

# AGENDA



For a meeting of the  
**DEVELOPMENT CONTROL COMMITTEE**  
to be held on  
**TUESDAY, 21 JULY 2015**  
at  
**1.00 PM**  
in the  
**COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL,  
GRANTHAM. NG31 6PZ**  
**Beverly Agass, Chief Executive**

Committee Members:	Councillor Mrs Pam Bosworth, Councillor Barry Dobson, Councillor Helen Goral, Councillor Mrs Rosemary Kaberry-Brown, Councillor Michael King, Councillor Charmaine Morgan, Councillor Helen Powell, Councillor Robert Reid, Councillor Nick Robins, Councillor Jacky Smith (Vice-Chairman), Councillor Mrs Judy Smith, Councillor Judy Stevens, Councillor Adam Stokes, Councillor Brian Sumner, Councillor Mrs Brenda Sumner, Councillor Martin Wilkins (Chairman) and Councillor Rosemary H Woolley
Committee Support Officer:	Jo Toomey Tel: 01476 40 60 80 (Ext. 6152) E-mail: <a href="mailto:democracy@southkesteven.gov.uk">democracy@southkesteven.gov.uk</a>

**(PLEASE NOTE THAT THERE WILL BE A COMFORT BREAK AT 3.00PM FOR TEN MINUTES)**

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

**1. MEMBERSHIP**

The Chief Executive to notify the Committee of any substitute members

**2. APOLOGIES FOR ABSENCE**

**3. DISCLOSURE OF INTERESTS**

Members are asked to disclose any interests in matters for consideration at the meeting

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**4. MINUTES OF THE MEETING HELD ON 23 JUNE 2015**

**(Enclosure)**

**5. PLANNING MATTERS**

To consider applications received for the grant of planning permission – reports prepared by the Case Officer. **(Enclosure)**

*The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.*

- (1) **Application ref:** S14/0927  
**Description:** Demolition of existing industrial buildings and redevelopment of site for residential purposes (23xdwellings)  
**Location:** Grimers Transport, West Road, Billingborough
- (2) **Application ref:** S14/1316  
**Description:** Residential development and use of former school playing field for community uses  
**Location:** Former Aveland High School, Birthorpe Road, Billingborough
- (3) **Application ref:** S15/0432  
**Description:** Erection of bungalow with garage in connection with existing livery business  
**Location:** Frognall Livery, Village Streets, Frognall
- (4) **Application ref:** S14/1921  
**Description:** Erection of outbuildings and terracing of garden  
**Location:** 33A, Newton Way, Woolsthorpe-by-Colsterworth
- (5) **Application ref:** S14/1592  
**Description:** Installation of two biomass combined heat & power units, feed hoppers and associated activities and woodchip storage  
**Location:** Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ
- (6) **Application ref:** S15/1611  
**Description:** (PL/0082/15) or the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site  
**Location:** Land at Gorse Lane, Denton

**6. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

## **PUBLIC SPEAKING**

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2014/15 meetings are:

<b>Meeting Date</b>	<b>Notification Deadline</b>
Tuesday 21 July 2015, 1pm	Monday 20 July 2015, 1pm
Tuesday 18 August 2015, 1pm	Monday 17 August 2015, 1pm
Tuesday 15 September 2015, 1pm	Monday 14 September 2015, 1pm
Tuesday 13 October 2015, 1pm	Monday 12 October 2015, 1pm
Tuesday 10 November 2015, 1pm	Monday 9 November 2015, 1pm
Tuesday 8 December 2015, 1pm	Monday 7 December 2015, 1pm
Tuesday 12 January 2016, 1pm	Monday 11 January 2016, 1pm
Tuesday 9 February 2016, 1pm	Monday 8 February 2016, 1pm
Tuesday 8 March 2016, 1pm	Monday 7 March 2016, 1pm
Tuesday 5 April 2016, 1pm	Monday 4 April 2016, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers' presentations. There is a time limit of 10 minutes for each speaker.

## **ORDER OF PROCEEDINGS**

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
  - a. District Councillors who are not Committee members
  - b. Representative from town/parish council
  - c. Objectors to an application
  - d. Supporters of an application
  - e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 23 JUNE 2015



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## COMMITTEE MEMBERS PRESENT

Councillor Mrs Pam Bosworth  
Councillor Barry Dobson  
Councillor Mike Exton  
Councillor Mrs Rosemary Kaberry-Brown  
Councillor Michael King  
Councillor Charmaine Morgan  
Councillor Helen Powell  
Councillor Nick Robins

Councillor Bob Russell  
Councillor Mrs Judy Smith  
Councillor Jacky Smith (Vice-Chairman)  
Councillor Judy Stevens  
Councillor Adam Stokes  
Councillor Ian Stokes  
Councillor Dean Ward  
Councillor Rosemary H Woolley

## OFFICERS

Business Manager, Development  
Management and Implementation (Dylan  
Jones)  
Planning Officers (Phil Moore, Paul  
Milne, Joe Qureshi)  
Solicitor (Colin Meadowcroft)  
Principal Democracy Officer (Jo Toomey)

## OTHER MEMBERS

Councillor Ray Wootten

*(In accordance with Article 9.1.9 of the  
Council's Constitution, Councillor  
Wootten spoke in connection with  
applications KC1: S14/3564 and KC2:  
S14/3565)*

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## 8. MEMBERSHIP

The Committee was notified that under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received appointing: Councillor Exton for Councillor Goral, Councillor Ward for Councillor Brian Sumner, Councillor Ian Stokes for Councillor Mrs Brenda Sumner and Councillor Russell for Councillor Wilkins.

## 9. DISCLOSURE OF INTERESTS

Councillor Robins declared a disclosable pecuniary interest in applications S15/1116 and S15/1118 which both related to the Old Church, High Street, Corby Glen because he was the applicant. In accordance with the Council's Constitution, Councillor Robins left the meeting during discussion of the two

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applications.

Councillor Robins also declared a non-registerable interest in application S15/0522 which related to the extension of a warehouse because the applicant was a customer of his business. He stated that his connection to the applicant would not influence his decision-making and confirmed that he approached consideration of the application with an open mind.

## 10. MINUTES OF THE MEETING HELD ON 26 MAY 2015

The minutes of the meeting held on 26 May 2015 were agreed as a correct record.

*13:05 – Councillor Stevens entered the meeting*

## 11. PLANNING MATTERS

(1) **Application ref:** S15/0383

**Description:** Installation of solar farm (14.82ha) and associated equipment and infrastructure

**Location:** Land south-east of Pasture Farm, Allington Lane, Allington, Grantham, NG32 1EQ

**Decision:**

**To grant planning permission subject to conditions**

Noting comments made during the public speaking session by:

- Wai Kit Cheung (applicant)

Together with:

- No objection subject to appropriate conditions from Lincolnshire County Council Highways
- No objections from Highways England subject to conditions
- Comments from the Heritage Trust of Lincolnshire
- Comments from Historic England
- Support and suggestions from Lincolnshire Wildlife Trust
- Standing advice from Natural England
- No safeguarding objections from the Ministry of Defence or the National Air Traffic Service
- No objection subject to a condition from Network Rail
- No objection from the Environment Agency subject to compliance with mitigation measures
- No objection from the Upper Witham Internal Drainage Board
- An objection and concerns from Sedgebrook Parish Council

- No objection from Great Gonerby Parish Council
- No comments received from Barrowby Parish Council
- Three letters of objection received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report, which reported an independent review of the agricultural land classification and clarification that an ecological management plan had already been submitted, together with officer comments thereon
- Comments made by Members at the meeting

During discussion on the application, members of the Committee referred to the character of Lincolnshire and its role in food production, the distinction in quality between soil classified as 3a and 3b, the appropriateness of using agricultural land for solar farming and sequential testing to identify sites that would be sequentially preferable, screening of the site through landscaping and biodiversity including the grazing of sheep. Landscaping and biodiversity matters were addressed in the Landscape, Biodiversity and Agricultural Management Plan.

It was proposed and seconded that the application be refused, contrary to the planning officer's recommendation to approve the application, because it was adverse in relation to the landscape and visual impact as well as more than substantial harm to the settings of heritage assets that result in conflict with policy EN1 of the South Kesteven Core Strategy and that it was considered that the public benefits of the proposed development were outweighed by the environmental impact and that the development had not been demonstrated to be necessary in accordance with the Core Strategy and Planning Practice Guidance.

The Principal Democracy Officer reminded members of the Committee of the procedure that must be followed where the Committee proposed refusal of an application against officer recommendations. If the Business Manager, Development Management and Implementation accepted that the reason for refusal was defensible, the Committee would be entitled to refuse the application outright. If he did not agree with the reason for refusal then the proposition would become 'minded to refuse' and a cooling off period invoked to allow members to submit reasons for refusal, which would then be considered and the application determined at the next meeting of the Committee.

The Business Manager, Development Management and Implementation stated that he accepted the reason that had been put forward by members, however, on being put to the vote, the proposition was lost.

A new proposal was put forward that the application be approved for the

reasons set out in the case officer's report and subject to the following conditions and notes:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Written notification of the date of commencement of the development hereby permitted shall be submitted to the Local Planning Authority no later than 14 days after the event.
2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application, unless otherwise agreed in writing with the local planning authority:

Site Layout 1:10000

Site Layout 1:2500

Grantham Solar Farm P03 CC RevA  
Grantham Solar Farm P04 DI RevA  
Grantham Solar Farm P06 SA RevA  
Grantham Solar Farm P07 TS RevA  
Grantham Solar Farm P08 CS RevA  
Grantham Solar Farm P09 CT RevA  
Grantham Solar Farm P11 SC RevA  
Grantham Solar Farm P12 PC RevA  
Grantham Solar Farm P13 PE RevA  
Grantham Solar Farm P15 MB RevA  
Grantham Solar Farm P16 AT RevA  
Grantham Solar Farm P18 Sensor RevA  
Grantham Solar Farm P18 FGE RevA  
Grantham Solar Farm CCTV1 RevA  
Grantham Solar Farm CCTV2 RevA  
Grantham Solar Farm P22 PAT RevA

All received 31 March 2015

Grantham Solar Farm P14 DNO RevB received 26 May 2015

3. The development hereby permitted shall be removed in accordance with condition 4 below after a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be submitted to the Local Planning Authority no later than 14 days after the event.
4. No later than 9 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and

associated above ground works approved under this permission. The scheme, as approved, shall be implemented within 6 months of the expiry of this permission. For the avoidance of doubt, the expiry of this permission is 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date

5. If, as a result of events or conditions within its control after the first export date, the solar farm hereby permitted fails for a continuous period of 12 months (the "cessation period") to produce electricity for supply to the local electricity grid network, then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 6 months of the date of its agreement by the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no access track or means of enclosure other than those expressly permitted pursuant to condition 2 shall be constructed.
7. The development shall be carried out in accordance with the submitted Landscape, Biodiversity and Agricultural Management Plan (LBAMP) in conjunction with the amended Landscape and Biodiversity Masterplan received 05 June 2015.
8. No external artificial lighting shall be installed during the operational phase of the solar farm unless otherwise agreed in writing by the local planning authority.
9. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
10. The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA
11. The delivery of plant, materials and equipment to the development hereby permitted shall be undertaken in accordance with the submitted details of Construction Traffic Management Plan (CTMP) dated 13 May 2015. In particular, only HGV traffic to use Allington Lane, other site traffic to access via Gonerby Lane.

12. Within 24 months of the completion and commencement of operations of the development hereby approved in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

#### Note(s) to Applicant

1. You are advised that the development should be carried out in accordance with the submitted Construction Management Plan.
2. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any watercourse will require consent from the Board including the access culvert within the site. A consent form is attached for the use of the applicant. (Upper Witham, Witham First District & Witham Third District IDB)
3. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

(2) **Application ref:** S14/3564

**Description:** Construction of four apartment buildings comprised of 5no. one bed apartments and 21no two bed apartments

**Location:** 85 Manthorpe Road, Grantham, NG31 8DE

**Decision:**

**To refuse planning permission**

*14:54 – Councillor Mrs Kaberry-Brown left the meeting*

Noting comments made during the public speaking session by:

- Councillor Ray Wootten (St Wulfram's Ward Councillor)
- Trevor Burdon (against)

- Jean Parker (against)
- Veronica Wheeler (against)
- Madge Robinson (against)
- John Manterfield (against)
- Dr F. N. Porter (against)
- Richard Marriott (against)
- Kate Midgley (against)
- Adam Partington (for)
- Rachel Bradley (for)
- Keith Clarke (applicant's agent)

Together with:

- No objection from Lincolnshire County Council Highways subject to conditions
- Comments from Planning Policy
- No objection from the Environment Agency
- Comments from Anglian Water
- Comments from Grantham Civic Society
- Comments and a requested condition from the Environment Agency
- Concerns from Waste and Recycling
- Comments from the Lincolnshire Police Crime Prevention Design Advisor
- No objection from the South Kesteven District Council drainage officer
- No objection from Heritage Lincolnshire
- Comments from the Principal Conservation Officer
- Request for financial contributions for affordable housing and open space
- No requests for contributions from Lincolnshire County Council (Education) and NHS England (Health)
- Comments from the District Valuer
- 29 letters of objection received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting

*15:01 – Councillors Powell and Dobson left the meeting*

*15:02 – Councillor Powell returned to the meeting*

*15:04 – Councillor Dobson returned to the meeting*

*The meeting was adjourned at 15:13 following the representation put by Councillor Wootten and resumed at 15:36*

15:56 – Councillor Mrs Kaberry-Brown returned to the meeting

16:13 as the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed.

Lengthy discussion on the proposal ensued, which included the viability assessment of the scheme, the proposed retention of trees and new landscaping, and the impact of additional vehicles on the Manthorpe Road/Belton Lane junction. Members expressed concerns about the mass, density and character of the building in the context of the heritage setting of the application site, notably the Conservation Area and a number of listed buildings.

A proposal was put forward to defer determination of the application to enable the Committee to examine and understand the viability assessment. Officers advised that to defer making a decision could lead to an appeal for non-determination. Following further discussion, the proposal to defer the application was withdrawn.

A new proposal was put forward: that the application be refused, contrary to an officer recommendation to approve, because the mass, impact and size of the proposed development would unacceptably affect the character and appearance of the area and detract from the setting of the Grantham Conservation Area. This was seconded and the Business Manager, Development Management and Implementation confirmed that he was prepared to accept the reason for refusal to allow the committee to make an outright decision rather than invoking the cooling off period.

During discussion certain members expressed concern over the impact of the development on highway safety. The Business Manager, Development Management and Implementation stated that he could not support this as a reason for refusal because no objection had been raised by Lincolnshire County Council Highways and there was no independent evidence to support the views voiced by members of the public and Councillors' local knowledge. It was also suggested reference to the viability appraisal might be included in the reason for refusal, however, officers again advised that this could not be supported.

On being put to the vote the application was refused for the following reason:

*It is considered that the proposal, by virtue of the design, scale, massing, and prominent location within the streetscene, would not be in keeping with the character and appearance of the area and would harm the settings (and therefore the significance) of the conservation area and nearby listed buildings. Whilst the harm would be less than substantial, it is not considered to be outweighed by the public benefits of the proposal. It is therefore considered that the proposal is contrary to NPPF sections 7 & 12*

*and South Kesteven Core Strategy policy EN1.*

*There are fundamental objections to the proposal which have not been overcome. In order to avoid further delay, the decision has been issued in a timely fashion. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework*

*17:18 – Councillor Morgan left the meeting*

*17:20-17:33 – the meeting was adjourned. Councillor Dobson did not return to the meeting after the recess.*

(3) **Application ref:** S14/3565:

**Description:** Construction of 26no. two bedroom apartments and associated parking

**Location:** 85 Manthorpe Road, Grantham, NG31 8DE

**Decision:**

**To refuse planning permission.**

Noting comments made during the public speaking session by:

- Councillor Ray Wootten (St Wulfram's Ward Councillor)
- Trevor Burdon (against)
- Jean Parker (against)
- Veronica Wheeler (against)
- Madge Robinson (against)
- John Manterfield (against)
- Kate Midgley (against)
- Adam Partington (for)
- Keith Clarke (applicant's agent)

Together with:

- No objection from Lincolnshire County Council Highways subject to conditions
- Comments from Planning Policy
- Comments from Grantham Civic Society
- Request for a condition from the Environment Agency
- Comments from Waste and Recycling
- Comments from the Lincolnshire Police Crime Prevention Design Advisor
- Comments from the South Kesteven District Council drainage officer
- No objection from Heritage Lincolnshire
- Comments of the Principal Conservation Officer
- Comments of the consultant arboriculturalist
- Request for contributions from the Open Space Officer and for

- affordable housing
- No requests for contributions towards education of health
- Comments of the district valuer
- 29 letters of objection received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting

*17:58 – Councillor Exton left the meeting*

It was proposed and seconded that the application be refused, contrary to an officer recommendation to approve, because the mass, impact and size of the proposed development would unacceptably affect the character and appearance of the area and detract from the setting of the Grantham Conservation Area and that the proposed design was not compatible with the Conservation Area. The Business Manager, Development Management and Implementation confirmed that he was prepared to accept the reason for refusal to allow the committee to make an outright decision rather than invoking the cooling off period.

On being put to the vote the application was refused for the following reason:

*It is considered that the proposal, by virtue of the design, scale, massing, and prominent location within the streetscene, would not be in keeping with the character and appearance of the area and would harm the settings (and therefore the significance) of the conservation area and nearby listed buildings. Whilst the harm would be less than substantial, it is not considered to be outweighed by the public benefits of the proposal. It is therefore considered that the proposal is contrary to NPPF sections 7 & 12 and South Kesteven Core Strategy policy EN1.*

*There are fundamental objections to the proposal which have not been overcome. In order to avoid further delay, the decision has been issued in a timely fashion. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.*

*As applications S15/1116/FULL and S15/1118/LB related to the same site, the Chairman stated that the applications would be considered together but voted on separately*

*18:10 – Councillor Robins left the meeting having disclosed a pecuniary interest in the applications S15/1116 and S15/1118.*

(4) **Application Ref:** S15/1116

**Description:** Change of use of former Church to dwelling including proposed vehicular access and alterations to front boundary wall

**Location:** The Old Church, High Street, Corby Glen, NG33 4LU

**Decision:**

**To grant planning permission subject to conditions**

Noting comments made during the public speaking session by:

- Ian Williams

Together with:

- No objection from English Heritage subject to appropriate conditions
- No objection and comments from Environmental Protection
- Comments from Lincolnshire County Council Highways
- Comments from the consultant arboriculturalist
- Letters of representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting

During his presentation, the officer informed members that the recommendation had been updated because of ongoing discussions with Lincolnshire County Council Highways regarding visibility from the access and traffic speed readings that the applicant had not submitted.

It was proposed and seconded that the application be approved outright and that the applicant should not be required to commission a transport speed survey. The Business Manager, Development Management and Implementation recommended that the Committee follow the recommendation to delegate approval to him in conjunction with the Chairman and Vice-Chairman to enable consultation with Highways to continue or the speed survey was undertaken.

A number of members expressed their opinion that the speed survey was not necessary, citing 'Manual for Streets' while other members said they had concerns about determining the application without the professional advice of Highways.

On being put to the vote it was agreed that the application be approved subject to the list of reasons set out in the case officer's report subject to the following conditions and note:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before any development commences details of any pruning to the yew tree within the car park area will be submitted to and approved in writing by the local authority.
3. The construction of the parking area shall be by way of the no-dig method only in line with the method statement in the accompanying report.
4. Before any development commences details of how the pillars are to be installed inside the Root Protection Areas shall be submitted and approved in writing by the local authority.
5. Site tree protection during development shall be carried out as described in the submitted arboricultural report and tree protection plan.
6. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number: 1850/02 Rev B received on 26th May 2015

Note(s) to Applicant

If further pruning to the trees to facilitate access to the site is required, site specific detail relating to pruning works required to facilitate the development area should be submitted to & approved by the LPA in writing.

(5) **Application Ref:** S15/1118

**Description:** Alterations to access and front boundary wall

**Location:** The Old Church, High Street, Corby Glen, NG33 4LU

**Decision:**

**To grant planning permission subject to conditions**

Noting comments made during the public speaking session by:

- Ian Williams (for)

Together with:

- Comments from English Heritage
- 3 letters of representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting

It was proposed, seconded and, on being put to the vote, agreed that the application be approved subject to the list of reasons set out in the case officer's report and subject to approval of final details by the Highway Department and subject also to the following conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
2. No works shall take place on the site until drawings showing full details (including cross-sections and external finishes) of an east-west section through the site show existing and proposed ground levels are submitted to and approved in writing by the local authority. The works shall be carried out in strict accordance with the approved details.
3. All works in relation to making good in connection with the re-building works hereby approved shall be undertaken in materials which match those of the existing immediate surrounding historic built fabric.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number 1850/02 Rev B received on 26th May 2015.

*18:49-18:57- the meeting adjourned. Councillors Mrs Kaberry-Brown, Powell and Ward did not return to the meeting following the recess while Councillor Robins returned to the meeting on its resumption.*

(6) **Application Ref:** S15/0522

**Description:** Extension to warehouse

**Location:** Barnswell Limited, North Witham Road, South Witham, Grantham, NG33 5QQ

**Decision:**

**To grant planning permission subject to conditions**

Noting comments made during the public speaking session by:

- Drew Sandham (applicant)

Together with:

- An objection from South Witham Parish Council
- 1 letter of representation received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by Members at the meeting
- Additional location plans circulated with the additional information report

It was proposed and seconded that the application be approved for the reasons set out in the case officer's report 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.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
3. The arrangements shown on the approved plan 2736-14/05B dated 29-05-2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing No. 2736-14 02B. Received 02-03-2015.

Drawing No. 2736-14 03B. Received 02-03-2015.

**12. CLOSE OF MEETING**

The meeting was closed at 19:11.

