility will therefore give a 12 bed residential unit and 17 close care units.

We have revised the scheme to give 15 spaces being 12 parallel spaces and 3 tandem spaces similar to the previous approval.

### **Conclusions**

This application is an alternative scheme to that previously approved under planning permission S01/0890. The scheme would result in a reduction in the overall number of units provided, which in turn would result in a reduction in the vehicle/pedestrian movements to and from the site.

Whilst concern has been raised from the highway authority regarding the access, visibility splays and parking it is noted concerned that the proposal would result in additional highway safety/capacity implications over that considered by the 2002 application. As this current scheme would result in a reduction of units compared to the previous approval it is considered that the highway issues are reduced.

Whilst the proposed development would have a higher ridge line than the previously approved scheme, approximately an additional 1.5 metres higher (to facilitate the first floor accommodation) it is not considered that it would result in any significant overlooking/loss of privacy as the first floor windows are restricted to the front elevations only.

It is considered that the main issue for consideration is the impact of the proposed development on the adjacent listed building. It is considered that the southernmost block is acceptable and has no detrimental impact on the character or setting of the adjacent listed building.

The smaller northern block due to its increased ride height (over that previously approved) and its location would have an impact upon the adjacent listed building. However, it is not considered that the current proposal would be significantly detrimental to the adjacent listed building that could justify refusal of planning permission on these grounds. Particularly, when it is compared to extant planning permission.

The housing blocks have been modelled on a more traditional form and scale than the previously approved scheme which when coupled with the reduced number of units is considered to produce a satisfactory form of development.

In light of the above comments it is considered that the proposed development is considered acceptable.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in policies EN1, C5 and E5 of the South Kesteven Local Plan. The issues relating to highway safety/parking, impact on the character and setting of the adjacent listed building and residential amenity are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**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. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
3. No development shall take place until there has been submitted to and approved in writing by the district planning authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
4. Before the development is commenced, there shall be submitted to and approved by the district planning authority details of the means of surfacing of the unbuilt portions of the site.
5. No development shall take place until details of the proposed screen wall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed unless otherwise agreed in writing by the local planning authority.
7. This permission shall be read in conjunction with the submitted application and the amended plan ACH/01/BK 001A and 002A received by the local planning authority from the applicant's agent on 29 August 2006 unless otherwise agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 51 of the Planning & Compulsory Purchase Act 2004.
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. In the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To ensure a satisfactory form of development and in accordance with Policy EN1 of the South Kesteven Local Plan.
5. In the interests of visual amenity and impact on the adjacent listed building and wider Conservation Area and in accordance with Policies EN1 and C9 of the South Kesteven Local Plan.
6. To protect the amenities of adjacent occupiers in accordance with Policy EN1 of the South Kesteven Local Plan.
7. To define the permission.

**This application was deferred at the last Committee to enable members to undertake a site visit to investigate any potential overloading of adjacent properties.**

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Applicant	<b>Hegarty &amp; Co C/o Agent</b>
Agent	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
Proposal	<b>Partial demolition of store, ground floor extensions and internal alterations</b>
Location	<b>10, Ironmonger Street, Stamford</b>

<u>Site Details</u>	
<b>Parish(es)</b>	<b>Stamford</b> Conservation Area Unclassified road Demolition of any building - BR1 Radon Area - Protection required Listed Building (Grade II*) Area of special control for adverts C9 Area Conservation Policy S1 Town Centre Shopping Area S3 Primary Town Centre Shopping Area Airfield Zone - No consultation required Drainage - Welland and Nene

## REPORT

### The Site and its Surroundings

The Grade II\* listed property is located on the western side of Ironmonger Street and comprises a three storey element of one build with no. 9. In the yard at the rear is a three storey outbuilding in a poor state of repair, which has been enlarged at different times in the past. The original part was constructed in either the 17th or 18th century and the most recent, upper part in the 20th century.

The outbuilding is not exposed to view from the surrounding thoroughfares but can be seen from the backs of neighbouring properties.

### Site History

There have been two applicants in recent years. The first was in 2003 (LB.6123) and sought consent for the partial demolition and alteration of the outbuilding. This was refused for the following reason:

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again including costs and valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

A further application in 2004 (LB.6295) sought consent for removal of the upper two floors and restoration of the retained ground floor with a flat roof. This was refused for the following reason:

The proposal involves the demolition of the upper floors of a large, three storey, part stone/part brick and Collyweston slate roofed outbuilding to the rear of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again including costs and valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

### **The Proposal**

The proposal involves the substantial demolition of the outbuilding and retention of the ground floor with a new pitched roof over the small yard between the outbuilding and the frontage building, in order to provide additional accommodation for the opticians occupying part of the frontage building.

The proposal also involves blocking-up an existing window opening and reducing the size of a door opening in the rear wall of the frontage building.

### **Key Issues**

Impact on character and appearance of the listed building.

### **Policy Considerations**

#### **Central Government Planning Policy Guidance**

#### **PPG15 – Planning and the Historic Environment**

3.16 While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.

3.17 There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building

without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

3.18 Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 above).

3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;
- ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);
- iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring

substantial benefits for the community which have to be weighed against the arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered; the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.

### Lincolnshire Structure Plan

#### Policy BE3 – Conservation of the Historic Built Environment

Provision will be made to ensure that the character and appearance of the historic built environment is protected and/or enhanced. In particular:

- listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting.

### South Kesteven Local Plan

#### Policy C4:

Listed building consent will not normally be given for the partial demolition of any listed building or the removal of any object or structure affixed to it or within its curtilage where such action would detract from the intrinsic character or appearance of the building or result in the loss of important features or architectural or historic interest.

#### Policy C6:

Applications for alterations or extensions to a listed building will be considered having regard to the effect of the proposal on the character and appearance of the building, particularly in terms of scale, design and materials to be used.

#### Policy C7:

Proposals for the change of use, or re-use, of listed buildings will be considered having regard to:

1. The desirability of retaining the building in its original use or, where this cannot be achieved, in an appropriate beneficial use.
2. The effect of the proposal on the character of the building, its setting and the environment in general, and the amenities of the occupiers of other nearby properties; and
3. Other local plan policies.

### Statutory Consultations

#### Historic Buildings Advisor – comments on original submission:

I am in receipt of details to the above which proposal involves the substantial demolition of a large three storey part stone/part brick Collyweston slate roofed outbuilding located within the yard to the rear of the property. In my opinion, the building is a valuable structure of considerable antiquity which contributes positively to the character of the historic townscape in the vicinity by way of scale, form and materials (it is readily open to external views to the west of the site) and that it should be retained in its current form, albeit repaired and sensitively adapted to a viable use.

The proposal however is to reduce the building to single storey in height, erect a new roof structure over the remains, and extend the building and roof to cover the small open yard referred to and form a link with the main frontage building on the site.

I would advise that the proposed demolitions will not only cause substantial and significant removal of historic fabric and features but also severely compromise the character, appearance and identity of the building and thereby its contribution to the character of this part of the Conservation Area.

I would also draw attention to the following:-

1. English Heritage advises a suitable assessment of significance for the building to show age, date of construction, previous uses etc. to be prepared by a Buildings Archaeologist.

2. The Structural Engineers Report has in my opinion been prepared on the basis of justifying demolition rather than fully exploring the possibilities and detailing of repairs and refurbishment. I remain of the view based on experience of similarly dilapidated structures and a visual inspection of the building that repair is feasible physically and economically.

3. The ground floor area of the main adjacent frontage building is a reception area to the offices above and could, in my opinion, be readily adapted to also serve the rear building. This could open the key to a viable use. Alternative access from the west should I suggest be more vigorously explored as should alternative uses and perhaps even ownerships.

4. The building has been allowed to fall into neglect over a considerable period of time and the submitted arguments for substantial demolitions are, in my opinion, unjustified not least in respect of the issues referred to in the foregoing.

Comments following submission of a Building Archaeologists Assessment:-

I am in receipt of the Archaeological Building Assessment to the above and report that it is a valuable report of the history of the building and chronicles its development. The report confirms likely 17th century origin and various alterations at key periods in 18th, 19th and 20th centuries. The report also thereby confirms, in my opinion, that the building is of value historically as well as architecturally.

Although the second floor was clearly constructed in the early part of the 20th century that does not in my opinion, in its own right justify demolition particularly as:

- a) the roof is covered in valuable Collyweston slate, and
- b) the form and scale of the building relates well to the form and scale of buildings in the vicinity and it contributes positively to the character of the area.

I remain of the view (previous reports also refer) that the partial demolition of the building is unjustified and that it should be retained in its present form and sensitively restored.

English Heritage:

We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

Your authority needs to ensure that a suitable assessment of significance for this building is supplied before making a decision on this application. Sufficient information has not been supplied to show the age or date of construction of this building, particularly the stonework, or what use this building was originally constructed for, other than a statement that historically the building was a store. Considering that Stamford contains substantial medieval remnants, your authority should seek information to satisfy itself of the possible age, origins and significance of this building. We would advise that some research is therefore required in order to produce a satisfactory assessment of significance and that this is likely to require the skills of a Buildings Archaeologist. Such a process will ensure that any decision taken is done so on a fully informed basis.

Once the above research is undertaken, your authority needs to satisfy itself that the information supplied to justify substantial demolition of this building fully meets the criteria set out in paragraphs 3.16 to 3.19 of PPG15.

Stamford Civic Society:

The Society considers it unnecessary and undesirable to demolish the top two floors of the rear building and put a flat roof. Our view is that the building is repairable and it is always prudent to retain a structure against unknown future use. Once demolished it is costly and difficult to put it back.

Stamford Town Council:

The Committee feel that a clearer plan needs to be submitted before a decision can be made on this application.

However, they recommend a site visit by the Conservation Officer and that particular note is made of the structure inspection survey.

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

The application has been advertised in accordance with statutory requirements, the closing date for representations being 5 August 2005.

A letter of objection has been received from an interested party who owns a quarter share of the application property. Objections are as follows:

- a) Previous applications did not include creation of a pitched roof over what is a "typical Stamford yard/light void" in an attempt to secure additional office space.
- b) Previous applications proposed a flat roof. This has proved adequate for neighbouring shop extension and should perform equally well in current situation.
- c) Pigeon problem would not be solved by proposed development as existing air conditioning units will remain and more will be added for proposed accommodation.
- d) Air supply to gas boiler of neighbouring shop will be adversely affected by proposed extension.
- e) Proposals extend beyond what is necessary to make the three-storey building safe.

## **Planning Panel Comments**

To be determined by Committee.

## **Applicants Submissions**

The applicants agent has submitted the following Planning Statement in support of the proposal:

1. INTRODUCTION AND BACKGROUND
  - 1.1 This supporting planning statement has been prepared by John Martin & Associates on behalf of Hegarty & Co Solicitors, the applicant in respect of the enclosed planning and listed building consent application for alterations to a rear store associated with a Grade II\* listed building at 10 Ironmonger Street, Stamford, Lincs. The description of development in both cases is:

"Alterations to listed building including partial demolition of store, ground floor extensions and internal alterations"
  - 1.2 The applications are made following the refusal of listed building consent for two earlier proposals for works to the store at the site as set out in more detail in section 3 of the report. The latest refusal (dated 17 November 2004) is included as Appendix 1 to this statement.
  - 1.3 This Practice was commissioned to advise whether the latest refusal of listed building consent (ref. S04/LB/6295/69) should be subject of an appeal or a

revised application, and to progress matters as appropriate. Accordingly, the applications subject of this report have been made after the site has been assessed by a relevant consultant team in order to properly address the reasons for refusal. A significant amount of supporting material is associated with the applications, including that identified by the Council to have been lacking and set out in the previous refusal notice.

1.4 This demonstrates that the existing rear store building subject of these applications is in very poor condition, would be extremely costly to repair. Even if repaired it is unrealistic to expect an alternative use of the building to be forthcoming, given the nature of the building's position and juxtaposition with its surroundings. In this context the alterations proposed which include the demolition of the first and second floors of the rear store will be shown to be justified in terms of PPG15 advice and development plan policy. In addition, these works will ensure the continued use of the altered store, and by association the continued viable use of the main frontage listed building.

1.5 The planning application is supported by the following drawings and documents:

JMA-H128-01 – 1:1250 Site Location Plan;  
Drawing No. 3 – Plans, sections and elevations prepared by Wilson Heath Architects;  
Structural Engineers Report prepared by MK Design Associations;  
Planning Statement prepared by John Martin & Associates.

1.6 the listed building consent application is supported by the following drawings and documents:

JMA-H128-01 – 1:1250 Site Location Plan;  
Drawing No. 3 – Plans, sections and elevations prepared by Wilson Heath Architects;  
Structural Engineers Report prepared by MK Design Associations;  
Planning Statement prepared by John Martin & Associates.

## 2. SITE DESCRIPTION

(NOTE: Please refer to site plan included as APPENDIX 2 and photographs included in the MK Design Associates report).

2.1 No. 10 Ironmonger Street comprises a Grade II\* listed building located on the west side of a pedestrianised shopping street in Stamford. As set out in the listing description included at Appendix 3 to this report, the building is constructed of painted stucco and stone slates. The building is listed as part of a consecutive terraced group comprising Nos. 7-14 Ironmonger Street, the remainder of which are Grade II listed.

2.2 This part of Stamford is located within the Conservation Area which covers much of the central part of the town.

2.3 At ground floor level No. 10 accommodates a shop frontage, which is split between Scrivens opticians who occupy the majority of Hegarty & Co Solicitors whose offices are located in the upper floors of the building (see plate 1 of the MK Design Associates report).

2.4 to the rear of the attractive frontage building is a three storey building which has historically been used as a store associated with No. 10 Ironmonger Street. This is located to the immediate rear of the frontage building, and partly attached by a single storey, flat roofed link. It is constructed of stone and brick with a Collyweston tiled roof. The building is currently occupied by Scrivens opticians at ground floor level but unused on the upper floors. This rear building is not specifically mentioned in the listing description,

2.5 there is an external yard to the rear of Hegarty & Co Solicitors reception area which is enclosed by the rear store and the single storey link. Despite the applicants best endeavours this space has become infested by pigeons and is unattractive and unhygienic. The rear yard is not currently used due to this factor.

2.6 As set out in further detail in MK Design Associates' report, the building is in poor condition, the roof is not intact, is subject to movement and the walls are cracked.

2.7 The building extends right up to the common boundaries with adjacent properties, and there is no independent access to the building save through Hegarty & Co Solicitors entrance area. Whilst there is a network of passageways in this part of Stamford none of these connect with the rear of the building. Any rear access would be over private land, which whilst having been investigated has been denied by the respective owners (see correspondence included as Appendix 4).

### 3. PLANNING HISTORY

3.1 Two recent applications have been made for proposals relating to the rear outbuilding subject of this application (ref. S03/LB/6123/69 and S04/LB/6295/69). Both sought to demolish the upper floors of the rear building, and provide a flat roof over the existing ground floor accommodation and were refused planning permission.

3.2 The previous reason for refusal (associated with application S04/LB/6295/69) read as follows:

The proposal involves the demolition of the upper floors of a large, three storey, part stone/part brick and Collyweston slate roofed outbuilding to the rear of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again

including costs and valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

3.3 This reason for refusal and the policies referred to above have been considered carefully in preparing this revised application and are commented upon further in section 5 of this statement.

#### 4. PLANNING POLICY CONTEXT

4.1 Relevant planning policies are contained in both central government guidance as well as adopted development plan policies. This is examined below.

##### Government Guidance

4.2 Government guidance exists in PPG15: Planning and the Historic Environment which is relevant to this application. The guidance note sets out the need for environmental stewardship and the effective protection of all aspects of the historic environment. It notes that historic buildings are an irreplaceable record of the past, which also contributes to our understanding of the present, and adds to local distinctiveness of individual places and settlements (paragraph 1).

4.3 Paragraph 3.5 sets out the factors which are generally relevant to the consideration of listed building consent applications. This includes the importance of the building, the particular features of a building which justify its inclusion in the list, the building's setting and contribution to the local scene and the extent to which the proposed works would bring substantial benefits to the community.

4.4 Paragraph 3.8 recognises that the best way to ensure the upkeep of historic buildings is to keep them in active use, which usually means an economically viable use. The range of possible uses is an important consideration in any applications affecting a listed building.

4.5 Paragraphs 3.16-1.39 of PPG15 concern demolitions. It is recognised that in occasional circumstances demolition may be unavoidable, but listed building controls allow any such circumstances to be fully justified. Clear and convincing evidence is required to justify the total or substantial demolition of listed buildings, with Grade I or Grade II\* buildings being exceptional and requiring the strongest justification. Paragraph 3.17 sets out that consent for demolition should not be granted simply because redevelopment is more attractive to the developer than repair and re-use of a historic building, and includes tests for ensuring that a rigorous process has been undergone by the developer in seeking to find an alternative use for the building.

4.6 Paragraph 3.19 sets out a list of considerations which should apply to any proposal for total or substantial demolition. This includes the condition of the

building and its repair costs, the adequacy of efforts made to retain the building in use and the merits of the alternative proposals for the site.

#### Adopted Development Plan

4.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the development plan unless material considerations indicate otherwise. The development plan provisions, and national guidance relevant to these applications are set out below.

#### The Structure Plan

4.8 The Lincolnshire Structure Plan 2001, as proposed for adoption, set out some general policies for the County. In respect of the application proposals, policy 62 is of relevance which protects the character and appearance of the historic environment, stating that ... “listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting...”. The policy also protects conservation areas and their settings from damaging development.

4.9 The Deposit Draft Lincolnshire Structure Plan was published in April 2004 to cover the period 2001-2021. The key policy in respect of this matter is policy BE3 which formed the basis of the council’s previous reason for refusal. This in fact is identical to policy 62 of the Lincolnshire Structure Plan 2001 as detailed above. Whilst the Plan is only part way through its review process (with the EIP scheduled to commence in July 2005), given that wording is unchanged it can be given greater weight than might otherwise be the case.

#### The Local Plan

4.10 The adopted Local Plan comprises the South Kesteven Local Plan (adopted April 1995). This covered the Plan period 1990-2001. Whilst the review of this plan was commenced, it is understood that this has since been abandoned and therefore this is not commented upon for this reason.

4.11 Policies C3 and C9 of the adopted Local Plan are of relevance to this application, and were those against which the previous proposal was refused listed building consent.

4.12 Policy C3 states that listed building consent will not normally be given for the total demolition of listed buildings. It is supported by text at paragraph 7.13 which states that consent for total demolition will only be allowed in very exceptional circumstances where supported by evidence which details the condition of the building, the cost of repair, possible alternative uses, and market responses to the offered sale of the building.

4.13 Policy C9 concerns buildings in the Conservation Area, and gives protection against proposals which demolish or partially demolish any building which makes an “important contribution to the street scene, environmental quality or

character of the area.” Supporting text at paragraph 7.20 states that whilst buildings may not be of great architectural or historic value may be important to the wider context of adjacent buildings and open spaces. The loss will be resisted unless it can be shown that the replacement building will preserve or enhance the character or appearance of the area.

## 5. PLANNING ISSUES

5.1 There are considered to be several issues which are relevant to the consideration of the attached planning application and application for listed building consent. These are considered in turn below.

i) Justification for the partial demolition of the building

5.2 It is clear from the above planning policies that there is a strict presumption against the total or substantial loss of listed buildings, or buildings which contribute to the character and appearance of the Conservation Area in all but exceptional circumstances and where supported by an appropriate level of clear and convincing evidence. It will be demonstrated that in this case, such justification exists and forms part of the enclosed applications.

5.3 The building subject of these applications is located to the rear of the frontage property which makes a vital contribution to the street scene of Ironmonger Street. It is this frontage building which has been recognised in the listing descriptions as representing the reason for the buildings Grade II\* listed status. No mention is made of the building subject of these applications in the listing description, and it can therefore be reasonably considered of lesser importance than the main frontage building.

### Condition of the building, including renovation costs

5.4 As can be seen from MK Design Associates report, the rear building is currently in poor condition, and suffering from ‘very severe damage’ in terms of the roof, and ‘serious structural damage’ in terms of the upper masonry which would require at least part of the upper floors of the building to be rebuilt (see paragraphs 5.01 and 5.02). It is stated that the current condition of the building is a health and safety hazard and access to the courtyard area should be restricted to those with protective equipment.

5.5 At paragraph 5.05 of the report, it is stated that it is “not safe or practical to restore the building in its present form.” The paragraph continues to set out the extent of works which would be required to renovate the building, and concludes by stating “By the time this is done there will be very little of the original structure left.”

5.6 The author of the Structure Survey has also provided details of the nature of works which would need to be carried out to rectify the defects identified in his report and this has been costed by Vic Couzens Building Contractors. The result of this has shown that the costs of repair would be in the order of £110,854. The costs are included as Appendix 5 to this report.

5.7 Such a cost is considered to be prohibitive given the limited potential use of the building, as set out below. PPG15 recognises the need for historic buildings to be kept in viable uses.

#### Investigations to find alternative uses

5.8 No. 10 Ironmonger Street is currently well used by Scrivens Opticians at ground floor level, and Hegarty & Co Solicitors on the upper floors. The upper floors of the rear building are not currently in active use.

5.9 Currently access to the rear building is possible only through the reception area to Hegarty & Co Solicitors, which is in itself a convoluted and restricted route (see site survey) and across the rear yard area. Stairs then allow access to the upper floors of the building. Scrivens Opticians utilise the ground floor space associated with the building although the rear element of accommodation is currently in poor condition and suffering from leaks from the upper floors of the building. No access exists from the ground floor to the building to the floorspace above, although providing such access could be considered if demand existed for this purpose.

5.10 Investigations have been undertaken to ascertain whether either of the current occupiers have a need for more floorspace, either at the current time or as a potential part of any future expansion plans. The written position in respect of Hegarty & Co Solicitors, and Scrivens Opticians are included at Appendix 6 to this statement, and show that additional floorspace is not required.

5.11 Logically these are the only operators who could make active use of the upper floors of the building. An access for a third party user would need to be through the Hegarty & Co reception area. This would be totally impractical as all goods and deliveries would need to access through this space and be incompatible with the professional image that the company must present. The letter from Hegarty & Co solicitors included at Appendix 6 also indicates that third party access would not be feasible.

5.12 Independent external access to the building is not possible save over private land. Investigations have been carried out as to whether this would be permitted (see correspondence at Appendix 4 to this report) by the owners of No. 17 High Street and 11 Ironmonger Street who cumulatively own the only means of access from Broad Street and Silver Lane, and the High Street. Neither is prepared to allow access to the building over their land.

5.13 Notwithstanding this position, our clients have asked their commercial agents Barker Storey Matthews to advise on whether there is potential to let the rear building to any other third party. Their response is included as Appendix 7 to this statement, and shows that in their view this would not be possible. As such the property has not been offered to the market, as it would have been had the building been potentially commercially attractive in a renovated condition.

