

Planning Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Thursday, 7 November 2024 at 1.00 pm
Council Chamber - Council Offices,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Charmaine Morgan (Chairman)
Councillor Penny Milnes (Vice-Chairman)

Councillor David Bellamy, Councillor Harrish Bisnauthsing, Councillor Pam Byrd,
Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Paul Fellows,
Councillor Tim Harrison, Councillor Gloria Johnson, Councillor Vanessa Smith,
Councillor Sarah Trotter and Councillor Paul Wood

Agenda

This meeting can be watched as a live stream, or at
a later date, [via the SKDC Public-I Channel](#)

- 1. Register of attendance and apologies for absence**
- 2. Disclosure of interests**
Members are asked to disclose any interests in matters for
consideration at the meeting
- 3. Minutes of the meeting held on 17 October 2024** (To Follow)

Planning matters

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

*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.*

- 4. Application S24/0986** (Pages 5 - 20)
- Proposal:** Demolition of existing building and construction of 3no. commercial units (Use Class B2/B8), associated car parking, servicing yard and landscaping
- Location:** Autumn Park Business Centre, Dysart Road, Grantham
- Recommendation:** To authorise the Assistant Director – Planning and Growth to GRANT planning permission subject to conditions, and completion of a Section 106 Agreement.
- 5. Application S24/1180** (Pages 21 - 41)
- Proposal:** Construction of an extension to the existing car park, comprised of 146 parking bays, including 11 accessible bays and 8 EV charging parking bays
- Location:** Car Park, Station Road, Stamford, Lincolnshire PE9 2JL
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions
- 6a. Application S24/1481** (Pages 43 - 51)
- Proposal:** Submission of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2816
- Location:** Land at Rectory Farm (Phase 1), Grantham
- Recommendation:** To authorise the Assistant Director – Planning & Growth to APPROVE the details submitted pursuant to condition 24 of planning permission S16/2816
- 6b. Application S24/1482** (Pages 53 - 61)
- Proposal:** Submission of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2819
- Location:** Land at Rectory Farm (Phase 1), Grantham
- Recommendation:** To authorise the Assistant Director – Planning & Growth to APPROVE the details submitted pursuant to condition 24 of planning permission S16/2819

- 7a. Application S24/1442** (Pages 63 - 75)
- Proposal:** Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816 (Revised submission of planning application S24/0140)
- Location:** Land at Rectory Farm (Phase 1), Grantham
- Recommendation:** To authorise the Assistant Director - Planning & Growth to GRANT planning permission, subject to conditions
- 7b. Application S24/1443** (Pages 77 - 91)
- Proposal:** Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2819
- Location:** Land at Rectory Farm (Phase 1), Grantham
- Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions
- 8. Application S24/1620** (Pages 93 - 97)
- Proposal:** Annual removal of basal shoots and epicormic growth on lower stems to heights of 2m to lime trees T3- T10, T13- T15 and T17 with the addition of crown lift to 6m T9 only
- Location:** St Wulfram's Church, Church Street, Grantham, Lincolnshire, NG31 6SR
- Recommendation:** To authorise the Assistant Director – Planning to GRANT Consent, subject to conditions.
- 9. Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

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Planning Committee

7th November 2024



S24/0986

Proposal:	Demolition of existing building and construction of 3no. commercial units (Use Class B2/B8), associated car parking, servicing yard and landscaping
Location:	Autumn Park Business Centre, Dysart Road, Grantham
Applicant:	C/O agent
Agent:	NJL Consulting
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Section 106 agreement for financial contribution
Key Issues:	Development principle Amenity impacts Impact on Character and Appearance Highway safety
Technical Documents:	Design & Access Statement/Planning Statement Air Quality Assessment Transport Statement Planning Statement Noise Assessment Flood Risk Assessment Lighting Assessment

Report Author

Kevin Cartwright (Senior Planning Officer)



01476 406375



Kevin.cartwright@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Grantham Barrowby Gate

Reviewed by:

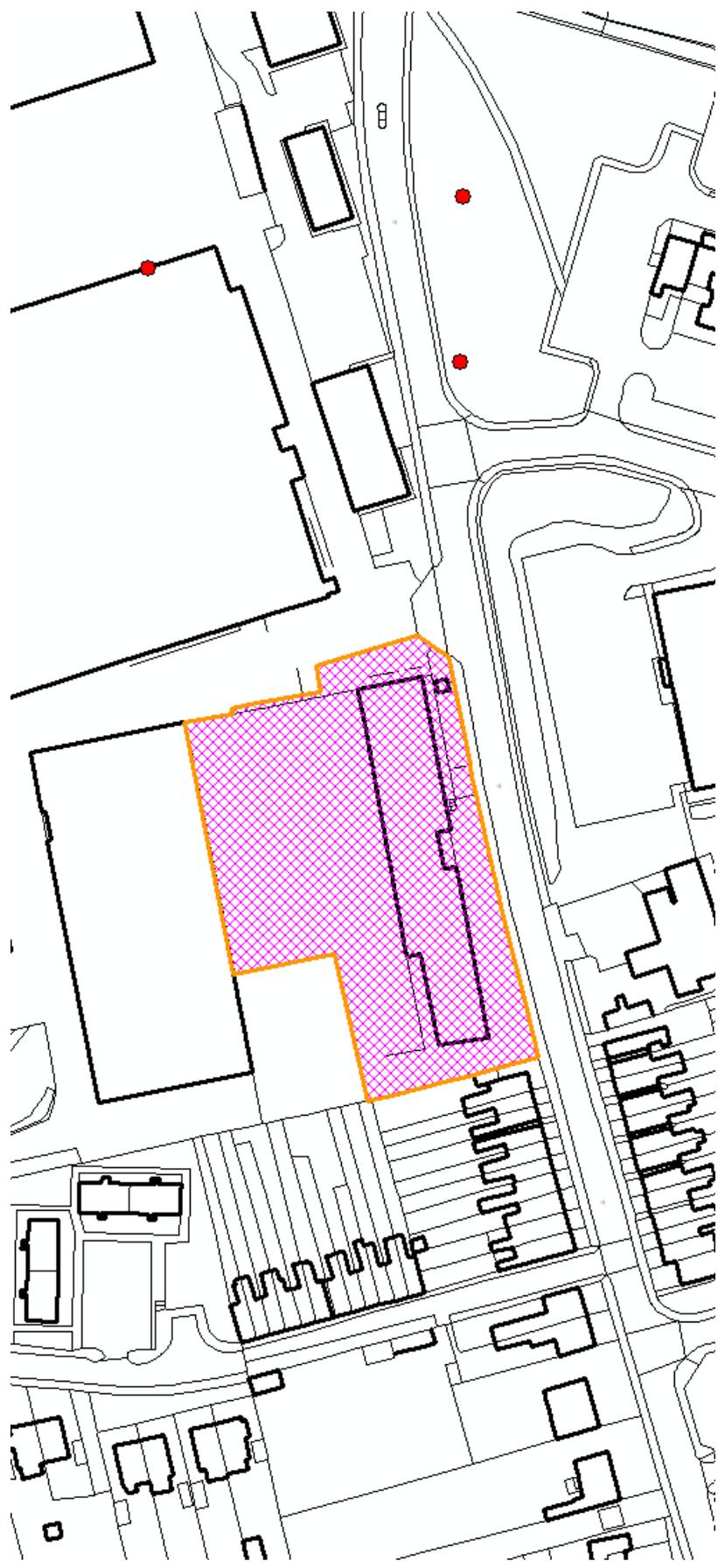
Adam Murray – Principal Development Management
Planner

28 October 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning and Growth to GRANT planning permission subject to conditions, and completion of a Section 106 Agreement.

S24/0986 – Autumn Park Business Centre, Dysart Road, Grantham



1 Description of Site

- 1.1 The site comprises an area of 0.4 hectares and is located in the south-western corner of the Autumn Park Industrial Estate which fronts onto Dysart Road. The site is currently occupied by Autumn Park Business Centre and parking spaces associated with the wider Industrial Estate.
- 1.2 There are a number of varied operators currently occupying the estate including a hardware shop, courier service, brewery, vehicle repairs, engineering and removals and self-storage.
- 1.3 The site is bounded by Dysart Road to the south, the wider industrial estate to the north and east. To the west are residential town houses.

2 Description of Proposal

The proposed development relates to the demolition of the existing Autumn Park Business Centre and the construction of one building split into 3no. trade counter units.

- 2.1 The two outer units would have floor spaces of 465m² with the central unit smaller at 418m². Parking and turning would be located between the proposed building and Dysart Road.
- 2.2 The unit would have a flat roof and a modern appearance. Profiled cladding is proposed for the building's exterior with an eaves height of approximately 7.5m and an overall ridge height of approximately 8.8m. There would be glazing and wood cladding to the front elevation.
- 2.3 30 parking spaces would be provided including 3no. disabled access bays and a bike store for 8no. cycles.

3 Relevant History on site

- 3.1 S13/0937 – Change of use from A3/A5 to B1 Offices- Approved May 2013. 1986.
- 3.2 S12/0887 – Change of use of building from B1 to a mixed use of B1, A3 and A5 – Approved June 2012.

Wider Site History

- 3.3 S23/1727- Retrospective planning application for open storage (Use Class B8)-current application.
- 3.4 S21/2115 - New External cladding with steel sheeting (grey) to Units 2,3,4,5,6,12a/b. Demolition of part of offices to Unit 18 and formation of new gable wall - Approved November 2021.

4 Policy Considerations

4.1 SKDC Local Plan 2011 - 2036

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SB1 – Sustainable Building

Policy EN4 – Pollution Control

Policy EN5 – Water Environment and Flood Risk Management

Policy DE1 – Promoting Good Quality Design

Policy ID2 – Transport and Strategic Transport Infrastructure

Policy E4 – Protection of Existing Employment Sites

Policy E5 – Expansion of Businesses

4.2 National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 6 – Building a strong and competitive economy

Section 9 – Promoting Sustainable Travel

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change environment

Other Relevant Documents

Rutland and South Kesteven Design Guide SPD.

5 Representations Received

5.1 Environmental Protection Services (SKDC)

5.1.1 No objection subject to conditions in relation to: any unexpected contamination be found on the site, hours of construction work and construction deliveries, construction/demolition management plan and works in accordance with the submitted noise assessment report.

5.2 LCC Highways & SuDS Support

5.2.1 No objection – Subject to improvements to pedestrian footways accessing the site and removal of the two closed accesses.

5.2.2 A request for a financial contribution of £30,000 in relation to improvements along Dysart Road between Sankt Augustin Way and Brading Avenue. This will include upgrades to the existing pedestrian crossing facilities to modern standards.

5.2.3 This application using permeable paving to capture, cleanse and store surface water, before discharging it in the current system as a reduced rate. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

5.3 **Environment Agency**

5.4 No comments to make.

5.5 **Anglian Water**

5.5.1 The foul drainage from this development is in the catchment of Marston (Lincs) Water Recycling Centre that will have available capacity for these flows.

5.5.2 The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board to ensure that an effective surface water drainage strategy is prepared and implemented.

6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of representation have been received.

7 Evaluation

7.1 **Principle of Development**

7.1.1 The site is a protected employment site (Site Ref: EMP-G18) within Grantham Urban Area under Policy E4 of the Local Plan where proposals for new B1 (now Use Class E as amended in 2021), B2 and/or B8 uses will be supported by the Local Planning Authority provided that the criteria of Policy E4 can be addressed. These include:

- do not conflict with neighbouring land uses;
- scale does not harm the character and/or amenities of locality; and
- do not impact unacceptably on the local and/or strategic highway network.

7.1.2 Consideration against these matters will be discussed elsewhere in the report.

7.1.3 As the proposal relates to the construction of employment uses subject to assessment in relation to Policy E4 the proposed development is considered to be acceptable in principle.

7.2 **Amenity impacts**

7.2.1 The proposed development would result in the construction of 3no. trade counter units to replace the existing office block that would be demolished. It is considered that there would be adequate separation distance from the residential properties to the west of the site to ensure that there would not be any significant impact on the amenity of the neighbouring occupiers in the form of noise and disturbance, overlooking/loss of privacy or overshadowing.

7.2.2 As the proposal would result in revised parking and access arrangements when compared to the current situation in that access and egress would be from a single point off the existing access that serves the Autumn Park industrial estate. Coupled with the secondary accesses on the western edge of the site adjacent to the residential properties and centrally within the site being removed/closed off it is considered that this would be a betterment in that vehicle would no longer enter the site adjacent to these residential properties.

7.2.3 The planning application is accompanied by a comprehensive package of supporting including a noise assessment and lighting assessment all of which have been considered and assessed by Environmental Protection. No objections have been raised subject to planning conditions in relation to the demolition and construction phase limiting hours, deliveries and a construction/demolition management plan.

7.2.4 Taking into account the above matters the application would accord with Policy DE1 and E4 of the Local Plan in terms of amenity impacts.

7.3 **Impact on Character and Appearance**

7.3.1 The application is within an established industrial estate. The proposal relates to the construction of 3no. trade counter units. They would be of a modern design incorporating modern profiled sheeting with feature cladding and glazing to the front elevation.

7.3.2 The units would be seen as a logical addition to the existing industrial estate replacing the existing offices and would provide appropriate front facing units that would act as an entrance feature to the estate as a whole.

7.3.3 Whilst there would be limited opportunity for landscaping within the site due to the parking and turning area. There would be a grassed area with tree planting around the boundary of the site.

7.3.4 The existing railings around the site would be removed with the wall to which they are attached being retained and sections of matching infill brickwork to continue the wall to close off the existing secondary access points along Dysart Road.

7.3.5 Taking into account the above matters it is considered that the proposal would be an acceptable form of development that would be in keeping with the character and an appearance of the area in accordance with local plan policy DE1 and E4.

7.4 **Highway Safety**

7.4.1 The proposal would, on the whole, utilise the existing access arrangements and include the closure of the secondary vehicle access to the west of the site. The highway authority have raised no objection to this arrangement, requesting a condition to ensure that the existing secondary access points on to Dysart Road are closed off.

7.4.2 A developer contribution of £30,000 has also been requested to provide pedestrian crossing improvements along Dysart Road between Sankt Augustin Way and Brading Avenue. This would include upgrades to the exiting pedestrian crossing facilities to modern standards. This would help to promote safe and sustainable traveling methods to and from the site.

