

**Development Control Committee
23 August 2011**

KJC1 S10/2106/MJRF

Target Decision Date: 22-Apr-2011

Applicant	Ablehomes Ltd 4, Castle Gate, Newark, Notts, NG24 1AX
Agent	
Proposal	Demolish existing dwelling and garage and construction of 13 dwellings and associated garages
Location	53 and land to the rear of No.s 45 - 59 (inclusive), Harrowby Lane, Grantham, NG31 9HZ
App Type	Major Full (Residential)
Parish(es)	Grantham

REPORT

Application Category

This is categorised as a major residential planning application.

Reasons for Referral to Committee

The previous application was determined by committee and requires a Section 106 legal agreement.

The Proposal

The application proposes the construction of 13 dwellings and associated garages on the land to the rear of 45-49 Harrowby Lane. The overall site area is approximately 0.65 hectares giving an overall density of approximately 20 dwellings per hectare.

The proposal would provide a mix of 4 and 5 bedroom dwellings. The existing bungalow on the site would be demolished to facilitate the development. One dwelling would be located adjacent to the existing properties the remainder would be located around the access drive and turning area to the rear of the site.

The scheme does not proposed any traffic calming or advanced warning signs.

There have been a number of amended plans during the lifetime of the application in a response to highway requirements and to demonstrate the achievable visibility splays.

The description of the development has been amended to more accurately describe the development, and ensure that all members of the public are aware of the extent of the application site. For clarity the proposal is now described as Demolish existing dwelling and garage and construction of 13 dwellings and associated garages at 53 and land to the rear of 45-59 (inclusive) Harrowby Lane, Grantham.

The deadline for comments on this change of description is the 19th July. Any comments raising any new material planning considerations not included in this report will be reported in the late items paper or verbally at committee.

The application site and surroundings

The application site includes 53 Harrowby Lane and the rear garden areas of the adjacent properties 45 to 59 Harrowby Lane. The immediate area is predominantly residential. Harrowby Lane is characterised by a large properties set within long plots that extend to the rear gardens on Belton Avenue.

Relevant Site History

S07/0169 - A full planning application to demolish the existing dwelling at No.53 Harrowby Lane and erect 10 dwellings on its site and land at the rear of Nos. 45-59 (inclusive) Harrowby Lane, Grantham was refused under officer delegated powers on 24 April 2007. There was one reason only given for the refusal, viz.

“The available emerging visibility in both directions from the access point onto Harrowby Lane is substantially below safety requirements because of the alignment of the existing carriageway and the relationship to highway boundaries nearby. In addition the proposal to serve the development by taking a private drive off this class of public highway does not conform to the access standards set out in the Supplementary Planning Guidance, ‘Lincolnshire Design Guide for Residential Areas’. In consequence the proposed development would, if permitted, result in conflicts with traffic travelling along Harrowby Lane, contrary to the interests of highway safety.”

An appeal was subsequently submitted and determined by the written method. In dismissing the appeal the Inspector commented,

“The proposal before me would introduce a sub standard junction into the highway network which would have unacceptable implications for the free and safe movement of vehicular traffic. The proposal, therefore, is unacceptable for highway safety reasons”.

In reaching this conclusion however he had also commented,

“I accept that it may be possible to reduce traffic speeds on Harrowby Lane to acceptable levels by introducing traffic calming. I accept that the scheme proposed by the appellant could achieve that end. I appreciate the fact that the appellant’s scheme would have a different format to a traffic calming scheme already rejected by the Council in that it would eliminate the need for raised speed tables in the carriageway. Nevertheless, that scheme was rejected by the Council as a consequence of objections from the public after a period of consultation. To my mind that goes to the crux of the matter in this case because the proposal to introduce a traffic calming scheme during the appeal process does not allow proper consultation on that aspect of the proposal. Consequently, I have no option but to disregard any effects that may flow from the introduction of a traffic calming scheme in reaching my decision in this appeal.”

S07/1267 – A planning application to demolish the existing dwelling and construct 10 detached dwellings was considered by the development control committee on 29 April 2008. It was resolved to defer the application for approval by the Lead Professional, subject to the completion of a Section 106 agreement to enable the installation of radar speed devices either side of the entrance into the site.

The scheme also includes a traffic calming scheme along Harrowby Lane.

Policy Considerations

National Policy

PPS1: Delivering Sustainable Development

PPS3: Housing

Planning Policy Statement 3 which relates to the delivery of strategic housing objectives was revised on 9th June 2010. The two specific revisions being:

- The reclassification of previously developed land to exclude garden land, and
- The removal of minimum density targets for new residential development.

Previously Developed Land

The local planning authority must have regard to this guidance in the consideration of planning applications. This does not however preclude development of garden land in the appropriate locations, such as sites within the development boundary of sustainable locations.

Minimum Density

The abolition of the minimum density target of 30 dwellings per hectare has been deleted. The paragraph states:

Reflecting the above, Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range.

As such schemes should reflect the urban form and grain rather than minimum densities.

PPG13: Transport

PPS25: Planning and Flood Risk

Regional Planning Policy – East Midlands Regional Plan

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect in November 2010. This decision was successfully challenged in the High Court by Cala Homes which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considers that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

On appeal, the Court confirmed that there may be circumstances in which the intention to abolish the RSS could be material to a development control decision.

Core Strategy Policy

EN1: Protection and Enhancement of the Environment

EN4: Sustainable Construction and Design

Representations Received

Local Highway Authority

Requests that any permission given by the local planning authority shall include conditions relating to:

Removal of any obstructions within the visibility splay, the access and turning area and private drive shall be available at all times and details of surface water disposal shall be submitted and approved by the local planning authority.

Environment Agency

Initial comments

The submitted Flood Risk Assessment is not compliant with guidance as the viability of disposing the water to the adjacent watercourse has not been fully demonstrated.

Final comments following the submission of the amended Flood Risk Assessment on 27th June 2011 will be reported in the late items paper or verbally on the day of committee.

Final Comments

I can confirm that we have since received an amended Flood Risk Assessment (FRA) in support of the application. We have assessed this FRA and consider that it is compliant with Annex E of Planning Policy Statement 25 (PPS25). Accordingly, we are now able to withdraw our objection subject to the following condition being attached to any subsequent approval of planning permission:

Condition

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In particular, details shall be provided of how the drainage scheme shall be maintained and managed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To ensure that the risk of flooding, both at the site and to third parties, is not increased as a result of the development.

Partnerships and Projects Officer (Affordable Housing)

I can confirm that there is no affordable requirement on the scheme for 13 properties at Harrowby Lane following the completion of a development appraisal.

Environmental Protection (Environmental Health)

No comments.

Environmental Protection (Contamination)

No history of contamination on the site. No contamination condition required.

Historic Environment Officer

The planning application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Primary Care Trust

A developer contribution of £904.00 x 13 dwellings = £11,752.00 is sought in this case.

Lincolnshire County Council (Education)

The level of contribution in this case equates to £50,974.

Lincolnshire Crime Prevention Officer

Due regard should be given to the following:

Lighting – Before the development is brought into use the courtyard area shall be provided with lighting in accordance with details to be submitted to and approved in writing by the local planning authority.

Landscaping – should not impede the opportunity for natural surveillance.

Planning Policy

From the evidence provided by the applicant it is concluded that the application is accepted in planning policy terms subject to providing evidence that the proposed development is not capable or viable to provide affordable housing.

Upper Witham Internal Drainage Board

The Applicant states surface water is to be discharged to soakaway. The suitability of new 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 requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Reason: To provide an adequate method of surface water disposal.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Anglian Water

Initial Comments

Foul sewerage network at present has spare capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system. The submitted FRA is currently unacceptable, and amended details are required.

Final Comments on the amended FRA received 27th June 2011 will be reported in the later items paper or verbally on the day of committee.

Community Leisure Officer

A request has been made based on the draft SPD for a contribution to of site open space.

For a 13 dwelling application (all 4+ bed) there is a requirement for either 58.5m² of equipped children's space on-site or an off-site contribution of £8,775. In this case I think an off-site contribution to play equipment in the vicinity is most appropriate as the on-site requirement is smaller than a LAP and not practical.