5.14 It is considered that the proposal as supported by the MK Design Associates report and appendices to this statement represents an exceptional case where the partial demolition of this listed rear store is justified by the supporting evidence. As such it complies with the guidance in PPG15 and the exceptions permitted under Local Plan Policy C3.

ii) Effect on the proposals on the Conservation Area

5.15 In addition to the listed building issues associated with this application, consideration must also be given to the contribution which the building makes to the Conservation Area. The subject building is not visible from public vantage points on Ironmonger Street, Broad Street or High Street. It is only visible when approaching off a rear passageway off Silver Lane. However this passageway is privately owned and the building is therefore considered to contribute little to the character of this part of the Conservation Area.

5.16 The replacement building proposed is considered to preserve the character and appearance of the conservation area. It will provide a traditional pitched roof building in place of the existing flat roofed ground floor link and rear courtyard and provide an improved ground floor retail unit for the tenants. The materials proposed are of high quality and would be in keeping with the site's conservation area location. On this basis it is considered that the Conservation Area will be respected by the proposals which are in line with advice in PPG15, and Deposit Draft Structure Plan policy BE3 and Local Plan Policy C9.

iii) Other material planning considerations

5.17 As mentioned above, the rear element of the ground floor accommodation occupied by Scrivens opticians is adversely affected by the poor condition of the upper floors of the building. Whilst repair works have been attempted, leaks continue to occur and a more permanent solution must be found to ensure that the retail units remains tenanted and attractive in the longer term.

5.18 The applicant is happy to discuss the design details of the replacement building proposed, as well as the internal alterations which are intended to better organise the ground floor space between the two users. It is expected that the Council would only wish to consider such matters after the matters of principle have been accepted.

## 6. CONCLUSIONS

6.1 This planning statement has set out the relevant considerations in respect of the enclosed applications for planning permission and listed building consent for alterations to 10 Ironmonger Street, including the partial demolition of the rear store and internal alterations. It is supported by relevant plans and a Structural Report prepared by MK Design Associates.

- 6.2 The statement has shown that sufficient justification exists in this case to support the demolition proposals, and provide an attractive replacement building. The current rear store is in poor condition, would require extensive and costly renovation works, when no end user is likely to be forthcoming given the limited access to the property.
- 6.3 Given the supporting material supplied the previous reason for refusal in respect of a similar historic proposal are considered to have been fully addressed and overcome. Clear and convincing evidence such as to meet the strict test of PPG15 and development plan policy is submitted and considered to represent an appropriate justification for the proposal.
- 6.4 On this basis it is hoped that the applications can be supported by South Kesteven District Council.

In addition, a Structural Engineers report has been submitted, the conclusions and recommendations of this are as follows:

- 5.01 It can be concluded that the property has suffered very severe damage which may be categorised as Category 5 in accordance with BRE Digest 251. This damage is confined to roof level where deformations up to 300mm at present on the longer roof slope where a lower eaves is present. A steel framework appears to have been installed to remedy the situation and although this frame will prevent overall collapse local collapse will occur as it is impossible to ensure a watertight covering with this kind of deformation. Water getting into the structure is resulting in deterioration of the timber floors below and finishes at ground floor level. The only safe alternative is to remove and replace the roof and in the Authors opinion this should have been done rather than the bad conservation work that has been carried out.
- 5.02 the upper masonry has serious structural damage which may be classified as Category 3 in accordance with BRE Digest 251. The cause of the cracking is not known but may be related at high levels due to ground movement as a result of defective rainwater pipes or drains. Repair is possible but not really practical due to access difficulties and the large crack widths involved. The front right hand corner at the very least would need to be rebuilt.
- 5.03 There is no headroom under the strengthening beams at roof level so reuse at this level is not possible. Also the floor support timbers are of grossly inadequate size by today's standards for domestic loading let alone office or storage loading. The ground floor is currently occupied by a different user with no access between. Regulations would prevent the upper floors being used anyway without the first floor being made a fire compartment.
- 5.04 the badly deteriorated external lintel and loose brickwork at high level and the defective handrailing are health and safety hazards and access to the courtyard area should be restricted to construction personnel with personal protective equipment. The French doors must not be used for access onto the flat roof area.

5.05 In the Authors opinion it is not safe or practical to restore the building in its present form. The roof must be removed and reconstructed with ties to prevent roof spread. The height of the walls would need to be reduced to the lowest eaves level except on the rear gable. This would effectively rule out use of the second floor as a habitable space. The masonry at first floor level would need to be partly demolished and reconstructed and the floor modified to act as a fire compartment. The windows and the timber lintels will all need to be replaced. By the time this is done there will be very little of the original structure left.

5.06 We would appointed after the original proposal was made to demolish the first and second floors but can immediately see that this is the most viable practical option given our findings. The reduction in weight on the foundations should help to stabilise any movement present.

5.07 The only other alternative would be to provide a new roof at second floor level and to modify the first floor to become a fire compartment. This would involve considerable disruption to the current tenant and would not resolve issues relating to sound transmission and vibration. In the Authors opinion it is not possible to make viable use of this space with the current tenant arrangement.

5.08 The rear elevation will continue to deteriorate as rainwater gets into the masonry at the step in wall thickness. If the building height were reduced below this level this problem would be resolved. It is virtually impossible to maintain the outside of the structure where the building overlooks other properties. Reducing the height of the building would also ease this problem.

An Archaeological Assessment has also been commissioned and the conclusions of this are as follows:

Assessment was undertaken on a building at the rear of 10 Ironmonger street, Stamford as the structure is of historic and architectural significance and proposals have been made for alteration to it.

The assessment has indicated that the examined building was a plain functional structure of probable 17th-18th century date behind a more elaborate street frontage.

Examination of the structure has shown that only three sides of the original building survive. Removal of the fourth, southern, side occurred in the very late 19th century when the building was extended in that direction. Later, in the 20th century, the height of the building was increased by the addition of a new storey constructed of brick. This was roofed with Collyweston slate that was probably salvaged and reused from the original roof. The floor to this new upper storey crossed a blocked window and this relationship suggests that the original first floor of the building was open all the way to the roof. Subsequently, in the late 1970's, a brick passageway was constructed against the east side of the original building and a new entry created.

All of the glazing is late 19th-20th century, though windows in the first floor of the building may be in original apertures. There is evidence that there were fireplaces on the ground and first floor of the building that on the first floor still contains a cast iron range of probable late 19th century date.

In summary therefore, although associated, and probably contemporary, with a significant and elaborate early 18th century building, the assessed structure was not intended to be seen from the highway or publicly accessible. Consequently, it was constructed as a plain and functional building and does not contain any structural or decorative features indicative of either use or original date. Moreover, the building has been much altered in the past so that less than three-quarters of the original structure survives. These alterations included the removal of one entire outer wall and the roof, the blocking of a window, expansion of an entry and construction of lateral and vertical extensions. It is possible that internal divisions were also removed at various times.

## **Conclusions**

Although the application building is located at the rear of properties fronting the surrounding streets and is, therefore, only exposed to view from predominantly private vantage points, and it has been the subject of much unsympathetic alteration in the past, it is nonetheless part of the historic fabric of the town. Moreover, as the Historic Buildings Advisor points out, the building has been neglected by the applicants for a considerable length of time and allowed to fall into its current condition.

Although the requisite detailed information on its structural condition and historical development (absent from the previous applications) has been provided with the current submission and this confirms that there are structural problems and, in part, it only dates from the early 20th century, your Advisor and Officers remain of the opinion that partial demolition, as proposed, is not justified and that it should, therefore, be restored to its current form.

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

1. The proposal involves the removal of the upper floors of a large three-storey part stone/part brick and Collyweston slate roofed outbuilding and an extension, to infill the rear yard, of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineers report, the proposed works of alteration would have a detrimental effect on the character and appearance of the application building, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and makes a positive contribution to the character of the area. The proposal would therefore be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C4, C6 and C7 of the South Kesteven Local Plan.

**This application was deferred from the last meeting for Members to undertake a site inspection.**

**At the 13 June meeting, following a site visit, Members resolved, against recommendations, to authorise the Acting Development Control Services Manager, after consultation with the Chairman and Vice-Chairman, to grant listed building consent for the works proposed under this application and to grant planning permission for the development proposed under the accompanying planning application, S05/0890/69.**

In accordance with statutory requirements the application was forwarded to the Government Office for the Secretary of State to consider whether the application should be referred to him.

The Government Office replied that English Heritage, the Government's statutory advisor on the historic environment, had requested a meeting on site with Chairman, Vice-Chairman and Planning Officers to inspect the building and discuss the Council's decision to grant consent. A meeting duly took place with English Heritage's Inspector and on the 17 October the Government Office forwarded his observations, which are as follows:

"Following the site visit on 21 September 2006 by English Heritage, their Inspector has stated that as the structure in question is a curtilage structure within the grounds of a building listed as Grade II\* special regard has to be paid to the desirability of preserving it and this requirement carries greater weight than other material considerations or non planning matters.

The minutes of the Development Control Committee record 'there is justification for the approval of the application as:-

1. The proposed works of alteration would not have a detrimental effect on the character and appearance of the building, in view of its location at the rear of the frontage properties and previous unsympathetic alterations; and
2. There has been a structural engineer's report submitted.

The inspectors observations on the above are as follows:

## **IMPORTANCE**

On the first ground, application of the test of having special regard to the desirability of preserving listed buildings or any features of special architectural or historic interest they possess requires the decision maker to assess the intrinsic importance of the structure, not just its relative importance in a 'location at the rear of the frontage.' Secondly, the previous unsympathetic may be relevant if they have had a severely detrimental impact on the importance of the structure. Whereas the later

alterations – particularly the rebuilding at high level in brick – are unfortunate they do not detract to such a degree that the building is no longer of interest.

## **CONDITION**

It is clear that there is pigeon infestation, water ingress, that the roof covering will need repair or replacement in the near future and that one lintel has decayed causing further problems to the wall plate and roof above. The report from the applicant's engineer however, gives no consideration to alternative repair proposals, and requires critical analysis particularly as your authority's own consultant has stated that in his opinion the report has been prepared on the basis of justifying demolition. To deal with this matter it is felt that it is important that report be sought from an acknowledged or accredited conservation engineer or building surveyor who will consider all the options.

It is considered that your authority should reconsider this application on the basis of these observations and I would be grateful for your comments as soon as possible."

The applications are, therefore, brought back to Committee for Members to reconsider the decision to grant consent.

\* \* \* \* \*

Applicant	<b>Hegarty &amp; Co C/o Agent</b>
Agent	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
Proposal	<b>Partial demolition of store, ground floor extensions and internal alterations</b>
Location	<b>10, Ironmonger Street, Stamford</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<p><b>Stamford</b></p> <p>Conservation Area</p> <p>Unclassified road</p> <p>Demolition of any building - BR1</p> <p>Radon Area - Protection required</p> <p>Listed Building (Grade II*)</p> <p>Area of special control for adverts</p> <p>C9 Area Conservation Policy</p> <p>S1 Town Centre Shopping Area</p> <p>S3 Primary Town Centre Shopping Area</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p>

## REPORT

### The Site and its Surroundings

The site and its surroundings have been described in the report to the application for listed building consent, LB.6435.

### Site History

The site history is as described in the report to LB.6435.

### The Proposal

The proposal is as described in the report to LB.6435.

### Key Issues

Impact on character and appearance of the Conservation Area.

Impact on character and appearance of listed building.

## **Policy Considerations**

### **Central Government Planning Policy Guidance**

#### **PPG15 – Planning and the Historic Environment**

3.16 While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.

3.17 There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

3.18 Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 above).

3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take

account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;

- ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);
- iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered; the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.

### Lincolnshire Structure Plan

#### Policy BE3 – Conservation of the Historic Built Environment

Provision will be made to ensure that the character and appearance of the historic built environment is protected and/or enhanced. In particular:

- listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting.

### South Kesteven Local Plan

#### Policy C6:

Applications for alterations or extensions to a listed building will be considered having regard to the effect of the proposal on the character and appearance of the building, particularly in terms of scale, design and materials to be used.

#### Policy C7:

Proposals for the change of use, or re-use, of listed buildings will be considered having regard to:

1. The desirability of retaining the building in its original use or, where this cannot be achieved, in an appropriate beneficial use.
2. The effect of the proposal on the character of the building, its setting and the environment in general, and the amenities of the occupiers of other nearby properties; and
3. Other local plan policies.

Policy C9:

In designated Conservation Areas applications for planning permission will be considered having regard to:

- i) The effect of the proposal on the character and appearance of the area;
- ii) The appropriateness of the proposal in terms of design and materials;
- iii) The impact of any new use on the area.

Policy EN1 – the visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced.

### **Statutory Consultations**

Historic Buildings Advisor – comments on original submission:

I am in receipt of details to the above which proposal involves the substantial demolition of a large three storey part stone/part brick Collyweston slate roofed outbuilding located within the yard to the rear of the property. In my opinion, the building is a valuable structure of considerable antiquity which contributes positively to the character of the historic townscape in the vicinity by way of scale, form and materials (it is readily open to external views to the west of the site) and that it should be retained in its current form, albeit repaired and sensitively adapted to a viable use.

The proposal however is to reduce the building to single storey in height, erect a new roof structure over the remains, and extend the building and roof to cover the small open yard referred to and form a link with the main frontage building on the site.

I would advise that the proposed demolitions will not only cause substantial and significant removal of historic fabric and features but also severely compromise the character, appearance and identity of the building and thereby its contribution to the character of this part of the Conservation Area.

I would also draw attention to the following:-

1. English Heritage advises a suitable assessment of significance for the building to show age, date of construction, previous uses etc. to be prepared by a Buildings Archaeologist.

2. The Structural Engineers Report has in my opinion been prepared on the basis of justifying demolition rather than fully exploring the possibilities and detailing of repairs and refurbishment. I remain of the view based on experience of similarly dilapidated structures and a visual inspection of the building that repair is feasible physically and economically.

3. The ground floor area of the main adjacent frontage building is a reception area to the offices above and could, in my opinion, be readily adapted to also serve the rear building. This could open the key to a viable use. Alternative access from the west should I suggest be more vigorously explored as should alternative uses and perhaps even ownerships.

4. The building has been allowed to fall into neglect over a considerable period of time and the submitted arguments for substantial demolitions are, in my opinion, unjustified not least in respect of the issues referred to in the foregoing.

Comments following submission of a Building Archaeologists Assessment:-

I am in receipt of the Archaeological Building Assessment to the above and report that it is a valuable report of the history of the building and chronicles its development. The report confirms likely 17th century origin and various alterations at key periods in 18th, 19th and 20th centuries. The report also thereby confirms, in my opinion, that the building is of value historically as well as architecturally.

Although the second floor was clearly constructed in the early part of the 20th century that does not in my opinion, in its own right justify demolition particularly as:

- a) the roof is covered in valuable Collyweston slate, and
- b) the form and scale of the building relates well to the form and scale of buildings in the vicinity and it contributes positively to the character of the area.

I remain of the view (previous reports also refer) that the partial demolition of the building is unjustified and that it should be retained in its present form and sensitively restored.

English Heritage:

We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

Your authority needs to ensure that a suitable assessment of significance for this building is supplied before making a decision on this application. Sufficient

information has not been supplied to show the age or date of construction of this building, particularly the stonework, or what use this building was originally constructed for, other than a statement that historically the building was a store. Considering that Stamford contains substantial medieval remnants, your authority should seek information to satisfy itself of the possible age, origins and significance of this building. We would advise that some research is therefore required in order to produce a satisfactory assessment of significance and that this is likely to require the skills of a Buildings Archaeologist. Such a process will ensure that any decision taken is done so on a fully informed basis.

Once the above research is undertaken, your authority needs to satisfy itself that the information supplied to justify substantial demolition of this building fully meets the criteria set out in paragraphs 3.16 to 3.19 of PPG15.

Stamford Civic Society:

The Society considers it unnecessary and undesirable to demolish the top two floors of the rear building and put a flat roof. Our view is that the building is repairable and it is always prudent to retain a structure against unknown future use. Once demolished it is costly and difficult to put it back.

Stamford Town Council:

The Committee feel that a clearer plan needs to be submitted before a decision can be made on this application.

However, they recommend a site visit by the Conservation Officer and that particular note is made of the structure inspection survey.

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

The application has been advertised in accordance with statutory requirements, the closing date for representations being 5 August 2005. The representation received has been included in the report to LB.6435.

### **Planning Panel Comments**

To be determined by Committee.

### **Applicants Submissions**

The applicants submissions have been included in the report to LB.6435.

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

1. The proposal involves removal of the upper floors of a large three-storey part stone/park brick and Collyweston slate roofed outbuilding and an extension, to infill the rear yard, of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineer's report, the proposed works of alteration would not only have a detrimental effect on the character and appearance of the application building itself, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and, therefore, make a positive contribution to the character of the area but would also constitute the unnecessary incremental erosion of historic fabric from the Conservation Area.

The proposal would, therefore, be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C6, C7, C9 and EN1 of the South Kesteven Local Plan.

**This application was deferred from the last meeting for Members to undertake a site inspection.**

**This application has been referred back to Committee for the reasons stated in the report to S05/LB/6435.**

\* \* \* \* \*

Applicant	<b>E Bowman &amp; Sons</b> C/o Agent
Agent	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
Proposal	<b>Residential development (outline)</b>
Location	<b>Land And Premises Of E Bowman &amp; Sons, Cherryholt Road, Stamford</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<p><b>Stamford</b></p> <p>Unclassified road</p> <p>Radon Area - Protection required</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p> <p>EA: Flood Risk Zone 2/3 (new bld only)</p>

## **REPORT**

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

The 0.74ha application site is currently a stonemasons premises on the eastern side of Cherry Holt Road, a 6.5m wide, unclassified road running south off Priory Road.

It is an area of mixed uses, with some residential commercial/industrial premises and an electricity substation on the opposite (west) side of the road. There are further commercial premises at the southern end of the road, adjacent to the river. To the south and east is pasture land. To the north, on higher ground, are residential properties, one fronting Cherry Holt road and the remainder on Priory Road.

High voltage power lines run close to the southern edge of the site.

There is a gentle fall across the site, from north to south, of approximately 6m. The southernmost 40m of the site lies within the floodplain of the river Welland.

The site at present comprises a mixture of single and two storey buildings constructed of a variety of materials, including brick, timber and concrete blockwork. The unbuilt portions of the site are used for vehicle parking/manoeuvring and storage purposes.

### **The Site History**

There is no relevant history of planning applications on the site.

### **The Proposal**

Outline planning permission is sought for the redevelopment of the site for residential purposes.

The application is accompanied by both a Transport and a Flood Risk Assessment.

Although not forming part of the application, an indicative layout has been submitted showing how a total of 19 dwellings and 28 flats could be accommodated on the site, albeit in somewhat regimented fashion.

### **Policy Considerations**

#### Central Government

PPS1 – Delivering Sustainable Development.

PPG3 – Housing (2000)

PPS3 (Draft) – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPG25 – Development and Flood Risk

#### Lincolnshire Structure Plan (Deposit Draft)

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

#### South Kesteven Local Plan

Policy H6 – Housing on Unallocated Sites

Policy E11 – Safeguarding Industrial Sites

Policy EN1 – Protection and Enhancement of the Environment

Policy REC3 – Public Open Space and New Housing Development

Interim Housing Policy 2005

### **Statutory Consultations**

Local Highway Authority: Stage 1 Safety Audit for the junction of Cherryholt Road and Priory Road – submitted and under consideration – final comments awaited.

Environment Agency: Objection pending submission of an amended Flood Risk Assessment. Amended FRA to be submitted.

Head of Policy and Economic Regeneration:

"Thank you for consulting Planning Policy on the above application. I have considered the Supporting Planning Statement and would wish the following planning policy issues to be noted.

The interpretation of the 1995 South Kesteven Local Plan on pages 7 and 8 is erroneous. Although the plan period has expired, the policies still have materiality. National guidance on employment land has changed little to supersede the 1995 Plan; PPG4 was issued in 1992, and the only update to that guidance has been through an update to PPG3. This states that local authorities should, subject to criteria, favourably consider planning applications for housing on employment sites that are no longer needed for such use.

The Supporting Statement claims that Policy E9 of the Local Plan provides for the redevelopment of existing employment sites. However, this Policy only allows for the redevelopment or expansion of business or industrial uses on existing employment sites NOT change of use to Non-B Class uses. The relevant policy to consider in relation to this application is E11, which states that permission will not normally be granted for uses other than existing or allocated industrial, office or warehousing, unless the local planning authority is satisfied that:

1. There are ample suitable sites available in the locality;
2. The existing site use causes unacceptable traffic or environmental problems that would be significantly alleviated by a change of use;
3. There is no demand for the existing use.

The Supporting Statement does not address any of the above issues. It does not prove a lack of demand for employment use on the site, nor that there are suitable alternative employment sites in the locality. The applicant does refer to the fact that the current site is not fit for purpose and that they are seeking to relocate – providing this relocation is relatively local then local employment should not be affected. However, without the evidence of an assessment of demand for employment use on the site and availability of alternative employment land it is not possible to recommend this application for approval."

Housing Solutions:

Affordable housing requirement as follows:

31% affordable housing on site – 50% rented, 50% shared ownership.

The affordable housing to be provided by one of SKDC's preferred RSL partners.

Leisure and Cultural Services: Comments awaited.

Community Archaeologist: If permitted, requests standard condition W8.

Town Council:

No objections in principle. We note that this is a C9 designated area and believe that a high quality development is called for. We also see this development being the subject of a sensible 106 Agreement.

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

The application has been advertised in accordance with the Statement of Community Involvement. Representations have been received from interested parties.

The issues raised are as follows:

- a) Current use of site does not generate any noise outside of workers arriving in morning and leaving in evening and nor weekends when not occupied. Residential use would significantly increase noise levels. (3)
- b) Proposed use would generate significantly more traffic than current use. (2)
- c) Increase in traffic will increase likelihood of accidents at Priory Road junction. (3)
- d) Alternative routes, Adelaide Street and Brownlow Street, are too narrow to accommodate increased traffic. (3)
- e) Existing on-street parking problems on Cherryholt Road will be exacerbated. (2)
- f) Loss of privacy and overshadowing of Priory Road and Cherryholt Road residential properties. (2)
- g) Traffic Assessment flawed. It is based development of 28 units when proposal is for 47. (1)
- h) On street parking already makes it difficult for delivery vehicles to access premises in the vicinity. (1)

### **Comment**

Most representations make comments on the indicative layout but, as stated above, this does not form part of the application.

### **Planning Panel Comments**

To be determined by the Development Control Committee.

### **Applicants Submissions**

The applicant's agent has submitted the following supporting statement:

#### **1. INTRODUCTION AND BACKGROUND**

1.1 This Planning Statement has been prepared by John Martin & Associates to support the planning application submitted on behalf of E Bowman & Sons Ltd to redevelop the site on which their existing business premises are located at Cherryholt Road, Stamford for residential purposes.