7.4.3 The applicant's agent initially queried the request and sought a breakdown of the requested contribution.

- 7.4.4 The Highway Authority confirmed that the contribution is in relation to improvements to 7no. crossing points at a cost of approximately £4300 each.
- 7.4.5 Whilst specific end users of the units have not been identified at this point, it is accepted that trade counter customers may, on the whole, be by vehicle due to the bulky nature of the goods sold. However, trade counters do have a varied range of products, some of which could reasonably be purchased by walk in customers.
- 7.4.6 On this basis it is considered that the proposed development would result in an increased use of the crossing points along Dysart Road.
- 7.4.7 Regulation 122 of the Community Infrastructure Regulations 2010 (and repeated in Paragraph 57 of the Framework) requires planning obligations to be fair and reasonably related in scale and kind to the development proposal and necessary to make the development acceptable terms.
- 7.4.8 It is considered that the request from the Highway Authority satisfies the above tests in that without the contribution there would be an unacceptable and unmitigated impact the road network.
- 7.4.9 The applicant has confirmed their agreement to the £30,000 contribution request.
- 7.4.10 It can therefore be concluded that the application, in respect of highway safety, is not in conflict with Policy ID2, E4 of the Local Plan, or with Paragraph 115 of the NPPF.

7.5 **Sustainability**

- 7.5.1 No specific add-ons such as solar panels or heat pumps are proposed. However, the conversion would require to be in accordance with the Building Regulations, thereby helping to improve the energy efficiency of the building as required by those Regulations (EV charging points, insulation, ventilation, efficiency of apparatus etc).
- 7.5.2 Whilst the development does offer parking, it is considered a sustainable location that would encourage customers on foot. Pedestrian accessibility to the site would be reinforced by the request from the highway authority in relation to the off-site highway works. Additionally, the proposals also include a cycle store.
- 7.5.3 Taking into account the above matters the application would give rise to an acceptable form of sustainable development, in accord with Policies SD1, SB1 and DE1 of the Local Plan, and with the NPPF.

7.6 **Drainage**

- 7.6.1 The comments of Lincolnshire County Council in its capacity as Local Lead Flood Authority are noted. The site is currently predominantly hard-surfaced and it is proposed to use permeable paving discharging to the current system.
- 7.6.2 No objections have been raised from the Local Lead Flood Authority, Anglian Water or the Environment Agency. On this basis it is considered that the proposal would be acceptable from a drainage perspective.

As such the proposal is considered to accord with local plan policy EN5.

7.7 **Biodiversity Net gain**

7.7.1 Planning applications received after 12th February 2024 are required to provide Biodiversity Net Gain (BNG). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

7.7.2 In this instance the site is previously developed and on the whole either occupied by the existing building to be demolished or hard-surfaced parking area. As such, in this instance the development is exempt from the BNG requirement as with the exception of 4no. trees that would be felled, no exiting habitat would be affected.

7.7.3 It should be noted that notwithstanding being exempt from the BNG requirements, the proposed development would result in improved landscaping around the boundary of the site including the planting of 13no.tree, shrubs and a hedgerow. This would be secured by an appropriately worded condition.

7.7.4 Taking into account the above matters the proposal is considered to accord with local plan policy DE1.

8 **Crime and Disorder**

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

9 **Human Rights Implications**

9.1 Articles 6 (Rights 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 **Conclusion and Planning Balance**

10.1 The creation of 3no. commercial units is considered acceptable in terms of having regard to the NPPF and to the Local Plan, in particular Policies SD1, SP1, SP2, SB1, EN4, EN5, DE1, ID2, E4 and E5 and NPPF Sections 2, 4, 6, 9, 12, and 14.

10.2 As a result, the proposals are fully in accordance with the polices referred to above and there are no material considerations that outweigh the policies referred to above. Therefore, the proposal is recommended for approval.

RECOMMENDATION:

Recommendation – Part 1

10.6 To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions, and the completion of a Section 106 legal agreement securing the necessary financial contribution towards highway improvements.

Recommendation – Part 2

- 10.7 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding 12 weeks after the date of the Committee shall be set for the completion of the obligation.
- 10.8 In the event that the agreement has not been concluded within the 12-week period and where, in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused for the following reason(s):

The applicant has failed to enter into a planning obligation to secure the necessary financial contribution towards provision of highway improvements. As such the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

Schedule of Conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with planning application form, and with the following list of approved plans:
- i. Site Location Plan Dwg No. 18855 THPM XX 00 DR A 1000
 - ii. Proposed Site Plan Dwg No. 18855 THPM XX 00 DR A 1011 Rev P05
 - iii. Proposed Ground Floor Plan Dwg. No. 18855 THPM XX 00 DR A 1012 Rev P02
 - iv. Proposed Elevation Plan Dwg. No. 18855 THPM XX EL DR A 1013 Rev P04
 - v. Proposed Roof Plan Dwg. No. 18855 THPM XX R1 DR A 1014 Rev P01

Unless otherwise required by another condition of this permission.

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

Pre-commencement

- 3 No development (including any demolition and/or site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. The development

shall, thereafter, be carried out in strict accordance with the details approved in response to this condition. The details shall provide the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials; and
- i) routing of construction traffic

Reason: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Local Plan Policy DE1 and the National Planning Policy Framework.

- 4 The development hereby permitted shall not be occupied until the two existing accesses onto Dysart Road have been permanently closed in accordance with details to be submitted to and approved in writing by the local planning authority.

The development shall be undertaken in accordance with the approved details.

Reason: To reduce to a minimum, the number of individual access points, in the interests of road safety.

Prior to Occupation

- 5 Prior to the occupation of the units hereby permitted the boundary treatments as shown on Dwg no. 18855 THPM XX 00 DR A 1015 Rev P03 shall be constructed and retained as such thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

- 6 Following first occupation of any part of the development hereby permitted, the vehicle parking and turning areas shall have been completed in accordance with Proposed Site Plan Dwg No. 18855 THPM XX 00 DR A 1011 P05 and shall not be used for any purpose other than for the parking, servicing and deliveries.

Reason: To ensure that adequate parking and servicing provision is provided and retained in order to minimise on street parking and to ensure that vehicles can enter and leave premises in a forward gear in the interests of highway safety.

- 7 Prior to the occupation of the units hereby permitted the hard surfacing and drainage shall be undertaken in accordance with SUDS Drainage Layout Dwg. No. SK01 and retained as such thereafter.

Reason: To ensure a satisfactory drainage for the site and in the interests of visual amenity.

- 8 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details Dwg No. 18855 SFH XX XX DR L 1001 Rev P01.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1 of the adopted South Kesteven Local Plan

- 9 The external lighting on the site shall be installed and operate in accordance with the submitted Lighting Impact Assessment Report Document reference: SHD1413-SHD-HLG-DYSA-RP-EO-Lighting Assessment Report-R1 and shall be angled downwards.

Reason: To minimise light spill and to protect the amenity of neighbouring occupiers.

- 10 Before the development hereby permitted is first brought into use, the external materials of the approved units shall have been completed in accordance with the approved details.

Reason: To ensure that the development is appropriate for the character and appearance of the area, and in accordance with Policy DE1 and E4 of the adopted Local Plan

Ongoing Conditions

- 11 Within a period of five years from the first occupation of the final unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1 of the adopted South Kesteven Local Plan.

- 11 Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 Policies EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF paragraphs 178 and 179.

- 12 Deliveries to the units hereby permitted shall be the hours of 09.30 -15.00 and 16.00-18.00 Monday to Saturday and not on Sundays or bank holidays.

Reason: To ensure a satisfactory form of development and in the interests of reasonable residential amenity.

- 13 Prior to the first occupation of each individual unit hereby approved a delivery management plan for that unit shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

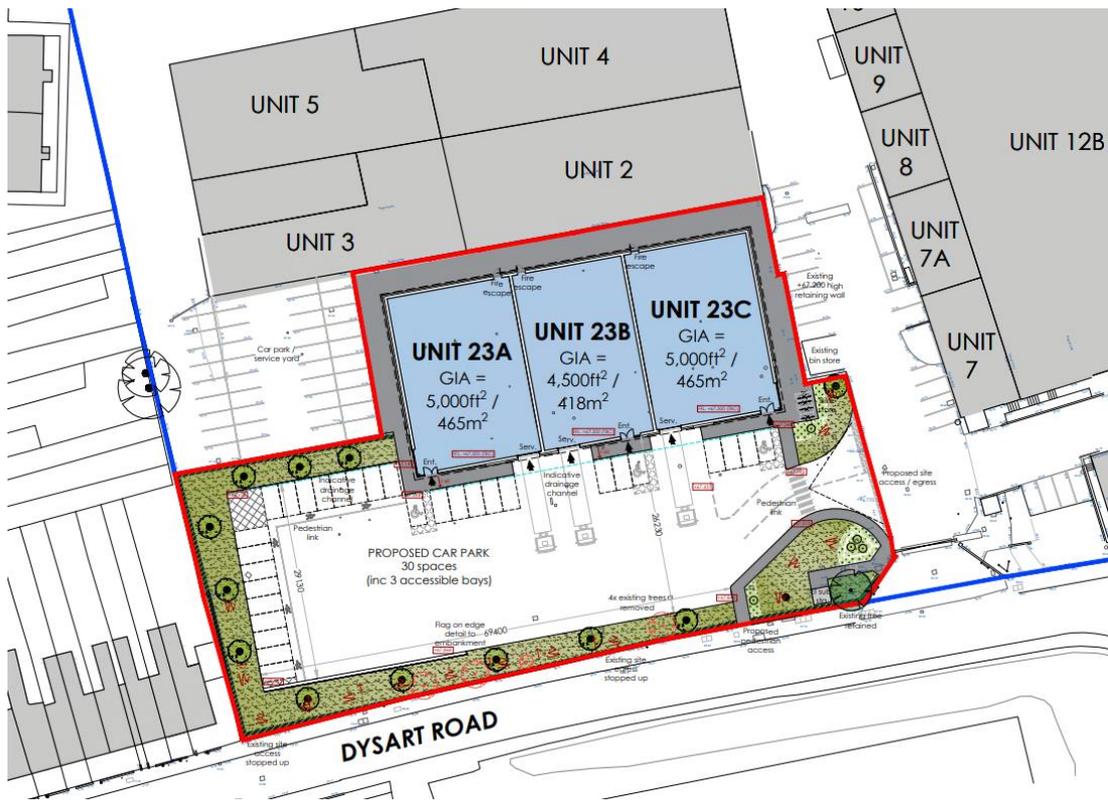
Reason: To ensure a satisfactory form of development and in the interests of the amenity of neighbouring occupiers.

Standard Note(s) to Applicant:

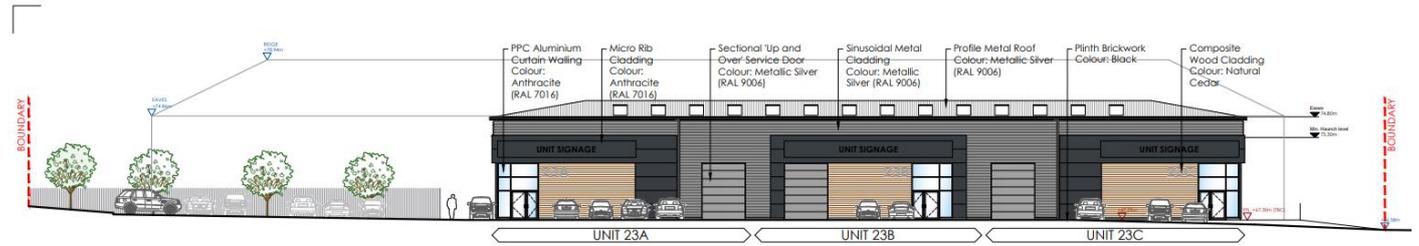
- In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

- Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
- The applicant should undertake a survey/assessment to ensure that the building does not contain asbestos prior to demolition taking place. If asbestos is identified then the applicant must ensure that all health and safety precautions are taken in accordance with HSE guidance and legislation for its safe removal and disposal by a licence removal company and waste disposal carrier.
- The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
- The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.
For further guidance please visit our website;
www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway

Site/Block Plan



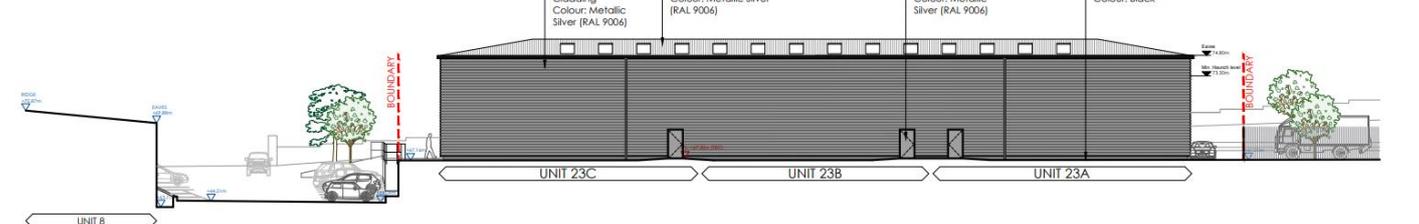
Proposed Elevations



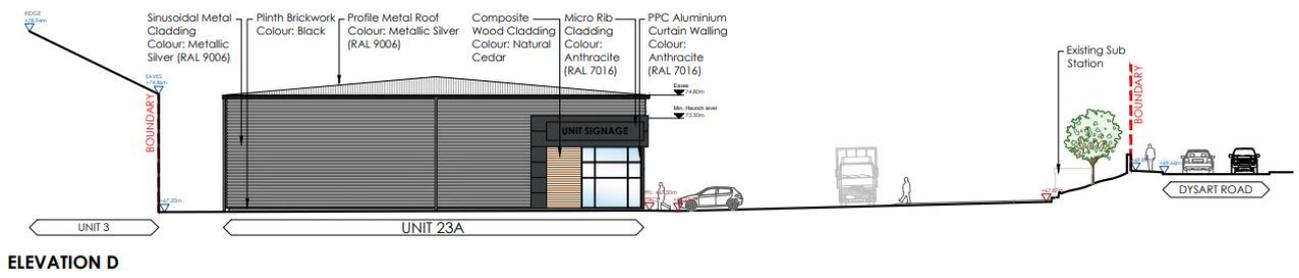
ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

17th October 2024



S24/1180

Proposal:	Construction of an extension to the existing car park, comprised of 146 parking bays, including 11 accessible bays and 8 EV charging parking bays
Location:	Car Park, Station Road, Stamford, Lincolnshire PE9 2JL
Applicant:	Mr Gyles Teasdale, South Kesteven District Council
Agent:	Mr Samuel Eccleston, William Saunders
Application Type:	Full Planning Permission
Reason for Referral to Committee:	South Kesteven District Council application
Key Issues:	Character and Appearance Heritage Impact
Technical Documents:	Design and Access Statement Archaeological Desk Based Assessment Design Risk Assessment Drainage Layout Drainage Strategy Report Outdoor Lighting Report Phase 1 Desk Study Report Phase 2 Investigation Report Preliminary Ecological Appraisal BNG Assessment Transport Statement Minerals Assessment

Report Author

Venezia Ross-Gilmore, Senior Planning Officer



01476 406080 ext. 6419



venezia.ross-gilmore@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Stamford St Mary's

Reviewed by:

Adam Murray – Principal Development Management
Planner

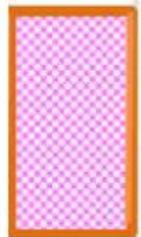
28 October 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions



Key



Application
Boundary



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1 Description of Site

- 1.1 The site is situated to the south and west of the car park on Wothorpe Road and east of the Stamford Junior School and Stamford Nursery School, in the town of Stamford. The car park (Cattle Market Car Park) is an existing South Kesteven District Council facility servicing this part of Stamford and operated by the council. There is an existing access off Station Road / Wothorpe Road. The car park is a pay and display car park providing long stay. There are 275 bays with 24 accessible bays, however, a height restriction prevents coach parking on the site.
- 1.2 The application site is a vacant, brownfield site, fenced off from the existing car parking areas. It is surrounded by temporary Heras boundary fencing and there is a brick wall to the north / northwest of the site. The site was formerly the outdoor cattle market in Stamford, and access to the site is to the immediate west of the existing car park access. The site is surfaced in a mixture of concrete and brickwork, and the southwestern section of the site is surfaced in a granular material.
- 1.3 To the north of the car park there is the River Welland and the Town Meadows park, to the east there is a hotel, arts centre, residential uses, and town centre uses. To the south an access road leading to Stamford Junior School and Stamford Nursery School, and to the west the neighbouring school sites and their associated parking area. Further to the south there is a residential area comprising of Gresley Drive, Mallard Court and Seaton Road, and to the far south, the Stamford Railway Station.

