

Agenda Item 5a

Agenda Number: PWM1
Application Number: S14/0927
Proposal: Demolition of existing industrial buildings and redevelopment of site for residential purposes (23 x dwellings)

Summary of information received:

Viability Appraisal

The applicant has submitted some revised information on build costs. They have stated that the original estimated floorspace of the dwellings was incorrect and should have stated 9 x detached 4 bed units of 111 sq m plus double garage and 14 x 3 bed semis of 82 sq m plus single garage. The original figures were based on an indicative 9 x detached 4 bed units of 125 sq m and 14 x 3 bed semis of 95 sq m. The updated information concludes that any contributions would reduce the developer profit to an unacceptable level. They have however offered to pay the £16907 towards provision of recreational facilities in Billingborough in order to conclude matters.

Abnormal Costs

Members have requested that in order to make an informed decision, information be provided on any abnormal costs involved in the proposed development in order to understand why the affordable housing contribution is significantly lower than the Aveland School site which is also on the agenda for this committee. Officers have taken legal advice on this issue which has concluded that it is permissible to release this information.

Additional Comments from the Valuation Office Agency (VOA)

Officers have reconsulted the VAO on the issues raised above and they have submitted the following comments:

“You have asked that I clarify a number of aspects of my attached viability appraisal:

- 1. The abnormal costs for this scheme are predominantly to cover demolition works of existing buildings. It is fair and reasonable to include demolition costs as an abnormal development cost. In this case the applicant adopted £175,000 to cover these works, which we felt was too high (and subsequently reduced this to £133,000).*
- 2. I can confirm that the local sports facilities contribution of £16,907 is already factored in as a cost of the development. Any surplus generated in the appraisal is therefore in addition to this contribution.*
- 3. We accepted the applicants build costs as being within an acceptable tolerance for a scheme of this nature (factoring in that this is at outline stage the full details are yet to be determined).*
- 4. In their attached email the applicant suggested the 4 bed detached units should be 111 sq m, and the 3 bed semi's 82 sq m, both of which excluded garages. In my appraisal I adopted a unit size of 125 sq m for the 4 bed detached dwellings, and 95 sq m for the 3 bed semis. Both of which are deemed to include garages. Please note, both myself and the applicant are in agreement in terms of the house revenues and to confirm both of us have assumed garages would be provided when coming to this conclusion on price. I can also confirm that my adopted build costs allows for the construction of the garages.*

In summary, there has been some confusion over the suggested size of the dwellings in the scheme, and in particular whether the 3 bed semi's should be 85 sq m each or 95 sq m. The confusion appears to be borne out of how the garages are factored into the assessment. To be clear, my scenario 2, as attached, factors in the garages into both the revenue generated and also the construction costs. I therefore consider this to be the most appropriate Scenario to present to Committee”.

The VOA have also advised that the sales value per sqm is significantly lower than that of the Aveland site because of the less attractive context adjacent to industrial/commercial uses.

Officer comments on issues raised:

Based on advice from the VOA, the key difference between this site and the Aveland site in terms of the amount of planning obligations that can be afforded, is the lower sales value.

In respect of the Section 106, again based on the advice of the VOA, officers do not accept the applicant's argument that the development would be unviable with an affordable housing contribution. In addition the VOA have clarified that the surplus of £51937 is in addition to the £16907 for upgrade of recreational facilities in Billingborough which gives a total of £68,844.

Changes to recommendation: No change to the formal officer recommendation in the report, but officers recommend that the section 106 agreement referred to in the recommendation includes financial contributions of £16907 for upgrade of recreational facilities in Billingborough and £51937 towards affordable housing in nearby villages.

Agenda Item 5b

Agenda Number: PWM2
Application Number: S14/1316
Proposal: Residential development and use of former school playing field for community uses of site for residential purposes

Summary of issues raised:

Section 106 Agreement

Members have requested that the S106 agreement include payment of a financial contribution towards works that are reasonably necessary to enable the former playing field to be used as community open space including upgrades to the access and track.

Such an approach has been carefully considered by officers, in consultation with the Council's legal team. It has been concluded that it will not be possible for the following reasons:

- The starting point is the adopted Local Plan SAP policy SAP LSC1a:

LSC1e(Billingborough): residential development will only be permitted on the previously developed part of the former Aveland High School [approximately 1.5ha]. The remainder of the site [approximately 2.5ha] should be provided as open space for community use (including playing fields and allotments), to be accessed along the track adjacent to the development.

