

**Development Control Committee
14 September 2010**

PG1 S08/1231/EIAOL

Target Decision Date: 20-Oct-2009

Applicant	
Agent	Mr Simon Pease, Ancer Spa (Midlands) Ltd Royal Oak Business Centre, 4, Lancaster Way, Daventry, Northants, NG11 8PH
Proposal	Outline permission for residential, community facilities, public open space, sports pitch, railway bridge, roads and ancillary works
Location	Poplar Farm, Barrowby Road, Grantham, NG31 8AF
App Type	OL Environmental Impact Assessment
Parish(es)	Grantham Great Gonerby

REPORT

Purpose of the report

For members to reconsider the matter of the Section 106 negotiations and the planning conditions to be imposed on the grant of permission.

Introduction and Background

This is an Outline Planning Application, with all matters reserved, for a mixed use sustainable urban extension comprising C. 1800 dwellings, community facilities (including a primary school, community centre, retail use classes A1, A2, A3 and A5, doctors surgery and elderly persons accommodation) and associated open space (including new playing fields, facilities and changing rooms, children's play areas, informal network of open spaces and allotments). The proposal includes a new railway bridge to complete the Pennine Way link road.

At the committee meeting of the 15th September 2009 consideration was given to the above application and "it was proposed seconded and agreed that the application be deferred for determination by the Principal Planning Officer (North Team) after consultation with the Chairman and Vice Chairman, subject to the summary of the reasons set out by the Case officer in the circulated report, subject to the completion of a Section 106 agreement in the terms set out in the late report, and subject to appropriate conditions, including those set out in the main report and the late report."

Since that date there has been extensive negotiations between your officers and the applicants to address in particular the issues of delivering the bridge over the railway line, affordable housing, the current policy context and the life of the permission.

It should be noted that the report is only to reconsider those matters concerning the Section 106 agreement and the planning conditions and not to reopen the debate concerning the principle of the development which was resolved at your Committee in September 2009.

Section 106 Agreement

The terms of the Section 106 previously agreed relating to the cash contributions remain as before and are as follows:-

Education	£4,816,000
Health Care	£858,000
Community Centre	£538,000
Public Transport and offsite highway works	£195,000
POS/SUDS/Play equipment	£1,884,000
CCTV/ Public Art Street Furniture	£106,000
Agreement Administration	£30,000

The affordable housing contributions (22% provision) previously estimated at £9,398,000 will still be retained but the terms of the agreement varied to provide flexibility to the Council in its provision. This would allow for rented housing or shared ownership housing with at least 60% rented or at the discretion of the Council.

The Pennine Way Link and the bridge would be provided via a deposit of 60% of the cost of the bridge (estimated at £4.1m) payable to the Council on units 450-750 = £8,200 per unit. Counsel opinion was sought on the draft Section 106 and the advice was that a bridge deposit would achieve the desired result of allowing the scheme to remain commercially viable and also provide the council with sufficient reassurance that the bridge would be delivered.

Planning Conditions

Since the previous committee in 2009 the Core Strategy has been adopted and the conditions proposed have been amended to reflect these new policies.

Also the requirement contained in Condition 21 that the bridge be completed either by the completion of the 751st dwelling or 9 years from commencement of the development. Again legal advice recommended that the 9 years backstop be deleted as it might also be unenforceable and a deposit to build the bridge be used as a more practical alternative.

Condition 36 was added at your previous meeting to secure improvements to the highway network at Gonerby Hill/ Pennine Way junction and to the Asda Roundabout prior to the Pennine Way Link being brought into use. The applicants would fund these works through a Section 278 agreement with the County Council.

Discussions have already been undertaken to produce a Master Plan and Design Codes to produce an attractive and sustainable development linking the development through a series of cycling and green pedestrian routes to the town centre.

SUMMARY OF REASON(S) FOR APPROVAL

RELEVANT POLICIES

National Policy

PPS1: Delivering Sustainable Development
PPS5 Planning for the Historic Environment
PPS3: Housing
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG17: Planning for Open Spaces, Sport and Recreation
PPS25: Development and Flood Risk

South Kesteven Core Strategy

SP1- Spatial Strategy
SP3- Sustainable Integrated Transport
SP4- Developer Contributions
EN1- Protection and Enhancement of the Character of the District
EN2- Reducing the Risk of Flooding
EN4- Sustainable Construction and Design
H1- Residential Development
H2A- North West Quadrant
H3- Affordable Housing

OTHER MATERIAL CONSIDERATIONS

Previous Planning History;

Impact on the Highway Network;
Impact on Utility Services;
Impact on Infrastructure;
Impact on the Environment; and
Objectives of Grantham Growth Point.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the development accords with the above policies generally and the following material considerations have been addressed:

Previous Planning History

Previously outline planning permission has been approved at this site for a lower number of dwellings. Also South Kesteven District Council has been minded to approve an outline planning permission in 2002. Since these applications policy changes have occurred and the South Kesteven Core Strategy identifies the land as an opportunity for a sustainable mixed use development incorporating housing employment and local community facilities. Its proximity to the centre of the town means that the established cycle, walking and bus routes could be extended into the site,

Impact on the Highway Network

The information submitted by the applicant indicates that the junctions of Barrowby Road / Sankt Augustin Road / North Parade are at capacity and that congestion occurs.

The AM Peak will not be significant when compared to the predicted increase if the Bridge is constructed. The PM peak is considered to have an adverse impact with increased delays at junctions averaging at approximately 3 minutes and 2 minutes if the bridge is delayed to the 751st house. Once the threshold has been passed for the bridge construction delays are predicted to reduce to less than 1 minute.

It is considered that the increased congestion is acceptable when balanced against the planning gain package.

Numerous representations have been received regarding the completion of the Pennine Way link. The connection of the two roads is seen as a method of dispersing traffic from the Town Centre and it is anticipated that it will be used as a link between Great Gonerby and Barrowby Road. This part of the LCC Highway's strategy to reduce vehicles in the town centre so that reduced travel times and an increased frequency can be accorded to buses.

Impact on Utility Services

There is capacity to supply fresh water to the development.

There is not capacity for the disposal of foul water from the site. Anglian Water have advised that there is capacity for 250 dwelling before new strategic pipes need to be laid to the Marston Treatment Works; a condition has been attached restricting the construction of dwellings to 250 before the pipes have been laid.

There is no adverse impact on electrical or gas supply.

Impact on Infrastructure

The planning gain package addresses the Social Infrastructure associated with the development. A firm of Chartered Surveyors with reference to the economic climate, policy constraints and recent appeal decisions has negotiated the value of the package. The package is set out in full rather than being subject to negotiation at set periods; in this respect a long life permission is recommended (see Conditions where the permission is

recommended to allow 15 years for the submission of Reserved Matters).

This package is predicated on the attachment of a condition allowing 750 houses to be constructed before the Pennine Way bridge is constructed. This allows the development to generate sales.

Impact on the Environment / Urban Design Issues

The application is in outline with all matters reserved except access. The submitted plan is indicative only. The applicant has supplied parameter information in respect of dwellings. These have been made with reference to the traditional built forms of Grantham. Further information has been sought and has been incorporated into the Design and Access Statement. This is a living document and will be amended with successive iterations as the development proceeds. Conditions have been attached to secure this progression. The next stage will be to produce a master plan and formalised design codes.

Objectives of Grantham Growth Point

The objectives of the Growth Point are to provide increased quantities of housing to support an increased retail offer, employment opportunities and improved infrastructure..

Other Material Considerations

The concerns of English Nature and Lincolnshire Wildlife Trust have been addressed and are included as conditions.

The concerns of the Environment Agency and Internal Drainage Board have been addressed and it is considered likely the Lincolnshire County Council are likely to be the strategic authority to adopt the SUD's proposed on site.

The issue that this application is being determined without reference to a master plan for the entire North western quadrant has been noted. PPS3 advises that an application cannot be refused on the grounds of prematurity alone and it is considered that there are no other grounds on which to refuse the application.

Comment on Issues raised by third parties not included above

Malting Lane is not an access road to the development.

Other comments that have not been addressed above are not material planning considerations.

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 fifteen years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
 - (a) The expiration of seventeen years from the date of this permission; or

(b) The expiration of two year(s) 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.

Reason: Required to be imposed pursuant to Section 92 (as amended) of the Town and Country Planning Act 1990.

2. For each Phase, details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within fifteen years from the date of this permission:

- (a) layout;
- (b) scale;
- (c) appearance;
- (d) access; and
- (d) landscaping.

Approval of all reserved matters for any phase or part of any phase shall be obtained from the Local Planning Authority in writing before any development in that permitted phase or part of any permitted phase is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. Before any Reserved Matters applications are submitted a Master Plan and Design Code for the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Any variations, over the life of the permission, to the Master Plan, Design Codes and Phasing Plan shall be submitted to and approved in writing by the Local planning Authority. All Reserved Matters Applications shall accord with the Master Plan, Design Codes and the Design and Access vision and principles. All development shall be constructed to accord with these documents.

Reason: The application has been submitted in outline and the Local Planning Authority wishes to retain control of design in accordance with PPS1: Delivering Sustainable Development, PPS 3: Housing, PPG13: Transport and South Kesteven Core Strategy Policies SP1, SP3 and EN1.

4. Notwithstanding submitted details the areas of land allocated for the school, community facilities, retail and health uses, together with the primary road shall be determined in the Master Plan required to be submitted by Condition 3 and no development shall be undertaken before the Master Plan has been agreed in writing by the Local Planning Authority. All development shall be constructed to accord with the details in the Master Plan.

Reason: The application has been submitted in outline and the Local Planning Authority wishes to retain control of design in accordance with PPS1: Delivering Sustainable Development, PPS 3: Housing, PPG13: Transport, and South Kesteven Core Strategy Policies SP1, SP3 and EN1.

5. Phasing of the development, shall be in accordance with that indicated in the Phasing Plan received 23 July 2009 or as otherwise agreed and approved in writing by the Local Planning Authority in accordance with Condition 3.

Reason: To ensure that essential facilities necessary to serve that part of the development are provided in a timely manner.

6. Before the development of any of the phases referred to in Conditions (2) and (5) above is commenced a scheme for the programme of development of the instant phase, including the staging of the provision of all access roads, and the landscape treatment of any land not proposed for immediate development, shall be submitted to and agreed in writing by the Local Planning Authority, and development of the instant phase shall be carried out in accordance with such scheme as is agreed pursuant to this Condition.

Reason: To ensure that essential facilities necessary to serve that part of the development are provided in a timely manner.

7. There shall be provided for each dwelling either garaging and/or hardstanding for the parking of vehicles clear of the highway and details of this, including materials and construction design, shall be shown on the layout plan required by Condition No. 2 and be constructed prior to the occupation of the dwellings. Such provision shall be kept permanently available for ancillary parking purposes during the occupation of the dwellings.

Reason: To ensure that occupiers and visitors do not have to park on adjacent roads in the interests of highway safety.

8. No development of any non residential land or buildings shall commence before a scheme showing the vehicular access, parking and manoeuvring facilities relating to any such development has been submitted to and agreed in writing by the Local Planning Authority. Before any such development is brought into use the vehicular access, parking and manoeuvring facilities approved pursuant to this condition shall have been provided and shall, thereafter, be permanently set aside and reserved for each purpose.

Reason: To ensure that occupiers and visitors do not have to park on adjacent roads in the interests of highway safety.

9. The parking areas shown pursuant to conditions (7) and (8) shall be surfaced, laid out and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that occupiers and visitors do not have to park on adjacent roads in the interests of highway safety.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of strategic landscaping for areas shown for this purpose in the initial version of the Master Plan, and such scheme shall include an indication of all existing trees and hedgerows on the land, and

details of any to be retained, together with measures for their protection and preservation and a staged programme of implementation.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

11. No development of any instant phase shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for areas other than those agreed in condition (10) above, and such scheme shall include a staged programme of implementation.

Reason: In the interests of the visual amenity of the area and to secure a satisfactory development.

12. All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to conditions (10) and (11) above shall be carried out in the first planting and seeding seasons following each stage of the implementation programme agreed under those conditions. Any trees or plants which within a period of 5 years from the completion of the instant stage of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

13. Before the development of any of the phases referred to in Conditions (2), (3) and (4) above is commenced a scheme for the programme of development of the instant phase, including the staging of the provision of all access roads, and the landscape treatment of any land not proposed for immediate development within that phase, shall be submitted to and agreed in writing by the Local Planning Authority, and development of the instant phase shall be carried out in accordance with such scheme as is agreed pursuant to this Condition.

Reason: To ensure that essential facilities necessary to serve that part of the development are provided in a timely manner.

14. The details required by Condition No. 11 hereof shall make provision for public open space and children's play areas for each phase in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such provision shall be made concurrently with the remainder of each phase of the development and thereafter retained for those purposes.

Reason: In order to secure the provision of adequate open space and children's play areas for the enjoyment of residents of the area. to accord with South Kesteven Core Strategy Policy EN1.

15. Before the development of a phase or part of a phase hereby permitted is commenced, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local

Planning Authority. This screening shall be erected or constructed prior to the occupation of the buildings hereby permitted. or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings to accord with South Kesteven Core Strategy EN1 and national planning policy PPS1.

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

Reason: To ensure a satisfactory appearance to the development and in accordance with South Kesteven Core Strategy Policy EN1.

17. Strategic disposal of surface water and waste water from the site shall be carried out in a manner to accord with the Flood Risk Assessment conclusions and SUDs principles and best practice. Details are to be submitted as part of Reserved Matters Applications pursuant to Condition 2 and agreed in writing with the Local Planning Authority prior to the commencement of initial development and each phase of development will show connections to the approved strategic infrastructure.

Reason: In order to secure the proper drainage for the site in the interests of satisfactorily planned development to accord with PPS25: Flooding and South Kesteven Core Strategy Policy EN2.

18. The finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced in each phase or permitted part of a phase.

Reason: To secure a satisfactory form of development to accord with South Kesteven Core Strategy Policy EN1.

19. Before the commencement of development of any phases or parts of phases of the site, any public footpaths created by the previous development of any phases or part of any phases shall be safeguarded in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety and to ensure a satisfactory development to accord with PPG13.

20. Simultaneously with the detailed plans submitted pursuant to condition (2) the results of a recent survey of protected species activity within the instant phase shall be submitted to the Local Planning Authority.

Reason: To ensure a satisfactory development and to safeguard the wildlife interests of the site to accord with PPS9 Biodiversity and Geological Conservation.

21. Before occupation of the 751st dwelling the required Railway Bridge to link to Pennine Way shall be constructed and brought into use in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of highway safety to accord with PPG 13 and South Kesteven Core Strategy Policy SP3.

22. No development shall be commenced until a scheme for the provision, implementation and maintenance of a surface water regulation system to accord with the principles and Best practice of SUDs has been approved by the local planning authority in consultation with the Internal Drainage Board. The rate of discharge from the site to the culvert under the railway line MUST NOT be greater than 340 litres per second under a 100 year storm event plus a 30% climate change factor.

Reason: To prevent the increased risk of flooding to accord with PPS25 and South Kesteven Core Strategy Policy EN2.

23. A strip of land of suitable width should be left adjacent to both banks of all watercourses on site to allow machine access for the future maintenance of these watercourses. The watercourses and flow regulation systems should be constructed/improved to a level where they can be adopted by a public body.

Reason: To maintain access for maintenance and improvement work to accord with PPS25.

24. There should be no storage of any materials, including soil within that part of the development site currently designated as a storage lagoon area.

Reason: to ensure that there will be no increase in the risk of flooding to other land/properties to accord with PPS25.

25. Within 6 months of commencement of non-residential development, a Travel Plan, to accord with the approved travel plan framework shall be submitted to and approved in writing by the local planning authority. All plans shall include details to ensure the frequency of public transport serving the site meets the requirements of users. Thereafter annually a survey shall be analysed and submitted, by each occupier, to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.

Reason: To encourage transport behavioural change to accord with PPG13 and South Kesteven Core Strategy Policy SP3.

26. Where determined by condition 15 all external walls to be constructed of natural local stone which shall be laid, coursed and pointed in the traditional manner of the area in accordance with a sample panel that shall have been constructed on site and received the written consent of the Local Planning Authority before the development commences.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenities of the area and in accordance with South Kesteven Core Strategy Policy EN1.

27. Any gates at the point of pedestrian access shall be hung to open inwards only.

Reason: In the Interests of Highway safety.

28. Engineering drawings showing full construction, drainage and street lighting details (including road and pavement surfacing) of the adoptable highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any phase or part of a phase of the development.

Reason: To ensure a satisfactory form of development.

29. Any shared private driveways shall be hard surfaced for at least the first 5m from the future highway boundary and shall be capable of withstanding 12 tonne axle loads for emergency vehicles.

Reason: To ensure highway, property and personal safety.

30. Any gates to the vehicular access shall be set back 5.5 metres from the highway boundary and be hung so as to open inwards only.

Reason: To allow a vehicle to stand clear of the public highway in the interests of highway safety.

31. Prior to the commencement of any phase or part of a phase of the development, pursuant to any consent for reserved matters, full written details of cills, lintels, verges, rainwater goods, soldier/string coursing, chimneys, barge and fascia boarding, windows and doors (including those for garages), plinths, quoins and external finishes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with those details. All windows, doors, frames, barge and fascia boards shall be of timber construction, unless otherwise agreed in writing by the Local Planning Authority. Chimneys should be structural as opposed to imitation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenities of the area and in accordance with South Kesteven Core Strategy Policy EN1.

32. Prior to the commencement of any phase or part of a phase of the development, pursuant to any consent for Reserved Matters, written details of a package of crime prevention measures to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority. These measures shall have been installed prior to occupation of the individual dwellings affected.

Reason: To contribute to crime reduction by design to accord with PPS1 Delivering Sustainable Communities.

33. Prior to the commencement of any phase or part of a phase of the development written details of measures to ensure that over land water flows are intercepted and routed through the balancing pond or other appropriate means of disposal shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Environment Agency and implemented in accordance with the agreed details.

Reason: To reduce the incidence of flooding to accord with PPS 25.

34. Before completion of dwellings or non-residential buildings exceeding the following limits, an approved scheme for the disposal of foul water from the site shall have been constructed, this scheme shall have been submitted to and approved in writing by the Local Planning Authority before construction of the scheme:
- a) 250 dwellings; or
 - b) Non-residential buildings requiring the disposal of a volume of foul water equivalent to 250 dwellings, the calculation of which shall have been submitted to and approved in writing by the Local Planning Authority before the non-residential buildings are constructed; or
 - c) A combination of dwellings and non-residential buildings requiring the disposal of a volume of foul water equivalent to 250 dwellings, the calculation of which shall have been submitted to and approved in writing by the Local Planning Authority before the non-residential buildings are constructed.
- All buildings are to be connected to the approved scheme.

Reason: To ensure that the development does not create a flood risk at the site of final outfall to accord with the principles of PPS25: Flooding

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

Reason: In order to provide a reasonable opportunity to record the history of the site in accordance with PPS5 Planning for the Historic Environment.

36. Prior to the bringing into use the Pennine Way Link, improvements shall be carried out on the highway network (and certified as complete by the local planning authority) at Gonerby Hill/Pennine Way junction to improve the junction by means of providing a traffic light controlled junction and widening of Pennine Way to enable a left turn filter lane, a pedestrian/Cycle crossing on Barrowby Road at the Asda Roundabout together with upgrading of existing footways to provide footway/cycle

ways on Pennine Way (both north and south sections) and Barrowby Road together with all ancillary works in accordance with details to be agreed in writing with the local planning authority or other substituted works indicated by the subsequent Transport Assessments required by Condition 37.

Reason: To ensure an appropriate form of development in accord with Highway requirements and standards and in the interests of safety of users of the public highway, and safety of users of the site.

37. After the initial phasing has been substantially completed and before each subsequent phase is commenced, interim Transport Assessments shall be provided in accordance with a scope to be agreed with the local planning authority.

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

38. 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).

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

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

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

Note(s) to Applicant

1. Under the Highways Act 1980, it is an offence for vehicles to deposit mud and debris on the highway. A wheel washing facility should therefore be provided on the site of this development.
2. 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 section (telephone 01476 406187) to ascertain the level of protection required, and whether a geological assessment is necessary.

3. Attention is drawn to the Master Plan and Environmental Statement which has been prepared by the applicants in consultation with the Local Planning Authority to give guidance regarding the development of the application site.
4. Under the Highways Act, 1980 it is an offence for vehicles to deposit mud and debris on the highway. A wheel washing facility should therefore be provided on the site of this development.
5. Attention is drawn to the Design and Access Statement and Environmental Statement Volumes which have been prepared by the applicants in consultation with the Local Planning Authority to give guidance regarding the development of the application site.
6. Any footpath crossover shall be carried out to the satisfaction of the Highway Authority.
7. The applicants attention is drawn to the fact that an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 relates to this permission and should be read in conjunction with the conditions attached to this permission. In respect of the offsite highway works relating to this permission, such works shall not commence until a section 278 Agreement, Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council.
8. Attention is drawn to the best practice advice and principles of Homes For Life.
9. The applicants attention is drawn to the fact that an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 relates to this permission and should be read in conjunction with the conditions attached to this permission.
10. You are advised that a public drainage ditch crosses the site and, consequently, attention is drawn to the need to secure the satisfactory consents under the appropriate legislation.
11. 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.
12. You are advised that a public drainage works crosses the site and, consequently, attention is drawn to the need to secure the satisfactory consents under the appropriate legislation.
13. Badgers are present in the locality. When last surveyed the site envelope contained occupied badger setts, but attention is drawn to the fact that these animals do construct new setts. Unauthorised disturbance of a sett is an offence under the Wildlife and Countryside Act 1981 and if a new sett is constructed inside the development envelope, authority is required from Natural England before the sett can be disturbed.

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Applicant	Mr A McLoughlin, The Stamford Endowed Schools 16, St Pauls Street, Stamford, Lincs, PE9 2BE
Agent	Mr Paul Harkin, GSS Architecture 35, Headlands, Kettering, Northants, NN15 7ES
Proposal	Erection of sports hall (incorporating swimming pool, fitness suite, gym, classroom and terrace)
Location	Land R/o Existing Sports Hall, Conduit Road, Stamford
App Type	Major Full (Non-residential)
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it considered to be locally controversial and at the request of the Development Control Committee Chairman.

At the Development Control Committee of 20 July the application was deferred, as noted in the meeting minutes, for the following reasons;

“It was proposed and seconded that the application be approved. Following further discussion, the proposition was withdrawn and it was proposed, seconded and agreed that further consideration of the application be deferred to enable photographs of Conduit Road leading up to the site and its entrance to be prepared and for discussions with the applicants regarding community use of the site”.

As a result of the deferral a report entitled ‘alternative site access points’ has been submitted by the applicant to look to address highlighted concerns. The report explores possible access points to the site and whether or not it would be possible to allow wider public access to the site without being detrimental to highway safety or existing sports provision.

The Proposal

The proposal is to erect a new sports hall that would incorporate a swimming pool, fitness suite, gym classroom and terrace. It would be accessed from Conduit Road. The existing car park would be re-laid and spaces clearly marked out. A passing bay is also proposed

along the drive between the car park and Conduit Road. 10 Silver Birch trees would be removed to facilitate the erection of the building.

The application site and its surroundings

The application site forms part of the playing field of Stamford Endowed School and lies to the east of an existing sports hall. Currently the land is laid with a mixture of grass and astro-turf for use as cricket wickets. There is a significant change of levels between the application site and land to both the immediate south and north. North of the proposed building is an Astro turf pitch raised some 3.5m above the proposed building. South of the application site is a grassed sports field, some 3m below the application site, with a line of silver birch between the two. Access to the site for pupils is primarily over a pedestrian bridge from the main school site, which is separated by North Street. There is also vehicular access to the site from Conduit Road.