# Agenda Item 5

## COMMITTEE: 21 July 2015

	<u>NO.</u>	<u>PAGE</u>	<u>PROPOSAL AND LOCATION</u>	<u>REC</u>
PWM1	S14/0927	1	Demolition of existing industrial buildings and redevelopment of site for residential purposes (23 x dwellings) Grimers Transport, West Road, Billingborough	AC
PWM2	S14/1316	18	Residential development and use of former school playing field for community uses Former Aveland High School, Birthorpe Road, Billingborough	AC
AH1	S15/0432	36	Erection of bungalow with garage in connection with existing livery business Frognall Livery, Village Streets, Frognall	AC
LLDP1	S14/1921	50	Erection of outbuildings and terracing of garden 33A, Newton Way, Woolsthorpe-by-Colstherworth	AC
PL1	S14/1592	61	Installation of two biomass combined heat & power units, feed hoppers and associated activities and woodchip storage Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ	AC
PWM3	S15/1611	71	(PL/0082/15) or the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site Land at Gorse Lane, Denton	A

# Agenda Item 5a

PWM1 **S14/0927/MJRO**

Target Decision Date: 07-Jul-2014

Committee Date: 21-Jul-2015

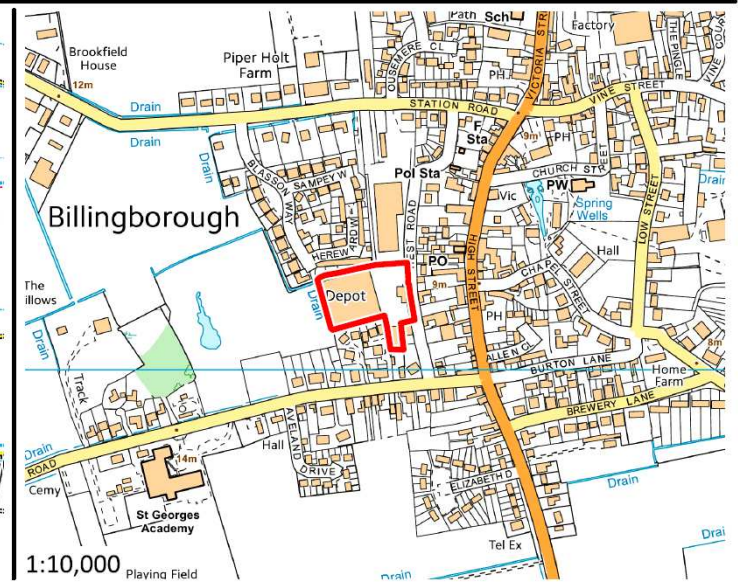
Applicant	<b>Mr Peter Burrows, Lindpet Properties Ltd</b> Lindpet House, 5, Market Place, Grantham, Lincolnshire, NG31 6LJ
Agent	Mr Matt Hubbard, Antony Aspbury Associates Limited 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW
Proposal	<b>Demolition of existing industrial buildings and redevelopment of site for residential purposes (23 x dwellings)</b>
Location	<b>Grimers Transport, West Road, Billingborough, NG34 0NR</b>
App Type	Major Outline (Residential)
Parish(es)	Billingborough
Reason for Referral to Committee	This application has been referred to the committee by the authorised officer by virtue of the scale of development. It also requires a S106 agreement
Recommendation	Approved subject to condition(s)

## Key Issues

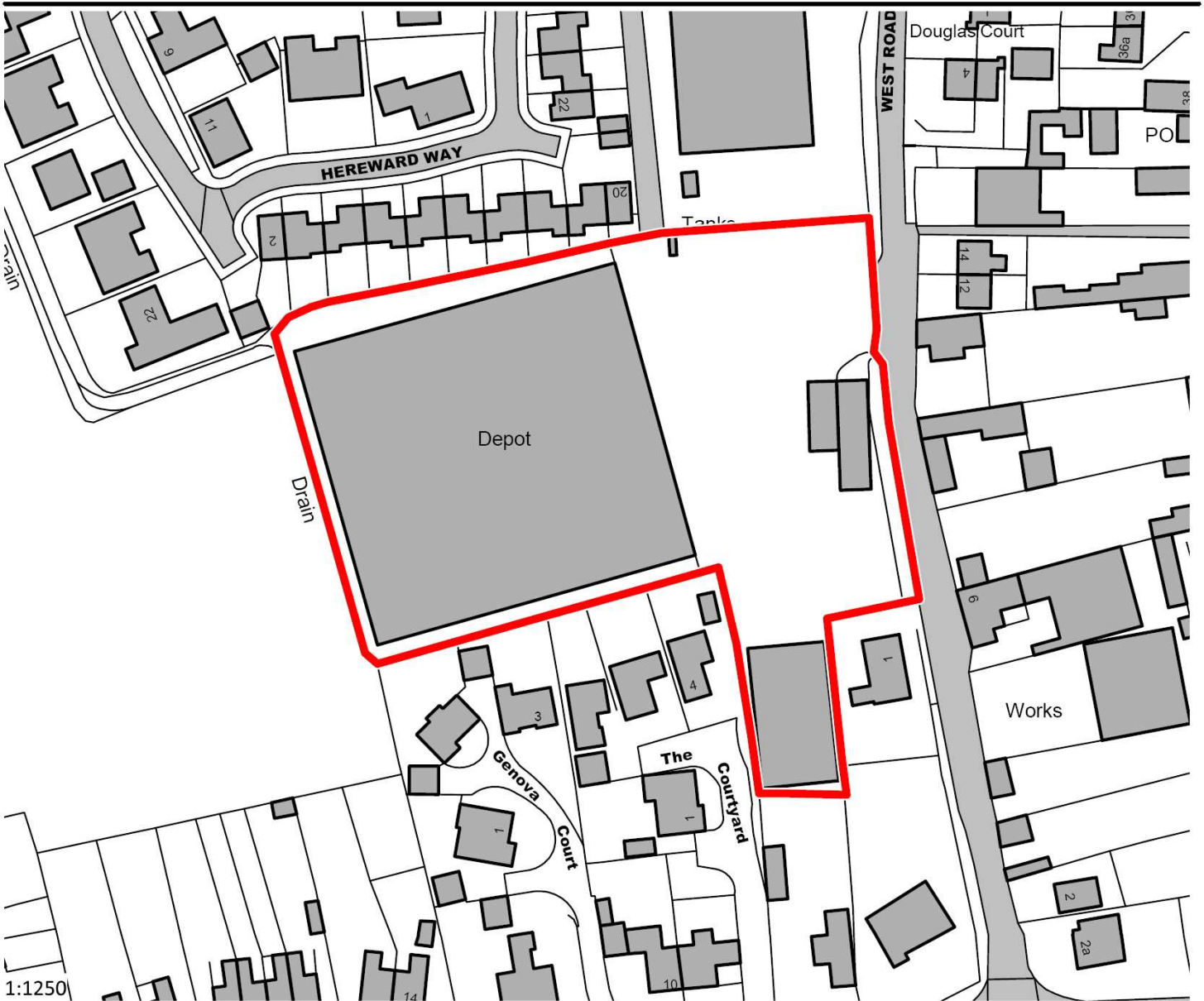
- Principle of development (sustainability)
- Affordable Housing
- Highway safety/traffic

## Technical Documents Submitted with the Application

- Highways Report
- Protected Species Survey
- Heritage Impact Assessment
- Design and Access Statement
- Viability Appraisal
- Employment Market Report
- Town Planning Statement
- Topographical Survey



Site Boundary Plan



- Key**
- Application Location
  - Application Boundary

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## **REPORT**

### **1.0 Application Category**

- 1.1 This application is categorised as a major outline application for residential development.

### **2.0 Reason for Referral to Committee**

- 2.1 This application has been referred to the committee by the authorised officer by virtue of the scale of development. It also requires a Section 106 agreement.
- 2.2 Members will recall that this application was originally discussed at the Committee meeting of 24 October 2014. It was recommended for approval, subject to signing of a section 106 agreement involving an overage clause. Members voted to approve the application subject to the signing of the S106. However, the application remains undetermined as the S106 was not completed within the requisite time period due to disagreements on the exact wording of the S106. Furthermore, since that time, viability assessments carried out by the Council's previous viability consultant, including that undertaken for this application have been found to be inadequate. As a result, the Council has taken on a new viability consultant – The District Valuer Services (DVS) section of The Valuation Office Agency (VOA). This is a government sponsored agency which only gives impartial advice to the public sector, including various government departments.
- 2.3 The VOA Service has been asked to undertake a new assessment of this application to inform the Council's decision as to whether the development can afford some or all of the S106 requirements, or whether it would render the development unviable. They have concluded that whilst not all the S106 requirements can be met, a modest commuted sum towards upgrade to recreational facilities within Billingborough and/or off site affordable housing can be provided whilst ensuring that the development remains viable. The applicant has agreed to enter into a S106 agreement to this end. The issues are discussed in greater detail in the relevant sections of this report.
- 2.4 All other issues have been discussed the last time this application came before committee. Consequently, viability and planning obligations through a section 106 is the only issue due for consideration this time. However, for clarity the original report has been included in full with amendments where necessary.

### **3.0 The Site**

- 3.1 The site is roughly L shaped with an area of 0.89ha. It is part of a wider commercial site which was historically railway land and subsequently used as a depot for a haulage firm - Grimer's Transport. The application site itself has more recently been used for light industrial or storage and distribution purposes and having been vacant for several years is now temporarily occupied for storage use. The western half of the application site is currently occupied by a large portal framed warehouse building. The eastern half is covered by hardstanding and some smaller ancillary buildings.
- 3.2 Other than the commercial buildings to the north, the site is set within a predominantly residential area with recently completed estates to the north and south. To the west there is open countryside and to the east beyond West Street is the village centre.
- 3.3 Billingborough is a 'Large Village' designated as a Local Service Centre under Core Strategy Policy SP2.

## 4.0 The Proposal

- 4.1 This application seeks outline planning permission for demolition of an existing industrial unit and replacement with a residential development of 23 dwellings. Access has been included as a matter for consideration with this application. The development would be served by a single access from West Street.

## 5.0 Evaluation

### 5.1 Main Issues

- Principle of development (sustainability)
- Impact on form and character of surrounding area
- Highway safety/traffic
- Viability and planning obligations

### 5.2 Principle of Development

- 5.2.1 The thrust of national and regional and local policy is that development should be in sustainable locations wherever possible. The CS has a very clear spatial strategy for the location of new development. CS policies SP1(Spatial Strategy) and H1 (Residential Development) direct the majority of new housing development in the rural area towards the more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). Billingborough is designated as an LSC under CS policy SP2.

- 5.2.2 CS policy SP1 read together with CS policy H1 states that preference will be given to residential development on allocated sites or brownfield sites within the built up area of LSCs. SAP policy H1 states:

*Planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites provided that the development:*

*i) can be satisfactorily accommodated by:*

*the existing local highway network; the waste water treatment and sewerage network and;*

*the local education and health provision.*

*ii) will not have a detrimental impact upon the quality of life of adjacent residents and properties.*

*iii) will not compromise the nature and character of the settlement.*

*iv) is in accordance with the criteria of Policies EN1, EN2, and EN4 of the Core Strategy.*

- 5.2.3 The site is not allocated but is a suitable brownfield site which satisfies the criteria above so residential development of the site is in accordance with these policies.

- 5.2.4 Core Strategy Policy E1 - Employment Development, however, seeks to retain existing areas of employment use in LSCs. The policy sets out four criteria which should be addressed by development proposals for non-employment generating uses on sites in existing employment use. Policy SAP5 of the SAP reiterates the requirements of this policy and identifies sites which are considered "locally important existing employment sites". This site is not identified as such in SAP5, however it is an existing employment site and the criteria of E1 must be satisfied. To this end the applicant has provided an Employment Market Report which demonstrates how the proposal addresses the criteria of policy E1 and why in this particular case the loss of the land to a non-employment generating use can be justified.

5.2.5 The applicant has demonstrated that the application site is no longer in long term employment use and that the site and buildings are unattractive to the market because of their design, layout and location. The current use for storage is a temporary 3 year contract at below market rates. Equally, the use of the site for unrestricted employment and distribution uses in the past has caused conflict with neighbouring residential development, and the proposed residential use will resolve this conflict. The continuation of employment use of this site is therefore unsuitable and unviable for modern employment uses. Furthermore, redevelopment of this site would help to regenerate and improve the appearance of this part of the village including the conservation area. The applicant's statement identifies the availability of a substantial amount of vacant and available employment land and premises in Billingborough and across the district which would satisfy any latent demand for premises. The proposal therefore satisfies the criteria of CS policy E1 and is in accordance with this policy.

5.2.6 Taking the above into account the benefits of redevelopment of the site outweigh any disbenefits and the principle of residential development of this site is acceptable in accordance with CS policies SP1, H1, E1 and SAP policy SAP5.

### 5.3 Impact on Form and Character of the Area

5.3.1 Layout, scale, appearance and landscaping are not included for consideration in this application and would be dealt with by a future reserved matters application. However an indicative plan has been submitted showing how the site could be potentially developed and demonstrating that the site is capable of accommodating the number of dwellings proposed without compromising the character and appearance of the area. The proposed density is low and reflects that of adjacent residential development and (subject to detailed design), the removal of the current industrial buildings and yard and redevelopment of the site would be an enhancement to the area including the setting of the adjacent conservation area and the settings of nearby listed buildings in accordance with the NPPF and CS policy EN1.

### 5.4 Residential Amenity

5.4.1 The detailed layout, scale and appearance will be determined at reserved matters stage where detailed issues of neighbours' amenities will be assessed. However, it is considered that the site is sufficiently large to accommodate 23 appropriately designed and sited dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties in accordance with the NPPF and CS policy EN1.

### 5.5 Highways Matters

5.5.1 The position of the access has been included as a matter for consideration as part of this planning application. The position of the access from West Road is in a similar position to the existing access to the site. There are good visibility splays and the Highways Authority does not object (subject to conditions) either to the position of the access or the number of dwellings to be served from the access.

5.5.2 Currently West Road does not have pedestrian footways but the indicative plan shows the provision of footways within the site and a new footway along the frontage. It is expected that the estate road would be built to adoptable standards and conditions have been added to this effect and to ensure provision of the footway along the frontage. The site is well connected to the village centre via an existing footpath opposite the site which provides a link between West Road and High Street.

## 5.6 Drainage

- 5.6.1 About half of the site lies within the Environment Agency's flood risk zone 2. The NPPF seeks to direct residential development to areas with the least probability of flooding. The flood risk assessment submitted with this application shows that ground levels within the site are slightly elevated above the surrounding area and that it is capable of accommodating an adequate SUDs drainage system. Furthermore, development would result in a net reduction in hard surfaces which would reduce the risk of flooding beyond the site.

## 5.7 Ecology

- 5.7.1 The submitted phase 1 habitat survey shows that ecology would not be adversely affected. Additional landscaping proposed as part of a reserved matters application would result in an enhancement to biodiversity.

## 5.8 Contamination

- 5.8.1 Given the previous commercial uses of the site, conditions have been added to ensure that any contamination is adequately dealt with.

## 5.9 Viability and Planning Obligations

- 5.9.1 CS Policy H3 (read in conjunction with the PPG guidance) requires developments of 6 or more dwellings in the rural area to provide a target of 35% affordable housing which on a development of this size and type would normally be expected to be provided on site. For a proposed development of 23 units it is expected that 8 would be affordable. A financial contribution would also be required for improvements to existing local recreation facilities.

- 5.9.2 It is important to consider how any section 106 contribution would affect the viability and deliverability of the development. The NPPF in para 205 states that:

*Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*

- 5.9.3 The PPG gives the following advice on viability:

*Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.*

*A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.*

- 5.9.4 It goes on to say

*Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

- 5.9.5 The PPG also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the value of land should reflect policy requirements and Planning Obligations.

- 5.9.6 On a site such as this it is normally expected that a developer should be able to deliver at least part of the required affordable housing requirement, and a reduction would only be acceptable if there is clear evidence that there are additional exceptional development costs. It is acknowledged that in this case there are some abnormal costs involved including demolition and contamination remediation which add to the overall build costs, and that the site was bought for a relatively low sum as a commercial site and subsequently marketed as such without success. The applicant has submitted a viability assessment concluding that development of the site would not be viable if it were to provide any affordable housing requirement (or any other planning obligation).
- 5.9.7 Officers have sought the advice of an external viability consultant (Valuation Office Agency – District Valuer Services) to confirm whether or not the full level of affordable housing (and any other planning obligations) would make development of this site unviable and whether the waiving of any such obligations can be justified. They have concluded that in their opinion, the applicant did not overpay for the land. They have however come to a slightly different conclusion on the build costs and development value. The VOA Service agree that the full planning obligation requirements would render the development unviable but that a modest commuted sum towards upgrade of recreational facilities in Billingborough and/or off site affordable housing is justified.
- 5.9.8 As such it is considered that the provision of a commuted sum through a section 106 agreement accords with CS policies H3 and SP4 as well as the NPPF and PPG guidance.

## **6.0 Other Issues**

- 6.1 Some concern has been raised about boundary treatment. As this is an outline application, this issue will be addressed with a future reserved matters application.

## **7.0 Section 106 Heads of Terms**

- 7.1 The Section 106 requirements that (subject to viability) would be required for this development are as follows:

1. £16907 towards upgrading existing recreational facilities in the village.
2. 35% affordable housing (8 dwellings) to be provided on site.

- 7.2 It is accepted that provision of the full amount specified above would make the development unviable in the current circumstances. However, on the basis of advice given by the Council's viability consultant (VOA Services), it is considered that that a commuted sum of £51,937 towards both the upgrade to recreational facilities and off site affordable housing can be provided through a section 106 agreement without making the development unviable.
- 7.3 In circumstances where the full obligations cannot be provided, the Council's Planning Obligations SPD does not give priority to different types of contribution (unless it involves physical works such as highway or drainage improvements which are necessary to make the development acceptable in planning terms). On that basis Members need to consider how to divide up the £51937 between the section 106 requirements mentioned above.

- 7.4 Affordable housing is a key component in the delivery of sustainable development. There is an established need for affordable housing across the district although the need is less urgent in Billingborough than some other areas. Given that a significant quantity of affordable housing will be provided elsewhere in Billingborough by the development of the former Aveland School site (S13/1316), officers recommend that priority should be given to the £16907 towards the upgrade of recreational facilities in Billingborough which is a need which is more directly related to the development. It is recommended that the remainder (£38030) should be for off site affordable housing in nearby villages where there is an identified need. These obligations are considered to comply with the statutory tests of Section 122 of the Community Infrastructure Levy Regulations (2010) (As Amended).
- 7.5 Viability issues are discussed in greater detail in section 6.9 above

## **8 Crime and Disorder Implications**

- 8.1 The application will not raise any significant issues.

## **9 Human Rights Implications**

- 9.1 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.

## **10 SUMMARY OF REASON(S) FOR APPROVAL**

- 10.1 It is considered that the redevelopment of this vacant brownfield site for residential development , within a sustainable local service centre is in accordance with the sustainability aims of national, and local policy. It is considered that the proposal would result in a form of development which is appropriate and compatible with the surrounding area and would not increase the risk of flooding or be detrimental to highway safety or neighbours' amenities.

It is therefore considered that the current proposal is in accordance with the National Planning Policy Framework (Section 6 - Delivering a wide choice of high quality homes, Section 12- Conserving and enhancing the historic environment, Section 7 - Requiring good design and Section 4 - Promoting sustainable transport) and policies SP1, SP2, H1, H3, E1, EN1 & EN2 of the South Kesteven Core Strategy, and policy SAP H1 of the South Kesteven Site Allocations and Policies Plan and that there are no material considerations that indicate otherwise, although conditions have been attached.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

## **11 RECOMMENDATION:**

- 11.1 Defer to Chairman and Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement and in accordance with the conditions set out below. Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.

11.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

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;
- (e) landscaping.

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

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

3. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

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

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

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

5. When application is made for approval of the 'reserved matters', that application shall show details of a surface water and foul water drainage scheme (based on sustainable drainage principles). The approved drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

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

6. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:
  - (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
  - (c) A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

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

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

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

8. Unless otherwise agreed in writing by the local planning authority a fire hydrant shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the occupation of any properties on the site.

Reason: To ensure a satisfactory water supply for fire fighting purposes.

9. When application is made for approval of the 'reserved matters', that application shall show details of existing and proposed ground levels and proposed finished floor levels within the site.

The development shall be undertaken in accordance with any such details that are approved.

Reason: To ensure a satisfactory form of development.

10. 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 Plan  
1994 (03) 004 Rev A2 (in respect of the position of the site access only)  
both received 07 April 2014

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

Note(s) to Applicant

11. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
12. 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.

## **12 BACKGROUND INFORMATION**

### **12.0 Consultations**

#### **12.1 Community Archaeologist:**

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

#### **12.2 Highways Authority:**

No objection subject to conditions

#### **12.3 Billingborough Parish Council:**

Concern raised about loss of employment site, financial appraisal and whether there is sufficient demand for housing, but the PC is in favour of the application. Would like S106 contribution to update recreational facilities and conditions requiring roads to be adoptable.

#### **12.4 South Kesteven DC Projects Officer (Drainage):**

Subject to conditions requiring a SUDs drainage scheme, no fundamental objection

#### **12.5 Black Sluice Internal Drainage Board:**

SUDs drainage system would have to be approved by the SUDS Approval Body (SAB) at LCC. Ground levels should not be raised unless measures taken to prevent flooding/waterlogging of adjacent land.

#### **12.6 Anglian Water:**

The local sewerage system has sufficient local capacity to accommodate this development. Request that conditions be attached requiring final details of the drainage strategy

#### **12.7 Environment Agency:**

Conditions requested to deal with contaminated land issues. Advise that a multi agency meeting be arranged to deal with drainage issues as final strategy will need to be adopted by the SUDS Approval Body (SAB) at LCC

#### **12.8 South Kesteven DC Environmental Protection:**

Conditions requested to deal with contaminated land issues.

#### **12.9 NHS:**

No request for a contribution towards healthcare services in the area has been received.

#### **12.10 Lincolnshire CC Education:**

No contribution towards education required.

- 12.11 **South Kesteven DC Open Space Officer:**  
Requests a contribution of £16907 towards upgrading existing play equipment at Billingborough playing fields.
- 12.12 **South Kesteven DC Streetscene (Refuse Collection):**  
No fundamental objection but point out that residents of any private drives would have to bring bins to end of estate road.
- 12.13 **Lincolnshire Fire and Rescue:**  
A fire hydrant should be placed at the site entrance at the cost of the developer as there are currently insufficient fire fighting water supplies.
- 12.14 **Lincolnshire Police:**  
A number of general suggestions made in relation to security, not all of which are related to planning.
- 12.15 **Natural England:**  
No objection in relation to statutorily protected sites. They also refer to their standing advice.
- 12.16 **South Kesteven DC Viability Consultant (VOA):**  
A commuted sum of £51937 towards upgrade to recreational facilities and/or offsite affordable housing is the maximum planning obligation that can be afforded without making the development unviable

### **13.0 Representations**

- 13.1 The application has been advertised in accordance with the Statement of Community Involvement relevant to this type of planning application.
- 13.2 Neighbours have been notified of the application, a site notice posted and an advertisement placed in the local newspaper. The period for receipt of comments expired on 09 May 2014
- 13.3 Nine representations had been received, and although there were no fundamental objections to the principle of development, the following concerns were raised:
1. The development is welcome
  2. Noise/disturbance and hours of working during construction
  3. Adequate boundary treatment should be provided
  4. Leylandii trees on boundary should be removed.
  5. Too many houses
  6. Highways issues

### **14.0 Policy Framework**

- 14.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant national and local policies in respect of the proposed development are as follows:
- 14.2 National Planning Policy Framework (NPPF)
- 14.2.1 Achieving Sustainable Development (paras 6 – 10) – Defines the NPPF's role and the 3 key elements of sustainable development i.e. economic, social and environmental, making it clear that these 3 elements should not be considered in isolation. It stresses the need to improve the quality of the built, natural and historic environment through among other things, better design, improving living conditions, widening the choice of homes.