Representations Received as a result of publicity

The application has been advertised in accordance with the Council's adopted statement of community involvement. 6 letters of objection have been received from the residents of nearby properties. Their objections (some of which are very extensive) are summarised below:

1. Inadequate visibility from the proposed access due to road alignment and gradient.
2. Loss of privacy overlooking.
3. Contrary to planning policy at local, regional and central government levels.
4. No proper drainage scheme proposed.
5. Loss of light.
6. Visual intrusion.
7. Precedent of previous planning refusals.
8. Highway safety.
9. Create a dominant and oppressive environment.
10. The existing property to be demolished is in-keeping.
11. Demolition will cause noise and disturbance.
12. Loss of light.
13. Excessive noise and smells/pollution.

14. Design out of character with the area.
15. Damage to trees and hedges.
16. Removal of trees may result in loss of bat roosts.
17. Loss of a wildlife habitat.
18. Increase in crime.
19. Insufficient capacity with services and utilities.
20. Proposal fails to comply with policy EN1.
21. Incompatible with Lincolnshire policy on biodiversity.
22. Inaccurate information and an improper basis for the determination of the planning application.
23. Noise and disturbance from comings and goings.
24. Layout designed for future expansion.
25. Garden grabbing and conflict with revised PPS3.
26. Traffic would result in noise, vibration and pollution.
27. Disturbance from headlights shining in front windows to the detriment of privacy.
28. The proposed flood risk does not comply with PPS25.
29. Soakaway testing has not been undertaken to demonstrate that the proposed drainage would work.
30. Flood risk assessment is factually flawed.
31. The land is not suitable for SUD's.
32. No section 106 highway improvements are discussed.

Applicants Submission

The applicant has submitted the following information in support of the application:

Design and Access Statement, Contamination Report, Flood Risk Assessment and Transport Statement.

As a summary of the development the Design and Access Statement concludes:

The planning, design and access statement has been written in support of a planning application for a residential development of 13 units at a site at Harrowby Lane, Grantham.

Members minded to approve a previous application for 10 dwellings on the 29th April 2008. This application proposal is very similar to the already approved scheme, the difference being the addition of 3 dwellings.

The design and access element of the statement has been written in accordance with Government Circular 01/2006 which came into force on the 10th August 2006.

The statement has evaluated how the design proposal has taken account of the physical, social and economic context of the site.

The statement has identified the approach that has been taken into the design of the proposal and has assessed the amount, layout, scale, provision of landscaping and appearance of the development and how this relates to the surrounding area.

The accessibility of the site has been analysed both in terms of the surrounding area and beyond, and within the site itself. This has considered the ease of movement through the site together with particular design features relating to parking and pavements and paths.

An assessment has been made of relevant national and local planning policy and it is considered that the proposal is in compliance with this.

Officer Evaluation

The main issues for consideration in relation to this application are highway safety and residential amenity.

Highway Safety

The difference between this application and the previous application (S07/1267) is that no traffic calming or advance warning is proposed. As an alternative the developers have demonstrated that improved visibility splays can be achieved to negate the need for any highway improvements.

The submitted transport statement has been assessed by the local highway authority and is considered to be acceptable.

Residential Amenity

The proposed layout provides adequate separation distances to existing properties to ensure that there would not be any significant overlooking/loss of privacy or overshadowing that could justify refusal of planning permission on these grounds.

It is accepted that the development would result in increased built form than currently exists on the site and that the outlook from the neighbouring dwellings would change as views over the existing gardens would be removed. I accept that these changes may not be welcomed. But to ensure that the existing occupiers would experience no adverse impact from a new development would be an unreasonable level of test for any development.

The concerns of members of the public are noted. However, it is considered that the additional 3 units on the site is not significantly different than the previous planning application S07/1267 (that members resolved to approve) in terms of form, character, scale, density, overlooking/loss of privacy or impact on services that refusal of planning permission could be justified on these grounds.

It is accepted that there have been subtle changes to PPS3 since the consideration of the previous planning application on 29th April 2008. In that the definition of previously developed land now excludes garden land, and minimum density targets have now been removed. However, these changes do not preclude development on residential garden land within urban areas.

In determination of this application regard must be given to this change in guidance. It does not however over ride the adopted development plan. In this instance as the site is located within Grantham, a sustainable location, it is considered that the proposal accords with

Policy SP1 which steers new development towards the major towns in the District on brownfield and appropriate greenfield sites. This site within the confines of the town is considered to be an appropriate location. This is confirmed by the comments of the policy team.

A development appraisal has been submitted with the application that demonstrates that the scheme is not viable if any affordable housing contribution is sought. The scheme can however successfully contribute towards mitigating the impact of the development in relation to Education and Primary Care.

The development appraisal is currently being assessed to determine whether or not any additional contributions can be sought without rendering the scheme unviable.

The developer contributions sought are considered acceptable and compliant with guidance contained in Circular 05/2005 Planning Obligations.

Section 106 Heads of Terms

The applicant has submitted a development appraisal to demonstrate the level of developer contributions that the scheme can accommodate. In this instance the developers state the scheme can make the following contributions:

Primary Care Trust - £11,752
Education - £50,974

The development appraisal has been submitted to an external company to be assessed. The findings of this assessment will be reported in the late items paper as will any alterations to the required level of developer contributions.

Crime and Disorder

It is considered that the proposal would not raise any significant issues with regard to crime and disorder.

Human Rights Implications

Article 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 a recommendation.

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

Conclusion

It is considered that the proposal is not significantly different than the scheme considered under planning application S07/1267. The increased number of units would not result in

any significant impact on residential amenity, visual amenity or form and character of the area.

The issue of highway safety which has been discussed at great length in relation to this and the previous planning application is considered to have been satisfactorily addressed.

The revised flood risk assessment is considered satisfactory by the Environment Agency it is recommended that the application be approved subject to the completion of a Section 106 agreement securing appropriate developer contributions.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to accord with the objectives of national policy contained in PPS1, PPS3, PPG13 and PPS25, East Midlands Regional Plan Policy 1 and Policy 2, adopted South Kesteven Core Strategy Policy EN1 and EN4. Issues relating to residential amenity, visual amenity and highway safety are material considerations, but subject to the conditions attached to this permission, are not considered to outweigh the policies referred to above.

Recommendation 1: The application be deferred to the Lead Professional in consultation with the Chairman of the Development Control Committee for approval subject to the signing of a legal agreement securing developer contributions and 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. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. Those facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in accordance with the guidance contained in national Planning Policy Statement PPS1.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include - proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture and play equipment, refuse and other storage units, signs, lighting, etc); proposed and existing functional services above and below ground (eg drainage, power, communications cables,

pipelines, etc, indicating lines, manholes, supports, etc); retained historic landscape features and proposals for restoration where relevant.

4. 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.

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

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

6. Development shall proceed fully in accordance with the approved Flood Risk Assessment, received by the local planning authority on 27th June 2011 and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Site Layout 01D received by the local planning authority on 13th January 2011.

House types Plots 1,2,9,10 and 12 - Dwg No. 12/7/2005 received by the local planning authority on 10th September 2010.

House types 3,8 and 11 - Dwg No. 14/7/2005 received by the local planning authority on 10th September 2010

House types 4,5 and 13 - Dwg No. 13/7/2005 received by the local planning authority on 10th September 2010

House Types 6 and 7 - Dwg No. 15/7/2005 received by the local planning authority on 10 September 2010.

Detached Garages - Dwg No. 16/7/2005 received by the local planning authority on 10 September 2010.

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

8. Prior to the commencement of work on the site a method statement regarding the proposed demolition and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:
- a) Hours of operation
 - b) Types of machinery and equipment to be used on site; and
 - c) Details of how noise, vibration and dust are to be controlled, using best practicable means.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that the demolition and construction of the development is carried out according to best practice to minimise disruption to neighbouring occupiers.

9. The development hereby permitted shall be undertaken in accordance with the ground and finished floor levels indicated on site layout plan 01D received by the local planning authority on 13th January 2011.

Reason: To ensure a satisfactory form of development.

10. 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 01D dated January 2011, 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 users of the site.

11. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 01D dated January 2011, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

12. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 01D dated January 2011. (Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.)

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

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

14. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In particular, details shall be provided of how the drainage scheme shall be maintained and managed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the risk of flooding, both at the site and to third parties, is not increased as a result of the development.

Note(s) to Applicant

1. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.
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. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
4. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
5. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Recommendation 2

Where the 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 signed 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.

* * * * *

Applicant	Daryl Kirkland, Persimmon Homes East Midlands Ltd C/o Agent
Agent	Mr J Jennings, Pegasus Planning Group Ltd 3, Pioneer Court, Chivers Way, Histon, Cambridge, CB24 9PT
Proposal	Reserved matters application for 120 dwellings and associated public open space and allotments
Location	Land at, Godsey Lane/Towngate East, Market Deeping
App Type	Major RM (Residential)
Parish(es)	Market Deeping

REPORT

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 outline application was reported to the Committee. Also the development does not accord with the provisions of the development plan.

The Proposal

This is an application for the approval of the reserved matters for outline planning permission granted under application S10/0934. The application relates to a development comprising 120 dwellings, allotments and associated landscaping. The proposed development has a net density of approximately 37 dwellings per hectare.

The proposed development follows the design concept approved at the outline stage. Access to the development is via the original access approved under phase 1 onto Godesy Lane. The majority of the proposed dwellings would be accessed via a looped route around the perimeter of the development with shared surface streets and Mews further defining the residential blocks.

The proposed development comprises a mix of bungalows and two storey dwellings, including detached, semi-detached and terraced properties.

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 Godesy 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.

S10/0934 - In January 2011 outline planning permission for residential development of 120 dwellings was approved on the site. This current application seeks approval for the outstanding reserved matters.

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

“While we appreciate that outline planning permission has been given for 120 dwellings, the planning committee feels that the design of the development plot is not conducive to good community harmony. Also concerns that there are too many dwellings proposed on the development. The road accesses are poor to individual dwellings and the fact that all vehicles will access onto Godesy Lane is totally unacceptable and because of these objections the planning committee robustly object to these plans.”

The town Council requested a meeting with SKDC Officers and representatives of Persimmon to discuss their concerns. This meeting took place last month.

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: No objections

Leisure Officer: No objections to the proposed open space provision.

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 has been undertaken in order to assess the condition, nature and importance of the archaeological remains. The final comments of the Community Archaeologist will be reported in the late background papers document.

Local Highway Authority:

Raises no objections to the proposed development but request conditions relating to parking and access arrangements.

Lincolnshire County Council Planning: No objections

Lincolnshire Wildlife Trust:

Has raised no objections to the proposed development. But has recommended the planning of native trees and suggest that bat and bird boxes and such features to attract species are incorporated into the development.

Environmental Protection Officer: Has raised no objections but requests a condition stating that no animals, birds or other livestock are kept on the allotments other than those allowed by the Allotments Act 1950. (Hens and rabbits only no cockerels)

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and 9 letter 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 Godesy Lane are already high, could phase 2 be accessed from Towngate East / Outgang Road,
3. 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.
4. Given that the entrance to William Hildyard Primary School is located on Godesy Lane, I would have thought that every effort should be made to reduce the amount of traffic, not increase it.
5. Traffic volumes.
6. Development is too big for Market Deepings infrastructure.
7. Concerns about sewage system capacity to cope with the proposed development.
8. This is a greenfield site used by local joggers and walkers
9. Too many houses crammed in together / over development.

10. Concern re close proximity to Peterborough and increased pressure this puts on the facilities in Deepings especially if new dwellings built in Peterborough.
11. Solar energy should be installed during construction.
12. Impact on wildlife.
13. The proposed house types are standard and are characterless out of keeping with the surrounding area.
14. Consideration should be given to introducing feature buildings at keep point in the development such as 2.5 or 3 storey dwellings.
15. Careful consideration should be given to the materials to be used on the proposed dwellings to ensure that they are appropriate.
16. Consideration should be given to the types of materials for the surfacing of the proposed roads throughout the development.

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 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.

The principle of developing the site for residential development was approved at the outline stage under application S10/ 0394. At that time it was 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 were suitable and available within the Deepings resulted in the Council having to consider greenfield sites to ensure that housing targets are met. This particular site was considered to be strategically well located and able to provide some of the housing provision required in the Deepings area within the plan period up to 2026.

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.

The proposed development comprises 120 dwellings comprising a mix of 2/4 bed roomed properties including a proportion of bungalows. The development also includes a 35% contribution towards affordable housing as required by the signed Section 106 Agreement. The proposed dwellings comprise a mixture of single storey and two buildings and include 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. It is therefore considered that the proposed development is in scale and character with the surrounding residential development in the area. The proposed landscaping will help to ensure that the development assimilates well with the surrounding developments and conditions relating to the submission of details relating to materials will help further.

Concern has been raised in relation to the lack of 2.5/3 storey feature buildings. These have not been included in the scheme due to Members concerns at the outline application stage where Members required a condition to be imposed limiting the development to a maximum height of 2 storeys only.

The layout 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 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 Godesy 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 has confirmed that the original transport assessment along with updated figures for 2010 have 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.

The Environment Agency has raised no objections to the proposed development it is therefore considered that the proposed development will not result in any significant increase in potential flood risk.

The IDB and Anglian Water were consulted but have not made any comment it is therefore considered that they have no objections to the development. It should be noted that they raised no objections at the outline application stage but did indicate that the existing facilities can cope with the proposed development.

Section 106 Heads of Terms

The developer signed up to the following section 106 Agreement contributions at the outline stage:

- 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 a reserved matters application for residential development on a 5.3 hectare greenfield site on the edge of Market Deeping. . 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. The principle of residential development was approved under application S10/0934

The proposed development is in accordance with the original design and access statement and will preserve the character and appearance of this part of Market Deeping. 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.

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

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

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

2. The arrangements shown on the approved plan P.0668_01-2G dated 5 August 2011 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To ensure calling vehicles wait clear of the carriageway of Godesy Lane and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

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 sheds or other storage buildings shall be constructed or placed on the site of the allotments until the precise details have been submitted to and agreed in writing by the District Planning Authority.

Reason: To ensure that the development respects the character and appearance of the surrounding area.

5. No animals or birds or other livestock shall be kept on the allotments hereby approved, other than those allowed by the Allotments Act 1950 (That is hens and rabbits only and no cockerels).

Reason: To ensure that the allotment use does not have a detrimental impact on the residential amenity of the occupiers of nearby properties.

6. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development.

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

P.0668_01-2G Received on 5 August 2011
P.0668_2-1A Received on 5 August 2011
P.0668_7-1 Received on 11 May 2011
P.0668_04-1 Received on 11 May 2011

P.0690_01-B Received on 5 August 2011 (Sheets 1-3)
P.0668_2-9 Received on 11 May 2011
P.0668_2-8 Received on 11 May 2011
P.0668_2-7 Received on 11 May 2011
P.0668_2-6 Received on 11 May 2011
P.0668_2-5 Received on 11 May 2011
P.0668_2-5 Received on 11 May 2011 (Plot 46)
P.0668_2-4 Received on 11 May 2011
P.0668_2-4 Received on 11 May 2011 (Plot 110)
P.0668_2-3 Received on 11 May 2011
P.0668_2-2 Received on 11 May 2011
P.0668_2-1 Received on 11 May 2011
P.0668_2-13 Received on 11 May 2011
P.0668_2-13 Received on 11 May 2011 (PLots 55 & 92)
P.0668_2-12 Received on 11 May 2011
P.0668_2-11 Received on 11 May 2011
P.0668_2-10 Received on 11 May 2011
P.0668_2-14 Received on 11 May 2011

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

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway the developer must contact the Divisional Highways MAnager on 01522 782070 for application, specification and construction information.
2. You are reminded of the need to comply with the conditions on the substantive outline planning consent S10/0934.
3. This consent should be read in conjunction with the Legal Agreement (S106) dated 6 January 2011

* * * * *

Applicant	Anglian Regional Co-op Society C/o Agent
Agent	Kathy Else, RPS Planning and Development Highfield House, 5, Ridgeway, Quinton Business Park, Birmingham, B32 1AF
Proposal	Application to extend time limit for implementation of application S06/1388 for residential development
Location	Anglia Regional Co-Operative Site, Manning Road, Bourne
App Type	Major Outline (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it a major development, which has previously been debated by the Committee.