There is a car park to the south of the existing sports hall. It has been indicated that the car park is capable of holding 33 vehicles, although parking spaces within it are poorly marked out.

Site History

There is limited recent planning history to the sports field site of the school beyond three applications, which were all granted permission, for the erection of floodlighting over existing sports pitches (ref; S02/0507, S05/0318 & S05/0826).

Planning permission for the existing sports hall was granted in 1983 (ref; SK.798/83).

Policy Considerations

Core Strategy policy EN1

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 13: Transport

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Guidance 24: Planning and Noise

Representations Received

Lincolnshire Heritage notes that no recognised archaeological features of interest would be affected by the proposed development.

South Kesteven Arboriculturalist does not object to the removal of the trees with them not occupying a prominent position or making any great contribution to the character of the area that would justify a preservation order.

Lincolnshire County Council, as Highway Authority, does not object to the application, subject to conditions. This is on the basis of the submitted Transport Assessment and content therein. Furthermore, based on the 'alternative site access points' report the highway authority would only support the existing access, subject to conditions, or a new access from Drift Road subject to required visibility splays and construction detail, which are likely to be achievable.

Sport England initially supported the application subject to a condition requiring community use of the building. However, following conflict between the desire to have a community use, highway authority concerns and the submission of an 'alternative site access points' report, Sport England have now identified that they would not support an application which would have a detrimental impact on existing sports pitches. Three of the four possible access points are likely to be detrimental to existing sports pitches and note that the existing access is, therefore, preferable. Also note that existing cricket wickets, which would be lost, are to be replaced. This is supported.

Stamford Town Council's comments are reproduced below;

"We have no objections to the erection of Sports Hall (incorporating swimming pool, fitness suite, gym, classroom and terrace). However, we have strong concerns regarding vehicular access to the proposed new development. The only access is on a narrow concrete roadway from Conduit Road. This Road is an extremely busy through route and there are always cars parked either side of the road. Most residents do not have off road parking or own a garage and park on the road or verge.

We would like to draw attention to policy number EN1 (iv) (Highway systems) and policy T3 (Parking).

There is extremely poor vision on exit from the narrow single track Road on the school site and the vision is always hampered by parked cars. We note that there is only parking on site for only 26 vehicles and with the new facility this will lead to increased traffic and a demand for more parking spaces. At the present time there are parking needs for school and squash club on the same site. As the proposed development opening hours are from 7am to 9pm this will exacerbate the traffic situation. In the short term building contractors will inevitably add to traffic congestion along Conduit Road.

We request that Highways carry out a traffic survey and a site visit is recommended".

The Comments of the Town Council on the Transport Assessment are reproduced below;

"No objections to the erection of new sports hall. It was noted that there had been a transport assessment undertaken. The Planning Committee are disappointed with the proposed Car Parking Management Strategy which proposed to bar pupils parking and thereby achieve adequate car parking space for the new and the existing sports facilities. We also remain concerned about the poor visibility splays on exiting from the sports facilities onto Conduit Road.

Whilst we understand that the concerns have tried to be addressed; however it is still believed that the requirements of Policy EN1 (vi) in SKDC Local Plan have not been met”.

At the time of writing no observations have been received from the Town Council on the ‘alternative site access points’ report, although any representations received will be reported to Committee in the late items paper.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 23 April 2010. As a result of the initial consultation 17 letters of objection were received. A summary of the objections received is reproduced below.

- The traffic situation along conduit road is already problematic due to on street parking and the number of vehicles that access the sports centre. Granting planning permission will only exacerbate existing problems.
- Construction traffic may find it impossible to access the site as well as result in increased congestion.
- The building should not be open to the general public
- Noise and light pollution from the building is likely to increase from the building to the detriment of residential amenity.

Following the submission of a Transport Assessment, at the request of the Local Highway Authority, a further consultation was undertaken. All local residents who responded to the initial consultation were informed of the additional information, along with the Town Council. A further two weeks was allowed for the submission of observations; the closing date for representations being 16 June. Three letters of objection has been received and express concern about;

- Noise and light pollution, increase in traffic and increase of use and disturbance
- Question the reliability of the survey and whether or not it is comprehensive enough given existing problems.

Additional consultation was undertaken following submission of the ‘alternative site access points’ report. All local residents who responded to the initial consultation were informed of the additional information, along with the Town Council. A further two weeks was allowed for the submission of observations; the closing date for representations being 06 September. At the time of writing no representations have been received.

Applicants submission

Believe that the design of the sports hall is sympathetic to the character of the area. Furthermore, it would enhance existing sports provision at the school.

With regard to existing use of the site it is only pupils, staff, registered Members of Stamford Squash Club and other organisations that currently rent facilities on a routine basis e.g. an indoor football club, a badminton club and indoor cricket club. The site is not open to the general public and as a result of the application there would be no increase in vehicular traffic or users to the site.

Note that there is an existing sports centre along Drift Road that is open to the general public. Furthermore, of the four possible access points the existing access is the most appropriate. Access points from St Pauls Street and off Conduit Road, through Northfields Court, are likely to be detrimental to highway safety. Vehicular access from Drift Road would require the removal of a number of mature trees and all alternative access points beyond the existing would require roadways and a buffer zone that would impact on existing sports pitches.

Officer Evaluation

The principle of development, which would enhance existing on-site sport provision, is supported, with PPG17, subject to certain criteria, encouraging such development.

With regard to scale of the building it is considered appropriate in that it would be similar to the existing sports hall. The design of the building would be relatively modern in terms of materials and elevation treatment. Materials proposed include a large amount of glazing on the south elevation to the swimming pool, orientated toward the grass pitch, including a balcony. The northern elevation would also have a balcony and be constructed of blended brick and limestone coloured masonry. The side elevations would primarily be constructed of limestone coloured masonry broken up by a mixture of glazing and two coloured block panels, with an entrance feature on the Conduit Road frontage. Whilst the design of the building would be relatively modern it would utilise materials to assimilate it with the traditional vernacular of Stamford e.g. limestone coloured masonry, as well as be more contemporary e.g. large glazing. Being a building that stands alone the design is considered appropriate with it being more sympathetic to the character of the area than the existing sports hall, by virtue of materials proposed. The visual diversity of the building is also an improvement on the existing sports hall, which is more monolithic.

Sited some 79m from the nearest property curtilage it is not considered that the proposal would raise any significant overlooking or overbearing issues. There would be two balconies on the building that would be orientated north and south having views across the existing grass and Astroturf pitches. The distance to residential properties should ensure that privacy will not be compromised. Concern has been expressed about noise and light that may be generated from the building; however, having regard to the distance to neighbouring properties and existing building and floodlights, this is not considered to be an overriding issue.

In view of the above the primary issue with the application is considered to be highway considerations. A Transport Assessment has been completed and concludes that the proposal would not lead to an increase in vehicle movements along Conduit Road, or to the proposed sports hall and car park. When the survey was completed the majority of people using the car park appeared to be A-level students. To reduce vehicle movements the report concludes that use of the car park by students should be restricted. A larger passing

place along the access route to the path should reduce any existing problems. Based on the information submitted it is therefore considered that the proposal would not have a detrimental impact on highway safety or congestion, provided there would be no resultant increase in vehicular traffic. There would a slight reduction of available parking spaces, 2 in total; however, two specific disabled spaces would be created. With an appropriate condition to ensure the parking spaces are marked out it is likely that existing spaces would be used more effectively and the reduction in spaces have a negligible impact.

An appropriate condition that stipulates the sports hall should not be open to the general public, but just to existing users, would overcome possible concerns about increased vehicle movements and congestion. It is noted that concern has been expressed about construction traffic and how Conduit Road would cope with larger vehicles, as well as disturbance to local residents. However, this is a regular feature of all building works and the Highway Authority have requested that a condition be added about the approval of a Construction Method Statement to minimise possible impacts.

With regard to the additional 'alternative site access points' report submitted with the application it is noted that there are four possible vehicle access points to the site. A – is the existing access off Conduit Road. B) is an alternative access point off Conduit Road, which would be through Northfield Court. C) would be a newly created vehicular access point from Drift Road. D) is an existing access from St Pauls Street. Access point A has already been considered, subject to conditions, acceptable on highway grounds although Sport England would request wider community use. Access points B and D have been discounted, by the Highway Authority, on highway safety grounds. Whilst it may be possible to provide an acceptable vehicular access from Drift Road (access point D), on highway safety grounds, it is likely to result in a loss of sports pitches with there being a need to provide a link road and buffer zone to the car park some 200m away, possible conflict with users of the field and also a change of levels between Drift Road and the car park. Sport England has also indicated that should the alternative access points erode usable sports fields then the existing access would be preferable.

Taking all the above into account it is not considered possible to allow wider public use of the building over and above its current level without being detrimental to highway safety or resulting in the loss/erosion of existing sports pitches. Therefore, the application should be considered accordingly in that the building would enhance on-site provision without, subject to conditions, being detrimental to residential amenity or highway safety. Despite justified wishes to allow wider community use of the building this is not considered possible given access issues to the site, nor would it justify a refusal of permission. As a result, it is recommended that the application be granted permission subject to appropriate conditions.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The principle of the development, which would enhance on-site sport provision, is supported. It is not considered that the proposal would raise any significant issues with regard to residential amenity through a dominating or overlooking impact. Having regard to the distance to residential properties it is not considered that the development would raise any significant issues with regard to noise or light pollution. The scale, design and siting of the building is considered appropriate utilising a mixture of both traditional and modern materials, making a contribution to the character of the area in its own right. Subject to conditions the proposal would not be detrimental to highway safety or lead to congestion through vehicle movements that may be generated. Furthermore, it would not be possible to allow wider community use of the building without being detrimental to either highway safety or the provision of existing on site provision. The proposal is, therefore, deemed to comply with guidance contained in PPS1, PPG13, PPG17 and PPG24 along with core strategy policy EN1.

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

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

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

2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with core strategy policy EN1.

3. Prior to use of the building commencing the parking layout identified on drawing number (90)001 shall be laid and marked out.

Reason: To ensure that there is adequate parking provision within the application site and to comply with guidance contained in PPG13.

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

Reason: To ensure that adequate parking provision is retained and to comply with guidance contained in PPG13.

5. Prior to building work commencing on the sports hall the proposed passing bay shown on drawing number NTP-10018-01 rev 0, contained in the Transport Assessment, shall be completed.

Reason: To ensure that vehicles can pass one another whilst entering/leaving the site and to ensure that the proposal would not be detrimental to highway safety and comply with guidance contained in PPG13.

6. The sports hall shall not be open to the general public beyond current users identified in correspondence submitted by the agent dated 28 June 2010; unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposal would not generate vehicle movements over and above the existing use and to comply with guidance contained in PPG13.

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal and to comply with core strategy policy EN1.

8. The Car Parking Management Strategy, contained in the Transport Assessment, identifying that students will be prohibited from using the Conduit Road car park, shall be implemented prior to the commencement of development.

Reason: To ensure that the proposal would not generate vehicle movements over and above the existing use and to comply with guidance contained in PPG13.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays

and facilities for public viewing, where appropriate

v. wheel washing facilities

vi. measures to control the emission of dust and dirt during construction

vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and to ensure that the development complies with guidance contained in PPG13.

10. Prior to removal of the existing cricket wickets their replacements, identified on drawing SK-042 rev A (dated 19 August 2010), shall be completed.

Reason: To ensure that there would be no loss of sports provision as a result of this application and to comply with guidance contained in PPG17.

11. No construction shall take place outside the hours of 07:30-18:00 Monday to Friday; 08:00-13:00 Saturday, nor at anytime on a Sunday or Bank Holiday.

Reason: To ensure that the development would not be detrimental to the amenity of neighbouring properties and to comply with guidance contained in PPG24.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for application, specification and construction information.
2. Prior to any works commencing on site, the applicant is required to contact the Local Highway Authority to discuss the access arrangements for all construction traffic. You must contact the Divisional Highways Manager on 01522 782070.
3. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Applicant	Persimmon Homes East Midlands C/o Agent
Agent	Mr J Jennings, Pegasus Planning Group 3, Pioneer Court, Chivers Way, Histon, Cambridge, CB24 9PT
Proposal	Outline application for residential development and associated play areas, allotments and openspace
Location	Land Between, Godsey Lane And Towngate East, Market Deeping
App Type	Major Outline (Residential)
Parish(es)	Market Deeping

REPORT

Introduction

This application was reported to the last meeting of the Development Control Committee on the 17th August 2010. At the meeting Members resolved to defer the application to enable officers to investigate the possibility of providing an access to the site from Towngate East and to discuss possible restrictions on the number and size of the dwellings to be constructed on the site.

The applicants have confirmed that they would be willing to accept a condition restricting the total number of dwellings on the site to 120. They have also indicated that they would also accept a restriction on the scale of the buildings limiting the larger dwellings to key locations to create landmark buildings and focal points. With regard to these points it is not considered necessary to place these restrictions on any outline permission as these are all issues which Members could consider at the reserved matters stage of the development.

Officers have arranged a meeting with the applicants and the local highway authority on 1st September 2010 to discuss the possibility of an access onto Towngate East. The outcome of the meeting will be reported in the late background papers document.

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is reported to the development control committee as the development does not accord with the provisions of the development plan.

The Proposal

This is an outline application with all matters, except access, reserved for subsequent approval. The accompanying supporting statements and illustrative master plan indicate that approximately 120 dwellings could be accommodated on this site.

Planning permission has been granted for the erection of 95 dwellings (S08/1042) off Godsey Lane, this is referred to as phase 1 of the development with this current application being referred to as phase 2.

The development proposes a mix of housing and will include an element of affordable housing. The D&A indicates that the mix will comprise of 2/3 bedroom properties including a proportion of bungalows and that the affordable housing element will amount to around 35% of the total housing provision.

The proposed dwelling will comprise a mixture of two and three storey buildings and include coach houses, apartments, terrace, semi-detached and detached properties.

In addition to the housing an area of public open space is also proposed to accord with the Fields in Trust requirements and totals an area of 0.67ha.

An area of land is also proposed to be set aside for the drainage of the development to the west. This will be in the form of a sustainable urban drainage system with 17m easement strip.

The application site and its surroundings

The site is rectangular in shape and measures approximately 5.3 hectares (12.67 Acres). The application site is located on the north eastern side of Market Deeping. The site boundaries include Towngate East to the north, new housing development on Godsey Lane to the west, and open agricultural land to the east and south.

The site is currently in agricultural use. The site is generally flat with no perceptible change in elevation or topography across the site. The site has a number of hedgerows and ditches running along the boundaries.

Relevant Site History

SK.56/0295/90 – In June 1990 planning permission was refused for a development on a larger site which included housing, business park, local centre and school. The application was refused as it was considered to compromise the policies of the draft policy documents in force at the time, concerns about highway safety, concerns about foul water drainage and the loss of 31ha of grade 2 agricultural land.

SK.56/0296/90 - In June 1990 planning permission was refused for a development on a larger site which included housing, business park, local centre and school. The application was refused as it was considered to compromise the policies of the draft policy documents

in force at the time, concerns about highway safety, concerns about foul water drainage and the loss of 31ha of grade 2 agricultural land.

S98/1209/56 – In April 2005 an application for residential development, which included a larger site area than the current application, was withdrawn.

S00/0546 - In April 2005 an application for residential development, which included a larger site area than the current application, was withdrawn.

S09/1909 – In September 2009 an Environmental Screening Opinion was submitted in relation to this current development. The Council responded confirming that the application would not require an Environmental Assessment.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPS5 – Planning Historic Environment

PPG13 – Transport

PPG17 - Planning for Open Space, Sport and Recreation

PPS23 – Planning and pollution Control

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

Market Deeping Town Council

“Members discussed planning application S10/0934/MJRO/PC1 Persimmon Homes, proposed development at Towngate East, Market Deeping. Members raised the following concerns:

The proposed traffic control and access onto Godsey Lane. Members concerned that the introduction of traffic lights to manage the increased traffic will not aid traffic flow and will cause traffic to back up onto the immediate tributary roads, causing more congestion and will impact on local residents adversely.

Members also concerned that the present infrastructure will not be able to cope/accommodate an increase in numbers, impact on schools, doctors, dentist, emergency services, and local amenities including the leisure centre, community centre and library.

Members concerned that this planning application is a ‘bolt – on’ to an existing development. Members stated that they would like to see a strategic plan for the town which includes an assessment of all the infrastructure needs and requirements to expand a community cohesively by inclusion of creating areas in the new development i.e. shops, pubs, communal areas. That development is coordinated with a ‘joined up’ approach that will benefit the town and its residents. Along with a strategy that looks at the wider view and assesses impacts on developments that could occur in the neighbouring vicinity to Market Deeping i.e. Development of Deeping St James & Frognall affects Market Deeping in terms of increased traffic to key areas i.e. schools, doctors, supermarkets etc (increasing pressure on Godsey Lane).

Members concerned that from the proposed plans that parked cars will become an issue and stated that in some cases people do not use their garages for cars, but are used as additional storage, thus placing additional pressure on the area with cars being parked roadside. Concerns also that allocated car parking for the allotments will be used by others in the areas, leading to complaints.

Concerns also raised that should development proceed in its original form and then remedial work is subsequently identified afterwards to improve the road network, traffic flows and infrastructure that this could be severely affected due to the present economic environment, resulting in slow or little progress, leaving residents and the town with congestion, traffic problems and inherent safety concerns, along with infrastructure that are unable to support the volume increase in the community, rising complaints and dissatisfaction.

The developers have made reference to ‘A sustainable development with a sensitive design approach that will be a positive contribution to Market Deepings urban

environment' Members stated concerns over use of materials to be used that this will be a quality development with a themed approach. Concerns that this could lead to different types of building styles and materials being used. MDTC keen to understand how SKDC will ensure that the proposed development will be in keeping with the area in the town.

Members stated that they believe natural hedgerows exist on the plot of land in question. Members would like to know if these are being preserved, if so seek confirmation that these will not be dug up from SKDC.

Members referred to documents submitted as part of the planning application reference 'Policy 2 – Promoting Better Design' which sets out a series of statements and promises relating to the proposed development of Towngate East. Reference to pages 2, 15, 31, 43, 55. Members stated that they expect SKDC and the developer to conform to the statements detailed under 'Policy 2 – Promoting Better Design' and deliver for the good and benefit of the people of the town. Members stated that they would like to understand how SKDC will ensure the governance of the statements given in the planning application.

Members referred to documents submitted as part of the planning application reference 'Travel Document' Members raising concerns as this document has an issue date of June 2004, with associated data & analysis content recorded as 2004. These dates appear to be time expired for 2010 and raise concerns over the integrity of the data.

Members stated that they were very disappointed that no response had been received to date so far from Lincolnshire County Council who they wrote to on the 16th April 2010 regarding concerns over development in the town, including the proposed development at Towngate East.”

Natural England: Raised no objections subject to the inclusion of conditions relating to site clearance during the bird breeding season.

Leisure Officer: No objections subject to the provision of open space in accordance with the submitted details.

Partnership Project Officer: The Partnership Project Officer has raised no objections to the proposed development subject to the developer providing the necessary contribution towards on site affordable housing.

Environment Agency: have inspected the application and note that the surface water runoff will be discharged into the drainage network of the Welland and Deepings Internal Drainage Board (IDB). They have therefore recommended that this application is not determined until the IDB are satisfied with the surface water drainage arrangements.

They have also recommended that Anglian Water Services Limited are consulted to confirm that there is sufficient capacity within the sewage network.

Welland & Deepings IDB:

Surface water attenuated to greenfield run-off rates would be acceptable to the Board's system from the current application.

Anglian Water:

No objections subject to informative being included on any decision notice.

Community Archaeologist:

The Community Archaeologist has advised that the site has extensive remains which are highly likely to be the continuation of Iron Age and Roman settlement from the site adjacent and appear denser. A trial trench evaluation should now be undertaken in order to assess the condition, nature and importance of any archaeological remains. This should be undertaken prior to the determination of the planning application so that nature and importance of any archaeological remains can be taken into consideration in the site design process.

East Midlands Councils: Have made comments in relation to the development and the East Midlands Regional Plan. The East Midlands Regional Plan has recently been revoked by the Secretary of State and is therefore no longer relevant to the determination of this planning application.

In addition to the policy comments the East Midlands Council raised the following material considerations:

Details relating to the provision of affordable housing,
Issues relating to public transport and making provision for adequate access to and from the development by public transport, by cycle and on foot,
General design considerations,
Archaeology and Conservation
Agricultural land – it is noted that the site is currently in agricultural use and that if the quality of the land is grade 3a or higher effective reuse of topsoil to enhance agriculture elsewhere should be sought as part of the development.

A copy of the East Midlands Council's full comments are available for viewing on the application file.

East Midlands Development Agency:

The comments from the East Midlands Development Agency (EMDA) has made the following relevant comments in relation to the Regional Economic Strategy. The Regional Economic Strategy has recently been revoked by the Secretary of State and is therefore no longer relevant to the determination of this application. Although the consultation reply from EMDA makes reference to the Regional Economic Strategy the key principles of the points been made are still considered to be relevant. The main relevant points are summarised below:

EMDA consider the site to be well placed in relation to a range of existing community facilities. It is therefore important that the design and layout of the scheme responds to the location of these facilities in order to encourage sustainable patterns of movement.

The mix of housing and affordable housing must be agreed in line with forecasted local need.

EMDA has consulted with their sub-regional partners at Lincolnshire County Council's Economic Regeneration Department. They note that the proposed development site is close to Market Deeping Enterprise Centre, which is currently being constructed at Northfields Industrial Estate with financial support from European Regional Development Fund (ERDF). The Enterprise Centre will provide a 3,740 sq.m. facility, providing high quality premises to support the creation of innovative Small, Medium Sized Enterprises (SMEs). An appropriate supply of good quality housing in this location could help attract and retain higher skilled groups and therefore support the delivery of associated economic development outcomes.

The development should be encouraged to fully consider the viability of achieving environmental design standards in advance of the targets set out in CLG's 2007 policy document 'Building a Greener Future', in order to support climate change mitigation and the wider place making agenda.

A copy of the East Midlands Development Agency's full comments are available for viewing on the application file.

Local Highway Authority:

Raises no objections to the proposed development but request conditions relating to parking and access arrangements. They also request a contribution of £10,000 towards highway improvements for vehicles using Towngate East and Godsey Lane.

Lincolnshire Fire & Rescue Service:

Requests a S106 contribution based on a rate of £150.75 per dwelling. based on the indicative number of 120 dwellings the sub required is £18,090.

Lincolnshire County Council Children's Services:

LCC has requested a Section 106 contribution towards education facilities in the local area. As this is an outline application the contribution has been calculated using a hypothetical mix of house types to illustrate the likely level of contribution and formulae will be used in the required S.106 agreement that detail the eventual total to be paid, based on the reserved matters details. The contribution sought is likely to equate to £672,869.

Lincolnshire NHS:

Based on the indicative number of 120 dwellings the PCT request a contribution of £108,480 based on £904 per dwelling.