2 Description of Proposal

- 2.1 The proposal seeks full planning permission for the change of use of land, the former cattle market site, to provide an extension of the existing Long Stay car park. Access would be taken from the existing access to the car park, and a secondary exit formed in the southwestern end of the site.
- 2.2 The new car park area would comprise of 146 parking bays including 11 accessible bays and the provision of 8 EV charging bays. The accessible bays would be located to the main entrance to the car park. The 8no. EV charging bays would be located to the north of the site alongside the northwestern boundary wall. There are currently 4 EV charging bays in the Short Stay North Street Car Park in Stamford, so this will significantly increase the provision of EV charging bays in the council's public car parks in the town of Stamford.
- 2.3 The proposed car park would be surfaced in tarmac with white lining to denote the parking bays and directional arrows. It is proposed to be lit with a lighting scheme designed to provide sufficient lighting during the evenings as the car park operates 24 hours.
- 2.4 It is proposed to plant a new hedgerow along the southwestern boundary of the site providing a buffer between the car park and the existing education use. There would also be supplemental shrub planting on the boundary of the site, with existing vegetation removed and replaced with new planting. In addition, there will be buffer areas of planting between the blocks of parking bays with shrubs. The existing boundary wall will be retained.

3 Planning History

Reference	Proposal	Decision	Date
S21/2360	Full planning permission for the change of use of Cattle Market to car park	Approved Conditionally	04/03/2022

4 Relevant Planning Policies & Documents

4.1 SKDC Local Plan 2011 – 2036 (Adopted January 2020)

- Policy SD1 – The Principles of Sustainable Development in South Kesteven
- Policy SP1 – Spatial Strategy
- Policy SP2 – Settlement Hierarchy
- Policy SP3 – Infill Development
- Policy E6 – Loss of Employment Land
- Policy EN2 – Protecting Biodiversity and Geodiversity
- Policy EN3 – Green infrastructure
- Policy EN4 – Pollution Control
- Policy EN5 – Water Environment and Flood Risk Management
- Policy EN6 – The Historic Environment
- Policy DE1 – Promoting Good Quality Design
- Policy SB1 – Sustainable Building
- Policy ID2 – Transport and Strategic Transport Infrastructure

Stamford Neighbourhood Plan (Made July 2022)

Design Guidelines for Rutland and South Kesteven (Adopted November 2021)

4.2 National Planning Policy Framework (NPPF) (Published December 2023)

- Section 7 – Ensuring the vitality of town centres
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

5 Representations Received

SKDC Conservation

- 5.1 The proposal is acceptable on heritage grounds.
- 5.2 *'The project seeks to construct an extension to the existing car park, comprised of 146 parking bays, including 11 accessible bays and 8 electrical vehicle charging parking bays. The application is regarding the former Cattle Market at Station Road, Stamford. The site is set to the west of the St Martin Character Area of the Stamford Conservation Area, and is considered to be within the buffer zone of the conservation area. The proposal therefore has the potential to impact upon the significance, setting and the appreciation of the conservation area. Any such harm will need to be weighed against the public benefit of the*

proposed works (NPPF 208). New developments within conservation area, to enhance and better reveal their significance are being treated favourably (NPPF 212)

As the site is located with the buffer zone of the Stamford Conservation Area, consideration needs to be given to the contribution of this site to the significance of this conservation area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

It is proposed to convert the former cattle market, established at the site in the 1890s, into a car park, comprising 146 parking bays. The surrounding land has already been converted into a car park, thus this proposal would incorporate an area of wasteland into the existing Cattlemarket Car Park.

The structures within the former cattle market were removed and demolished around 2011. The only feature remaining is a low buff brick boundary wall to the northwest of the site, which is currently in a derelict state. No other upstanding features associated with the cattlemarket appears to have been retained. It is noted in the Design and Access Statement that ‘The existing wall will be maintained throughout construction to completion.’ The current plans provided do not clearly reflect if the brick wall is to be retained, and if so, what works are proposed to it. Given the current state of the boundary wall, partially rebuilding will likely be required. Further information regarding this would be required.

The site is screened to the north by the tree line following the course of the River Welland. To the south is a cobblestone paved road, leading to Stamford Nursery School. Part of this expands into the southern section of the site. The cobblestone areas are associated with the former cattle market. Retention of, or incorporation of some of this cobblestone paving would be appreciated and could be considered to result in a positive contribution to the setting of the conservation area.

Overall, the proposal is acceptable on heritage grounds. Very little of the historic fabric of the cattle market remains, and the proposed car park is not considered to cause harm to the significance of the conservation area. There are some concerns regarding the boundary wall which could be alleviated with further information and plans provided. Incorporation of the cobblestone paving could have a positive impact upon the conservation area’.

Environment Agency

5.3 Environment Agency position

We have reviewed the following reports submitted in support of this planning application:

- Drainage Strategy: Cattlemarket Car Park, ref: 12741-WMS-ZZ-XX-T-C-39211- S8-P2, by William Saunders, dated May 2024*
- Phase 2: Site Investigation, Station Road Car Park, Stamford, Lincolnshire; William Saunders, ref S231030, by Solmek Ltd, dated February 2024*

The drainage proposals in terms of ground conditions and proposed end use appear to be appropriately designed, providing that installation follows the design as described in the Drainage Strategy and Drainage Layout Plan, and the maintenance schedule outlined in Appendix E is adopted.

The proposed development will be served by a soakaway for surface water drainage, and is situated in source protection zone 3, which is designated for the protection of potable water used for human drinking water supplies.

The planning application has demonstrated that it is not necessary to connect to a mains sewer network in line with national planning policy, and that appropriate mitigation measures can be employed to ensure that risks to groundwater are minimised. The proposed development will therefore be acceptable if the measures detailed in the Drainage Strategy submitted with this application are implemented and secured by way of a planning condition on any planning permission. Without this condition the development would pose unacceptable risk to groundwater because the site sits within the total catchment of a public water supply, and also borders source protection zone 2 and a groundwater safeguard zone, indicating the high sensitivity of groundwater in this location.

The Anglian River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could cause pollution to controlled waters because it could cause an unacceptable release of pollutants into groundwater should widespread infiltration occur across the site. The site investigation has established that the made ground should not pose a risk of contamination, however this is a limited study.

Lincolnshire County Council

5.4 No objection.

5.5 *This proposal is for an extension to the existing car park and the access arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.*

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The Gardens Trust

5.6 Do does not wish to comment on the proposals.

Stamford Town Council

5.7 Following a review of the proposed car parking charges increase, it was recommended that there should be a further assessment completed on the future capacity requirements for additional parking in Stamford. This was ratified at the SKDC Cabinet meeting on September 24th. This can be noted in point 6 of the minutes. Therefore, we would like to object to the current application until the revised assessment has been completed – once this assessment has been received, we will comment further”.

Heritage Lincolnshire

5.8 *The application area lies within the grounds of St. Michael's nunnery nunnery which was founded in 1155. Cartographic evidence suggests that the site remained undeveloped until*

a cattle market was established on the site in 1887. Roman, Saxon and medieval artefacts have been recovered to the south of the site in the area of Stamford Junior School.

A programme of archaeological works is required to record archaeological remains which survive on the site in advance of their destruction. A strip, map and record excavation should be undertaken in the area of the geocellular soakaway tank. The results of the excavation will be used to inform on the extent of archaeological monitoring which will be required during the reduction of the existing car park. Archaeological monitoring and recording should be undertaken during the construction of interceptors and drainage runs on the north and west sides of the site.

Environmental Protection

- 5.9 Environmental Protection has reviewed the documents in respect of the above application and has the following comments to make:

Given the intended use of the land, the contaminants identified during the phase 2 investigation are unlikely to pose a risk to current and future users of the site. Whilst we acknowledge and accept the findings of the Phase 2 site investigation report, should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Construction work

The applicant produces a management plan for controlling construction noise and dust during the development of the site (to protect the amenity of the existing residential dwellings).

Stamford Town Council

- 5.10 Stamford Town Council object to the application and submitted the following comments:

Following a review of the proposed car parking charges increase, it was recommended that there should be a further assessment completed on the future capacity requirements for additional parking in Stamford. This was ratified at the SKDC Cabinet meeting on September 24th. This can be noted in point number 6 of the enclosed printed minutes. Therefore, we would like to object to this current application until the revised assessment has been completed – once this assessment has been received, we will comment further

6 Representations as a Result of Publicity

- 6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 1 letter of representation has been received in support of the proposed development, and 1 letter of objection. The points raised can be summarised as follows:

- no clear details of the proposed EV charging infrastructure so it's hard to determine the value of the proposed provision and any impacts that might be associated e.g. rapid DC or slower AC charging, the design of the chargers and associated switchgear and/or transformers.
- supports the provision of EV chargers in this location
- Increased parking capacity in Stamford will suppress demand for public transport and therefore does not comply with parts of Policy ID2.
- Questions whether the proposed development makes effective use of vacant land within the centre of Stamford.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the adopted Development Plan comprises of the following documents:

- (a) South Kesteven Local Plan (Adopted January 2020); and
- (b) Stamford Neighbourhood Plan (Made July 2022)

7.2 In addition, the Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021) and this document is a material consideration in the determination of planning application.

7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2023) are also a relevant material consideration in the determination of planning applications.

Principle of Development

7.4 Policy SP2 confirms that Stamford is one of the three market towns and development which maintains and supports the role of the town will be allowed, provided that it does not compromise the towns nature and character. Priority will be given to sustainable sites within the built up part of the town and appropriate edge of settlements extensions.

7.5 Moreover, paragraph 108e of the NPPF (2023) states that 'patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places'. Paragraph 112 continues that 'In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists'.

7.6 The site is a brownfield site that is currently unused and located within the market town of Stamford. Local Plan Policy SP3 confirms that infill development in settlements defined in Policy SP2 will be supported provided that

- a. it is within a substantially built up frontage or re-development opportunity (previously developed land)
- b. it is within the main built up part of the settlement
- c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties

d. it does not extend the pattern of development beyond the existing built form, and it is in keeping with the character of the area, and is sensitive to the setting of adjacent properties.

7.7 It is deemed that the development proposal constitutes infill development as it is within a built up part of Stamford (b) and offers a redevelopment opportunity as a brownfield site (a). Criterion (c) and (d) are related to design and layout discussed in detail below. However, it is not thought that the development would cause an unacceptable impact on the residential amenity of adjacent dwelling houses to the east and south, or the amenities of the neighbouring schools. The reuse of this site would not cause harm or unacceptable impact, and the proposal is an appropriate use in an area that already has car parking as well as residential and education uses, and would be in keeping with the character of the area which is a mixture of heritage and modern uses.

7.8 The site's previous use was as the cattle market for Stamford. This use ceased and the site was cleared, and has been vacant since October 2010. Policy E6 (Loss of Employment Land and Buildings to Non-Employment Uses) states that 'The Council will seek to retain and enhance existing areas of employment use...unless it can be demonstrated that:

- a) The site is vacant and no longer appropriate or viable as an employment site – this may include the need for an effective, robust and proportionate marketing of the land and buildings to be undertaken; or
- b) Redevelopment would maintain the scale of employment opportunities on the site, or would deliver wider benefits, including regenerating vacant or unutilised land; or
- c) The alternative use would not be detrimental to the overall supply and quality of employment land within the district; or
- d) The alternative use would resolve existing conflicts between land uses.'

7.9 The site has not been used for several years and has laid vacant since October 2010 (a), it is surrounded by residential uses and the existing car park. The redevelopment of the site to provide further public car parking will provide wider benefits to the public including the provision of additional spaces to meet demand on busy days and further the EV charging points for the town of Stamford (b). The use is considered appropriate in this location without conflict with the surrounding uses of car parking, education and residential. The alternative use would not be detrimental to the overall supply of employment land (c) as it was a use that was an intermittent use of the site. The provision of additional car parking will support the economic function of the town centre and businesses, such as the hotel, in the area.

7.10 The redevelopment of the site to provide additional car parking is considered to be acceptable in principle, being an infill opportunity within Stamford, and having been a vacant brownfield site for over a decade. This is subject to the assessment against site specific criteria including the impact of the proposal on the character and appearance of the area, impact upon heritage assets, impact on the residential amenities of neighbouring uses and the impact on the public highway, which are discussed below.

Impact on the Character and Appearance of the area

7.11 It is proposed to create an extension to the existing car park utilising this area of the former Cattle Market. The site is bounded by the existing car park to the north and further car parking to the west related to the schools, and it is considered that the extension would be in character with the site's location in Stamford.

- 7.12 The site has a dilapidated character, overgrown and unkept. The proposal would ensure the provision of new public realm providing additional long stay car parking. The proposal would ensure a suitable layout and design for the site, and is considered to enhance the character and appearance of the area providing a reuse of the site. The proposal includes the retention of hedging and vegetation on the boundary of the site as well as a new area of planting. The soft landscaping will provide a more pleasant verdant character to the hard landscaped car parking areas.
- 7.13 Taking the above into account, it is considered that the proposed use, layout and scale would be acceptable, and the proposed development would not result in an adverse impact to the character or appearance of the area. The development proposal is in accordance with Local Plan Policy SP3 and ID2, and section 12 of the NPPF.