1.2 The application is made in outline with all matters reserved for later consideration and has been prepared following a pre-application meeting with the planning officer at South Kesteven District Council on 16 January 2006.

1.3 The application site extends to approximately 0.7 hectares as shown on the plan included as Appendix 1. The site is presently occupied by a number of buildings used variously for office and workshop purposes associated with the business activities of the applicant. In addition there are a number of hard standing areas within the site which are used for storage of materials and a small car park area is situated adjacent to the northern site boundary. Photographs of the site and the existing building are included in Appendix 2.

1.4 All the buildings on the site are of a considerable age inhibiting modern working practices which together with the access problems referred to in 2.10 is restricting economic operations on the site. The company therefore intends to relocate rather than redevelop commercially on the site in view of adjacent residential development and to this end is in negotiation to secure alternative premises.

1.5 The application proposes the demolition of the existing buildings on the site and redevelopment for residential purposes. In this regard an illustrative layout (drawing No. H6454/SK1) is included in support of the application as Appendix 3. This shows how the site might be developed having due regard to the site location and constraints, existing built form of the area and surrounding environment.

## 2. PROPOSAL SITE AND SURROUNDINGS

2.1 The application site is located to the east of Cherryholt Road approximately 500m to the east of Stamford town centre. It is rectangular in shape with boundaries formed by existing residential development to the north, agricultural land to the east and south and Cherryholt Road to the west.

2.2 The existing buildings on the site extend to approximately 2650sq.m. and are made up of offices, workshops, saw mill buildings, secure storage and open sheds and range in their age, style and construction.

2.3 The most northerly building on the site consists of a two storey office which fronts onto Cherryholt Road with a single storey rear building used as a joinery shop. The other buildings within the site range in eaves and ridge heights and are used primarily as workshops and secure storage, with the main area of open storage located at the southern end of the site.

2.4 There are various site buildings located to the back edge of the pavement along the majority of the site frontage to Cherryholt Road, with two existing site entrance points breaking the continuous built frontage.

2.5 There is existing development on the opposite side of Cherryholt Road from the site. This development is a mixture of bungalows on Cherryholt Road and two storey terraced houses fronting Adelaide Road to the northern half of the site with predominantly commercial/office buildings opposite the southern half of the site.

2.6 There is a gentle slope down across the site from north to south. The southern side boundary is formed by a wire mesh fence interspersed with bushes. Beyond this site boundary there is an overhead electricity cable which runs east from the sub-station located the south west of the site. In addition a public footpath is located a short distance further to the south which runs east – west and provides the opportunity for views of the site from the south and east.

2.7 There is part of the extreme southern site area which is identified on the Environment Agency Indicative Flood Maps as subject of flood plain areas. As such the applicant has commissioned the preparation of a Flood Risk Assessment, which has been prepared by Geof Beel Consultancy and is submitted separately in support of the application.

2.8 The site boundary to the east is similarly formed by a wire mesh fence interspersed with bushes along its south half with existing buildings forming the boundary along the remaining length. Beyond this boundary is agricultural land which is used for seasonal grazing.

2.9 The northern site boundary is formed by the rear gardens to the properties fronting onto Priory road. There is at present a car park for approximately 20 cars located in this northern part of the site with a separate access to Cherryholt Road situated immediately north of the office block to which reference is made previously.

2.10 There are known to be existing problems with on street parking along Cherryholt Road which have caused considerable problems to the applicants business. This is a major factor in the applicant seeking to relocate the business away from the site and proposing the residential development. A Transport Assessment has been completed for the site and submitted to the County Highway Authority for comment. A copy of the Transport Assessment prepared by Sanderson Associates is submitted separately in support of the application.

### 3. PLANNING HISTORY

3.1 None relevant to the site.

### 4. PLANNING POLICY CONTEXT

4.1 The proposal must be considered in terms of the advice set out in the following national planning policy guidance notes and statements and the policies of the approved Development Plan which comprises the Lincolnshire Structure Plan Deposit draft Proposed Modifications 2006 and the South Kesteven Local Plan 1995.

Government Policy Guidance

4.2 The following statements and guidance of relevance in considering the current proposal for the residential redevelopment of the site at Cherryholt Road, Stamford.

4.3 PPS1 Delivering Sustainable Development – this statement sets out the Government's objectives for the planning system and the key principles which should be applied to ensure decisions taken on a planning application contribute to the delivery of sustainable development. Paragraph 21 refers to the aim of maximising outputs and minimising resources used with reference to 'building housing at higher densities on previously developed land, rather than at lower densities on green field land'.

4.4 PPG3 Housing – the general thrust of this guidance is to achieve a more sustainable form of development. Integral to this is the aim of securing the best use of land in particular by the re-use of previously developed land and buildings in sustainable urban locations. The guidance includes advice as to the appropriate density of development by indicating a reasonable density of 30-50 dwellings per hectare.

4.5 Draft PPS3 – Housing – This document sets out the latest Government approach to planning for housing. It has been subject of consultation and when published in final form will replace PPG3. It indicates that when considering applications for housing in advance of the development plan document being reviewed, local planning authorities should give weight to the policies in the statement as material considerations. With regard to efficient use of land there is encouragement for local planning authorities 'to ensure the redevelopment of brownfield land'.

4.6 The draft PPS retains the definition of Brownfield land, also known as previously developed land as 'that which is or was occupied by a permanent structure and associated fixed surface infrastructure'.

4.7 PPG13 (Transport) – the guidance seeks to achieve sustainable development by directing development to locations which will reduce the amount of trips necessary to access services and facilities. Importantly this includes emphasis on directing development towards urban areas in the first instance.

#### Lincolnshire Structure Plan Deposit draft Proposed Modifications 2006

4.8 Policy S2: Location of Development – the policy proposes a 'sequential approach to the development of land' ... 'in order of priority'

a) suitable previously developed land and buildings within major settlements which are or will be well served by public transport and are accessible to local facilities'

4.9 Policy H2 – Housing on Previously Developed Land – the policy indicates that the District Councils should work to achieve a Lincolnshire target of 'at least 40%' of additional dwellings on previously developed land.

## The South Kesteven Local Plan 1995

4.10 The South Kesteven Local Plan was adopted in 1995 and extended over a plan period up to 2001. The Local Plan has now technically expired and the majority of policies are now not considered to be relevant given changes in Government policy.

4.11 Policy E9 could still be applied to the application site. This policy provides for the redevelopment of existing employment sites where there is unlikely to be 'unacceptable environmental or traffic and parking problems'.

### Interim Housing Policy

4.12 The District Council adopted in 2005 an Interim Housing Policy as a response to the over provision of housing land, primarily within the rural area against the Structure Plan requirement.

4.13 This Interim Housing Policy confirms that new housing development will not be permitted on Greenfield sites within the District. In the four towns of Grantham, Stamford, Bourne and the Deepings new housing development will only be permitted which involves

- a) A previously developed site (in accordance with the definition included in PPG3 Annex C).
- b) The interim policy does also state that in all cases planning permission will also be subject to relevant policies of the "saved" adopted South Kesteven Local Plan.

## 5. ILLUSTRATIVE LAYOUT

5.1 The illustrative layout submitted with the planning application has been prepared after due consideration of the existing characteristics of the site and its immediate surroundings. The scale of development proposed for the site is in the order of 62 dwellings per hectare and as such is considered to be in conformity with the proposed density levels put forward in both PPG3 and Draft PPS3.

5.2 The illustrative layout suggests a total of 47 units comprising a mix of 3 bed 2½/3 storey town houses, 2/3 bed 2 storey semi-detached houses and 1 and 2 bed flats.

5.3 The 2 storey flats have been arranged along the Cherryholt Road frontage with parking and amenity space behind to reflect the existing built frontage to the site. Two access points have been provided into the site which reflects the existing arrangement and will allow for greater permeability into and out of the site and for ease of servicing.

5.4 The houses have been arranged principally to take advantage of the views across the adjacent landscape. With reference to the conclusions and

recommendations of the Flood Risk Assessment the extent of possible flood plain area has been identified on the layout for diagrammatic purposes and as such there is no built development proposed further south.

5.5 With regard to parking provision this would be provided on site and it would be the intention that the flats and semi-detached houses would have 1 parking space per dwelling, whereas the town houses would have 1 parking space plus an integral garage per dwelling.

## 6. CONCLUSIONS

6.1 This supporting statement has considered the nature of the application site, its planning history, the prevailing planning policies and the key planning considerations.

6.2 Whilst made in outline the indicative layout submitted with the application indicates that residential development of the site shall be orientated in such a manner its development is of a scale and form appropriate to the character of the site and its surroundings.

6.3 The proposal is compliant with relevant PPS and PPG's in seeking to bring forward a previously developed site in a sustainable urban location, which will minimise the need to travel.

6.4 The reasons set out in this report and separate appendices together with the supporting Traffic Assessment and Flood Risk Assessment, it is hoped that the South Kesteven District Council can give the application their support.

## **Conclusions**

National planning policy guidance promotes the re-use of previously developed land within urban areas in preference to Greenfield sites. To this end local authorities are required to undertake urban capacity studies to assess the potential to recycle land and buildings in their area.

The application site was identified in the Urban Capacity Study and included in the 'Welland Quarter' opportunity area, together with land to the south and east. The suggested uses for this area are residential, retail, employment and leisure. The proposal to redevelop for residential purposes would accord with the aims for the area albeit in a piecemeal fashion rather than the envisaged comprehensive approach.

It is a 'brownfield' site and capable of being developed in a way which respects the scale and character of the surrounding area. Although this is an outline application with matters relating to siting, external appearance, access and landscaping reserved for subsequent approval, it is considered that residential development of the site will not have an adverse effect on the amenities of neighbouring residential properties. Issues relating to privacy and overshadowing will, therefore, be addressed at the Reserved Matters stage.

A Section 106 agreement will be required in respect of Affordable Housing and Public Open Space provision.

At the time of writing, there are outstanding highway and flood risk issues to be resolved and the further comments of the Head of Policy and Economic Regeneration are awaited on the additional information provided by the applicants agent to meet the requirements of Policy E11.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Draft - Housing), PPS23 (Planning and Pollution Control), Planning Policy Guidance Notes PPG3 (Housing 2000), PPG13 (Transport), PPG25 (Development and Flood Risk). Policies S1, S2 and H2 of the Lincolnshire Structure Plan Deposit Draft), Policies H6, H11, REC3 and EN1 of the south Kesteven Local Plan and the adopted Interim Housing Policy (June 2005). The issues relating to highway safety and flood risk are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**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 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 to which these matters relate shall be carried out until these matters have been approved:-
  - (i) detailed drawings of the estate layout to a scale of not less than 1/500 showing the siting of all buildings and means of access thereto from an existing or proposed highway and site contours at one metre intervals;
  - (ii) detailed drawings to a scale of not less than 1/100 showing the siting, design and external appearance of the buildings including particulars of the materials to be used for external walls and roofs;
  - (iii) a scheme of landscaping.
3. 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.
4. 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.

5. Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and.
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on site.

6. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

7. The site investigation trial pits or boreholes located in or through the contaminated land must be backfilled to a specification to be submitted to and agreed in writing by the local planning authority.

8. 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.

9. 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.
10. 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.
11. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floors levels at a minimum of 22.60mAOD) set out in the approved Flood Risk Assessment carried out by Geoff Beel Consultancy (June 2006), and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.
12. No structures, including dwellings and garages, shall be constructed within the area identified on the map accompanying the approved Flood Risk Assessment carried out by Geoff Beel Consultancy (June 2006) as within the predicted 1 in 100 year flood level, unless otherwise approved in writing by the local planning authority in consultation with the Environment Agency.

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 these details are necessary to enable the District Planning Authority to assess the standard of the proposed development and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. 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.
4. 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 C2 of the South Kesteven Local Plan.
5. To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health, and controlled waters and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. To prevent the direct contamination of groundwater and in accordance with Policy EN1 of the South Kesteven Local Plan.

8. To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with PPG13.
9. 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 PPG13.
10. 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 PPG13.
11. To reduce the risk of flooding and in accordance with PPG25.
12. To prevent the increased risk of flooding elsewhere as a result of development and in accordance with PPG25.

Note(s) to Applicant

1. The comments of the Environment Agency are enclosed for your attention.

**This application was deferred from the last meeting pending the final comments of the Environment Agency, the Highway Authority and the Head of Planning Policy and Economic Regeneration.**

Members also requested information on how the proposed development conforms to the Preferred Options for the Welland Quarter Opportunity Area.

The recent consultation document entitled Housing & Economic DPD Preferred Options states as follows on this area:

Within the Welland Quarter opportunity area at Stamford as shown on the map following page 23, planning permission will be granted for a comprehensive mixed-use redevelopment to include retail, leisure, housing and employment uses and together with enhanced public parking provision. Any scheme of redevelopment should:

- i. Make provision for the retention and enhancement of public car parking facilities within the area;
- ii. Incorporate a safe and attractive route for pedestrians and cyclists alongside the river between the bridge and the priory;
- iii. Incorporate appropriate measures to secure safe and convenient pedestrian and cycle link between the area and the main town centre shopping area; and
- iv. Maximise the advantages of the areas riverside setting and be of a high design quality.

Since the report was written for the last meeting the following comments have been received from the Amenities Manager:

I would suggest that the requirements of the local plan still be applied regarding the provision of Public Open Space.

In addition play provision still be made in accordance with the recommendations of the National Playing Fields Association 6 acre standard.

As the application is outline and detailed drawings are not available for comment, I would suggest the development would warrant a combined LAP/LEAP standard facility.

**This application was deferred from the 25 July meeting pending the receipt of further information addressing the concerns of the Head of Policy and Economic Regeneration on the loss of industrial land and the final comments of the Local Highway Authority.**

Further information has been submitted by the applicants agent and the Head of Policy and Economic Regeneration has now confirmed that he is satisfied that all of the criteria set out under Policy E11 of the Local Plan have been complied with and it has been demonstrated that the proposal will not, therefore, result in a shortage of industrial land.

The Highway Authority are now satisfied that the proposed development would not compromise highway safety and have requested four standard conditions and two notes to applicant be imposed on any grant of planning permission (see below).

As reported to the last meeting, the Environment Agency have withdrawn their objection subject to two conditions (see below).

A further letter of objection was received after the 25 July meeting from Mitchell & Hudson, who occupy premises nearby, raising the following issues:

1. Not an ideal situation to build houses.
2. Housing development would adversely affect parking/delivery vehicles etc.
3. SKDC must protect the interests of businesses in this industrial area.
4. Too much industrial land has been given over to housing.

**This application was deferred once again from the last meeting for Members to undertake a site visit.**

The following comments of the Team Leader of Planning Policy were reported verbally at the last meeting:

“I have considered the applicant’s second follow-up letter dated 31 August 2006 and can confirm that this revised and expanded information now satisfies the requirements of Policy E11 of the 1995 Local Plan for South Kesteven as far as is practicable.

The applicant has provided ample evidence that the current use on the site is no longer viable and that a change of use will help address traffic and environmental problems caused to neighbour residential areas to the current industrial use. The applicant rightly acknowledges that there is a lack of quality industrial land available

within Stamford but confirms that they are in discussions regarding the possibility of relocating within the town.

The Welland Quarter is identified in initial consultation documents for the LDF as a mixed-use area, therefore residential development on this site will not compromise the long-term policy aspirations for the Welland Quarter.

I therefore feel that the applicant has now provided all necessary evidence to support their application and have no objection to this application for residential development at Cherryholt Road, Stamford.”

\* \* \* \* \*

Applicant	<b>Anglia Regional Co-op Society</b> Park Road, PETERBOROUGH, PE1 2TA
Agent	John Cunliffe, Woods Hardwick Ltd 17, Goldington Road, BEDFORD, MK40 3NH
Proposal	<b>Demolition of existing factory unit and erection of 1 no foodstore, 4 non-food retail units with service yard and associated car parking</b>
Location	<b>Land off, South Road, Bourne</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Bourne</b> A Class Road Pipeline Melton Spinney/Pinchbeck - PL4 Demolition of any building - BR1 Drainage - Welland and Nene

## **REPORT**

### **Representations Received**

Bourne Town Council: The committee proposes that this application be refused on grounds of traffic impact.

Archaeological Consultant: In an area of archaeological importance. Requests attachment of a condition.

HSE – Contact pipeline operator.

Environment Agency – No objection. Advises that surface water run off should be attenuated taking into account possible contamination from previous and proposed uses. Requests attachment of a condition.

EMRA – Makes the following observations.

The Sequential Approach and Town Centres

Policies 2 and 3 include many criteria regarding site availability. It is also accepted that Policy 23 seeks to prevent further edge of town/out of town retail floorspace of a regional scale

This site is an edge of town location some 1500m distant from the town centre and on land that is currently in beneficial (employment) use. It is accepted that the site is close to areas currently being re-developed for some 2000 houses. In these terms, the site could be a useful district shopping centre serving new and existing housing areas.

Employment and Regeneration

There is no assessment of the jobs lost as a result of closure of the existing factory and no analysis of the jobs that may be created within the 5 new stores. There are no proposals to relocate the existing factory. The proposed redevelopment of the Manning Road site is said to be primarily for residential purposes and this scheme is not specifically linked to this application.

In these terms, the employment or regeneration benefits for Bourne as a town are difficult to quantify; no case is put forward for the scheme benefiting the town centre.

**There is no evidence that this is the case, in fact there is a recognized shortage of employment sites.**

That the existing use produces unacceptable traffic or environmental problems that would be alleviated by the change of use;

**There is no evidence that current use of the site produces such impacts, indeed the proposed uses might be expected to have greater impacts, particularly in terms of traffic movements.**

That there is no demand for the existing use

**This is a high profile site with good access which might be expected to attract significant interest as an employment site.**

#### Impact on Bourne Town Centre

It is acknowledged that the application would lead to a significant amount of retail spend in the locality, but it is not clear how much of this spend would be additional and how much would be diverted from Bourne Town Centre.

Therefore EMRA does not support this application and recommends refusal.

EMDA – make similar comments and also recommends refusal

Highways – No objections to amended plans and requests attachment of conditions.

Environment Agency – No objections. Raises concerns regarding possible contamination.

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

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 30 September 2006.

#### Original Road and Access Layout

13 letters and e-mails of objections have been received and these are summarised below:

1. Decrease in Highway Safety because of children having difficulty crossing the road.
2. Increased traffic impact and congestion.
3. Impact on shops in the town centre
4. Damage to mature trees.
5. Flood damage.
6. Air pollution and noise from standing traffic and early deliveries.

7. The use of an access road prepared prior to the application alongside an ancient waterway.
8. Vandalism, smells and litter.
9. The current use by Opico does not affect nor create additional noise and the site is well hidden by well developed trees. Furthermore the lawns surrounding Opico are pleasing and would be lost. The planting of new trees would not compensate for the loss of well established mature trees.
10. Plans for the development of the centre of Bourne have already been discussed and we feel this is the right way forward rather than create a site which is going to cause more problems.
11. Illuminated advertisements will be visible from our house and will be unacceptable.
12. Access should be gained from the A15 roundabout next to Elsea Park.
13. Parking may overflow into private streets.
14. Already a number of outlets of these types and would not benefit the community.
15. One large DIY store will kill at least  $\frac{1}{2}$  the existing DIY outlets in Bourne with more boarded up premises in the heart of a market town.
16. The proposed road layout and access is inadequate.
17. Illuminated advertising will cause a reduction in the amenity enjoyed at our home.
18. What will the current Rainbow Store on Manning Road be used for?
19. The site at Manning Road has space for expansion.
20. Car parks are an attraction for antisocial behaviour when the stores are shut.
21. The application fails to demonstrate adherence to the tenets of PPG6 in terms of sustainability and also regard to the sequential approach. It is outside the retail area of the adopted local plan.
22. Traffic noise from queuing vehicles will intrude on the peace in the cemetery.
23. It will be difficult to exit from our estate because of increased traffic congestion.
24. It is premature in the light of the awaited Local Development Framework and the SKDC Town Centre Action Plan.

#### Amended Road and Access layout

9 letters and e-mail received and all re-iterate the points above. They place great emphasis on the traffic congestion perceived to be created from the development and one letter helpfully includes a diagram of the access onto Cherry Holt Road

#### Officer Report

##### Reason for referral to Committee

The application has been referred to Committee because it is a major development that has a wider strategic importance for the district and is a departure.

##### The application site and its surroundings

The site, located at the junction of South Road and Cherry Holt Road, measuring approx. 2.2ha, comprises a large industrial building, hard surface parking and storage areas and a grass area. To the front is a landscaped area with grass and trees.

The site is within the urban area of Bourne but is approximately 1km from the town centre. To the south are two applications on this agenda for Bourne Community Health Centre. To the north and west are two housing estates. To the east is the Carr Dyke – a roman canal.

## **Site History**

### Relevant History

S03/0384 – Change of use from light industrial to Retail (B1 to A1). Undetermined.

S05/1078 – Demolition of factory and construction of food store, 4 non-food store retail units, A3 takeaway and ancillary works. Withdrawn.

## **The Proposal**

The proposal includes a 1,858sq m (gross internal area) food store, three non-food units of 929sq m (GIA) and a 2,322sq m (GIA) DIY unit. In addition there will be parking for 365 cars together with separate car and delivery access. Landscaping is proposed for the boundary and in internal islands.

Improvements will be made to the junctions at South Road and Cherry Holt Road (traffic signals with pedestrian facilities) and South Road and Tennyson Drive. The final amendments have resulted from negotiations with Lincolnshire County Council Highway Authority.

## **Policy Considerations**

### Central Government Guidance

#### **PPS1- Delivering Sustainable Development**

PPS1 sets out the overarching policies on the delivery of sustainable development through the planning system. It promotes the plan-led system and the certainty and predictability it aims to provide, and also seeks a balance between considering environmental issues, the need for economic development, and the aim of creating sustainable communities.

A key strand of current government planning policy that is embedded in PPS1 is the commitment to social cohesion and inclusion. The government is committed to reducing social inequalities through the planning system with the aim of meeting the diverse needs of all people in the community; i.e. creating equal opportunity for all.

It states at paragraph 16:

- *ensure that the impact of development on the social fabric of communities is considered and taken into account;*
- *seek to reduce social inequalities;*
- *address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;*

- *take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;*
- *deliver safe, healthy and attractive places to live; and,*
- *support the promotion of health and well being by making provision for physical activity.*

PPS1 also provides the government's position regarding supporting economic development. Paragraph 23 states that the government is committed to ensuring there is a strong, stable and productive economy and requires planning authorities to ensure that suitable locations are made available for, *inter alia*, healthcare development (sub paragraph iii) so that the local economy can prosper. It goes on further to suggest that sufficient infrastructure and services need to be provided to support new and existing economic development and housing.

Additionally, the PPS emphasises good design, reflecting the importance that the Government attaches to ensuring high quality design is delivered by the planning system. Good design is inseparable from good planning, in delivering safe, inclusive and successful communities.