Lincolnshire Wildlife Trust:

Has raised no objections to the proposed development.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 13 letters of representation have been received. The comments can be summarised as follows:

1. Concerns about extra pressure being placed on schools, health centre and other public services,
2. Traffic levels on Godsey Lane are already high, could phase 2 be accessed from Towngate East / Outgang Road,
3. With traffic lights being introduced on the Tesco / John Eve roundabout could a light controlled crossing be integrated to replace the zebra crossing.
4. Since Tesco's and the Deepings Practice were built there has been an increase in traffic along Towngate East. The road cannot take any more traffic. With cars parked (legally) along this road, it is in effect reduced to one lane at times. An improvement would be to remove the grass verges and turn them into residents parking.
5. How can a traffic assessment from 2004 be considered relevant today?
6. Given that the entrance to William Hildyard Primary School is located on Godsey Lane, I would have thought that every effort should be made to reduce the amount of traffic, not increase it.
7. Concerns relating to impact on traffic flows on Godsey Lane especially on Saturdays and school/work peak times.
8. Traffic volumes.
9. Development is too big for Market Deepings infrastructure.
10. There are a number of historic listed buildings close to the edge of the highway and the increased vehicle movements may result in damage to these buildings.
11. Development should be accessed via a road from the site to the A16.
12. Concern about the location of proposed traffic lights.
13. Concern about the design of town houses which are considered to be an eyesore and detrimental to residential amenity.
14. More open green spaces should be considered not more housing.

Officer Evaluation

The application site is not currently allocated for development within the saved Local Plan and as such forms part of the open countryside surrounding the town. In accordance with the 2004 Planning Act consideration of this application should begin with the adopted development plan. Currently there are no undeveloped allocations remaining in the Deepings, new development opportunities within the town are currently restricted to small infill and redevelopment sites.

The recently adopted Core Strategy replaces large parts of the Saved Local Plan, establishing the overarching policy framework for the determination of planning applications. Of particular reference to the consideration of this application, the Core Strategy replaced local plan policies H6, H8, H9, EN1, EN2, EN8, C1 and C2 and partially replaces policies H4, REC3, REC4 and REC5. The Core Strategy does not replace all of the saved local plan policies – in particular those which allocate sites for development which will remain saved until the more detailed Site Allocations DPD is adopted.

The Core Strategy (CS) establishes a district wide housing requirement of 13600 homes for the period 2006-2026. This is sub divided across the four towns and 16 Local Service Centres. For the Deepings area some 870 homes are expected to be built during the 20 year period. This means an annual average of 43 homes per year. The CS includes a commitment to maintaining a continuous and deliverable five year supply of housing land, which will be met by the allocation of specific sites with appropriate phasing in the Grantham AAP and the Site Allocations DPD. It is acknowledged that this will necessitate the “allocation of appropriate and sustainable greenfield and brownfield sites within and/or on the edge of Stamford and the Deepings and in some Local Service Centres.”

The CS also establishes a mechanism for monitoring the delivery of housing throughout the plan period. Where it is evident that the overall housing requirement is not being met this mechanism allows for the re-prioritisation and review of allocated sites. In such circumstances the CS states that consideration will be given “to granting permission for additional housing sites which meet the locational requirements of PPS3, the spatial strategy established by SP1 and SP2, and the local criteria against which sites will be assessed”.

There are no remaining undeveloped local plan housing allocations in the Deepings therefore the Site Allocations DPD will have to identify sufficient land to accommodate in the region of 600 additional homes in Market Deeping and Deeping St James. Consultation took place on a large number of suggested development sites last October. This includes some 14 sites in Market Deeping and 15 sites in Deeping St James. The Core Strategy establishes broad criteria against which potential housing allocations will be assessed. The detailed assessment of the suitability, sustainability and need for each site is currently being undertaken with a view to the Council identifying which sites to allocate later this year. These sites will be allocated in a pre submission consultation plan to be published early in 2011. The application site forms one of the sites consulted upon.

ODPM The Planning System: General Principle’s publication includes a number of paragraphs on the issue of prematurity. (Paras 17 – 19). This states that refusing an application on grounds of prematurity may be justifiable where a DPD is in preparation but not yet adopted. It goes on to say that this may be justifiable “where the proposed development is so substantial or where the cumulative effect would be so significant as to prejudice the DPD by determining the scale, location or phasing of new developments which are being addressed in the policy in the DPD”. Whilst the site is one of a number of options currently being considered for allocation in the LDF the scale of this proposal is not considered “so significant that it would prejudice the site allocation process.

The area of land is an unallocated greenfield site adjacent to Tesco’s supermarket and close to schools and medical facilities. The site is also reasonably well located in its relationship with the town centre and alternative means of transport other than the motor car exist in the area.

It is acknowledged that the Government’s priority is for 60% of new housing to be provided on previously-developed sites (local target of 45% in the CS). However, the lack of

previously-developed sites that are suitable and available within the Deepings results in the Council having to consider Greenfield sites to ensure that housing targets are met.

This particular site is however strategically well located and can provide some of the housing provision required in the Deepings area within the plan period up to 2026.

It should also be recognised that the application site forms part of a much larger area of land which has been suggested for development. The total site would represent a major extension to the town, with a potential capacity for more than 1000 homes, employment uses and other community facilities. A development of this scale would need to be comprehensively planned and phased over 20+ years.

Granting permission for this application at this stage could be seen as a precursor to the development of the whole site, and as such it would be preferable for its consideration to form part of the Site Allocations DPD process rather than through a planning application.

The Five Year Land Supply Paper 2009-2013 showed that there is a 4.8 year supply of deliverable housing land across the district (the applicant has however submitted figures based on the Council's own housing trajectory that indicate that there is only a 4.37 year land supply. The trajectory is based on an assessment of what is likely to actually be built, where as the five year housing supply is based on what actually has planning permission and therefore could be built) (Work is progressing on the Five year supply paper for 2011-2015 but is not yet complete). The shortfall is largely due to the combination of a downturn in the housing market and a lack of allocated sites. The later will be addressed as progress is made on the site allocations DPD which is due to be adopted in 2012. The Core Strategy Examination Inspector considered this issue at the examination hearings and concluded that evidence before the examination demonstrated that there is sufficient land available (through the SHLAA) to provide sufficient land to meet the housing requirements in years 6-10 and 11-15 to be included in the allocations DPD and AAP, to ensure that the housing requirement for the whole plan period could be met without the need to rely on windfalls. For the Deepings, the Five Year Supply paper shows that there were commitments for 192 new homes, this provides about 4.5 year supply (at 43 per annum). The application as proposed would provide an additional 2.5 years supply of building land in an area where housing delivery has been tightly constrained in recent years. The proposal has been designed in such a way as to both allow for further development to the east of the application site, should this be considered appropriate, any such larger scale development expanding towards the east should be considered through the site allocation process in the emerging LDF.

Paragraph 71 in PPS3 advises where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the other policies in the PPS.

Although this is an outline application with all matters, except access, reserved for subsequent approval. The accompanying supporting statements and illustrative master plan indicate that approximately 120 dwellings could be accommodated on this site.

The development proposes a mix of housing and will include an element of affordable housing. The D&A indicates that the mix will comprise of 2/3 bedroom properties including

a proportion of bungalows and that the affordable housing element will amount to around 35% of the total housing provision. The proposed dwelling will comprise a mixture of two and three storey buildings and include coach houses, apartments, terrace, semi-detached and detached properties. In addition to the housing an area of public open space is also proposed to accord with the Fields in Trust requirements and totals an area of 0.67ha. An area of land is also proposed to be set aside for the drainage of the development to the west. This will be in the form of a sustainable urban drainage system with 17m easement strip. Although this is only an outline application it is considered that the submitted indicative plan demonstrate that there is potential for the final development to be a very good scheme in terms of urban design. It is therefore considered that subject to a condition being attached to any consent requiring the reserved matters application to comply with the themes and design principles set out in the supporting Design and Access Statement the development can be considered to be acceptable from an urban design and general layout point of view.

In addition to this the indicative plans show a number of allotments in the south eastern corner of the site. The allotments have been negotiated directly with the Town Council and it is envisaged that if this development is approved they would be control by the Town Council. It should be noted that the allotments do not form part of the required S106 contributions and the provisions for providing them would need to be agreed separately between the developer and the Town Council.

Concerns have been raised in relation to highway safety and traffic generation especially on Godsey Lane and Towngate East. Concerns have also been raised in relation to the date of the transport assessment. The Local Highway Authority has been consulted and have confirmed that the original transport assessment along with updated figures for 2010 has been used to assess the development. They have confirmed that the assessment complies with the requirements of PPG13 and that the development is considered acceptable subject to conditions. The proposed access arrangements show a traffic signal controlled junction designed to cope with the existing and future flows from the proposed development.

Section 106 Heads of Terms

This development will require a section 106 Agreement to provide the following:

A contribution toward the local Primary Care Trust of £904 per dwelling (£108,480)

A contribution towards education based on local formula (estimated to be £672,869)

Provision of affordable housing (not in perpetuity as residents will be able to staircase out to own 100% of the dwelling) @35% of scheme capacity

Provision of on-site open space in the form of a LEAP and LAP plus maintenance contributions

A £10,000 contribution towards highway improvements

A contribution towards Lincolnshire Fire and Rescue Service based on £150.75 per dwelling (total estimate £18,090).

Crime and Disorder Implications

The development raises no significant crime and disorder implications

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

This is an outline application for residential development on a 5.3 hectare greenfield site on the edge of Market Deeping. The Five Year Land Supply Paper 2009-2013 indicates that the Council has a 4.8 year supply of deliverable housing land across the district. Paragraph 71 of PPS3 advises that in situations where local planning authorities cannot demonstrate an up-to-date five year housing supply of deliverable sites they should consider favourably planning applications for housing having regard to the other strategic and locational elements of the policies in PPS3. The site is located on the edge of Market Deeping and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities.

It is therefore considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation), PPS23 (Planning and Pollution Control) and PPG25 (Development and Flood Risk). Core Strategy Policies SP1, SP3, SP4, EN1, EN4 and H1. Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Although this is an outline development it is considered that the site can accommodate residential development and this would not appear out of character

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) layout;
- (b) scale;
- (c) appearance; and
- (d) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

4. 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.

Reason: To enable calling vehicles to wait clear of the carriageway of Godsey Lane and Distributor Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

5. 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.

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

interests of residential amenity, convenience and safety.

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

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

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

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

8. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the local planning authority.

Reason: To ensure that breeding birds are not adversely affected.

9. When the details of the 'Reserved Matters' are submitted in relation to condition 2 above. The details shall comply with the themes and design principles set out in the support Design and Access Statement submitted with this outline application.

Reason: To ensure that the final development takes the form envisaged by the local planning authority when the outline application was approved.

Note(s) to Applicant

1. Lincolnshire Fire and Rescue Service request a Contribution or obligation to be secured through a Section 106 Agreement based on a rate of £150.75 per domestic dwelling. Based on this application for 120 domestic dwellings, the sum required is £18.090.
2. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

3. 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.
4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

* * * * *

Applicant	Richard Edwards, Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF
Agent	
Proposal	Erection of 20 affordable dwellings and infrastructure
Location	Land West Of, Bourne Road, Morton
App Type	Major Full (Residential)
<u>Parish(es)</u>	Morton

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Acting Lead Professional and as authorisation to enter into a Section 106 Agreement is required.

The Proposal

This is a full application for the erection of 20 affordable dwellings. Two 2-bed bungalows, sixteen 2-bed two storey dwellings and two 4-bed two storey dwellings. The dwellings are proposed to comprise six shared equity properties and fourteen rented properties.

Access to the site is proposed via the open frontage between 16 and 22 Bourne Road. An adoptable cul-de-sac would enter the site and the proposed dwellings are arranged primarily fronting on to the proposed new access road.

The application originally proposed 30 dwellings but the development has now been amended to reduce the size of the site and the number of proposed dwellings. The originally proposed area of public open space has also been omitted from the proposed development. This report relates to the application as amended.

The application site and its surroundings

The application site is located on the western side of Bourne Road in the village of Morton, approximately 100m south of the High Street / A15 crossroads. Morton essentially comprises ribbon development running along High Street, leading eastwards from the crossroad junction with the A15 and Hanthorpe Road leading westwards from this junction towards Hanthorpe.

The application site comprises a rectangular shaped area of land situated to the east of Bourne Road, due south of 16 Bourne Road. The sites northern most boundary is located to the south of 16 Bourne Road. Numbers 22 and 24 Bourne Road are set slightly apart from the ribbon development running along Bourne Road and from the eastern site boundary. To the south and west of the site lies open agricultural land.

The site currently comprises an area of paddock located to the south of the main village and is approximately 0.54 hectares (1.3 acres) in size.

Relevant Site History

SK.1281/88 – In October 1989 planning permission was refused for residential development of the application site. The application was refused for the following reasons:

1. The site lies outside the main confines of the village and its development would constitute a consolidation in depth of ribbon development along the southern approaches to Morton, and be detrimental to the character of the open countryside and the periphery of Morton in particular. The proposal would also be contrary to Policy 3 of the Lincolnshire Structure Plan.
2. The proposal if permitted would be likely to set a precedent for similar proposals on the periphery of Morton to the detriment of the character of the village and open countryside.
3. The Director of Highways and Planning, Lincolnshire County Council so requests as this proposal is for the commencement of residential depth development outside the existing built up frontage of the class I county road at Morton. At this location the A15 is subject to no speed limit other than the national 60 mph limit for this type of road. In the circumstances the Highway Authority considers that vehicles entering, leaving, waiting, and calling at this development would prove hazardous in terms of conflict with passing vehicles travelling at relatively high speeds, to the detriment of safety of all such vehicles.

SK.173/90 – In March 1990 planning permission was refused for the erection of a dwelling on the site. The application was refused for the following reason:

1. The application site is located on the County Class 1 route, the A15, where there is no speed restriction other than the national 60 mph limit for this class of road and where traffic is in free—flowing conditions. In the circumstances, the Highway Authority considers that vehicles entering, leaving, waiting and calling at this development would prove hazardous in terms of conflict with passing vehicles, to the detriment of the safety of all such vehicles.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPS5 – Planning Historic Environment

PPG13 – Transport

PPG17 - Planning for Open Space, Sport and Recreation

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP2 – Sustainable Communities

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

H3 – Affordable Housing

Representations Received

Local Highway Authority – No objections subject to conditions and Section 106 contributions including £20,000 towards the provision of a pedestrian crossing on Bourne Road and a further £3,000 towards the highway authority undertaking consultations in consideration of reducing the speed limit through Morton on the A15 from 40mph to 30mph.

Arboriculturalist – The Council's Arboriculturalist has advised that the proposed landscaping scheme will ensure that the development will assimilate well into its surroundings.

Lincolnshire Wildlife Trust – the LWT have made the following comments in relation to this application:

“We have read the report and note that there is no mention of great crested newts. Given that there are several ponds located within 500m of the development site, we would expect an assessment of their suitability for supporting great crested newts and the likelihood of their presence on the development site itself. Although not ideal, in the absence of full great crested newt surveys at the appropriate time of year, use of the Habitat Suitability Index (HSI) gives some indication of the likelihood of great crested newts being present in a pond.

We support the recommendation for replacement nest sites and would suggest this is primarily done through planting of native hedges, trees and shrubs around the site. We also support the provision of bird boxes around the site, as we would bat boxes. However, given their temporary nature, this should be viewed as less preferable to providing habitats through planting or in the case of bats, features within the dwellings themselves. We would wish for a development such as this to contribute to a net gain in biodiversity of the area.”

Local Education Authority – Requests a Section 106 contribution of £33,983 in order to mitigate against the development as the secondary schools serving Bourne are currently at capacity and are projected to remain at full in the future.

Leisure Services – Requests a Section 106 contribution of £10,000 for the development of a DPS within 5min walking distance of the site or the equivalent to be spent on the refurbishment of the currently existing play provision on the playing field adjacent to The Crescent.

Partnership Project Officer – Has indicated that there is an identified need for 20 affordable dwellings in the area.

English Heritage – no comments to make.

Morton Parish Council – has made the following comments in relation to the amended scheme:

Siting – All amenities referred to in the application, shops, school, churches and play area, are on the opposite side of Bourne Road, some quite distant.

Road safety – Most of the residents would need to use vehicles to and from the site, or cross the A15 on foot, at a poorly sighted point. A previous application to develop the same site was refused approval due to access safety considerations. The A15 is now a much busier road and poses a far greater safety risk.

Anglian Water – No objections raised.

Heritage Lincolnshire (Archaeology) – It is considered that the site offers a potential for archaeological remains to be encountered during development. It is therefore

recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The results of this survey will be used to inform the local planning authority whether any mitigation measures are required to preserve archaeological remains in-situ or by record.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. 26 letters of representation have been received and can be summarised as follows:

1. The proposed development will be visually intrusive and have a detrimental impact on the village.
2. Concerns with children having to cross the A15.
3. The development is not in keeping with the linear form of the village.
4. The loss of the agricultural land will have an adverse impact on the farm.
5. Concerns about highway safety and increased traffic on the already busy A15.
6. Previous applications for access on to Bourne Road have been refused and it would be inconsistent to allow this application.
7. House prices have significantly dropped in the area so there is no need for this type of housing.
8. The remaining area of land is likely to be developed in the future if this site is approved.
9. All people affected by this development are worried about the apparent collusion between the Council and the developer and it is felt that the residents of Morton are being ignored in preference of the developer and statistics.
10. Most of the services for the village are on the opposite side of Bourne Road and as such more suitable sites exist on the eastern side of Bourne Road.
11. Concerns about poor quality existing street lighting which will need upgrading.
12. Concerns that the site is very low lying and liable to flood.
13. There are existing properties in Bourne for sale which could be used as affordable housing.
14. Loss of privacy / overlooking.
15. Increase noise and disturbance.
16. Loss of property value.
17. Detrimental impact on views from existing property.
18. The proposed crossing is being used as a bargaining chip and may cause additional safety hazards on the A15.
19. The development is on the wrong side of the A15.
20. WWII bunker on the site.
21. TPO's on trees on the site.
22. Detrimental impact on local wildlife.
23. Proposed units out of keeping with the surrounding area.
24. Lack of housing needs survey for the area.
25. Existing open space provision should be improved if the development is approved.
26. Housing needs survey should be under taken to assess need.
27. Planning application should be determined taking into account local policies.
28. Small infill development would be more appropriate and little effort appears to have been made to determine if there are any brownfield sites available in the village.

29. There have been a number of accidents in the area.
30. Concerns relating to surface water flooding on the site.
31. The development will impact on the already limited broadband service in the village and other services as well.
32. The scheme is speculative and will not help to meet a local need.
33. Concerns about detrimental impact during the construction phase of the development.
34. Concerns about period for notification about the application.
35. The land is not paddock land but has been used as mature pasture of cattle.
36. Where would the residents come from? Certainly not 20 families from the village.
37. The proposed development will not integrate with the existing village.
38. The A15 is a 'Red Route' with a high casualty rate with no crossing facilities.

Officer Evaluation

As a proposal involving the redevelopment of land adjacent to a village defined as a 'local service centre' the proposal is in general conformity with strategic and locational criteria within the policies set out above. Policy H3 of the adopted Core Strategy indicates that where there is a proven need for affordable housing the Council will consider acceptable scheme which seek to meet this need subject to the development being acceptable in respect of all other policy requirements.

A Housing Needs Survey Report has been undertaken for the area and this has indicated that there is an identified need for a scheme of 20 properties. The Council's Partnership and Project Officer has been consulted on this development and has confirmed that the proposed scheme will meet the identified affordable housing needs for the area.

As already stated Morton is a 'local service centre' and as such has the required local facilities and infrastructure to support the proposed development. It does have to be recognised however that most of the local facilities including the shop, church and school are all located on the eastern side of the A15 (the opposite side of the road to the application site). A significant number of concerns have as a result been received in relation to pedestrian and highway safety.

The Local Highway Authority has been consulted about the development and has raised no objections to the proposed development subject to the inclusion of a number of conditions. The Highway Authority have also requested a Section 106 contribution of £20,000 towards the provision of a pedestrian crossing in the village and a further £3,000 contribution to enable the Highway Authority to investigate the possibility of reducing the speed limit through the village to 30mph.

The applicants have considered alternative sites for the proposed development including site located to the east of the A15 these have however all been ruled out for various reasons including availability of land, unsuitable for development, poor access and not big enough to accommodate the size of development required.

Concern has been raised with regard to the scale and layout of the proposed development and its impact on the character and appearance of the southern approach to Morton. The submitted layout plans demonstrate that the proposed development can be accommodated

on the site without having a detrimental impact on the amenities of adjacent properties or on the character and appearance of the approach to the village.

The submitted plans take into account the relationship of the proposed development and the properties on Bourne Road by ensuring that there is adequate separation distance between the proposed and existing dwellings. This insures that development would not cause any significant loss of privacy or loss of light to adjoining properties.

The proposed development of 20 affordable dwellings on the site is considered to be in accordance with the above stated policies and would not be detrimental to the visual amenity of the surrounding area. It is considered that the design of the proposed dwellings would preserve and enhance the character and appearance of the area.

Section 106 Heads of Terms

The required Section 106 requirements for this development are as follows:

£20,000 towards the provision of a pedestrian crossing.

£3,000 towards investigating the potential to reduce the speed limit on the A15 from 40mph to 30mph.

£33,983 towards education facilities

£10,000 towards public open space provision

Affordable housing in perpetuity

The applicants have raised concerns about the education contributions and the open space contributions and the impact these have on the viability of the scheme given that it is to provide 100% affordable housing. The applicants have therefore indicated that they will submit a development appraisal so that the viability of the scheme with these contributions can be assessed. The outcome of any such assessment will be reported in the late background papers.

Crime and Disorder Implications

The proposed development raises no significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The proposed development is considered to be appropriate in this location and will help to meet a clearly defined need for affordable housing in this particular part of the District. The application is therefore recommended for approval.

Recommendation 1:

That the decision be deferred to the Chairman / Vice Chairman subject to the completion of a Section 106 Agreement. Where the Section 106 Agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

Summary of Reason(s) for Approval

This is a full application for the erection of 20 affordable dwellings on a 0.54 hectare greenfield site on the edge of Morton. The site is located on the edge of a 'local service centre and is considered to strategically well located in relation to the local facilities including schools, shops, doctor surgery and employment opportunities. It is acknowledged that it would be preferable to develop a site to the east of the A15 but alternatives have been considered and ruled out as been inappropriate or unavailable. T is therefore considered that the proposed site is appropriate subject to a pedestrian crossing being installed on the A15 Bourne Road.

It is therefore considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation) and PPG25 (Development and Flood Risk). Core Strategy policies SP1, SP2, SP3, SP4, EN1, EN2, EN4, H1 and H3. Concerns have been raised in relation to highway safety. The Local Highway Authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns have also been raised in relation to the appropriateness of the site and the impact that the development will have on the southern approach to Morton and the residential amenities of local residents. It is however considered that the site can accommodate residential developed and this would not appear out of character or be detrimental to the residential amenities of the occupiers of adjacent properties.

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

1. The development shall be undertaken in strict accordance with the recommendations on page 9 of the Scoping Survey undertaken by Hillier Ecological Associates dated March 2010.

Reason: To ensure that the development does not have a detrimental impact on the local wildlife population

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

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. This permission relates solely to the application as amended by Drawing Numbers 1036-004 Rev F, R1203 01B, R2221+2 01, R2401 01A and R2223 01C received on 20 April 2010

Reason: The earlier submitted drawings were unacceptable because the amount of development was considered to be inappropriate.

6. The vehicular access shall incorporate 6 metres radii tangential to the nearside edge of the carriageway of A15 Bourne Road and the minimum width of the access shall be 5.5 metres.

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

7. 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 1036-004 Rev F dated 20 April 2010 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

8. The arrangements shown on the approved plan 1036-004 Rev F dated 20 April 2010 for the parking/turning of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Bourne Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

9. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

10. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

12. No dwellings shall be commenced before the first 30 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 1036-004 Rev F dated 20 April 2010 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Bourne Road.

13. 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 and approved by the local planning authority.