- 14.2.2 Presumption in Favour of Sustainable Development (paras 11 – 16) - This summarises the key principle of the NPPF that a positive approach to decision taking should be taken and that development that complies with the NPPF and the adopted local plan should be approved without delay.
- 14.2.3 Core Planning Principles (para 17) – Sets out the overarching principles of sustainable development that should be followed in decision taking. Those relevant to this application include, effective reuse of brownfield land, promoting patterns of development that encourage use of public transport, walking and cycling, promoting sustainable economic development and ensuring that developments are appropriate to their context, including the historic environment.
- 14.2.4 Section 1: Building a strong competitive economy (paras 18 -22) – Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it. Local planning authorities should plan proactively to meet the development needs of business and business investment should not be overburdened by planning policy expectations. This applies to housing development as well as commercial. Alternative uses are encouraged for employment land where there is no reasonable prospect of long term continued commercial use taking into account market signals.
- 14.2.5 Section 4: Promoting sustainable transport (paras 29-30, 34-35, 37-39) – supports the location of development in sustainable locations which maximises the opportunities for safe access by public transport, walking and cycling, whilst recognising the different solutions that will be necessary in urban and rural areas.
- 14.2.6 Section 6: Delivering a wide choice of high quality homes (paras 47 – 50) – Makes clear that LPAs should significantly boost the supply of housing by identifying the full objectively assessed housing needs of the district and ensuring provision through suitable allocated site and windfall sites in their local plan. LPAs should have a 5 year supply of housing land with a 5% buffer. LPAs are also encouraged to set out their own approach to density to reflect local circumstances.
- 14.2.7 Section 7: Requiring good design (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment.
- 14.2.8 Section 8: Promoting healthy communities (paras 69-70) – Promotes development of housing in locations where it is well integrated with economic uses and community facilities and services.
- 14.2.9 Section 10: Meeting the challenge of climate change, flooding and coastal change (paras 99-104) - directs development away from high flood risk areas and seeks to ensure that adequate drainage and flood risk mitigation is put in place for new development.
- 14.2.10 Section 11: Conserving and enhancing the natural environment (paras 111, 118, 120-121, 123) – Encourages the effective reuse of brownfield land, and requires remediation of contaminated land. States that planning decisions should avoid significant adverse effects from noise whilst recognising that all development will often create some noise.
- 14.2.11 Section 12: Conserving and enhancing the historic environment (paras 128-129, 131-132) – Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

### 14.3 South Kesteven Local Plan - Core Strategy 2010:

- 14.3.1 Policy SP1: Spatial Strategy - This policy supports new developments in sustainable locations including local service centres
- 14.3.2 Policy SP2: Sustainable Communities- This policy defines Billingborough as a local service centre (LSC) and directs development to LSCs where localised service use is already strong.
- 14.3.3 Policy SP3: Sustainable Integrated Transport – This policy directs developments to locations which encourage greater use of public transport, walking and cycling to access facilities such as LSCs.
- 14.3.4 Policy SP4: Developer Contributions – Requires appropriate section 106 contributions to facilitate sustainable development including in this case affordable housing and upgrade to recreational facilities.
- 14.3.5 Policy EN1: Protection and Enhancement of the Character of the District – Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.
- 14.3.6 Policy EN2: Reducing the Risk of Flooding – Directs development away from areas identified in the South Kesteven Strategic Flood Risk Assessment and seeks to ensure that adequate drainage and flood risk mitigation is put in place for new development
- 14.3.7 Policy H1: Residential Development – Sets out the spatial distribution of new housing development over the plan period including sites in LSCs
- 14.3.8 Policy H3: Affordable Housing – Requires residential developments of 5 or more dwellings to provide a target of 35% affordable housing, preferably on site unless viability or other constraints would justify an off site financial contribution towards affordable housing elsewhere in the district or a reduced contribution.
- 14.3.9 Policy E1: Promotes the retention/enhancement of existing employment sites in the villages but allows redevelopment for other uses if the site is vacant or no longer appropriate or viable and redevelopment would bring wider regeneration benefits; or an alternative use would not compromise the overall supply/quality of employment land in the district; or an alternative use would resolve existing land use conflicts. This policy also goes on to state that locally important existing employment sites which it is desirable to retain will be set out in the SAP.

### 14.4 South Kesteven Site Allocations & Policies DPD 2014

- 14.4.1 Policy SD1: Presumption in Favour of Sustainable Development – This policy reflects the emphasis of the NPPF towards a positive approach to approving appropriate policy compliant development without delay
- 14.4.2 Policy SAP H1: Other Housing Development – Directs development of non allocated sites to sustainable locations, defining the types of sites that are acceptable in principle. This includes redevelopment sites in LSCs
- 14.4.3 Policy SAP5: Locally Important Existing Employment Sites – Sets out those locally important existing employment sites which it is considered desirable to retain. In Billingborough, the White Leather Square site is included but the application site is not.
- 14.4.4 Policy SAP10: Open Space Provision – Sets out types and amounts of open space provision that is expected for new residential developments. Off site provision or enhancement of existing facilities is supported where appropriate.

### 14.5 Supplementary Planning Documents/Guidance

## 14.5.1 Planning Obligations Supplementary Planning Document

### 15.0 Relevant Planning History

15.1 Various planning permissions relating to the former haulage/industrial use of the site including:

- SK.97/1067 – Erection of lorry vehicle wash plant
- S05/0299 - change of use from haulage depot to light industrial
- S06/0174 – relocation of mobile cabins
- S08/0403 –variation of condition to allow increased hours of machinery operation for temporary period

### 16.0 SKDC Corporate Priorities

16.1 The Council's Corporate Priorities are to:

#### 16.2 Grow the economy

- Support & facilitate the growth of business
- Enable delivery of attractive retail & leisure offer
- Easy to do business with – look to say yes
- Promote infrastructure to support growth
- Skills – high value employment
- Attract as a destination for investment

#### 16.3 Keep SK clean, green and healthy

- Enable development of our parks and open spaces
- Clean and attractive street scene
- Sustain high levels of recycling
- Reduce the Carbon footprint of our organisation
- Encourage active & healthy lifestyles

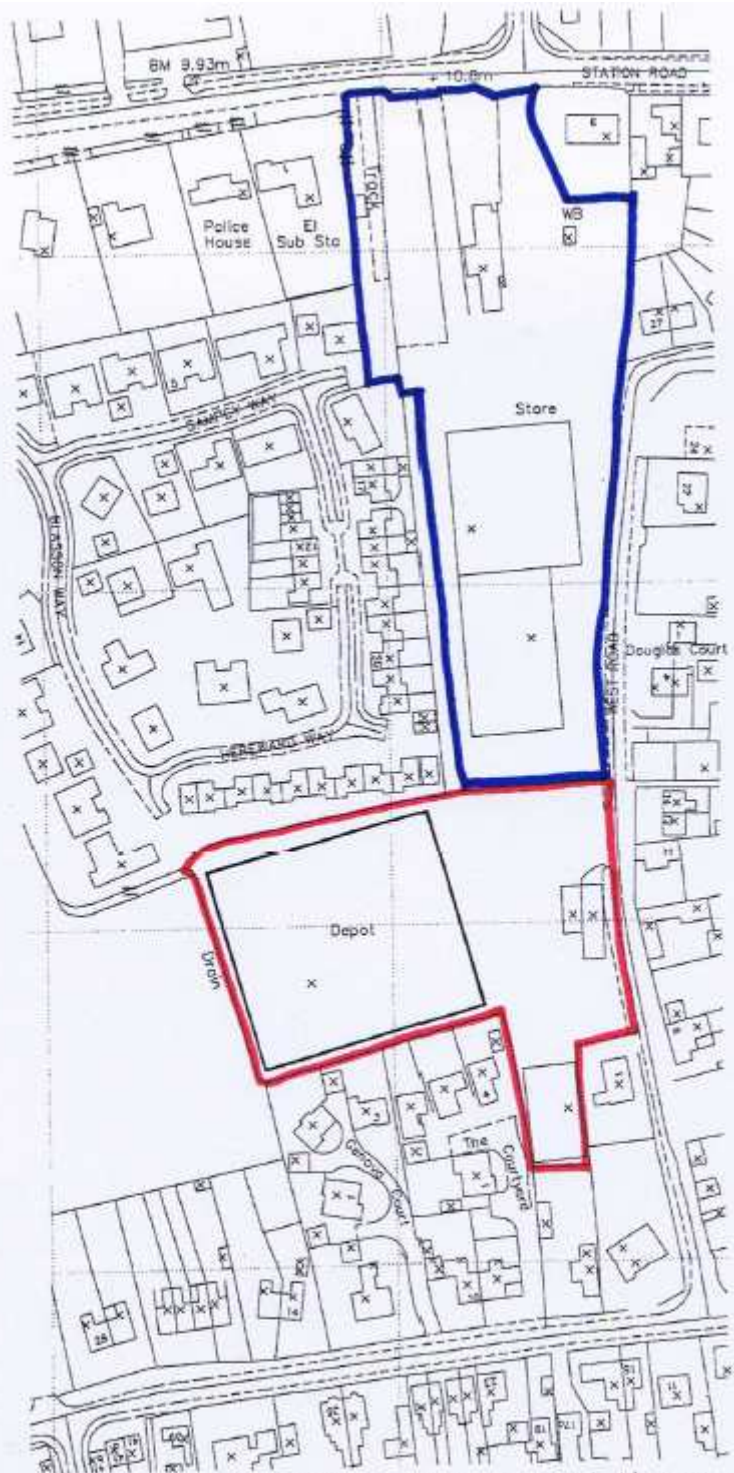
#### 16.4 Promote leisure, arts and culture

- Support and enable development of a diverse economy – daytime & evening
- Enable wide ranging leisure opportunities
- Enable access to a balanced culture & arts programme
- Promote our heritage & tourism

#### 16.5 Support good housing for all

- Ensure the right mix of housing meets local needs
- Enlarge the development of lifetime homes
- Support the creation of neighbourhoods
- Reduce fuel poverty

16.6 This application supports the “keep SK clean, green and healthy”, “grow the economy” and “good housing for all” strands of the Council's priorities by providing new good quality homes in a sustainable location whilst improving the streetscene. The occupiers would contribute to the local economy through support for local businesses and shops.



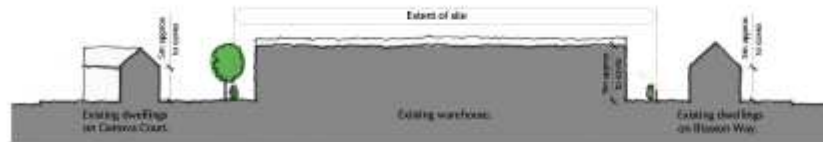
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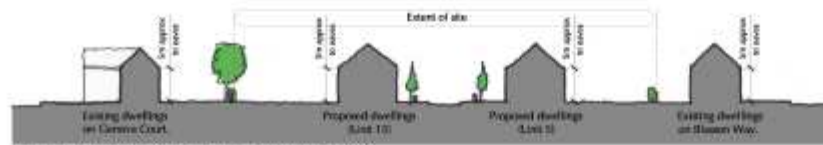
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 OF COPIES) ORDER 1988



Indicative Sketch Site Plan 1:500



Indicative Sketch Site Section - Existing 1:500



Indicative Sketch Site Section - Proposed 1:500

notes:

- 3 bed / 2 bath semi-detached house with garage. 93.0m<sup>2</sup> GIA
- 4 bed / 2 bath detached house with garage. 125.0m<sup>2</sup> GIA
- Site Area: 0.889 Ha
- Density: 25.9 dwellings / Ha

revisions

S14/0927  
 North Kildare Local Council  
 Development Services  
 RECEIVED  
 7 - 4 - 2014

CHK

Kildare	
Indicative Site Layout and Section	
DATE: 10/04/2014	SCALE: 1:500
DRAWN: GH	CHECKED: GH
PROJECT: 1004 101004	



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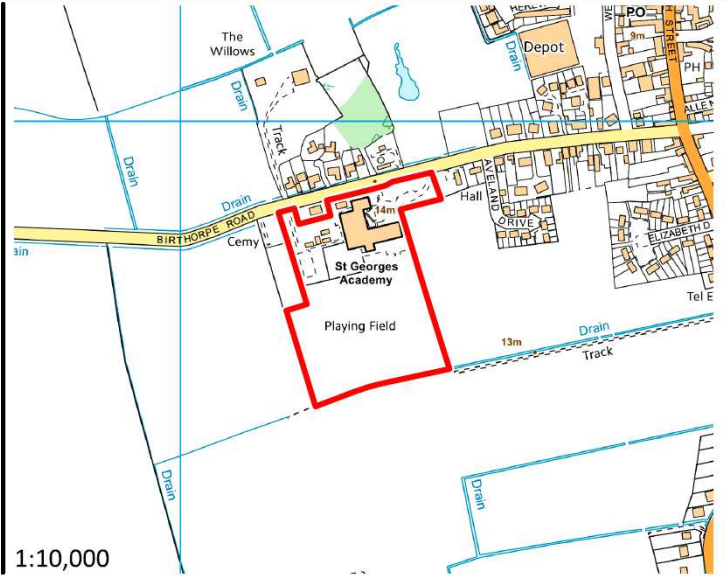
Applicant	<b>Lincolnshire County Council C/O Agent</b>
Agent	Mrs J Robinson, Robert Doughty Consultancy 32, High Street, Helpringham, Sleaford, Lincs, NG34 0RA
<b>Proposal</b>	<b>Residential development and use of former school playing field for community uses</b>
<b>Location</b>	<b>Former Aveland High School, Birthorpe Road, Billingborough, Sleaford, Lincs, NG34 0QS</b>
App Type	Major Outline (Residential)
Parish(es)	Billingborough
Reason for Referral to Committee	This application has been referred to the committee by virtue of the scale of development. It also requires a Section 106 agreement.
Recommendation	Approved subject to condition(s)

**Key Issues**

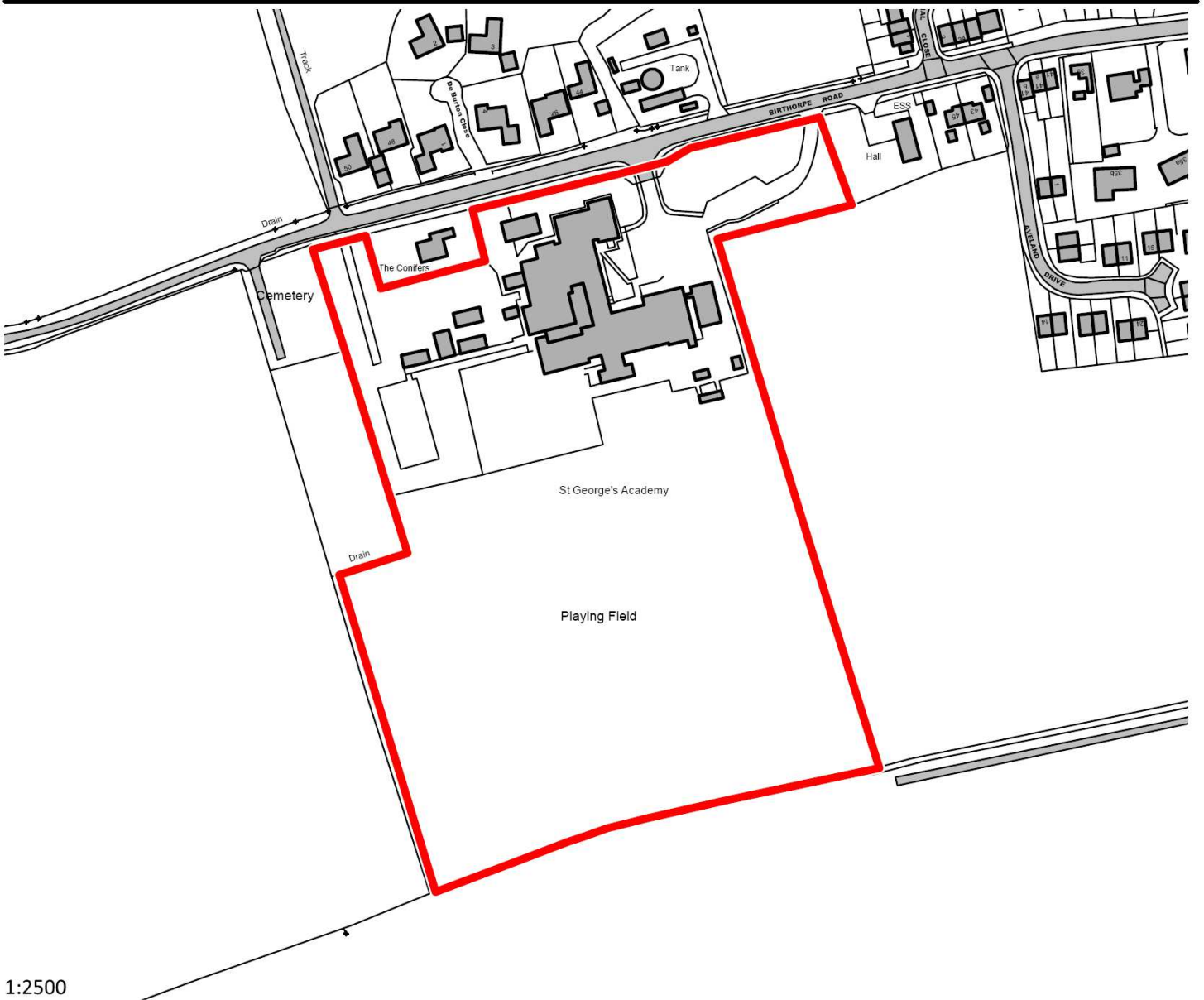
- Principle of development (sustainability)
- Impact on form and character of surrounding area
- Highway safety/traffic
- Drainage
- Viability and Affordable Housing

**Technical Documents Submitted with the Application**

- Floodrisk Assessment and Drainage Strategy
- Design and Access Statement
- Ecology Report
- Tree Survey
- Transport Statement
- Contamination Report
- Viability Appraisal



Site Boundary Plan



Key

- Application Location
- Application Boundary

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## REPORT

### 1.0 Application Category

1.1 This application is categorised as a major outline application for residential development.

### 2.0 Reason for Referral to Committee

2.1 This application has been referred to the committee by virtue of the scale of development. It also requires a Section 106 agreement.

### 3.0 The Site

3.1 The site is the former Aveland School in Billingborough which is approximately 4.45ha in area and is roughly rectangular in shape. It consists of the cleared site of the former school buildings and associated hardstandings adjacent to Birthorpe Road as well as the former playing fields to the rear. There are two existing formal accesses to the former school buildings along Birthorpe Road with a third fenced off informal access further to the west to the playing fields.

3.2 The site is on the south western edge of the built part of the village. The formerly built up part of the site is a continuation of low density ribbon development along Birthorpe Road, whilst the playing field protrudes into open countryside.

3.3 Billingborough is a 'Large Village' designated as a Local Service Centre under Core Strategy Policy SP2. The part of the site formerly occupied by the school buildings (approximately 1.5ha) is allocated for residential development in the Site Allocations and Policies Plan policy LSC1a with the proviso that 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.

### 4.0 The Proposal

4.1 This application seeks outline planning permission with all matters reserved for residential development and use of the former school playing field for community uses.

4.2 The indicative plan submitted with the application shows how the site could be developed. The residential development is shown within the allocation boundary on the site of the former school buildings with access via the existing main school access (in accordance with SAP policy LSC1a), and the playing field retained for community use accessed from Birthorpe Road via the track along the western boundary of the site. As this is an outline application, the exact community uses have not been specified but the details submitted suggest it is likely to be used as football pitches and allotments (in accordance with SAP policy LSC1a)

4.3 It is understood that should outline planning permission be granted, the applicant (Lincolnshire County Council) intends to sell the allocated land to a developer and give the remainder of the land to Billingborough Parish Council who will own and maintain this land for community uses.

4.4 The proposal as originally submitted specified 25 dwellings. Officers consider that it is inappropriate to specify a quantity which is significantly below the indicative density in the SAP of 35 dwellings, given that this is an outline application with all matters reserved. It should be noted that the inspector at the examination in public for the SAP stated: "The PHMM28 Main Modification sets out the indicative capacity of the proposed housing site. I do not consider that this indicative figure should be further reduced. It is only when a detailed layout is drawn up that decisions about the effect of density of development on the surroundings can be determined and that assessments can be made about the actual capacity of the site." The description has since been amended by the applicant to an unspecified number of dwellings to take account of the above as well expectations of national and local policy and the indicative density of 35 in the SAP allocation and to allow greater flexibility for the future developer at the reserved matters stage.

## 5.0 Evaluation

### 5.1 Main Issues

- Principle of development (sustainability)
- Impact on form and character of surrounding area
- Highway safety/traffic
- Drainage
- Viability and Affordable Housing

### 5.2 Principle of Development

5.2.1 The thrust of national and local policy is that development should be in sustainable locations wherever possible. The CS has a very clear spatial strategy for the location of new development. CS policies SP1 (Spatial Strategy) and H1 (Residential Development) direct the majority of new housing development in the rural area towards the more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). Billingborough is designated as an LSC under Core Strategy policy SP2. In LSCs development on allocated sites will be permitted in principle, subject to compliance with other policies.

5.2.2 The site is allocated for residential development under SAP policy LSC1a for an indicative quantity of 35 dwellings subject to the following proviso:

*LSC1a (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.*

5.2.3 Policy LSC1 of the SAP indicates that allocated sites in LSCs are to be released in 3 phases, the application site being in the first phase proposed for development between 2011- 2016.

5.2.4 NPPF sections 3 and 8 as well as CS policy SP2 and SAP policy SAP1 all support the retention and enhancement of existing community facilities and open spaces. Therefore future community use of the playing fields is supported by these policies as well as being a community benefit identified in SAP policy LSC1a. Sport England initially objected to loss of part of the playing field to allotments on the grounds that it would not comply with NPPF para 74. However, the use of part the land for this purpose would not be development requiring planning permission and has been specified in SAP policy LSC1a as an appropriate use. In any case no part of the land would be built on and the majority of the land would continue to be used as sports pitches. There is therefore no conflict with the NPPF.

5.2.4 Taking the above into account, the principle of development is in accordance with the NPPF, CS policies SP1 and SP2 and SAP policies LSC1a and SAP1. As the application is in outline form and the plans are indicative only, for the avoidance of doubt, conditions have been attached to ensure that residential development is restricted to that area specified in the allocation policy, and is not commenced before the community facility is provided. In addition this is necessary to ensure that the playing fields are retained for community uses and that they are capable of being accessed from Birthorpe Road via the track to the west as required by the allocation policy.

### 5.3 Impact on Form and Character of the Area

5.3.1 The application is in outline form with all matters reserved and does not specify the number of dwellings. However, that part of the site allocated for residential development has already been assessed through the Local Plan site allocations process as being capable of accommodating an indicative density of around 35 dwellings. This is a low density which ensures an efficient use of the land whilst being in keeping with the village context and allows a suitably designed development to be well integrated with the form and character of the area. It is expected that the final design will have a lower density along the Birthorpe Road frontage with the trees retained to reflect the existing character of the streetscene. However the detailed design and layout of the development, including final number of dwellings will be included in a future reserved matters application which will be assessed on its own merits at that stage. The granting of outline permission does not tie a future reserved matters application to 35 dwellings. However, a significantly higher or lower density will require robust justification.