## **PPS6 – Planning for Town Centres**

PPS6 provides guidance in relation to town centre development. The scope of the guidance has been extended from the now superseded PPG6 and covers a wider definition of town centre uses, including offices, cultural uses and community based facilities.

Of relevance, the guidance in PPS6 also provides assessment criteria in respect proposed developments, such as the application proposal. Paragraph 3.4 states that Local Planning Authorities should require applicants to demonstrate:-

- *The need for development;*
- *That the development is of an appropriate scale;*
- *That there are no more central sites for the development;*
- *That there are no unacceptable impacts on existing centres;*
- *That locations are accessible.*

The applicants have assessed the need for the shops in Bourne in a Retail Impact Assessment. In respect of scale, again the site of the proposal development is governed by the likely demand and it has been identified that the size of the buildings is appropriate to suit the needs of the Bourne region. The interdependency of the different aspects of this proposal means that the proposal needs to be considered as a whole and dis-aggregation is not a viable option.

Paragraph 3.19 of PPS6 states that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development proposed applicants should provide clear evidence as to why they are not practicable alternatives in terms of availability, suitability and viability. Also, the guidance aims to secure accessible development through, amongst other things, ensuring that development can facilitate multi-purpose journeys.

The applicant has demonstrated in the sequential assessment that there are no other available sites that are located in sequentially preferable locations in Bourne.

## **Regional Planning Guidance**

Following the enactment of the Planning & Compulsory Purchase Act 2004, Regional Planning Guidance (RPG) became part of the statutory development plan and has been renamed as a Regional Spatial Strategy (RSS). RPG8 therefore becomes RSS8 and this replaces the RPG8 published in January 2002.

A sequential approach to site selection underpins the RSS's locational policy (Paragraph 3.1.1). Indeed, Policy 2 refers to the need to apply sequential criteria to site selection in order to make the best use of land and to optimise the development of suitable previously used land and buildings in urban areas as well ensuring that the development is fundamentally sustainable. The policy outlines the following hierarchy for site location:

- *Suitable previously developed sites and buildings within urban areas that are or will be well served by public transport.*
- *Other suitable locations within urban areas not identified as land to be protected for amenity purposes.*
- *Suitable sites in locations adjoining urban areas, which are or will be well served by public transport, particularly where this involves the use of previously developed land.*
- *Suitable sites in locations outside of (that is not adjoining) urban areas which are or will be well served by public transport, particularly where this involves the use of previously developed land.*

## **Policy 3**

### **Sustainability Criteria**

In order to assess the suitability of land for development, in accordance with Policy 2 above, the nature of the development and its locational requirements will need to be taken into account along with all of the following criteria:

- the availability and location of previously developed land and vacant or under-used buildings;
- the accessibility of development sites by non-car modes and the potential to improve such accessibility to town centres, employment, shops and services;
- the capacity of existing infrastructure, including the highway network, public transport, utilities and social infrastructure (such as schools and hospitals) to absorb further development;

- physical constraints on the development of land, including, for example, the level of contamination, stability and flood risk;
- the impact that the development of sites will have on the region's natural resources, environmental and cultural assets and the health of local people;
- the likelihood that the site can be viably developed, taking into account the availability of resources (both public and private); and
- the suitability of sites for mixed use development and the contribution that development might make to strengthening local communities.

### **Policy 23** **Regional Priorities for Town Centres and Retail Development**

Local authorities, emda and Sub-Regional Strategic Partnerships should work together on a sub-area basis to promote the vitality and viability of existing town centres, including those in Market Towns. Where town centres are under performing, action should be taken to promote investment through design led initiatives and the development and implementation of town centre strategies.

Development Plans and future Local Development Frameworks, should include policies and proposals to:

- bring forward retail and leisure development opportunities within town centres to meet identified need;
- prevent the development of additional regional scale out-of-town retail and leisure floorspace; and
- monitor changes in retail floorspace on a regular basis.

### **Lincolnshire Structure Plan 2006**

The plan contains a number of generic policies that address the current sustainability agenda being promoted by the government. Policy S1 deals with the locational strategy and states:

#### **POLICY S1: LOCATION OF DEVELOPMENT**

**A SEQUENTIAL APPROACH TO THE DEVELOPMENT OF LAND SHOULD BE ADOPTED IN ACCORDANCE WITH THE FOLLOWING ORDER OF PRIORITY:**

**LAND AND BUILDINGS WITHIN URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**LAND AND BUILDINGS ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**AND LAND AND BUILDINGS NOT ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT**

**THE SUITABILITY OF PREVIOUSLY DEVELOPED LAND SHOULD BE ASSESSED AS FIRST PRIORITY BEFORE CONSIDERATION IS GIVEN TO GREENFIELD SITES.**

Lincolnshire's town centres have a key role to play in achieving sustainable economic growth and investment. The intention is to achieve sustainable patterns of development, promoting regeneration and concentrating housing, employment, retail and leisure uses close to the main centres of population and public transport. Encouraging new retail, leisure, arts, theatre, entertainment and mixed-use developments within existing town centres helps to keep them alive both day and night, contributes to urban regeneration and social inclusion and reduces the need to travel.

#### **POLICY E4: TOWN CENTRES DEVELOPMENT**

**TOWN CENTRES WILL CONTINUE TO BE THE MAIN FOCUS FOR THE DEVELOPMENT OF RETAIL, LEISURE, OFFICE, HIGHER DENSITY RESIDENTIAL DEVELOPMENT, MIXED USE DEVELOPMENT AND OTHER SERVICE FACILITIES IN ACCORDANCE WITH THE OVERALL SPATIAL STRATEGY AND THE HIERARCHY OF TOWN CENTRES IN TABLE 6.2.**

**WHERE THERE IS A NEED TO ALLOCATE LAND OR BUILDINGS FOR RETAIL, LEISURE OR OFFICE DEVELOPMENT LOCAL PLANNING AUTHORITIES WILL CONSIDER TOWN CENTRE SITES FOLLOWED BY EDGE OF CENTRE SITES IF THESE ARE NOT AVAILABLE. ONLY WHERE THERE ARE NO SUITABLE SITES IN THESE LOCATIONS WILL OUT OF CENTRE SITES BE CONSIDERED. OUTSIDE THE MAJOR SETTLEMENTS SITES FOR OFFICE DEVELOPMENT SHOULD BE LOCATED IN ACCORDANCE WITH POLICY S4.**

**LOCAL RETAIL SCHEMES WILL BE SUPPORTED IN BOTH URBAN RESIDENTIAL AREAS AND RURAL SETTLEMENTS OF A SCALE DIRECTLY TO THE ROLE AND FUNCTION OF THE CENTRE AND ITS CATCHMENT.**

The development site is within the urban area of Bourne and the ongoing developments adjacent to the site confirm the sites suitability in terms of accessibility. Additionally, the proposed development will in itself be a service provider that will serve both the growing population of the south west of Bourne and the wider population of the town.

#### **South Kesteven Local Plan (Adopted April 1995)**

S5: Large Retail Stores Outside Town Centres.

This is a permissive policy that allows out of town shopping development provided that it conforms to certain criteria. This policy has largely been superseded by PPS6, RSS8 and the adopted Structure Plan

Bourne Town Centre Redevelopment Supplementary Planning Guidance.

This sets out the Council's aspirations for the comprehensive redevelopment of Bourne Town Centre in relation to retail and residential development.

## **Key Issues**

**The principle of the development** – key issue of this application is whether it accords with the criteria contained in PPS 6 and thereby has an adverse impact on the viability and vitality of Bourne Town Centre. The report will concentrate on the Sequential Test and Quantitative Need. However whilst the applicant's conclusion are broadly agreed comment is required on the specific aspects.

**Impact on surroundings** – There are modern, two storey houses opposite the site to the North and west, established employment uses to the east and south and the medical proposals included in this agenda..

## **Applicants Submissions**

The applicant has submitted a lengthy supporting planning statement that is referred to earlier in this report. Additionally, a green travel plan has been provided indicating the measures that are proposed to ensure that the level of car borne journeys is minimised and measures a put in place to ensure that staff and visitors to the site have a range of transport choices.

The report has been summarised as follows:

- 1.1 The application proposes the redevelopment of the existing Opico premises on South Road, Bourne to provide a new mixed use retail development (comprising a Rainbow Co-op Food store and non-food retail uses), car parking provision and new access arrangements to the site.
- 1.2A Unilateral Undertaking for the Anglia Regional Co-op Society to cease trading from the existing Manning Road store accompanies the application. In addition a planning application for residential consent is to be submitted shortly for the Manning Road site.
- 1.3 The key considerations as far as retail assessment is concerned are,
  - a) need for the development;
  - b) that there are no more central sites for the development; and
  - c) that there are no unacceptable impacts on existing centres.
- 1.4 In respect of need the council have previously commissioned consultants to address this issue, the outcome of that review was that there was insufficient capacity to support the South Road proposals together with the town centre scheme and retaining the Co-op's Manning Road store. As a result the Co-op has agreed to the closure of its Manning Road Store. As a consequence the situation in respect of capacity can be summarised in the following table.

		With Manning Road	Without Manning Road
a. Capacity	Bulky Goods	£14.65	£14.65
	DIY	£5.41	£5.41
b. Turnover of proposed bulky goods floorspace at South Road	£5.57	£5.57	
c. Turnover of proposed DIY goods floorspace at South Road	£4.57	£4.57	
d. Turnover of bulky goods retailer to re-occupy existing Co-op store	£7.50		
e. Estimated bulky goods turnover of town centre redevelopment scheme	£8.57	£8.57	
f. Residual Expenditure*	-£6.15	£1.35	

1.5 As can be seen from the table, which is based on the council's consultants review, the closure of the Manning Road store will mean there is a further £1.35 million of expenditure to support additional town centre floorspace above that considered as part of the redevelopment scheme.

1.6 The only more central site identified to accommodate this capacity is the town centre scheme. The level of need is greater than can be accommodated in the town centre. After allowing for the town centre development there are no further more central sites to accommodate the identified need.

1.7 In respect of the earlier proposal, which retained the Manning Road store for bulky goods sales, the councils consultants did not disagree with the predicted levels of impact on Bourne Town Centre which suggested it was unlikely there would be an impact on Bourne town centre as a whole following the development proposals.

The conclusion of the supporting planning statement states:

10.1 The principal conclusions of this report can be summarised as follows:

- National and local planning policy recognises the case for out of centre retail development where the tests relating to need, impact and the sequential approach are satisfied.
- The application proposals have a number of significant benefits beyond retail needs for example the creation of sustainable mixed-use development.
- The application proposals would help to address leakage of expenditure on bulky goods to more distant retail facilities meeting both a quantitative and qualitative need within the study area.

- The application proposals would provide an effective choice of supermarkets to shoppers, introduce competition and reduce overtrading.
- There is a strong and growing general quantitative need for bulky comparison, convenience and DIY and gardening goods floorspace within the study area.
- The retail floorspace would not result in any detrimental impact to the vitality and viability of established shopping centres.
- There are no suitable, available or viable sequential sites even taking into account the need to be flexible in format and dis-aggregation of floorspace.

## **Conclusion**

### Employment and Regeneration

The East Midlands Regional Assembly commented on this issue specifically regarding the balance of job losses and creations. Whilst it is noted that Local Plan Policy E11 sets criteria to preserve jobs, the neighbouring site to the south was designated in the Local Plan for employment uses but to date limited employment uses have been proposed. Indeed the lack of market interest in employment uses has resulted in applications for housing and for medical facilities.

It is considered that this provides credible evidence that there remains a sufficient supply of land for employment uses in and around Bourne. A number of sites with planning permission have not been developed. Council owned property, in Graham Hill Close, is sought for non-employment uses.

### Qualitative Need

The applicant states that Bourne, Stamford, The Deepings and Grantham are accorded equal retail status in the Local Plan. This is not stated explicitly in that document, but is in any event out dated and the hierarchy stated in the Lincolnshire Structure Plan takes precedence. Here there are four categories, Regional Centre (Lincoln), Sub-Regional Centres (Grantham & Boston), Main District Centres (Sleaford, Spalding and Stamford amongst others) and Rural Service Centres (including Bourne and the Deepings).

PPS 6 states the following:

2.9 In promoting and enhancing existing centres, regional planning bodies and local planning authorities should consider the network of centres (ie. the pattern of provision of different centres) and their relationship in the hierarchy. At both regional and local level, authorities should plan carefully how best to distribute any identified growth to achieve the objectives of their spatial strategies. In defining their objectives, regional planning bodies and local planning authorities should consider whether there is a need to rebalance the network of centres to ensure that it is not overly dominated by the largest centres, that there is a more even distribution of town centre uses, and that people's everyday needs

are met at the local level. In considering the development of the network and hierarchy, regional planning bodies and local planning authorities should consider:

- \_ whether there is a need to avoid an over-concentration of growth in the higher level centres;
- \_ the need for investment and growth to strengthen other centres, especially those needing regeneration; and
- \_ the need to address deficiencies in the network by promoting centres to function at a higher level in the hierarchy or designating new centres.

2.10 Regional planning bodies and local planning authorities should recognise that networks and hierarchies are dynamic, and will change over time, but any significant change in role and function of centres, upward or downward, should come through the development plan process, rather than through planning applications. Changes to the status of existing centres or the identification of new centres which are of more than local importance should be addressed initially at the regional level through regional spatial strategies. Changes to the role and status of lower level centres, and the implications of changes in the status of higher level centres, should be brought forward through development plan documents. In all cases, consideration should be given to the relevant transport policies and strategies.

This hierarchy makes it plain that people are expected to travel to different centres to access different levels of retail opportunities. With Bourne in the lowest expressed level it should be assumed that Bourne should not be in competition with Grantham but may become a main district centre on par with Stamford, Spalding and Sleaford.

#### Sequential Approach

The applicant's examined in detail the following sites:

North Street / Burghley Street  
North Street / St Gilbert Street  
Manning Road  
South Street

The applicant's state that "In the interests of a robust approach, the search for sequential sites included all sites and premises allocated in development plans for retail or mixed use development. RPS also had regard to other sites that were considered as potentially offering the opportunity for retail development. The aim was to discover whether, even if the proposed floorspace were to be disaggregated or even when the most flexibility is applied to the format, whether any alternative sites would be suitable, available and viable within or on the edge of Bourne. PPS6 suggests a five year period as the time frame within which a site should be considered available."

Officers broadly concur with the sites examined and note that Wherry's site was not included in the search. This has been the subject of residential applications.

With regard to disaggregation PPS 6 states

"3.17 As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the

applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.

3.18 A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.

Officers conclude that the sequential analysis is acceptable and it has been demonstrated that the site is the most preferential site for all the proposed retail functions.

#### Quantitative Need

PPS6 confirms that quantitative need (or capacity) should be expressed in terms of "comparison" and "convenience" goods expenditure as appropriate. The application proposals include both elements i.e. a new DIY /gardening store and non-food units (comparison goods) and a new Rainbow supermarket (convenience goods).

The population figures in the Main Catchment Area for the years 2004, 2009 and 2011 are 19,232, 19,624, and 19,777 respectively, an increase of 392 over the required study period (2004-2009), within the Secondary Area, the population figures for the same years are 54,274, 56,162 and 56,912 respectively, an increase of 1,888 over the study period. For the catchment area as a whole the population increases between 2004 and 2009 is 2,280. These are based upon the 2001 Census.

It is considered that the growth in expenditure over the adopted study period that there would be an increase of £31.49M of available expenditure on comparison goods, £13.90M on bulky goods, £3.46M for DIY and gardening goods, £7.02M on electrical goods, £3.41M on furniture and carpets and £8.44M for convenience goods within the study area. This level of expenditure growth is significant and is clearly capable of supporting additional retail floorspace over the study period.

With an average turnover figure of £1,650 per m<sup>2</sup> for DIY and gardening floorspace the growth in DIY and gardening expenditure over the study period is potentially capable of supporting an additional 2,100m<sup>2</sup> net DIY and gardening floorspace. This growth will support approximately 158% of the proposed DIY floorspace (based on retail sales).

With an average turnover figure of £5,649 per sq m for electrical goods floorspace the growth in electrical goods expenditure over the study period is potentially capable of supporting some additional 1,243sq m net electrical floorspace. This growth will support approximately 192% of the proposed electrical floorspace if the larger unit is used for this purpose.

With an average turnover figure of £1,197 per sq m for furniture and floor coverings goods floorspace the growth in expenditure for these goods over the study period is potentially capable of supporting some additional 2,848sq m net, or approximately 441% of the proposed floorspace if one unit is used for furniture and floor coverings.

Assuming an average turnover figure of £2,509 per sq m for all bulky goods floorspace the growth in expenditure for these goods over the study period alone is potentially capable of supporting some additional 5,538sq m net. Or put another way this growth will support approximately 430% of the proposed bulky goods floorspace.

Assuming an average turnover figure of £9,159 per sq m for convenience goods floorspace (based on the average of the leading 11 grocery retailer's convenience turnover) the growth in expenditure for these goods over the study period alone is potentially capable of supporting some additional 921sq m net. Or put another way this growth will support approximately 82% of the proposed Rainbow store's floorspace. Assuming a turnover figure closer to that of Co-op the growth will support 151% of the Co-ops floorspace.

It is concluded that the quantitative need for the development has been proved not to have an adverse impact on the vitality and viability of both the existing and proposed development of Bourne Town Centre providing that the existing premises at Manning Road are closed. To that end, whilst an application has been submitted a S106 agreement should be signed to ensure the store is closed.

With regard to the comments of neighbours and Bourne Town Council, Lincolnshire Highways have negotiated amendments to mitigate the impact of traffic generated by this development. Conditions relating to the delivery times have been proposed to mitigate concerns regarding noise from delivery vehicles.

Your officers consider that the development is acceptable.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPS1, PP26 and RSS8, policies S1 and E4 of the Lincolnshire County Structure Plan, policy S5 of the South Kesteven Local Plan. There are no material considerations that indicate against the proposal though condition(s) have been attached.

**RECOMMENDATION:** That the decision be deferred to the Chairman and Vice-Chairman, subject to the satisfactory completion of a S106 Legal Agreement relating to the closure of the Manning Road Store and the Secretary of State not wishing to call in the application, 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 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.

3. 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.
4. 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.
5. The development is to be constructed to accord with the floor levels indicated on plan ref. 15561-110B.
6. The development is to be constructed from materials indicated on plan ref. 15561-112.
7. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.
8. Within seven days of the new access being brought into use, the existing access onto [ROAD NAME] shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.
9. The arrangements shown on the approved plan 15561-110B dated 29 August 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
10. 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.
11. No development shall be commenced (apart from those works identified on drawing number 15561-110RevB received 29 August 2006) before the works to improve the public highway (by means of signalised junction to south Road (A15) and Cherry Holt Road together with a Ghost Island right turn lane on Cherry Holt Road) have been certified complete by the Local Planning Authority.
12. Other than a maximum area of 1858 sq.m. of floorspace the premises will only be used for the sale of DIY and gardening goods, furniture, floor coverings, car accessories and electrical goods and, with the prior consent of the Local Planning

Authority, other retail trades dealing in bulky goods and requiring display areas of a size unavailable in an established centre.

13. The minimal unit size will be 750 sq.m. gross external.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. 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.
3. 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.
4. The application was submitted in outline and no such details have been submitted and in accordance with PPG25.
5. 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.
6. 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 C2 of the South Kesteven Local Plan.
7. 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 T3 of the South Kesteven Local Plan.
8. To enable calling vehicles to wait clear of the carriageway of Cherry Holt Road in the interests of safety, and in accordance with Policy T3 of the South Kesteven Local Plan.
9. 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 T3 of the South Kesteven Local Plan.
10. 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 T3 of the South Kesteven Local Plan.
11. To ensure that the vitality and viability of the Bourne Town Centre will not be affected in accordance with PPS6.
12. To ensure that the vitality and viability of the Bourne Town Centre will not be affected in accordance with PPS6.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.

\* \* \* \* \*

<b>Applicant</b>	<b>Anvils of Stamford</b> 2A, Radcliffe Road, Stamford, Lincs
<b>Agent</b>	Wythe Holland Partnership Wallis's Mill, Old Dry Lane, Brigstock, Northamptonshire, NN14 3ER
<b>Proposal</b>	<b>Erection of 11 townhouses</b>
<b>Location</b>	<b>2A, Radcliffe Road, Stamford</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<p><b>Stamford</b></p> <p>Unclassified road</p> <p>Demolition of any building - BR1</p> <p>Radon Area - Protection required</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p>

## REPORT

### Representations Received

Town Council : Recommend a site visit by SKDC Planning Department and confirmation from LCC Highways that access onto a public road is acceptable. If approved, recommend Section 106 Agreement be required.

Local Highway Authority: Requests 1 standard condition and note to applicant (See below)

Environment Agency: No objections. Requests 2 conditions (See below)

Community Archaeologist: Requests Note to Applicant ARC1

### Representations as a result of publicity

The application has been advertised in accordance statutory requirements as 'Major Development', the closing date for representations being 14<sup>th</sup> July 2006.

A total of ten representations have been received and the issues raised are as follows:

- a) Loss of light and overbearing impact to 'SAPS' building. (3)
- b) Proposed development out of scale with immediate surroundings. (1)
- c) Scale, layout, neighbourhood amenity. (2)
- d) No need for development of such high density. (2)
- e) Proposed development would make it difficult to access eastern side of 'SAPS' building for maintenance. (3)
- f) Proposed development would result in a significant increase in traffic using the junction of Radcliffe Road and North Street, compromising highway safety. (1)
- g) Proposed ridge height too high. (1)
- h) Roof length and elevation is not consistent with those of the properties in the immediate area. Split or staggered roofline would be more pleasing.(1)
- i) Loss of privacy to Constable Mews properties. (2)

- j) Windows on first and second floors should decrease in height. (1)
- k) Lack of provision of play area detrimental to family occupiers. (1)
- l) Impact on security of Properties fronting Cliff Road. (1)
- m) Increase in noise and disturbance on Cliff Road properties. (1)
- n) Lack of consideration to subsidence of surrounding land. (1)
- o) There have previously been issues with regard to foul drainage affecting the site and neighbouring Fontwell Gardens. The proposed development will only aggravate this. (1)

### **Applicants submissions**

“The detailed scheme is for 11 no. Town Houses accessed off Radcliffe Road. This site is on the edge of existing commercial units, but largely surrounded by residential development.

It has been established from the previously considered traffic statement that the proposed 11 no. dwellings do not constitute an increase in traffic movement and are therefore a satisfactory equivalent to the current Warehouse/Retail use.

The site access has been widened with the removal of the existing kerb side gate and fence to improve manoeuvrability. An entry gate has now been proposed, set back 10m from the back of pavement, to improve security. A pedestrian gate also allows access for refuse collection.

The access road is 5m wide, in excess of the minimum carriageway requirement of 4.1m set out in the Outline Permission. Adequate turning space is provided within the main courtyard.