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

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

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

Note(s) to Applicant

1. The developer is reminded of the need to comply with the requirements of the Section 106 Agreement.
2. Prior to the submission of details for any access work within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. 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.
4. your attention is drawn to the attached letter from Anglian Water.

* * * * *

Applicant	Mrs A Lea, Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF
Agent	
Proposal	Erection of 14 dwellings
Location	Land Adj 67, Broadgate Lane, Deeping St James
App Type	Major Outline (Residential)
<u>Parish(es)</u>	Deeping St James

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is a major application requiring a Section 106 Agreement and at the request of the Council's Acting Lead Professional as it is considered to be locally significant.

The Proposal

This is an outline application for residential development of 14 dwellings at the site. Access is to be considered at this outline stage with all other matters including appearance, landscaping, layout and scale reserved for subsequent approval.

Although this is an outline application it is indicated that the development would comprise of a mix of detached, semi detached and terraced residential units. The development would be accessed via a single cul-de-sac from Broadgate Lane. The applicants have indicated that the existing boundary hedge along Broadgate Lane would be retained in order to help assimilate the development into its surroundings.

The application site and its surroundings

The application site is located at the junction of Broadgate Lane and Spalding Road in Deeping St James. The application site is rectangular in shape and is approximately 0.52 hectare (1.29 acres) in size. The site has over the years been used in connection with agriculture but is now surrounded by residential development. The site currently has two access points onto Broadgate Lane.

The site is currently occupied by a number of agricultural buildings and a large concrete hardstanding.

Relevant Site History

S05/0760 – This was an application for the erection of 60 dwellings and ancillary works. The application was withdrawn in August 2005 at the request of the applicants.

S05/1274 – This was a full application for the erection of 12 market dwellings. The application was reported to the development control committee on the 15 November 2005. The application was refused for the following reasons:

“The proposed development consists of 12 dwellings and associated infrastructure on part of an under-used farmyard on Broadgate Lane, Deeping St James. The site contains agricultural buildings and is, therefore, to be classed as greenfield development in accordance with the definition in annexe C of PPG3. The site is within the wider built-up area of The Deepings and is reasonably well related to the town centre and options for alternative means of transport exist in the area. PPG3 requires a sequential approach to the provision of new residential development and prioritises the use of previously developed land before releasing greenfield sites. In the opinion of the Local Planning Authority other sequentially preferable previously developed sites exist in the district and the bringing forward of this site will be prejudicial to the planned growth of South Kesteven district as a whole. It would, therefore, be contrary to PPG3, Policies 2 and 3 of RSS8 and Policies S1, S2, H1 and H2 of the Lincolnshire Structure Plan Proposed Changes (Feb 2005). It is considered that the development of this agricultural land for residential use may prejudice the proper planned growth of housing stock in the district prior to the issue of a folder of development documents for South Kesteven, contrary to the aims and objectives of PPS1.

Additionally, the development proposes the construction of four 2-storey properties (plots 5, 6, 7 and 8) along the southern boundary of the site where it abuts 67 Broadgate Lane. These properties are in particularly close proximity to the boundary. The inclusion of first floor bedroom windows in the southern elevation will result in unacceptable levels of overlooking to the detriment of the amenities of the occupiers of 67 Broadgate Lane. Such harm arising is contrary to the aims and objectives of policies H6 and EN1 of the South Kesteven Local Plan.”

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPG17 - Planning for Open Space, Sport and Recreation

PPS23 – Planning and pollution Control

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

Representations Received

Lincolnshire County Council (Highways): No objections subject to conditions relating to highway safety.

Lincolnshire County Council (Education): The development would result in a direct impact on local schools. In these cases both the primary and the secondary schools in the Deepings area are projected, notwithstanding the proposed development, to be full in the future to permanent capacity. A Section 106 Contribution of £101,175 is therefore requested in order to mitigate against the impact of the development.

Lincolnshire Fire and Rescue Service: Request under Section 106 Contribution a sum of money calculated at the rate of £150.75 per domestic dwelling – A total for the site of £2110.50.

Lincolnshire PCT: Request a Section 106 Contribution of £12656 based on £904 per dwelling.

Healthy Communities (Leisure Officer): The Council's Leisure Officer has advised that there is no allocation for Public Open Space (POS) within the site. Therefore he has requested a S106 contribution £30,000 for the development of a LEAP within the local vicinity or for the equivalent amount to be spent on the refurbishment of the existing play provision. In this situation he has recommended the incorporation of teenage play facilities at the existing Crowson Road Play Site.

Lincolnshire Police: No objections but have provided guidance in relation to designing out crime.

Heritage Lincolnshire (Archaeology): The development does not affect any known archaeological sites and therefore no archaeological intervention is required.

Anglian Water: No objections

Internal Drainage Board: Have held discussions with Larkfleet Homes about the site layout and the contravention of the Boards 9m byelaw. Although nothing has been agreed as yet the Boards engineer would be recommending to full Board that the 9 metre bylaw restriction be relaxed down to 6 metres at the site. The main reason for this relaxation is the fact that there are already existing buildings closer than 9 metres from the Boards piped watercourse.

Deeping St James Parish Council: The Parish Council has no objections to the development subject to the following:

1. In line with the original proposals for developing this site, there should be a walking access through from the Churchfield Close Playground to make this more accessible and helping to remove barriers between Churchfield Close community and this development. This would also mean safer access to school from the other side of Broadgate Lane – reducing time on Spalding Road.
2. The existing hedge on Broadgate Lane should be retained and hedging provided along the Spalding Road Side of the Development.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 3 letters of representation have been received and a petition from local residents signed by seven residents. The comments received can be summarised as follows:

1. The proposed development should have access on to the adjacent Public Open Space in order to help reduce complaints about anti social behaviour.
2. There should be a public right of way between the development and Churchfield Close.
3. The development should help the village's aspirations with regard to 'Britain in Bloom'.
4. The development should help to foster improved community spirit by avoiding the creation of unnecessary barriers.
5. There should not be any links through to Churchfield Close.
6. Concerns about the accuracy of the OS plan in particular in relation to visibility splays.
7. Number and layout of the dwellings should be fixed at this outline stage.
8. The mature hedgerow should be retained

Officer Evaluation

Currently there are no undeveloped allocations remaining in the Deepings, new development opportunities within the town are currently restricted to small infill and redevelopment sites.

The application site is an old farm yard and is therefore categorised as a "greenfield" site. The site is however located within the built framework of Deeping St James and is surrounded by residential development and close to local facilities. The site is also

reasonably well located in its relationship with the town centre and alternative means of transport other than the motor car exist in the area.

It is acknowledged that the Government's priority is for 60% of new housing to be provided on previously-developed sites (local target of 40% for Lincolnshire). However, the lack of previously-developed sites that are suitable and available within the Deepings results in the Council having to consider Greenfield sites to ensure that housing targets are met.

This particular site is however strategically well located and can provide some of the housing provision required in the Deepings area within the plan period up to 2026.

This is an outline application with the means of access to be considered at this stage, all other matters including scale, appearance, layout and landscaping are reserved for subsequent approval.

Concerns have been raised with regard to the proposed access arrangements to the site. The Local Highway Authority has been consulted and raised no objections to the proposed development subject to the inclusion of a number of conditions. Both support and objections have been received with regard to incorporating a pedestrian link through to the adjacent area of public open space on Churnfield Close. This issue can be considered and assessed at the reserved matters stage of the development.

Although this is an outline application the applicant has submitted an indicative layout plan which demonstrate that 14 dwellings can be accommodated on the site without having a detrimental impact on the amenities of adjacent properties.

The proposed development of 14 dwellings on the site is considered to be in accordance with the above stated policies and would not be detrimental to the visual amenity of the surrounding area. It is considered that subject to acceptable reserved matters details being provided the development would preserve the character and appearance of the adjacent conservation area and the setting of the listed buildings within it.

Section 106 Heads of Terms

£2110.50 towards Lincolnshire Fire and Rescue (£150.75 per dwelling)

£101,175 towards education facilities

£30,000 towards public open space provision

35% Affordable housing

Lincolnshire PCT £12656 (£904 per dwelling)

Crime and Disorder Implications

The proposed development does not raise any significant crime and disorder implications.

Human Rights Implications

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

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

Summary of Reason(s) for Approval

This is an outline application for residential development on a 0.52 hectare greenfield site in Deeping St James. The site is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctor surgery and employment opportunities.

It is therefore considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation), PPS23 (Planning and Pollution Control) and PPG25 (Development and Flood Risk). Core Strategy policies SP1, SP3, SP4, EN1, EN4 and H1. Concerns have been raised in relation to highway safety. The Local Highway Authority has been consulted and raised no objections to the development subject to the attached conditions. Although this is an outline development it is considered that the site can accommodate residential developed and this would not appear out of character or be detrimental to the residential amenities of the occupiers of adjacent properties.

Recommendation :

That condition that the decision be deferred to the Chairman / Vice Chairman subject to the completion of a Section 106 Agreement. Where the Section 106 Agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) layout;
- (b) scale;
- (c) appearance; and
- (d) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. Prior to the commencement of any works on the site, a detailed plan of a scheme for the protection of the hedgerow adjacent to Broadgate Lane which is to be retained as part of the development, shall be submitted to and approved in writing by the District Planning Authority. The scheme as approved shall be implemented prior to the commencement of any works on site and shall be retained for the duration of construction works.

Reason: The mature hedgerow is an important feature in the street scene and the Council wish to ensure that it is protected during the development.

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

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;
- (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- (c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

5. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:
 - (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
 - (b) As built drawings of the implemented scheme;
 - (c) Photographs of the remediation works in progress; and
 - (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

7. When application is made for approval of the 'Reserved Matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highway Maintainable at the Public Expense, less the Carriageway and footway surface courses.

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

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

Note(s) to Applicant

1. The applicants attention is drawn to the attached letter from the Internal Drainage Board.
2. The applicants attention is drawn to the attached letter from Anglian Water.
3. The applicants attention is drawn to the attached letter from Lincolnshire Police's Crime Prevention Design Adviser.
4. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
5. 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.

* * * * *

Applicant	Dr D Burston C/o Agent
Agent	P J Frampton, Framptons Oriel House, 42, North Bar, Banbury, Oxfordshire, OX16 0TH
Proposal	Erection of 15 affordable dwellings
Location	The Old Quarry, Castle Bytham
App Type	Major Outline (Residential)
<u>Parish(es)</u>	Castle Bytham

REPORT

Introduction

This application was originally reported to the Development Control Committee on 21 August 2007. At the meeting Members resolved to defer determination of the application to the Lead Professional after consultation with the Chairman and Vice-Chairman, subject to the completion of a Section 106 Agreement in relation to affordable housing.

The application is now being reported back to the Development Control Committee as the applicants have been in discussion with the Council's Development Control Team about imposing a condition to deal with the affordable housing elements of the development instead of a Section 106 Agreement. The Council's Legal Executive has been consulted and has confirmed that the development can be adequately controlled by way of a condition. It is therefore recommended that the development be approved as previously recommended but with an additional condition (10) to require the development to provide affordable housing in perpetuity instead of requiring a S106 Agreement.

The original report to committee is set out below but has been updated to take into account the recently adopted Core Strategy.

Representations Received

Local Highway Authority: Requests three conditions (See below)

Housing Solutions:

"I would comment on the requirements for affordable housing in Castle Bytham as follows:

Fordhams Housing Needs published February 2006 Morkery Ward

Housing Needs	35
Supply	18
Total need per annum	17

Housing Register

1 bedroomed flat	147 (20 with a direct local connection)
2 bedroomed house	164 (32 with a direct local connection)
3 bedroomed house	62 (14 with a direct local connection)
4 bedroomed house	25 (7 with a direct local connection)
2 bedroomed bungalow (aged over 50 years)	40 (9 with a direct local connection)

the above figures represent an 'interest' in affordable housing. Previous discussions have taken place on this site and I attach copies for your information.

The affordable housing will be the subject of S.106 agreement in terms of number of units, tenure, size and remaining affordable in perpetuity under the Rural 'Exceptions' Policy.

The land owner would be required to work in partnership with a South Kesteven District Council approved Registered Social Landlord (RSL). The affordable housing would also need to meet Housing Corporation standards. The RSL would be required to own the completed units and abide by the S.106 agreement.

The current tenure mix for affordable housing is 60% rented and 40% shared ownership".

Lincolnshire County Council, Directorate for Development: Comments awaited.

Lincolnshire County Council, Minerals Consultation Section: No comments to make.

Lincolnshire County Council: Education Authority:

"The development would result in a direct impact on Local Schools. The PPR calculation indicates that 2 Primary and 2 Secondary School Places will be required as a direct consequence of this development. A capital contribution of £19,099 is required as without it the education infrastructure will be unable to match pupil numbers".

Primary Care Trust: No comments received. (Notified 16 June 2007)

Street Scene Services:

"Developer to provide a LAP standard play area to NPFA six acres standard or, alternatively, pay a commuted sum towards an equivalent off-site provision".

Community Archaeologist: Proposal does not affect any known archaeological remains.

Natural England: No objections but requests 2 conditions (See below).

Lincolnshire Wildlife Trust:

“We would not expect the proposal to have an effect on the nature conservation interest of the SNCI as long as works vehicles do not encroach onto the site. The views of the statutory conservation agency, Natural England, should be sought regarding Castle Bytham Quarry SSSI before permission is granted.

The primary concern of the Trust in connection with this scheme is to ensure that works have no adverse effects on protected species or habitats; in particular in this case great crested newts, badgers and reptiles. Great crested newts may be present in nearby ponds. Great crested newts are protected under both UK and European legislation. It is an offence to kill, injure or disturb great crested newts or obstruct access to places used for shelter. Suitable habitat within a 500 metre radius of any pond used by great crested newts must be treated as falling within the feeding territory of the population. If great crested newts are present a licence may be necessary from Natural England to carry out work in a zone up to 500 metres from the pond.

Badgers and their setts are protected by law and so a survey should be carried out to determine whether badgers use the site. If badgers are found, appropriate mitigation measures would be required.

Reptiles are protected by law from killing and injury, and so a reptile survey should be carried out to determine whether they use the site. If reptiles are found, appropriate mitigation measures would be required.

It should also be noted that as breeding birds, their eggs and unfledged young are protected by law; clearance work should be avoided during the bird-breeding season (March to end of August).

We would recommend carrying out an ecological survey, at the appropriate time of year prior to any works, to determine whether any protected species are present and to ensure that mitigation measures are implemented if appropriate”.

Parish Council:

“The Councillors felt they could not comment properly as they needed a definition of affordable dwellings; does it mean below market value? What is for this area? The application is for fifteen dwellings; is it possible to restrict the number of houses to fifteen as a maximum for the Quarry site in the future?

There is also a mismatch between the number of houses applied for and the two plans, which show seventeen and eighteen houses respectively.

There will be a Public Meeting in the Village Hall on Friday July 13th at 7pm; Dr Burston’s team will be invited to attend and the Parish Council would also welcome a representative from SKDC if that were possible.

After consulting with the villagers and their questions answered by your Department, the Councillors would be in a position to comment on the two applications at the full meeting of the Parish Council on July 18th. This is assuming the deadline for comments can be postponed; I have put this request in an e-mail to your office. Would it be possible to have answers to the Councillors' queries before the Public Meeting takes place? The Parish Council would be most grateful".

Representations received as a result of publicity:

The application has been advertised in accordance with statutory requirements as a 'Major Development' (over 10 dwellings) departure from Development Plan. The closing date for representations under the 'Departure' advertisement is 24th August 2007.

At the time of writing, two representations objecting to the proposed development have been received raising the following issues:

- a) Proposed development out of keeping with the character of the area. (1)
- b) Increased traffic would have adverse impact on local environment, highway network. (1)
- c) Increased noise and disturbance to local residents. (1)
- d) Contrary to Local Plan. (1)
- e) Local residents do not support proposal as applicant claims. (1)
- f) Is site safe to build houses on? (1)
- g) Main aspect of nearby dwellings is facing road, not open countryside, as stated in supporting Design and Access Statement. (1)
- h) Statement that there are no houses of significance in the immediate vicinity is incorrect as there are several large dwellings along two side of the site. (1)
- i) Approving application would make it difficult to refuse further housing on site which should be used to provide employment opportunities for locals. (1)
- j) Proposal contrary to Local Development Framework Core Strategy Preferred Options Visions and Objectives. (1)

The application site and its surroundings

The 0.67 Ha. Application site is an elongated strip of land located at the northern end of a disused limestone quarry on the south side of the historic core of Castle Bytham.

The northern site boundary is defined by a former railway line in deep cutting and the application land is elevated in relation to the remainder of the redundant quarry to the

south, which is designated and Site of Special Scientific Interest. The application land is overgrown and contains the now derelict former weighbridge, lime kilns and small ancillary quarry buildings.

Beyond the former railway line are residential properties either fronting onto or served off Station Road.

There are several modern residential properties on the opposite, eastern side of Station Road.

Site History

The whole of the former quarry in which the application site is located is allocated in the 1995 Local Plan for employment development and benefits from an extant Reserved Matters approval (S.04/0382/19) granted in July 2005 for Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) development.

The Proposal

Outline planning permission is sought for the erection of 15 Affordable dwellings.

The indicative layout plan, that does not form part of the application, shows dwellings arranged in a curving linear fashion, backing onto the railway cutting and served by a new estate road off an existing access onto Station Road. The proposed dwellings would, with the exception of those at the north-western end of the site, overlook the former quarry.

Policy Considerations

Central Government Guidance

PPS 1 - Delivering Sustainable Development

PPS 3 – Housing

PPS 7 – Sustainable Development in Rural Area

PPS 9 – Biodiversity and Geological Conservation

Rural Exceptions Policy

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP2 – Sustainable Communities

SP4 - Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN4 – Sustainable Construction and Design

H1 – Housing Development

H3 – Affordable Housing

E1 – Employment Development

Lincolnshire Structure Plan (Now superseded by SKDC Core Strategy)

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy S4 – Rural Communities

Policy H4 – Affordable Housing Provision

Policy NE3 – Sites of Nature Conservation Importance

South Kesteven Local Plan (Now superseded by SKDC Core Strategy)

Policy H8 – Affordable Housing

Policy E7 – Allocated land for new Industrial and Business development

Policy EN1 – Protection and Enhancement of the Environment

Policy EN3 – Areas of Great Landscape Value

Policy EN8 – Protection of Wildlife and Geological Sites

The Planning Policy Section have commented on the Policy issues raised by this proposal as follows:

“The application sites forms part of an employment allocation (E 7.9) in the South Kesteven Local Plan (adopted 1995). Policy E7.9 allocates site specifically for employment and industrial uses, and in this case reflects an outstanding planning consent (at the time the Local Plan was adopted). This consent has been subsequently renewed, however, no development has occurred on site to implement the consent. The application is therefore contrary to policy E7.9 of the adopted local plan. It should be noted, however, that the policy approach relating to new employment allocations within the emerging Local Development Framework (LDF) is much more focussed upon the four towns of the district, and it is unlikely that the

LDF will include employment allocations in the smaller settlements. As such it is unlikely that this site will be reallocated in the LDF.

Planning Policy has, together with Housing Solutions had discussions with the applicant about the potential for housing development on the whole of the quarry site. This has been consistently resisted as it is felt that both the location and nature of the site is unsuited for large-scale residential development. The Interim Housing Policy (adopted June 2005) is particularly relevant to the consideration of housing development here. Castle Bytham does not have the full range of local services and facilities to be classed as a Local Service Centre (LSC) in the Interim Housing Policy, it is not therefore a settlement where housing development is considered acceptable, unless it is a “rural exception” site for affordable housing to meet a proven local need (reference policy H8 of the adopted local plan).

The application site is confined to the northern most part of the site, and the higher part of the quarry. As such a small affordable housing development here would relate well to the existing village and is in close proximity to the local services that are available in Castle Bytham. In light of the recognised need to affordable housing within the village (and on this matter I refer to Mandy Gee’s comments upon the level and mix of housing need) I consider that the proposal is consistent with many of the requirements of policy H8 Affordable Housing.

Specifically that:

- It is written or adjoining an existing settlement
- It is a site which would not normally be released for general housing
- Its would meet a proven local need
- The site is well related to the existing form of the settlement
- Its location would not spoil the landscape setting
- And it is a location where public services are available

The following three outstanding requirements of policy H8 must be considered in more detail:

- That it is a small site. A small site is normally considered to be a site of less than 10 houses. I therefore question whether a site of 15 houses can be considered small, however there is an identified need for 17 affordable units, which this proposal goes most of the way towards meeting. If this scheme were smaller there would be a need to identify an additional affordable housing site within the area (see next bullet point)
- That no other more suitable site is available to meet the need: The Policy team is currently in the early stages of identifying and assessing sites with potential to allocate for housing (including for affordable housing) within the Site Specific Allocations DPD part of the LDF. However this work is in the very early stages and as yet sites have not been subject to full assessment or public consultation. In the absence of this evidence it is not possible to say whether there are alternative more appropriate sites available within the village.
- And that the benefits of affordability pass on to subsequent occupants. This matter is dealt with in Mandy Gee’s response. If the application is approved

the future occupancy should be controlled via a S.106 obligation to ensure that the houses remain affordable in perpetuity.

Conclusion

The site is currently allocated for employment use in the adopted local plan. Castle Bytham is not a LSC, and as such general market housing would not be acceptable on this site. However, policy H8 of the adopted local plan does allow for the development of small scale affordable housing schemes on sites which would not normally be considered acceptable. Whilst I question whether the development of 15 units can be considered “small scale” there is a proven need for a total of 17 units in this locality. The proposal satisfies all other aspects of policy H8 and will deliver most of the affordable housing requirements of the ward. I therefore consider the scheme is acceptable in policy terms, however, if planning permission is granted an S.106 must be agreed to restrict the future occupancy of the dwellings”.

APPLICANTS SUBMISSION

1. INTRODUCTION
 - 1.1 Planning application
 - 1.1.1 Castle Bytham has existing planning consent for B1 development of the site, including twenty-five industrial units accessed from a new junction with Station Road to the south of the site. This Design Statement describes alternative proposals for part of the site for residential developments, which would have less impact and is considered by many to be a more appropriate development use within the village of Castle Bytham. The proposed residential development for which planning permission is sought would replace eight of the industrial units in the northern part of the site.
 - 1.1.2 A Community Health Centre is proposed in the south-eastern corner of the site, which is the subject of a separate planning application and design statement.
 - 1.2 The brief
 - 1.2.1. The proposals are for 15 houses, of which a proportion would be targeted at the more affordable end of the market, and landscape works to the quarry to separate the proposed housing from the industrial development.
 - 1.3 Overall context
 - 1.3.1 Castle Bytham has evolved in two parts: the historic village centre north of the railway, and the area of Clipsham Road south of the main centre, which is separated from it by the railway and the quarry. Station Road, which links the two parts and is one of the main access routes to the village, has recently been subject to low-density residential infill on the eastern side opposite the quarry. The quarry, then, occupies a strategic position between the two parts

of the village, and offers the potential to consolidate the residential development that has begun to link it together.

1.4 Broad design approach

- 1.4.1 The quarry offers potential for a mixed use with housing and employment. The proposal provides an opportunity to secure affordable housing within the village together with two work place homes. This Design Statement sets how residential development could provide a range of new housing, which is appropriate to its setting within the village.

CONTEXT ASSESSMENT

Physical

Location and access

- 2.1.1. The quarry site occupies 7.4 ha alongside Station Road between the southern and northern parts of the village. The current main access point is on Station Road close to the northern boundary with the railway cutting and there is a second access gate to the south about 120 metres from the junction with the Clipsham Road. The approved access for the industrial development is close to this second access point.