5.3.2 The character and appearance of the playing field (and access track) would not change significantly and would continue as an open green area on the edge of the village.

5.3.3 The Council's tree officer considers that some of the trees on site are worthy of a Tree Preservation Order, particularly those along the street frontage. In the event that the trees are designated, a suitable layout could be achieved which would ensure that buildings on site are sufficiently separated from any trees to ensure that roots are not damaged and that residential amenity is not unduly compromised.

5.3.4 Taking the above into account the development is appropriate and would not compromise the form and character of the area in accordance with the NPPF and CS policy EN1.

### 5.4 Residential Amenity

5.4.1 The detailed layout, scale and appearance will be determined at reserved matters stage where detailed issues of neighbours' amenities will be assessed. However, it is considered that the site is sufficiently large to accommodate an indicative quantity of 35 appropriately designed and sited dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. Some concern has been raised about the potential for noise and disturbance from use of the playing fields. Playing fields are not incompatible with a residential area and any noise generated is not likely to be significantly over and above the previous school use and in any case would be well within acceptable limits for a residential area. It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties in accordance with the NPPF and CS policy EN1.

## 5.5 Highways Matters

- 5.5.1 The position of the access has not been included as a matter for consideration as part of this planning application. However the site has already been assessed through the Local Plan site allocations process as being acceptable in principle for development in highway terms. The indicative plan shows the residential development served by the existing main school access. The playing field is shown as being accessed from Birthorpe Road via the existing track to the west of the site in accordance with SAP policy LSC1a. The detailed position and specification of the accesses will be included in a future reserved matters application which will be assessed on its own merits at that stage.
- 5.5.2 As the application is in outline form and the plans are indicative only, for the avoidance of doubt, conditions have been attached to ensure that the access to the playing fields from Birthorpe Road is in place before the residential development starts and that roads within the estate are of adequate construction and have appropriate management and maintenance regimes in place. There is sufficient space within the playing field land for provision of a passing space and parking/turning areas. LCC Highways do not object subject to the above conditions and the proposal would not therefore be detrimental to highway safety or traffic capacity in accordance with the NPPF, CS policy SP3 and SAP policy LSC1a.

## 5.6 Drainage

- 5.6.1 The NPPF and CS seek to direct residential development to areas with the least probability of flooding and implementation of SuDS drainage where possible to minimise surface water runoff. The site is not in a high flood risk zone and has already been assessed through the Local Plan site allocations process as being acceptable in principle for development in flood risk and drainage terms. The applicant has submitted an amended flood risk assessment and indicative drainage strategy following concerns raised by consultees including the Environment Agency. At the time of writing consultee comments are still awaited but it is expected that their concerns will have been overcome by the committee date and that it will be shown in sufficient detail that the site is capable of accommodating an adequate SuDS drainage system. Furthermore, the development would result in a net reduction in hard surfaces which would reduce the runoff rate and risk of flooding beyond the site. Any comments received will be reported in the Additional Items Paper. In this respect (subject to no adverse comments) the proposal is in accordance with the NPPF and CS policy EN2.

## 5.7 Ecology

- 5.7.1 The submitted phase 1 habitat survey shows that ecology would not be adversely affected. Retention of trees and hedges as well as additional landscaping which could be secured by condition at the reserved matters stage would result in an enhancement to biodiversity in accordance with the NPPF and CS policy EN1.

## 5.8 Viability and Affordable Housing

- 5.8.1 CS Policy H3, read in conjunction with recent PPG guidance, requires developments of 6 or more dwellings in the rural area to provide 35% affordable housing, which on a development of this size and type would be expected to be provided on site. For this site with an indicative quantity of 35 units it is expected that 12 would be affordable units. The site is allocated for development and has already been assessed through the Local Plan site allocations process as being viable in principle. A developer would be expected to provide the full 35% unless there is clear evidence that there are exceptional development costs.

5.8.2 Notwithstanding the above, it is important to consider how any section 106 contribution would affect the viability and deliverability of the development. The NPPF in para 205 states that:

*Where planning obligations are being sought, local planning authorities should take account of market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*

5.8.3 The PPG gives the following advice on viability:

*Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.*

*A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.*

5.8.4 It goes on to say

*Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

5.8.5 The PPG -Viability Guidance also provides detailed advice about viability in decision making, including how to determine development costs and land values and makes it clear that in all cases the residual value of land should reflect policy requirements and Planning Obligations.

5.8.6 The applicant has submitted a viability appraisal concluding that the site would not be viable if it were to provide any affordable housing or other planning obligations. It is acknowledged that as well as normal industry average build costs; there are some additional development costs involved in this proposal including unforeseen costs of asbestos removal from the school buildings during demolition and provision of the access and track which is reasonably necessary to allow the playing fields to be provided for community uses. It is also reasonable to include the existing use value of the playing field land as a cost of development in the appraisal, as the applicant intends to give this land to Billingborough Parish Council in order that it can be provided for community uses in accordance with SAP policy LSC1a. Notwithstanding the above, in this case the applicant's viability assessment does not adequately demonstrate that the additional costs are so high that no affordable housing can be justified.

5.8.7 Officers have sought the advice of an external viability consultant - the Valuation Office Agency (District Valuer Services) to confirm whether or not whether the applicant's appraisal is robust and stands up to scrutiny and whether the proposed 0% affordable housing can be justified. The VOA have concluded that taking into account the additional costs, the development would be viable with a slightly reduced 28 % affordable housing requirement, which for a development of 35 dwellings would equate to 10 affordable units.

5.8.8 The applicant has accepted the VOA's conclusion and has agreed to enter into a section 106 agreement to this effect. Taking the above into account, in this respect the proposal accords with CS policy H3 and SAP policy LSC1a.

## 5.9 Other Issues

- 5.9.1 The impact on property values is not a material consideration and has not been taken into account in this assessment.

## 6.0 **Section 106 Heads of Terms**

- 6.1 The Section 106 requirements that (subject to viability) would be required for this development are as follows:

- Provision of 0.24ha of outdoor sports space either on site or via financial contribution
- 35% affordable housing (12 affordable dwellings for a development of 35 dwellings) to be provided on site.

- 6.2 It is accepted that provision of the full amount of affordable housing would make the development unviable in the current circumstances and in accordance with the recommendations of the VOA, a reduced quantity of 28% to be secured via a section 106 agreement is considered acceptable.

- 6.3 The proposal includes retention of the former school playing fields for community use. Technically, no further planning permission is required to continue use of the land for the community uses envisaged as there would be no material change of use from the previous school playing field use. Allotments do not require planning permission as they are classed as agriculture and therefore not development. Planning permission would however be required to change the use of the land to any other use, which under current policies is unlikely to be granted. As this is an outline application, the exact uses have not been specified but the details submitted suggest it is likely to be used as football pitches and allotments (in accordance with SAP policy LSC1a). The area of the playing field is 2.5ha, which is significantly in excess of the 0.24ha that the residential development requires to be provided using the formula in the Council's Planning Obligation SPD. Taking the above into account, it is considered that the requirement for additional outdoor sports space would be satisfied by the continued use of the playing field for community use which can be secured by condition and that there is no need for this requirement to be included in a section 106 agreement.

## 7.0 **Crime and Disorder**

- 7.1 It is considered that the proposals would not result in any significant crime and disorder implications.

## 8.0 **Human Rights Implications**

- 8.1 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.

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

## 9.0 **SUMMARY OF REASON(S) FOR APPROVAL**

- 9.1 It is considered that the redevelopment of the former school site for residential and the continued use of the playing field for community uses, within a sustainable local service centre is in accordance with the sustainability aims of national, and local policy. It is considered that the proposal would result in a form of development which is appropriate and compatible with the surrounding area and would not increase the risk of flooding or be detrimental to highway safety or neighbours' amenities.

It is therefore considered that the current proposal is in accordance with the National Planning Policy Framework (Section 3 - Supporting a prosperous rural economy, Section 6 - Delivering a wide choice of high quality homes, Section 7 - Requiring good design and Section 4 - Promoting sustainable transport) policies SP1, SP2, SP4, H1, H3, E1, EN1 & EN2 of the South Kesteven Core Strategy, and policies SAP 1 and LSC1a of the South Kesteven Site Allocations and Policies Plan and that there are no material considerations that indicate otherwise, although conditions have been attached.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner in resolving drainage and viability issues and by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

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

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

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

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 480/25/LP01 received 06 May 2014

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

4. Residential development of the application site shall be restricted to that part of the site which is allocated under policy LSC1a of the South Kesteven Site Allocations and Policies DPD, and shall not be commenced until the remainder of the application site (including access from Birthorpe Road) has been brought into use as a community facility.

Reason: As this application is in outline form with all matters reserved, this condition is necessary to ensure that the former playing fields are brought into community use as part of the development in accordance with policy LSC1a of the South Kesteven Site Allocations and Policies DPD and to define the permission and for the avoidance of doubt.

5. Pursuant to condition 4, the community facility shall be retained thereafter for community sports/recreational uses and allotments or other community uses as may be agreed in writing with the local planning authority.

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

6. No residential development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies of the Development Plan.

7. No residential development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Reason: To ensure that the estate streets serving the development are managed and maintained to an acceptable standard in the interest of residential/highway safety in accordance with Policies of the Development Plan.

8. When application is made for approval of the 'reserved matters', that application shall show details relating to the community facility vehicular access to the public highway, including materials, specification of works and construction method. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

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

9. When application is made for approval of the 'reserved matters', that application shall show details of a surface water and foul water drainage scheme (based on the submitted sustainable drainage strategy) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to 6.3 litres per second;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To prevent the increased risk of flooding in accordance with Policy EN2 of the adopted South Kesteven Core Strategy (July 2010).

10. No residential development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there has been submitted to and approved in writing by the Local Planning Authority: A detailed scheme (based on the conclusions of the submitted phase 1 desk study) for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works. The development shall be carried out in accordance with the approved scheme.

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

#### Note(s) to Applicant

11. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
12. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
13. 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.
14. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developer's cost under section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development commences.

#### **10.0 RECOMMENDATION:**

- 10.1 Defer to Chairman and Vice Chairman in consultation with the Business Manager for Development Management and Implementation for approval subject to the signing of a section 106 agreement and in accordance with the conditions set out below. Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement.
- 10.2 In the event that the agreement has not been concluded within the six week period and where in the opinion of the Business Manager for Development Management and Implementation 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 criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

## **11.0 BACKGROUND INFORMATION - Consultations**

### **11.1 Billingborough Parish Council:**

No objection in principle as they promoted the site through the local plan allocations process. Consider that the indicative plan fits well with the village context. Confirm that Billingborough PC would own and manage the playing fields and allotments.

### **11.2 LCC Highway Authority:**

No objection subject to conditions requiring details of phasing, specification, management and future maintenance of estate roads and details of access to community facility.

### **11.3 Sport England:**

Object on the grounds that it has not been demonstrated that loss of part of the playing field to allotments would conflict with NPPF para 74.

### **11.4 Natural England:**

No statutory sites affected. Refer to their standing advice

### **11.5 Environment Agency:**

Holding objection to initial drainage strategy and flood risk assessment. Awaiting comments on amended strategy which will be reported in the additional items paper

### **11.6 Anglian Water:**

There is sufficient capacity in the sewerage network for this development. Request informative relating to AW assets adjacent to the site.

### **11.7 Black Sluice Internal Drainage Board:**

Holding objection to initial drainage strategy and flood risk assessment. Awaiting comments on amended strategy which will be reported in the additional items paper

### **11.8 SKDC Drainage Officer:**

Holding objection to initial drainage strategy and flood risk assessment. Awaiting comments on amended strategy which will be reported in the additional items paper

### **11.9 SKDC Viability consultant (Valuation Office Agency – District Valuer Services):**

Taking into account the additional development costs identified, the development is viable with 28% affordable housing.

### **11.10 Environmental Protection:**

Request conditions to ensure that any contamination of the land is adequately dealt with.

### **11.11 NHS:**

No contribution towards healthcare required

### **11.12 Lincolnshire CC Education:**

No contribution towards education required

### **11.13 South Kesteven DC Open Space Officer:**

There is a need for more outdoor sports space in Billingborough as evidenced in the SK open space study. The development is looking to offer 2.5ha of outdoor sports space, which is well in excess of the total recreational land required (0.24ha) following guidance in the SPD.

### **11.14 South Kesteven DC Streetscene (Refuse Collection):**

Advise that the indicative layout is not particularly good from a refuse collection perspective.

### **11.15 Lincolnshire Fire and Rescue:**

Do not wish to make any comments

**11.16 South Kesteven DC Tree Officer:**

Suggests that the trees along the street frontage have considerable visual merit and are worthy of designation under a tree preservation order. Also suggests that the horse chestnut within the site could be incorporated within a future layout.

**11.17 South Kesteven DC Affordable Housing Officer:**

35% on site affordable housing required to be provided through a section 106 agreement. A reduced amount will only be acceptable if it can be demonstrated that provision of the full amount would make the development unviable.

**12.0 BACKGROUND INFORMATION - Representations**

12.1 The application has been advertised in accordance with the Councils adopted Statement of Community Involvement relevant to this type of planning application.

12.2 Neighbours have been notified of the application and a site notice posted. A further public consultation was carried out following the amendment to the description. The period for receipt of comments expired on 11 July 2014.

12.3 6 representations had been received raising the following concerns:

- Bats – although this letter appears to relate to an application elsewhere in Billingborough with the wrong application reference quoted.
- Highway safety and traffic concerns
- Noise/disturbance
- Potential anti social behaviour
- Billingborough already has football pitches
- Adequate off road parking must be provided for community facility
- Trees along frontage should be retained
- Drainage/flooding concerns
- Reduction in property values

**13.0 BACKGROUND INFORMATION - Policy Framework**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant national and local policies in respect of the proposed development are as follows:

**13.1 National Planning Policy Framework (NPPF)**

13.1.1 Achieving Sustainable Development (paras 6 – 10) – Defines the NPPF's role and the 3 key elements of sustainable development i.e. economic, social and environmental, making it clear that these 3 elements should not be considered in isolation. It stresses the need to improve the quality of the built, natural and historic environment through among other things, better design, improving living conditions, widening the choice of homes.

13.1.2 Presumption in Favour of Sustainable Development (paras 11 – 16) - This summarises the key principle of the NPPF that a positive approach to decision taking should be taken and that development that complies with the NPPF and the adopted local plan should be approved without delay.

13.1.3 Core Planning Principles (para 17) – Sets out the overarching principles of sustainable development that should be followed in decision taking. Those relevant to this application include, promoting patterns of development that encourage use of public transport, walking and cycling, promoting sustainable economic development and ensuring that developments are appropriate to their context.

- 13.1.4 Section 1: Building a strong competitive economy (paras 18 -22) – Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it. Local planning authorities should plan proactively to meet the development needs of business and business investment should not be overburdened by planning policy expectations. This applies to housing development as well as commercial.
- 13.1.5 Section 3: Supports the retention and development of local services and community facilities including sports venues in rural areas.
- 13.1.6 Section 4: Promoting sustainable transport (paras 29-30, 34-35, 37-39) – supports the location of development in sustainable locations which maximises the opportunities for safe access by public transport, walking and cycling, whilst recognising the different solutions that will be necessary in urban and rural areas.
- 13.1.7 Section 6: Delivering a wide choice of high quality homes (paras 47 – 50) – Makes clear that LPAs should significantly boost the supply of housing by identifying the full objectively assessed housing needs of the district and ensuring provision through suitable allocated sites and windfall sites in their local plan. LPAs should have a 5 year supply of housing land with a 5% buffer. LPAs are also encouraged to set out their own approach to density to reflect local circumstances.
- 13.1.8 Section 7: Requiring good design (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment.
- 13.1.9 Section 8: Promoting healthy communities (paras 69-70) – Promotes development of housing in locations where it is well integrated with economic uses and community facilities and services. Also supports creation and retention of community sports and recreational facilities. There is a presumption against building on such open spaces unless strict criteria are met.
- 13.1.10 Section 10: Meeting the challenge of climate change, flooding and coastal change (paras 99-104) - directs development away from high flood risk areas and seeks to ensure that adequate drainage and flood risk mitigation is put in place for new development. Whilst development of allocated sites is not required to apply a sequential test, opportunities should be taken to reduce the causes and impacts of flooding elsewhere by reducing run off through implementation of SuDS drainage systems wherever possible.
- 13.1.11 Section 11: Conserving and enhancing the natural environment (paras 111, 118, 120-121, 123) – Encourages the effective reuse of brownfield land, and requires remediation of contaminated land. States that planning decisions should avoid significant adverse effects from noise whilst recognising that all development will often create some noise.
- 13.1.12 Section 12: Conserving and enhancing the historic environment (paras 128-129, 131-132) – Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

### 13.2 South Kesteven Local Plan - Core Strategy 2010:

- 13.2.1 Policy SP1: Spatial Strategy - This policy supports new developments in sustainable locations including allocated sites within local service centres (LSCs)
- 13.2.2 Policy SP2: Sustainable Communities- This policy defines Billingborough as a local service centre (LSC) and directs development to LSCs where localised service use is already strong. Proposals that retain or enhance existing community facilities are supported.
- 13.2.3 Policy SP3: Sustainable Integrated Transport – This policy directs developments to locations which encourage greater use of public transport, walking and cycling to access facilities such as LSCs.
- 13.2.4 Policy SP4: Developer Contributions – Requires appropriate section 106 contributions to facilitate sustainable development including in this case affordable housing, and enhancements to existing sports facilities.
- 13.2.5 Policy EN1: Protection and Enhancement of the Character of the District – Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.
- 13.2.6 Policy EN2: Reducing the Risk of Flooding – Directs development away from areas identified in the South Kesteven Strategic Flood Risk Assessment and seeks to ensure that adequate drainage and flood risk mitigation is put in place for new development. In particular details of how surface water is to be managed, including the use of SuDS wherever possible are required as part of a planning application.
- 13.2.7 Policy H1: Residential Development – Sets out the spatial distribution of new housing development over the plan period including sites in LSCs
- 13.2.8 Policy H3 (read in conjunction with PPG): Affordable Housing – Requires residential developments of 6 or more dwellings in rural areas to provide a target of 35% affordable housing, preferably on site unless viability or other constraints would justify an off site financial contribution towards affordable housing elsewhere in the district or a reduced contribution.

### 13.3 South Kesteven Local Plan - South Kesteven Site Allocations & Policies DPD 2014

- 13.3.1 Policy SD1: Presumption in Favour of Sustainable Development – This policy reflects the emphasis of the NPPF towards a positive approach to approving appropriate policy compliant development without delay
- 13.3.2 Policy LSC1: Housing Allocations in the Local Service Centres – The site (LSC1b) is allocated for residential development within the 2011-2016 phase of the plan. It has an indicative density of 35 and an indicative expectation that 12 affordable dwellings would be provided. The policy also states that “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.”
- 13.3.3 Policy SAP10: Open Space Provision – Sets out types and amounts of open space provision that is expected for new residential developments. Off site provision or enhancement of existing facilities is supported where appropriate.

### 13.4 Supplementary Planning Documents/Guidance

Planning Obligations Supplementary Planning Document – This documents sets out the thresholds and formulas used to calculate S106 contributions.

## **14.0 Relevant Planning History**

14.1 None

## **15.0 SKDC Corporate Priorities**

15.1 The Council's Corporate Priorities are to:

### **Grow the economy**

- Support & facilitate the growth of business
- Enable delivery of attractive retail & leisure offer
- Easy to do business with – look to say yes
- Promote infrastructure to support growth
- Skills – high value employment
- Attract as a destination for investment

### **Keep SK clean, green and healthy**

- Enable development of our parks and open spaces
- Clean and attractive street scene
- Sustain high levels of recycling
- Reduce the Carbon footprint of our organisation
- Encourage active & healthy lifestyles

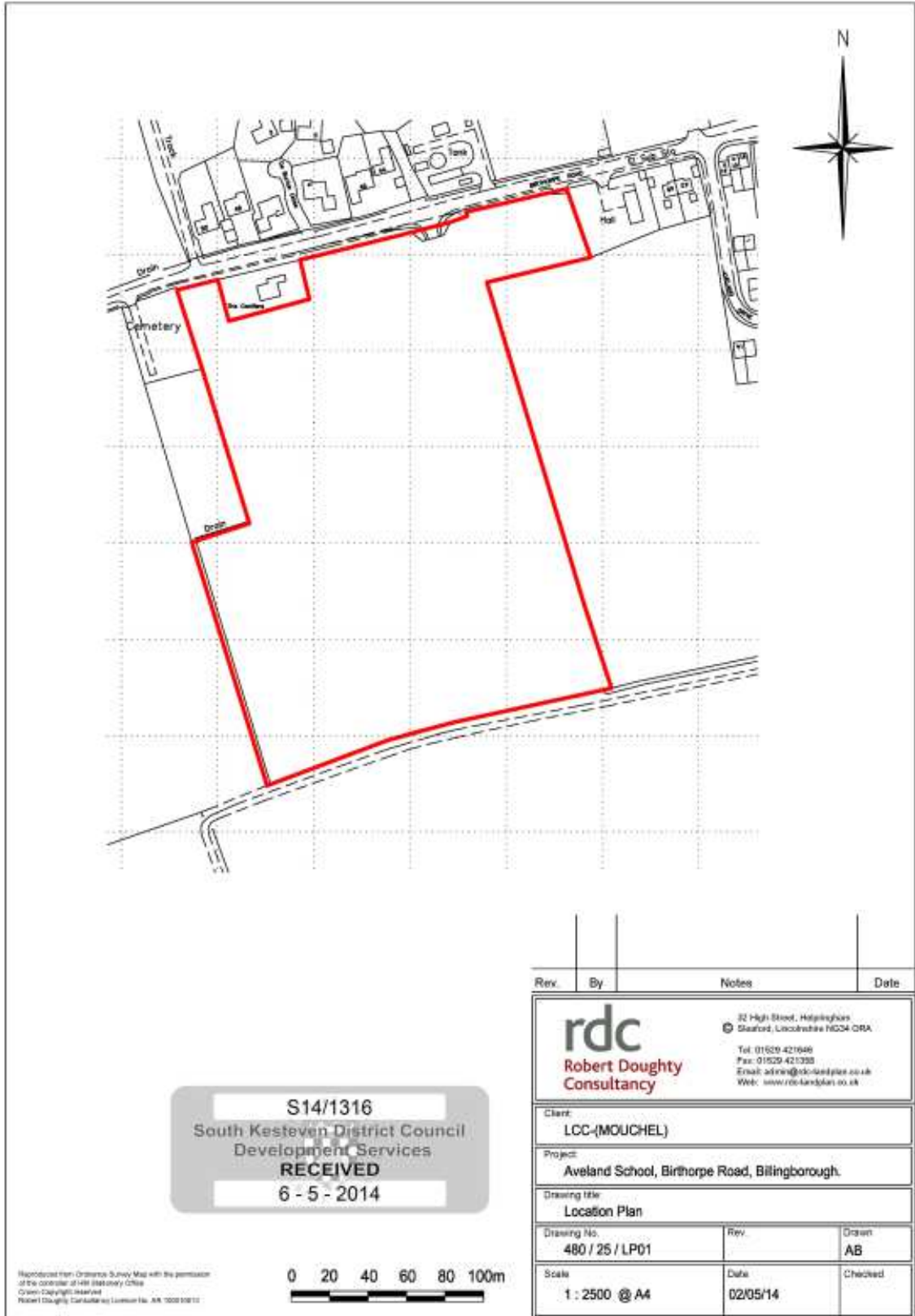
### **Promote leisure, arts and culture**

- Support and enable development of a diverse economy – daytime & evening
- Enable wide ranging leisure opportunities
- Enable access to a balanced culture & arts programme
- Promote our heritage & tourism

### **Support good housing for all**

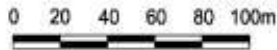
- Ensure the right mix of housing meets local needs
- Enlarge the development of lifetime homes
- Support the creation of neighbourhoods
- Reduce fuel poverty

15.2 This application supports all strands of the Council's priorities by providing new good quality homes in a sustainable location whilst respecting the streetscene and providing new community sports facilities. The occupiers would contribute to the local economy through support for local businesses and shops.