The Proposal

This is an application to extend the time limit for the implementation of an outline application for residential development at the Anglia Regional Co-Operative site, Manning Road, Bourne (S06/1388). The proposed access arrangements are to be considered as part of this application. All other matters including siting, layout, external appearance and landscaping are reserved for subsequent applications.

The Application Site and its Surroundings

The application site is located to the east of Bourne town centre. The site measures 1.63 hectares and comprises the Co-op Rainbow store and its associated car parking. Access to the site is via Manning Road and is located towards the western end of the site.

The site is located in an area characterised by a mixture of uses. Although the majority of Manning Road has a residential frontage, warehousing and service units also feature towards the eastern end of the road. The residential development in the surrounding street network has a variety of densities and house types consisting of bungalows, semi-detached properties, and terraces as well as large detached dwellings.

Relevant Site History

The development site consists of a supermarket constructed in the 1970's together with a car park. There have been a number of advertisement consents and permissions related to the existing retail use. However the planning history most relevant to this particular application is as follows:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

S10/1645 – this was a reserved matters application relating to application S06/1388 approved in November 2010.

Also relevant to this current application are two applications on the adjacent Raymond Mays Garage site which form part of the wider development:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

S10/1650 – This was a reserved matters application for residential development. The application was approved in November 2010.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

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

Environmental Protection Officer – No objections subject to the same conditions as last time being attached to any consent (noise attenuation condition)

Bourne Town Council – The Committee has no objection to this application but would request that the site is regularly maintained to keep it in a good visual condition until work commences.

Heritage Lincolnshire (Archaeology) – It is considered that the site offers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is 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 requirement is for a 3% trial trench of the site by area (0.47ha). The results of this survey will be used to inform the local planning authority of the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record.

The Environment Agency – has raised no objections subject to condition 8 of application S06/1388 been retained on any permission.

Projects & Partnership Officer (affordable Housing) – A contribution of 35% affordable housing should be required in accordance with the Council's adopted policy.

Lincolnshire County Council Children Services – Having given consideration to the current economic climate and the fact that the site is a brownfield site requiring significant remediation LCC have proposed that the figures agreed previously remain in place as this is merely an application to extend the time limit for implementation and had the developer been able to progress with the development these would be the figures we would have received anyway, so it seems inequitable that we ask for more money at a time when the development has demonstrated it is currently struggling with viability anyway.

Local Highway Authority – no objections subject to the same highway conditions being imposed as per the previous application.

Primary Care Trust – In respect of the above development NHS Lincolnshire would accept a reduced contribution where a full Section 106 application for Health on the basis of the formulae would in South Kesteven District Council's opinion potentially affect the viability of the scheme.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and one letter of concern has been received from Delaine Buses Ltd. The points raised can be summarised as follows:

The concern relates to the potential have an access road running through this site and the adjacent Rainbow Store site to the north, linking Spalding Rd and Manning Rd. The Agent acting on behalf of Delaine's has stated that given that the applicants own the adjacent site to the north, the possibility of linkage appears to be real. It will be appreciated that the Transport Assessment that forms part of the present application is that which accompanied the original application in 2006. Since that time there have been major residential developments undertaken on the former Bourne Laundry site (ref S07/1521), Delaine Meadows Spalding Rd (ref S05/0598), The Former Johnson Bros site (Ref S05/0878) together with an unimplemented planning consent for residential development granted on the Bourne Auctions Site (Ref S09/1671). We therefore consider that, particularly in view of the recent well-publicised concerns regarding the impact of school traffic on Manning Rd following the closure of The Rainbow car park, that the Traffic Impact Assessment should be revisited and updated.

Officer Evaluation

Scale / Layout

As stated above this is an outline application and the applicants have indicated that it is likely to comprise up to 81 dwellings. The application site constitutes a previously developed site as defined by PPS3. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

Although an outline application the applicant has indicated that the development is likely to comprise of two storey development with varying ridge heights. Some two and a half storey properties may be used in focal points around the development. It is considered that the proposed indicative scale and layout reflects those of other residential developments in the surrounding area.

Overlooking / loss of privacy / Loss of light / overshadowing

Given that the site has had consent for residential development in the past it is considered that a suitable layout can be achieved at the reserved matters stage which would ensure that the residential amenities of both the occupiers of the existing and proposed dwellings are protected

Noise

A noise assessment has been submitted with the application due to concerns about the adjacent Carlsberg depot. The Council's Environmental Protection Officer has considered

the noise assessment and has raised no objections to the proposal subject to a condition requiring the suggested mitigation measures in the report to be undertaken.

Traffic Generation / Parking

The local highway authority has been consulted and raised no objections to the proposed development. It is therefore considered that the proposed access and parking arrangements are acceptable and will not be detrimental to highway safety.

Section 106 Heads of Terms

31% Affordable housing
£52,000 towards open space provision
Education contribution
£31,000 Health Contribution
£60,000 Highways Contribution

The developers have indicated that the viability of the scheme will be compromised if any additional contributions are sought above those requested under the previous section 106 Agreement. Both the Education Authority and the PCT have accepted that viability is an issue and as reduced contributions were requested last time and the situation has not got any better in terms of the economy and the fact that one developer has pulled out of the scheme after getting reserved matters approval it is considered that to request any additional contributions would jeopardise the deliverability of the scheme. It is therefore considered in this particular case reasonable to accept a slightly reduced contribution based on the figures approved when the original application was last approved.

Crime and Disorder

It is considered that the proposed development will not have any 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 1:

That the application be deferred to the Lead Professional in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the following conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Statements PPS1, PPS3, PPS5, PPG13, PPS23 and PPS25, policies SP1, SP3, SP4, EN1, EN2, EN4 and H1 of the South Kesteven Core Strategy. The issues relating to traffic generation and noise are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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. 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 in accordance with Policy EN1 of the South Kesteven Core Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. The dwellings shall be so constructed as to provide sound attenuation of not less than 45 dBa against the external noise to which they are exposed.

Reason: In the interests of the amenities of the occupiers of the proposed dwellings and in accordance with Policy EN1 of the South Kesteven Core Strategy.

6. No operation shall be carried out to fill in, culvert or in any way obstruct any dyke or watercourse without the approval in writing of the District Planning Authority.

Reason: To prevent damage to the land drainage system or interference with the rights of surface water drainage from the highway in the interests of the general amenity of the area in accordance with PPS25.

7. A schedule giving the type and colour of materials to be used for all external walls and roofs of each building and structure on the site, and the type and colour of brick to be used for screen walls shall be submitted to and approved in writing by the District Planning Authority before the development hereby permitted is commenced. Only such materials as may be approved by the authority shall be used in the development.

Reason: These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity in accordance with Policy EN1 of the South Kesteven Core Strategy.

8. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.

Reason: The application was submitted in outline and no such details have been submitted and in accordance with the requirements of PPS25.

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

Reason: To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible archaeological remains on the site and in accordance with Policy EN1 of the South Kesteven Core Strategy.

Recommendation 2:

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the 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.

* * * * *

Applicant	Anglia Regional Co-op Society c/o agent
Agent	Kathy Else, RPS Planning and Development Highfield House, 5, Ridgeway, Quinton Business Park, Birmingham, B32 1AF
Proposal	Application to extend time limit for implementation of application S08/0286 for residential development (up to 29 units) with associated access and landscaping
Location	Mays Garage, Spalding Road, Bourne, Lincolnshire, PE10 9LE
App Type	Major Outline (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as it a major development, which has previously been debated by the Committee.

The Proposal

This is an application to extend the time limit for the implementation of an outline application for the erection of 29 dwellings at the former Raymond Mays Garage site, Spalding Road, Bourne (S08/0286). The proposed access arrangements are to be considered as part of this application. All other matters including siting, layout, external appearance and landscaping are reserved for subsequent applications.