Heritage Impact

- 7.14 Policy EN6 (The Historic Environment) is the primary development plan policy through which the Council exercises its statutory responsibilities. This policy states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework, and proposals will be expected to take Conservation Area Appraisals into account, where these have been adopted by the Council. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm.
- 7.15 In connection with the above, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any special architectural or historic interest which it possesses. Similarly, Section 72 of the Act 1990 requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.16 The adjacent Conservation Area is located with adequate separation from the site, including separation by the existing car park site. It is considered that the Conservation Area would not be adversely impacted, and the reused and regenerated site would provide public benefit. The site is separated from the Town Meadows park by the river and a line of mature trees and vegetation, providing a verdant buffer to the north. It is considered that the proposal would not cause an unacceptable impact to the character or appearance of the area, or cause harm to the nearby Conservation Area or heritage assets.
- 7.17 The Conservation Officer has been consulted and has commented that overall the proposal is acceptable on heritage grounds. The Conservation Officer has noted that very little of the historic fabric of the cattle market remains and the proposed car park is not considered to cause harm to the significance of the conservation area. The Officer did raise concerns regarding the retention of the boundary walls and request further information. Additionally, the Officer commented that the incorporation of the cobblestone paving could have a positive impact upon the Conservation Area.
- 7.18 The agent responded to the Conservation Officer's comments and confirmed that there will be a provision within the works to carry out minor repairs and re-building work where required to the boundary walls. The agent has also replied regarding the Conservation Officer's request to incorporate the cobblestone paving into the surfacing, and verified that this would not be practical for a car park as it would provide an uneven surface for wheelchair users and would lead to the loss of lining over time. The agent considers that

the site is outside the conservation area and would not have a suitable conservation value to be considered in the buffer zone.

- 7.19 The submission included an Archaeological Desk Based Assessment, and the report concluded that the site has the potential for Saxon, medieval and postmedieval remains. It is proposed to mitigate the potential impact from the development using the imposition of a planning condition for a watching brief.
- 7.20 Taking the above into account, it is considered that the proposed use, layout and scale would be acceptable, and the proposed development would not result in an adverse impact to the Conservation Area and any neighbouring heritage assets. The development proposal is in accordance with Local Plan Policy EN6, and section 16 of the NPPF.

Ecology and Trees

- 7.21 There is a line of mature trees and vegetation to the north of the existing car park site adjacent to the River Welland. On the application site, it is proposed to plant a new hedgerow along the southwestern boundary of the site. There would also be supplemental shrub planting on the boundary of the site, with existing vegetation removed and replaced with new planting. In addition, there will be buffer areas of planting between the blocks of parking bays with shrubs.
- 7.22 A preliminary Ecological Appraisal was undertaken and provided with the submission of the application. The report confirms that there are no existing habitats recorded on the site and it has a low value to wildlife. The application proposes the enhancement of the site by the provision of the additional hedgerow on the western boundary and areas of new planting on the site to create buffers.
- 7.23 In terms of Biodiversity Net Gain, the provision of the new hedgerow and vegetation to the northern boundary and within the site, will achieve in excess of the 10% net gain target. The total net percentage change would be 62.37% for habitat units and 597.36% for hedgerow units. This evidence is contained in the submitted Small Sites Metric table.
- 7.24 It is considered that the proposed use and mitigation measures to improve biodiversity on the site would be acceptable, and in accordance with Local Plan Policy EN2 and EN3 and section 15 of the NPPF.

Impact on the Residential Amenities of Neighbouring Uses

- 7.25 The development site is located within a mixed-use area, and this includes residential uses in proximity. The wider site includes a large car park and there is an adjacent car parking associated with the educational use. The proposal is not considered to cause a significant adverse impact in terms of noise, or light pollution. It will provide an addition to the public realm, replacing a vacant brownfield site. The previous use of the site as a cattle market would have generated a level of noise and disturbance to the surrounding area. The now vacant site is unsightly, and as a derelict site it is presenting a negative impact on residential amenity, as well as the environment and economy.
- 7.26 The previous use of the site as a cattle market has been investigated in consideration to the potential for pollution. The submission was accompanied by a Phase 2 report which has confirmed that there is made ground on the site, but no groundwater was recorded. The report concluded that the levels of contamination on the site are unlikely to pose a significant risk to the users of the site and proposes mitigation measures. Environmental Protection has been consulted and commented that they accept the findings of the Phase 2 site

investigation report. However, should contamination be suspected on the site during construction, then an investigation and risk assessment must be undertaken and a remediation scheme prepared, and a subsequent verification report prepared. It is therefore proposed to mitigate any potential impact from the development using the imposition of a planning condition for pollution.

- 7.27 Taking the above into account, it is considered that there would be no significant unacceptable adverse impact on the residential amenities of the neighbouring area, and the reuse and regeneration of the site would provide betterment to the amenity of the area and a valuable contribution to the town centre economy. As such the proposal accords with Local Plan Policy DE1 and section 12 of the NPPF.

Climate Change

- 7.28 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate change and contribute towards a strong, stable and more diverse economy. The policy requires consideration of a number of matters including minimising the use of resources and the production of waste; meeting high environmental standards in terms of design and construction; encouraging the use of sustainable construction materials and proactively enhancing the District's character and natural environment.
- 7.29 Similarly, Policy SB1 (Sustainable Buildings) states that all development proposals will be expected to mitigate against and adapt to climate change. This includes a requirement for development proposals to support low carbon travel, including the provision of electric car charging points. All development proposals should therefore include information on energy consumption in particular demonstrating how carbon dioxide emissions have been minimised in accordance with the energy hierarchy, and on water resources, to promote enhanced sustainability.
- 7.30 Contributing to low-carbon travel has been demonstrated with the provision of 8no. electric car charging bays. This provision will significantly increase the number of EV charging bays in the council's public car parks in the town.
- 7.31 The development proposal has addressed its potential impact on climate change through the provision of EV charging bays, therefore the proposal would be in accordance with Policy SB1 of the Local Plan, and section 12 of the NPPF.

Impact on the Local Highway

- 7.32 The site is located within the town of Stamford and is well connected for walking, cycling, and public transport. The proposal seeks the change of use and construction of a public car park to expand an existing car park utilised by visitors to Stamford. Access will be taken from the existing access to the wider car park area.
- 7.33 The application was supported by a Transport Statement, which details the potential impact of the development. The report confirms that the existing car park is very popular, particularly on Friday market days, where the provision can reach full occupancy in the afternoon. With insufficient car parking provision in the car park, it leads to vehicles circling looking for spaces or pressures on other car parks in the town and on-street parking where vehicles seek alternative provision. The proposed increase in car parking will relieve parking pressure.

- 7.34 Whilst the comments made in relation to encouraging public transport use are noted, it is Officers' assessment that ensuring that there is sufficient parking capacity within the town centre does not directly suppress the use of public transport. Encouraging modal shift to public transport is dependent on a multitude of factors, including ensuring that public transport is cost-effective and convenient for use. In the context of this, the provision of adequate parking capacity and, therefore, the removal of congestion within the town centre may enable the provision of a more timely public transport system. In this context, it is Officers' assessment that the application would accord with Policy ID2 when taken as a whole.
- 7.35 Finally, the comments from Stamford Town Council are noted. As referenced above, the application has been accompanied by a Transport Assessment which has considered the need for additional parking within Stamford; this assessment has included the completion of parking surveys in November 2023. The resolution of Cabinet in September 2024 relates to the completion of updated parking surveys to consider the impacts of changes to parking charges on the availability of parking within the District, and any associated impacts on local businesses.
- 7.36 It should be noted that planning applications should be determined on the basis of the evidence available at the time of determination. In this context, the resolution of the Committee to request a 6-monthly review of parking capacity does not override the obligation for planning decisions to be made in a timely manner. The evidence available at the time of determination of the current application indicates that there is an existing capacity issue within Stamford, and therefore, there is a clear need for additional capacity to be delivered
- 7.37 Lincolnshire County Council was consulted and had no objection to the proposed development. LCC commented that this is for an extension to the existing car park and the access arrangements remain unchanged. The officer considered that the proposals would not result in an unacceptable impact on highway safety.
- 7.38 The application is therefore in accordance with the requirements of Policy ID2 of the Local Plan and Section 9 of the NPPF in so far as it has regard to highways matters

Drainage and Flood Risk

- 7.39 The application site is located within Flood Zone 1, with a low risk of surface water flooding. The proposed development would increase hard surfaces that generate surface water run-off and therefore an effective surface water drainage strategy is necessary. The application has been supported by a Drainage Strategy Report and a Drainage Layout Plan.
- 7.40 The Environment Agency was consulted and has commented that the drainage proposals appear to be appropriately designed. The development would be served by a soakaway, and is it not necessary for the site to connect to the mains sewer network. The proposed development would be acceptable if the measures detailed in the Drainage Strategy are implemented and secured by planning condition/s on any planning permission.
- 7.41 In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.

8 Crime and Disorder

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

9 Human Rights Implications

- 9.1 Articles 6 (Rights 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 Planning Balance and Conclusion

- 10.1 In summary, the principle of the development is acceptable, and the proposals would result in the provision of additional car parking provision in the market town of Stamford. The proposals would provide 146 parking bays including 11 accessible bays and the provision of 8 EV charging bays, utilising a vacant brownfield site adjacent to the existing public car park. The use is considered appropriate as it is a mixed-use area, with car parking provision already present, and offers an infill opportunity. The redevelopment of the site would provide wider benefits to the public including the provision of additional parking spaces to meet demand and further the EV charging points that are publicly accessible.
- 10.2 The proposed car park scheme would provide new public realm in this area of Stamford, and the design incorporates practical surfacing, lining and lighting to provide 24-hour operation. It includes the retention of hedging and vegetation on the boundary of the site as well as new areas of planting, providing a verdant buffer between the car park and the neighbouring education use, as well as additional planting to the boundary of the site and between the blocks of parking areas. It is considered that the proposals would enhance the character and appearance of the area and be beneficial to the residential amenities of neighbouring dwellings by providing a reuse and regeneration, and improvement from the current derelict site.
- 10.3 In heritage terms the proposed use is acceptable, and the remaining historic fabric, the boundary walls to the cattle market, will be retained additionally there will be minor repairs and re-building work where necessary. It is considered that the with the site's location outside of the Conservation Area that the proposed use, layout and scale would be acceptable, and the proposals would not result in an adverse impact to the Conservation Area and any neighbouring heritage assets.
- 10.4 Taking the above into account, it is considered that the proposal, proposing a car park, is appropriate for its context and would be in accordance with Policy SP2, DE1, EN6, and ID2 of the South Kesteven Local Plan and Sections 9, 12 and 16 of the NPPF. There are no material considerations that indicate otherwise although conditions have been attached.

11 Recommendation

To authorise the Assistant Director-Planning to GRANT planning permission, subject to the following conditions:

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i) Site Location Plan (received 10/07/24)
 - ii) Car Park General Arrangement, drawing ref. 12741-WMS-ZZ-XX-D-39501-S8-P4 (received 10/07/24)
 - iii) Levels Layout, drawing ref. 12741-WMS-ZZ-XX-D-39003-S8-P2 (received 10/07/24)
 - iv) Drainage Layout, drawing ref. 12741-WMS-ZZ-XX-D-39201-SB-P2 (received 10/07/24)
 - v) Kerbs and Surfacing Layout, drawing ref. 12741-WMS-ZZ-XX-D-39503-S8-P2 (received 10/07/24)
 - vi) Proposed Car Park Lighting Plan, drawing ref. 1274/NPL/LTG/001 (received 10/07/24)

Unless otherwise required by another condition of this permission.

Before the Development is Commenced

- 3) Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the archaeological investigations shall be carried out in accordance with the approved scheme of investigation.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

During the Building Works

- 4) To minimise noise impacts on the existing residential dwellings, 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To prevent disturbance to the amenities of residents living in the locality and in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.

Before the Development is Occupied

- 5) Before any part of the development hereby permitted is occupied/brought into use, the development shall have been completed using only the materials stated in the approved plans and Design and Access Statement.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 and EN6 of the adopted South Kesteven Local Plan.

- 6) Before any part of the development hereby permitted is occupied/brought into use, any lighting shall have been completed in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 7) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 8) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 9) Before any part of the development hereby permitted is occupied/brought into use, a landscape management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

i. long term design objectives,

ii. management responsibilities and

iii. maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

- 10) Before any part of the development hereby permitted is occupied/brought into use, a verification report confirming that remedial works have been completed shall have been submitted to and approved in writing by the Local Planning Authority. The report shall have been submitted by the nominated competent person approved, as required by condition above. The report shall include:

i. A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;

ii. As built drawings of the implemented scheme;

iii. Photographs of the remediation works in progress; and

iv. Certificates demonstrating that imported and/or material left in situ is free from contamination.

The scheme of remediation shall thereafter be maintained 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 Policies EN2 and EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF paragraphs 178 and 179.