Landscape

- 2.1.2. Most of the quarry area has been excavated to a depth of about 14 metres below the original ground level. Areas of the original surface remain along the northern, southern and eastern edges of the site: the northern area is proposed for residential development.
- 2.1.3 There are belts of trees along the northern and southern boundaries, which visually separate the site from its immediate surroundings. Scrub vegetation covers the remaining natural land surfaces. A continuous field hedgerow forms the whole length of the boundary to Station Road. Spoil heaps and earthworks within the quarry leave much of it totally denuded of vegetation.
- 2.1.4 The underlying landform north of the site, in the historic centre of the village, falls to the north of the river Tham, which flows westwards to join the Glen River system at Little Bytham. It presents a very hummocky character of a sheltered and intimate quality, which has strongly influenced the appearance of the village centre. To the south, the landscape has more the character of a high plateau with longer views and greater exposure. A similar character extends to the west, with a pattern of fields and hedgerows that adjoin the village and the quarry boundary.
- 2.1.5 The quarry was cut out of the rising land south of the village to retrieve limestone. While of limited landscape or ecological value, it is designated a Site of Special Scientific Interest (SSSI) for the geological importance of its

exposed cliff faces. The cliff sides have significant effect on the environment of the quarry interior, casting sun shadows from the south and west.

Townscape context

- 2.1.6 There are no structures of significance within the quarry: there are some derelict brick sheds and small supervisor's buildings in the northern part of the site. Nor are there any buildings of townscape significance in the immediate vicinity of the site: the housing on the eastern side of Station Road lies generally below the level of the road itself and consists of widely separated properties whose main aspect is over the open countryside and not to Station Road.
- 2.1.7 Castle Bytham village centre has a very distinctive character deriving from the detail and materials of its architecture and from the strong topography of the underlying landscape. The form of the village is most distinctive at the triangle of lanes in the centre where levels fall away northwards creating views over sloping greens and along angled streets. There is strong contrast between these open village spaces, and continuous edge created by roadside cottages, and the backdrop of tall, mature trees in the upper parts of the village around the church. Some of the smaller details are important, such as the low white railings along the edges of the greens and the stream flowing through the village centre. The remains of the Norman motte are more significant historically than visually: they lie at the edge of the village where they merge into the undulations of the surrounding landscape.
- 2.1.8 South of the site, a mid twentieth century housing area off Clipsham Road consists a group of 36 semi-detached council built houses in Regal Gardens, and there is a later close of 33 1980's detached houses (Bytham Heights). Both are standard suburban developments of their respective eras and make no reference to local architectural or village character.

Local materials and details

- 2.1.9 The primary local building material in the village centre is a soft pale limestone from which most of the earlier buildings in the village are constructed. There are later nineteenth century buildings of bright red brick, and examples of stone buildings with red brick details around window and door openings.
- 2.1.10 The roofs of the older buildings are generally pitched steeply, perhaps once thatched, but most have long since been tiled in the orange pantiles that are so typical of eastern counties. The combination of orange roofs and pale stone walls is very distinctive. Some of the nineteenth century brick buildings are roofed in slate, and there is also some plain tiling and stone slate roofing.

2.2 Evaluation

Constraints

2.2.1 The primary physical constraints to development are (see figure 1):

- Limited access points from Station Road at the north and south of the site
 - The SSSI designation of the cliff faces
 - Sun shadows cast by the cliff faces over the quarry floor, especially in winter
 - Slopes within the quarry which will dictate alignment of any access roads to achieve acceptable gradients
-
- Ground conditions, particularly made ground and spoil, which will vary over the site

3.1 Proposed uses

The proposal is for 15 houses comprising:

- Seven two-bedroom houses
- Eight three-bedroom houses

3.1.1 Figure 2 shows the disposition of these elements on the site.

3.2 Layout

Development area

3.2.1. The net area of development excluding landscape buffer planting is 0.672 ha.

Access

3.2.2 A separate access point is proposed for the residential development area in approximately the same position as the present main access gate. Highway engineering details have yet to be prepared.

Street structure

3.2.3. The layout provides a single cul-de-sac serving the 15 houses, with a possible future pedestrian/cycle path and emergency vehicle route connecting it to the industrial development access road.

Landscape structure

3.2.4 New landscape is envisaged as follows:

- On the northern boundary, strengthening existing boundary tree planting with new tree planting.
- To individual plots, new hedgerow planting forming property boundaries
- To steeper slopes, new landscape planting to define developable areas and provide a green setting for development.
- A buffer belt of tree planting on the southern side of the housing, between it and the industrial area

Pedestrian/cycling links and footpaths

3.2.5 The development is linked to Castle Bytham village centre by the existing footway alongside Station Road. Improvements may be required in the village centre where the footway becomes discontinuous.

Parking

3.2.6 Parking will be provided on private housing plots at the rate of 2 spaces for small houses and 3 for larger houses, with no additional visitors' parking.

3.3 Scale

Built form, height and massing

3.3.1 Housing development will generally be 2 storeys of a scale and form typical of traditional village housing. This suggests pitched roofs, steep enough to include an attic floor in places, and some single storey pitched roof elements in extensions to the main body of the house. Level changes may allow a basement storey in some situations.

3.3.2 Buildings are to be grouped to provide short sequences that define curves in streets and changes of direction determined by the steep topography of the site. The overall form generated in this way will reflect the street forms seen in Castle Bytham village centre.

Landmarks, views and focal points

3.3.3 The dramatic level changes give excellent potential for views into and across the site. Buildings in the residential development area will be placed to take best advantage of such views from north to south.

3.4 Landscape

Retained landscape

- 3.4.1 All boundary hedges and planting will be retained and improved as far as possible, making due allowances for junction sightlines etc. Where such features have to be moved, they will be replanted as close as possible to the original alignment with new hedgerows of native species.

New landscape planting

- 3.4.2 Significant new structure planting is proposed, as noted above.

New hard surface spaces

- 3.4.3 Access roads will be to adoptable highway standards. However, wherever possible, adopted and unadopted paved surfaces will be of porous, natural materials to aid site drainage and create an appropriate appearance for the rural setting.

Ecological elements

- 3.4.4. A significant amount of study into the geological and ecological background of the quarry has been undertaken. Further studies may be necessary to update and augment this work prior to development.

3.5 Appearance

Relationship to existing context

- 3.5.1 Architecturally, there is no immediate context for new buildings, but there is a strong local character as summarised above. This should be the reference point for the detailed design of buildings. The most significant aspects of the existing context are the dramatic falls and southerly orientation over much of the site, and potentially spectacular views across the quarry. The architectural design of buildings should exploit these advantages fully, possibly using extensive glazing, framed buildings and other modern methods of construction.

Materials and details

- 3.5.2 Traditional building materials in Castle Bytham are solid and heavy. The lightness described above can be combined with heavy structures that will be necessary in retaining walls, basement levels and other elements that level changes will generate.

3.6 Streetscape

- 3.6.1 The streetscape of the development will be informal, generated by road alignments that follow and descend contours at necessary gradients.

Natural surveillance

- 3.6.2 Buildings will follow these alignments, and windows and doors should overlook the street as directly as possible: level changes mean that excellent surveillance can be gained from buildings at higher levels without compromising privacy.

Secured by design

- 3.6.3 The scheme will be submitted for the police's "Secured by Design" review, covering boundary security, parking arrangements and constructional details.

3.7 Sustainability

Conservation of natural assets

- 3.7.1 The scheme is part of an overall development that will ensure that the site's primary natural asset, the cliff face, is no longer neglected and can be made accessible to the public within a conservation remit. Structural tree planting is proposed over much of the undevelopable part of the site, while maintaining required margins to the cliff face.

Energy generation and consumption

- 3.7.2 The potential to exploit southerly orientation for passive solar gain is pointed out above. This should be just one of many measures to ensure that the scheme is as self sufficient as possible. The development will aim to achieve an Eco-Homes rating of excellent in respect of its constructional and services performance.

Refuse disposal and recycling

- 3.7.3 The development must conform to local authority requirements for refuse collection, vehicle movements etc.

Sustainable urban drainage systems

- 3.7.4 Drainage is a significant issue for the quarry. It is not unusually susceptible to flooding, but systems will be carefully designed to manage the drainage load, including minimisation of non-porous ground surfaces.

4 *ACCESS*

4.1 Vehicular and transport links

Approach

- 4.1.1 The general design approach is to minimise unnecessary vehicular movements and facilitate walking through convenient links. This is a realistic objective for the upper parts of the site, with key village facilities accessible via the footway on Station Road to both the village centre and the new healthcare facilities in the scheme.
- Vehicular access
- 4.1.2 The main access points are described at 3.2.1 above.
- Pedestrian/cycling links and footpaths
- 4.1.3 The footway on Station Road is to be maintained and improved as necessary.
- 4.2 Inclusive access
- Disabled provision
- 4.2.1 Most of the proposed residential development is at natural ground levels and readily accessed from street level. All buildings must be designed in accordance with the Building Regulations Part M mobility standards.

Conclusions

Although the proposed development is contrary to the 'employment' allocation of the former quarry, it is considered that the area that would be used for the proposed Affordable Housing (and that for the Community Health Centre proposed under (S07/0818/19) would not be so significant as to compromise the use of the majority of the site for employment purposes in accordance with the development plan.

Housing Solutions have confirmed that there is an interest in Affordable Housing in this part of the District based on the 2006 Housing Needs survey. This demand is not likely to be met through 'normal' market housing.

The location proposed for the housing is appropriately separated from the employment use of the remainder of the former quarry for there not to be any adverse implications for residential amenity.

It will be noted from the response received from the Local Education Authority that the development would result in pressure on local education facilities and also that the Team Leader of Streetscene Services has requested either the provision of an on-site LAP or a commuted sum towards off-site provision.. Whilst it is acknowledged that there would be implications for the education facilities and open space provision that would normally be required for this scale of development, funding for Affordable Housing can only be utilised for the purpose of delivering housing and not for any other benefits via a Section 106 Agreement. If such benefits were to be insisted upon by the Local Planning Authority the likelihood is that the development may not proceed. This applies equally to any request for a commuted sum from the Primary Care Trust.

The proposals accord with National and Local Policies set out in Planning Policy Statement 3 – PPS3, Planning Policy Statement 9 – PPS9 and Policies SP1, SP2, H3, EN1 and EN4.

Although there is some conflict with Planning Policy Statement 1 and Policy E1 of the South Kesteven Local Plan, the issues raised are not considered to outweigh the principal policies referred to above. It is further considered that whilst the issues relating to highway safety are material considerations, these can be addressed by the conditions attached to this permission.

SUMMARY OF REASON(S) FOR APPROVAL

The proposals accord with National and Local Policies set out in Planning Policy Statement 3 – PPS3, Planning Policy Statement 9 – PPS9 and Policies SP1, SP2, H3, EN1 and EN4 of the adopted Core Strategy.

Although there is some conflict with Planning Policy Statement 1 and Policy E1 of the South Kesteven Local Plan, the issues raised are not considered to outweigh the principal policies referred to above. It is further considered that whilst the issues relating to highway safety are material considerations, these can be addressed by the conditions attached to this permission.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) appearance;
 - (d) access; and
 - (e) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. 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.

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

4. 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.

Reason: 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 District Council Core Strategy.

5. The development hereby permitted shall not be commenced until a working method statement, to include details of plant, equipment, spoil and materials, as well as methods of working, has been submitted to and approved in writing by the Local Planning Authority. The method statement will demonstrate how the works will be undertaken in order to protect the features for which the SSSI is so designed.

Reason: To ensure that the features for which the adjacent land is designated a Site of Special Scientific Interest are not harmed during the development period, as in accordance with Planning Policy Statement 9 - PPS9.

6. Before the development hereby permitted is commenced a plan shall be submitted to the Local Planning Authority showing areas of stand-off from the faces of former quarry which are to be protected from damage during the development period and for access in the event that it is required for the management of the features of interest.

Reason: To ensure that the features for which the adjacent land is designated a Site of Special Scientific Interest are not harmed during the development period, as in accordance with Planning Policy Statement 9 - PPS9.

7. The vehicular access shall incorporate 6m metres radii tangential to the nearside edge of the carriageway of Station Road and the minimum width of the access shall be 5.0 metres.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Planning Policy Guidance Note 13 - PPG13.

8. 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.

Reason: To enable calling vehicles to wait clear of the carriageway of Station Road in the interests of safety, and in accordance with Planning Policy Guidance Note 13 - PPG13.

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.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Planning Policy Guidance Note 13 - PPG13.

10. Development shall not be begun until a scheme for the provision of Affordable/Low Cost Housing has been submitted to and approved in writing by the Local Planning Authority. the Affordable/Low Cost Housing shall be provided in accordance with the approved scheme. The Scheme shall include:

1. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of Affordable/Low Cost Housing in perpetuity; and
2. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the Affordable House, and the means by which such occupancy criteria shall be enforced.

Reason: The application site is in a location where permissions would not normally be forthcoming for open market housing and to ensure that appropriate provision is made for affordable housing in accordance with policy H3 of the South Kesteven District Council Core Strategy.

* * * * *

Applicant	Mr John Cooke, J C Surfacing Greenways, Newark Road, Coddington, Newark, NG24 2QQ
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Change of use of land for siting of touring caravans and erection of amenity block
Location	Wagtail Country Park, Cliff Lane, Marston, Grantham, NG322HU
App Type	Full Planning Permission
Parish(es)	Marston

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Acting Lead Professional.

The Proposal

This is a full application for the change of use of land for 16 touring caravans pitches and the erection of an amenity block, providing washing facilities and store room.

The application site and its surroundings

The application site is located on the north side of Cliff Lane at its eastern end, to the south east of the built up area of Marston within a wholly rural area. On a level site and surroundings there is currently one fishing lake with a small caravan site with 9 pitches. The site is well screened from general public view with mature tree and hedge planting.

The application site previously formed part of the adjacent Wagtail Fisheries, to the west, but is now in separate ownership of the applicant.

Site History

In 2004 planning permission was granted for the change of use of paddock land to lakes/fishery to the north of the current application proposal. Work is currently in progress on this permission.

In 2006 and renewed in 2009, planning permission was granted for the erection of 5 holiday lodges to be occupied in connection with the fishery.

Representations Received

Marston Parish Council – The application should only be approved if the following concerns are addressed:

Vehicular movements – Cliffe Lane and the access road are single track with limited passing places on the access road. The views of the Area Highways Department should confirm the suitability of the lane and access road or specify upgrades to be implemented.

Length of stay – Clarification is required as Paragraph 50 of the Design and Access Statement states that “The Wagtail Fishery caters for resident anglers only, and day tickets are permitted. Visitors typically rent lodges or stay on touring caravan pitches on a weekly basis...” Are the Wagtail Fishery and the Wagtail Country Park one and the same? The caravan bays should be utilized for holiday purposes only and not for overnight transit purposes. Single overnight stays at the Wagtail Country Park would dramatically increase the number of vehicular traffic movements.

Occupancy of the site – a period of the year, as with the case of the mobile homes, should be designated as non-occupancy and the site cleared of caravans to ensure that the caravans do not become permanent residential sites.

Register – an up to date register of the names of all users of the caravan bays should be maintained and available to the District Planning Authority.

Lincolnshire County Council Highways – no objection subject to the passing bays on Cliff Lane are to an approved specification.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and no representations have been received.
Planning Considerations

Policy Considerations

National Policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth.

Core Strategy

None relevant.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on surroundings.

Officer Evaluation

Policy EC7 of PPS4 states that Local Authorities should support the provision and expansion of tourist and visitor facilities.

This proposal seeks to provide 16 touring caravan pitches and associated amenity block.

Having regard to the surrounding development and the previous approvals on the site there is no objection to the proposal which due to the existing boundary landscaping will have no adverse visual affect upon the surrounding area.

Crime and Disorder Implications

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

Human Rights Implications

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

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

Conclusion

The development is considered acceptable.

SUMMARY OF REASON(S) FOR APPROVAL

The use of land for 16 touring caravan pitches and the erection of an amenity block in connection with the fishery is considered to be in keeping with the existing area and not to have any adverse impact on the character and appearance of the surroundings due to the existing landscaping and adjacent uses. Therefore the proposal is in accordance with national Policy PPS4 - Planning for Sustainable Economic Growth.

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

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

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

2. No caravans shall be occupied or stored on site between 1 November and the 31 March with the exception of Good Friday if this falls in March.

Reason: To ensure that the caravans are not used for unauthorised permanent residential occupation.

3. The caravans hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation

4. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual caravans using the site, and of their main home addresses, and the dates and duration of their stays. This information shall be made available at all reasonable times to the District Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

5. Notwithstanding the details shown on the submitted drawings this consent does not grant permission for the erection of the warden accommodation and office/reception building.

Reason: Insufficient details have been submitted to consider this as part of the application.

6. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide passing bays to a full approved specification together with all ancillary works.

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

7. Prior to commencement of any works on site relating to the siting of mobile homes, the works to improve the public highway (by means of passing bays to a full approved specification along with all associated ancillary works) have been completed to the satisfaction of the Area Highways Manager.

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

* * * * *

Applicant	Mr John Cooke, J C Surfacing Greenways, Newark Road, Coddington, Newark, NG24 2QQ
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Change of use of land for siting of mobile homes to be occupied in connection with fishery (in lieu of S09/1587)
Location	Wagtail Country Park, Cliff Lane, Marston, Grantham, NG322HU
App Type	Full Planning Permission
Parish(es)	Marston

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

This application has been referred to the Development Control Committee at the request of the Acting Lead Professional.

The Proposal

This is a full application for the siting of five mobile holiday lodges to be occupied in connection with the adjacent fishery.

The application site and its surroundings

The application site is located on the north side of Cliff Lane at its eastern end, to the south east of the built up area of Marston within a wholly rural area. On a level site and surroundings there is currently one fishing lake with a small caravan site with 9 pitches. The site is well screened from general public view with mature tree and hedge planting.

The application site previously formed part of the adjacent Wagtail Fisheries, to the west, but is now in separate ownership of the applicant.

Site History

In 2004 planning permission was granted for the change of use of paddock land to lakes/fishery to the north of the current application proposal. Work is currently in progress on this permission.

In 2006 and renewed in 2009 planning permission was granted for the erection of 5 holiday lodges to be occupied in connection with the fishery.

Representations Received

Lincolnshire County Council Highways – no objection.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and no representations have been received.

Planning Considerations

National Policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth.

Core Strategy

None relevant.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on surroundings.

Officer Evaluation

Policy EC7 of PPS4 states that Local Authorities should support the provision and expansion of tourist and visitor facilities.

This proposal seeks to replace the previously approved brick, tile wooden clad lodges with mobile holiday lodges sited in similar locations to those approved under the earlier applications.

Having regard to the surrounding development and the previous approvals on the site there is no objection to the proposal.

Crime and Disorder Implications

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

Human Rights Implications

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

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

Conclusion

The development is considered acceptable

SUMMARY OF REASON(S) FOR APPROVAL

The erection of five mobile holiday lodges in connection with the fishery is considered to be in keeping with the existing area and not to have any adverse impact on the character and appearance of the surroundings due to the existing landscaping and adjacent uses. Therefore the proposal is in accordance with national Policy PPS4 – Planning for Sustainable Economic Growth.

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

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

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

2. The lodges hereby approved shall not be occupied between 31 January and 1 March in any year unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the approved lodges are not used for unauthorised permanent residential occupation.

3. The lodges hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation

4. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges hereby approved, and of their main home addresses, and the dates and duration of their stays. This information shall be made available at all reasonable times to the District Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Applicant	Mr Mark Revill Gordon House Farm, 15, Back Lane, Claypole, Newark, NG235AA
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Erection of two dwellings
Location	Gordon House Farm, 15, Back Lane, Claypole, Newark, NG235AA
App Type	Outline Planning Consent
Parish(es)	Claypole

REPORT

This application was deferred from the Development Control Committee on 27 April 2010 for further consideration by the applicant and for alternative layouts to be assessed.

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of a local member for the following reasons:

1. Removal of disused old buildings and corn dryer
2. Remove traffic (farm) from Back Lane
3. Stop noise from corn dryer from new development
4. Site visit?

The Proposal

This is an outline application seeking permission for access and layout, with all other matters reserved, for the erection of two dwellings. Within the supporting statement submitted with the application it is suggested that a two storey development with potential for accommodation in the roofspace is appropriate for the site.

The application site and its surroundings

The application site is located to the rear of a pair of detached houses fronting Back Lane and is accessed via a currently gated farm access to the east side of the site. The site currently contains a selection of farm buildings, brick and tile and blockwork and profile clad, of various heights. The site boundaries are identified by a wall topped with panel

fencing to the west, close boarded fencing to the east with no clear identifiable boundary to the south.

To the north are two detached houses both with accommodation in the roofspace, to the west the rear garden to Bow House and to the east a row of terraced houses in a relatively new estate. To the south are fields.

Site History

No relevant history.

Representations Received

Archaeological – no affects on any known sites.

Lincolnshire County Council Highways – No objection subject to suitable turning facilities and surface water run off.

Environmental Protection – No contamination land enquires.

Upper Witham Internal Drainage Board – The applicant suggests that the surface water is to be discharged to a soakaway.

The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the approving authority in conjunction with the Local Planning Authority.

If the suitability is not proven the applicant should be required to re-submit amended proposals showing how the site is to be drained without increasing flood risk elsewhere.

Environment Agency – No objections.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and one reply has been received.

The points raised in this response can be summarised as follows:

1. Development will overlook the frontage of Bow House and the main garden resulting in a major loss of privacy.
2. Unlikely that current or future tree line could provide adequate screening.
3. Back Lane is narrow with no passing places.
4. Increased risk to pedestrians.
5. There have been recurring problems to the sewage system.

6. Does this development have health and safety implications due to the current/previous use?
7. The current barns contain asbestos.
8. Is this development contrary to the development plan?

Following re-consultation on the revised layout four responses have been received, three in support of the application with one response raising the following additional points to those previously made:

1. Serious objection to any plan for more than two storeys.

Planning Considerations

National Policy

PPS 1 –Delivering Sustainable Development
 PPS 3 - Housing
 PPS 7 – Sustainable Development in Rural Areas.
 PPG 13 – Transport
 PPS 25- Development & Flood risk

Core Strategy

SP1 – Spatial Strategy

This is a restrictive policy directing development to the existing towns and Local Service Centres. In all other villages and the countryside development will be restricted. Proposals will only be considered acceptable if they are sites for:

- A affordable housing (rural exception or allocated sites);
- B agricultural, forestry or equine development;
- C rural diversification projects;
- D local services and facilities;
- E replacement buildings (on a like for like basis); or
- F conversion of buildings provided that the existing building(s):
 - contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;
 - are in sound structural condition; and
 - are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

In all cases planning permission will only be granted on a less sustainable site were it has been proven that there are no other more sustainable options available or there are other overriding material considerations.

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

This is a general policy containing a list of criteria which seeks to preserve and enhance

the visual quality and amenity of the built and countryside environments and criteria 2, 4 and 10 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings and visual intrusion.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings.

Highways.

Officer Evaluation

This is an outline application, seeking permission for the layout and access, for the erection of two dwellings with related garages.

The revised layout shows a better relationship with adjacent dwelling but will still result in the creation of large properties on small plots with limited private amenity space out of character with the surrounding development resulting in overdevelopment of the site.

Since last being considered by Committee the Core Strategy has been adopted. Within the Core Strategy Claypole is not identified as one of the Local Service Centres to which development will be directed so the proposal is contrary to Policy SP1,

Finally, this application does not involve the development of previously developed land, as defined within PPS3 Annex C (Definition of Previously Developed Land), with its current agricultural use.

It is noted that County Council Highways have raised no objection to the proposal.