**S14/1316**  
 South Kesteven District Council  
 Development Services  
**RECEIVED**  
 6 - 5 - 2014

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Rev.	By	Notes	Date
<small>           32 High Street, Hoptonby            Shefford, Lincolnshire NG24 0RA            Tel: 01529 421646            Fax: 01529 421228            Email: admin@rdc-landplan.co.uk            Web: www.rdc-landplan.co.uk         </small>			
<small>Client:</small> <b>LCC-(MOUCHEL)</b>			
<small>Project:</small> <b>Aveland School, Birtherpe Road, Billingborough.</b>			
<small>Drawing title:</small> <b>Location Plan</b>			
<small>Drawing No.</small>	<small>Rev.</small>	<small>Drawn</small>	
<b>480 / 25 / LP01</b>		<b>AB</b>	
<small>Scale</small>	<small>Date</small>	<small>Checked</small>	
<b>1 : 2500 @ A4</b>	<b>02/05/14</b>		

All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy.



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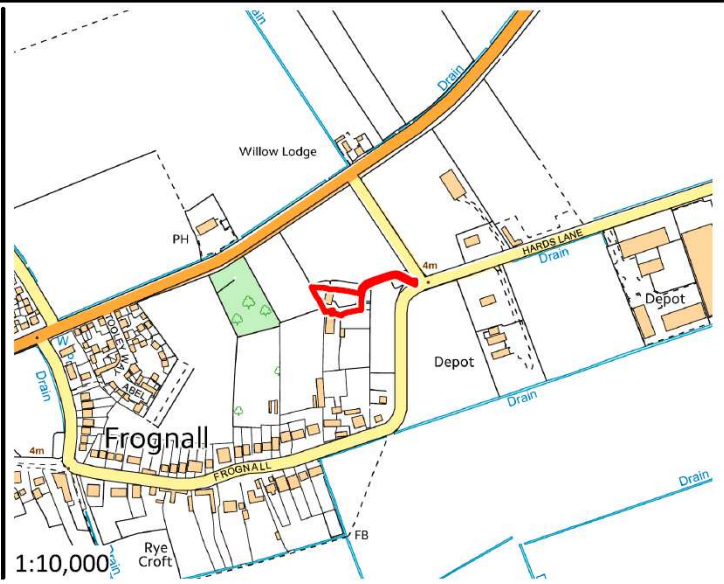
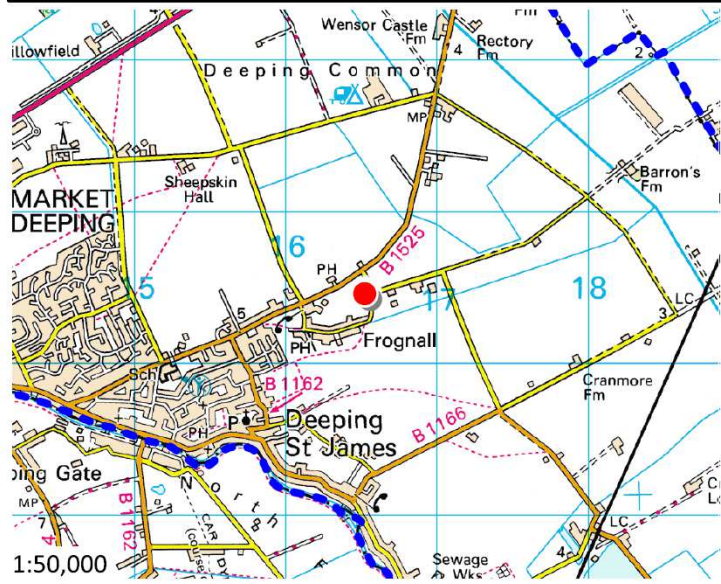
Applicant	<b>Mrs Margaret Davis</b> C/O Agent
Agent	David Kemp, DRK Planning Limited 215 Alfred Court, 53, Fortune Green Road, West Hampstead, London, NW6 1DF
Proposal	<b>Erection of bungalow with garage in connection with existing livery business</b>
Location	<b>Frognall Livery, Village Streets, Frognall, Peterborough, Lincolnshire, PE6 8RP</b>
App Type	Full Planning Permission
Parish(es)	Deeping St James
Reason for Referral to Committee	This application is reported to Committee as involves Section 106 matters.
Recommendation	Approved subject to condition(s)

**Key Issues**

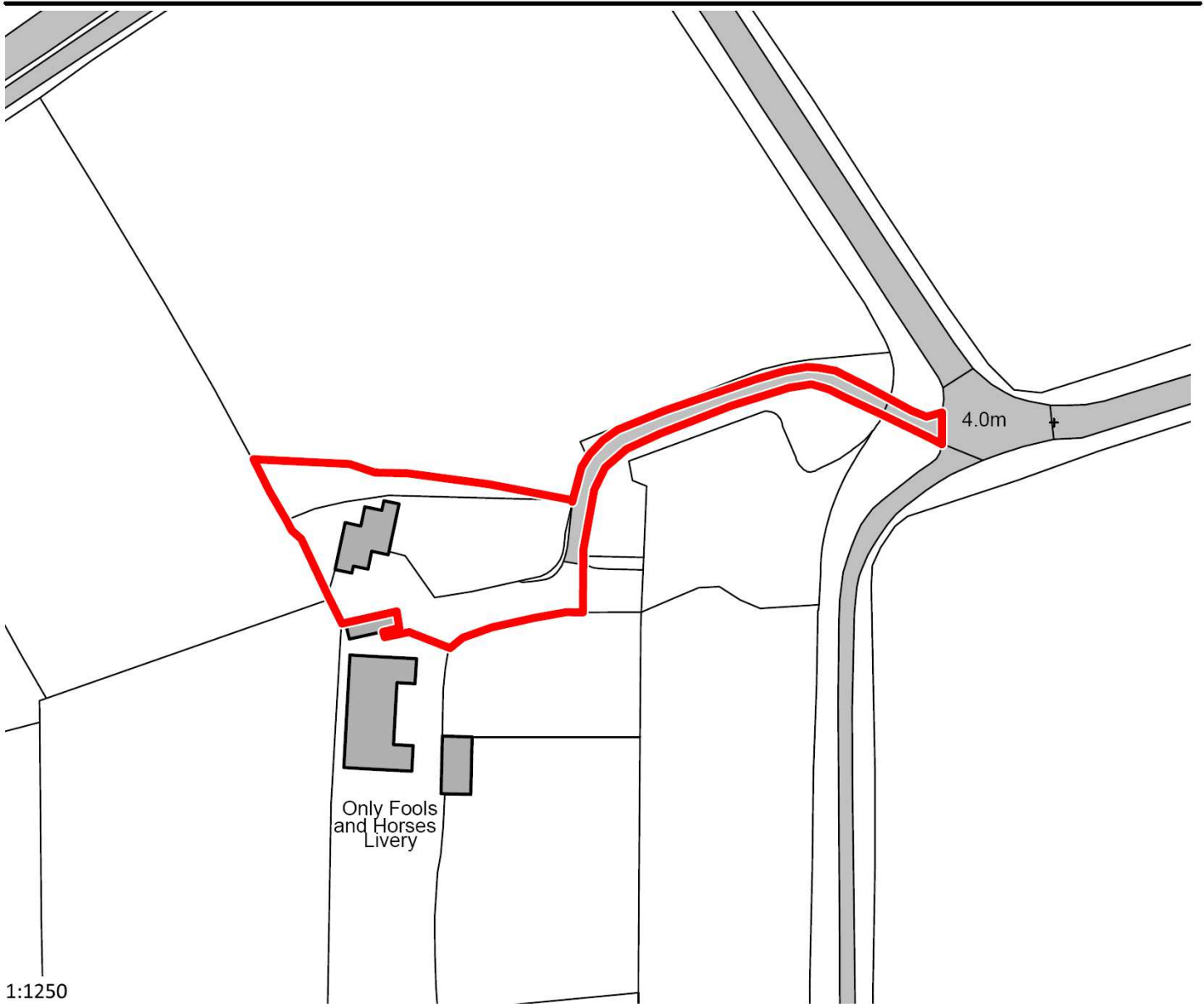
- Planning Policy Implications
- Design, Layout and Visual Impact
- Impacts on Residential Amenities
- Highway Safety/Services Implications
- Section 106 Matters

**Technical Documents**

- Application Forms
- Site Location Plan
- Site Layout Plan
- Elevation Drawings
- Supporting Statements
- Financial Submissions
- Section 106 Information



Site Boundary Plan



1:1250

Key

- Application Location
- Application Boundary

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## REPORT

### 1.0 Application Category

1.1 This application is categorised as a minor application for residential development.

### 2.0 Reason for Referral to Committee

2.1 This application is reported to Committee as involves Section 106 matters.

### 3.0 The Site

3.1 Frognall Livery Stables occupies land totalling some 2.7 hectares (6.67 acres) to the east/north-east of the main body of the settlement of Frognall. The land is bounded by Spalding Road to the north, the rear garden areas of properties on Frognall to the south and to the east by Hards Lane. The Livery Stables has vehicular access by means of a private drive off the junction of Frognall/Hards Lane/Village Street.

3.2 The livery stables/storage barn buildings are situated in the southern area of the lands with a double static caravan and a single static caravan (both used for residential purposes) situated immediately to the north on a small paddock area. To the north of the caravans is a further larger paddock area which extends up to Spalding Road. The boundaries of the lands to the Livery Stables site are largely defined by mature hedgerows.

### 4.0 The Proposal

4.1 This application for full planning permission relates to the proposed erection of a single storey two no. bedroom dwelling and detached double garage to be used in association with the livery stables at the site. The proposed dwelling and garage are situated immediately to the north of the livery stable/storage barn buildings at the site.

4.2 The original application submission was accompanied by supporting statements. Subsequently, and at the request of officers, the applicant's agent submitted the accounts for the business (for the last three financial years) for review by the Council's appointed Agricultural Consultant and additional supporting information. The Agent points out by way of background to the original/additional submissions that :-

- There are currently 11 horses/ponies kept at the site, two horses belong to the applicant, one is owned by the applicant's mother, but is kept on site and looked after by the applicant, in addition there are eight other horses/ponies kept at livery, one belongs to the live-in groom, and seven belong to clients and are kept on various part-livery arrangements.
- There have been a number of temporary permissions for the siting of caravans/mobile homes on the site and the applicant has occupied these since she has operated the livery stables since 2000. The applicant holds qualifications in horse care.
- The business has operated a profit in the last three financial years in line with the test set out in national planning guidance and due to the increase in development activity in the locality (The Deepings area) this has contributed to an increased demand for the livery's services.
- A grant of planning permission would provide for the removal of the existing double static caravan and the single static caravan (by way of a Unilateral Obligation).

- 4.3 In response to the (negative) conclusions of the Council's appointed Agricultural Consultant in relation to the essential/functional need for the proposed dwelling (see Evaluation Section below) the applicant's agent responded with the following points summarised below :-
- The applicant has already made clear that for the sake of the horses, including having regard to the recorded history of illness that she needs to be on the site to administer attention at any time of the day or night.
  - The conclusion that the applicant can afford to buy a house in a nearby settlement when it is also concluded that she cannot afford to build her own home is inconsistent.
  - It is incorrectly assumed that the applicant will be spending money out of the proceeds of the livery business to build her own home; rather it is the intention of her parents (who own the land) to build the home at no cost to the applicant.

## **5.0 Evaluation**

### **5.1 Main Issues**

- 5.1.1 The main issues in the consideration of this application are the planning policy implications, visual and residential impacts and the highway safety/services implications.

### **5.2 Principle of Development**

- 5.2.1 Having due regard to Policies SP1, SP2 and H1 of the adopted South Kesteven Core Strategy, the application site is outside the built up area of any settlement which is a principal settlement or Local Service Centre and as such is in a location where new residential development would not normally in principle be viewed as being unacceptable. Policy SP1, however, also indicates inter alia that "in all other villages and the countryside development will be restricted. Proposals will only be considered acceptable if they are sites for: ... agriculture, forestry or equine development." (Policy H1 of the Core Strategy similarly references such circumstances). Policy SP1 also states that in all cases, planning permission will only be granted on a less sustainable site, where it has been proven that there are no other more sustainable options available or there are other overriding material considerations.
- 5.2.2 The Council has sought professional advice from an Agricultural Consultant to assess whether there is a proven need for an equestrian workers dwelling in this location.
- 5.2.3 In terms of national guidance, applications for permanent agricultural workers dwellings together with other rural related activities are currently assessed under The National Planning Policy Framework (NPPF) which states at paragraph 55 that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." In addition, the NPPF is only supportive of sustainable development, which in the case of agricultural/equestrian workers dwellings is taken to mean that the farming or equestrian enterprise carried out on the holding is required to be financially viable and capable of sustaining the cost of the proposed dwelling in the long-term.
- 5.2.4 Most Local Planning Authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7, as although superseded by the NPPF, it is still considered to be a relevant and useful guide in assessing rural workers dwellings in the absence of any guidance within the NPPF. Paragraph 3 of Annex A to PPS7 states "New permanent dwellings should only be allowed to support existing agricultural (equestrian) activities on well established agricultural (equestrian) units, providing:-

(i) There is a clearly established existing functional need:

(ii) The need relates to a full-time worker, or one who is primarily employed in agriculture (equestrian) and does not relate to a part-time requirement;

(iii) The unit and the agricultural (equestrian) activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

(iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

(v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.”

5.2.5 In relation to the criteria set out in PPS7 the Council’s appointed Agricultural Consultant is satisfied that the enterprise has an existing labour requirement for approximately one full-time person (and would defer to the Local Planning Authority on other planning requirements). The Consultant, however, concludes in overall terms that he considers that there is no equestrian support for the proposed equestrian dwelling as the existing enterprise is unable to comply with all five criteria in paragraph 3 of Annex A to PPS7 or the essential need criteria in the NPPF or the sustainability element of the NPPF for the following reasons:-

- Given the present levels of operation of the livery business there is no essential/functional need for a person to live at or close by the existing livery business.
- It is considered that any essential/functional need for this enterprise could be provided by a dwelling in a nearby village or town i.e. in Frognall, or Deeping St. James or Market Deeping.
- In terms of the basis of being financially sound, and having a clear prospect of remaining so, the profit from the business would be unable to sustain the cost of the proposed two bedroomed bungalow.

5.2.6 The applicants agent has disputed the conclusions in pointing out inter alia there is a need for the applicant to be on the site at any time of the day/night to attend to the horses and that it is inconsistent to suggest that the applicant can afford to buy a house in a nearby settlement if she cannot afford to build her own home at the site. The agent points out in any event it is incorrectly assumed that the applicant will be spending money out of the proceeds of the business to build her own home; rather it is the intention of her parents (who own the land) to build the home at ‘no cost’ to the applicant.

5.2.7 The Council’s appointed Agricultural Consultant considers his position to be robust, albeit the Agent in turn has indicated that he would wish to further challenge that position. Essentially, therefore, there is an impasse on this ‘essential/functional need’ matter and any continuing correspondence between the parties on this (disputed) issue will mean that the application process could continue for some further time. Irrespective of that matter, however, it is considered appropriate to assess as to whether there are any another overriding material considerations that are relevant to the determination of the application at this point in time. In this respect, it is considered that the existing planning status of the site and its planning history are salient.

- 5.2.8 As indicated in the applicant's submissions the approval of the current scheme would provide for the removal of the existing caravans from the land which are presently used for residential purposes. As set out in the planning history for the site (see Section 14 of this report) there have been a series of planning permissions for the provision of mobile homes/caravans, the first of which for a single caravan dates back to August 1990 (and was effectively 'renewed' in 1998 and 2003). The current double and single caravans used for residential purposes have been in situ since a grant of planning permission in 2006, although the permission itself only provided for their temporary siting until July 2008.
- 5.2.9 In August 2012, a Planning Enforcement Notice was issued to seek to address the alleged unauthorised use of land from equestrian use to a mixed use of equestrian and siting of one double caravan and one single static caravan for residential purposes and the storage of dilapidated unoccupied static caravan. The Enforcement Notice required the removal of the caravans.
- 5.2.10 The Enforcement Notice was, however, then withdrawn by the Authority due to a technical deficiency in January 2013. Subsequently, it has also been recognised by officers in reviewing the documentation for the historic planning permissions that the small paddock area at the site (within which the double/single caravans remain in situ) has effectively gained the benefit of a lawful use for the siting of mobile homes/caravans. As such, it is considered that the visual benefits in securing the cessation of this use and the removal of the caravans presently in situ that would be provided for by the approval of the current application would mean that there is sufficient justification to outweigh the current opinion of the Council's Agricultural Consultant that there is no demonstrated essential/functional need for the new dwelling. A condition of any grant of planning permission would provide for the occupation of the dwelling to be tied to the operation of the livery stables at the site.
- 5.3 Design, Layout and Visual Impact
- 5.3.1 The proposed single storey dwelling and its garage would be well related to the existing buildings at the Livery Stables site and given the scale of the proposals it is considered that the scheme would not be to the detriment of the visual amenities of the locality.
- 5.4 Residential Amenities Impacts
- 5.4.1 The proposed dwelling and its garage are sufficient distance from any other existing properties so as to ensure that the proposal would have no significant overbearing, overshadowing or overlooking impacts.
- 5.5 Highway Safety/Services Implications
- 5.5.1 The County Highway Authority has no objections to the development in principle and the scheme will also not have any detrimental impact on services in the locality. The Heritage Trust of Lincolnshire advises no archaeological recording work is required.
- 5.6 Other Matters
- 5.6.1 Deeping St James Parish Council in their objections to the scheme point out that an equestrian business nearby at Priors Meadow on Stowgate Road was recently granted planning permission for one mobile home to remain on site whilst being used in conjunction with that equestrian business and the Parish Council consider that the same arrangements should apply to this livery stables business. It is, however, pointed out that it is necessary for each case to be considered on its own individual merits and as set out in this report there are specific material planning circumstances which mean that this development at Frognall Livery Stables is considered to be acceptable.

## **6.0 Section 106 Matters**

- 6.1 Clearly given that the principal justification for the new dwelling in association with the livery stables use is the removal of the existing caravans/mobile homes at the site and the cessation of the use of the land for the siting of caravans/mobile homes, it is necessary to secure these measures by means of legal agreement. The applicant's agent has therefore confirmed that a Unilateral Obligation will be submitted to address this matter and the clauses of any Obligation would be activated upon the first occupation of the new dwelling.

## **7.0 Crime and Disorder**

- 7.1 It is considered that the proposals would not result in any significant crime and disorder implications.

## **8.0 Human Rights Implications**

- 8.1 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.
- 8.2 It is considered that no relevant Article of that act will be breached.

## **9.0 SUMMARY OF REASONS FOR APPROVAL**

- 9.1 Whilst the proposed erection of the new dwelling and garage associated with the livery stables use would not necessarily in principle be justified in line with the criteria of Policies SP1 and H1 of the adopted South Kesteven Core Strategy (2010) and the national government guidance set out in the National Planning Policy Framework (in paragraph 55) it is considered that the visual amenity benefits of the removal of the existing caravans and the cessation of the use of the land for the siting of mobile homes/caravans (to be secured by an associated Unilateral Obligation) would represent overriding material considerations to warrant a grant of planning permission in the circumstances that prevail in this case.
- 9.2 The proposed development by reason of its scale, design and materials proposed would be sympathetic to the amenities of the locality and there would be no significant adverse overlooking, overbearing or overshadowing impacts on the residential amenities of the occupiers of existing properties. The County Highway Authority considers that the proposed development would not be detrimental to highway safety and that sufficient off-street car parking provision is proposed to serve the proposed development. Further, the proposed development would not have a significant detrimental impact on the archaeological interests of the site. It is therefore considered that the proposed development is in accordance with Policies EN1 and EN4 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.
- 9.3 The Local Planning Authority have worked with the applicants at the formal application stage to agree a timetable to progress the application to a determination and as such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

## **10.0 RECOMMENDATION:**

- 10.1 That planning permission be granted subject to a Unilateral Obligation to provide for the removal of the existing caravans/mobile homes and the cessation of the use of the land for the siting of caravans/mobile homes (upon the first occupation of the new dwelling) 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. 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 (received on 5 March 2015)

Drawing No. PA002 'Site Plan As Existing' (received on 5 March 2015)

Drawing No. PA002 'Site Plan As Proposed' (received on 5 March 2015)

Drawing No. PA003 (received on 5 March 2015)

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

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 a widow or widower of such a person.

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

4. No works on the construction of the external elevations of the proposed dwelling shall take place on the site until samples of any 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. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the works when they are undertaken are sympathetic to the visual amenities of the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. No development shall be commenced until full details relating to the vehicular access to the public highway, including materials, specification of works and construction methods have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site before the new dwelling is first occupied.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

6. Before the dwelling hereby approved is first occupied the arrangements for the provision of the parking/turning/manoeuvring of vehicles to serve the new dwelling shall be provided in accordance with the approved details shown on the approved plans listed at condition 2 above. Once provided the approved arrangements for the parking/turning/manoeuvring of vehicles shall thereafter be retained available at all times for the purposes specified.

Reason: To enable calling vehicles to wait clear of the carriageway of the public highway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety; to ensure the adequate provision of off-street car parking.

7. No development shall be commenced on the site until full details of the arrangements for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on the site before the new dwelling is first occupied.

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

#### Note(s) to Applicant

8. The application is subject to a Section 106 Unilateral Obligation to provide for the removal of the existing double static caravan and single static caravan at the livery stables site and the cessation of the use of the land for the siting of caravans/mobile homes.