Ongoing Conditions

- 11) Within a period of five years from the first occupation of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Standard Note(s) to Applicant:

- 1) 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 38 of the National Planning Policy Framework.
- 2) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

SITE LOCATION PLAN



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

7 November 2024



S24/1481

Proposal:	Submission of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2816
Location:	Land at Rectory Farm (Phase 1), Grantham
Applicant	Vistry East Anglia
Application Type:	Discharge of Planning Conditions
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth
Key Issues:	Highways Impacts
Technical Documents:	<ul style="list-style-type: none"> Proposed General Arrangement Plan Highways Technical Note (Mayer Brown)

Report Author

Adam Murray – Principal Development Management Planner



01476 406080



Adam.Murray@southkesteven.gov.uk

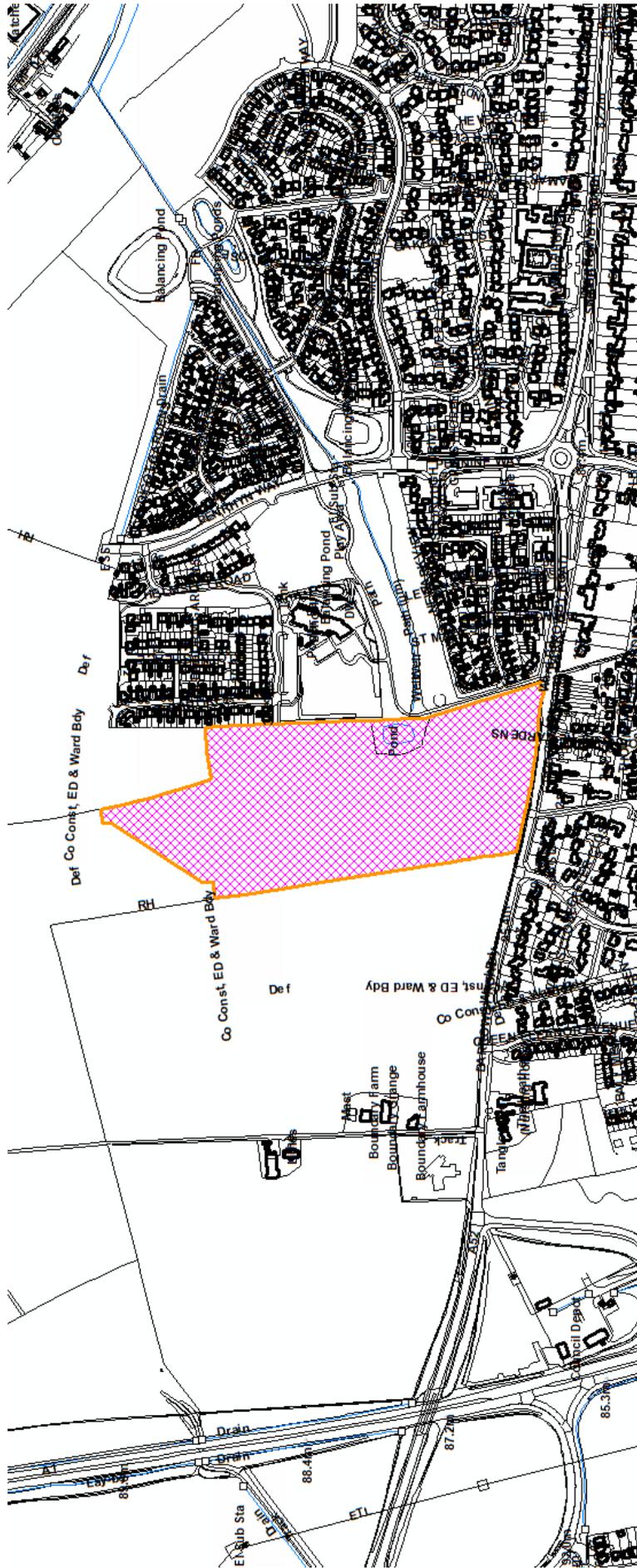
Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Arnoldfield

Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	28 October 2024
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Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to APPROVE the details submitted pursuant to condition 24 of planning permission S16/2816

S24/1481 – Rectory Farm, Barrowby Road, Grantham



Key



Application
Boundary



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1 Description of the site

- 1.1 The application site comprises part of Phase 1 of the Rectory Farm development situated on the north-western edge of Grantham. Phase 1 consists of two parcels of land being delivered by Vistry Group and Jelson Homes; the current application has been submitted in relation to the parcel controlled by Vistry Group.
- 1.2 The site comprises of an area of approximately 8.73 hectares of land and is situated in the south-eastern corner of the allocation site.
- 1.3 Full planning permission for 228 dwellings (LPA Ref: S16/2816) was granted in January 2023. Subsequently, various applications for the approval of details reserved by planning conditions and non-material amendments to the approved details have been granted by the Local Planning Authority. Works have now commenced on site and construction of properties fronting onto Barrowby Road are now in progress.
- 1.4 The allocation site is a roughly rectangular parcel of land, which was formerly in agricultural use, and is part of a raised plateau which forms the higher ground enclosing the Grantham “bowl” to the east, and slopes from west to east.
- 1.5 The Rectory Farm development (North-West Quadrant Phase 2) is allocated in the adopted Local Plan (Site Ref: GR3-H2) for approximately 1,150 dwellings. The adopted Local Plan allocation includes a series of development principles to ensure that the proposals appropriately integrate with the wider North-West Quadrant development scheme, including the adjacent Poplar Farm development; this includes a require to “provide appropriate mitigation measures to the Strategic Road Network if required and demonstrated by a relevant transport assessment and agreed with Highways England”.
- 1.6 The current development site is bound to the west by land owned by Jelson Homes, which forms the remainder of Phase 1 of the Rectory Farm development and benefits from planning permission for 220 dwellings (LPA Ref: S23/0592); beyond which lies agricultural land, part of which, bounding onto Barrowby Road (A52) is allocated as an additional urban extension for approximately 404 dwellings (Site Ref; GR3-H3). The site is bound to the south by Barrowby Road (A52) with low density residential estates from the 1980s / 1990s, and the ongoing residential development of 300 dwellings (The Colleys) being delivered by Countryside Properties (LPA Ref; S14/2571). The site is bound to the north by further undeveloped agricultural land which forms part of the Rectory Farm allocation; this land is to form Phase 2 of the development scheme, and the LPA has recently resolved to grant planning permission, subject to the completion of a Section 106 Agreement, on an outline planning application for up to 400 dwellings (LPA Ref: S23/1023) on behalf of Vistry Partnerships. The land to the east comprises of the Poplar Farm development, which is a mixed-use urban extension of up to 1800 dwellings, community facilities, open space, and a new road that was approved in June 2011 (LPA Ref: S08/1231), where approximately 675 dwellings have been completed.

2 Description of the proposal

- 2.1 The current application seeks the approval of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2816.
- 2.2 As approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

- 2.3 The current application seeks approval for “an alternative scheme providing the same mitigation”. The proposed alternative scheme has been submitted as a result of continued engagement with Lincolnshire County Council (as Local Highways Authority) and National Highways (as Strategic Highways Authority) in preparing the detailed design for the statutory technical approval process, following the grant of planning permission.
- 2.4 The proposed junction improvements require alteration to allow for a greater length of two-lane queueing on the westbound approach to the junction and to re-align the junction further north to (i) remove a “kink” in the alignment of the junction; and (ii) to reduce the impact of the junction works to the existing embankment on the south-west corner of the junction.

3 Relevant History

Application Ref	Description of Development	Decision
S16/2816	Residential development for 228 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 17.01.23
S16/2819	Residential development for 220 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 10.01.23
S23/0592	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S16/2819 to allow for substitution of house types and introduction of an electric substation	Approved Conditionally 14.09.23
S24/0140	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816	Refused 17.01.24 Appeal Lodged
S23/1023	Outline application for the erection of up to 400 dwellings, public open space (including outdoor sports pitches, an associated community pavilion (Use Class F2), outdoor fitness stations, and play areas), internal circulation routes and associated drainage and utilities (Access for approval only) Rectory Farm (Phase 2), Grantham	Pending Consideration Resolution to grant planning permission at Committee in November 2023

4 Policy Considerations

- 4.1 **South Kesteven Local Plan 2011-2036 (Adopted January 2020)**
Policy ID2 – Transport and Strategic Transport Infrastructure

Policy GR3-H2 – Rectory Farm (Phase 2 North West Quadrant)

4.2 **Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**

4.3 **National Planning Policy Framework (NPPF) (Published December 2023)**
Section 9 – Promoting sustainable transport

5 Representations Received

5.1 Lincolnshire County Council (Highways & SuDS)

5.1.1 Requests that the Local Planning Authority does not discharge Condition 24 until the agreed works have been completed.

5.1.2 This application is the submission of details for Condition 24 to improve the junction of the A1 slip road with A52. The junction is located on the strategic road network and National Highways are dealing with technical approval. LCC is in liaison with National Highways with regard to the junction proposals and how they tie-in to the LCC network on the A52 Barrowby Road (east of this junction).

5.2 Barrowby Parish Council

5.2.1 No comments received.

5.3 National Highways

5.3.1 National Highways is content with the revised scheme drawings that have been submitted and can confirm that the revised scheme will deliver the same level of mitigation as the originally consented schemes. As such, the revised scheme will be sufficient to discharge Condition 24 once the agreed works have been completed.

6 Representations as a Result of Publicity

6.1 The application has been advertised in accordance with the Council’s Statement of Community Involvement and no letters of public representation have been received.

7 Evaluation

7.1 Condition 24

7.1.1 Condition 24 requires the completion of a scheme of junction mitigation works at the A1 / A52 junction to the west of the site. As detailed above, as approved, Condition 24 requires the junction improvements to be carried out in accordance with the high-level designs submitted as part of the full planning permission for the site or “any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA”.

7.1.2 The current application seeks the approval of an alternative scheme providing the same mitigation. In this respect, the applicant has submitted a Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1) and accompanying Technical Note (Mayer Brown) (August 2024).

7.1.3 The submitted documents identify that a revised junction improvement scheme is required in order to provide a greater length of two-lane queueing on the westbound approach to the junction and to re-align the junction further north to (i) remove a “kink” in the junction

alignment; and (ii) reduce the impact on the existing embankment to the south-west corner of the junction, which had not been previously anticipated as part of the high-level junction design. The revised junction improvement scheme has been identified as a result of the continued engagement between the Applicants and National Highways on the detailed, technical design of the works.

- 7.1.4 The proposed revisions to the junction mitigation works do not alter the fundamental principles of the junction improvements insofar as the scheme will continue to result in the provision of a signalised junction to the A1 / A52 junction with appropriate queueing lanes.
- 7.1.5 National Highways (as Strategic Highways Authority) have been consulted on the submitted details and have confirmed that the revised scheme will deliver the same level of mitigation as the originally proposed scheme. As such, they have confirmed that they have no objections to the revised details.
- 7.1.6 Similarly, Lincolnshire County Council (as Local Highways Authority) have not raised any objections to the revised junction design.
- 7.1.7 Taking the above into account, it is Officers' assessment that the submitted details are acceptable, as per the requirements of Condition 24.

8 Crime and Disorder

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

9 Human Rights Implications

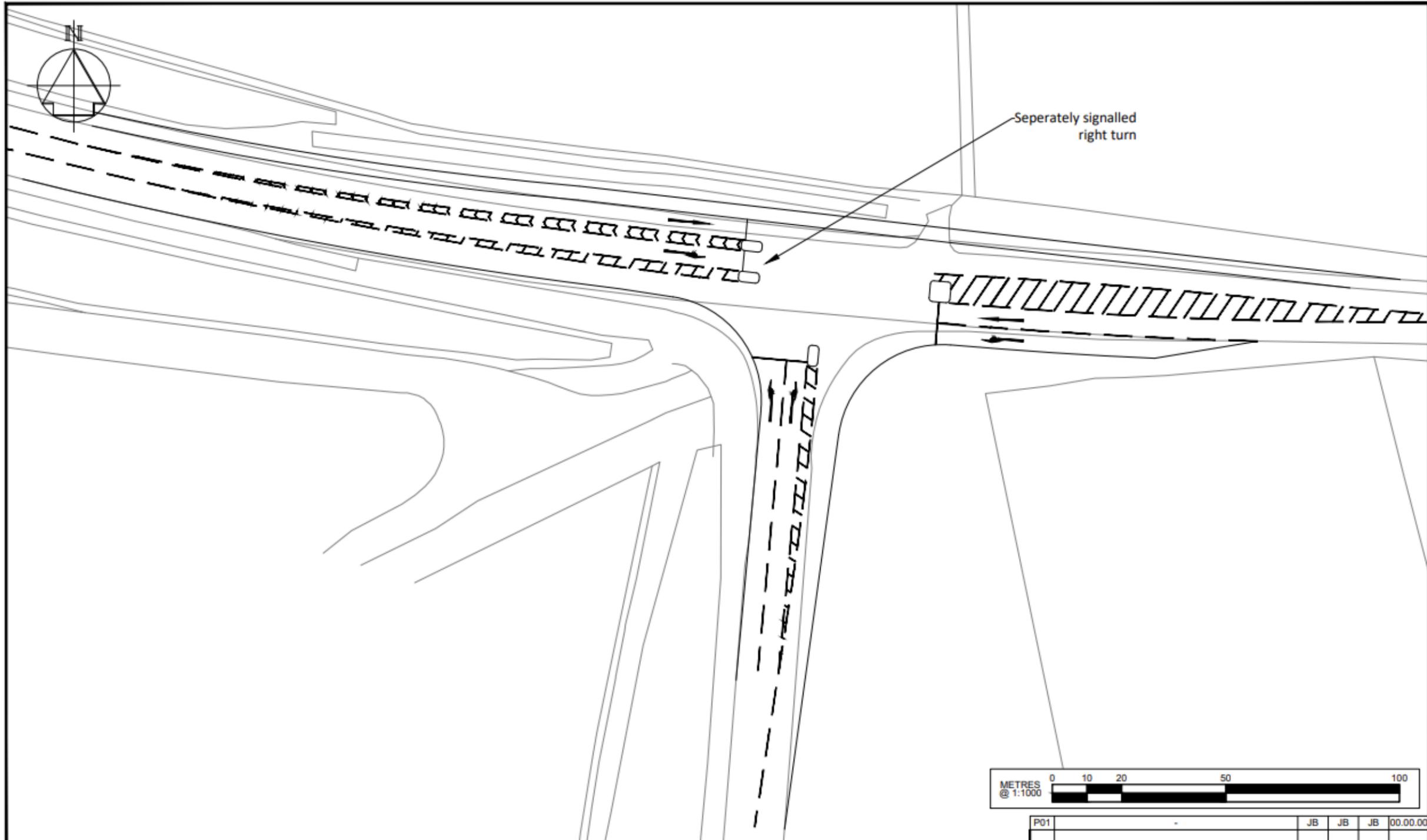
- 9.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of the Act will be breached in making this decision.

10 Conclusions

- 10.1 The details submitted in relation to Condition 24 (Off-site highways works) are acceptable, and therefore, the junction improvement works should be implemented in accordance with these approved details.