The Application Site and its Surroundings

The application site is located on the A151 Spalding Road, approximately 500m to the east of Bourne Town Centre. The site occupies a total area of approximately 0.47 hectares (1.16 acres) and is currently occupied by a vacant garage that has facilities for car sales, servicing and petrol sales. These facilities are contained in two main buildings one situated along the western site boundary and one located centrally within the site. The site also has two existing access point on to Spalding Road one at each end of the frontage.

To the north of the site there is an area of scrub land beyond which lies the Rainbow Co-op store. To the east of the site is the recently constructed Delaines Close Development. The residential properties along Wendover Mews back on to the western boundary of the site.

Delaines Bus depot is located on the opposite side of Spalding Road directly adjacent to the site.

Relevant Site History

The development site consists of a garage and service area constructed in the 1970's. There have been a number of advertisement consents and permissions related to the existing garage use. However the planning history most relevant to this particular application is as follows:

S08/0286 – Outline planning permission was granted in June 2008 for the erection of 29 dwellings.

Also relevant to this current application are two applications on the adjacent Rainbow Store site which form part of the wider development:

S06/1388 – Outline planning permission was granted in June 2008 for residential development of the site, access was also approved.

S10/1645 – which relates to a reserved matters application on land to the north of the site but forms part of the comprehensive development of this area.

S10/1650 – This was a reserved matters application for residential development. The application was approved in November 2010.

S10/1731 – which related to the construction of an access road to serve residential development. The application was approved in December 2010.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPS23 – Planning and pollution Control

PPG24 – Planning and Noise

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

Bourne Town Council – No objections to this application but would request that the site is regularly maintained to keep it in a better visual condition until work commences.

Heritage Lincolnshire (Archaeology) – It is considered that the site offers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is 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 requirement is for a 3% trial trench of the site by area (0.47ha). The results of this survey will be used to inform the local planning authority of the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record.

The application is an outline planning application and the site is currently a garage. A scheme of works condition should be placed on any permission granted with a requirement for the trial trenching to be undertaken prior to the submission of a reserved matters application.

Local Highway Authority – no objections subject to the same highway conditions being imposed as per the previous application.

Environmental Protection Officer – The site has been identified as being contaminated and extensive remediation is necessary. A condition requiring remediation will therefore be required.

Projects & Partnership Officer (affordable Housing) – A contribution of 35% affordable housing should be required in accordance with the Council's adopted policy.

Lincolnshire County Council Children Services – Having given consideration to the current economic climate and the fact that the site is a brownfield site requiring significant remediation LCC have proposed that the figures agreed previously remain in place as this is merely an application to extend the time limit for implementation and had the developer been able to progress with the development these would be the figures we would have received anyway, so it seems inequitable that we ask for more money at a time when the development has demonstrated it is currently struggling with viability anyway.

Primary Care Trust – In respect of the above development NHS Lincolnshire would accept a reduced contribution where a full Section 106 application for Health on the basis of the formulae would in South Kesteven District Council's opinion potentially affect the viability of the scheme.

Environment Agency – No objections subject to conditions 10 and 15 of application S08/0286 being retained on any new permission.

Representations as a Result of Publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement and one letter of concern has been received from Delaine Buses Ltd. The points raised can be summarised as follows:

The concern relates to the potential have an access road running through this site and the adjacent Rainbow Store site to the north, linking Spalding Rd and Manning Rd. The Agent acting on behalf of Delaine's has stated that given that the applicants own the adjacent site to the north, the possibility of linkage appears to be real. It will be appreciated that the Transport Assessment that forms part of the present application is that which accompanied the original application in 2006. Since that time there have been major residential developments undertaken on the former Bourne Laundry site (ref S07/1521), Delaine Meadows Spalding Rd (ref S05/0598), The Former Johnson Bros site (Ref S05/0878) together with an unimplemented planning consent for residential development granted on the Bourne Auctions Site (Ref S09/1671). We therefore consider that, particularly in view of the recent well-publicised concerns regarding the impact of school traffic on Manning Rd following the closure of The Rainbow car park, that the Traffic Impact Assessment should be revisited and updated.

Officer Evaluation

Scale / Layout

As stated above this is an application to extend the time limit for the implementation of application S08/0286. The principle of residential development of the site is therefore considered acceptable. The site is located within the sustainable settlement of Bourne and is within walking distance of the town centre and has good access to public transport links.

A residential development comprises a mix of two storey detached, semi-detached and terraced properties would be appropriate and would assimilate well with the adjacent development on Delaines Close.

Overlooking / loss of privacy

It is considered that given the proposed site layout and orientation of the proposed dwellings and the separation distances between existing and proposed dwellings the development will not have any significant impact on the amenities of neighbouring properties.

Loss of light / overshadowing

Given the submitted indicative site layout plan and the indicative separation distances between existing and proposed dwellings it is considered that the site is capable of being redeveloped for residential purposes without having a significant or detrimental impact on the residential amenity of adjacent properties by way of causing loss of light or overshadowing.

Traffic Generation / Parking

A Traffic Impact Assessment has been submitted by the applicant in support of the proposed development. The Local Highway Authority has raised no objections to the proposed development. It is considered that the existing petrol station use could create significantly high vehicular movements if it were re-opened than that generated by proposed development of 29 dwellings. The proposed development is therefore likely to have significantly less impact on the highway network than the proposed development.

Section 106 Heads of Terms

The S106 requirements were dealt with at the outline application stage. The following contributions were required:

35% Affordable Housing
£15,000 off-site contribution towards open space provision
Education contributions
PCT health contributions up to a maximum of £15,000

The developers have indicated that the viability of the scheme will be compromised if any additional contributions are sought above those requested under the previous section 106 Agreement. Both the Education Authority and the PCT have accepted that viability is an issue and as reduced contributions were requested last time and the situation has not got any better in terms of the economy and the fact that one developer has pulled out of the scheme after getting reserved matters approval it is considered that to request any additional contributions would jeopardise the deliverability of the scheme. It is therefore considered in this particular case reasonable to accept a slightly reduced contribution based on the figures approved when the original application was last approved.

Crime and Disorder

The proposed development raises no 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 1:

That the application be deferred to the Lead Professional in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the following conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance notes PPS1 - Delivering Sustainable Development; PPS3 - Housing, PPS5 - PLanning for the Historic Environment, PPG13 - Transport, PPS23 - Planning and Pollution Control, PPG24 Planning and Noise and PPS25 Development and Flood Risk, policies SP1, SP3, SP4, EN1, EN2, EN4 and H1 of the South Kesteven Core Strategy. The issues relating to loss of privacy, loss of light/overshadowing, siting, density and highway safety are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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 following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to an appropriate scale showing the layout, scale, appearance and the landscaping of the site.

Reason: The application was submitted in outline only.

3. 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 Core Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area in accordance with policy EN1 of the South Kesteven Core Strategy.

5. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

Reason: These details have not been submitted and the District Council wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Core Strategy.

6. 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: The application was submitted in outline and no such details have been submitted in accordance with policy EN1 of the South Kesteven Core Strategy.

7. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details 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 South Kesteven Core Strategy.

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

Reason: To ensure that satisfactory provision is made for the evaluation, investigation, preservation (in situ where necessary) and recording of any possible

archaeological remains on the site in accordance with Policy EN1 of the South Kesteven Core Strategy.

9. No development shall commence until the remediation measures outlined in the submitted Phase II Geoenvironmental Assessment report prepared by MLM Environmental and received on 31 March 2008 has been implemented. Prior to the remediation being undertaken site specific target levels (or clean-up standards) for the contaminated soil shall be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development, and to ensure the proper treatment of any contamination present on the site, in the interests of public and environmental safety, in accordance with Policy EN1 of the South Kesteven Core Strategy.

10. No dwellings (or other development as specified) shall be commenced before the first 40 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 15713/A3/003, has been completed.

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

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

12. 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 the site and in accordance with PPS25.

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

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent contamination to controlled waters.