### **11.0 Background Information**

#### **11.1 Consultation Responses**

##### **11.2 Deeping St James Parish Council**

- 11.2.1 “Objects strongly to this application and does not wish to see a permanent dwelling on this site. As a matter of fact, there are not two caravans on the site as claimed by the applicant but three and there have been three for many years.
- 11.2.2 In reality there should only be one mobile caravan on the site to support the equestrian business. Any more could possibly be rented out to people with no association to the livery business.
- 11.2.3 You will recall that an equestrian business nearby at Priors Meadow on Stowgate Road was recently granted planning permission for their one mobile home to remain on site whilst being used in conjunction with the equestrian business.
- 11.2.4 The same should surely apply to this business i.e. one mobile home should be permitted to support a viable equestrian business and that once the business is no longer viable or has ceased, then the mobile home should be removed from the site.
- 11.2.5 To permit a permanent dwelling would have a detrimental effect on the rural nature of this location and lead to undesirable consequences of a permanent dwelling no longer associated with an equestrian business.”

##### **11.3 LCC Highway Authority**

Raise no objections in principle.

##### **11.4 Welland and Deepings Internal Drainage Board**

Have no comments:

##### **11.5 SKDC Drainage Engineer**

No objections in principle.

##### **11.6 Heritage Trust of Lincolnshire:**

No archaeological implications.

### **12.0 Representations As a Result of Publicity**

- 12.1 The application has been advertised in accordance with the Statement of Community Involvement relevant to this type of planning application.

- 12.2 Two individual letters of representation have been received from local residents. One of the letters offers support for the submission in pointing out that “residents living in the vicinity of this proposed development fully support the construction of a permanent residential dwelling. Indeed, given the area of land, its access and location and the stabling already in place there is every reason to believe it could make a successful livery yard with the potential for establishing a riding school as well. There are currently 3 occupied mobile homes (static caravans) on site and they have been there for an extended period. The construction of a permanent dwelling would significantly improve the property and also provide a local service which we believe there is a demand for.”
- 12.3 The second letter - from residents on Frognall - offers reserved support for the proposal in commenting that “our garden backs onto the Frognall Livery Stables land. We feel that the continued use of this land as a livery stable is entirely in keeping with the ethos and style of the village and of our own property. We have, though, had some concerns about the increasing number of mobile home units on this land, and possible effects on our own property. We were also concerned to learn the exact position of this proposed building. Ms Davies (the applicant) assures us that the building of a bungalow will address all these points, in that:
- it will help to ensure that the land continues to be used as a livery stable.
  - it will mean the permanent removal of all mobile housing units from the land
  - it will be erected behind the existing stables as you look from our land, i.e. it will be between the existing stables and the main Spalding Road.”
- 12.4 Under these circumstances (listed above), the residents state that they would support the application.
- 12.5 The Local Ward Councillor has made representations in support of the submission stating that “I would like to make a strong representation against the mobile homes on this site and the fact that if the site was to be sold on, more mobile homes could be put on the site. I would therefore welcome the building of a bungalow on the site and the opportunity to make the demolition of the mobiles conditional on this - of course with an equestrian tie on the bungalow.”
- 12.6 The Local Ward Councillor has also collected and submitted a 31 No. signature petition of local residents in support of the application (with the residents concerned having addresses on Frognall and Spalding Road). The Correspondence accompanying the submission states that “local residents are unanimous in wanting the mobile homes taken off the site and if having a bungalow built there with an equestrian tie with the removal of the mobile homes conditional on this - this is seen to be an improved situation.”

### **13.0 Policy Framework**

#### **13.1 National Planning Policy Framework:**

##### **13.1.1 1. Building a strong, competitive economy**

13.1.2 (paras 18 -22) – Emphasises the government’s commitment to economic growth and that the planning system should encourage economic growth rather than be an impediment to it. Local planning authorities should plan proactively to meet the development needs of business and business investment should not be overburdened by planning policy expectations.

##### **13.1.3 3. Supporting a prosperous rural economy**

13.1.4 (para 28) – Emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agriculture and other rural businesses as well as promoting the retention and development of local services and community facilities in villages.

#### 13.1.5 4. Promoting sustainable transport

13.1.6 (paras 29-30, 34-35, 37-39) – support development in sustainable locations which maximises the opportunities for safe access by public transport, walking and cycling, whilst recognising the different solutions that will be necessary in urban and rural areas.

#### 13.1.7 5. Support high quality communication infrastructure

#### 13.1.8 6. Delivering a wide choice of high quality homes

13.1.9 (paras 47 – 50) – Makes clear that LPAs should significantly boost the supply of housing by identifying the full objectively assessed housing needs of the district and ensuring provision through suitable allocated sites and windfall sites in their local plan. LPAs should have a 5 year supply of housing land with a 5% buffer. LPAs are also encouraged to set out their own approach to density to reflect local circumstances.

13.1.10 (para 55) – States that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to enhancement to the immediate setting; or
- The exceptional quality or innovative nature of design of the dwelling.

#### 13.1.11 7. Requiring good design

13.1.12 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

#### 13.1.13 1. Conserving and enhancing the natural environment

13.1.14 (paras 109, 111, 118, 120-121, 123) – The planning system should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimise impacts on biodiversity and prevent both existing and new development from contributing to or being put at risk from unacceptable soil, air, water or noise pollution.

### 13.2 South Kesteven District Council Core Strategy 2010:

#### 13.2.1 Policy SP1: Spatial Strategy

13.2.2 Guides major development to Grantham and supports new development which helps to maintain the three market towns of Stamford, Bourne and the Deepings and supports new developments in sustainable locations including allocated sites within local service centres (LSCs). Policy SP1 also sets out the parameters for the circumstances where proposals outside settlements will only be considered acceptable if they are sites for agriculture, forestry or equine development.

#### 13.2.3 Policy EN1: Protection and Enhancement of the Character of the District

13.2.4 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

13.2.5 Policy H1: Residential Development

13.2.6 Sets out the spatial distribution of new housing development over the plan period including sites in LSCs. Also reflects Policy SP1 in acknowledging there are circumstances where proposals may be considered acceptable if they are sites for agriculture, forestry or equine development.

## **14.0 Relevant Site History**

14.1 June 1989 - Planning permission granted for the erection of the stable block.

14.2 August 1990 - Planning permission granted for the temporary siting of a mobile home (until August 1995).

14.3 January 1991 - Planning permission refused for the erection of a dwelling.

14.4 December 1991 - Planning permission refused for the erection of a dwelling.

14.5 July 1998 - Planning permission granted for the retention of the mobile home (until September 2003).

14.6 September 2003 - Planning permission granted for the retention of the mobile home (until September 2008).

14.7 July 2006 - Planning permission granted for the temporary siting of one double caravan and one single static caravan for residential purposes (until July 2008).

14.8 May 2007 – Application for planning permission submitted for the erection of a dwelling. Application withdrawn prior to determination.

14.9 August 2012 - Planning Enforcement Notice was issued in relation to the alleged unauthorised use of land from equestrian use to a mixed use of equestrian and siting of one double caravan and one single static caravan for residential purposes and storage of dilapidated unoccupied static caravan. The Enforcement Notice required that the caravans be removed from the site.

14.10 The Enforcement Notice was withdrawn by the District Council due to a technical deficiency in January 2013. Subsequently, it has also been recognised by officers in reviewing the documentation for the historic planning permissions that the small paddock area at the site (within which the double/single caravans remain in situ) has effectively gained the benefit of a lawful use for the siting of mobile homes/caravans.

## **15.0 SKDC Corporate Priorities**

15.1 Grow the economy

Support & facilitate the growth of business  
Enable delivery of attractive retail & leisure offer  
Easy to do business with – look to say yes  
Promote infrastructure to support growth  
Skills – high value employment  
Attract as a destination for investment

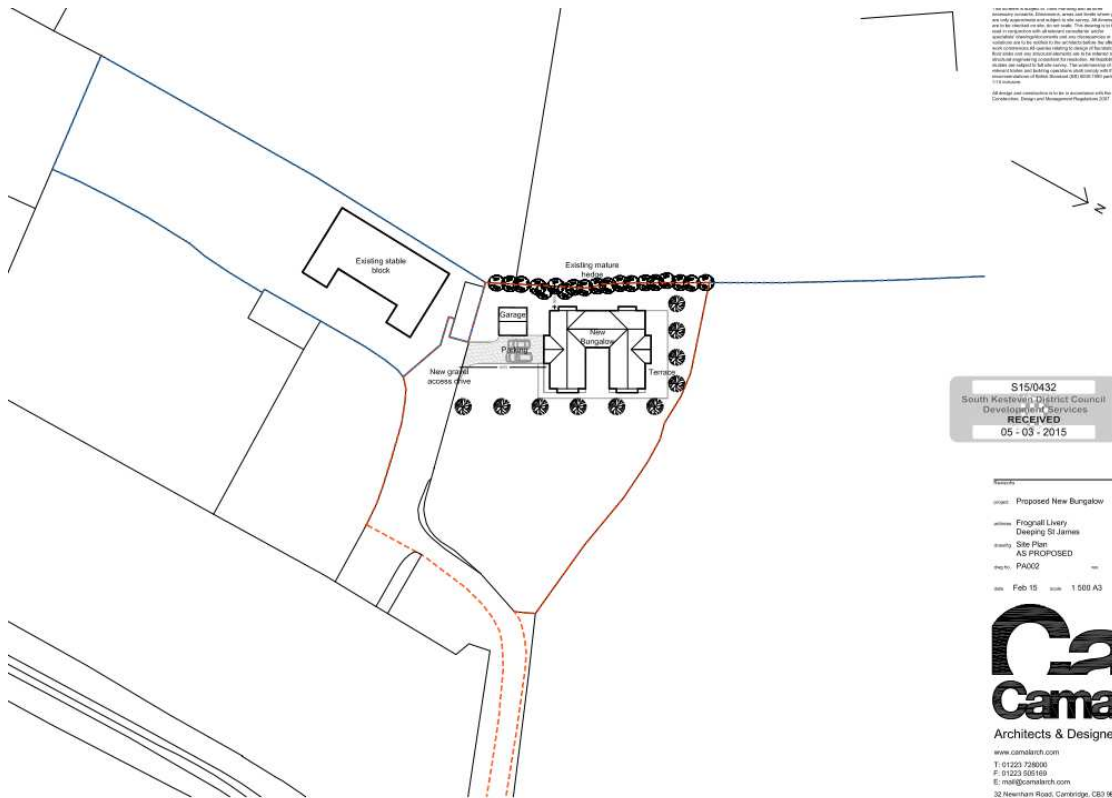
15.2 Promote leisure, arts and culture

Support and enable development of a diverse economy – daytime & evening  
Enable wide ranging leisure opportunities  
Enable access to a balanced culture & arts programme  
Promote our heritage & tourism

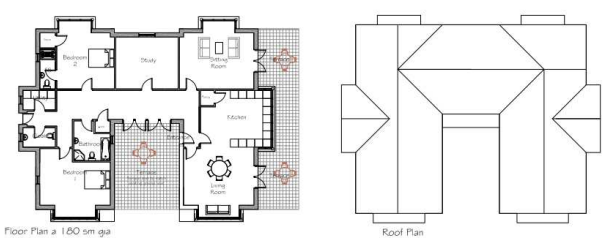
15.3 Support good housing for all

Ensure the right mix of housing meets local needs  
Enlarge the development of lifetime homes  
Support the creation of neighbourhoods  
Reduce fuel poverty

15.4 The proposed development would in overall terms help meet the Council's priorities of delivering good housing for all, promoting leisure arts and culture and growing the economy.



Elevation/Floor Plan Drawings



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Proposed New Bungalow  
 Froggnell Livery  
 Deeping St James  
 AS PROPOSED  
 PA002  
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Camal  
 Architects & Designers

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# Agenda Item 5d

LDPP1 S14/1921/HSH

Target Decision Date: 26-Sep-2014

Committee Date: 21-Jul-2015

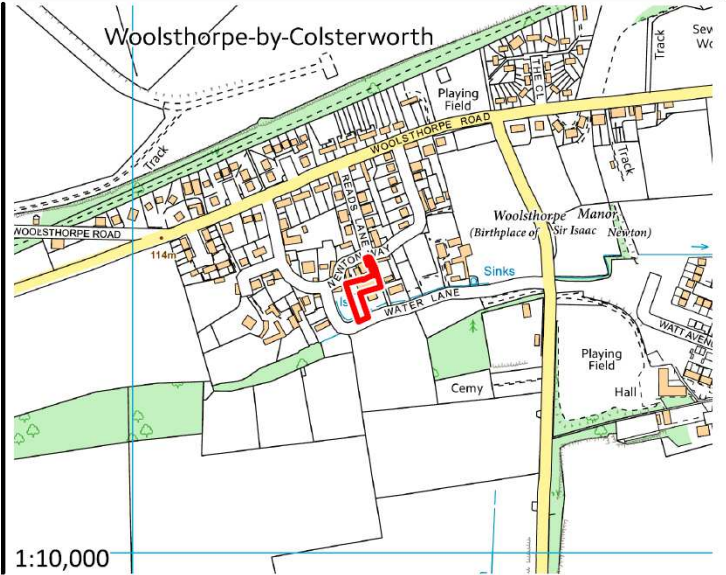
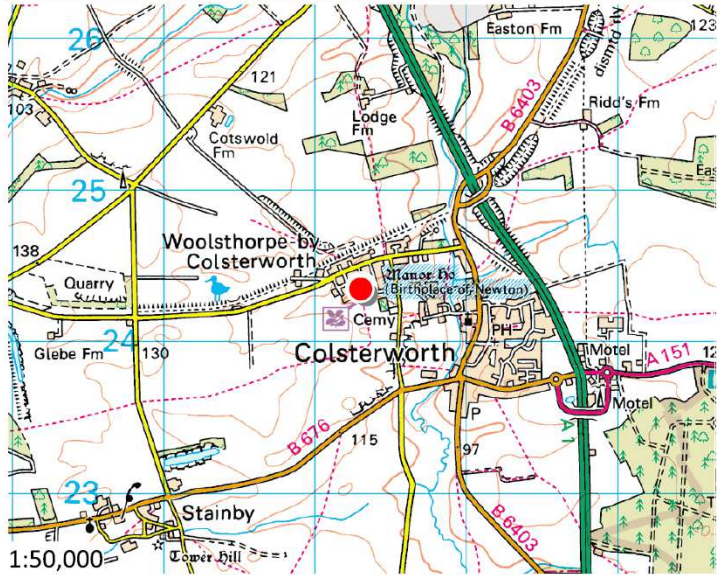
Applicant	<b>Ken Smithers</b> Stone Lodge, 33A, Newton Way, Woolsthorpe by Colsterworth, Grantham, NG33 5NR
Agent	
<b>Proposal</b>	<b>Erection of outbuildings and terracing of garden</b>
<b>Location</b>	<b>33A, Newton Way, Woolsthorpe-by-Colstherworth, Grantham, Lincs, NG33 5NR</b>
App Type	Householder Development
Parish(es)	Colsterworth
Reason for Referral to Committee	The application has been referred to the committee by the Authorised Officer as the application is considered to be locally controversial.
Recommendation	Approved subject to condition(s)

## Key Issues

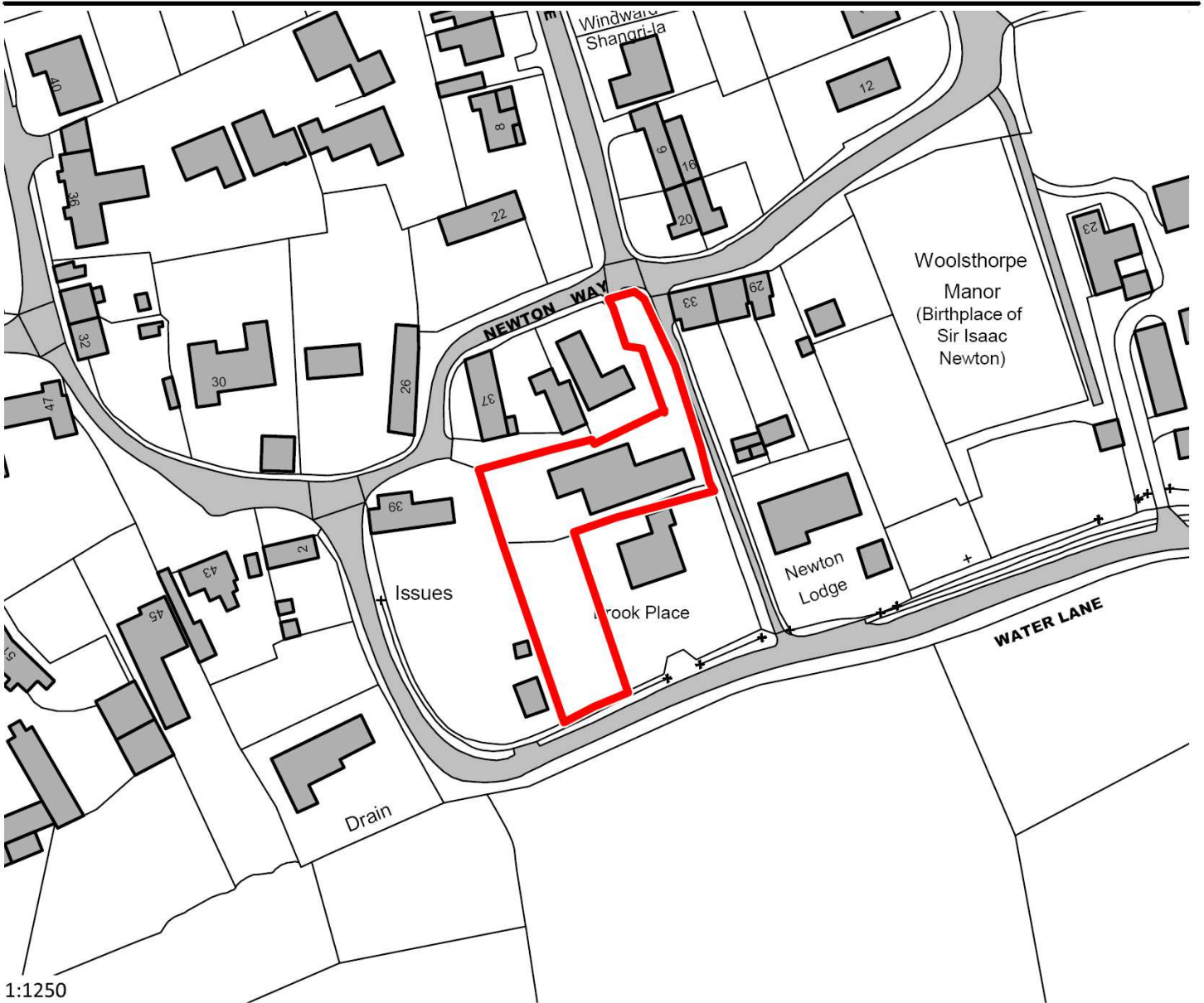
- Impact on Conservation Area
- Impact on occupants of neighboring dwellings

## Technical Documents Submitted with the Application

- Site Location Plan
- Elevations of terracing, site sections and block plan
- Elevations and floor plan of outbuildings.



Site Boundary Plan



1:1250

Key

-  Application Location
-  Application Boundary

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## **REPORT**

### **1.0 Application Category**

1.1 This application is categorised as a Householder application.

### **2.0 Reason for Referral to Committee**

2.1 The application has been referred to the committee by the Authorised Officer as the application is considered to be locally controversial.

### **3.0 The Site**

3.1 The application property is located in an elevated position within a relatively large plot on gently sloping land on the northern side of Water Lane, a narrow thoroughfare on the southern edge of the village.

3.2 The site is occupied by a detached bungalow of buff brick construction and is within the Woolsthorpe by Colsterworth Conservation Area. It is also some 50 metres to the west of the group of listed buildings comprising Woolsthorpe Manor, the birthplace of Isaac Newton.

3.3 Due to the nature of the works and there being a dwelling between the application site and the Manor, the site has not been advertised as affecting the setting of a Listed Building.

3.4 The proposed outbuildings and part of the terracing is built on land that has been subdivided from the adjacent bungalow. There is no change of use required as the land is classed as domestic garden land.

### **4.0 The Proposal**

4.1 Planning permission is sought by the occupier of 33A Newton Way for the erection of an outbuilding and terracing of garden. The outbuilding measures 2.6 metres in height at its highest point and is 7.3 metres in length with a width of 3.0 metres.

4.2 The outbuilding is to be divided into two parts, one part to be used as a domestic dog kennel and the other a garden shed. To be attached to the outbuilding is a cage used to house the keeping of birds, there is also a green house that will be situated to the front west of the garden.

4.3 The terracing of the garden area involves the erection of retaining walls, faced in stone and surrounded by 1.5 metre timber fencing, to enclose an irregular shaped area between the outbuilding and the adjacent bungalow, Brook Place.

4.4 Upon site inspection it was noted that works have commenced on site and close boarded timber fencing has been erected along the site boundaries along Water Lane after discussions with the applicant this fencing has been reduced in height to 2.0 metres so that it comes within permitted development limits and does not form part of the current application.

## **5.0 Evaluation**

### **5.1 Main Issues for consideration are**

- Impact on surrounding Conservation Area
- Residential amenities

### **5.2 Impact on Conservation Area**

5.2.1 The proposed outbuilding is to be located in the north-west corner of the site. It is proposed to be constructed of stone and will have a pantile roof covering, the retaining walls forming the terracing of the garden are also to be faced in stone. Stone and pantiles are a common material of buildings in the Conservation Area, so the outbuilding will not have an adverse impact on the character or appearance of designated Area nor will it affect the setting of Woolsthorpe Manor.

5.2.2 There has been objection from local residents with regard to the impact on Heritage assets. However, notwithstanding the concerns of the objectors, it is considered on balance that the use of materials found within the existing streetscene reduces the potential impacts of the development and would therefore preserve the character and appearance of the surrounding conservation area.

5.2.3 This coupled with the distance to Woolsthorpe Manor being approximately 50 metres away, and given that there is an existing dwelling between, it is considered that there is sufficient separation distance to Woolsthorpe Manor to ensure no significant detrimental impact on the listed buildings.

5.2.4 The terracing of the garden and the erection of retaining walls, faced in stone and surmounted by 1.5 metre timber fencing, to enclose an irregular shaped area between the outbuilding and the bungalow, again should also not have an adverse impact on the designated Area or setting of Woolsthorpe Manor mainly due to the use of sympathetic materials and the limited extent of the works.

### **5.3 Residential Amenity**

5.3.1 Whilst it is acknowledged that the bungalow known as Brook Place is currently occupied by a family member of 33A Newton Way, this is not a material consideration for the proposal and screening is to be provided to separate the two plots and protect the amenity of both existing and future occupants of both sites.

5.3.2 Boundary treatmentsexistaround the boundary of the western elevation that screen the majority of the outbuildings and all of the garden area from the neighbouring dwelling ensuring that the proposal does not overlook any nearby residential private amenity space.

5.3.3 Whilst located adjacent to the Western boundary of the site, there remains sufficient separation distance of approximately 13 metres from the proposed outbuilding to the closest point of the nearby neighbouring property Number 39 Newton Way, this coupled with the double skin brick lining of the building ensures that the occupants of neighbouring dwellings are not significantly affected by potential noise.