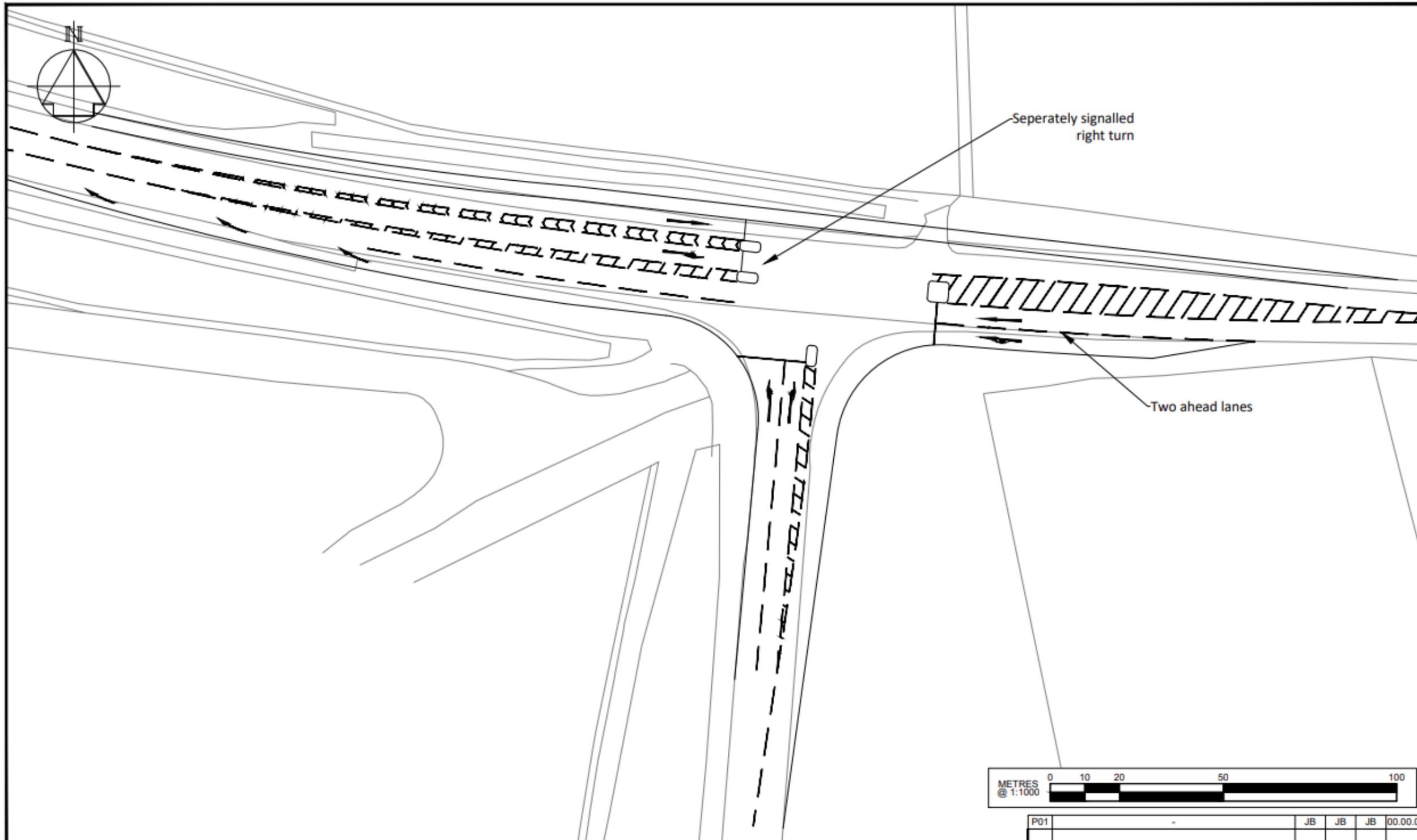
11 Recommendation

- 11.1 To authorise the Assistant Director – Planning & Growth to APPROVE the following details pursuant to Condition 24 of planning permission S16/2816:
- Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1)



49

<h1>Pell Frischmann</h1>	Architect/Client/Contractor	RECTORY FARM BARROWBY ROAD GRANTHAM	P01	-	JB	JB	JB	00.00.00
	LINDEN HOMES & JELSON HOMES	PROPOSED JUNCTION IMPROVEMENTS A1/A52 JUNCTION (NO GDOV SCENARIO)		H. JABBAR	25.09.20			
				H. JABBAR	25.09.20			
				CH	25.09.20			
				CH	25.09.20		X01	
			103790 - PEF - ZZ - XX - DR - Y - SK001					



Pell Frischmann

Architect/Client/Contractor
LINDEN HOMES & JELSON HOMES

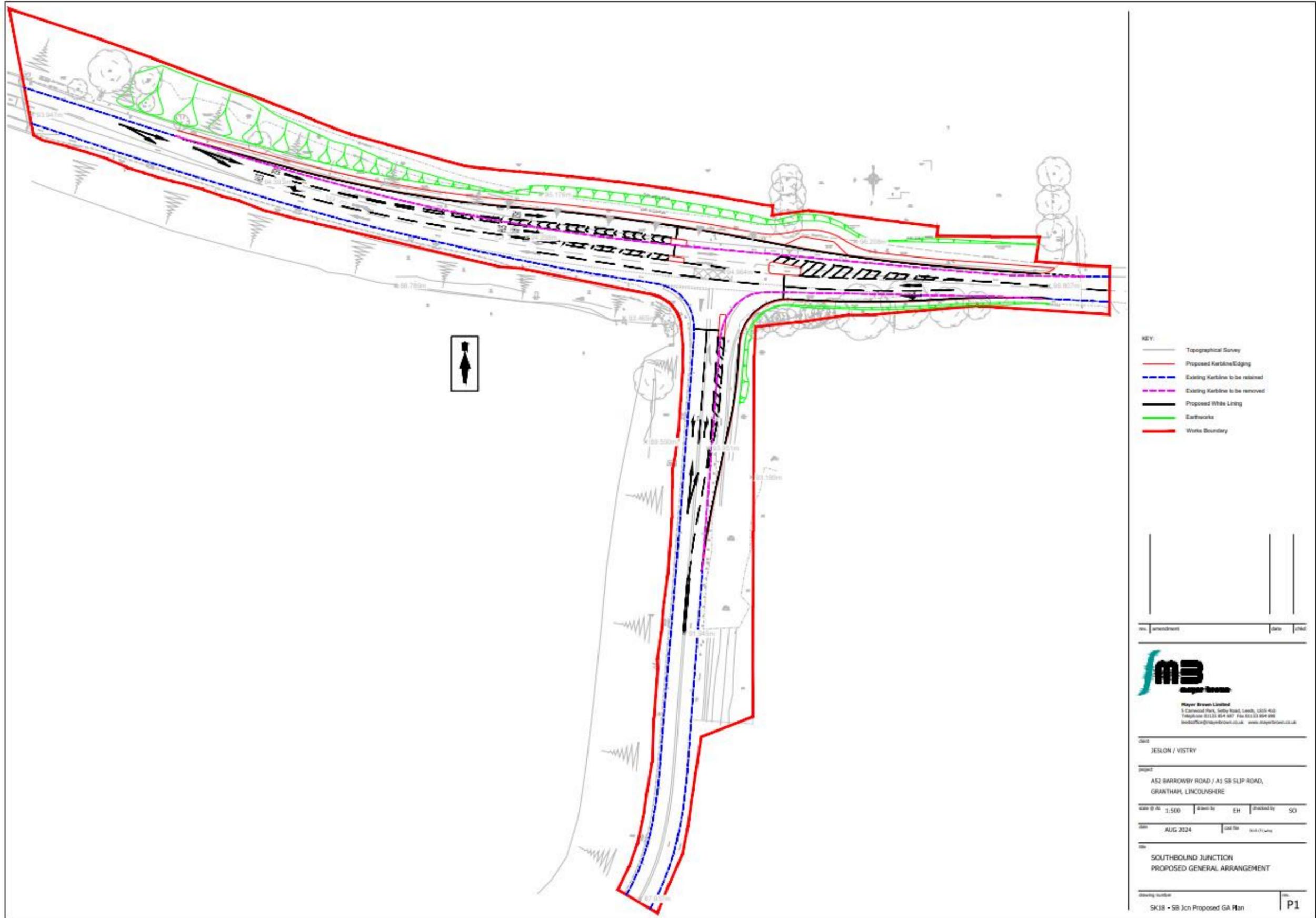
RECTORY FARM
 BARROWBY ROAD
 GRANTHAM
 PROPOSED JUNCTION IMPROVEMENTS
 A1/A52 JUNCTION
 (WITH GDOV SCENARIO)

P01	-	JB	JB	JB	00.00.00
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	H. JABBAR	25.09.20	
	H. JABBAR	25.09.20	
	CH	25.09.20	
	CH	25.09.20	X01

103790 - PEF - ZZ - XX - DR - Y - SK002

Proposed General Arrangement (Current Applications)



51

- KEY:
- Topographical Survey
 - Proposed Kerbline Edging
 - Existing Kerbline to be retained
 - Existing Kerbline to be removed
 - Proposed White Lining
 - Earthworks
 - Works Boundary

no.	amendment	date	chkd

MB
Mayer Brown

Mayer Brown Limited
5 Cannon Park, Sully Road, Leeds, LS2 4JG
Telephone 0113 254 667 Fax 0113 254 998
leeds@mbmayerbrown.co.uk www.mayerbrown.co.uk

Client: JERLON / VISTRY

Project: A52 BARROWBY ROAD / A1 SB SLP ROAD, GRANTHAM, LINCOLNSHIRE

Scale @ A1: 1:500 Drawn by: EH Checked by: SO

Date: AUG 2024 Issue No: 1

Site: SOUTHBOUND JUNCTION PROPOSED GENERAL ARRANGEMENT

Drawing Number: SK18 - SB Jcn Proposed GA Plan

Sheet: P1

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

7 November 2024



S24/1482

Proposal:	Submission of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2819
Location:	Land at Rectory Farm (Phase 1), Grantham
Applicant	Jelson Homes
Application Type:	Discharge of Planning Conditions
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth
Key Issues:	Highways Impacts
Technical Documents:	<ul style="list-style-type: none"> Proposed General Arrangement Plan Highways Technical Note (Mayer Brown)

Report Author

Adam Murray – Principal Development Management Planner



01476 406080



Adam.Murray@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Arnoldfield

Reviewed by:

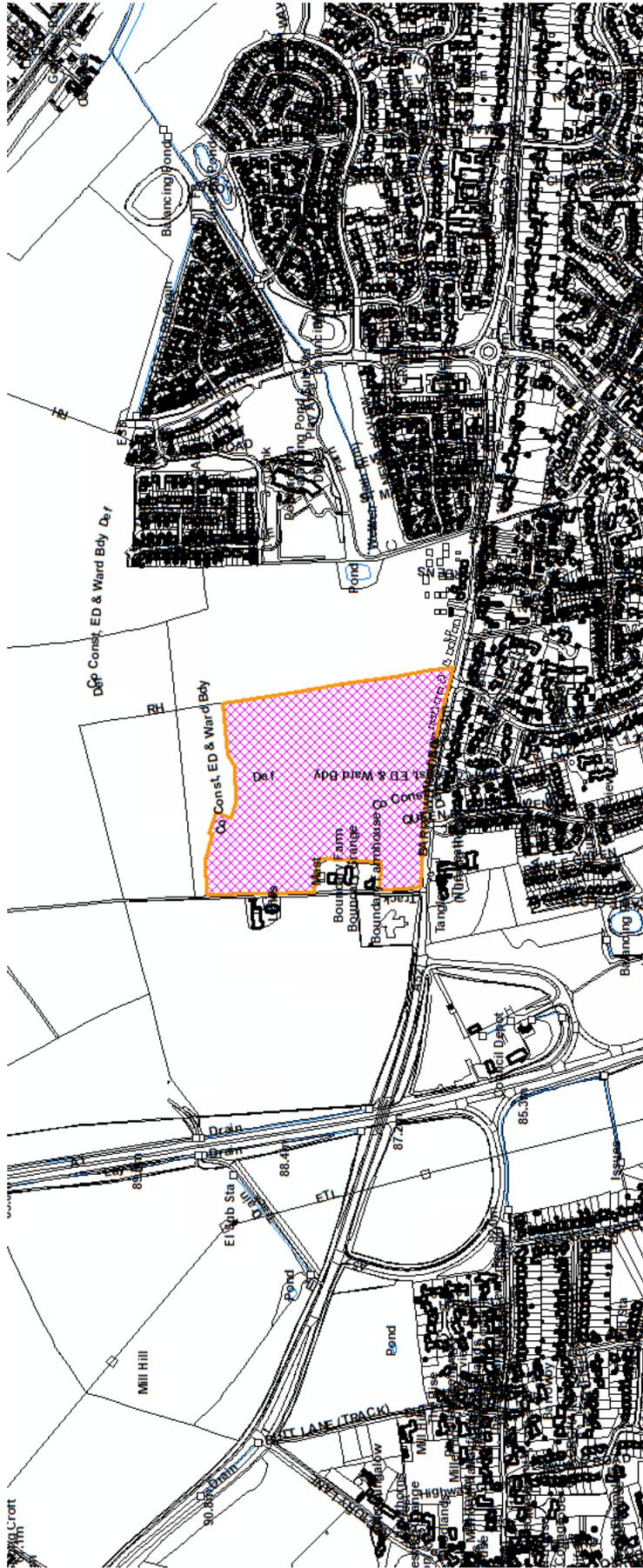
Phil Jordan, Development Management & Enforcement Manager

28 October 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to APPROVE the details submitted pursuant to condition 24 of planning permission S16/2819

S24/1482 – Rectory Farm, Barrowby Road, Grantham



Key



Application
Boundary



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1 Description of the site

- 1.1 The application site comprises part of Phase 1 of the Rectory Farm development situated on the north-western edge of Grantham. Phase 1 consists of two parcels of land being delivered by Vistry Group and Jelson Homes; the current application has been submitted in relation to the parcel being developed by Jelson Homes.
- 1.2 The site comprises an area of approximately 9.73 hectares of land and is situated in the south-western corner of the allocation site.
- 1.3 Full planning permission for 220 dwellings (LPA Ref: S16/2819) was granted in January 2023. Subsequently, a Section 73 planning permission (LPA Ref: S23/0592) has been granted, which substituted housetypes and introduced an electricity substation. There have also been various applications for the approval of details reserved by planning conditions and non-material amendments to the approved details, which have been granted by the Local Planning Authority. Works have now commenced on site and construction of properties fronting onto Barrowby Road are in progress.
- 1.4 The allocation site is a roughly rectangular parcel of land, which was formerly in agricultural use, and is part of a raised plateau which forms the higher ground enclosing the Grantham “bowl” to the east, and slopes from west to east.
- 1.5 The Rectory Farm development (North-West Quadrant Phase 2) is allocated in the adopted Local Plan (Site Ref: GR3-H2) for approximately 1,150 dwellings. The adopted Local Plan allocation includes a series of development principles to ensure that the proposals appropriately integrate with the wider North-West Quadrant development scheme, including the adjacent Poplar Farm development; this includes a requirement to “provide appropriate mitigation measures to the Strategic Road Network if required and demonstrated by a relevant transport assessment and agreed with Highways England”.
- 1.6 The current development site is bound to the east by land owned by Vistry Group, which forms the remainder of Phase 1 of the Rectory Farm development and benefits from planning permission for 228 dwellings (LPA Ref: S16/2816), beyond which lies the ongoing Poplar Farm development. The site is bound to the south by Barrowby Road (A52) with low density residential estates from the 1980s / 1990s, and the ongoing residential development of 300 dwellings by Countryside Properties (The Colleys) (LPA Ref: S14/1571). The site is bound to the north by further undeveloped agricultural land which forms part of the Rectory Farm allocation; this land is to form Phase 2 of the development scheme, and the LPA has recently resolved to grant planning permission, subject to the completion of a Section 106 Agreement, on an outline planning application for up to 400 dwellings (LPA Ref: S23/1023) on behalf of Vistry Partnerships. The land to the west is further agricultural land, part of which, bounding onto Barrowby Road (A52), is allocated as an additional urban extension for approximately 404 dwellings (Local Plan Ref: GR3-H3).

2 Description of the proposal

- 2.1 The current application seeks the approval of details reserved by Condition 24 (Off-site highways works) of planning permission S16/2819.
- 2.2 As approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the

scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

- 2.3 The current application seeks approval for “an alternative scheme providing the same mitigation”. The proposed alternative scheme has been submitted as a result of continued engagement with Lincolnshire County Council (as Local Highways Authority) and National Highways (as Strategic Highways Authority) in preparing the detailed design for the statutory technical approval process, following the grant of planning permission.
- 2.4 The proposed junction improvements require alteration to allow for a greater length of two-lane queueing on the westbound approach to the junction and to re-align the junction further north to (i) remove a “kink” in the alignment of the junction; and (ii) to reduce the impact of the junction works to the existing embankment on the south-west corner of the junction.