Note(s) to Applicant

1. The comments of the Environment Agency are enclosed for your attention.
2. This consent should be read in conjunction with the Legal Agreement (S106).
3. The applicant shall apply for and make best endeavours to provide an extension of the existing parking restrictions (evident to the west of the site) so that it extends eastwards for the whole width of the application site.
4. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager, Lincolnshire County Council (Tel: 01522 553170) for appropriate specification and construction information.
5. The Local Highway Authority would not support a vehicular link through the site to Manning Road.
6. Given the previous uses of the site, the applicant is advised to refer to Pollution Prevention Guidance Note 27 - ' Installation, decommissioning, and removal of underground storage tanks', that can be viewed at www.environment-agency.gov.uk/ppg. As part of the decommissioning of these tanks, we would recommend that confirmatory sampling is undertaken from the resulting excavations.
7. In order to facilitate the extension to waiting restrictions along Spalding Road, the applicant will need to contact the Area Highways Manager to apply for the amendment to the Traffic Regulation Order. All costs to be borne by the Applicant.

Recommendation 2:

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the 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.

* * * * *

Applicant	Mr G Larkpoint Developments Ltd 7 Wheatcroft Business Park, Edwalton, Nottingham, NG12 4DE
Agent	Mr M Hales, BRP Architects 1 Millers Yard, Roman Way, MARKET HARBOROUGH, Leics, LE16 7PW
Proposal	Reserved Matters for nursing home and associated landscaping
Location	Land between Bowling Green and No. 53, Spalding Road, Deeping St. James
App Type	Major RM (Non-residential)
Parish(es)	Deeping St James

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to Committee because it is a major application and the original outline application was also determined by the Development Control Committee.

The Proposal

This is a reserved matters application for a nursing home and associated landscaping on land to the north of Spalding Road, Deeping St James. The indicative plans submitted with the outline application indicated that the nursing home would be constructed along the northern boundary of the site. The applicants have however advised that following discussions with service providers a more prominent location to the front of the site was required.

The proposed development comprises a large two storey nursing home planed around a central court yard. This has been designed in order to provide secure accommodation to meet the needs of dementia residents with secure outside space. The building measures approximately 45.5m by 54.5m and is approximately 9.8m to ridge height.

Access to the site is via a central access which serves the whole development including the residential units and proposed art centre and rugby club that were also approved by outline application S08/0747.

The Application Site and its Surroundings

The application site was formally part of an orchard but has recently had outline planning permission (2008) for mixed use housing, nursing home, art centre and rugby clubhouse. The application site is currently vacant and has been cleared by the developer.

The site is located to the north of Spalding Road. There are agricultural fields to the north of the site, new residential development to the east and south of the site and a bowling green and sports pitches to the west.

The residential development in the area is predominantly two storeys although there are some three storey dwellings directly adjacent the application sites.

Relevant Site History

S08/0747 – in September 2008 outline planning consent was granted for a mixed development comprising art centre, rugby club house, nursing home, day centre and 32 affordable dwellings.

Policy Considerations

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPG13 – Transport
PPG24 – Planning and Noise
PPS25 Development and Flood Risk

East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 48: Regional Car Parking Standards

South Kesteven Core Strategy

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
EN3 – Renewable Energy Generation
EN4 – Sustainable Construction and Design

Representations Received

Local Highway Authority: Has requested a travel plan be submitted before they provide their final comments. Any additional comments will be reported in the late background papers document.

Environment Agency: Has confirmed that the drainage information submitted in relation to condition 3 of the outline application is acceptable. They raise no objections to the proposal.

Environmental Protection Officer: No objections to the proposal subject to the noise mitigation measures contained in section 7 of the Environmental Noise Assessment being complied with.

Deeping St James Parish Council:

1. The Parish Council has concerns about a 1.8m fence at the front of the building. This has the inherent risk of lack of maintenance and becoming visually unattractive to the street scene. This will also prevent residents having a view out of the development to be able to see what is happening outside of the care home. The Councils preference would be railings, an open linked fence or landscaped open fencing using hedging.

2. There are concerns about the provision of car parking spaces as there do not appear to be sufficient to be able to cope with parking for workers and any visitors.

This site is no longer well served by a bus route as the hourly Stagecoach service was withdrawn in April which would mean that visitors and workers are more likely to use cars to travel there. There is cycle lane along Spalding Road which would be impeded if visitors and staff were to park on the road which then introduces road safety issues.

A solution to this should be found without intruding into the landscaping of the site.

3. No formal landscaping scheme has yet been provided to show how well the site will appear.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Three letters of comment have been received from local residents and businesses. The comments can be summarised as follows:

1. The site is too small for the size of development proposed,
2. The development is out of scale with other developments in the area,
3. Concerns about the proposed access and highway safety including concerns about the lack of off-street parking provision,
4. Concerns and loss of leylandii trees which help to screen the floodlights on the adjacent astro turf pitches from neighbouring residential properties,

5. Concerns at the impact on local wildlife,
6. Concerns that the area is being developed in a piece meal way,
7. Concerns about noise and disturbance,
8. Concerns that the sewage system cannot take the additional waste,
9. Concerns that the nursing home would be located so close to the proposed rugby club house,

The developer has forwarded a letter sent from Deepings Arts to the Parish Council in support of the application. The letter states:

“Following the recent email from Ashley Baxter and the concerns expressed within I wish to make it clear that although Deepings Arts were initially unhappy when we were made aware of the intended re-siting at a meeting with the Managing Director of Larkfleet some six months ago, we would like to confirm that after some consideration the committee of Deepings Arts are now in full support of the plans for the re-siting of the “Orchard Centre”.

I understand that the Care Home providers expressed a wish to have their building at the front. We were made aware of this at our meeting with Larkfleet last December.

Whoever was in a financial position to purchase the land first had first refusal on the site position.

Officer Evaluation

Deeping St James and Market Deeping are two settlements that have effectively become merged into one by modern development making it difficult nowadays to discern where the actual boundary between the two is located. However, their historic cores maintain their separate identities and Deeping St James having its Parish Council and Market Deeping its Town Council. Their services and commercial facilities tend to serve both communities, although the majority of the facilities are located in Market Deeping.

The principle of constructing a nursing home on the site has been accepted when outline planning permission was granted for a mixed use development on the site. This application therefore seeks approval for the specifics in relation to the design, layout, access and landscaping.

The access on to Spalding Road has been approved as part of the adjacent affordable housing development which is currently under construction. The proposed development would make use of this and then have its own access off Braeburn Road. The proposed development would have a total of 20 off-street parking spaces. Concerns have been raised in relation to highway safety and the amount of parking proposed. The Local Highway Authority has been consulted and requested that a travel plan be provided to support the application. The travel plan is currently been produced and it is hoped that this will have been assessed by the Local Highway Authority in time for the committee meeting. Any comments will be reported in the late background papers document circulated on the day of the meeting.

The proposed building is two storeys high with a pitched roof. The building has been designed in such a way that the proposed materials and use of gable features help to try

and break up the overall mass of the building. It is proposed to construct the building using a combination of red and buff bricks with a grey slate coloured roof tile. A glazed link is also proposed on the southern elevation fronting on to Spalding Road. It is considered that the proposed building will not appear overly dominant or out of scale and character with other recent developments in the surrounding area.

An indicative landscaping scheme has been submitted with the application this comprises three main elements in relation to the soft landscaping areas, the formal enclosed private courtyard, which will have elements of hard landscaping, sitting areas and sensory gardens. The gardens surrounding the building will be laid mainly to lawn with supplementary planting. The area surrounding the swale will be given over to a natural garden. Hard landscaping to the front of the building has been designed to suit the sweep of appropriate delivery and refuse vehicles. Covered Cycle storage is also proposed. A 1.8m fence is proposed along part of the southern elevation of the site. Whilst this is not considered to be ideal from a street view perspective it is required to ensure that the dementia patients using the garden area are secure and to provide noise attenuation from the road to the residents occupying the rooms on the southern elevation. The benefits of providing the acoustic barrier are considered to outweigh the slight harm that it has on the street scene of the development and it is therefore considered to be acceptable. It should also be noted that a large proportion of the site frontage will remain open with a post and rail fence being provided.

It is recommended that a condition requiring a detailed landscaping scheme be attached to any consent.