#### 5.4 Other Matters raised by members of the public

##### 5.4.1 Removal of Hedges not in accordance with Character Appraisal for Woolsthorpe by Colsterworth Conservation Area.

Whilst it is the preference to have natural borders around a site within a Conservation Area the Local Planning Authority has no powers to retain a hedgerow solely because it is located within a Conservation Area. The removal of a hedgerow does not trigger the requirement for a notification like trees do, nor can it be considered as notification under the Hedgerow Regulation 1997, due to its location within a built-up residential area.

As such the Local Planning Authority has no power to require their retention.

##### 5.4.2 Replacement fencing

The existing replacement fence has been reduced to 2 metres in height, and is considered to be Permitted Development under Class A, Part 2, Schedule 2 of the Town and Country Planning General Permitted Development) Order 1995 and therefore planning permission is not required.

##### 5.4.3 Works have commenced on site

The current planning regime allows for applications for planning permission to be determined retrospectively once work has commenced. They must be assessed on their own merits the same as if works had not commenced. The applicant has been made aware of this and advised that if planning permission is not forthcoming the works he has undertaken would be abortive and may have to be removed with any works undertaken at the owner's risk.

##### 5.4.4 Advertisement of application

The site notice was replaced on two separate occasions and additional rounds of public consultation carried out via letter once amended plans were received. As such the Local Planning Authority has met the requirement of the adopted statement of community involvement.

#### **6.0 Section 106 Heads of Terms**

6.1 A Section 106 Agreement is not required in this instance.

#### **7.0 Crime and Disorder**

7.1 The proposed development raises no significant crime and disorder implications.

#### **8.0 Human Rights Implications**

8.1 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.

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

#### **9.0 Summary**

9.1 The outbuildings and terracing of the garden is considered appropriate in the context of this residential area, with appropriate screening in place to ensure no overlooking of neighbouring private amenity space occurs. The development comprised of materials found within the immediate street scene ensures there is no detrimental impact and preserves the surrounding Conservation Area and is well screened by the existing boundary treatment around the site.

- 9.2 As such the proposal complies with Core Strategy Policy EN1 and relevant guidance contained within Policies 7 - Requiring Good Design and 12 - Conserving and Enhancing the Historic Environment of the National Planning Policy Framework.
- 9.3 Concerns have been raised over the potential impact on the setting of heritage assets. However it is considered that the proposal by way of using appropriate materials has successfully mitigated against these negative impacts and will, on balance, have a positive impact on the area and preserve the historic character.
- 9.4 Potential noise issues are to be dealt with by way of condition to ensure the outbuildings remain incidental to the residential nature of the site. As such they are not considered to outweigh the policies referred to in this report.
- 9.5 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

## **10.0 Recommendation**

10.1 Approve subject to the following conditions

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

Drawing Number 001 amended site location plan received 01-04-2015

Drawing Number 003 amended section plan received 01-04-2015

Amended floor and elevation plan received 01-04-2015

Amended Block plan received 01-04-2015

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

## **11. Background Information**

### **11.1 Representations Received**

#### **11.2 Colsterworth and District Parish Council:**

SKDC Planning must ensure that they fully investigate the issues raised by the local residents who have contacted you directly. The parish council trusts that SKDC Planning ensure that the building and landscaping works being carried out:

- a) Meet planning regulations compliant with the plans submitted
- b) Compliant with the Colsterworth Conservation Area document 1997

It is important that the local character of the hamlet of Woolsthorpe by Colsterworth is maintained.

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

12.1 The application has been advertised in accordance with the Council's Adopted Statement of Community Involvement relevant to this type of planning application.

12.2 Neighbours have been notified of the application and a site notice posed. The latest period for receipt of comments expired on 23 June 2015.

12.3 Six letters of representation have been received from local residents, some residents have commented more than once. The comments made are summarised below:

- Impact on Conservation Area and Woolsthorpe Manner
- Removal of Hedges and replacement fencing not in accordance with Character Appraisal for Woolsthorpe by Colsterworth Conservation Area

- Works have commenced on site
- Not advertised correctly.

### **13.0 Policy Framework**

13.1 Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant national and local policies in respect of the proposed development are as follows:

#### **13.2 National Planning Policy Framework:**

13.2.1 Section 7. Requiring good design – Paragraphs 56 to 68 requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

13.2.2 Section 12. Conserving and enhancing the historic environment

13.2.3 The NPPF (March 2012) contains current government guidance on the conservation and enhancement of the historic environment. Paragraph 132 of the NPPF states that “When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation.

13.2.4 (Paragraphs 128-129, 131-132) – Requires local planning authorities to take into account the significance of any heritage assets affected and the impact on their settings. If harm is identified the relevant tests should be applied. The desirability of development providing an enhancement to the historic environment is also emphasised.

13.2.5 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

13.2.6 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

#### **13.3 South Kesteven District Council Core Strategy 2010:**

13.3.1 Policy EN1: Protection and Enhancement of the Character of the District - Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

#### **14.0 Relevant Site History**

14.1 S04/1092 Erection of bungalow. Approved conditionally October 2004.

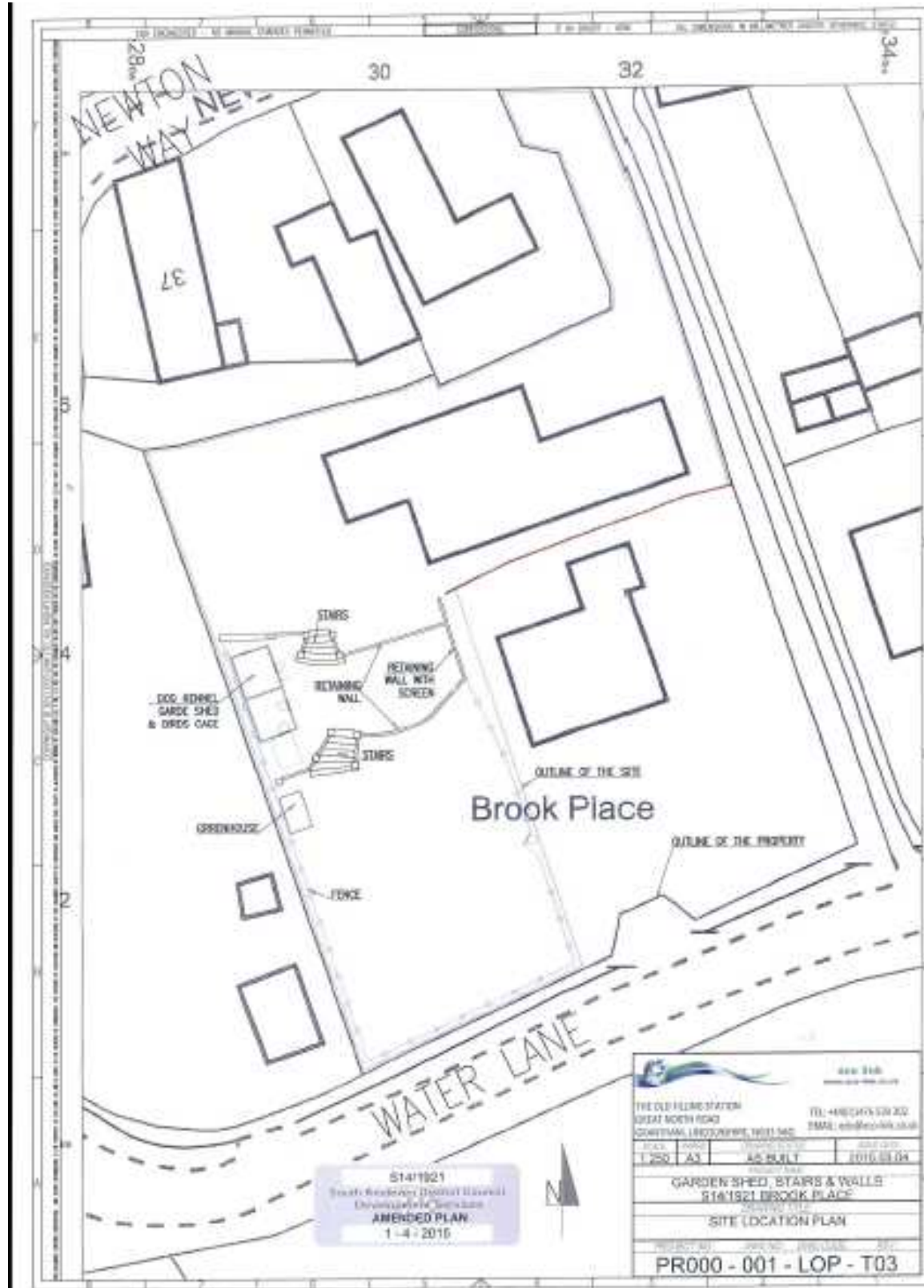
14.2 S14/2275 Prior Approval Notification for works to trees. Allowed September 2014.

#### **15.0 SKDC Corporate Priorities**

15.1 It is considered that the proposal supports the Council's Corporate Priority good housing for all.

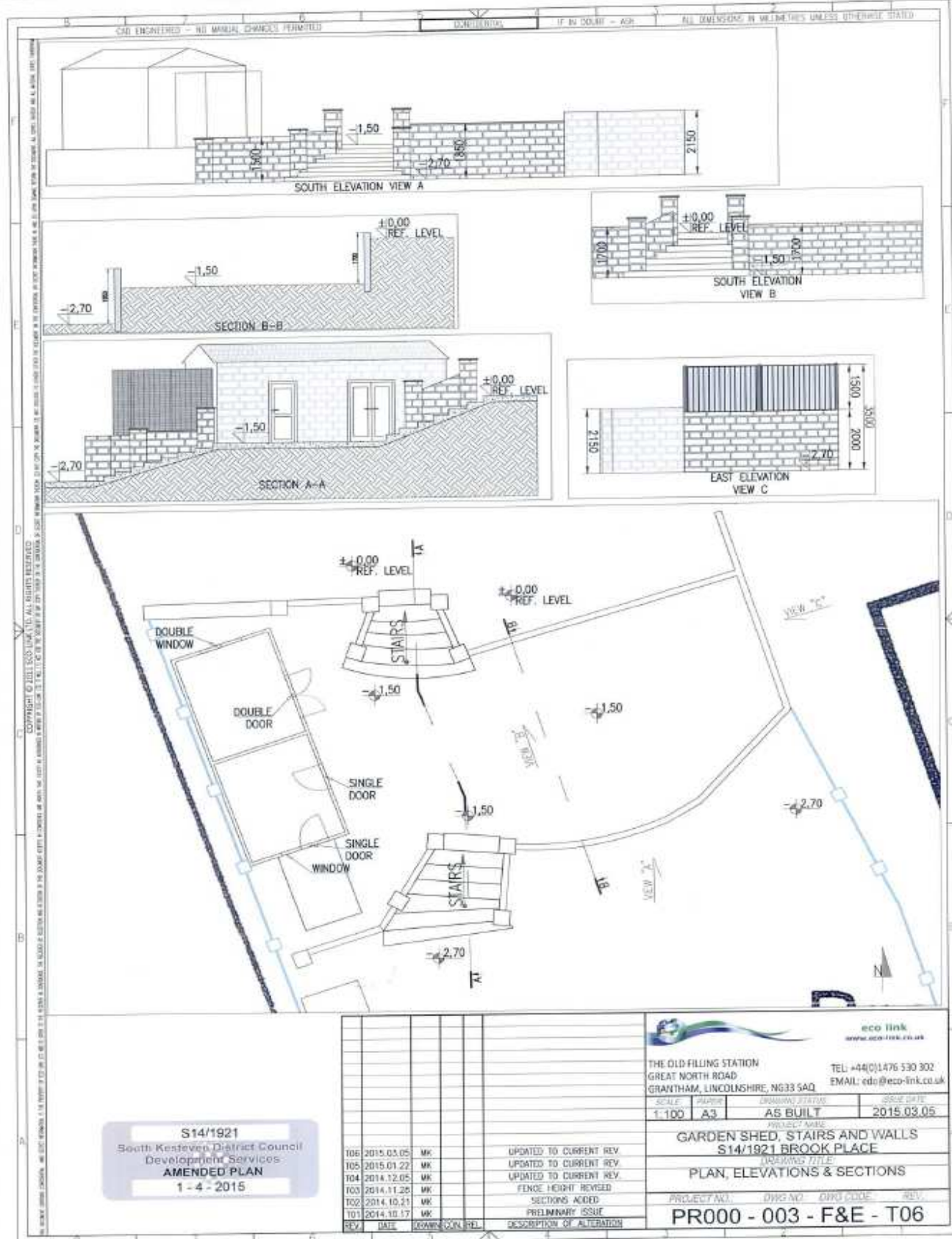
Plans

Location Plan



Elevations





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**S14/1921**  
 South Kesteven District Council  
 Development Services  
**AMENDED PLAN**  
 1 - 4 - 2015

REV	DATE	DRAWING NO.	REL.	DESCRIPTION OF ALTERATION
T06	2015.03.05	MK		UPDATED TO CURRENT REV
T05	2015.01.22	MK		UPDATED TO CURRENT REV
T04	2014.12.05	MK		UPDATED TO CURRENT REV
T03	2014.11.26	MK		FENCE HEIGHT REVISED
T02	2014.10.21	MK		SECTIONS ADDED
T01	2014.10.17	MK		PRELIMINARY ISSUE


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SCALE	A3	DRAWING STATUS	ISSUE DATE
1:100		AS BUILT	2015.03.05

PROJECT NAME  
**GARDEN SHED, STAIRS AND WALLS**  
**S14/1921 BROOK PLACE**  
 (DRAWING TITLE)

PROJECT NO.	DWG NO.	DWG CODE	REV.
PR000 - 003 - F&E - T06			

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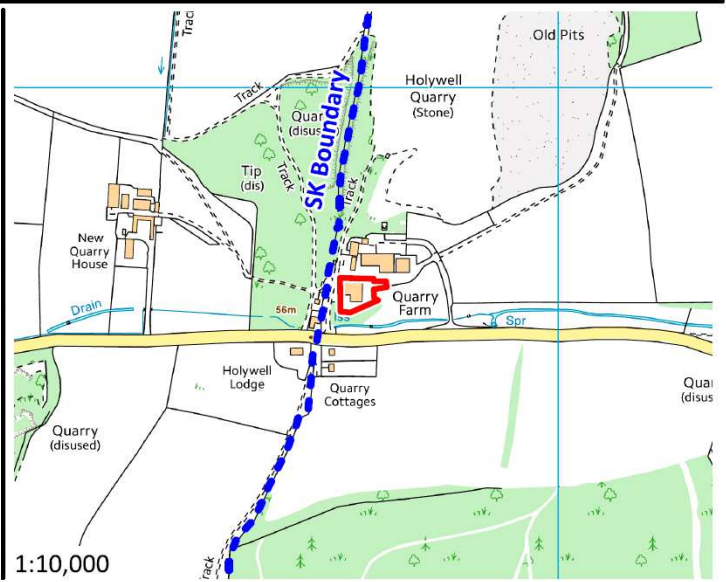
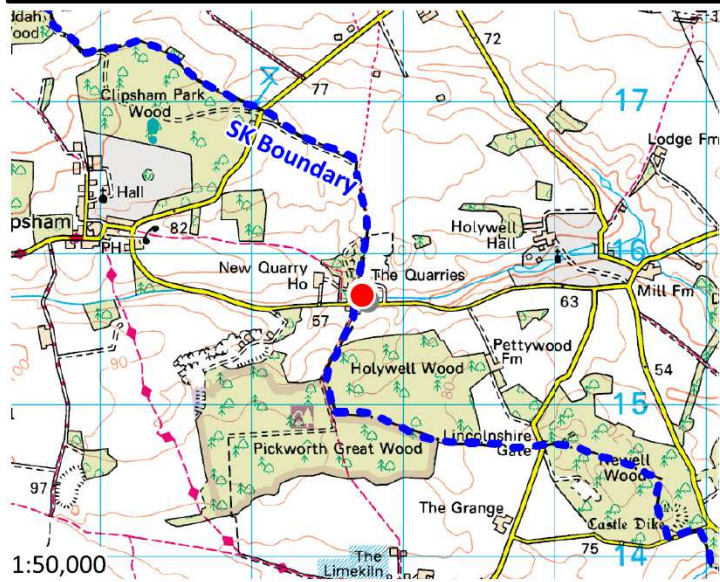
Applicant	<b>Mr Tim Fiducia</b> Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ
Agent	Strutt & Parker 5, South View, Tinwell Road, Stamford, Lincs, PE9 2JL
Proposal	<b>Installation of two biomass combined heat &amp; power units, feed hoppers and associated activities and woodchip storage</b>
Location	<b>Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ</b>
App Type	Full Planning Permission
Parish(es)	Careby, Aunby & Holywell
Reason for Referral to Committee	This application has been referred to committee by the Head of Development and Growth as it is locally controversial.
Recommendation	Approved subject to condition(s)

**Key Issues**

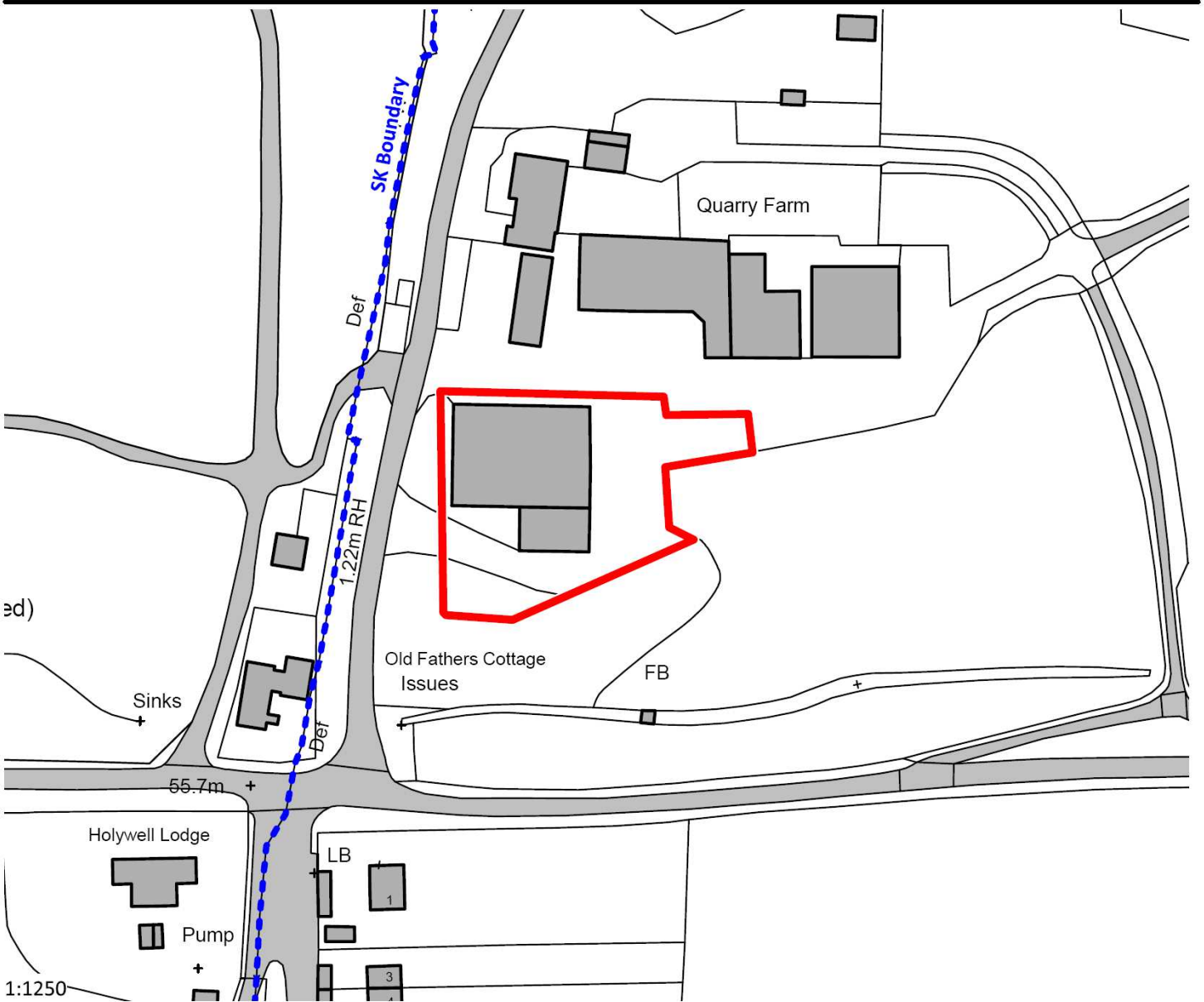
- Noise
- Fumes
- Highways

**Technical Documents Submitted with the Application**

- Design and Access Statement
- Noise Impact Assessment
- Dispersion Screening Assessment



Site Boundary Plan



Key

-  Application Location
-  Application Boundary

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## **REPORT**

### **1.0 Application Category**

1.1 This application is categorised as a householder application for planning permission.

### **2.0 Reason for Referral to Committee**

2.1 This application has been referred to committee by the Head of Development and Growth as it is locally controversial.

### **3.0 The Application Site and its Surroundings**

3.1 The application site lies to the south of Quarry Farm house a large, recently renovated property located on the north side of Holywell Road, within the parish of Careby, Aunby and Holywell, adjacent to the District boundary with Rutland County Council.

3.2 It comprises an existing grain store that forms part of the farmyard with the two biomass units and related works proposed to the south of the grain store. To the west and south there is mature tree planting.

3.3 Access to the site is via a track to the west side of the grain store building, this access is shared with a quarry to the north of Quarry Farm house. The county boundary between Lincolnshire and Rutland runs along this track from north to south.

3.4 The nearest unrelated residential property is situated to the south west on the north side of Holywell Road adjacent to the access track, approximately 30 metres to the application site.

### **4.0 The Proposal**

4.1 The application seeks consent for the installation of two biomass combined heat and power units; feed hoppers, acoustic screen walls, on site wood chipping and wood chip storage.

4.2 The two biomass units are an Abor30 producing 30kWe (electricity) 75 kW (heat) and an Abor40 producing 40kWe and 90 kW . The Abor30 unit is already on site and operating.

4.3 The unit works by burning dried woodchips, the wood is chipped on site and stored in an adjacent agricultural building. The heat produced by the unit is used to dry the woodchip stored in the building. The electricity is used on the site and any excess is exported to the local electrical distribution grid.

4.4 The woodchips are produced on site by the importation of round wood timber generating around 42 deliveries per year, with chipping taking place approximately 5 times a year between the hours of 9am to 5pm Monday to Friday.

### **5.0 Officer Evaluation**

5.1 Main Issues are noise, highway matters and fumes.

5.2 Noise – Currently there is one biomass unit on the site that is installed and operational, providing electricity for the farmhouse, outbuildings and equipment associated with the wood drying and heat for the wood drying. Within the submitted Design and Access Statement it is proposed that a 3 metre high 'L' shaped timber clad block work wall will be constructed around the western and southern ends of the units, an insulated shroud be installed on the exhaust system and a silencer be added to the inlet duct to the fan on the grain dryer and better sound insulation installed on the hand door to the grain dryer. It is accepted that currently there is noise being emitted from the unit currently installed but not all the sound reduction/proofing measures detailed in the Design and Access Statement have been implemented.