3 Relevant History

Application Ref	Description of Development	Decision
S16/2816	Residential development for 228 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 17.01.23
S16/2819	Residential development for 220 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 10.01.23
S23/0592	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S16/2819 to allow for substitution of house types and introduction of an electric substation	Approved Conditionally 14.09.23
S24/0140	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816	Refused 17.01.24 Appeal Lodged
S23/1023	Outline application for the erection of up to 400 dwellings, public open space (including outdoor sports pitches, an associated community pavilion (Use Class F2), outdoor fitness stations, and play areas), internal circulation routes and associated drainage and utilities (Access for approval only) Rectory Farm (Phase 2), Grantham	Pending Consideration Resolution to grant planning permission at Committee in November 2023

4 Policy Considerations

- 4.1 **South Kesteven Local Plan 2011-2036 (Adopted January 2020)**
 Policy ID2 – Transport and Strategic Transport Infrastructure
 Policy GR3-H2 – Rectory Farm (Phase 2 North West Quadrant)

- 4.2 **Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**
- 4.3 **National Planning Policy Framework (NPPF) (Published December 2023)**
Section 9 – Promoting sustainable transport

5 Representations Received

5.1 Lincolnshire County Council (Highways & SuDS)

- 5.1.1 Requests that the Local Planning Authority does not discharge Condition 24 until the agreed works have been completed.
- 5.1.2 This application is the submission of details for Condition 24 to improve the junction of the A1 slip road with A52. The junction is located on the strategic road network and National Highways are dealing with technical approval. LCC is in liaison with National Highways with regard to the junction proposals and how they tie-in to the LCC network on the A52 Barrowby Road (east of this junction).

5.2 Barrowby Parish Council

- 5.2.1 No comments received.

5.3 National Highways

- 5.3.1 National Highways is content with the revised scheme drawings that have been submitted and can confirm that the revised scheme will deliver the same level of mitigation as the originally consented schemes. As such, the revised scheme will be sufficient to discharge Condition 24 once the agreed works have been completed.

6 Representations as a Result of Publicity

- 6.1 This application has been advertised in accordance with the Council’s Statement of Community Involvement and 1 letter of public representation has been received, which has raised a formal objection. The letter of representation has raised the following material considerations:

- (a) The proposed junction improvements would not alleviate the existing issues.

7 Evaluation

7.1 Condition 24

- 7.1.1 Condition 24 requires the completion of a scheme of junction mitigation works at the A1 / A52 junction to the west of the site. As detailed above, as approved, Condition 24 requires the junction improvements to be carried out in accordance with the high-level designs submitted as part of the full planning permission for the site or “any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA”.
- 7.1.2 The current application seeks the approval of an alternative scheme providing the same mitigation. In this respect, the applicant has submitted a Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1) and accompanying Technical Note (Mayer Brown) (August 2024).
- 7.1.3 The submitted documents identify that a revised junction improvement scheme is required in order to provide a greater length of two-lane queueing on the westbound approach to the

junction and to re-align the junction further north to (i) remove a “kink” in the junction alignment; and (ii) reduce the impact on the existing embankment to the south-west corner of the junction, which had not been previously anticipated as part of the high-level junction design. The revised junction improvement scheme has been identified as a result of the continued engagement between the Applicants and National Highways on the detailed, technical design of the works.

- 7.1.4 The proposed revisions to the junction mitigation works do not alter the fundamental principles of the junction improvements insofar as the scheme will continue to result in the provision of a signalised junction to the A1 / A52 junction with appropriate queueing lanes.
- 7.1.5 Whilst the comments received from public representations are noted, National Highways (as Strategic Highways Authority) have been consulted on the submitted details and have confirmed that the revised scheme will deliver the same level of mitigation as the originally proposed scheme. As such, they have confirmed that they have no objections to the revised details.
- 7.1.6 Similarly, Lincolnshire County Council (as Local Highways Authority) have not raised any objections to the revised junction design.
- 7.1.7 Taking the above into account, it is Officers’ assessment that the submitted details are acceptable, as per the requirements of Condition 24.

8 Crime and Disorder

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

9 Human Rights Implications

- 9.1 Article 6 (Rights 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 concluded that no relevant Article of the Act will be breached in making this decision.

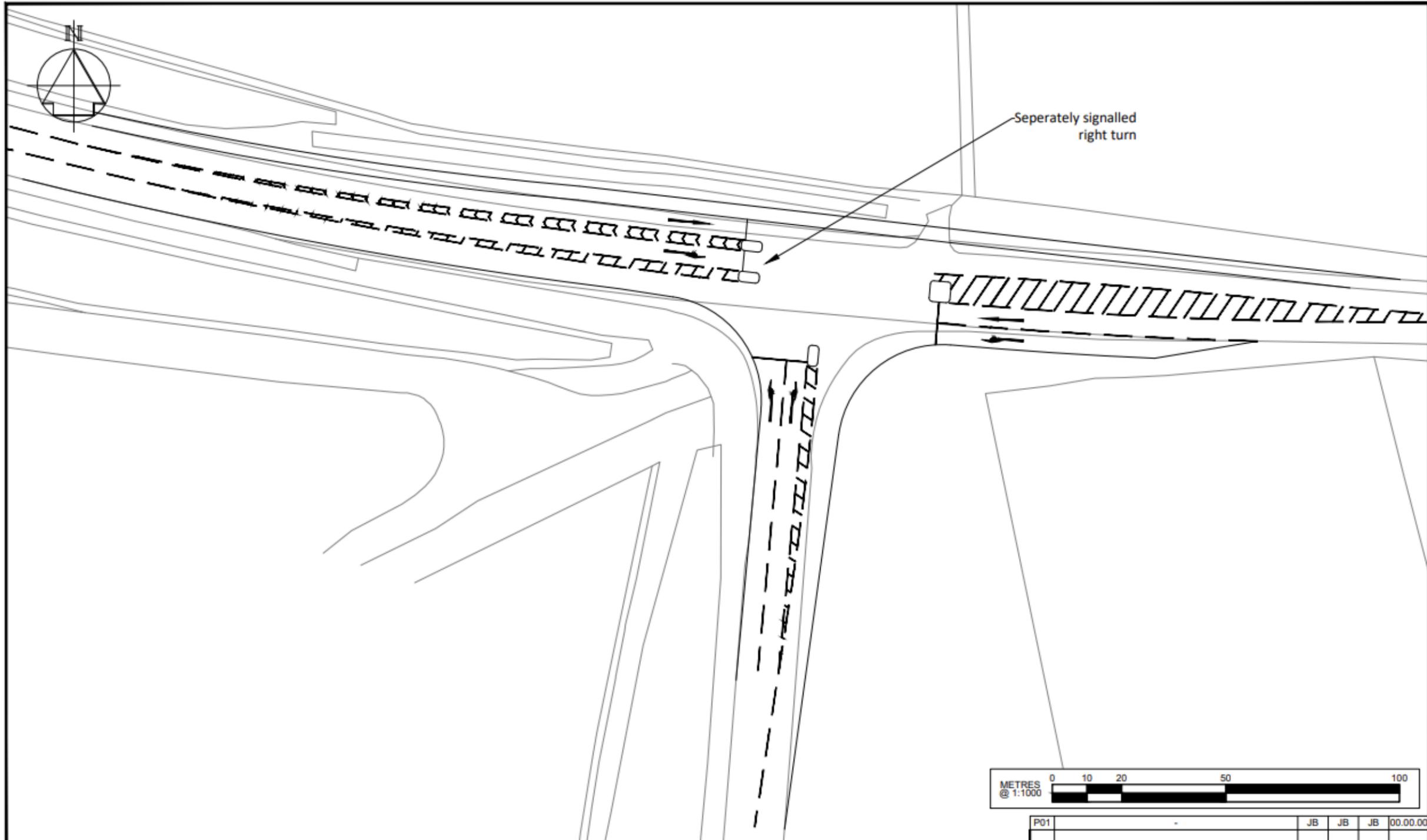
10 Conclusions

- 10.1 The details submitted in relation to Condition 24 (Off-site highways works) are acceptable, and therefore, the junction improvement works should be implemented in accordance with these approved details.

11 Recommendation

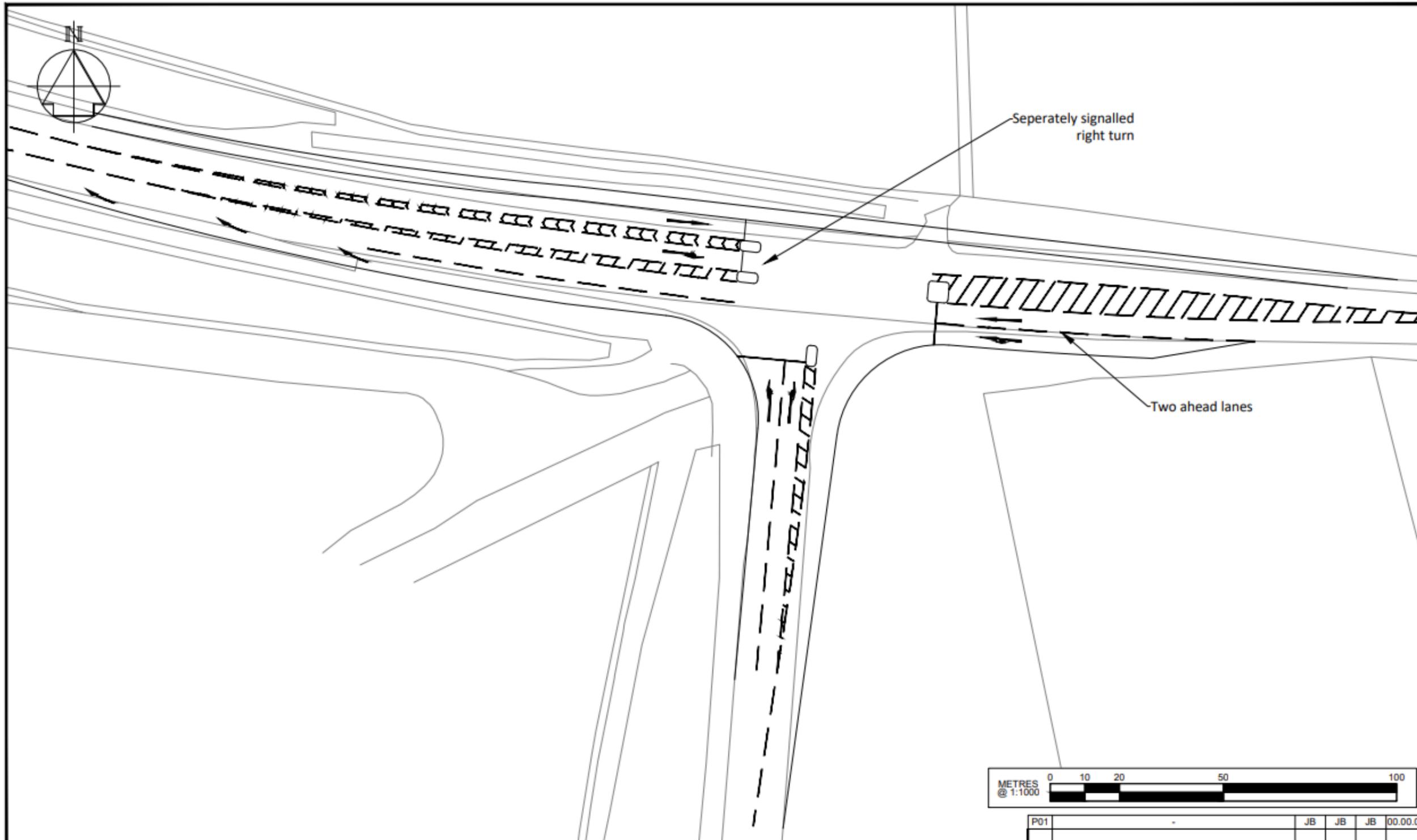
- 11.1 To authorise the Assistant Director – Planning & Growth to APPROVE the following details pursuant to Condition 24 of planning permission S16/2819:

- Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1)



69

Pell Frischmann	Architect/Client/Contractor	RECTORY FARM BARROWBY ROAD GRANTHAM	P01	-	JB	JB	JB	00.00.00
	LINDEN HOMES & JELSON HOMES	PROPOSED JUNCTION IMPROVEMENTS A1/A52 JUNCTION (NO GDOV SCENARIO)						
				H. JABBAR	25.09.20			
				H. JABBAR	25.09.20			
				CH	25.09.20			
				CH	25.09.20		X01	
			103790 - PEF - ZZ - XX - DR - Y - SK001					