- Whilst there is no specific requirement for any upgrade to the community land or access written into this policy, or who should own or maintain it, officers have taken the view that works reasonably necessary to enable the land to be brought into that use, including improvements to the access and track etc, as well as the existing use value of the land (that LCC would have obtained from selling it on the open market) are costs of the development as a whole (to enable it to comply with policy LSC1a above) and therefore have been factored into the viability assessment carried out by the Council's viability consultant (the VOA). These and other additional development costs as well as the need to ensure a competitive return to the landowner and developer, mean that a reduced number of affordable houses (28% reduced from 35%) can be justified. In that sense the estimated costs are already included in the S106 as proposed.
- Government guidance is very clear that conditions should be the preferred option where they can be used instead of S106. NPPF para 204 states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

- NPPF para 205 states:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;*
- directly related to the development;*
- and fairly and reasonably related in scale and kind to the development.*

- In addition, the NPPF policy tests above are enshrined as statutory tests in the Community Infrastructure Levy Regulations 2010 (As Amended):

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.*

- Conditions 4, 5 & 8 are intended to ensure that detailed specification of the upgrading works is submitted to and approved by the Council, and that the works are subsequently carried out and the land brought into community use before the residential development is commenced. Therefore the developer of the residential part of the development is obliged to carry out these works before they can build the houses. In addition, this application is in outline form with all matters reserved so although indicative details have been submitted, all costs are necessarily based on estimates and it is not known at this stage what the final specification of the works or exact uses of the playing field will be or proportion of land divided between different uses. The costs of any upgrading works cannot be specified exactly or based on a formula in the Councils Planning Obligation SPD as they arise from the allocation policy SAP LSC1a in the SAP rather than a direct consequence of a quantified need that allowing the residential development would provoke. All reserved matters have to be approved before any development can start in accordance with condition 2. The application site is in single ownership and includes both the residential and playing field areas so it is explicitly an application for a single development rather than 2 separate entities so the use of conditions in this way is considered reasonable.
- Lincolnshire County Council as landowner and applicant and Billingborough Parish Council as potential future landowner of the playing fields are competent public bodies so there is no reason to believe that the proposed arrangements for transferring the land to the PC or carrying out the works will not be carried out as proposed. It is understood that both councils have worked on this project proactively together and have an understanding that this would happen.

Taking the above into account, it is considered that the recommended conditions are sufficient to ensure compliance with planning policy and that a fixed contribution in the S106 would meet neither the statutory tests of Section 122 of the Community Infrastructure Levy Regulations 2010 (As Amended), or government guidance on the use of planning obligations.

Notwithstanding the above, for the avoidance of doubt, officers have asked the applicant to provide evidence that the community open space will be provided in the manner set out in the application. Such evidence is expected to be submitted before the application is signed off by the Chairman and Vice Chairman in consultation with the Business Manager for Development Management and Implementation.

Drainage

Following submission of an updated floodrisk assessment and drainage strategy, the Environment Agency (as statutory consultee) has withdrawn their holding objection. Subject to the details required by condition 9, the proposal is therefore acceptable in flood risk and surface water drainage terms

Changes to recommendation: No change

S15/0432

Additional Information

The final Unilateral Undertaking has been received from the applicant's agent along with revised plans to address minor boundary errors.

Proposal

Application for full planning permission in relation to the proposed erection of a single storey bedroom dwelling and garage to be used in association with the livery stables at the site.

Information Received

The applicant's agent has provided an engrossed copy of the Unilateral Undertaking and confirmed that he has instructions to execute the deed in line with the requirements of the District Council's Solicitors.

Officer Comment

The Unilateral Undertaking provides for the removal of the existing caravans at the site (upon the occupation of the new dwelling) and the cessation of the use of the land for the siting of caravans. These clauses are in line with those anticipated by officers and set out in the Committee report. The overall recommendation therefore remains unchanged.

In relation to the wording of condition 2, it is proposed that this be revised to reflect the necessary updated versions of the drawings to correct minor discrepancies in the boundary line alignments.

With regard to condition 3, and having regard to central government advice encouraging flexibility, it is also proposed to alter the wording of the condition to provide that in future the dwelling can be used in relation to any other business that has to be located in the countryside.

Changes to Recommendation: No change to recommendation but that the wording to conditions 2 and 3 be amended to read as follows :-

Condition 2

"Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans/drawings submitted as part of the application:

Drawing No. PA001 Rev A (received on 16 July 2015)

Drawing No. PA002 Rev A (received on 16 July 2015)

Drawing No. PA003 (received on 5 March 2015)

Drawing No. PA004 Rev A (received on 16 July 2015)

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

Condition 3

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the livery stables business at Frognall Livery or any other business that has to be located in the countryside, or a widow or widower of such a person.