Crime and Disorder Implications

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

Human Rights Implications

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

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

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

1. In the opinion of the local planning authority it is considered that the proposal for the erection of two dwellings will result in the creation of large properties on small plots with limited private amenity space out of character with the surrounding development resulting in overdevelopment of the site.

Furthermore, the site cannot be classed as 'previously developed land' contrary to PPS3.

The proposal is therefore contrary to PPS3 (Housing) and Policy SP1 – Spatial Strategy of the South Kesteven Core Strategy.

* * * * *

Applicant	Executors of Estate of Mr R H Martin, c/o HSBC Trust Company (UK) Probate Services, PO Box 290, Sheffield, S1 2UJ
Agent	Beacon Planning Ltd 8, Quy Court, Colliers Lane, Stow-cum-Quy, Cambridge, CB25 9AU
Proposal	Erection of 2 single storey dwellings
Location	6, School Lane, Claypole, Newark, NG235BQ
App Type	Full Planning Permission
Parish(es)	Claypole

REPORT

Application Category

This is a Minor Residential Development

Reasons for Referral to Committee

The proposed development is considered contrary to the adopted Core Strategy.

The Proposal

The application is for the erection of two dwellings on the land to the rear of The Paddocks. The site would be divided into three plots, one retained with the existing property The Paddocks, and two for the proposed dwellings.

The existing site access would be retained for use by The Paddocks. A new vehicular and pedestrian access is proposed to the north with a width of approximately 6 metres.

The plot 3 to the rear of the site would be single storey, as would the proposed garaging. Plot 2 adjacent to The Paddocks would have a bedroom in the roof.

The Application Site and its Surroundings

The application site has an overall area of 0.332 hectares and currently forms the garden area of The Paddocks. The existing property sits at the front of the site and is a listed building. It has an overall ridge height of 7.75m.

The area can be characterised as residential, with the exception of the former school site adjacent. The urban grain can be described as detached properties set within large plots.

Representations Received

Local Highway Authority: No objection subject to conditions ensuring no obstructions on the visibility splay and parking and turning is available within the site.

Internal Drainage Board: The suitability of soakaways should be ascertained in accordance with BRE guidance.

Parish Council: No objection to the above planning application.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. 3 letters of objection have been received.

A summary of their main concerns are listed below:

- the land on which it is proposed to build has always been private garden. The government has made a recent positive statement that developing private gardens is no longer to be allowed in terms of granting planning permission.
- Planning permission has been requested to back fill the site with two single storey dwellings.
- Both properties are shown to have roof lights. It is my experience that these spaces have, after construction been converted to into living accommodation which would impact on mine and my neighbours privacy.
- The garage/bike facility would have a big impact on the 'old school' which now has planning permission for residential development.
- The permission implies that these two properties imply that these two properties are required to enable the owner of the site to make good and improve the Grade II listed cottage that has fallen into disrepair. The only reason the cottage has fallen into disrepair is that they have taken many years to decide what to do with the property.

Supporting Information from the Applicant's Agent

The application has submitted comprehensive documents in support of the application.

These include:

Design and Access Statement
Planning Statement
Heritage Statement

Additionally, a letter has been submitted relating to recent changes to policy:

Changes to PPS3

The recent changes to this Guidance Note excludes garden land from being considered as 'brownfield' or previously developed land. This is only seen as being material to the Claypole site if there is seen to be an issue with the loss of the garden land or it conflicts with the Councils housing density policies. The site is not within a Conservation Area. The site has an exceptionally large plot well above average when compared with the surrounding land use pattern. It is argued that the plot can be divided into three as proposed and still maintain good sized gardens for all three units. The subdivision can be carried out without any material harm occurring to the setting of the Listed Building or the locality in general. Similar infill developments have been approved within the village and thus this is seen as following the general pattern of development here. On this basis the issues of use of garden land and the density of the scheme are not seen as the key material issues for the proposals. The changes to PPS3 are not considered to be significant in the consideration of the proposals.

PPS5

The proposals have at no time been tabled as being enabling development. It is not argued that the new build is essential to secure the future of the Listed Building. Nor have the proposals tabled been considered to be contrary to policy to meet the tests on enabling development. In seeking to establish this the pre application discussions with South Kesteven District Council established that the principle of development in the curtilage of the Listed Building could be supported provided any new development was subordinate in form and carefully located and designed to complement the Listed Building.

The circumstances relating to the site ownership meant that enabling development is not appropriate here. The property has been left in a will for the benefit of a number of national charities. Under the provisions of the legislation governing how the charities benefit from the estate, the maximum value for the site has to be sought. Given the sensitivity of the site an initial application was prepared for the repairs and refurbishment of the Listed Building. Having secured a Listed Building Consent for these works, an experienced architectural practice with experience of designing in a historic location were employed to produce a detailed application for the new build units. Whoever purchases the site will therefore have the benefit of the permission for the new units and the Listed Building Consent for the historic building which sets out the required works to stabilise the building and bring it back into habitable use.

Once this application is determined the site can be sold with the benefit of these three respective consents which will secure both the conservation of the Listed Building whilst providing small single storey units within the village providing flexible accommodation for lifetime home requirements. It is therefore argued that the future of the site as a whole has been addressed. The long term future of the Listed Building has been addressed without the new build element being tabled as being enabling development.

The emerging Core Strategy

It is understood that the emerging policy, shortly to be adopted does not identify Claypole as a sustainable location for additional housing development. However this does not

change the current situation under the Interim Housing Policy Statement 2005. This has not identified Claypole as a local service centre to allow development to occur here. However, Members have been willing to set aside this policy to allow some small scale housing developments within the village notwithstanding this policy context.

The 2006 South Kesteven Housing Need Study identified a shortfall in owner occupied small (two bed) units. Being two and three bedroom units it is argued the new units will feed into this identified need.

The proposals will be sustainable in terms of the location of the site in terms of the village of Claypole. The site is located centrally within the settlement and well located to the facilities which exist here. It is argued that the proposals are part of the organic development of the village which will maintain the vitality of the existing settlement. The restrictions of the policy are aimed at major development proposals to expand the settlement rather than small scale development of the nature proposed here.

Given that the proposals can be demonstrated not to cause any demonstrable harm the character and appearance of the locality and the housing to be provided caters for an identified local need there is good reason in this instance to allow this development notwithstanding the provisions of the Core Strategy/Housing Strategy.

Additional highway information has also been provided regarding highway matters and visibility splays.

Relevant Site History

S09/0902 – Repairs and alterations to existing building was granted listed building consent on 12/6/2009.

S09/2432 – Planning permission was granted for the conversion of the former school to three residential units on 3/2/2010.

S08/0287 - A single dwelling on land adjacent The Nook, Chapel Lane. Claypole was granted planning permission on 21 May 2008. The summary of the reason for approval are listed below:

“The village of Claypole offers a variety of facilities and in particular, is located within 5 miles of the town of Newark. In those circumstances, the proposal accords with Planning Policy Statement 1 (PPS1)-delivering sustainable development and policies H7 and EN1 of the Saved policies of the South Kesteven Local Plan. Although it would constitute a departure from the main provisions of the Interim Housing Policy, on this occasion it is considered that any such conflict is not a bar to the development proposed”.

S09/0944 – Outline planning permission was granted for residential development on 25th February 2010. The summary for the reason for approval is listed below:

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS7 - Sustainable Development in Rural Areas, PPG13 - Transport, PPS25 - Development and Flood Risk and Policies H6 (i) and EN1 (iii) and (vi) of the Saved Policies of the South Kesteven Local Plan. The issues relating to scale, layout, loss of privacy, sustainability, flood risk, access and highway safety are material planning 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. Although it would constitute a departure from the main provisions of the Council's Interim Housing Policy, on this occasion it is considered that any such conflict is not a bar to the development proposed.

Policy Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

This policy is aimed at directing the majority of all new development towards Grantham to support and strengthen its role as a sub-regional centre.

It also looks to direct development to brownfield sites within the built up areas of the identified Local Service Centres. In other villages and the countryside development is to be restricted and only considered acceptable if they are sites for:

A – affordable housing (rural exception or allocated)

B – Agriculture, forestry or equine development

C – Rural diversification projects

D – Local Services and centres

E – Replacement buildings (on a like for like basis); or

F – Conversion of buildings provided that the existing building(s):

- contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;
- are in sound structural condition; and
- are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

In all cases planning permission will only be granted on a less sustainable where it has been proven that there are no other more sustainable options available or there are other overriding material considerations.

SP2 – Sustainable Communities

Outside of the main towns, this policy directs development to rural settlements where localised service use is already strong.

H1 – Residential Development

This policy sets out the broad policy framework for the amount and distribution of new homes across the District. This is achieved by setting targets for development in each town, Local Service Centres and the rural areas.

Key Issues

Compliance with Policy

The proposed development would result in the creation of two residential units in a village that is not regarded as a sustainable location by the newly adopted Core Strategy. Policy SP1 clearly identifies which locations residential development should be focused, specifically the three market towns and the local service centres as defined by Policy SP2. Claypole is not a Local Service Centre.

Outside of these settlements, new build market housing is considered to be contrary to the adopted Core Strategy and the thrust of current sustainability guidance. It is accepted that planning permission for residential development in Claypole has been granted contrary to policy in the past. In those instances members of the development control committee have previously attached significant weight to the proximity of Newark to Claypole and the facilities this would provide.

The following paragraph formed part of the Officer report on a recent planning application that was approved for residential development in Claypole:

“Claypole is not one of the identified Local Service Centres and, therefore, any development which proposes the erection of market housing is considered contrary to the adopted Interim Housing Policy.

However, the approval of a previous planning application for residential development in Claypole is a material planning consideration. Planning application S08/0287 proposed the erection of a single dwelling on land adjacent The Nook, Chapel Lane. Claypole. Although there was conflict with the Interim Housing Policy, Members considered that the facilities were adequate, particularly due to Claypole being located within 5 miles of the town of Newark, and the application was approved subject to various conditions”.

(Planning Ref: S09/0944).

It is considered that the adopted Core Strategy has significant weight in the determination of this application. It is the most up to date policy document and clearly represents the spatial policy framework for the district embracing current government guidance.

The document was the subject of extensive consultation with the local community and other key stakeholders as such it is a vision for the District and sets out how that vision can be achieved through decisions made about different land uses, location and form of development.

Notwithstanding that there have been previous grants of planning permission in Claypole they were prior to the adoption of the Core Strategy. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It is not considered the proximity of Newark to Claypole is sufficient to outweigh the conflict with the Core Strategy.

Additionally, the recent changes to PPS3 have removed garden land from the definition of brownfield land. Whilst it is accepted that, in order to maintain a five year supply of land, there may have to be residential on greenfield sites, these should be in sustainable locations, which Claypole is not considered to be.

Residential Amenity

Whilst the proposed dwelling on plot 2 would have a room in the roof the overall ridge heights of the dwellings are less than 6 metres in height and significantly below that of the existing building located at the front of the site.

The proposed dwellings would be located at sufficient distance from the existing neighbouring properties to ensure that there would not be any significant overlooking and loss of privacy or overshadowing/loss of daylight sunlight that could justify refusal of planning permission on these grounds.

Visual Amenity

The proposed scheme has been designed following extensive consultation with the Councils conservation officer. The proposed dwellings are designed to be subordinate to the existing property as it is a listed building and not have any significant detrimental impact on its setting. Accordingly it is considered that the proposed development would not have any significant detrimental impact on the character and appearance of the street scene or have any detrimental impact on the setting of the adjacent listed building.

Highway Safety

Significant information relating to traffic speeds and achievable visibility splays have been submitted by the applicant in support of the application. The local highway authority has not objected to the proposed development. As such it is considered that the proposed development would not be detrimental to highway safety.

Conclusion

The proposed development would result in a residential development in an unsustainable location. Any future occupiers of the proposed dwellings would be reliant upon the motor vehicle for access to essential facilities to meet daily needs.

Section 106 Heads of Terms

Not applicable in this instance

Crime and Disorder Implications

It is not considered that the proposed development raises any significant crime and disorder issues.

Human Rights Implications

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

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

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

1. The proposed dwellings would be located in a village that does not have access to services and facilities considered to be essential or desirable to meet the daily needs of future occupiers. As such future occupiers would be reliant upon the use of private cars to access these services and facilities resulting in unsustainable travel patterns.

As such the proposed development is considered contrary to Policy SP1, SP2 and H1 of the adopted Core Strategy and the general sustainable objectives as set out in PPS1 Delivering Sustainable Development, PPS3 Housing and PPG13 Transport.

2. The proposed development would result in the construction of two dwellings on garden land which is considered to be a greenfield site as defined by revised PPS3 (June 2010). Whilst it is accepted that in order to maintain a five year supply of housing land there may need to be residential development on green field sites. However, sustainable locations should be considered ahead of unsustainable locations. A grant of planning permission in this instance would undermine the sustainability objectives set out in the adopted Core Strategy policies SP1, SP2 and H1 and would be contrary to revised PPS3 (June 2010).

* * * * *

Applicant	Mr J Thorold 43, Festing Road, Putney, London, SW15 1LW
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Formation of access track off Bridge Street
Location	Marston Hall, School Lane, Marston, Grantham, NG322HQ
App Type	Full Planning Permission
Parish(es)	Hougham Marston

REPORT

Application Category

This is categorised as an 'Other' application.

Reason for Referral to Committee

The application is of interest to the wider community

The Proposal

Planning permission is sought for the construction of an access drive from an existing agricultural access off Bridge Street across designated Historic Parkland to provide an additional access to Marston Hall in connection with the intended use of the Hall as a venue for weddings.

The proposed drive would take a fairly direct route across the parkland, avoiding trees, to the grass parking area to the rear of the Hall.

The difference between this application and the previous proposals is that the initial 55 metres of the drive, apart from the 'bell-mouth' would be of a 'down-to-dust' construction. A representative section indicates that this would comprise compacted limestone hardcore set in layers from coursed grained material 25mm diameter (max) at base to fine grain material at surface. The maximum depth of excavation would be 120 – 150mm and there would be a grass cover to the surface. 4.0m of the 'bell-mouth' at the junction with Bridge Street would comprise 50mm of compacted gravel on a 180mm hardcore base, grade away from Bridge Street, to prevent surface water run-off onto the carriageway.

The remainder of the track to the proposed car-parking area would be merely grass.

Further Beech hedging is shown to be planted along the boundary with the Churchyard and on the Bridge Street frontage to the south of the access point.

The application site and its surroundings

Marston Hall is located on the eastern side of the village to the south-east of the Church and to the north of School Lane. It is the ancestral home of the Thorold family and remains in their ownership.

To the west, south-east and north-east are the formal grounds of the Hall and beyond that to the north, east and south –east is open paddock up to the River Witham.

The main access to the property at present is off the northern side of the right angle bend at the corner of School Lane and Barkston Road.

The Hall and its immediate garden area appears on the Register of Historic Parks and Gardens and is listed Grade II, meaning that is national importance.

The Parish Church, St Mary's, and its churchyard lies to the south of the land over which the drive would traverse.

The majority of route for the drive is identified as being liable to flooding.

Site History

The application history relevant to the proposal for a new access drive is as follows:

S04/1700 Provision of access track - Refused 23 December 2004

S05/0554 Provision of access track - Refused 27 May 2005 - Appeal dismissed 26 April 2006

S07/1245 Provision of vehicular access track - Refused 30 October 2007

S09/0696 Formation of vehicular access track - Withdrawn 19 October 2009

Representations Received

Local Highway Authority: Requests that any permission given by the l.p.a. include the four conditions and three informatives (See Conditions 5,6 and 8 and Informatives 1,2,3 below)

Parish Council:

The Marston Parish Council at a meeting held in the Hougham and Marston Village Hall on Thursday, 4 March 2010 at 7.30pm resolved to oppose the above planning application.

The Parish Council has the view that its objections to similar applications for access tracks across the same parkland are valid for this application. Previous applications were S04/1700/57 and S05/0554 (also refused on appeal). Work was begun on that

earlier track and an enforcement notice issued by SKDC Legal Services (ref. MPB/B/PEN/19043) to reinstate the parkland to its original condition has, to date, not been completed. Further applications for an access track S09/1245/57 and S09/0696 were refused and withdrawn respectively.

It is noted that this application downgrades the previous application from access drive to access track, whilst the associated planning application S10/0256/FULL – Use of Marston Hall for Civil Weddings, Entertainment Receptions, Guided Tours, Conferences and use of adjacent field land for event car parking, retains the volume figures for vehicular access.

The reasons for the objections are:

a) This application has not been advertised as one that affects the setting of listed buildings, in accordance with the procedure laid down in Section 66/67 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Both St Mary's Church and Marston Hall, with its gardens and parkland, are listed properties. The Parish Council has not received a Listed Buildings (LB) application.

b) This application is in conflict with the saved policies of the South Kesteven Local Plan in the following policy areas:

i) Policy EN1 requires development proposals not to intrude into the setting of important buildings, landscape features, or prominent views.

ii) Policy EN6, in relation to Marston, states that the planning permission will not normally be granted for development that would destroy or adversely affect the open character of land south of the River Witham and north of Marston Hall.

iii) Policy EN7 states that planning permission will not normally be granted for development which would destroy or adversely affect the character, appearance or setting of historic parks and gardens.

c) The material planning considerations – access, landscaping, impact on the neighbourhood and the living conditions of neighbouring residents.

The proposed track and its undefined extension would pass through part of the grade II listed Marston Hall Historic Park and Garden in an arc from the existing vehicular access on Bridge Street to the proposed car parking area to the east of the main building. The track to the west follows the line of the high ground whilst the car parking area is situated adjacent to the River Witham. This area is prone to both regular flooding and water logging due to the level of the water table (photographs included). Both of these events would cause considerable difficulties for vehicular movement and any movements would cause unacceptable damage to the parkland. The track, as outlined would also give vehicular access to an existing parking area to the front of the hall via an avenue of twelve Lombardy poplar trees. Paragraph 38 and the accompanying map state that the poplar avenue is omitted from the proposal but photographs 27 and 127 state, "It (the track) would not look out of place especially along and through the avenue of poplars leading from the house." The avenue was created to enhance the perspective of the view of the open parkland to the north of the hall. The avenue of twelve Lombardy poplar trees is

considered by Mr M Crookes (SKDC Development Control Services, ref. T.GEN/MCC/3 July 2006) to be worthy of a Tree Preservation Order and as such is currently being processed.

The churchyard has no hedge or screening along its northern and eastern boundaries, other than low fences, and is open to both the parkland and hall garden beyond. The creation of a beech screen along the northern boundary of the churchyard and the western edge of the parkland would both destroy the character of the open parkland as viewed from Church Walk and the churchyard and impair the visibility of St Mary's Church from the highway.

With regard to the vehicular access (approved 27/08/2002) onto Bridge Street I refer you to Mr Hubbard's (Area Planning Officer) letter (ref. S09/0924/57) in which he states that "The approval of an access in this location is not seen to be a pre-cursor for residential development of any kind but, should that be the case and planning permission was sought, then it is unlikely to be supported by this authority".

A further planning decision relating to this immediate area is S04/0660, Erection of four dwellings, The Paddock, Bridge Street (this house is adjacent, on the north side, to the house directly opposite the proposed access). This application was refused because "Visibility southwards from the vehicular access is restricted due to the existing carriageway alignment, boundaries and buildings (also land outside the site boundaries). Notwithstanding the lightly trafficked nature of Bridge Street, it is considered that the intensification of vehicular activity at the access associated with the proposed development is likely to result in vehicles emerging from the access being in conflict with vehicles travelling along Bridge Street contrary to the interests of highway safety."

There is a considerably greater volume of traffic using the C001 today than in 2004!

The visibility to the current access on the C001 is kindred by the humped bridge to the north and the blind bend adjacent to the church to the south. Use of the access by a significant number of vehicles (as indicated by this planning application) would result in an increased safety risk. The application refers to a potential amount of traffic leaving the Hall, over a short time-frame, following evening functions, all via this track. With the car park fully utilised there would be up to 80 vehicles leaving the site between the site between 11.15 pm and midnight, accessing the C001 at a point previously considered unsuitable! Further when the unlimited number of smaller capacity events is added, there is potential for disturbance on every night of the year. There is no mention in the application of access for coaches.

The departure of large numbers of vehicles by the proposed access track would create a late-night, light and noise nuisance which would have a detrimental impact on the neighbourhood and living conditions for residents in properties adjacent to the C001 between the access and the south/east bound exits to the areas. A specific example being the level of the ground as vehicles come over the crown of the field would mean that vehicle headlights would shine directly into the bedroom windows of number 7, Bridge Street. More generally the noise of vehicles leaving the field at this time would constitute an unacceptable loss of amenity to all residents of Bridge Street. The Parish Council wish to emphasise that the above points

illustrate comprehensively that the proposal would significantly harm the setting of the listed buildings of St Mary's Church and Marston Hall (LP Policies EN1), the open appearance of character of the Historic Park & Garden of Marston Hall (LP Policies EN6 and EN7) and create noise and traffic levels detrimental to the neighbourhood and living conditions for residents of the village.

Principal planning issues

Central Government Planning Policy Guidance (PPG15), Policy 27 of the Regional Plan and Policies EN1, EN6 and EN7 of the saved Policies of the SKDC Local Plan are all covered in the above.

Community Archaeologist : Proposals do not affect any known site of archaeological interest.

English Heritage: Determine in accordance with national and local policy guidance, and the basis of your specialist conservation advice.

Garden History Society: No comments received (Notified 16th February 2010)

Arboricultural Officer: Any track development that impinges on the root spread of the Lombardy Poplars or any other tree/s to be retained must conform to the requirements of BS5837:2005 - Trees in relation to construction-Recommendations. It must be constructed in such a way that it prevents compaction of the soil containing the root system and allows water and oxygen to reach the tree roots.

Upper Witham Internal Drainage Board: Suitability of soakaways as a means of surface water disposal should be ascertained and if not proven then alternative proposals should be provided to show how the site is to be drained.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement as Affecting the Setting of a Listed Building, a Site of Archaeological Interest/Ancient Monument. The closing date for representations was the 19th March 2010. A total of 28 individual representations have been submitted raising the following issues :

1. Adverse impact on the amenities of residents of Bridge Street from vehicles using the access.
2. Increase in noise levels at unsociable hours.
3. Application offers no benefit to the local community.
4. No mention of lighting to the track during the hours of darkness. Would create very dangerous unlit exit along the track during the hours of darkness.
5. Intensification of use of access off Bridge Street could give rise to up to 160 movements per day, half in the middle of the day when families likely to be walking along Bridge Street from village to playing field, playground and village hall where there is limited pavement provision.
6. Bridge Street narrow and only has footpath on one side.

7. Use of Bridge Street access would impact on the amenities of residents on Bridge Street, contrary to Policy EN1 and PPG24.
8. Intensification of any access across the land to the east of Bridge Street would impact on the setting of the Historic Park and Garden.
9. Contrary to Policies EN1, EN6 and EN7 of the Local Plan, Policy 27 of the Regional Plan and PPG15.
10. No indication that car parking will be floodlit
11. Proposed access will also likely to be used by delivery vehicles.
12. Some visitors will still access the property off school lane even if discouraged by signage as they will be directed there by satellite navigation using the post code.
13. Consideration has to be given to the fact that The Old Barn Hotel already provides wedding, conference and leisure facilities for well over 250 visiting guests. The provision of a similar facility within Marston will add considerably to the traffic movements in and around the village causing demonstrable harm to the residents in terms of noise and disturbance a result of traffic movements.
14. The number of events moves Marston Hall into the a major music and entertainment venue.
15. Track rises gently as it crosses the field adjacent to Bridge Street and departing car headlights would shine directly at the bedroom windows of No. 7 Bridge Street.
16. Application S04/0660 'Erection of Four Dwellings' at The Paddock, a site opposite the access, was refused on highway grounds because of the impact of an intensification of vehicle movements on highway safety on Bridge Street.
17. Parish council own field on north side of river for the village. This village amenity would be adversely affected by the use of the proposed driveway.
18. No material difference between the current application and those previously refused and withdrawn.
19. Land is liable to flood every few years.
20. Track within few metres of steep river bank incapable of supporting large volumes of regular traffic and adversely affecting the setting of the river.
21. Unauthorised track , subject of Enforcement has not been restored.
22. Parking will be visible from public vantage points.