Currently a wall has been built but not to its full height. It is considered by the Environmental Protection team that once the full noise attenuation measures have been carried out there will be no noise emitted from the unit.

This application is for a total of two biomass units on the site; the same noise attenuation measures are proposed for the second unit and when installed and operating there will be no noise emitted from the second unit. Conditions have been attached to have the attenuation measures completed and fitted before the first use of the second unit.

- 5.3 Highways – Within the Design and Access Statement wood chipping is to take place on site and this will involve the importation of round wood timber, this will require around 42 deliveries per year (an average of 3-4 lorry movements per month). Lincolnshire County Council Highways have raised no objection to the proposal on highway safety grounds with Rutland County Council having no concerns providing it is not a commercial activity. They have also suggested some conditions regarding routing and delivery times. Having regard to the limited number of vehicle movements involved for this activity and the current farm use at the site there is no objection to the proposal on highway grounds. Whilst the conditions suggested by Rutland CC are noted they would be difficult to enforce and are not considered necessary in this instance.
- 5.4 Fumes – As a supporting document a report has been submitted with the application for dispersion assessment in relation to the two biomass units. The report concludes that there will be an increase in annual mean concentrations of nitrogen dioxide at the closest residential property but this constitutes a small increase with reference to Environmental Protection UK guidance. Both environmental protection sections have assessed this report and have concluded that the scheme is acceptable.

## **6.0 Section 106 Heads of Terms**

- 6.1 Not applicable

## **7.0 Crime and Disorder**

- 7.1 The proposed development raises no significant crime and disorder implications.

## **8.0 Human Rights Implications**

- 8.1 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.

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

## **9.0 SUMMARY OF REASON(S) FOR APPROVAL**

The installation of two biomass boilers on the site will have no affect on residential amenity of adjacent residential properties in terms of noise and fumes and no detrimental impact on the surrounding highway network in terms of highway safety. It is considered that the proposal, in compliance with the recommended conditions would create an acceptable form of development which is appropriate and compatible with the surrounding area.

As such it is considered that the proposal is in accordance with the National Planning Policy Framework section 7 - Requiring Good Design and section 10 - Meeting the challenge of climate change, flooding and coastal change and policies EN1 and EN3, whilst concerns have been raised regarding noise, fumes and highways, they are not considered to outweigh the policies referred to above.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: QF-M-002 dated November 2013.

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

3. Within 2 months from the date of this permission, in relation to the Arbor 30 unit, the following measures shall be completed and installed:
  - 1: the 3 metre high noise attenuation wall as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 2: the installation of a metal enclosure around the engine exhaust as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 3: a silencer shall be fitted to the inlet duct of the grain store and additional sound insulation shall be installed on the personnel door to the grain dryer as detailed in the Design and Access Statement dated 27 May 2014.

Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

4. Within 1 month of the completion of the noise attenuation measures required by condition 3 above, a further noise assessment shall be completed and its results submitted, in writing, to the Local Planning Authority. For the duration of the assessment being carried out, the CHP plant shall be running at full capacity in order to validate whether or not the predicted noise attenuation measures work in accordance with the predictions stated in the Noise Impact Assessment report dated 9th May 2014.

Reason: In the interest of residential amenity.

5. Should the further noise assessment required by condition 4 above show that the predicted noise attenuation measures have not achieved the predictions stated in the Noise Impact Assessment report dated 9th May 2014, the use of the CHP plant shall cease until a scheme of further noise mitigation has been submitted to and approved by the Local Planning Authority. The CHP plant shall not be brought back into use until any such measures have been completed in accordance with the approved details.

Reason: In the interest of residential amenity.

6. Before the first use of the Arbor 40 unit, the following measures shall be completed and installed:
  - 1: the 3 metre high noise attenuation wall as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 2: the installation of a metal enclosure around the engine exhaust as detailed in the Noise Impact Assessment dated 9 May 2014.

Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

7. There shall be no more than 42 round wood timber deliveries per calendar year with wood chipping being carried out on no more than 5 occasions per calendar year. Wood chipping shall only take place between the hours of 9am and 5pm Monday to Friday. The wood chipped on site shall only be used for the two biomass units hereby approved or for other purposes within the farm unit and shall not be exported from the site.

Reason: To ensure the satisfactory development of the site and in the interests of residential amenity.

8. Within 2 months from the date of this permission the chimney stack for the Arbor30 biomass unit shall be raised to a height of 6.5m in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A) and retained at all times.

Reason: In the interest of air quality and residential amenity.

9. Before the first use of the Arbor40 biomass unit a chimney stack to a height of 4.5m shall be constructed in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A) and retained at all times.

Reason: In the interest of air quality and residential amenity.

## **11.0 Representations Received**

- 11.1 **Careby, Holywell and Aunby Parish Meeting:** I refer to the above planning application and write to express strong objections on behalf of residents and businesses within the Parishes of Careby, Aunby and Holywell. The objections are made in consideration of the potential disruption, significant Heavy Goods Vehicle traffic and noise caused by the proposed industrial undertaking, as well as concerns raised as to the perceived non-agricultural nature of what is outlined in the application.

### **Summary of Objections:**

The main issues of objection can be summarised as follows:-

#### **Noise**

Likely noise from two generators could have impact on residents, suggest limit application only to one. Additional noise from woodchipping and associated activities makes this site unsuitable for the noise nuisance which will be generated by this industrial process.

#### **Pollution**

Until fully operational full effect of pollution will not be apparent, no details of dust created from woodchipping, site chosen to move all nuisance from owners house to detriment of others.

#### **Highways/HGV movements**

Major issue due to large increase in traffic on mainly single track roads. Vehicle movements already restricted for adjacent quarry.

#### **Renewable Energy Policy**

This proposal appears to be contrary to renewable energy aims, appears excessive energy production for the farm which suggests this is more a commercial venture than for agricultural use.

#### **Nature of planning application**

We feel that the key issue is the volume of energy being produced and whether it is for the agricultural use of the farm and the heating of the farmhouse or whether it is an exercise to run a commercial business producing electrical energy and dried wood chip for sale.

## **In Conclusion**

A number of major concerns exist regarding the proposal, particularly in relation to their impact on a number of residents in the villages of Clipsham and Holywell due to noise, road safety, traffic and dust. Couple with this the inadequate nature of the application, which in many areas is either inaccurate or lacking in significant areas, and the concern that this is an industrial/commercial rather than agricultural undertaking must surely lead to the conclusion that it is inappropriate for the Council to give approval at this time. As highlighted above, objections have also been raised by Clipsham Parish Meeting with Rutland Council.

- 11.2 **Clipsham Parish Meeting:** This application clearly has a major impact on nearby Rutland residents and the Rutland highway through Clipsham. Could you please consult with Rutland County Council, and take their viewpoints fully into account when considering this application.
- 11.3 **Lincolnshire County Council Highways:** It is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.
- 11.4 **Planning Policy:** No objection to the principle of this proposal which appears to be in general accordance with Core Strategy policy EN3 Renewable Energy Generation. In determining the application consideration should be given to the detailed requirements of this policy (EN3) together with the criteria of Core Strategy policy EN1- Protection and Enhancement of the Character of the District.
- 11.5 **Rutland County Council Highways:** Having reviewed the additional information supplied by Jeremy Staunton, I am relatively happy that the operation is not going to be used for commercial processes, and as such, if it was, a further planning application would be required, to which RCC Highways would have to object.

Request that conditions be attached relating to routing of lorries, hours of lorry movements and log of movements.

- 11.6 **Environmental Protection:** The applicant has undertaken noise impact and air quality assessments and calculated attenuation of noise making a number of recommendations for mitigation in the reports. Both noise and air quality models for the proposed development predict levels within norms for background noise and air quality at sensitive receptors. However, in view on ongoing complaints, the department would make the following conditions:
- 11.7 Both Combined Heat and Power (CHP) plant namely the ArborElectrogen 30 and ArborElectrogen 40 biomass boilers must be operated, serviced and maintained in accordance with the manufacturers specifications.
- 11.8 An acoustic fence at the perimeter of each CHP plant and enclosures for the engine exhausts at the roof of the CHP plants must be installed and maintained as detailed in the recommendations contained in the noise impact assessment report dated 9 May 2014 (Ref: 7AB Nova Acoustics Ltd).
- 11.9 Access doors to the CHP plant must remain closed at all times when not in use.
- 11.10 Chimney stack heights of 6.5m and 4.5m for the ArborElectrogen 30 and ArborElectrogen 40 respectively must be attained in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A)
- 11.11 All wood chips required for use in the bio-mass boilers shall be imported onto the property and no chipping of any sort will be permitted to be carried out on site.

11.12 As one of the complainants is in the Rutland County Council district area, the department invited comments from the council's Senior Environmental Health Officer who has requested the following condition be added. Please note that this is not a condition from this department:

1. On completion of the scheme (S14/1592/FULL) the applicant shall require Nova Acoustics Ltd to undertake suitable noise measurements to validate the predicted noise reduction of the scheme in accordance with those stated in the noise impact assessment report dated 9 May 2014 (Ref: 7AB Nova Acoustics Ltd). The CHP plant shall be running at the worst case scenario in term of sound and the noise measurements should validate those predicted to ensure the protection of amenity. If the scheme fails to meet the predicted noise levels then further work would be required until such levels are achieved.

11.13 **Rutland County Council Environmental Protection:** There are no substantial environmental grounds on which to base an objection, however, if the application is approved, I recommend conditions are imposed to ensure that all the remedial measures that have been included in the Assessments and Design and Access Statements are implemented, to ensure any impacts are minimised in accordance with the applicants own assessments.

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

12.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement relevant to this type of planning application.

12.2 11 representations have been received and the points raised can be summarised as follows:

Strongly object to planning permission being given for any biomass boilers.

There is a constant engine noise 24/7, unit erected without any consideration to neighbouring properties.

Concerned regarding the effect of the gasses which constantly emit to the air 60 metres from my bedroom window.

Find it hard to believe that this can be viable solely to provide electricity to the property.

I believe this is a commercial enterprise hiding behind a farm to save paying commercial rates.

Site is not farmed by the applicant it is all let or contracted out.

Consider the effect of vehicle movement between Clipsham village and the site.

No need for two units, the unit already on site will provide adequate electricity and heat for the site needs.

Object to the increase in lorries in Clipsham.

Boilers could have been sited elsewhere away from residential properties.

This is a change of use from farming to industrial.

## **13.0 Policy Considerations**

13.1 National Planning Policy Framework:

13.1.1 10. Meeting the challenge of climate change, flooding and coastal change

13.1.2 (paras 93) – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13.1.3 (Para 100) – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

13.1.4 3. Supporting a prosperous rural economy

13.1.5 (para 28) – Emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agriculture and other rural businesses as well as promoting the retention and development of local services and community facilities in villages.

13.1.6 7. Requiring good design

13.1.7 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

13.2 South Kesteven District Council Core Strategy 2010:

13.2.1 Policy EN1: Protection and Enhancement of the Character of the District

13.2.2 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

13.2.3 Policy EN3: Renewable Energy Generation

13.2.4 The District Council will grant planning permission for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:

13.2.5 The proposal can be connected efficiently to existing national grid infrastructure, unless it can be demonstrated that energy generation would be used on site to meet the needs of a specific end user.

13.2.6 The proposal should make provision for:

- The mitigation of the real emissions/impacts arising from the installation of the renewable energy generation
- The removal of facilities and reinstated of the site, should the facilities cease to be operational.

## **14.0 Relevant Site History**

14.1 In February 2014 it was drawn to the Council's attention that one of the biomass units had been installed, following an enforcement investigation the current application was received.

## **15.0 SKDC Corporate Priorities**

15.1 It is considered that the proposal supports the Council's Corporate Priority to Grow the economy.



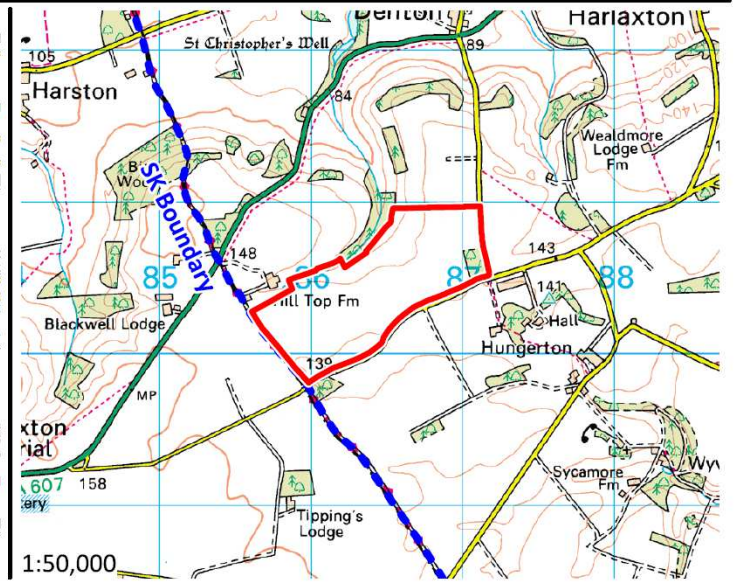
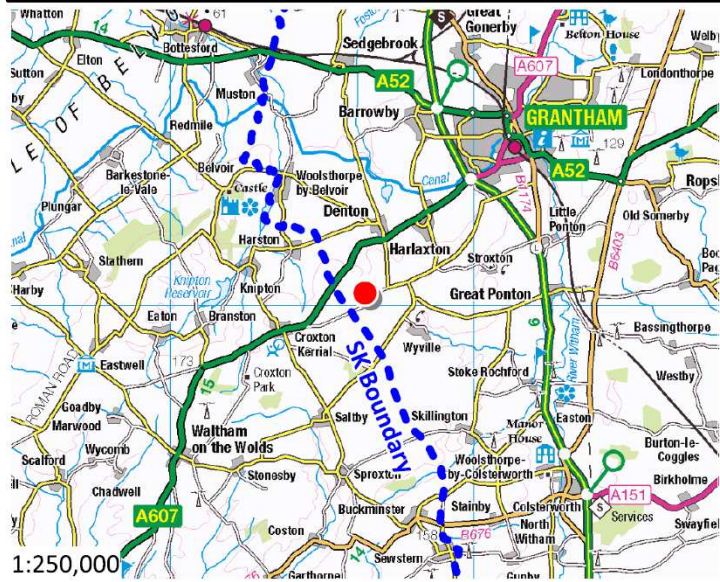
# Agenda Item 5f

**PWM3    S15/1611/CM**

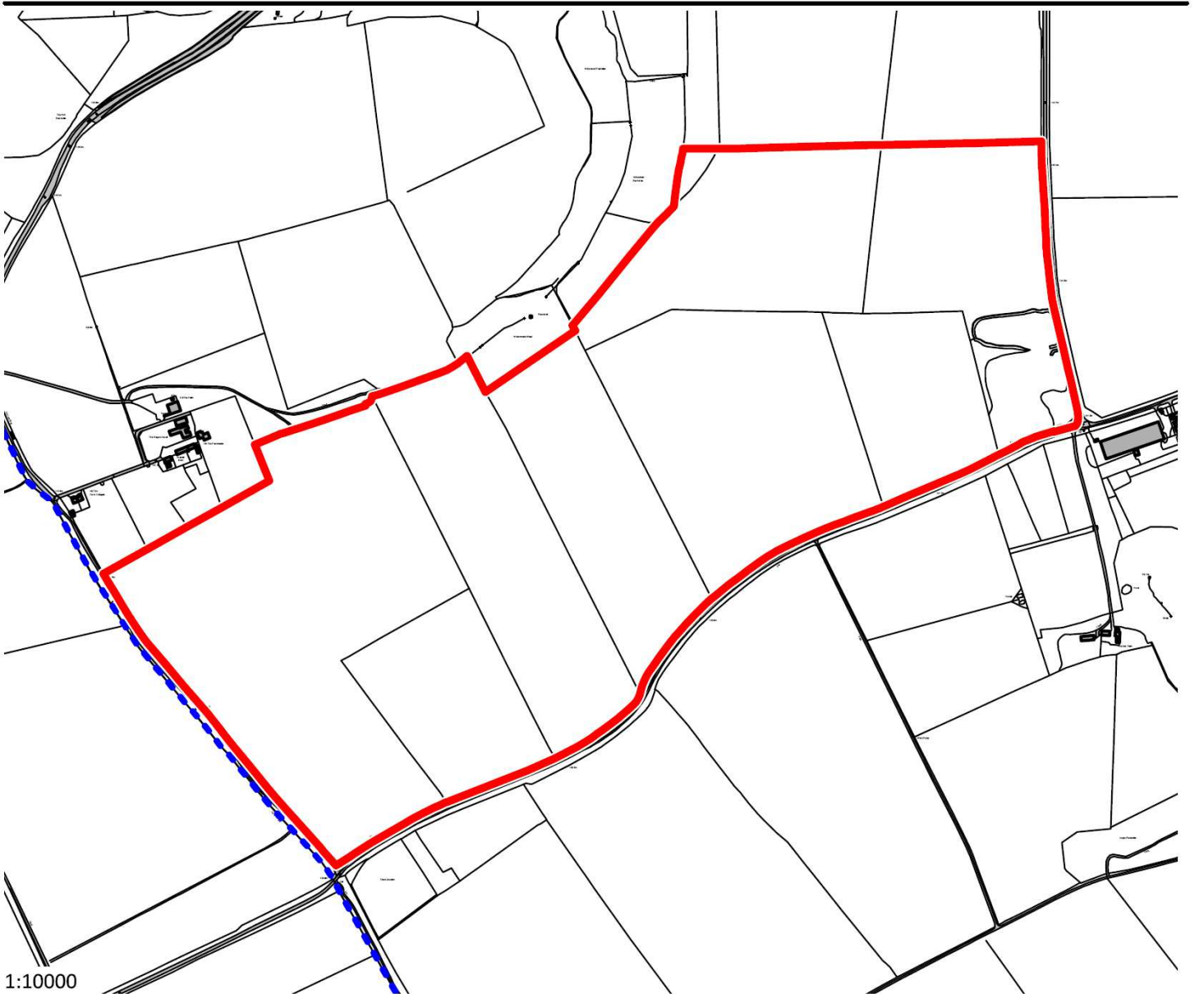
Target Decision Date: 26-Jun-2015

Committee Date: 21-Jul-2015

Applicant	<b>Mick George Ltd</b> Second Drove, Meadow Lane, St Ives, Cambridgeshire, PE27 4YQ
Agent	
Proposal	<b>(PL/0082/15) or the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site</b>
Location	<b>Land at Gorse Lane, Denton, Grantham</b>
App Type	County Matter
Parish(es)	Denton
Reason for Referral to Committee	County Council application which causes wide public interest in the South Kesteven Area.
Recommendation	Approved (without conditions)



Site Boundary Plan



- Key**
- Application Location
  - Application Boundary

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## REPORT

S15/1611- Consultation on a planning application submitted to Lincolnshire County Council for - the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site.

Land at Gorse Lane, Denton, Grantham

### 1.0 Role of the District Council

1.1 This planning application has been submitted to Lincolnshire County Council who in their role as the Minerals Planning Authority is the determining authority for this type of development. As the application site is within South Kesteven, South Kesteven District Council has been consulted on the application.

### 2.0 Application Site

2.1 The site is mostly agricultural land with an area of approximately 103.9ha and is wholly within South Kesteven District and Denton Parish. It is gently undulating land on the top of the plateau.

### 3.0 Proposal

3.1 The application proposes phased quarrying and restoration of the land over a number of years. It is anticipated that at any one time 85% of the land will continue to be in agricultural use. Various landscaping (temporary and permanent) measures and biodiversity enhancements are also proposed.

3.2 The site is part of a far more extensive area (approximately 6 square km) which benefits from an extant historic planning permission for quarrying dating back to 1953. This includes sensitive areas directly adjacent to Denton and Harlaxton villages. Historic minerals permissions of this type are "dormant" under the 1995 Environmental Act but can be reactivated at any time on approval of a new scheme of planning conditions accompanied by an environmental statement submitted to the local minerals planning authority. This is the fallback position against which the application must be assessed. The applicant is proposing entering into a section 106 legal agreement which would rescind the historic permission as part of an approval for the current scheme.

### 4.0 Assessment

4.1 Apart from the north western part of the application site close to Hill Top Farm, Croxton Kerrial, the site is within the much larger area covered by the extant historic permission. The fallback position (i.e. what could be done under existing consents) is an important material consideration that must be taken into account. Should permission not be granted for the current scheme, the applicant could revert back to the much more extensive and environmentally damaging historic permission. Furthermore, granting permission for the current scheme subject to a section 106 would permanently rescind the historic permission ensuring that both permissions could not be carried out together. SKDC Environmental Protection Section have confirmed that in their opinion, there are adequate measures proposed to ensure that noise, disturbance and dust are kept within acceptable limits.

4.2 Taking the above into account, there are no grounds to object to the principle of the development. However, officers have identified a number of shortcomings in the submitted details, and particular issues that have not been adequately addressed. LCC as the minerals planning authority will need to be satisfied that these issues have been fully addressed before determining the application.

## 5.0 Recommendation

5.1 Your Officers recommend that South Kesteven District Council write to Lincolnshire County Council and advise that the following issues need to be addressed:

The issues identified include:

The Landscape and Visual Impact Assessment (LVIA) concludes that there is no conflict with South Kesteven CS policy EN1. EN1 states “Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.” Clearly the LVIA conclusion is incorrect as the area is part of the Kesteven Uplands which is described as relatively unspoilt undulating agricultural landscape in the South Kesteven Landscape Character Assessment. There will inevitably be an adverse landscape and visual impact through the nature of the operations, which can never be fully mitigated through landscaping. LCC must give this conflict with policy EN1 due weight in the planning balance and be satisfied that the benefits outweigh the adverse impacts if they are minded to approve.

The north western part of the site (which is beyond the historic permission), is very close to Hill Top Farm, which is former farmstead consisting of a grade II listed farmhouse and a range of associated curtilage listed barns converted to a dwelling, and another barn listed as grade II in its own right which has been converted to 2 x dwellings. There are also a pair of semi detached cottages nearby. Whilst some landscaping (including woodland planting and bunding) is proposed, there will inevitably be some adverse impact (less than substantial harm) on the relatively unspoilt rural setting of this group of heritage assets. It is considered that the ES understates the potential impact identified above which again conflicts with CS policy EN1. LCC must give this conflict with policy EN1 due weight in the planning balance and in accordance with the NPPF be satisfied that any public benefits outweigh the adverse impacts if they are minded to approve.

It is recommended that the northern boundary of the site be moved back to create a more acceptable separation distance, preferably to correspond to the extant permission.

If LCC are minded to approve the application in its current form they must be satisfied that the impacts are within acceptable limits and that all necessary mitigation is in place.

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