Section 106 Heads of Terms

A Section 106 is not required with this reserved matters application.

Crime and Disorder

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

The proposed development is considered to be an acceptable form of development in this primarily residential location. The proposal is considered to accord with the thrust of national policy contained in PPS1, PPS4, PPS5, PPG13, PPG24 and PPS25, Policies 1, 2 and 48 of the East Midlands Regional Plan and Policies SP1, SP3, EN1, EN2, EN3 and

EN4 of the South Kesteven Core Strategy and whilst concerns have been raised in relation to visual amenity, residential amenity, highway safety, parking provision and noise and disturbance they are not considered sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. 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).

2. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and in accordance with Policy SP3 of the adopted South Kesteven Core Strategy (July 2010).

3. The development shall only be undertaken in accordance with the noise mitigation measures set out in Section 7 of the Environmental Noise Assessment prepared by Acoustic Associates dated May 2011.

Reason: To protect the occupants of the building from noise disturbance.

4. Notwithstanding the submitted indicative landscaping scheme no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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).

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

L257 - P01 received on 31 May 2011
L257 - P02 received on 31 May 2011
L257 - P03 received on 31 May 2011
L257 - P04 received on 31 May 2011
L257 - P05 received on 31 May 2011
L257 - P06 received on 31 May 2011
DBS/174/HD001 Rev P4 received on 31 May 2011

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

* * * * *

Applicant	Lincolnshire County Council C/o Agent
Agent	The Robert Doughty Consultancy Ltd 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
Proposal	Application for new planning permission to replace extant planning permission S08/0277 for conversion of existing barns to three dwellings and erection of two dwellings
Location	Home Farm, High Street, Morton, Bourne, PE10 0NR
App Type	Full Planning Permission
Parish(es)	Morton

REPORT

Application Category

This application is categorised as a minor application

Reason for Referral to Committee

The application has been referred to Committee because it is a minor application that requires a Section 106 Agreement.

The Proposal

This is an application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation. The application to be extended is application S08/0277 relating to conversion of existing barns to form three dwellings and erection of two dwellings.

Planning permission was originally approved in April 2008 and this application seeks to extend the time limit for implementation.

The Application Site and its Surroundings

The application site forms the now vacant farm yard and barns associated with Home Farm, High Street, Morton. The site is located within the conservation area and is adjacent to a listed building. The barns to be converted are curtilage listed buildings.

Relevant Site History

S04/1203 – In September 2004 planning permission was granted for the conversion of the barns to form two dwellings and the erection of a single dwelling.

S04/LB/6264 – In September 2004 listed building consent was granted for works associated with the barn conversion.

S08/0277 – In April 2008 planning permission was granted for to conversion of existing barns to form three dwellings and erection of two dwellings.

S08/LB/6942 – In April 2008 listed building consent was granted for the works to the associated barn conversion scheme.

Policy Considerations

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPG13 – Transport
PPG16 – Archaeology and Planning

Development Plan:

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy SP2: Sustainable Communities
Policy SP4: Developer Contributions
Policy EN1: Protection and Enhancement of the Character of the District
Policy EN4: Sustainable Construction and Design
Policy H3: Affordable Housing

Representations Received

Projects and Partnership Officer (Affordable Housing) – The proposed development should provide a 35% contribution towards affordable housing in line with policy H3 of the Core Strategy.

Public Right of Way Officer – No objections

Morton Parish Council – No objections

Heritage Lincolnshire – No objections

Representations as a Result of Publicity

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

Officer Evaluation

This application seeks approval to extend the time limit for implementing a previous approval for the creation of five new dwellings (three barn conversions and two new dwellings). Since the last approval the Council's Core Strategy has been adopted and the main changes in relation to the determination of this application relate to policy H3 and the requirement for the development to now make a S106 contribution towards affordable housing. The applicant's (Lincolnshire County Council) have indicated that the requirement to provide affordable housing will make the scheme unviable. They have provided some figures to demonstrate this and these have been sent off for independent assessment. The findings of the assessment on viability will be reported in the late background papers document on the day of the Committee meeting.

The proposed development would see a number of rundown curtilage listed barns converted to dwellings and an old farm yard redeveloped. The site is in a sustainable settlement and it is considered that this would significantly improve the visual amenity of the area. The properties have been designed to ensure that there will be no adverse impact on the residential amenity of adjacent properties.

The local highway authority has raised no objections to the proposed development subject to the same conditions as last time being imposed again.

Section 106 Heads of Terms

35% Affordable housing contribution (subject to viability assessment)

Crime and Disorder

The proposed development raises no 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

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance notes PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPS5 (Planning for the Historic Environment), policies SP1, SP2, H1 and EN1 of the South Kesteven Core Strategy. Although there is some conflict with the Interim Housing Policy, in this instance, subject to the condition(s) attached to this permission, the issues raised do

not outweigh the principal policies referred to. There are no other material considerations that indicate against the proposal.

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

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

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

2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

Reason: These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Core Strategy.

3. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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 Core Strategy.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

Reason: To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 of the South Kesteven Core Strategy.

6. The development hereby approved shall be carried out in strict accordance with the mitigation measures outlined in the Protected Species Report prepared by Richard Fox received on 21 March 2011.

Reason: To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on the site and in accordance with Policy EN1 of the South Kesteven Core Strategy.

7. Large scale details of all external joinery, to a scale of not less than 1:10, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.

Reason: No such details have been submitted and the district planning authority wish to be in a position to ensure that the proposed details are sympathetic to the listed building and in accordance with Policy EN1 of the South Kesteven Core Strategy.

8. Before the dwellings are occupied, the access and turning spaces shall be completed, in accordance with the approved plan number 00 received on 14 February 2008, and retained for that use thereafter.

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 Policies EN1 of the South Kesteven Core Strategy.

Note(s) to Applicant

1. The applicant is advised to contact the Senior Highways Officer, Carl Abram, at Lincolnshire County Council on 01522 782070, with regard to diverting the Public Right of Way that crosses the site. The comments of the Lincolnshire County Council are enclosed for your information.

* * * * *

Applicant	Mr Stuart Fox 1, Barley Court, Hanthorpe, Bourne, Lincolnshire, PE10 0FD
Agent	Shayne Andrews, Shayne Andrews Design & Architecture Ltd 10, Spalding Road, Deeping St James, Peterborough, Lincolnshire, PE6 8NJ
Proposal	Two storey three bedroom dwelling with dormers in roof
Location	24, Harvey Close, Bourne, Lincolnshire, PE10 9QJ
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT

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 as it constitutes a departure to the development plan.

The Proposal

This is a full application for the erection of a detached dwelling with room in the roof space on land adjacent 24 Harvey Close Bourne. Amended plans have been submitted stepping the rear elevation in order to minimise the impact on number 24 Harvey Close. This report relates to the development as amended.

The Application Site and its Surroundings

The application site is located in a residential area at the end of a cul-de-sac. To the south of the site lies agricultural fields, although these form part of the Elsea Park Development. To the east of the application site lies 24 Harvey Close a two storey detached property. To the west of the site lies 22, 22a and 22b Harvey Close these are three bungalows which have been constructed in recent years.

Relevant Site History

S07/1155 – this application was for the erection of a detached dwelling on the site the application was refused in October 2007 due to concerns about the impact on 24 Harvey

Close and that the scheme would potentially prejudice a more comprehensive form of development which would link in with the adjacent Elsea Park site.

S07/1747 in February 2008 a revised outline scheme was approved for a detached dwelling with room in the roof space. The scheme addressed concerns about the impact on 24 Harvey Close and following discussions with the local highway authority it became apparent that the proposed access through to the Elsea Park development was no longer desirable.

Policy Considerations

National Planning Policy:

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport

East Midlands Regional Plan:

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 13a: Regional Housing provision

South Kesteven District Council Core Strategy:

Policy SP1: Spatial Strategy
Policy EN1: Protection and Enhancement of the Character of the District
Policy H1: Residential Development

Representations Received

Heritage Lincolnshire: No objections

Bourne Town Council: No objections

Representations as a Result of Publicity

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

Concern that due to the steeply sloping roof the proposed roofline would be higher than existing properties on Harvey Close and significantly detract from the amenities of the occupiers of adjacent bungalows.