The buildings are arranged around a central courtyard, as the Outline Application, with external parking for all units. The buildings are 3 storey with a traditional mansard roof to maintain the scale of the development in relation to surrounding properties. All properties have small courtyard gardens to the rear. The internal designs are adjusted where buildings are in closer proximity to existing dwellings.

The elevations drawn show the relative heights of proposed buildings. The critical relationship being to both the bungalow of No. 2 Fontwell Gardens and the 3 storey ‘Constable Mews’. We believe that, due to differences in ground level, the proposals do not have undue impact.

The north elevation against No. 2 Fontwell has a mansard hip to reduce the impact against what is the garage and entrance side of the bungalow. The only gable windows are to the new staircase.

The east elevation to ‘Constable Mews’ is a full storey height lower and with the retention of a 2m boundary fence at the higher garden level, will avoid any direct overlooking of the ground and first floors (Units 5, 6 and 7). Our second floor (mansard) to these closest units has only bathrooms with obscure glazing. Where the gardens to the ‘Police Houses’ open up in size, the issue of overlooking existing dwellings is lessened.

We believe that the proposed development addresses the points raised in the conditional Outline Approval represents efficient use of the available land and would represent a significant improvement in character of the surrounding area."

## **Officer Report**

### **Reason for referral to Committee**

The application has been referred to Committee at the request of the local member.

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

The 0.19 Ha. (0.48 acre) application site is located to the north and rear of residential properties fronting the eastern end of Radcliffe Road, close to its junction with North Street.

The site currently comprises a portal framed, profiled metal clad building which was erected in the early 1990's, after a fire destroyed the building which previously occupied the site.

Since 2001 the premises have been used for the storage and sale of furniture.

Access is off the eastern end of Radcliffe Road, which is a cul-de-sac serving, in addition to the application premises, a handful of residential properties and an estate of small business premises.

Adjoining the western site boundary is a pet supplies building and this has several windows in the wall facing onto what is currently the car parking and turning area for the current use but which would be the rear yards/gardens of one block of proposed houses. This has privacy implications for these properties and clarification as to how this might be addressed has been sought from the applicants. At the time of writing a reply is awaited.

### **Site History**

Outline planning permission was granted for redevelopment of the site for residential purposes in February this year (S.05/1505/69). The matters of siting and access were considered at outline stage. A letter accompanying the decision notice advised the applicant that, when a submission was made for approval of reserved matters, the units at the northern end of the site should be kept to a maximum of two storeys and that the balconies to the first floor sitting rooms should include side screens to restrict overlooking into neighbouring residential properties.

In 2001 planning permission was granted (S.01/1226/69) for the current use, a furniture warehouse with sales.

In 1990 planning permission was granted for the erection of the existing building (S.69/1221/12) following the destruction of the previous one by fire.

In 1988 permission was granted for the use of the premises for light industrial purposes (toy manufacturing).

## The Proposal

Approval of Reserved Matters is sought for the erection of 11 dwellings in the form of two blocks facing onto a communal parking area. The dwellings are 3 storey, with the second floor accommodation in the roofspace.

The eastern block comprises seven dwellings and the western block four dwellings. As originally submitted both blocks would have 'Mansard' type roofs to keep down the overall height, with the eastern block being hipped, so as to reduce the impact on the neighbouring property to the north, 2 Fontwell Gardens.

The houses have three double bedrooms and small rear gardens/yards, 4.7m depth for the eastern block and 5m for those to the western ones.

Materials are specified to be natural stone to the external walls and slate for the roof.

The existing building on the site has a ground floor area of approximately 1,200 sq.m. (12,665 sq.ft.). The proposed dwellings would have combined ground floor area of 645 sq.m. (5,490 sq.ft.).

Parking provision is non the basis of two spaces per dwelling.

## Amended proposals

Amended drawings have been submitted showing the design of the dwellings improved by the introduction of gables into the front and rear elevations of both blocks. The northern end of the western block has been reduced even more to lessen the impact on the neighbouring property to the north.

## Policy Considerations

### Central Government Guidance

PPG 3 – Housing (2000)

### Lincolnshire Structure Plan

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

### South Kesteven Local Plan

Policy H6- Housing on unallocated sites.

Policy EN1- Protection and enhancement of the environment.

### **Key issues**

Design.

Highway safety – The highway authority are satisfied with the revised scheme.

Impact on surroundings- Amenities of neighbouring properties.

### **Conclusion**

The principle of eleven dwellings arranged as proposed has been accepted at the Outline stage, the dwellings submitted for this application for Reserved Matters approval are of a greater floor area, resulting in reduced space for private amenity space.

The highway authority were satisfied at outline stage that the access and junction of Radcliffe Road and North Street could safely accommodate the traffic generated by the proposed development.

The site is significantly lower than the properties to the east, fronting Cliff Road and about a metre lower than no.2 Fontwell Gardens.

The proposed materials for the external walls and the roof covering are of a higher quality than has been used for other recent development in the vicinity.

### **Summary of Reason(s) for Approval**

The proposal is in accordance, policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to highway safety, privacy and overbearing presence are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**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. This consent relates to the application as amended by amended drawing nos. 1366/06 Rev B, 07 Rev B, 08 Rev B and 09 Rev B received on 17 October 2006.
3. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
4. The arrangements shown on the approved plan 1366/05 Rev B dated 9 June 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

5. Before the development is commenced, there shall be submitted to and approved by the District Planning Authority details of the means of surfacing of the unbuilt portions of the site.
6. The first floor windows in the north facing gables shall be obscure glazed.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the materials to be used for the external walls and roof coverings are appropriate to the context, in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with PPG13.
5. In the interests of visual amenity and in accordance with Policy H6 of the South Kesteven Local Plan.
6. To safeguard the privacy of the neighbouring residential properties to the north and in accordance with Policy H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.
3. 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.

\* \* \* \* \*

Applicant	<b>Mr &amp; Mrs D Mee</b> Hawthorne House, 35, Towngate West, Market Deeping, Peterborough, PE6 8DG
Agent	Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF
Proposal	<b>Erection of seven dwellings</b>
Location	<b>Hawthorne House, 35, Towngate West, Market Deeping</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Market Deeping</b> C Class Road Unclassified road Demolition of any building - BR1 Radon Area - Protection required Countryside M'ment Plan - MC2 H4 Housing - Market Deeping Airfield Zone - No consultation required Cottesmore/Wittering (refuse tips only) Drainage - Welland and Nene

## **REPORT**

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

The application site is located towards the north-western edge of Market Deeping. The site area is approximately 0.32 hectares (0.79 acres). The site is located on the southern side of Towngate West. The site is rectangular in shape and has a frontage of 30 metres and extends back approximately 100 metres. The site comprises a large two storey detached property, garage with office and the domestic garden.

The site is surrounded by a mix of single and two storey residential development. To the west of the site lies a large area of public open space, which is accessed off Tattershall Drive.

### **Site History**

No relevant planning history.

### **The Proposal**

This is an outline application for the erection of seven dwellings on the site with matters relating to design, external appearance and landscaping reserved for subsequent approval. As part of the development it is proposed to demolish the existing house and garage. Access and layout are to be determined in this application.

## **Policy Considerations**

### **National Policy**

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Guidance Note 3: Housing (PPG3)

### **Lincolnshire Structure Plan**

Policy S2: Location of Development

Policy H2: Housing on Previously Developed Land

### **South Kesteven Local Plan**

Policy H6: Housing Development

Policy EN1: Protection and Enhancement of the Environment

### **Supplementary Planning Guidance**

Lincolnshire Design Guide for Residential Areas

## **Statutory Consultations**

Local Highway Authority : No objections subject to conditions

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

Welland & Deepings Internal Drainage Board:

The applicant has stated that surface water will be taken to the public sewer. The Board have no services within the immediate vicinity, although Anglian Water may have. In line with current recommendations sustainable systems should be considered where possible. Should any land drains or surface sewer pipes be uncovered during excavations the Board should be informed immediately.

Arboriculturalist/Landscape Officer:

From the information supplied, the trees do not appear to be of sufficient merit to warrant inclusion in a Tree Preservation Order, and limit the development of the site, if approval is given. Any trees that are to remain, as part of any planning permission, should be adequately protected during the course of development.

Town Council:

The town council feel that the development is inappropriate for the area and would object to the loss of an important architectural structure if Hawthorne House is

demolished. They also object to the fact that the access of the site would be near to a busy junction and also to the loss of privacy to surrounding dwellings.

### **Representations as a Result of Publicity**

The application has been advertised in accordance with the Council's established procedures, and representations have been received from interested parties.

This issues raised can be summarised as follows:

- a) The development is backland development.
- b) The impact on a quite country road would be considerable.
- c) The existing property in an imposing modern property in lovely gardens and redevelopment of the site would be detrimental to the character and appearance of the area.
- d) Concerns with regard to what will happen to the boundary wall which runs along the eastern side of the site and who will maintain the wall if the development is approved.
- e) Concerns with regard to the proposed access road, which runs close to residential properties adjacent to the site.
- f) Concerns with regard to increase noise and disturbance.
- g) Concerns about loss of views across the site.
- h) Concerns about visual impact of the development.
- i) Concerns about loss of mature trees (in particular a mature yew tree).
- j) Concerns about maintenance of western boundary fence.
- k) Why is the existing house to be demolished.
- l) Concerns about the density levels of the development being too high.
- m) Concerns about loss of privacy and the impact of any two storey development of the site.
- n) Concerns that the development will dominate the area, which consists of mainly bungalows.
- o) Concerns at lack of information available.
- p) Concerns about loss of privacy and overlooking.

- q) Concerns about highway safety as a result of additional junction in area and general increase traffic.
- r) Impact on drainage in the area.
- s) The speed limit in the area should be reduced from 60mph to 30mph.
- t) Concerns about loss of light.
- u) Concerns about noise and disturbance during construction.
- v) Loss of property value.
- w) The development does not comply with the Local Plan.
- x) The proposed development does not maintain the established building line.

### **Planning Panel Comments**

The application was reported to the Planning Panel on 19 September 2006, at the meeting the Planning Panel required that the application be determined by the Development Control Committee.

### **Applicants Submissions**

The applicant's agent has submitted a planning statement in support of the application. The Development Appraisal section of the report is copied in full below:

#### 3. Development Appraisal

- 3.1 In setting out the case, it will be demonstrated that the development proposal accords with the relevant policies of the adopted and emerging Local Plan. In addition there are other material planning considerations which provide further support for the scheme, most notably central government guidance, in the form of PPG3.

#### Principle of Development

3.2 At present, the application site comprises of a single house and garden and as a consequence, the site is previously developed as defined in PPG3. As such the land is in the highest order of priority for being brought forward for housing.

3.3 It is considered that due to the site's location within the town and the fact that the land is previously developed by definition the principle of development is acceptable. The acceptability of the scheme proposed is dependant upon the general development control criteria as referred to in this Statement. The site is not located in an area identified as being at risk from flooding and consequently a Flood Risk Assessment will not be necessary (see accompanying EA extract).

## Detailed Design

3.4 As described in Section 1 of this Statement the area of Towngate West in the vicinity of the application site is predominantly suburban with a range of detached and semi-detached houses and bungalows. The site forms the backdrop to the large area of public open space located to the east.

3.5 It is considered that the development proposal is based upon the basic concept of the street scene by proposing a dwelling set forward of the existing house. This provides continuity in the streetscene whilst at the same time respecting the position of the adjacent bungalow to the east.

3.6 In general terms, it can be seen that the design has responded positively to the area and will help to create a high quality development that will create a sense of place. The scale is appropriate for the surroundings and offers a high degree of natural surveillance over the site and beyond. Overall, the proposed design has been carefully crafted and offers a solution which fits into its context.

3.7 Privacy will be maintained to the existing dwellings adjacent to the site through the careful siting of each unit primarily on the western side of the site. Additionally, this form of layout allows for a minimum distance of 12 metres between principle elevations and the common boundary with neighbouring properties. The orientation and disposition of the internal room arrangements will allow for passive surveillance of the communal private drive serving the development. The retention of much of the existing established landscaping along the eastern boundary will further help to integrate old with new.

3.8 The application is to be served off a private drive in accordance with the requirements of the Lincolnshire Design Guide for Residential Areas. It allows for a minimum of 2 car parking spaces per dwelling on-site.

3.9 Overall, it is considered that the proposal is compliant with development plan policy and consistent with the aims and objectives of current government planning policy. The scheme provides a modestly scaled proposal that is reflective of the character and appearance of the area whilst at the same time offering a contemporary solution to the site.

## Considerations

Planning Policy Guidance Note 3: Housing (PPG3) aims to promote more sustainable patterns of development and make better use of previously-developed land. Paragraph 22 of PPG3 states that the Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of Greenfield land being taken for development.

The application site can be considered to be a brownfield site as defined by PPG3, as such the site can be considered suitable for residential development.

Paragraph 57 of PPG3 states that:

“Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy housing, should be avoided.”

Paragraph 58 of PPG3 goes on to state:

“Local planning authorities should therefore:

avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);

encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and

seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.”

The application site is approximately 0.32 hectares and is occupied by a single dwelling. This means the site is currently developed at a density of approximately 3 dwellings to the hectare. This is clearly unsustainable and significantly below the governments suggested level of 30 dwellings to the hectare, which would result in approximately 9-10 dwellings on the site.

The application originally proposed 5 dwellings on the site at a density of approximately 16 dwellings to the hectare, this would still be well below the recommended density level. Following negotiations the application was revised and the number of dwellings proposed was increased to 7. This means that the proposed development would have a density of 22 dwellings per hectare. Whilst this is still below the recommended levels outlined in PPG3 other factors such as the relationship to existing residential properties mean that any further increase in the numbers of dwellings would potentially have a detrimental impact on the amenities of adjacent properties.

This is an outline application with matters relating to design, external appearance and landscaping reserved for subsequent approval. It is however considered that the erection of 7 dwellings on the site would not have a detrimental impact on the character and appearance of the area and would in fact represent an appropriate use of brownfield land which is currently underutilised. The application proposes a mix of detached and semi detached properties which would be in scale and character with adjacent developments.

Concerns have been raised about the loss of the existing house. Hawthorne House is a late 20th Century property and is of no historic or architectural value. The loss of the house will have no significant impact on the character and appearance of the area and will in fact enable the site to be developed at a higher density in accordance with the requirements of PPG3.

The site has been layout such that plot 1 fronts directly on to Towngate West with the remaining plots facing the access road. All the plots have rear garden depths of approximately 10 metres which provides adequate separation distance between adjacent properties. Plots 2 and 3 will be approximately 11 metres from the eastern boundary of the site and will not therefore overlook the rear garden of 33 Towngate West. Plots 4, 5 and 6 will be approximately 12 metres from the boundary with 4 Lincoln Close. Number 4 Lincoln Close does have windows to habitable rooms in the western elevation facing the application site but these will be screened by the existing boundary wall which runs along the eastern boundary. Plot 7 will be approximately 15 metres form the eastern boundary and 22.5 metres from the rear elevations of 2 and 3 Lincoln Close. Taking into account the above separation distances and the orientations to adjacent properties it is considered that the site can be developed such that it will not have a detrimental impact on adjacent properties by way of either overlooking/loss of privacy or overshadowing/loss of light.

A significant number of objections have been received relating to the loss of trees on the site, in particular the loss of a mature Yew tree located towards the front of the site. None of the trees on the site are the subject of a Tree Preservation Order. Whilst landscaping is reserved for subsequent approval the Council's Arboriculturalist/Landscape Officer has stated that "....the trees do not appear to be of sufficient merit to warrant inclusion in a Tree Preservation Order....". If the application is approved it is recommended that conditions requiring a detailed survey of the trees on the site and measures for protecting those to be retained. In addition to this a condition requiring additional landscaping is also recommended.

Concerns have been raised with regard to highway safety and parking issues. Following consultation the Local Highway Authority has raised no objections to the proposed development subject to conditions requiring Parking and turning facilities, a minimum access width of 4.5 metres and drainage details being provided. Subject to the imposition of the requested conditions it is considered that the proposed development will not be detrimental to highway safety.

Concern has be raised about potential noise and disturbance form both the use of the proposed access and the construction during development. It is considered that the proposed development both during construction and the use of the access is unlikely to cause such an increase in noise and disturbance to warrant refusal of the application. The closest residential properties will be screened from the development by the existing boundary wall which it is proposed to ensure is retained by way of condition.

Following consultation the Welland & Deepings Internal Drainage Board has advised that the Board have no services within the immediate vicinity, although Anglian Water may have. In line with current recommendations sustainable systems should be considered where possible. Should any land drains or surface sewer pipes be uncovered during excavations the Board should be informed immediately. Subject to conditions requiring

details of surface and foul water drainage to be provided it is considered that adequate drainage can be provided.

Issues relating to loss of views, maintenance concerns and loss of property values are not material planning considerations and cannot be considered as reasons for refusal.

Notwithstanding the objections to the proposed development it is considered that the proposal complies with the requirements of National Planning Policy Guidance and the requirements of the Adopted South Kesteven Local Plan 1995. The application is therefore recommended for approval.

**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 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 an appropriate scale, showing the design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs.
3. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
4. This consent relates to the application as amended by site layout plan received on 24 August 2006. The maximum number of dwellings constructed on the site shall be seven.
5. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.
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.
7. The minimum width of the access shall be 4.5 metres.
8. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.

9. When application is made to the District Planning Authority for approval of the 'reserved 'matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed 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.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before 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. The details submitted to comply with this condition shall show the retention of the existing boundary wall running along the eastern side of the site, unless otherwise agreed in writing by the local planning authority.

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

1. Required to be imposed pursuant to section 51 of the Planning & Compulsory Purchase Act 2004.
2. The application was submitted in outline only.
3. The application was submitted in outline and no such details have been submitted and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
4. For the avoidance of doubt.
5. To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety, and in accordance with Policy T3 of the South Kesteven Local Plan.
6. 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.
7. 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 T3 of the South Kesteven Local Plan.
8. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.
9. 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.

10. 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 EN1 and H6 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.

**This application was deferred from the 24 October meeting to enable Members to undertake a site visit.**

\* \* \* \* \*

Applicant	<b>One Medical C/o Agent</b>
Agent	Niell Bayes, Stephen Roberts Associates 71, Carholme Road, LINCOLN, LN1 1RT
Proposal	<b>Construction of medical centre</b>
Location	<b>Southfield Business Park, South Road, Bourne</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<p><b>Bourne</b></p> <p>Public footpath abuts site</p> <p>Unclassified road</p> <p>Pipeline Melton Spinney/Pinchbeck - PL4</p> <p>E3 Employment - Bourne</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p>

## **REPORT**

### **Representations Received**

Town Council: No objection.

Local Highway Authority: Final comments regarding amendments will be reported to committee.

Environment Agency: No objection.

Health & Safety Executive: There are no reasons, on safety grounds, for advising against granting of planning permission in this case.

Community Archaeologist: Requests a standard condition be attached

National Grid: No development to be undertaken within 20 feet either side of the main and that any physical work should not be undertaken unless this authority has been notified.

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

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 15 September 2006.

A total of two representations from doctors practices have been received and the issues raised are as follows:

- a) The applicant's state that the proposed medical centre "could include" various services. They state that this might include "GP consultations" but do not state by whom. Since neither of the towns two GP practices intend to migrate to the development, elderly residents of the development would be required to travel to

the centre of town for primary care services. Dentistry, Podiatry, Minor Surgery, Physiotherapy and Optometry are all provided already in the centre of Bourne. Since primary Care Trusts in Lincolnshire have major budgetary deficits of the order of several million pounds, NHS funding is unlikely to be forthcoming to run this centre.

- b) The application claims that 90 clinical and GP staff jobs would be created by this development – where and funded by whom ? Will One Medical employ them as there are no NHS resources available and as previously mentioned, the existing two practices in Bourne have no intention of relocating to this out of town site.
- c) Intermediate Care is already provided in a Nursing Home in the centre of town under a NHS contract and the occupancy of this facility is substantially less than 100%.
- d) Our concern is that most of the functions mentioned in this proposal would not attract the necessary funding to make them viable. We would thus be left with an additional residential and nursing home which would be used predominantly by patients from outside the Bourne area. These patients represent quite a heavy workload from our point of view in terms of time spent visiting them and additional strain on our drugs budget. This would thus have implications for the rest of our practice population. Our feeling is that if such a facility is to be built it should be located in one of the surrounding towns rather than Bourne.
- e) Finally we do not believe that the opinion of the applicants “that no other site in Bourne is suitable” gives any grounds to justify granting permission for using this peripheral site for a care facility for elderly folk who will then struggle to access services and amenities in the town centre and who will be isolated as a result.

Five letters of support have been received raising the following issues:

- i) Convinced this will benefit the people of Bourne as the current facilities are unable to cope.
- ii) Healthcare is currently extremely limited and only really extends to GP Services.
- iii) The proposal is to be located on the south side of the town in close proximity to the new housing being constructed and should also help alleviate traffic congestion.
- iv) Residents will not have to travel to Boston or Grantham.
- v) This will fill the void left by the closure of Bourne Hospital.

### **Officer Report**

### **Reason for referral to Committee**

The application has been referred to Committee because it is a major development that has a wider strategic importance for the district.

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

The site is located on the Southfields Business Park off South Road in Bourne. The application land forms the majority of the remaining part of the undeveloped land and the proposal is submitted in conjunction with a full planning application for a community health scheme and a proposal for B1 office units by the site's owners.

To the south of the site is a residential development scheme that is currently under construction.

### **Site History**

The development site forms part of a long standing employment allocation, under policy E3.9. Outline planning permission was granted in 2002 that encompassed the northern half of the allocation (the remainder benefiting from a residential consent).

### **The Proposal**

This outline application seeks approval for a Health Centre offering a variety of services with access being determined in this application. The proposal is constrained by the presence of a high-pressure gas main that dissects the site that requires a 16 metre wide easement.

Indicative plans show a building with four elements linked by a central block. The details are reserved for future consideration and it is unlikely that any design will create an adverse impact on surrounding developments.

### **Policy Considerations**

#### Central Government Guidance

#### **PPS1- Delivering Sustainable Development**

PPS1 sets out the overarching policies on the delivery of sustainable development through the planning system. It promotes the plan-led system and the certainty and predictability it aims to provide, and also seeks a balance between considering environmental issues, the need for economic development, and the aim of creating sustainable communities.

A key strand of current government planning policy that is embedded in PPS1 is the commitment to social cohesion and inclusion. The government is committed to reducing social inequalities through the planning system with the aim of meeting the diverse needs of all people in the community; i.e. creating equal opportunity for all.

It states at paragraph 16:

- *ensure that the impact of development on the social fabric of communities is considered and taken into account;*
- *seek to reduce social inequalities;*
- *address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;*
- *take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;*
- *deliver safe, healthy and attractive places to live; and,*

- *support the promotion of health and well being by making provision for physical activity.*

PPS1 also provides the government's position regarding supporting economic development. Paragraph 23 states that the government is committed to ensuring there is a strong, stable and productive economy and requires planning authorities to ensure that suitable locations are made available for, *inter alia*, healthcare development (sub paragraph iii) so that the local economy can prosper. It goes on further to suggest that sufficient infrastructure and services need to be provided to support new and existing economic development and housing.