In addition a petition containing the signatures of 82 persons opposed to the proposed development on the grounds of highway safety and excessive noise and nuisance, has been submitted.

Policy Considerations

PPS 5 - Planning for the Historic Environment

PPG24 - Planning and Noise

PPS25 – Development and Flood Risk

Policy EN1 of the Local Development Framework Core Strategy - Protection and Enhancement of the Character of the District.

Policy EN2 of the Local Development Framework Core Strategy - Reducing the Risk of Flooding.

Officer Evaluation

The key issues raised by this application are the impact of the proposal on the setting of the Marston Hall, the Registered Historic Garden, highway safety and the amenities of the occupiers of residential properties on Bridge Street.

As will have been noted from the site history above, there have been several previous attempts to obtain planning permission for a new access drive to Marston Hall off Bridge Street, none of which have been considered acceptable and one having been dismissed on appeal.

The current proposal is on the same line as was proposed under the 2007 application (S07/1245). Under that application the track would have been constructed of crushed stone with a gravel finish.

The reason for refusal was as follows :

“The site in question is of national importance and is protected as grade II on the English Heritage Register of Historic Parks and Gardens of Special Historic Interest. The proposed track will pass directly through this parkland and it is considered that the siting, layout and materials of the access through the site would have an adverse impact on the open character setting and appearance of the Historic Park and Garden and the surrounding area, contrary to policies EN7 and EN6 and criteria (ii) and (iv) of Policy EN1 in the Saved Policies of the South Kesteven Local Plan and Government Guidance contained in PPG15 Paragraph 2.24“.

Third parties have claimed that the intensified use of any access across the Historic parkland would impact on its setting and the adjacent listed buildings. There will be an impact but such impacts are acceptable at other higher grade Historic Parks and Gardens at Belton and Grimsthorpe, (both Grade 1 and of International Importance) where significantly higher numbers of vehicle movements occur than those proposed under this application.

Reference has also been made in the third party representations to an application in 2004 on a site more or less opposite the access currently under consideration that proposed the demolition of the existing dwelling and its replacement with four dwellings. That application was refused, one of the reasons being on highway grounds. However, a subsequent application in 2005 (S05/0356) was also refused but this time without a highways reason. The subsequent appeal was nonetheless dismissed by the Inspector on sustainability grounds.

The Highway Authority have not raised any objection to the proposal.

The issue of flooding has been raised and although part of the Hall grounds are liable to flooding, the house itself sits on a slightly raised area and is not subject to flooding itself. The area traversed by the access track and the northern extent of the car park have been affected by flooding but not on a frequent basis, only about once a decade. However, photographic evidence has been submitted by an objector purporting to show the land to

north and east of the Church, part of the Historic Park and Garden severely flooded in 2002.

Section 106 Heads of Terms

Not applicable

Crime and Disorder Implications

It is considered that the proposal will not raise any significant crime and disorder issues.

Human Rights Implications

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

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

Conclusion

The modifications to the access and the construction of the proposed driveway would have significantly less visual impact on the historic surroundings than the alternatives previously proposed and refused. It is considered that it would not compromise the setting of the Parish Church and the grade II* listed Hall nor its Historic Garden. It is a type of construction that has been used in other similar historic environment contexts.

Whilst due regard has been taken of the third party representations and the concerns expressed in relation to highway safety, noise and disturbance arising the number of vehicle movements proposed, it is considered that these are sufficient to withholding planning permission for the development as proposed.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed modifications to the existing access and formation of a 'down-to-dust' trackway as proposed would not harm the setting of Marston Hall, St Mary's Church or the registered Historic Park and Garden nor compromise the overall objectives of the Local Development Framework Core Strategy . Whilst material concerns have been raised regarding noise and disturbance, residential amenity, visual amenity and highway safety, they are not considered to outweigh national and local policies.

Subject to the conditions attached to this permission, that the proposal accords therefore with Planning Policy PPS1 - Delivering Sustainable Development, PPS5 - Planning for the Historic Environment, PPG13 - Transport, PPG 24 - Planning and Noise, Policies EN1

(criteria 1,2,3,6,10,11 and 14) and EN2 of the Local Development Framework Core Strategy and the South Kesteven Landscape Character Assessment.

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

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

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

2. No lighting shall be installed nor fencing erected along the access track or in the vicinity of the car park.

Reason: In the interests of preserving the setting of the Historic Park and Garden in accordance with PPS 5.

3. Prior to commencement of construction of the 'down-to-dust' road, the suitability of soakaways as a means of surface water disposal shall be ascertained by appropriate tests and, if not proven, then alternative proposals should be provided to the lpa to show how the site is to be drained. Only such means as may be agreed in writing by the lpa shall used to dispose of surface water.

Reason: To ensure that appropriate and effective means of disposing of surface water is provided in accordance with PPS25 - Planning and Flood Risk

4. Any track construction works within the root spread of the Lombardy Poplars or any other tree/s to be retained shall conform to the requirements of BS5837:2005-Trees in relation to construction-Recommendations.

Reason: To ensure that the root system of the trees are not harmed whilst undertaking such works, in accordance with Policy E1 of the Core Strategy.

5. The vehicular access shall incorporate 6.0 metres radii tangential to the nearside edge of the carriageway of Bridge Street and the minimum width of the access shall be 4.5 metres.

Reason: HP9. In accordance with PPG13

6. 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 MSP.538/201 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: HP13. In accordance with PPG13

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

Reason: HP24. In accordance with PPG13

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for application, specification and construction information.
2. Works within the limits of the public highway shall be constructed to Lincolnshire County Councils Highway Specification.
3. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

* * * * *

Applicant	Mr J Thorold 43, Festing Road, Putney, London, SW15 1LW
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Use of Marston Hall for civil weddings, entertainment receptions, guided tours, conferences and use of adjacent land for event car parking
Location	Marston Hall, School Lane, Marston, Grantham, NG322HQ
App Type	Full Planning Permission
<u>Parish(es)</u>	Hougham Marston

REPORT

Application Category

This application is categorised as a Minor application.

Reason for Referral to Committee

Significance to the wider community.

The Proposal

Planning permission is sought for the use of Marston Hall for the following purposes in addition to remaining primarily a residence :

Civil Weddings

Entertainment Receptions

Guided Tours

Use of part of adjacent field for car parking in connection with events.

The following extract of the Agent's Planning Statement explains the proposals in detail.

Having had the benefit of operating a number of private events at Marston Hall, the applicant now has a better understanding of the operation of this type of event. He also now understands the optimum size of party that can be comfortably accommodated at the premises (both with and without a marquee) and the type of package that can best meet guest's expectations for what is a very important event in their lives. The applicant also recognises that any activity must have full regard to the proximity of nearby residential

properties and operate in a manner that is sensitive to the site's location within a residential area.

Wedding ceremonies now take place in a variety of locations (authorised premises) other than churches and Registry Offices. Experience from elsewhere has demonstrated that potential customers looking for a secular wedding ceremony, for the most part, wish to combine a wedding ceremony with a wedding reception in the same location. In 2007, civil ceremonies accounted for 67 per cent of all ceremonies, which is an increase from 61 per cent in 1997. Re-marriages now actually account for a higher proportion of all marriages than first marriages. Although it is difficult to generalise, re-marriages typically take place outside of the church environment, and non-Registry Office locations are becoming increasingly popular. Marriages in approved premises accounted for 43 per cent of all marriages in 2007 and two-thirds of all civil marriages. In 2006, 40 per cent of all marriages took place in approved premises; in 1997, this proportion was 8.1 per cent. The quality of the location and its surroundings are a key factor in the choice of venue. Historic buildings, in attractive, private settings are becoming a popular choice.

Application A: Use of building for wedding ceremonies and other similar events

This application proposes the change of use of the property from a dwelling to a dwelling and use for wedding ceremonies, civil ceremonies and other private functions.

Two types of functions are anticipated, and a different control regime is proposed for each type of event, although certain key elements will be common to both.

Event Type A: Indoor functions

These functions will comprise wedding ceremonies and similar events (for example a birthday or anniversary celebration) and post-celebration meal and entertainment, which will take place entirely within the fabric of the building. The Great Hall has the capacity to comfortably accommodate up to 50-60 persons for a ceremony, and can then be adapted for a seated meal. The room can subsequently be re-arranged to host either a small dancing area with amplified music, or, a small band such a string quartet or a jazz band. Secondary rooms can accommodate informal gatherings and buffet-style serving areas.

At a recent site meeting, testing by Environmental Protection staff confirmed that the robust construction of the building, and limited break out points is such that the Great Hall has the capacity to accommodate amplified music (via a sound system or band) to a level appropriate for events of this nature, without causing any material level of increased noise at the site's boundaries. It is controlled to an acceptable level (to be determined by Environmental Protection). This is very much a precautionary measure given the results of the sound testing). This will ensure that noise levels at the site boundary remain within recognised tolerances, and will ensure residential amenity is protected (in this respect it should be noted that the nearest dwelling is some 60m from the dwelling).

Guests (other than the wedding party) will utilise the Bridge Street access which will lead to a designated car parking area, designed to accommodate approximately 80 vehicles.

The application proposes that these indoor events will operate within the following parameters.

Unspecified number of events per year (given the acoustic qualities of the building this was considered acceptable to Environmental Protection at a pre-application meeting).
Maximum of 60 guests at any one time. Use of defined ground floor rooms of the house only (Great Hall, Library, Dining Room, and Drawing Room by guests plus kitchen (for food preparation) plus cloakroom).
Use of garden area for informal gathering (no outdoor amplified music or bands). Outdoor usage of rear garden area to cease by 10.00 pm.
Kitchen used for food preparation and service. A plan accompanying the application identifies the relevant rooms for public use.
Food and beverages to be provided by outside catering firms. Warming and preparation on site only.
Car parking for guests (other than wedding party) to be via Bridge Street to designated car parking area.
Entertainment and the serving of alcohol to finish at 11.00. Events to finish at 11.30 pm and dispersal of guests completed by 12.00 midnight (unless exceptionally agreed in writing with the planning authority).
Installation of a hard-wired sound limiting device to control any amplified music to an acceptable level (to be determined by the local planning authority) inside building only.
No outdoor live-music or outdoor amplified music.
No marquees to be erected in conjunction with the Type A: Indoor Events.
The applicant would also be willing to undertake appropriate reporting arrangements that would enable the planning authority to be aware of the dates of booked events, for dissemination to third parties.

Event Type B: Indoor / marquee functions

These functions will comprise larger wedding ceremonies and similar events (for example a birthday or anniversary celebration) for up to 160 persons. These functions would involve the use of the house in the same manner as above, for perhaps a ceremony accommodating up to 60 people in the Great Hall, or, using a marquee if there is a larger attendance. The marquee would be sited on the lawn area to the rear of the house. There would be no amplified music within the marquee, and amplification would be restricted to microphones and a small low-output amplifier (for wedding speeches etc). The Great Hall would be used for amplified music (if required) as testing has indicated the capacity of this room to accommodate amplified sound without unacceptable break out of noise.

Guests (other than the wedding party) will utilise the Bridge Street access which will lead to a designated car parking area, designed to accommodate approximately 80 vehicles.

The application proposes that these indoor / marquee events will operate within the following parameters.

Maximum of 28 events per year.

Maximum of 160 guests at any one time. Use of defined ground floor rooms of the house only (Great Hall, Library, Dining Room, and Drawing Room by guests plus kitchen (for food preparation) plus cloakroom), together with the erection of a marquee on the rear lawn area.

Kitchen used for food preparation and service. A plan accompanying the application identifies the relevant rooms for public use.

Food and beverages to be provided by outside catering firms. Warming and preparation on site only.

Car parking for guests (other than wedding party) to be via Bridge Street to designated car parking area.

Entertainment and the serving of alcohol to finish at 11.00. Events to finish at 11.30pm and dispersal of guests completed by 12.00 midnight.

Installation of a hard-wired sound limiting device within building to control any amplified music to an acceptable level (to be determined by the local planning authority) inside building only.

No outdoor live-music or outdoor amplified music within marquee. Marquee restricted to amplification for microphones only.

The applicant would also be willing to undertake appropriate reporting arrangements that would enable the planning authority to be aware of the dates of booked marquee events, for dissemination to third parties.

It should also be recognised that the parallel public entertainment licensing regime, in the form of temporary events notices, and premises licensing will similarly provide controls over the operation of the premises above and beyond any planning controls, which will further ensure that residential amenity is protected. The applicant fully recognises that the granting of a premises licence is dependent upon the satisfactory conduct of events under temporary event notices, and it is therefore in his interests to ensure that any use is operated in accordance with any planning conditions imposed.

It must also be recognised that the characteristics of the venue lend themselves to smaller scale private, and exclusive events. Larger venues will cater for different types of often much larger events. The applicants intend to target a very specific clientele with an exclusive and unique product. The very character, ambiance and intimacy of the property largely determines the type of events that will be held; and in this regard effectively acts as a self-limiting factor, in terms of event size and type.

The proposals have been the subject of discussion with officers from Development Services and Environmental Protection, and the submitted application reflects those discussions. It is considered that all potential areas of concern have been addressed, and are capable of proper planning control by means of the imposition of appropriate conditions.

Unlike the previous, withdrawn, application, no alterations are proposed to the Listed Building in connection with the proposed use.

A separate planning application has been submitted for the creation of new access drive off Bridge Street (S10/0253).

The application site and its surroundings

Marston Hall is a grade II* listed building located on the eastern side of the village to the south-east of the Church and to the north of School Lane. It is the ancestral home of the Thorold family and remains in their ownership.

To the west, south-east and north-east are the formal grounds of the Hall and beyond that to the north, east and south –east is open paddock up to the River Witham.

Some of the land to the north of the Hall is identified as being liable to flooding.

The house comprises a two-storey element, with its principal elevation facing south-west, constructed of ashlar and coursed limestone rubble, a single storey wing adjoining the north-western gable and two red brick single storey wings to the rear, the northernmost one linking, via a potting shed outbuildings, to a gazebo built in 1962 the much shorter southern projection currently used as a cloakroom. The covering to the majority of the roofs is clay pantiles but there are some small areas of plain clay tiles.

The Hall and its immediate garden area appears on the Register of Historic Parks and Gardens and is listed Grade II, which means it is of National Importance.

Site History

SK 407/80 Construction of dormer window to stable block. Approved 15th May 1980

SK97/0512 Single storey extension Approved 4th July 1997

S09/0741/FULL Use for Civil weddings, Entertainment receptions, Guided tours and Conferences Withdrawn 19th October 2009

Representations Received

Local Highway Authority : Requested one standard condition (See condition 10 below)

English Heritage : The application should be determined in accordance with national and local policy guidance, and the basis of your specialist conservation advice.

Environmental Health : Request that conditions be imposed stipulating the following:-

No more than 60 guests shall be accommodated for indoor functions;

No more than 160 guests shall be accommodated in the marquee;

A hard wired noise limiter shall be installed to control amplified music/singing in the Great Hall. This shall be set at a maximum of 85dBA to protect neighbouring residents.

The amplification system in the marquee shall be used for speech only, and its use shall cease at 2100 hours. There shall be no amplified music in the marquee.

All entertainment shall finish at 2300 hours

Parish Council :

The Marston Parish Council at a meeting held in the Hougham and Marston Village Hall on Thursday, 4 March 2010 at 7.30 pm resolved to oppose the above planning application.

The Parish Council has the view that its objections to similar applications for access tracks across the same parkland are valid for this application. Previous applications were S04/1700/57 and S05/0554 (also refused on appeal). Work was begun on that earlier track and an enforcement notice issued by SKDC Legal Services (ref. MPB/B/PEN/19043) to reinstate the parkland to its original condition has, to date, not been completed. Further applications for an access track S09/1245/57 and S09/0696 were refused and withdrawn respectively.

It is noted that this application downgrades the previous application from access drive to access track, whilst the associated planning application S10/0256/FULL – Use of Marston Hall for Civil Weddings, Entertainment Receptions, Guided Tours, Conferences and use of adjacent field land for event car parking, retains the volume figures for vehicular access.

The reasons for the objections are:

- a) This application has not been advertised as one that affects the setting of listed buildings, in accordance with the procedure laid down in Section 66/67 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Both St Mary's Church and Marston Hall, with its gardens and parkland, are listed properties. The Parish Council has not received a Listed Buildings (LB) application.
- b) This application is in conflict with the saved policies of the South Kesteven Local Plan in the following policy areas:
 - i) Policy EN1 requires development proposals not to intrude into the setting of important buildings, landscape features, or prominent views.
 - ii) Policy EN6, in relation to Marston, states that the planning permission will not normally be granted for development that would destroy or adversely affect the open character of land south of the River Witham and north of Marston Hall.
 - iii) Policy EN7 states that planning permission will not normally be granted for development which would destroy or adversely affect the character, appearance or setting of historic parks and gardens.
- c) The material planning considerations – access, landscaping, impact on the neighbourhood and the living conditions of neighbouring residents.

The proposed track and its undefined extension would pass through part of the grade II listed Marston Hall Historic Park and Garden in an arc from the existing vehicular access on Bridge Street to the proposed car parking area to the east of the main building. The track to the west follows the line of the high ground whilst the car parking area is situated adjacent to the River Witham. This area is prone to both regular flooding and water logging due to the level of the water table (photographs included). Both of these events would cause considerable difficulties for vehicular movement and any movements would cause unacceptable damage to the parkland. The track, as outlined would also give vehicular access to an existing parking area

to the front of the hall via an avenue of twelve Lombardy poplar trees. Paragraph 38 and the accompanying map state that the poplar avenue is omitted from the proposal but photographs 27 and 127 state, "It (the track) would not look out of place especially along and through the avenue of poplars leading from the house." The avenue was created to enhance the perspective of the view of the open parkland to the north of the hall. The avenue of twelve Lombardy poplar trees is considered by Mr M Crookes (SKDC Development Control Services, ref. T.GEN/MCC/3 July 2006) to be worthy of a Tree Preservation Order and as such is currently being processed.

The churchyard has no hedge or screening along its northern and eastern boundaries, other than low fences, and is open to both the parkland and hall garden beyond. The creation of a beech screen along the northern boundary of the churchyard and the western edge of the parkland would both destroy the character of the open parkland as viewed from Church Walk and the churchyard and impair the visibility of St Mary's Church from the highway.

With regard to the vehicular access (approved 27/08/2002) onto Bridge Street I refer you to Mr Hubbard's (Area Planning Officer) letter (ref. S09/0924/57) in which he states that "The approval of an access in this location is not seen to be a pre-cursor for residential development of any kind but, should that be the case and planning permission was sought, then it is unlikely to be supported by this authority".

A further planning decision relating to this immediate area is S04/0660, Erection of four dwellings, The Paddock, Bridge Street (this house is adjacent, on the north side, to the house directly opposite the proposed access). This application was refused because "Visibility southwards from the vehicular access is restricted due to the existing carriageway alignment, boundaries and buildings (also land outside the site boundaries). Notwithstanding the lightly trafficked nature of Bridge Street, it is considered that the intensification of vehicular activity at the access associated with the proposed development is likely to result in vehicles emerging from the access being in conflict with vehicles travelling along Bridge Street contrary to the interests of highway safety."

There is a considerably greater volume of traffic using the C001 today than in 2004!

The visibility to the current access on the C001 is kindred by the humped bridge to the north and the blind bend adjacent to the church to the south. Use of the access by a significant number of vehicles (as indicated by this planning application) would result in an increased safety risk. The application refers to a potential amount of traffic leaving the Hall, over a short time-frame, following evening functions, all via this track. With the car park fully utilised there would be up to 80 vehicles leaving the site between the site between 11.15 pm and midnight, accessing the C001 at a point previously considered unsuitable! Further when the unlimited number of smaller capacity events is added, there is potential for disturbance on every night of the year. There is no mention in the application of access for coaches.

The departure of large numbers of vehicles by the proposed access track would create a late-night, light and noise nuisance which would have a detrimental impact on the neighbourhood and living conditions for residents in properties adjacent to

the C001 between the access and the south/east bound exits to the areas. A specific example being the level of the ground as vehicles come over the crown of the field would mean that vehicle headlights would shine directly into the bedroom windows of number 7, Bridge Street. More generally the noise of vehicles leaving the field at this time would constitute an unacceptable loss of amenity to all residents of Bridge Street. The Parish Council wish to emphasise that the above points illustrate comprehensively that the proposal would significantly harm the setting of the listed buildings of St Mary's Church and Marston Hall (LP Policies EN1), the open appearance of character of the Historic Park & Garden of Marston Hall (LP Policies EN6 and EN7) and create noise and traffic levels detrimental to the neighbourhood and living conditions for residents of the village.

Principal planning issues

Central Government Planning Policy Guidance (PPG15), Policy 27 of the Regional Plan and Policies EN1, EN6 and EN7 of the saved Policies of the SKDC Local Plan are all covered in the above.

Upper Witham Internal Drainage Board : Suitability of soakaways as a means of surface water disposal should be ascertained and if not proven then alternative proposals should be provided to show how the site is to be drained.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement, the closing date for representations being 12th March 2010. A total of 28 individual representations have been submitted raising the following issues:

- 1) Despite controls limiting amplified sound in the marquee events to microphone use for speeches etc, this will still generate unacceptable levels of sound and disturbance to neighbouring occupiers. This is a concern for those wishing to enjoy their gardens on summer afternoons and evenings and those with young children.
- 2) It is likely that guests will be allowed to use the gardens and grounds of Marston Hall during an event and this has the potential to create unacceptable noise disruption on regular basis.
- 3) Weddings ending at 11:30 pm will result in people dispersing off site at midnight, creating noise and disturbance. Those without their own cars will have taxis or lifts causing further noise and disturbance.
- 4) Proposals will be very detrimental to the oldest and most picturesque part of the village.
- 5) Main entrance to Hall off School Lane. Highly likely that high proportion of visitors attending events will drive in the first instance to this entrance from where they will have to be directed back round to the Bridge Street entrance, creating further disruption.

- 6) No proposed strategy to prevent parking in on the roads around the Hall, in particular in School Lane and Barkston Road.
- 7) Question the need for another wedding/function venue in the village in addition the The Olde Barn Hotel.
- 8) An individuals inability to fund the upkeep of of a building should not be a planning issue.
- 9) Object to noise and disturbance. Already endure loud music form functions at The Olde Barn Hotel.
- 10) Use of Marston Hall as an entertainment venue is an unwarranted change, situated close to many homes.
- 11) There appears to be a let-out (paragraph 29, 7th bullet) that events could be extended, subject to permission from the planning authority. No indication that as to why and when or why such permission should be given or whether Parish to be informed. No extension would be acceptable.
- 12) Stated that a marquee based event would be limited to 160 guests. At car occupancy of 2.5 this equates to 64 cars and 128 car journeys. Assuming 75% arrive and depart via A1 or Barkston, there would be 96 extra cars through the village.
- 13) No indication of if and when firework displays would be allowed.
- 14) No indication of where coaches would be parked.
- 15) Field where cars to be parked prone to flooding. If car park unusable parking will be on village roads.
- 16) Despite measures put in place to restrict noise from live groups or amplified music not convinced they will be enforced or is the noise levels set are acceptable in rural village.
- 17) Permitted frequency of marquee events (28 per annum) means that one such event could take place every week during summer months, when villagers wish to sit in their gardens.
- 18) No mention of coordination with the church to ensure that events do not take place when a service is being held or a concert in the church.
- 19) Noise will spoil village amenity area on northern side of river.
- 20) No indication of as to how, when and if the Parish Council or the Church would be informed of the dates of booked events (paragraph 29, final bullet).