Concern relating to overlooking and loss of privacy

The proposed development is out of keeping with surrounding properties.

Loss of property value

Concerns about parking provision and lack of off-street parking

Concerns about noise and disturbance

A compact 2 bedroom property would be more appropriate.

Officer Evaluation

This is a full application for the erection of a detached dwelling with room in the roof space. Outline planning permission has previously been granted for the erection of a dwelling with room in the roof space under application S07/1747. The permission lapsed in February 2011. Since the last approval the Core Strategy has been adopted and the current proposal would amongst other things need to be assessed against Policy H1. Policy H1 states that new housing development in South Kesteven during the period 2006-2026 should be planned and phased to deliver the minimum level of housing development required by the Regional Plan. In order to achieve a proper distribution of development across the District the policy sets out a framework for distributing development. In respect of Bourne policy H1 states that development in Bourne should be restricted to that already committed via planning approval at the date of adoption of the Core Strategy.

Policy H1 clearly sets out a framework for delivering the minimum amount of housing development required in the District over the development plan period. This is however a minimum and not a maximum. Whilst the development is in the strictest of terms contrary to policy H1 of the development plan it would not compromise the overall aims of the policy. Policy H1 seeks to ensure that all major residential development in Bourne is on sites that have an extant planning consent or those which are allocated site such as the Elsea Park development. Whilst the Council would not wish to see additional large scale residential development other than these the odd small additional infill site of one or two dwellings would not compromise the overall aims and strategy of the development plan. In addition such sites can provide additional housing alternatives to those usually provided on larger residential developments.

The proposed dwelling has been designed to respect the scale and character of adjacent properties in the area. The properties on Harvey Close range from two-storey and single storey dwellings with varying design styles. The dwelling directly to the east of the site is a two storey detached dwelling with a ridge height of approximately 7m. The properties directly to the west of the site are single storey properties with ridge heights of approximately 5m.

The proposed dwelling has a ridge height of approximately 7.5m. The site ground level is however slightly lower than the adjacent properties which will help to ensure that the property does not appear overly dominant. Although higher than the adjacent bungalows the eaves level of the proposed dwelling is 2.5m, which will help to minimise the impact of the development. The front elevation of the adjacent bungalows will face on to the side gable of the proposed dwelling which would be located approximately 10m away. It is

considered that this separation distance will ensure that the proposed development does not have an overbearing impact on the adjacent property.

Given the siting and orientation of the plot and dwelling to adjacent properties it is considered that the development will not result in any significant loss of light or overshadowing. The rear elevation of the dwelling has been staggered in order to help minimise any potential impact on 24 Harvey Close.

Concerns have been raised in relation to a lack of off-street parking. The proposal includes a garage space and a space in front of the garage. A roller shutter door is proposed on the garage to enable the additional space to be created to the front of the dwelling. The proposed development would therefore have two off-street parking spaces. The site is located at the end of a turning head in an area where almost all of the properties have off-street parking provision. It is considered that the proposed development would not result in any significant adverse parking problems in the area.

One objection has been submitted raising concerns about noise disturbance. It is considered that given the separation distances that an additional dwelling in this location would not result in any significant noise or disturbance issues. It is however considered appropriate to impose a condition restricting the hours of construction given the very close proximity of adjacent properties.

Issues relating to loss of property values are not material planning considerations and cannot be taken into consideration during the determination of the application.

Section 106 Heads of Terms

Not required.

Crime and Disorder

The proposed development raises not 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

The proposed development is in accordance with national and local policies as set out in Planning Policy Statements 1, 3 and 13 and Policies 1 and 2 of the East Midlands Regional Plan 2009 and Policies SP1, SP3, and EN1 of the South Kesteven Core Strategy 2010. There is some conflict with policy H1 of the Core Strategy but it is considered that the

construction of a single dwelling would not significantly compromise the implementation of the South Kesteven Core Strategy in terms of housing numbers within Bourne. The material planning considerations relating to highway safety, residential amenity, loss of privacy, noise and disturbance and appearance have all been taken into account during the determination of this application and it is considered that the development complies with all relevant policies and that it would not have any significant adverse impacts.

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

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

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

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

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

3. No construction works, movement of construction traffic, and deliveries to and from the premises shall occur other than between 0730 and 1830 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: to protect the residential amenity of the occupiers of adjacent residential properties.

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

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

5. The first floor en-suite windows shall not be glazed otherwise than with obscured glass. The window shall be permanently retained in that condition thereafter. The window shall be obscured to a minimum level of Pilkington Glass level 3 or equivalent.

Reason: To protect the privacy of the occupiers of adjacent properties.

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Applicant	Jerry Bamford 18, Victoria Place, Bourne, Lincolnshire, PE10 9LJ
Agent	Mr S Percival, H A Architectural Services Orion House, 14, Barn Hill, Stamford, PE9 2AE
Proposal	Detached dwelling
Location	18, Victoria Place, Bourne, Lincolnshire, PE10 9LJ
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as an other application.

Reason for Referral to Committee

The proposal is a departure from the development plan.

The Proposal

The proposed dwelling is for a two storey three bedroomed house with a gabled elevation to the road and to the rear a two storey wing. Vehicular access to the property would be from the rear via an existing access adjacent to 48 Victoria Place.

Application Site and its Surroundings

The site comprises of part of the garden of 16 Victoria Place which has recently been granted planning permission for conversion into two units. The area is primarily

Relevant Site History

None

Policy Considerations

Core Strategy Policy SP1 allows for new development which helps to maintain and support the role of the market town of Bourne. It gives priority to sustainable sites within the built up part of the Town where development would not compromise the nature and character of the town and allocated sites.

Policy H1 Restricts residential development in Bourne to that which has already received planning approval at the date of adoption. The application is therefore a departure from the adopted plan.

Representations Received

Bourne Town Council: Object on the grounds that it is out of keeping with the character of the area.

County Council Highways: No objections subject to conditions.

Archaeology: Due to the possibility that the line of the original Car Dyke may be located close to the site and that activity/settlement relating to its function may be present an archaeological watching brief be maintained during groundworks.

Representations as a Result of Publicity

None.

Officer Evaluation

The proposal raise two key issues that of the current planning policy and its design and relationship to the surrounding area.

Planning Policy

In terms of the policy the proposal is for a single dwelling only on an infill plot , in a sustainable location and can be treated as an acceptable minor departure from the development plan.

Design

There is no strong vernacular style of housing in the immediate area with a whole variety of house types. The proposal is for a modest sized (84 sq metres) two storey house on a similar footprint to adjoining properties in the surrounding area. It is of a similar scale to dwellings in the area and the detailing to the front elevation includes sash type windows and a gabled element . Despite the views of the Town Council the design is considered acceptable.

Section 106 Heads of Terms

Not applicable.

Crime and Disorder

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.

Conclusion

The proposed development by reason of its design and siting is considered to be acceptable and will not unduly impact upon the streetscene or upon the residential amenities of adjoining occupiers. The access to the rear of the site is considered to be acceptable. Therefore the proposal is considered to be consistent with national policy PPS1 and South Kesteven Core Strategy Policy EN1.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development by reason of its design and siting is considered to be acceptable and will not unduly impact upon the streetscene or upon the residential amenities of adjoining occupiers. The access to the rear of the site is considered to be acceptable. Therefore the proposal is considered to be consistent with national policy PPS1 and South Kesteven 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 to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. Before the dwelling is occupied the access, turning space and parking area shall be completed in accordance with the approved plan dated the 31st May 2011 and retained for that use at all times.

Reason: To ensure safe access to the site and dwelling and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Reason: To ensure that adequate parking provision is retained.

4. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority and shall include the anticipated working methods, time scales and staffing levels. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing 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).

5. No development shall commence until the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and the dwelling shall not be occupied before it is connected to the agreed drainage system.

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

Note(s) to Applicant

1. The applicant and any future owner of the site should be aware of the need to prepare a detailed archaeological project specification in consultation with the Historic Environment Team (Heritage Trust for Lincolnshire) at Sleaford Tel: 01529 461499

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