Additionally, the PPS emphasises good design, reflecting the importance that the Government attaches to ensuring high quality design is delivered by the planning system. Good design is inseparable from good planning, in delivering safe, inclusive and successful communities.

#### **PPG4 – Industrial, Commercial Development and Small Firms**

PPG4 states that one of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives, and that up to date and relevant plans are essential if the needs of commerce and industry are to be met, and reconciled with demands for other forms of development and for the protection of the environment.

Although PPG4 is the relevant guidance note in respect of industrial and commercial development, the update in PPG3 as prescribed above is also consistent with the approach taken with PPG4 and is therefore relevant to the application proposal. Paragraph 21 of PPG4 states:-

*“Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses. Local planning authorities should identify such areas and indicate their appropriate alternative uses, including industrial and commercial uses, in their development plans, keep up-to-date details on available sites, and provide information about them to potential developers.”*

In this case, it is clear that the application site has been vacant for many years, with very little interest shown in it. The site contains a number of constraining factors, in the shape of overhead lines and underground pipes that require easements, which in effect divide the land into relatively small parcels of land. This constraint restricts the future viability of further business development and in particular B8 storage and distribution uses. As a result of this, in line with PPG4, the remaining option of reusing this land would be to change it into an alternative use of which there is a clearly defined demand in the locality.

## **PPS6 – Planning for Town Centres**

PPS6 provides guidance in relation to town centre development. The scope of the guidance has been extended from the now superseded PPG6 and covers a wider definition of town centre uses, including offices, cultural uses and community based facilities.

Of relevance, the guidance in PPS6 also provides assessment criteria in respect proposed developments, such as the application proposal. Paragraph 3.4 states that Local Planning Authorities should require applicants to demonstrate:-

- *The need for development;*
- *That the development is of an appropriate scale;*
- *That there are no more central sites for the development;*
- *That there are no unacceptable impacts on existing centres;*
- *That locations are accessible.*

The need for the facility in Bourne has already been assessed by the applicants in consultation with the Primary Care Trust. In respect of scale, again the site of the proposal facility is governed by the likely demand and it has been identified that the size of the buildings is appropriate to suit the needs of the Bourne region. The interdependency of the different aspects of this proposal means that the proposal needs to be considered as a whole and dis-aggregation is not a viable option. This is said in terms of operational management of the project and the clear economies of scale that exist by operating complementary facilities on the same site.

Paragraph 3.19 of PPS6 states that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development proposed applicants should provide clear evidence as to why they are not practicable alternatives in terms of availability, suitability and viability. Also, the guidance aims to secure accessible development through, amongst other things, ensuring that development can facilitate multi-purpose journeys.

The applicant has demonstrated in the sequential assessment that there are no other available sites that are located in sequentially preferable locations in Bourne.

## Regional Planning Guidance

Following the enactment of the Planning & Compulsory Purchase Act 2004, Regional Planning Guidance (RPG) became part of the statutory development plan and has been renamed as a Regional Spatial Strategy (RSS). RPG8 therefore becomes RSS8 and this replaces the RPG8 published in January 2002.

A sequential approach to site selection underpins the RSS's locational policy (Paragraph 3.1.1). Indeed, Policy 2 refers to the need to apply sequential criteria to site selection in order to make the best use of land and to optimise the development of suitable previously used land and buildings in urban areas as well ensuring that the development is fundamentally sustainable. The policy outlines the following hierarchy for site location:

- *Suitable previously developed sites and buildings within urban areas that are or will be well served by public transport.*
- *Other suitable locations within urban areas not identified as land to be protected for amenity purposes.*
- *Suitable sites in locations adjoining urban areas, which are or will be well served by public transport, particularly where this involves the use of previously developed land.*
- *Suitable sites in locations outside of (that is not adjoining) urban areas which are or will be well served by public transport, particularly where this involves the use of previously developed land.*

#### Lincolnshire Structure Plan 2006

The plan contains a number of generic policies that address the current sustainability agenda being promoted by the government. Policy S1 deals with the locational strategy and states:

#### **POLICY S1: LOCATION OF DEVELOPMENT**

##### **A SEQUENTIAL APPROACH TO THE DEVELOPMENT OF LAND SHOULD BE ADOPTED IN ACCORDANCE WITH THE FOLLOWING ORDER OF PRIORITY:**

**LAND AND BUILDINGS WITHIN URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**LAND AND BUILDINGS ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**AND LAND AND BUILDINGS NOT ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT**

**THE SUITABILITY OF PREVIOUSLY DEVELOPED LAND SHOULD BE ASSESSED AS FIRST PRIORITY BEFORE CONSIDERATION IS GIVEN TO GREENFIELD SITES.**

The development site is within the urban area of Bourne and the ongoing developments on the remainder of the site confirm the sites suitability in terms of accessibility to current services. Additionally, the proposed development will in itself be a service provider that will serve both the growing population of the south west of Bourne and the wider population of the town.

## South Kesteven Local Plan (Adopted April 1995)

The land the subject of this application is allocated in the SKLP under Policy E3.9. It is accepted that the proposed development is not a traditional 'B' use, in terms of the Use Classes Order 2005, but it is clearly a high employment generator and as such is broadly consistent with the aims and objectives of Policy E3. One of the key employment policy objectives of the SKLP is to safeguard existing allocated business sites in order that they continue to provide for the employment needs of the district. The creation of in excess of 200 jobs is clearly in line with this objective.

## Key Issues

**The principle of the development** – The site forms part of a larger employment allocation within the 1995 adopted South Kesteven Local Plan. The objectives of the relevant policy (E3) are to maintain sufficient land to continue to provide for the employment needs of the district. The proposal represents a high employment generating use and there is likely to be creation of in excess of 200 jobs once both sites are fully operational. It is considered that this is significantly higher than many traditional 'B' uses, particularly B8 storage and distribution operations. It is therefore considered that this development is broadly compliant with the allocation and in accordance with the provisions of the adopted development plan.

**The Location of the development** – Members will be familiar with the aims and objectives of key government planning policy that aims at creating sustainable forms of development which, *inter alia*, protects the vitality and viability of existing town centres. In order to demonstrate this it is necessary for the applicant to demonstrate that there are no other sequentially preferable sites available. The applicant has submitted a sequential site assessment as part of the supporting information provided. This is a robust study of the town and concludes that no such alternative sites exist. It is considered that the site is located in an area that allows users and employees to use modes of transport other than the private motorcar. The provision of the majority of the towns housing growth on the south side of the town will be in close proximity to this development and add to the overall sustainability of the proposal.

**Flood risk** – The Environment Agency are satisfied that, subject to appropriate mitigation measures, that the development accords with the requirements of PPG25 on flood risk.

**Impact on surroundings** – There are modern, two storey houses under construction opposite the site to the south, established employment uses to the east and north and the complementary three storey office developments to the west.

## Applicants Submissions

The applicant has submitted a lengthy supporting planning statement that is referred to earlier in this report. Additionally, a green travel plan has been provided indicating the measures that are proposed to ensure that the level of car borne journeys is minimised and

measures a put in place to ensure that staff and visitors to the site have a range of transport choices.

The conclusion of the supporting planning statement states:

The Bourne Community Health Scheme has been carefully planned to provide a range of healthcare benefits to the residents of Bourne. The closure and subsequent redevelopment of the Bourne Hospital has resulted in a void in services in the locality meaning that Bourne residents are reliant on services offered in other regional and sub-regional centres such as Lincoln, Peterborough, Grantham and Boston. The current situation is by its very nature unsustainable and goes against the grain of current government planning policy.

Such a scheme needs to be in a location easily accessible to local services and of sufficient size to deliver the ranges of provision and meet the economy of scale for sustainability. The proposed location meets all of these criteria and was the only available site that was of regular shape, of sufficient size and closest to the central amenities.

The medical centre will bring together a number of clinical disciplines to encapsulate a holistic approach to clinical service delivery and provide local access to medical support and treatment. A medical centre on this scheme will also act as a conduit for elderly person living in this community and streamline costs in travel, visits and response times to the heaviest users of clinical services. This not only has a positive impact on health costs but also on environmental impacts and costs.

The site has been specifically chosen due to its locational characteristics (i.e. good access to the services of Bourne town centre and to the growing population of south-western Bourne) and the availability of sufficient land to accommodate the whole operation. Whilst each element of the proposal serves individual specific healthcare needs there is close mutual working relationships between each unit particularly in the deployment of specialist staff. This mutual dependence effectively precludes the dis-aggregation of the development into smaller operating units.

The car parking is based on current guidelines and on experience of the maximum number of staff on a shift duty at any one time, the average number of visitors relating to the number of beds in the care home and those living in the close community accommodation who may still own a vehicle.

The adjacent proposed developments will enhance the community base for such a service and give access to local amenities, GP surgeries and pharmacy. In return, the neighbourhood centre will maximise the utilisation of external medical services by reducing travelling time for clinicians and reduced transport cost for residents attending day surgery etc.

It has been demonstrated that there are no sequentially preferable sites available that can accommodate the proposed development within Bourne and that the scheme is broadly compliant with the development plan and contemporary planning policy.

## **Conclusion**

The application site lies within the built confines of the town and is currently allocated in the adopted South Kesteven Local Plan (1995) as an employment site (Ref E3.9). Policy E3 requires that such sites are developed for business or industrial development.

Consent has already been given for residential development on part of the allocation. It is therefore important that the remainder of the site provides for some form of employment generating uses. Whilst the proposal for the remainder of the site (which comprises both of these applications) does not fall into the traditional B use class it will provide significant employment opportunities and as such Officers are satisfied that the proposal meets this objective and can be considered as an employment generating use.

Bourne is a rapidly expanding town, which lost its community hospital a number of years ago. The proposal for a community medical facility for which there is a known local need must be seen as essential development to serve the wider needs of the population of Bourne. The application site, whilst not a town centre location is well located in terms of centres of population and local bus service routes, and as such your officers support the principle of the scheme in this location.

In conclusion your officers have no objection on policy grounds to the principle of the proposed uses in this location.

The scheme will ensure that the majority of the remaining element of the employment allocation is in employment use whilst providing an essential community medical facility necessary for a rapidly expanding market town. The location of the site adjacent to regular public transport route ensures that the facility is readily accessible to both the residents of Bourne and the wider rural population it will serve.

The comments of the medical practices are noted but it should be remembered that funding is not necessarily only available through the PCT but can be secured privately as well. Funding is not a material planning consideration, it is for the developer to secure funding and staff, if they are unable and cannot develop the project that is not a reason for refusal. It should also be noted that the development of 2000 houses (approx 300 have been constructed) at Elsea Park will create pressures on the existing medical facilities in Bourne.

Your officers consider that the development is acceptable.

## **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Statement 1 & 6, Planning Policy Guidance Note 4, Regional Spatial Strategy 8, Policy S1 of the Lincolnshire Structure Plan. The issues relating to sustainability is a material consideration but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**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 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. 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.
3. 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.
4. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
5. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. 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.
3. The application was submitted in outline only and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. The application was submitted in outline and no such details have been submitted and in accordance with PPG25.

5. 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 C2 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.

\* \* \* \* \*

Applicant	<b>Persimmon Homes (EM) Ltd</b> Persimmon House, Peterborough Business Park, 19, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Agent	
Proposal	<b>Construction of 40 dwellings &amp; ancillary works</b>
Location	<b>Land At Former Concrete Works, Spalding Road, Deeping St. James</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Deeping St James</b> B Class Road Unclassified road Demolition of any building - BR1 Countryside M'ment Plan - MC2 Airfield Zone - No consultation required Drainage - Welland and Nene

## **REPORT**

### **Representations Received**

Parish Council:

Approval is recommended with the following comments:- Regret that many of the houses are 2.5 storey high; no provision for public open space; Traffic Calming Measures including flashing signs because concern has been expressed regarding Hall Meadow Road / Frogmire junctions and the close proximity to the site entrance; a S106 agreement should be agreed for funding to the Leisure Centre and two bus shelters either side of Spalding Road.

Local Highway Authority: No objections and request that standard conditions be attached.

Environment Agency: No objection requests conditions to be attached.

Community Archaeologist: Requests a standard condition be attached

Housing Partnership and Project Officer: Affordable housing consisting of 12 units has been identified on site.

PCT: Requests a contribution in accordance with the funding formula.

LCC Education: Requests a contribution in accordance with the funding formula.

Welland and Deeping IDB: No objections to the amended layout.

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

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 15 September 2006.

## **Officer Report**

### **Reason for referral to Committee**

The application has been referred to Committee because it is a major development and a unilateral S106 has been submitted with the application relating to affordable housing, a contribution to the PCT and a contribution towards the education budget.

### **The application site and its surroundings**

The site, measuring approximately 1.12 Ha, is located in Deeping St James with a road frontage along Spalding Road. The site is approximately rhomboidal-shaped with residential and commercial properties to the west. To the east, south and north are open fields. The land is currently a derelict employment site once occupied by a concrete company and is a brownfield site, as defined by PPG3. The site is also included in the approved Urban Capacity Study

### **Site History**

Of relevance to this current proposal the following previous planning applications need to be taken into consideration:

S00/0641 - Residential development. Refused.

S02/0223 – 8 dwellings. Refused

S03/1543 – Nursing Home and dwellings. Refused and appeal dismissed.

### **The Proposal**

Full planning permission is sought for the erection of 40 dwellings including 12 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 most of the development with a private drive serving 5 dwellings from Hall Meadow Road. The development comprises of a range of accommodation and comprise of:

8 - 3 bed houses

11 - 4 bed houses

9 - 5 bed houses

and

6 – 2 bed affordable houses

6 – 3 bed affordable houses.

In height terms the development is a mixture of 2 and 2½ storeys which is consistent with similar contemporary developments. There are 6 dwellings proposed along both the Spalding Road and Hall Meadow Road frontages with the remainder fronting onto the new access road, shared parking courts and a small area of open space. The existing properties along the site's western boundary have generously sized gardens or are commercial premises. This fact results in satisfactory separation distances between new and old and the proposed dwellings abutting the western boundary have been orientated to avoid opposed habitable rooms and mitigate overlooking.

## **Policy Considerations**

### **National Planning Policy**

PPS1 – Delivering Sustainable Development. PPS1 sets out the government's 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 government's 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)*
5. *The Government's commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22)*
6. *Undertaking of a sequential approach to site selection (para 30 and 31)*
7. *Provision of open space in developments (para 53)*
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)*

## 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 2006.** 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.

**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

**Urban Capacity Study.** This site is included within the Urban Capacity Study. The Urban Capacity study includes Frognall in the Deepings; this link is the same as that applied at Thurlby / Northorpe and Morton / Hanthorpe. The logic is that the smaller settlements are considered sustainable because of the proximity of services in the other linked settlement.

## Key Issues

**The principle of the development** – Previous decisions are a material consideration. Since the appeal was dismissed by the Secretary of State the site has been included in the adopted Urban Capacity Study and therefore completely new policy considerations apply to those existing when the Inspector made his decision. It is therefore considered that this development is broadly compliant with the allocation and in accordance with the provisions of the adopted development plan.

**Planning Gain Objectives** – A unilateral S106 agreement has been submitted by the applicant including the following in the heads of terms:

Education Contribution;  
Health Centre funding to the PCT; and  
Affordable housing.

## Applicants Submissions

The applicant has submitted a supporting planning statement that concludes that the residential development of a brownfield site with a sustainable and accessible location.

## Conclusion

Your officers conclude that the development conforms to all policies and is to a satisfactory layout, massing and design.

Your officers consider that the development is acceptable.

## Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) 3, PPS1 and RSS8, policies H6, EN1 and REC3 of the South Kesteven Local Plan or adopted supplementary planning guidance note(s) ##. There are no material considerations that indicate against the proposal though condition(s) have been attached.

**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 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.

3. 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.
4. 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.
5. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.
6. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.
7. Within seven days of the new access being brought into use, the existing access onto Spalding Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.
8. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 1453-004 Rev E dated 17 October 2006, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.
9. 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.

10. 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.
11. No dwellings (or other development as specified) shall be commenced before the first 40 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 1453-004 Rev E dated 17 October 2006 has been completed.
12. 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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. 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.
3. 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.
4. The application was submitted in outline and no such details have been submitted and in accordance with PPG25.
5. 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.
6. 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 C2 of the South Kesteven Local Plan.

7. 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 T3 of the South Kesteven Local Plan.
8. 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 T3 of the South Kesteven Local Plan.
9. 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 T3 of the South Kesteven Local Plan.
10. 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 T3 of the South Kesteven Local Plan.
11. 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 T3 of the South Kesteven Local Plan.
12. 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 T3 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.

\* \* \* \* \*

Applicant	<b>One Medical C/o Agent</b>
Agent	Stephen Roberts Associates 71, Carholme Road, LINCOLN, LN1 1RT
Proposal	<b>Bourne Community Health Scheme inc 21 Key Worker Apartments</b>
Location	<b>Southfield Business Park, South Road, Bourne</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<p><b>Bourne</b></p> <p>Public footpath abuts site</p> <p>Unclassified road</p> <p>Pipeline Melton Spinney/Pinchbeck - PL4</p> <p>E3 Employment - Bourne</p> <p>Airfield Zone - No consultation required</p> <p>Drainage - Welland and Nene</p>

## **REPORT**

### **Representations Received**

**Town Council:** Although the committee welcomes this proposal, it would like to see a proviso added to ensure that the medical centre is built either prior to or in conjunction with the residential accommodation.

**Local Highway Authority:** Final comments on amendments will be reported to committee.

**Environment Agency:** No objection.

**HSE:** There are sufficient reasons, on safety grounds, for advising against granting of planning permission in this case. This advice is based upon information contained in the application and that originally supplied by the pipeline operator, if there have been any changes then the HSE will re-evaluate the risks.

**Community Archaeologist:** Requests a standard condition be attached.

**Housing Partnership and Project Officer:**

Discussed the proposal to cascade tenancy requirements and the hierarchy should be persons and dependents employed at the site, nationally defined key workers who have a local connection and finally local people taken from the housing waiting list. This should be included in a S106 Legal Agreement.

**National Grid:** No development to be undertaken within 20 feet either side of the main and that any physical work should not be undertaken unless this authority has been notified.

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

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 15 September 2006.

Two representations from doctors practices have been received objecting to the development and the issues raised are as follows:

- a) This facility would result in a significant number of elderly residents being placed a substantial distance from the centre of the town and therefore struggle to access amenities such as shops and social activities. Furthermore, any medical services sited on this development would be too far out of town for pedestrian access for existing elderly residents of the town and would result in an increase in vehicular traffic.
- b) There are already two care homes in Bourne providing accommodation for the Elderly Mental Infirm and this is more than adequate for the current and future needs of the town and surrounding area, since they are providing care for clients who previously lived significant distances from Bourne such as Market Deeping, Stamford and Sleaford. We do not believe there is proof of any shortfall in provision of EMI services in Bourne.
- c) Intermediate Care is already provided in a Nursing Home in the centre of town under a NHS contract and the occupancy of this facility is substantially less than 100%.
- d) Our concern is that most of the functions mentioned in this proposal would not attract the necessary funding to make them viable. We would thus be left with an additional residential and nursing home which would be used predominantly by patients from outside the Bourne area. These patients represent quite a heavy workload from our point of view in terms of time spent visiting them and additional strain on our drugs budget. This would thus have implications for the rest of our practice population. Our feeling is that if such a facility is to be built it should be located in one of the surrounding towns rather than Bourne.
- e) Finally we do not believe that the opinion of the applicants "that no other site in Bourne is suitable" gives any grounds to justify granting permission for using this peripheral site for a care facility for elderly folk who will then struggle to access services and amenities in the town centre and who will be isolated as a result.

Five letters of support have been received raising the following issues:

- i) Convinced this will benefit the people of Bourne as the current facilities are unable to cope
- ii) Healthcare is currently extremely limited and only really extends to GP Services.
- iii) The proposal is to be located on the south side of the town in close proximity to the new housing being constructed and should also help alleviate traffic congestion.
- iv) Residents will not have to travel to Boston or Grantham.
- v) This will fill the void left by the closure of Bourne Hospital.

## **Officer Report**

### **Reason for referral to Committee**

The application has been referred to Committee because it is a major development that has a wider strategic importance for the district.

### **The application site and its surroundings**

The site is located on the Southfields Business Park off South Road in Bourne. The application land forms the majority of the remaining part of the undeveloped land and the proposal is submitted in conjunction with an outline planning application for a medical centre and a proposal for B1 office units by the site's owners.

To the south of the site is a residential development scheme that is currently under construction.

### **Site History**

The development site forms part of a long standing employment allocation, under policy E3.9. Outline planning permission was granted in 2002 that encompassed the northern half of the allocation (the remainder benefiting from a residential consent).

### **The Proposal**

The application is for a mixed community health scheme consisting of intermediate care accommodation, care home, close community accommodation and associated local key worker accommodation. The proposal has been split into three separate buildings due to a number of constraining factors present on the site. These constraints include the presence of a high pressure gas main that dissects the site which requires a 16 metre wide easement, overhead power lines and a 9 metre easement along the eastern boundary allowing access to the Car Dyke. The three building consist of the following:

1. Intermediate Care and Elderly Mentally Ill Care unit – This building is to be located in the south east corner of the site and provides medical care for the elderly mentally ill and general personal care with nursing. This building extends over 2 storeys.
2. Close Community Accommodation – This will enable independent living with day and domiciliary services available according to assessed need. This level of care will allow couples to stay together whilst receiving care as opposed to the more traditional nursing home route which can often result in couples being separated. This is a three storey proposal.
3. Key Worker Accommodation – This is a single block containing 21 affordable apartments aimed at accommodating local key workers with particular preference being given to employee's of the health scheme proposal. The applicant has provided a Unilateral Undertaking under the provisions of S106 of the 1990 Act restricting the occupancy of these units to local key workers with the priority being given to workers employed in the health scheme. The apartments are not for general sale on the open market and the ownership and control will be via a

Registered Social Landlord in a similar way to all other affordable housing schemes. The apartments are proposed to be over three storeys.

## **Policy Considerations**

### **Central Government Guidance**

#### **PPS1- Delivering Sustainable Development**

PPS1 sets out the overarching policies on the delivery of sustainable development through the planning system. It promotes the plan-led system and the certainty and predictability it aims to provide, and also seeks a balance between considering environmental issues, the need for economic development, and the aim of creating sustainable communities.

A key strand of current government planning policy that is embedded in PPS1 is the commitment to social cohesion and inclusion. The government is committed to reducing social inequalities through the planning system with the aim of meeting the diverse needs of all people in the community; i.e. creating equal opportunity for all.