Reason: The site lies within an area where new build dwellings would not normally be permitted.

S14/1921/FULL

Additional Information

Proposal

Erection of Outbuildings and terracing of Garden

Correction to Committee Report

Paragraph 4.1

The dimensions of the outbuilding are 3.3 metres in height at its highest point and is 7.3 metres in length with a width of 3.2 metres, as indicated on the submitted elevation plan received 01-04-2015.

The greenhouse is 2.9 metres in height and 3.05 metres in length.

For an outbuilding to be considered permitted development the height of the building, enclosure or container must not exceed 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse.

Therefore the outbuildings cannot be considered as permitted development due to the height exceeding 2.5 metres.

The bird cage is attached to the proposed outbuilding and is 2.5 metres in height and 2.6 metres in length, although this falls within the category of permitted development, the outbuilding at present is unauthorised and therefore any further additions to this building require planning permission in their own right.

Verandas, balconies and raised platforms are not permitted development under Class E, a raised platform is defined as any platform that has a height of more than 300 millimetres, therefore the terracing by exceeding 300mm requires planning consent.

In addition it should be noted when the application was first submitted the works were on land within the residential curtilage of Brook Place and not the application site, therefore permitted development rights were not available due to the land being outside the residential curtilage of the host dwelling.

Paragraph 9.4

This paragraph is no longer relevant in this instance, any potential noise issues from the outbuildings will be dealt with by environmental protection, should the buildings at any time be used for purposes other than indicated within the submitted planning application then a separate planning application would be sought and determined on its own merits.

Changes to Recommendation

No changes to the recommendation contained in the main report and no additional conditions added.

Additional Information

S14/1592/HSB

Proposal: Installation of Two Biomass Combined Heat and Power Units, Feed Hoppers and Associated Activities and Woodchip Storage

Information Received

A response from Rutland County Council requesting a lorry routing agreement for the site and the keeping of a vehicle movement log similar to the adjacent quarry.

Officer Comments on Information Received

Lincolnshire County Council Highways had no objection to the proposal and consider that there is not a need for a routing agreement or a vehicle log due to the limited level of vehicular movements proposed.

As a comparison the adjacent quarry to the north of the application site, which uses the same vehicular access to the west of the site, has lorry movements of three lorries per day, this application has lorry movements of 42 per year (an average of 3-4 lorry movement per month).

Operational Information

Within the submitted Design and Access Statement by importing round timber for onsite chipping would involve 42 deliveries per year, if the wood was imported pre-chipped this would increase to between 100-120 deliveries per year.

The applicant has indicated that no wood chippings are exported from the site.

Additional Information

Energy Output - The total energy demand for the site is 400,000kwh, broken down into 180,000 for the farmhouse and outbuildings (electric heating and power), 20,000 for grain dryer fans and pumps, 60,000 for wood drying (out of season in the grain dryer) 10,000 additional farm operations and 48,000 for power to operate the boilers and associated loads. That is a total of 318,000 with the boilers generating 400,000 so an annual surplus of 82,000 (20% exported to the National Grid). The power supply goes directly to the buildings and equipment on site with any excess put into the National Grid, all supplies are monitored on site.

Alterations to Conditions

None.

Planning Policy

In relation to the NPPF the proposal looks to provide an alternative form of power generation that delivers renewable and low carbon energy and local authorities are encouraged to support energy development applications if any impacts on the surroundings are, or can be, acceptable.

Regarding the Local Plan, proposals for renewable energy generation shall be approved providing it can be efficiently connected to the National Grid and that any emissions/impacts from the installation can be mitigated against.

The current proposal seeks to address these issues.

Changes to Recommendation:

No changes to the recommendation contained in the main report.

Agenda Item 5f

Agenda Number: PWM3
Application Number: S15/1611
Proposal: (PL/0082/15) or the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site

Additional Information Received:

Objections received from Denton Parish Council, GOLAG (local opposition group) and members of the public

The issues raised are summarised below:

- There is no need for the limestone aggregate it would produce.
- limestone is not high quality
- There is no need for the landfill hole it would create.
- It would destroy an environmentally important area.
- It would be a disruptive health and safety risk.
- The land is needed for farming.
- Damage to aquifer
- No local economic benefit

Validity of previous permissions

It has also been pointed out that there is no firm evidence in the submission that the permissions relating to much more extensive quarrying operations are still extant.

Changes to recommendation: Officers recommend that in addition to the points raised in the original report, the District Council should send copies of the objections mentioned above to the County Council. In addition to advise the County Council that they should be satisfied that the historic permissions are actually still extant when making their decision.