- 21) During summer months have to suffer sound of music and fireworks at The Olde Barn Hotel on Toll Bar Road. Unfair to expect villagers to endure events proposed at Marston Hall which is much closer.
- 22) Many of the properties in Marston are over 100 years old and some are listed and do not have single-glazed windows. On summer evenings not all guests will ensure that doors and windows are kept closed to prevent breakout of noise.
- 23) Already been two wedding events, one in 2008 and one in 2009, both went on until well after midnight.
- 24) Occupiers of properties close to the Hall who have not objected are applicant's tenants.
- 25) Proposed use unnecessary as there are plenty of other premises for weddings in the area – Belton Woods, Belton House, 'Woodys', Stubton, The Olde Barn.
- 26) People have chosen to live in the countryside for the peace and quiet.
- 27) Visual intrusion on views of Marston Hall when car park in use.
- 28) Marston has no infrastructure to support such an enterprise.
- 29) Part-time staff seems a bit low for possible 180 guests.
- 30) Owner claims that he needs income from proposed use to pay for upkeep of the historic property. This is an attempt to manipulate the planning committee on the 'preservation of heritage' angle.
- 31) Proposals will be detrimental to residential amenity and contrary to PPG24 and Local Plan Policy EN1.
- 32) Stated that amplified music will only be permitted in the Hall but guests to larger events will have full use of the outside marquee with significant comings and goings between Hall and marquee there is likely to be a 'breakout' of noise as doors are opened. As most such events will be held in summer months external doors are likely to be propped open allowing further breakout of noise.
- 33) Use of marquee 28 days a year it is likely that it will be erected the day before at the very latest and removed the following day resulting in it being in position at least 58 days in any year, possibly extending to 84 days. The siting of such a semi-permanent structure in close proximity to the Hall and within the defined Historic Park and Garden would have an adverse impact on the character and appearance of the Hall, the setting of the Hall and the surrounding Historic Park and Garden, contrary to Policies EN7 and EN1 of the Local Plan, Policy 27 of the Regional Plan and PPG15.
- 34) People leaving a function will all tend to disperse at a similar time and a mass of exiting vehicles at a similar time, around midnight in this instance, will give rise to noise and disturbance to occupiers of the properties on Bridge Street and the road

frontage dwellings throughout the village. Those who are not driving home will congregate at the entrance to the site to wait for taxis or lifts and will undoubtedly cause undue noise and disturbance at a late hour, to the detriment of residential amenity.

- 35) The main access into the Hall for indoor events will clearly be via the main porch on the west facing elevation. With the car park to the east of the building attending guests will have to circumnavigate the building to enter resulting in a further degree of 'breakout' noise from visiting and, more likely departing guests. Add to this the fact that the Agent has stated that the garden area will be used up until 10pm for 'informal gathering', there will clearly be additional issues of 'breakout' noise with this use, contrary to PPG24 and Local Plan Policy EN1.

In addition to the above, a petition containing the signatures of 82 persons opposed to the proposed development on the grounds of highway safety and excessive noise and nuisance, has been submitted.

Policy Considerations

PPS 5 - Planning for the Historic Environment

PPG13 – Transport

PPG24 – Planning and Noise

Policy EN1 of the Local Development Framework Core Strategy.

Key Issues

Highway Safety

The issue Highway safety has been considered by the Highway Authority (LCC) and has been found to be acceptable subject to one standard condition.

Flooding

The proposed access track and car parking area lie within an area liable to flooding. This is an occasional occurrence that is unlikely to affect the overwhelming majority of functions at the Hall.

Residential amenity

The site is located in an edge of village location and that there will be an impact on residential amenity as a result of noise and disturbance arising from the proposed use. However, Current Government Guidance with regard to noise is contained in Planning Policy Guidance Note – PPG24 that gives specific advice in respect of noise from recreational activities.

“For these activities, the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of participants against the nuisance caused to other people. Depending on the circumstances and public opinion, local planning authorities may consider it reasonable to permit higher noise emission levels than they would form industrial developments, subject to a limit on the hours of use, and the control of noise emissions (including public address systems) during unsocial hours.”

In this instance it is considered appropriate to limit the hours of use the application site and the method of management of noise having regard to the specialist advice received from the Council’s Environmental Protection Officer.

Character and appearance of the Listed Building

No alterations are proposed to the building in connection with the proposed use.

The primary use of the building will remain as a private dwelling.

Impact on the setting of the Registered Historic Park and Garden

The use of the Hall and some of the surrounding land designated as an Historic Park and Garden on a limited number of days in a calendar year would not impact to an unacceptable degree on the setting grade II listed Park and Garden’s setting. As mentioned elsewhere in this report, other Historic Parks and Gardens (Belton and Grimsthorpe) of a higher status are used for larger functions/events, together with significantly higher numbers of vehicles movements than is proposed in this case.

Other matters

Comments have been made by members of the public regarding alleged breaches of planning control at the site. These relate primarily to the use of land to the east of the Hall as an airstrip for light aircraft, unauthorised alterations to the listed building and an unauthorised access track off Bridge Street that was the subject of a previous, refused application. These matters are not considered to be material to determination of the current application. The unauthorised access track has now been removed and the land reinstated/

Officer Evaluation

The application proposes a range of uses for Marston Hall in addition to that as a domestic dwelling. The proposed uses, civil weddings, entertainment receptions, guided tours and conferences.

In 1994 changes in the law allowed couples to hold civil marriage ceremonies at a venue other than a Register Office. Historic houses are becoming increasingly popular venues for these ceremonies.

In order to qualify for tax relief the owner is required to make the Hall open for 28 days a year and this is already happening.

The commercial uses are intended to provide funds towards the upkeep of the Listed Building. Some of the uses, such as conferences and guided tours would be appropriate as these would take place only during daytime and involve fewer attendees than proposed for the wedding ceremonies.

Members will be aware that planning permission was granted in 2008 (S08/0115/01) for the use of the Old Manor House at Allington for Civil weddings and similar events. In that instance a condition of the planning permission restricted number of weddings that can take place per annum to 25 and the maximum number of persons per wedding group to 40. Conditions were also imposed stipulating that there should be no outdoor music, entertainment and the serving of alcohol finish at 23:00 hrs and there should be no outdoor activity after 22:00 hrs. A further condition required the installation of a device limiting noise during entertainment. These conditions were imposed to safeguard the amenities of neighbouring residents.

The proposal for weddings at Marston Hall are on a somewhat greater scale to the Allington operation, although Allington Manor is in much closer proximity to residential properties.

The applicant also owns a 0.24Ha. paddock on the south side of School Lane, some 60 metres to the west of the main access to the Hall. Under Class B to Part 4 of the Town and Country Planning (General Permitted Development) Order 1995 it is permitted to use this land on 28 days in total in any calendar year for any purpose, including car parking in connection with the proposed uses.

The proposals were the subject of pre-application discussions with the Acting Principal Conservation Officer and the Environmental Protection Officer.

Third parties have claimed that the intensified use of any access across the Historic parkland would impact on its setting and the adjacent listed buildings. There will be an impact but such impacts are acceptable at other higher grade Historic Parks and Gardens at Belton and Grimsthorpe (both Grade 1) where significantly higher numbers of vehicle movements occur.

One objector submitted a technical paper on the "Practical Evaluation of Objective Noise Criteria used for the Assessment of Disturbance due to Entertainment Music". This has been scrutinised by the Environmental Protection Officer who has advised that the document has been superseded by the new Noise Act and commented as follows :

"The document refers to technical specifications to be used when taking noise measurements at entertainment venues with particular emphasis on taking account of low frequency spectra. Whilst I appreciate the arguments put forward, it would not be practical to specify noise limits for each separate frequency band, nor would it be practical to try and enforce such limits."

A further factor to be taken into account when comparing the position of Marston Hall in relation to the village with that of the much referred to Olde Barn Hotel, is that the latter lies

to the south of the village and the former on the north-eastern edge, albeit in much closer proximity. However, the prevailing wind will assist in carrying any noise away from the village in the case of Marston Hall.

The issue of flooding has been raised and although part of the Hall grounds are liable to flooding, the house itself sits on a slightly raised area and is not subject to flooding itself.

The area traversed by the access track and the northern extent of the car park have been affected by flooding but not on a frequent basis, only about once a decade. However, photographic evidence has been submitted by an objector purporting to show the land to north and east of the Church, part of the Historic Park and Garden severely flooded in 2002.

Under Policy EN6 the former Local Plan the land over which the access track passes was designated as “An Open Area Important to the Character and Setting of Built-up Areas” that should be protected from unwarranted development. It is considered that the use of the track across the land and its use for car-parking for the number of functions proposed will not compromise the character of the area or the setting of the village.

Conclusion

It is considered that the proposed development generally conforms with the objectives of the Development Plan and whilst material planning considerations have been raised relating to residential amenity and highway safety, they are not considered to outweigh the policies of the Core Strategy or indicate that a decision should be taken otherwise.

Furthermore, whilst it is acknowledged that the civil ceremonies and conferences element of the scheme is not dependent on a rural location and is likely to generate vehicle movements somewhat at odds with objectives in relation to sustainability, it is considered that the use of the historic asset for the purposes proposed would be beneficial for the maintenance of this historic asset and should therefore be supported.

Crime and Disorder Implications

It is considered that the proposal will not raise any significant crime and disorder issues.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposals are considered an appropriate use for the historic asset of Marston Hall. Whilst material considerations have been raised regarding noise and disturbance, residential amenity and highway safety, they are not considered to outweigh national and local policies.

The proposal accords therefore with Planning Policy PPS1 - Delivering Sustainable Development, PPS5 - Planning for the Historic Environment, PPG13 - Transport, PPG 24 - Planning and Noise, Policy EN1 of the Local Development Framework Core Strategy and the South Kesteven Landscape Character Assessment.

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

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

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

2. Prior to commencement of construction of the 'down-to-dust' road, the suitability of soakaways as a means of surface water disposal shall be ascertained by appropriate tests and, if not proven, then alternative proposals should be provided to the lpa to show how the site is to be drained. Only such means of surface water disposal as may be agreed in writing by the lpa shall used to dispose of surface water.

Reason : To ensure that appropriate and effective means of disposing of surface water is provided. PPS25

3. This permission shall be read in conjunction with the submitted application and operate in accordance with the information contained in the Planning Statement dated December 2009 (received by the local planning authority on 29th January 2010) limiting the number of weddings to a maximum 28 per annum and a maximum number of 160 guests per wedding group, unless otherwise agreed in writing with the local planning authority.

Reason : In the interests of the amenities of the occupiers of neighbouring dwellings in accordance with Policy EN1 of the LDF Core Strategy

4. The number of guests for indoor functions only shall not exceed 60 and for functions with a marquee shall not exceed 160, unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities of the occupiers neighbouring residential properties, in accordance with Policy EN1 of the LDF Core Strategy and PPG24 – Planning and noise.

5. Any amplification system in the marquee shall be used for speech only and its use shall cease at 2100 hrs.

Reason: To safeguard the amenities of the occupiers neighbouring residential properties, in accordance with Policy EN1 of the LDF Core Strategy and PPG24 - Planning and Noise.

6. Music shall only be played inside the building and a hard wired noise limited shall be installed to control amplification of music. This shall be set at a maximum of 85dBA.

Reason: To ensure that the playing of music does not adversely affect the amenities of residents of the area by reason of excessive noise, in accordance with Policy EN1 of the LDF Core Strategy and PPG24 - Planning and Noise.

7. All entertainment shall finish and there shall be no outdoor activity after 2300 hrs, other than departing guests.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties, in accordance with Policy EN1 of the LDF Core Strategy and PPG24 - Planning and noise.

8. The marquee shall only be erected on the enclosed lawn immediately to the rear (east) of the Hall.

Reason: This area is enclosed by buildings on three sides that will serve to restrict its visual impact and any breakout of noise from functions taking place within the marquee and safeguard the amenities of neighbouring residents, in accordance with Policy EN1 of the LDF Core Strategy and PPG24 - Planning and noise.

9. Prior to the commencement of the use of the premises for weddings and similar events, details shall be submitted to the Local Planning Authority of the proposed measures to be taken to inform guests/attendees of functions/events at the Hall of access arrangements. Such measures as may be agreed in writing shall form part of the publicity material for the venue.

Reason: To ensure that guests/attendees of functions/events are properly informed of the access arrangements to avoid unnecessary disturbance to nearby residents in accordance with Policy EN1 of the LDF Core Strategy.

10. Prior to the use/s hereby permitted commencing, the arrangements for the provision of portable toilet facilities (number, siting and delivery/removal) shall be agreed in writing with the Local Planning Authority and shall thereafter be strictly adhered to,

unless the Local Planning Authority gives its written agreement to any variation.

Reason: To ensure that the provision of temporary toilet facilities does not adversely affect the historic surroundings, in accordance with PPS5.

11. The arrangements shown on the approved plan MSP.538/002 dated 29 January 2010 for the parking/turning/loading/unloading of vehicles shall be available at all times when weddings and other authorised functions are taking place.

Reason: To enable guests/attendees' vehicles to wait clear of the carriageway of Bridge Street and to enter and leave the carriageway in forward gear in the interests of highway safety, in accordance with PPG13.

* * * * *

Applicant	Mr John Walkley 96, Harrowby Road, Grantham, Lincolnshire, NG31 9DS
Agent	Darren Timms, Domestic Transformations 188, Harrowby Road, Grantham, NG319DX
Proposal	Single storey conservatory to rear and erection of double garage
Location	96, Harrowby Road, Grantham, Lincolnshire, NG31 9DS
App Type	Householder Development
Parish(es)	Grantham

REPORT

Application Category

This is a Householder Application (retrospective).

Reason for Referral to Committee

The application is being referred to the Development Control Committee at the request of Cllr Hearmon with concerns of the proximity of the conservatory to the boundary of No.98 Harrowby Road and the associated loss of privacy and visual intrusiveness.

The Proposal

The application is for a conservatory to the rear of the terraced property and a double garage at the foot of the garden to which there is an existing vehicular access. The conservatory has a width of approximately 4.2m and projects approximately 3.1m beyond the existing rear elevation. The height of the conservatory would be 3.2m where it would be attached to the existing dwelling, it would be approximately 940mm from the common side boundary with No.98 Harrowby Road and approximately 455mm from the common side boundary with No.94 Harrowby Road.

The garage would have a width of 5.7m and would be approximately 4.9m deep. The height of the garage would be approximately 2.9m at its highest point.

The conservatory would have a hipped roof with double glazed patio doors opening onto the rear facing elevation. The brickwork would match the existing dwelling with white UPVC fully glazed framework. It would have a solid side elevation facing No.94 Harrowby Road.

The double garage would have a flat roof, be constructed using blockwork to match existing dwelling. The front elevation would have a single up and over door for vehicle access and a single pedestrian doorway which is repeated on the rear elevation to allow access to the applicants rear garden and property..

The Application Site and its Surroundings

The application site is located to the west side of Harrowby Road.

The existing property is a two storey brick built dwelling mid-terrace.

The immediate area is predominantly residential, the exception being SKDC Crematorium and Cemetery located immediately opposite the terraced properties.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments is the 13 July 2010.

Two letters of objection have been received. One from the occupiers of a neighbouring property and one from a local resident, but not an immediate neighbour. A summary of the concerns are listed below:-

1. Conservatory would cause loss of privacy due to overlooking, adversely affecting the amenities enjoyed by the occupiers of adjacent dwelling house;
2. Conservatory would be visually overbearing, inappropriate design and large proportions, out of keeping with neighbouring properties, which are terraced style with original brick outbuildings converted into garden/sun rooms to the rear;
3. Garage has not been constructed in accordance with submitted plans.
4. Garage, due to its scale and bulk, is out of keeping with the design and character of the existing outbuildings and dwellings.

Any additional representations raising any new material planning considerations will be reported in the late items paper.

Site History

No relevant history

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development

Planning Policy Statement 3 (PPS 3): Housing.

Local Development Framework - Core Strategy

EN1 - Protection and Enhancement of the Character of the District

All development proposals and site allocations will be assessed in relation to (in this case):-

- the layout and scale of buildings and designed spaces
- the quality and character of the built fabric and their settings

Key Issues

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

Crime and Disorder Implications

The proposal raises no significant crime and disorder implications

Human Rights Implications

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

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

Conclusion

The conservatory extension to the rear would be sited approximately 940mm off the common side boundary with No.98 Harrowby Road and 455mm off the common side boundary with No.94 Harrowby Road.

The close boarded fence between the common boundary of the application site and No.98 offers some degree of screening of the conservatory. However it is accepted that the neighbouring property has a number of windows facing the application site, and therefore the proposed conservatory, at ground floor level does impact upon the neighbours privacy it is considered that the windows on that South elevation should be replaced with obscure glazing and a condition has been attached to that effect.

The proposed double garage is to be situated at the foot of the garden, and constructed the full width of the plot. The applicants garden being accessed via a door in the rear elevation. Extensive landscaping within the applicants rear garden would effectively screen the garage when viewed from the rear elevation of the neighbouring properties on Harrowby Road. This flat roof construction is similar to other garages already in situ in the vicinity and it is considered that the garage would not be detrimental to the visual amenity of the locality particularly if it were rendered.

The local highway authority has not raised any concerns regarding the proposal it is therefore reasonable to assume that the proposed is acceptable from a highway safety perspective.

It is concluded that the development is acceptable and the application is recommended for approval.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed single storey extension to the existing conservatory is considered to be in keeping in terms of design with the host property and would not have a detrimental impact on the appearance of the host property or surrounding area. The proposal would not impact significantly on the residential amenity of occupiers of neighbouring properties due to its design and height. Whilst concerns have been raised regarding residential amenity and visual amenity they are considered to outweigh the policy referred to below. Therefore the proposal accords with Policy EN1 of the Local Development Framework for South Kesteven – Core Strategy.

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

1. The windows in the south elevation of the conservatory shall be obscure glazed and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property in accordance with Policy EN1 of the South Kesteven Core Strategy.

2. The garage hereby approved shall be rendered to match other buildings in the area within 3 months of the date of this consent. Precise details of the colour of render shall be submitted and approved in writing by the Local Planning Authority.

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

* * * * *

Applicant	Mr B Corr 77, Mill Drove, Bourne, PE109YE
Agent	
Proposal	Demolition of existing garage depot and erection of 11 town houses (Extension to time for implementation of planning permission S06/1206)
Location	Fossitt & Thorne, Eastgate, Bourne, PE109LB
App Type	Major Full (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application is for the extension of time for implementation of the development. As the previous approval contained a Section 106 Agreement for a financial contribution this application has to be referred back to committee in accordance with set procedures.

The application site and its surroundings

The site is located on the south side of the eastern edge of Eastgate, near to the junction of Cherry Holt Road, in the settlement of Bourne.

The previous owners were Fossitt and Thorne, a tyre and exhaust company which occupied the majority of the site apart from the car park/storage area at the eastern end. The existing building on the site has now been cleared.

Immediately to the rear is the Bourne Eau, a historic watercourse that was at one time navigable and beyond that the industrial estate of Graham Hill Way. To the east, between the site and Cherry Holt Road is a pumping station.

To the west is a terrace of three residential properties and on the opposite, northern side of Eastgate are modern, two-storey houses facing the application site.

There have been a number of recent residential developments on sites of similar depth along Eastgate.

Relevant Site History

S06/1206 – Demolish garage and erection of 11 dwellings – approved on 29 May 2007

Policy Considerations

Planning Policy Statement 1 'Delivering Sustainable Development'
Planning Policy Statement 3 'Housing'
Planning Policy Statement 5 'Planning and the Historic Environment'
Planning Policy Statement 23 'Planning and Pollution Control'
Planning Policy Statement 25 'Development and Flood Risk'
Planning Policy Guidance note 13' Transport'

South Kesteven Core Strategy - Policies SP4, EN1 and H1

Representations Received

Town Council – No objections

Archaeologist – Standard 'scheme of works' condition attached

Local Highways Authority – No objection subject to conditions being attached

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 25 June 2010.

As a result of the consultation period 1 representation was received. A summary of the material planning considerations raised in the objections are;

1. Boundary is close to the site / or includes land the objector owns
2. Site has become an eyesore
3. Site is a danger to children

Officer Evaluation

The previous application was assessed against highway safety, flood risk, contamination, the impact on the surroundings and impact on the private amenities of occupants of nearby properties. Subject to appropriate conditions it was approved on 29 May 2007.

As there are no policy changes or new guidance that would indicate against the proposal, it is considered that the material planning considerations for the development have already been fully assessed. It is therefore considered that the development, subject to the appropriate conditions, is acceptable and the extension of time for implementation should be granted.

Section 106 Heads of Terms

The original section 106 Agreement requested a financial contribution of £10K towards the provision and upgrading of play facilities within Bourne. This level of contribution will be unchanged and be carried forward into the amended S106 Agreement.

Crime and Disorder Implications

The site is now unoccupied and the allowance of the proposal will reduce the likelihood of negative impacts arising from crime and disorder associated with the disused site.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

In the opinion of the local planning authority it is considered that the development, in terms of size and scale, is appropriate for this sustainable location and the design will harmonise well with the surrounding development and the streetscene.

It is further considered that the siting of the development will share a good relationship with the neighbouring development and will not result in any unacceptable levels of dominance, noise or privacy loss to occupiers of the neighbouring properties or future occupiers of the site.

Furthermore, it is considered that the development incorporates adequate on-site parking and turning space ensuring that highway safety is not compromised.

It is therefore considered that the proposal is in accordance with Planning Policy Statements 1, 3, 5, 23 and 25 (PPS1, PPS3, PPS5, PPS23, PPS25), Planning Policy Guidance note 13 and policies SP4, EN1 and H1 of the adopted South Kesteven Core Strategy (July 2010).

RECOMMENDATION: That subject to the completion of an amended Section 106 Agreement for the new consent the application be deferred for determination by the Lead Professional for Development Control, in consultation with the Chairman and Vice-Chairman, subject to the following conditions:

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

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

2. This application relates to the original application, as approved under S06/1206, as amended by drawing nos. 3543F/04/13(D), 14(14), 15(D), 16(C) and 17(B) received on 21 September 2006.

Reason: For the avoidance of doubt

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

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

4. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010)

5. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floor levels) set out in the approved Flood Risk Assessment.

Reason: To reduce the risk and impact of flooding and in accordance with Planning Policy Statement PPS25.

6. Development shall not commence until:

a) 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 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.

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

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

Reason: To ensure that the proposed site investigations and remediation do not cause pollution of the environment or harm to human health and in accordance with Planning Policy Statement PPS9.

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

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

8. The arrangements shown on the approved plan 3543F/04/13 dated 21 September 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Eastgate in the interests of safety

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10. No dwelling shall be occupied before the works to improve the public highway by means of a new reconstructed footway as indicatively shown on drawing no. 3543F/0413 Rev. C have been completed and certified as such by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Planning Policy Guidance PPG13.

Note(s) to Applicant

1. No works shall commence in relation to the footway reconstruction until a Section 278 Agreement under the Highways Act 1980, has been entered into with the Local Highway Authority (Lincolnshire County Council) for the provision of a reconstructed footway (2m in width) together with any other necessary ancillary works.