It states at paragraph 16:

- *ensure that the impact of development on the social fabric of communities is considered and taken into account;*
- *seek to reduce social inequalities;*
- *address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;*
- *take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;*
- *deliver safe, healthy and attractive places to live; and,*
- *support the promotion of health and well being by making provision for physical activity.*

PPS1 also provides the government's position regarding supporting economic development. Paragraph 23 states that the government is committed to ensuring there is a strong, stable and productive economy and requires planning authorities to ensure that suitable locations are made available for, *inter alia*, healthcare development (sub paragraph iii) so that the local economy can prosper. It goes on further to suggest that sufficient infrastructure and services need to be provided to support new and existing economic development and housing.

Additionally, the PPS emphasises good design, reflecting the importance that the Government attaches to ensuring high quality design is delivered by the planning system. Good design is inseparable from good planning, in delivering safe, inclusive and successful communities.

## **PPG3 – Housing**

Although PPG3 primarily deals with issues in relation to housing, paragraph 42(a) of PPG3 published as an update on 24 January 2005 is relevant to the application proposal in terms of the reuse of an allocated employment site. It states, subject to criteria, that:-

*“Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use...”*

The land in which the application site is located is allocated as an employment area. Notwithstanding this allocation, which dates back to the 1995 Local Plan, the Local Planning Authority have accepted non 'B' uses in the permitting of the residential development to the south. When looking at the allocation as a whole it is clear that a mixed development of employment generating uses and care accommodation is a more appropriate designation.

## **PPG4 – Industrial, Commercial Development and Small Firms**

PPG4 states that one of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives, and that up to date and relevant plans are essential if the needs of commerce and industry are to be met, and reconciled with demands for other forms of development and for the protection of the environment.

Although PPG4 is the relevant guidance note in respect of industrial and commercial development, the update in PPG3 as prescribed above is also consistent with the approach taken with PPG4 and is therefore relevant to the application proposal. Paragraph 21 of PPG4 states:-

*“Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses. Local planning authorities should identify such areas and indicate their appropriate alternative uses, including industrial and commercial uses, in their development plans, keep up-to-date details on available sites, and provide information about them to potential developers.”*

In this case, it is clear that the application site has been vacant for many years, with very little interest shown in it. The site contains a number of constraining factors, in the shape of overhead lines and underground pipes that require easements, which in effect divide the land into relatively small parcels of land. This constraint restricts the future viability of further business development and in particular B8 storage and distribution uses. As a result of this, in line with PPG4, the remaining option of reusing this land would be to change it into an alternative use of which there is a clearly defined demand in the locality.

## **PPS6 – Planning for Town Centres**

PPS6 provides guidance in relation to town centre development. The scope of the guidance has been extended from the now superseded PPG6 and covers a wider definition of town centre uses, including offices, cultural uses and community based facilities.

Of relevance, the guidance in PPS6 also provides assessment criteria in respect proposed developments, such as the application proposal. Paragraph 3.4 states that Local Planning Authorities should require applicants to demonstrate:-

- *The need for development;*
- *That the development is of an appropriate scale;*
- *That there are no more central sites for the development;*
- *That there are no unacceptable impacts on existing centres;*
- *That locations are accessible.*

The need for the facility in Bourne has already been assessed by the applicants in consultation with the Primary Care Trust. In respect of scale, again the site of the proposal facility is governed by the likely demand and it has been identified that the size of the buildings is appropriate to suit the needs of the Bourne region. The interdependency of the different aspects of this proposal means that the proposal needs to be considered as a whole and dis-aggregation is not a viable option. This is said in terms of operational management of the project and the clear economies of scale that exist by operating complementary facilities on the same site.

Paragraph 3.19 of PPS6 states that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development proposed applicants should provide clear evidence as to why they are not practicable alternatives in terms of availability, suitability and viability. Also, the guidance aims to secure accessible development through, amongst other things, ensuring that development can facilitate multi-purpose journeys.

The applicant has demonstrated in the sequential assessment that there are no other available sites that are located in sequentially preferable locations in Bourne.

## **Draft PPS3**

Although still only a draft document, PPS3 is an up to date indication of the governments planning policy in relation to housing. Specific reference is made in PPS3 to meeting the needs of, *inter alia*, key workers. At paragraph 25 it states:

A sufficient supply of intermediate housing can help meet the needs of key workers and those seeking to gain a first step on the housing ladder, reduce the call on

social-rented housing, free up existing social-rented homes, provide wider choice for households and ensure that sites have a balanced mix of tenures.

Unlike PPG3 this Statement provides a definition for affordable housing. At annex A it states:

*8. Non-market housing, provided to those whose needs are not met by the market for example homeless persons and key workers. It can include social-rented housing and intermediate housing.*

The small level of essential on-site accommodation that is proposed will be directly aimed at local key workers and a planning obligation will ensure that the accommodation does not end up on the open market.

## **Regional Planning Guidance**

Following the enactment of the Planning & Compulsory Purchase Act 2004, Regional Planning Guidance (RPG) became part of the statutory development plan and has been renamed as a Regional Spatial Strategy (RSS). RPG8 therefore becomes RSS8 and this replaces the RPG8 published in January 2002.

A sequential approach to site selection underpins the RSS's locational policy (Paragraph 3.1.1). Indeed, Policy 2 refers to the need to apply sequential criteria to site selection in order to make the best use of land and to optimise the development of suitable previously used land and buildings in urban areas as well ensuring that the development is fundamentally sustainable. The policy outlines the following hierarchy for site location:

- *Suitable previously developed sites and buildings within urban areas that are or will be well served by public transport.*
- *Other suitable locations within urban areas not identified as land to be protected for amenity purposes.*
- *Suitable sites in locations adjoining urban areas, which are or will be well served by public transport, particularly where this involves the use of previously developed land.*
- *Suitable sites in locations outside of (that is not adjoining) urban areas which are or will be well served by public transport, particularly where this involves the use of previously developed land.*

## **Lincolnshire Structure Plan Deposit Draft (incorporating proposed changes)**

The replacement structure plan is at an advanced stage and as such is ascribed significant weight in determining planning applications. The Deposit Draft contains a number of generic policies that address the current sustainability agenda being promoted by the government. Policy S1 deals with the locational strategy and states:

### **POLICY S2: LOCATION OF DEVELOPMENT**

**A SEQUENTIAL APPROACH TO THE DEVELOPMENT OF LAND SHOULD BE ADOPTED IN ACCORDANCE WITH THE FOLLOWING ORDER OF PRIORITY:**

**LAND AND BUILDINGS WITHIN URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**LAND AND BUILDINGS ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT AND ARE ACCESSIBLE TO LOCAL FACILITIES;**

**AND LAND AND BUILDINGS NOT ADJOINING URBAN AREAS WHICH ARE, OR ARE CAPABLE OF BEING, WELL SERVED BY PUBLIC TRANSPORT**

**THE SUITABILITY OF PREVIOUSLY DEVELOPED LAND SHOULD BE ASSESSED AS FIRST PRIORITY BEFORE CONSIDERATION IS GIVEN TO GREENFIELD SITES.**

The development site is within the urban area of Bourne and the ongoing developments on the remainder of the site confirm the sites suitability in terms of accessibility to current services. Additionally, the proposed development will in itself be a service provider that will serve both the growing population of the south west of Bourne and the wider population of the town.

### **South Kesteven Local Plan (Adopted April 1995)**

The land the subject of this application is allocated in the SKLP under Policy E3.9. It is accepted that the proposed development is not a traditional 'B' use, in terms of the Use Classes Order 2005, but it is clearly a high employment generator and as such is broadly consistent with the aims and objectives of Policy E3. One of the key employment policy objectives of the SKLP is to safeguard existing allocated business sites in order that they continue to provide for the employment needs of the district. The creation of in excess of 200 jobs is clearly in line with this objective.

### **Key Issues**

**The principle of the development** – The site forms part of a larger employment allocation within the 1995 adopted South Kesteven Local Plan. The objectives of the relevant policy (E3) are to maintain sufficient land to continue to provide for the employment needs of the district. The proposal represents a high employment generating use and there is likely to be creation of in excess of 200 jobs once the site is fully operational. It is considered that this is significantly higher than many traditional 'B' uses, particularly B8 storage and distribution operations. It is therefore considered that this development is broadly compliant with the allocation and in accordance with the provisions of the adopted development plan.

**The Location of the development** – Members will be familiar with the aims and objectives of key government planning policy that aims at creating sustainable forms of development

which, *inter alia*, protects the vitality and viability of existing town centres. In order to demonstrate this it is necessary for the applicant to demonstrate that there are no other sequentially preferable sites available. The applicant has submitted a sequential site assessment as part of the supporting information provided. This is a robust study of the town and concludes that no such alternative sites exist. It is considered that the site is located in an area that allows users and employees to use modes of transport other than the private motor car. The provision of the majority of the towns housing growth on the south side of the town will be in close proximity to this development and add to the overall sustainability of the proposal.

**Flood risk** – The Environment Agency are satisfied that, subject to appropriate mitigation measures, that the development accords with the requirements of PPG25 on flood risk.

**Impact on surroundings** – There are modern, two storey houses under construction opposite the site to the south, established employment uses to the east and north and the complementary three storey office developments to the west.

### **Applicants Submissions**

The applicant has submitted a lengthy supporting planning statement that is referred to earlier in this report. Additionally, a green travel plan has been provided indicating the measures that are proposed to ensure that the level of car borne journeys is minimised and measures are put in place to ensure that staff and visitors to the site have a range of transport choices.

The conclusion of the supporting planning statement states:

The Bourne Community Health Scheme has been carefully planned to provide a range of healthcare benefits to the residents of Bourne. The closure and subsequent redevelopment of the Bourne Hospital has resulted in a void in services in the locality meaning that Bourne residents are reliant on services offered in other regional and sub-regional centres such as Lincoln, Peterborough, Grantham and Boston. The current situation is by its very nature unsustainable and goes against the grain of current government planning policy.

Such a scheme needs to be in a location easily accessible to local services and of sufficient size to deliver the ranges of provision and meet the economy of scale for sustainability. The proposed location meets all of these criteria and was the only available site that was of regular shape, of sufficient size and closest to the central amenities.

The medical centre will bring together a number of clinical disciplines to encapsulate a holistic approach to clinical service delivery and provide local access to medical support and treatment. A medical centre on this scheme will also act as a conduit for elderly person living in this community and streamline costs in travel, visits and response times to the heaviest users of clinical services. This not only has a positive impact on health costs but also on environmental impacts and costs.

The site has been specifically chosen due to its locational characteristics (i.e. good access to the services of Bourne town centre and to the growing population of south-western Bourne) and the availability of sufficient land to accommodate the whole operation. Whilst each element of the proposal serves individual specific healthcare needs there is close mutual working relationships between each unit particularly in the deployment of specialist staff. This mutual dependence effectively precludes the dis-aggregation of the development into smaller operating units.

The car parking is based on current guidelines and on experience of the maximum number of staff on a shift duty at any one time, the average number of visitors relating to the number of beds in the care home and those living in the close community accommodation who may still own a vehicle.

The adjacent proposed developments will enhance the community base for such a service and give access to local amenities, GP surgeries and pharmacy. In return, the neighbourhood centre will maximise the utilisation of external medical services by reducing travelling time for clinicians and reduced transport cost for residents attending day surgery etc.

It has been demonstrated that there are no sequentially preferable sites available that can accommodate the proposed development within Bourne and that the scheme is broadly compliant with the development plan and contemporary planning policy.

## **Conclusion**

Before examining some of the policy issues we must consider the fundamental advice from the HSE that states that the safety risks from the pipeline are too great to approve planning permission. Discussion have been undertaken with the HSE and it has become apparent that the HSE was not aware of some of the technical arrangements required by National Grid Gas that are designed to reduce the risk to construction close to the pipeline. These details have been submitted to the HSE and their further advice is awaited.

The application site lies within the built confines of the town and is currently allocated in the adopted South Kesteven Local Plan (1995) as an employment site (Ref E3.9). Policy E3 requires that such sites are developed for business or industrial development.

Consent has already been given for residential development on part of the allocation. It is therefore important that the remainder of the site provides for some form of employment generating uses. Whilst the proposal for the remainder of the site (which comprises both of these applications) does not fall into the traditional B use class it will provide significant employment opportunities and as such I am satisfied that the proposal meets this objective and can be considered as an employment generating use.

Bourne is a rapidly expanding town, which lost its community hospital a number of years ago. The proposal for a community medical facility for which there is a known local need must be seen as essential development to serve the wider needs of the population of Bourne. The application site, whilst not a town centre location is well located in terms of centres of population and local bus service routes, and as such your officers support the

principle of the scheme in this location. Members should also note the retail development proposals included in this agenda.

The Key Worker apartment element of the scheme will provide accommodation for essential support staff for the medical facilities. Housing Solutions have considered the Key worker apartments and are satisfied with this element of the scheme. This element of the scheme is essential to ensuring that the medical facility can function as a 24 hour facility and as such the apartments must be clearly and formally linked to the operation of the medical facility via condition. An appropriate planning obligation is also proposed to ensure that the accommodation is only let on a cascading basis as follows:

1. to essential support staff employed at the community health scheme (if all apartments cannot all be filled through this route then ...)
2. those employed locally (ie within Bourne and surrounding villages) and in need of affordable housing (if all apartments cannot all be filled through this route then ...)
3. Those with local ties / connections requiring them to live in Bourne
4. Others in need of affordable housing

In conclusion your officers have no objection on policy grounds to the principle of the proposed uses in this location.

The scheme will ensure that the majority of the remaining element of the employment allocation is in employment use whilst providing an essential community medical facility necessary for a rapidly expanding market town. The location of the site adjacent to regular public transport route ensures that the facility is readily accessible to both the residents of Bourne and the wider rural population it will serve.

The provision of 21 key worker apartments is essential to the 24 hour element of the facility as such this link must be made clear and binding and will be secured via an appropriate planning obligation restricting occupancy of the apartments, in accordance with the requirement of the Council's Housing Solutions team.

The comments of the medical practices are noted but it should be remembered that funding is not necessarily only available through the PCT but can be secured privately as well. It is considered that the development of the adjacent medical centre will dilute the need of the other medical practices to respond to the needs of any patients / residents.

With the development of the retail centre at the junction of Cherry Holt Road and South Road the residents will not be isolated from all amenity functions. It should also be noted that the development of 2000 houses (approx 300 have been constructed) at Elsea Park will create pressures on the existing medical facilities in Bourne.

Your officers consider that, subject to further HSE advice, the development is acceptable.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Statement 1 & 6, Planning Policy Guidance Note 4, Regional Spatial Strategy 8, Policy S1 of the Lincolnshire Structure Plan. The issues relating to sustainability is a material

consideration but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**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. 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.
3. Foul and surface water drainage are to be connected to the existing on site infrastructure and the development is to be constructed with a minimum slab level of 6.75m AOD to accord with the approved Flood Risk Assessment.
4. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.
5. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by that Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief and shall include arrangements for the conservation of artefacts from the site.

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, as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
2. 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.
3. The application was submitted in outline and no such details have been submitted and in accordance with PPG25.
4. 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.

5. 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 C2 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.

\* \* \* \* \*

Applicant	<b>Mr D Rowlands, Iberdrola Renewables Energies</b> Wellington House, Starley Way, Solihull, West Midlands, B37 7HE
Agent	Hyder Consulting (UK) Ltd HCL House, St Mellons Business Park, Cardiff, CF3 0EY
Proposal	<b>50m tall, steel meteorological mast</b>
Location	<b>Neslam Farm, Sempringham Fen</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Pointon &amp; Sempringham</b> Area of special control for adverts Drainage - Lincs EA: Flood Risk Zone 2/3 (new bld only)

## REPORT

### Member Information

**This application has been deferred from 16 May 2006 to investigate whether an Environmental Impact Assessment (EIA) was required, if so then the application would have been invalid, and to allow officers to study the European Landscape Convention and determine whether South Kesteven Local Plan was out of date in this respect,**

Your officers have investigated the matter regarding an EIA and conclude that an assessment is not required for this application. Stated cases make it clear that an EIA will be required for any application for the construction of wind turbines. Objectors indicated that another planning authority had stated in its reasons for refusal that an EIA was required but investigation with that authority revealed that officers had made a mistake and that they subsequently concluded that an EIA was not needed.

The United Kingdom has only recently signed the European Landscape Convention though it has been written for a number of years. This convention requires planning authorities to assess the landscapes in their area; this has been done for the preparation of the 1995 Local Plan. Members will be aware that special protection was accorded to the rolling uplands around and between Grantham and Stamford embodied in Policy EN3. In this respect the Local Plan accords with the convention. A new Landscape Character Assessment is being undertaken in connection with the Local Development Framework. The report is still in draft form and cannot be given significant weight.

The applicant has been requested to provide further information regarding the impact of the mast in the landscape and composite photographs have been submitted. These have been placed on the website and further consultation undertaken.

Given the nature of the information received the original report has been put in italics and additional comment is included in ordinary typeface.

### The Site and its Surroundings

The site is located to the East of Billingborough and Pointon in the flat fen fields of Sempringham Fen. The landscape is characterised by mature wooded copse in varying size. Manmade features such as pylons and communication masts are visible in various directions.

**Access is obtained from the minor road linking Sempringham and villages east of the South Forty Foot Drain and thence using existing farm tracks to the field. The road alignment has a number of reverse curves and is of limited width.**

## **Site History**

**No relevant History.**

## **The Proposal**

Full planning permission is sought for the construction of a 55m high steel meteorological mast supported by stay wires.

This mast will gather data to determine whether the site is suitable for development as a windfarm. The data is required for an Environmental Impact Assessment which will have to be submitted as part of an application for a windfarm.

## **Policy Considerations**

National Planning Policy

PPS22 – Renewable Energy. The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper2. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.

The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The White Paper sets out policies to stimulate the development of new technologies to provide the basis for continuing growth of renewables in the longer term, to assist the UK renewables industry to become competitive in home and export markets and in doing so, provide employment.

Increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

- social progress which recognises the needs of everyone – by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;

- prudent use of natural resources – by reducing the nation's reliance on ever diminishing supplies of fossil fuels; and,
- maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.

Development Plan

**Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the criteria for renewable energy projects in Policy 41. It includes the criteria to contribute to both local and national objectives for this type of energy production.**

**Lincolnshire Structure Plan 2006**

**POLICY NE9 – Renewable Energy:**

**LOCAL PLANS/LDDs SHOULD PROMOTE AND ENCOURAGE A RANGE OF RENEWAL ENERGY SOURCES HAVING REGARD TO:**

- THE SUSTAINABLE BENEFITS OF USING VARIOUS RENEWABLE ENERGY SOURCES
- ENVIRONMENTAL IMPACT INCLUDING SITE, DESIGN AND LANDSCAPING CONSIDERATIONS
- THE EFFECT ON AMENITY, AGRICULTURE AND THE NATURAL AND BUILT ENVIRONMENT
- TRAFFIC GENERATION AND VEHICULAR ACCESS
- PROXIMITY TO THE RENEWABLE ENERGY SOURCE
- THE REUSE OF APPROPRIATE EXISTING SURPLUS INDUSTRIAL LAND
- BENEFITS TO THE LOCAL COMMUNITY OF SMALL SCALE SCHEMES.

**IN ASSESSING INDIVIDUAL PROPOSALS, THE LOCAL PLANNING AUTHORITIES SHOULD HAVE REGARD TO THE LINCOLNSHIRE (AND EAST MIDLANDS) TARGETS CONTAINED IN THE REGIONAL SPATIAL STRATEGY**

**POLICY NE11 – On Shore Wind Energy**

**PROPOSALS FOR ON SHORE WIND ENERGY DEVELOPMENT SHOULD BE EVALUATED AGAINST THE FOLLOWING CRITERIA:**

- THE SUSTAINABLE BENEFITS OF DEVELOPING A RENEWABLE ENERGY SOURCE
- LANDSCAPE IMPACT INFORMED BY LOCAL LANDSCAPE CHARACTER AND CAPACITY ASSESSMENTS
- THE REQUIREMENTS OF AVIATION, TELECOMMUNICATIONS AND RADAR

- PRACTICABLE AVAILABILITY OF A CONNECTION TO THE ELECTRICITY DISTRIBUTION NETWORK
- THE EFFECT ON LOCAL AMENITY AND QUALITY OF LIFE
- WIDER NATURAL, CULTURAL AND BUILT ENVIRONMENTAL IMPACT INCLUDING NATURE CONSERVATION CONSIDERATIONS
- TRAFFIC GENERATION AND VEHICULAR ACCESS

**IN ASSESSING INDIVIDUAL PROPOSALS, THE LOCAL PLANNING AUTHORITIES SHOULD HAVE PARTICULAR REGARD TO THE CUMULATIVE IMPACT OF SUCH DEVELOPMENT RELATED TO THE LINCOLNSHIRE (AND EAST MIDLANDS) TARGETS CONTAINED IN REGIONAL PLANNING GUIDANCE.**

WHEN PLANNING PERMISSION IS GRANTED FOR INDIVIDUAL PROPOSALS, APPROPRIATE PLANNING CONDITIONS SHOULD BE ATTACHED COVERING THE SATISFACTORY FUTURE DECOMMISSIONING OF THE SITE.

South Kesteven Local Plan

Policy EN2 – Development in the Countryside

**This is a restrictive policy having exemptions, one of these states “certain utility installations requiring a rural location”. The ultimate objective is the generation of electricity and this mast is part of that project; it is therefore a utility installation.**

### **Statutory Consultations**

**Parish Council – No reply to date. Any response will be notified to members.**

Defence Estates – has no safeguarding objections to this proposal

**Local Highway Authority: No comment.**

Black Sluice Internal Drainage Board:

There is a Board maintained watercourse on the south side of the proposed mast structure (see enclosed plan).

The Board has a Byelaw that stipulates no structures, including stay wires, shall be placed within 9 metres of the brick of a Board's drain.

**Pointon and Sempringham Parish Council object on the following grounds:**

1. Risk to protected species, in particular from collision by birds. Residents in the fen report the presence of barn owls and red kite.
2. Visual impact. The mast is not in keeping with the landscape, which is entirely agricultural fenland with no man made intrusions other than those directly related to

agriculture. The mast significantly exceeds the height of any other structure in the area including St Andrew's Church Spire at Billingborough. The mast will be visible from many viewpoints over a wide area, including the nearby historic hillside site at St Andrew's Church, Sempringham and the developing tourist route along the South Forty Foot Drain. (Under the European Landscape Convention landscapes are recognised as an essential component of people's surroundings).

3. Risk to aviation. In an area frequented by light aircraft and used for training purposes, the presence of this unlit tall structure not shown on aeronautical maps would be a significant hazard.

4. Inappropriate industrial development in an agricultural area. Permission would set a precedent for future industrial development around this site.

**Following re-consultation Pointon and Sempringham Parish Council made the following comments:**

The further information appears to provide no new matters of substance other than that the development would be required for a period of 24 months (notwithstanding that your officers have already recommended that any consent should be for a maximum of one year).

The authors of the further information accept no responsibility for any reliance on its contents by any third party. We trust therefore that no such reliance will be assumed until and unless any alleged facts are independently verified and published by a competent party.

In any event, the authors appear to be merely expressing their personal opinion. In particular, their conclusions appear to be biased on the unsubstantiated presumption that the inhabitants of the parish emerge from their dwellings only to travel at too higher speed to be aware of their surroundings.

The further information should not obscure the fact that other environmental impacts of the proposed development remain to be addressed, as raised in our earlier representations on 6 May 2006.

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

Eight letters of objection have been received from interested parties.

### **Who raised concerns about the following matters:**

- a) Part of proposed 6 turbine wind farm have a maximum height of 120m;
- b) Lack of information of intent
- c) Visual Intrusion;
- d) Collision risk
- e) Local Planning Policy;
- f) Inappropriate location;
- g) Cumulative impact;
- h) Reclassification of land;

- i) Is the main application a forgone conclusion;
- j) Sempringham Fen is part of a historic and rural landscape;
- k) The proposed height is questionable given that the hub height of the turbines is 80m;
- l) Intrude on my privacy by being a constant visual irritant;
- m) Impact from construction traffic noise.
- n) No information regarding impact on wildlife and eco-habitat,
- o) Horbling fen is an SSSI and some of the features there may be present at Sempringham Fen. More investigation is required;
- p) If allowed this will start the process towards inappropriate industrialisation in a wild place and there are serious health concerns regarding wind farms.

Any further letters received will be reported.

**In addition to the above comments a further 86 letters of objection stating the following matters in addition to that already listed:**

- a) The test mast at Bicker Fen is visible.
- b) It is contrary to Policy EN1, EN2(I & ii) and EN6.
- c) How can the planning department justify these when they have refused micro-turbine on private property.
- d) **Objects to a wind farm and related problems associated with turbines.**
- e) **Risk to wildlife especially birds and bats.**
- f) **Danger to aircraft.**
- g) **No Environmental Impact Assessment.**
- h) **Not an efficient green means of generating electricity that is expensive.**
- i) Build somewhere else where it can be done without effecting peoples lives, property values etc.
- j) Take account of the European Landscape Convention that the UK signed in February 2006.
- k) I have superb views and this will spoil my view.
- l) Application is premature and unrelated to existing agricultural use.
- m) Affects TV reception.
- n) Adverse impact on the tourist trade.
- o) Mast is unnecessary because wind information is available from the met office.
- p) Very little to no benefit or improvement to our locality.
- q) Semperingham Abbey site is 1 mile from the site.
- r) Impact on recreational activities.
- s) Adverse impact on highway safety on the A52.
- t) The council will be liable for accident damage from wind turbine and human ill health.

Two letters of support were received stating:

- a) Sempringham fen is considered a sensible location for land based wind turbines.
- b) I do not subscribe to the view that these turbines are "Ugly".
- c) There are few places better suited to windfarms – lack of hills and other obstructions means a steady flow of air.
- d) To be able to harness the wind and obtain "Free" electricity seems to be admirable.

Responses received following consultation on additional information.

7 letters of objection have been received, all reiterate and stress the adverse visual impact on the landscape and then reiterate point raised before. Most take issue with the landscape report and its conclusions.

## **Applicants Submissions**

The applicant submitted a detailed landscape assessment and their conclusion follows:

### **6 Summary and Conclusions**

The scheme would constitute a relatively inconspicuous element within local views and whilst introducing a new landscape element that would contrast with local landscape character it would not, due to its form and almost transparent qualities, form a prominent or in any sense dominating landscape element. The local landscape would remain unaffected at all but the very local area to the scheme (potentially up to a 150m radius from the scheme). Within this very local area the mast would form a potentially dominant landscape element. However, moving away from this very local area, the prevailing open and expansive low-lying agricultural landscape would become the chief landscape characteristic. Similarly, only within views to the south-east from Neslam Farm is the scheme assessed as having any potentially significant visual effects. Within all other views the scheme would have a Low to Negligible Magnitude of Effect, which would be insignificant.

Whilst opinions may vary as to the acceptability of these effects, it is the opinion of the assessor that the effect of the scheme, however slight and temporary, would be positive. The scheme, whilst utilitarian is not without some visual interest and appeal. It would provide some local relief within a landscape that, whilst varied and not unattractive, is of uniform topography and land use and lacks incident. At a local level the scheme would provide some local incident, albeit that the range in terms of distance from the scheme that this incident could be appreciated, would be very local and generally between 1 to 3 km from the scheme.

## **Conclusions**

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. The same section further states that where policies conflict then the last published/adopted document takes precedence. The adopted local plan is silent on renewable energy and therefore PPS22 and Companion Guide together with Policy 41 of RSS8 and Policies NE9 and NE11 of the new Structure Plan are relevant. The Key Issues are discussed below.

### **Precursor to a larger development**

**This is an application for a meteorological mast and not the application for the 6 turbines. This application has been submitted because information is needed to determine whether the site is suitable for a wind farm. When consulted about the**

contents of an Environmental Impact Assessment (EIA) that would be needed for an application for a wind farm your officers noted that in the section regarding site selection the applicant stated that wind measurements would be needed. Without this information the EIA will be incomplete. A theoretical scenario whereby this application is refused and an application for a wind farm is submitted without this wind information, then a refusal on the grounds of lack of information would probably result in an appeal decision that the authority was acting unreasonably and this would give grounds for an award of costs against the authority.

A number of objectors have stated this point and the implication being that if this application is refused then they will not be able to proceed with the next. As stated above that decision may result in a financial penalty that would ultimately be paid by residents.

This application should be determined on it's own merits. Any application for a wind farm should also be determined on it's own merits and it should be noted that data from this mast may indicate that this site is unsuitable.

#### Visual Impact

The mast is to be constructed of galvanised steel that is considered not to create a stark contrast with the sky or landscape background. It is considered that a single mast for a temporary period will not create a significant permanent visual intrusion into the landscape. It is considered that a condition restricting the mast for a maximum of 1 year is a suitable period to record data and that it should be removed earlier if data is not needed for that length of time.

As part of the drafting of the Local Development Framework Documents an appraisal of the landscape in the District is being undertaken. This document is in draft form and has not been subject to consultation and therefore carries little weight but it does identify the fens as a particular character area. The draft report highlights that any tall feature will be prominent in the landscape and this conclusion is acknowledged by the applicant.

The key question is whether this mast will have an adverse visual impact sufficient to justify refusal ? It is considered that the mast will have an adverse impact when viewed from positions close to the site against a blue sky. Correspondingly it is considered that the mast will have a lessened impact when viewed against a cloudy sky as evidence by the photo montages. It is considered that the mast will have the less impact when viewed from distant points and it is concluded that it will have no greater impact than existing steel lattice pylons.

On balance it is considered that the mast will not have an adverse visual impact. Since drafting the original report the applicants have requested that the mast be retained for two years and this is considered acceptable. The condition has been amended.

#### Other issues raised during publicity

It is considered that the other matters raised will have little adverse impact with respect to this application but are very pertinent to an application for the wind farm. In part the comments will be answered by the EIA in the process of compilation.

Your officers conclude that this development is acceptable.

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

1. The development hereby permitted shall be for a limited period of:
  - a) the period to obtain the necessary wind data; or
  - b) two years from the date of this consent;

whichever is the shorter. The date of completion of data recording shall be submitted to the Local Planning Authority in writing within 1 month of finishing.

2. The mast and any foundations will be removed from the land within a period of 3 months from the date of notification of completion of data recording.

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

1. Required to be imposed pursuant to section 51 of the Planning & Compulsory Purchase Act 2004.
2. To ensure that the development site is capable of beneficial agricultural use after the need for the mast has ceased.

This application was deferred at the last meeting on 24 October 2006 to clarify the response from the MOD relating to reported objections from Operational RAF squadrons.

The following is the verbatim reply from Defence Estates:

"In response to your letter dated 27 October 2006, I can confirm that the Ministry of Defence (MOD) have no safeguarding objections to the above proposal. Based on the grid references above, the application site lies outside of any MOD statutory safeguarded areas.

In your letter you ask if I can confirm that the Royal Air Force have no objections to this proposal. Defence Estates Safeguarding respond to planning applications on behalf of the entire MOD rather than any of the military services in isolation.

You mention in your letter that RAF Barkston Heath and RAF Cranwell had not been notified of this application by Defence Estates Safeguarding. We do not contact safeguarded establishments regarding planning applications. Instead, we have a range of technical advisors who we consult as necessary dependant on the safeguarding requirements of the establishment. As this application was identified as being outside of any statutory safeguarded area, it was not necessary for Defence Estates Statutory Safeguarding to consult with any outside bodies or raise any objection.

Whilst we have no statutory safeguarding objections to this application, the height of the mast will necessitate that our aeronautical charts and mapping records are

amended. Defence Estates Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify this office of the following information prior to development commencing:

- a) Date of commencement of construction of the mast;
- b) Date of completion of construction of the mast;
- c) The height above ground level of the tallest structure;
- d) The maximum extension height of any construction equipment; and
- e) Whether the mast will be lit with air navigation warning beacons.

The MOD recognises that a meteorological monitoring mast is frequently deployed prior to the development of a windfarm. The applicant should note that the erection of wind turbines in this area may affect military aviation and radar. Defence Estates Safeguarding can complete a technical assessment of windfarm development proposals prior to the submission of formal planning applications. To confirm the suitability of a windfarm with respect to MOD operational interests please complete the standard windfarm proforma which can be found on the British Wind Energy Association website ([www.bwea.com](http://www.bwea.com)).

Once that has been completed please forward it to Mrs Zoe Durrant at Defence Estates at the above address or via e-mail to [zoe.durrant@de.mod.uk](mailto:zoe.durrant@de.mod.uk). Should you need to contact her the number is 0121 311 2259.

I hope this letter is clear, but please contact me if you require any further information."

\* \* \* \* \*

Applicant	<b>Mr S Winfield</b> Brittle Farm, Oasby, Grantham, NG323NA
Agent	Stephen Bate, The Robert Doughty Consultancy Ltd 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
Proposal	<b>Change of use of agricultural land to leisure uses including the provision of holiday cabins, creation of lake, landscaping &amp; improvement to access</b>
Location	<b>Pt OS 5865, King Street, Oasby</b>

<u>Site Details</u>	
<b>Parish(es)</b>	<b>Heydour</b> C Class Road Unclassified road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Barkston/Cranwell (refuse tips only) Barkston/Cranwell (Yellow - exc 45.7m) Drainage - Welland and Nene EA: Flood Risk Zone 2 (New Build Only) EA: Flood Risk Zone 3 (New Build Only)

## REPORT

### The Site and its Surroundings

The application site is located approximately 8.5 kilometers northeast of Grantham. It would be accessed from Kings Street which is a single track lane running north to south from High Dyke and the A52.

The applicants' agent has indicated in their supporting statement that the site forms part of Brittle Farm, a holding of approximately 27 hectares. However, no additional land within the control of the applicant is shown on the submitted location plan.

The surrounding landscape is predominantly flat and in agricultural use. Although the application site has a difference in levels of approximately 3.5 meters. The frontage of the site, adjacent King Street being higher than the rear of the site.

The site benefits from a hedge along the south, east and west boundaries.

The adjacent village of Oasby is identified as a less sustainable village by the Council's Interim Housing Policy. This is based on the facilities available at the village. From the Council records the village has a public house, mobile library and local bus service.

### Site History

**There is no relevant site history.**

## The Proposal

**The proposed development is in outline form with all matters reserved for subsequent approval except access. The submitted site plan is therefore indicative only but demonstrates how 30 holiday cabins could be accommodated on the site with associated landscaping. No elevational details have been submitted of the cabins as the design and appearance is reserved for subsequent approval.**

Roughly centrally within the site it is proposed to excavate a lake. This lake has been designed in conjunction with Ministry of Defence advice. It is a small linear feature and is not intended for fishing but as an ornamental feature. This will avoid the possibility of encouraging large bird species which may be a potential danger to aircraft flying to and from RAF Barkston Heath.

Access to the site would be via the existing field access off King Street. It would run directly behind the existing hedge line and into the main application area.

**A footpath link is proposed from the site at the south-west corner to link up with Ancaster Lane and the village of Oasby.**

## Policy Considerations

### National Policy

Planning Policy Statement 7 (Sustainable Development in Rural Areas) 2004

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance Note 21 (Tourism) 1992

### Lincolnshire Structure Plan (adopted)

Policy T3 – Caravans and Chalets

### South Kesteven Local Plan (adopted)

REC 8 – Recreational Facilities in the Open Countryside

REC 11 – Touring Caravan and Camping Sites

EN1 – Protection and Enhancement of the Environment

EN2 – Development in the Countryside

EN3 – Areas of Great Landscape Value

## **Statutory Consultations**

Councillor Stokes has requested that the application be determined at committee as the application is for a new venture on agricultural land.

Heydour Parish Council: A summary of the main concerns received by parish council are listed below:

1. How will the surface water and sewage be dealt with?
2. Are the cabins for rental or short term lease?
3. Will the accommodation be restricted to families?
4. Very large development sited in the open countryside on the high ground in close proximity to a small conservation village.
5. No shop in Oasby nor the surrounding villages.
6. Detrimental effect on character and visual amenity of the area.
7. 30 cabins at full occupancy would almost double the population of Oasby.
8. No details of surface water/sewage disposal have been provided.
9. Increase in volume of traffic on the surrounding road network would present a potential road safety problem.
10. Noise and disturbance to residents. It is understood that this kind of problem has arisen at Woodland Water
11. Proposal does not satisfy criteria in Lincolnshire Structure Plan and South Kesteven Local Plan.
12. No traffic survey has been produced.
13. Whilst the passing bays are an improvement.
  14. There have been a great number of accidents at Oasby Mill Cross roads over recent years.
15. Whilst the passing bays are an improvement it is not considered they address the additional traffic.

Welby Parish Council: A summary of the main concerns are listed below:

1. Although the proposals may not affect our village directly we feel that the repercussions will have a detrimental effect upon our area.
2. Impact on 'drive through' traffic and highway relevant. They are only built for local needs.

Local Highway Authority:

The application plans submitted are inadequate in terms of the details supplied. No access details are shown or scheme details showing the proposed highway improvement works as suggested in their report.

This lack of information makes it difficult for the highway authority to assess this application and hence would be detrimental to highway safety.

Should the applicant amend the drawings and resubmit, this authority will assess the application.

**An amended plan has been received regarding the proposed highway improvements.**

A summary of the comments of the highway authority regarding the amended plans are listed below:

**The details as shown on your plan are inadequate in terms of details supplied as there are no dimensions or access details. Due to the plans being inadequate the highway authority are still recommending refusal of this application.**

A further amended plan has been received from the applicant's agent indicating proposed site access details and a typical passing bay to address the highway concerns.

Any comments from the Highway Authority regarding this plan will be reported verbally.

**Campaign to Protect Rural England: CPRE Lincolnshire objects to the development on the following grounds:**

1. The development would represent a visual intrusion by reason of the number and forms of leisure developments proposed in an area of extremely pleasant and tranquil countryside.
2. The proposals cannot reasonably be said to be sustainable in such a remote rural location well away from established centres of population. It takes agricultural land which is not used for any other purpose at present. It is not linked to any existing or man made feature, such as a former gravel working, which might give some credence to claim for some types of leisure use.
3. It would result in all persons visiting the site having to travel by private car or van. This would be contrary to national guidance seeking to reduce the need to travel unnecessarily by private vehicles. There is no public transport service which might help to reduce such travel.
4. The road network in the area is poor and the village is served by narrow lanes. Despite the provision of passing bays. It is nevertheless likely that roadside verges will be churned up to the detriment off the appearance of the village and its surroundings.

Community Archaeologist:: No development shall take place until a programme of archaeological works has been secured.

**Environment Agency:**

**We note that foul water from the development is not proposed to go to the mains sewer network. No details have been provided demonstrating the proposed means of foul water, sewage and trade effluent disposal. The Environment Agency therefore object to the proposed development subject to the submission of these details. This is considered necessary to prevent the contamination of controlled waters and to ensure that the development is carried out in accordance with DETR Circular 03/99.**

## Flood Risk

I can confirm that we have received a Flood Risk Assessment (FRA) submitted to support this application. We consider that the details in the FRA have been undertaken in line with the fluvial main river aspect of flood risk guidance, and these are appropriate for the scale and nature of the proposed development.

We recommend that a condition securing compliance with the FRA is appropriate.

## Applicants Submission

A summary of a letter supporting the development from the applicant's agent is listed below:

**“Firstly, with respect to the drainage and sewerage requirements. As you will be aware, this is an outline application. It is likely that foul disposal would be by way of a sewage treatment plant. Details of surface water runoff attenuation and sustainable drainage are included in the submitted Flood Risk Assessment. We see no reason why these matters cannot be dealt with by way of condition, at the reserved matters stage. We are unclear as to what trade effluent the Environment Agency may be referring to. There will be no industrial processes on site. Refuse disposal will be through the District Council’s normal services.**

Secondly, with respect to Structure Plan Policy T3, this is important, but is not the key to this proposal. Local Plan Policy REC8 is similarly relevant but forms part of an outdated Plan. The proposal therefore needs to be considered in the round, alongside all government advice and Development Plan Policy. Appropriate weight should be given to the potential economic benefits of the proposal in facilitating tourism and increasing visitor numbers to the area, which outweigh the minimal environmental impact.

Structure Plan Policy T3 accepts that, “*small scale sites for holiday [cabins] will normally be permitted*”. The proposal will assist in fostering the further development of tourism and recreation in the area, whilst the site location and its accessibility provide opportunities for short breaks and longer stay holidays.

The inclusion of a small lake within the proposal is not intended to provide justification by itself for the development. The proposal provides accommodation in a quiet rural location, to enable the pursuit of countryside leisure activities, such as walking, cycling, fishing, horse riding, clay pigeon shooting, bird watching, gliding/flying etc. All of which are available nearby. Furthermore, the location is accessible to other significant tourist facilities. A list of the location of such countryside leisure facilities is provided at Appendix A of our Development Appraisal. Importantly, the application site lies only a short distance from two significant tourist attractions, Ancaster Karting and Paintball and Woodland Waters.

With respect to the perceived prominence of the proposal, the site is a distance from adjacent roads, being set back one field from the nearest road, and already has well established boundary vegetation. There are very few public vantage points and these offer distance views of the site. The surrounding land is not flat and featureless and the topography helps to screen the site. The proposed layout makes use of the natural contours and tree screening. The proposed cabins will not be prominent structures and will set comfortably within the existing landscape framework and will be accompanied with a significant and sensitive planting scheme.

The fact that a need for good holiday accommodation has been demonstrated means that the diversification, economic and tourism benefits of the proposal should be given sufficient weight to overcome any concerns that this may not be the "correct location for the development".

We trust that you will be able to take on board these comments when making your recommendation to the Planning Committee. We would urge you to acknowledge that the economic and tourism benefits of the proposal outweigh the minimal environmental impact and to support this proposal."

## **Conclusions**

The proposal relates the principal of development of an area of open countryside approximately 3.9 hectares for the erection of holiday cabins associated landscaping and creation of a lake.

The main issue relating to this development is its compatibility with relevant government guidance and development plan policy.

The current government guidance contained in Planning Policy PPS7 Sustainable Development in Rural Areas highlights the issues that should be considered when determining development proposals for static holiday and touring caravan parks and holiday chalet developments.

Planning Authorities should:

**"In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:**

- i) carefully weight the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for relocation away from sites prone to flooding or coastal erosion;
- ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and developments (e.g. to improve layouts and provide better landscaping); and

- iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.

**Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.**

Additionally, policy T3 of the adopted Lincolnshire Structure Plan states:

Provision will be made for small scale static holiday caravan and chalet facilities provided that a number of criteria are met. Which included:

They are associated with a significant tourist or recreation facility within the locality.

There is satisfactory vehicular access and the existing landscape character and visual amenity are respected and agricultural, nature conservation and heritage interests safeguarded.

Policy REC11 if the adopted South Kesteven Local Plan states that planning permission for tourist camping and caravan sites in the open countryside will normally only be granted where the development is closely associated with existing or proposed major countryside recreational and tourist attractions.

Additionally, visual amenity, potential conflict with the needs of agriculture, forestry and other environmental interests must be taken into account and satisfactory access, parking and service facilities are available.

Whilst the proposal does contain a lake it is an ornamental feature only. It is not intended for fishing. This avoids the potential problem of encouraging large bird species and the danger to flying aircraft at RAF Barkston Heath.

**Without any specific countryside or recreational/tourist attraction the development would be reliant upon:**

**“... the pursuit of countryside leisure activities, such as walking, cycling, fishing, horse riding, clay pigeon shooting, bird watching, gliding/flying etc.”**

The future occupiers of the proposed units would therefore be reliant upon the motor vehicle to travel to elsewhere to existing tourist/recreational facilities or be dependent upon the informal recreational activities that can take place in any part of the open countryside. Additionally, as the neighbouring village, Oasby, is identified in the Council's Interim Housing Policy as a less sustainable village the occupiers of the proposed development would again be required to travel to other settlements for essential facilities and services. This is considered contrary to sustainable development objectives.

The site does benefit from existing boundary screening on three sides in addition to trees on the eastern boundary of the site. However, the scheme would be dependent upon

significant proposed planting and screening. This would take a considerable period of time to become established.

**Notwithstanding the existing and proposed screening, it is considered that the proposal would result in significant built form in the open countryside to the detriment of reasonable visual amenity. Particularly, as the area is protected by policy EN3 of the adopted South Kesteven Local Plan. It is accepted that this policy supports recreation and tourism development. But with certain criteria. It should not be at the expense visual amenity. The application site is somewhat discreet from Oasby and would be visible when approaching by road from the north.**

It is accepted that tourism has long been an important component of the Lincolnshire economy (particularly along the holiday coast, Lincoln, and other historic centres). However, this should not be at the expense of overarching objectives of sustainability and protection of the natural environment.

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

1. The proposed development would not be associated with any significant tourist or recreational facilities/attractions in the locality. Additionally the adjacent settlement of Oasby is defined as a less sustainable village (Interim Housing Policy). The occupiers of the proposed development would therefore be reliant upon trips by motor vehicle to surrounding settlements for essential facilities and access to recreational/tourist attractions.

As such the proposed development is considered to be unsustainable and contrary to Planning Policy Statement PPS7, PPG13 - Transport, Policy T3 of the adopted Lincolnshire Structure Plan and Policy REC11 of the adopted South Kesteven Local Plan.

2. It is considered that the proposed development, notwithstanding the existing and proposed screening would result in a visually prominent and undesirable built form in the open countryside unrelated to the settlement of Oasby. As such the development would be detrimental to visual amenity and would have a detrimental impact on the character of this area of great landscape value.

Accordingly, the proposed development is considered contrary to Policies EN2 and EN3 of the adopted South Kesteven Local Plan.

\* \* \* \* \*