Pell Frischmann

Architect/Client/Contractor
LINDEN HOMES & JELSON HOMES

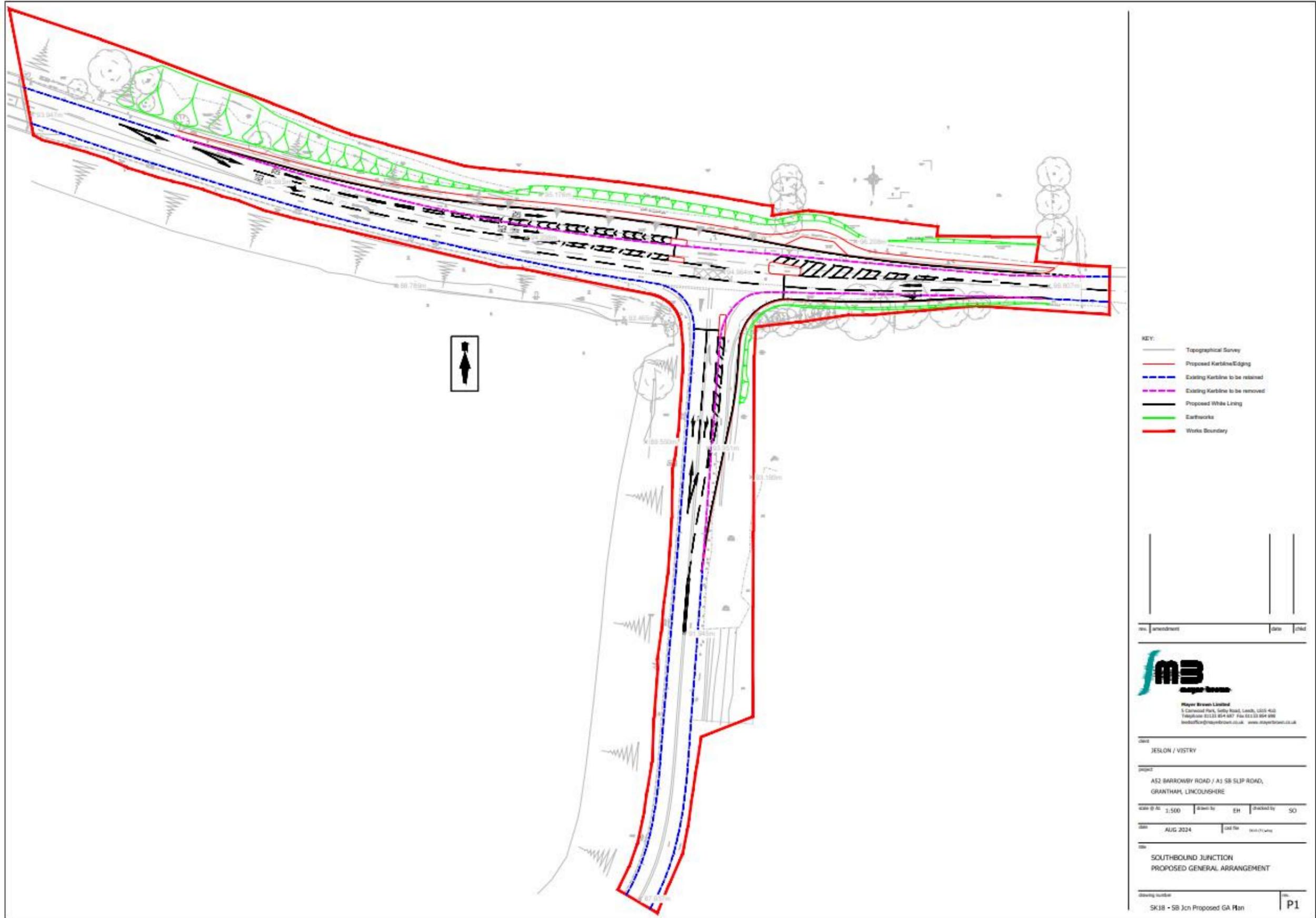
RECTORY FARM
 BARROWBY ROAD
 GRANTHAM
 PROPOSED JUNCTION IMPROVEMENTS
 A1/A52 JUNCTION
 (WITH GDOV SCENARIO)

P01	-	JB	JB	JB	00.00.00
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	H. JABBAR	25.09.20	
	H. JABBAR	25.09.20	
	CH	25.09.20	
	CH	25.09.20	X01

103790 - PEF - ZZ - XX - DR - Y - SK002

Proposed General Arrangement (Current Applications)



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

7 November 2024



S24/1442

Proposal:	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816 (Revised submission of planning application S24/0140)
Location:	Land at Rectory Farm (Phase 1), Grantham
Applicant	Vistry East Anglia
Application Type:	Full Planning Permission (Major)
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth
Key Issues:	Highways Impacts
Technical Documents:	<ul style="list-style-type: none"> Highways Safety and Capacity Review Technical Note (Pell Frischmann)

Report Author

Adam Murray – Principal Development Management Planner



01476 406080



Adam.Murray@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Arnoldfield

Reviewed by:

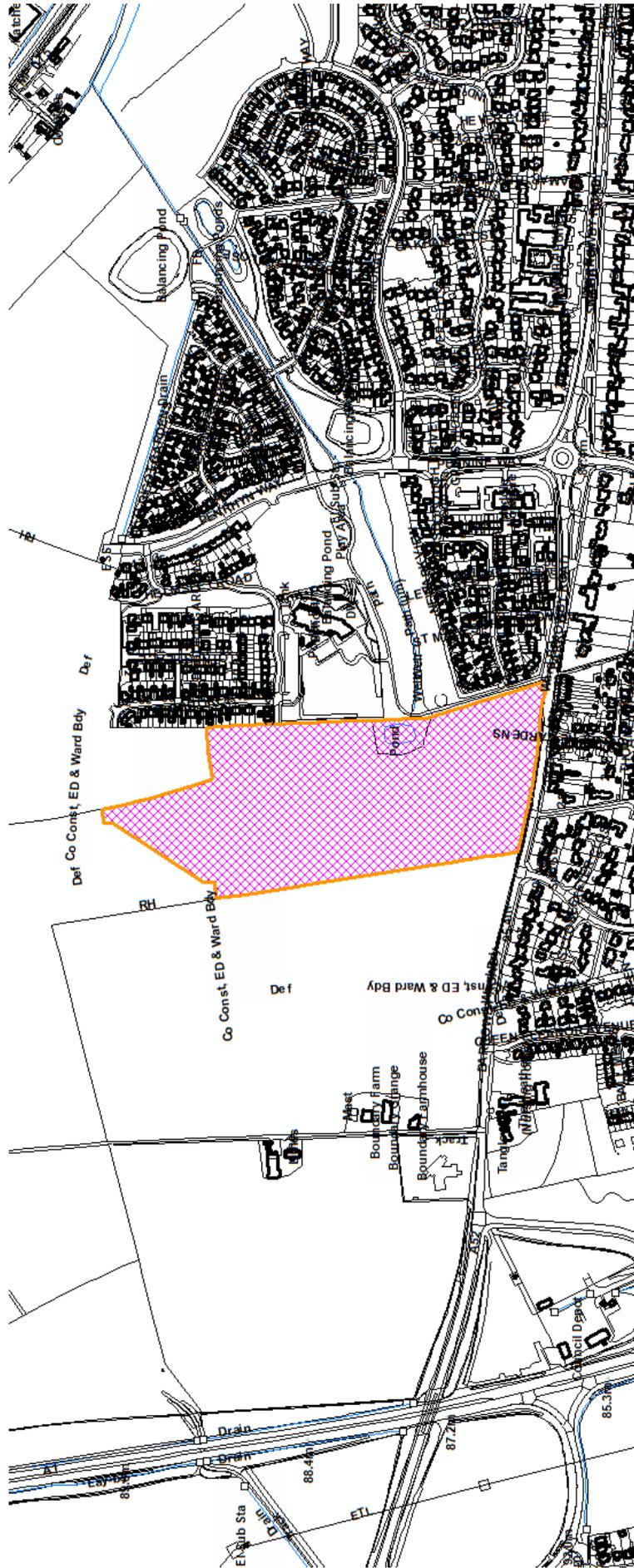
Phil Jordan, Development Management & Enforcement Manager

28 October 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director - Planning & Growth to GRANT planning permission, subject to conditions

S24/1442 – Rectory Farm (Phase 1), Grantham



Key



Application
Boundary



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1 Description of the site

- 1.1 The application site comprises part of Phase 1 of the Rectory Farm development situated on the north-western edge of Grantham. Phase 1 consists of two parcels of land being delivered by Vistry Group and Jelson Homes; the current application has been submitted in relation to the parcel controlled by Vistry Group.
- 1.2 The site comprises an area of approximately 8.73 hectares of land and is situated in the south-eastern corner of the allocation site. The allocation site is a roughly rectangular parcel of land, which was formerly in agricultural use, and is part of a raised plateau which forms the higher ground enclosing the Grantham “bowl” to the east, and slopes from west to east.
- 1.3 The Rectory Farm development (North-West Quadrant Phase 2) is allocated in the adopted Local Plan (Site Ref: GR3-H2) for approximately 1,150 dwellings. The adopted Local Plan allocation includes a series of development principles to ensure that the proposals appropriately integrate with the wider North-West Quadrant development scheme, including the adjacent Poplar Farm development; this includes a requirement to “provide appropriate mitigation measures to the Strategic Road Network if required and demonstrated by a relevant transport assessment and agreed with Highways England”.
- 1.4 The current development site is bound to the west by land owned by Jelson Homes, which forms the remainder of Phase 1 of the Rectory Farm development and benefits from planning permission for 220 dwellings (LPA Ref: S23/0592); beyond which lies agricultural land, part of which, bounding onto Barrowby Road (A52) is allocated as an additional urban extension for approximately 404 dwellings (Site Ref; GR3-H3). The site is bound to the south by Barrowby Road (A52) with low density residential estates from the 1980s / 1990s, and the ongoing residential development of 300 dwellings (The Colleys) being delivered by Countryside Properties (LPA Ref; S14/2571). The site is bound to the north by further undeveloped agricultural land which forms part of the Rectory Farm allocation; this land is to form Phase 2 of the development scheme, and the LPA has recently resolved to grant planning permission, subject to the completion of a Section 106 Agreement, on an outline planning application for up to 400 dwellings (LPA Ref: S23/1023) on behalf of Vistry Partnerships. The land to the east comprises of the Poplar Farm development, which is a mixed-use urban extension of up to 1800 dwellings, community facilities, open space, and a new road that was approved in June 2011 (LPA Ref: S08/1231), where approximately 675 dwellings have been completed.
- 1.5 Full planning permission for 228 dwellings (LPA Ref: S16/2816) was granted in January 2023. Subsequently, various applications for the approval of details reserved by conditions and non-material amendments to the approved details have been granted by the Local Planning Authority. Works have now commenced on site and construction of properties fronting onto Barrowby Road are nearing completion.
- 1.6 Furthermore, Members will recall that the site has been the subject of a previous Section 73 application to vary Condition 24 (Off-site highways works) to allow for 150 dwellings to be occupied prior to the completion of the required highways improvement works (LPA Ref: S24/0140). The previous application was refused in April 2024 following consideration by the Planning Committee; and is subject to an Appeal Hearing scheduled for February 2025.
- 1.7 The previous application was refused for the following reason(s):
 1. *The proposed variation to Condition 24 to enable the occupation of 150 dwellings prior to the completion of the scheme of improvements to the A1 / A52 eastern junction*

would be likely to result in a severe impact on highways capacity and safety. As such, the application scheme is contrary to Policy ID2 of the adopted South Kesteven Local Plan and Paragraph 115 of the National Planning Policy Framework (December 2023). In this case, the Local Planning Authority considers that the public benefits of the proposal, including the provision of housing, which is a significant public benefit, would not outweigh the identify harm.

2 Description of the proposal

2.1 The current application is a Section 73 planning application seeking to vary Condition 24 (Off-site highways works) of planning permission S16/2816.

2.2 As approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

2.3 In this respect, it is acknowledged that the current application is a revised submission of the previously refused application (Ref: S24/0140). The refused scheme sought permission to allow for the occupation of 150 dwellings prior to occupation of the junction improvement works being completed. The current application(s) seek approval for the occupation of 50 dwellings (30 dwellings within the Vistry Partnerships parcel and 20 dwellings in the Jelson Homes parcel) prior to the works being completed.

2.4 The application has been accompanied by an updated Highways Safety and Capacity Review Technical Note (Pell Frischmann) (Rev S2_P6), which outlines that Vistry and Jelson have been in discussions with National Highways since mid-2023 in relation to the technical design of the junction improvement scheme. Additional site investigations to inform the technical design have been carried out in September and October, which are seeking to confirm the ground conditions and existing drainage and utility arrangements. The technical approval and relevant legal agreements are due to be concluded in 2025, with the revised junction being completed and operational in early 2026.

2.5 However, whilst works are being progressed with the technical approval, the programme for the implementation of the junction works, and the programme for first occupation do not align and, therefore, the Developers are seeking to vary Condition 24 to allow for the occupation of 50 dwellings (cumulatively) prior to the highways improvement works being completed.

2.6 The proposed development would remain unchanged in all other respects.

3 Relevant History

Application Ref	Description of Development	Decision
S16/2816	Residential development for 228 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 17.01.23
S16/2819	Residential development for 220 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 10.01.23
S23/0592	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S16/2819 to allow for substitution of house types and introduction of an electric substation	Approved Conditionally 14.09.23
S24/0140	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816	Refused 17.01.24 Appeal Lodged
S23/1023	Outline application for the erection of up to 400 dwellings, public open space (including outdoor sports pitches, an associated community pavilion (Use Class F2), outdoor fitness stations, and play areas), internal circulation routes and associated drainage and utilities (Access for approval only) Rectory Farm (Phase 2), Grantham	Pending Consideration Resolution to grant planning permission at Committee in November 2023

4 Policy Considerations

4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

Policy ID2 – Transport and Strategic Transport Infrastructure

Policy GR3-H2 – Rectory Farm (Phase 2 North West Quadrant)

4.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)

4.3 National Planning Policy Framework (NPPF) (Published December 2023)

Section 9 – Promoting sustainable transport

5 Representations Received

5.1 Lincolnshire County Council (Highways & SuDS)

5.1.1 No objection.

5.1.2 The junction affected by this variation is in the Strategic Road Network and it is therefore advised that National Highways recommendation is followed.

5.1.3 The application is supported by a Technical Note which sets out that 50 dwellings at the development would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak through the A1 / A52 (eastern junction).

5.1.4 This would not have a material impact on the LCC network in the peak hours.

5.2 **Barrowby Parish Council**

5.2.1 Objection

5.2.2 The Parish Council would have concerns if the junction improvements were delayed because the requirement to provide a safe pedestrian and cycle route in and out of Barrowby is a primary concern.

5.3 **National Highways**

5.3.1 No objection.

5.3.2 Following approval of planning applications S16/2819 and S16/2816, we received a previous Section 73 application vary Condition 24 of S16/2816 to allow 150 dwellings to be occupied prior to the delivery of the highway improvement scheme. A technical note to support that application indicated that 150 dwellings would be likely to generate 87 two-way movements in the AM peak hour and 89 in the PM peak hour. The pattern of distribution indicated that this would result in 42 additional two-way vehicle trips in the AM peak and 34 two-trips in the PM peak at the A1 / A52 junction.

5.3.3 This number of trips prompted the need to consider how the junction would perform with these additional trips together with trips from wider cumulative developments. A capacity assessment of the junction indicated that the peak hour would result in the junction being over its theoretical capacity and result in long delays, particularly during the AM peak hour. This gave rise to concern.

5.3.4 At the same time, we were also delayed that extending the trigger point by such an amount could add delay to the delivery of the agreed mitigation scheme which is needed to ensure that the cumulative impacts of the development do not become severe or unsafe. In light of these factors, we advised that the application be refused.

5.3.5 In support of this application, the Technical Note outlines the work undertaken to identify the effect of varying the trigger point to 50 occupied dwellings. This sets out that 50 dwellings at the development would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak through the A1 / A52 (eastern) junction.

5.3.6 We consider that this level of vehicle trips is not likely to have a material impact on the A1 / A52 junction in the peak hours.

5.3.7 In light of the above, we have no objection to the variation of conditions applications.

5.4 **Grantham Town Council**

5.4.1 Objection.

6 Representations as a Result of Publicity

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and letters of representation have been received from 25 interested parties, all of which have raised formal objections to the proposals. The letters of representation have raised the following matters:

1. Delaying the junction improvement works will have an unacceptable impact on highways capacity and safety.
2. The submitted technical note does not take into account the increase in traffic from the Southern Relief Road or other committed developments.

- 6.2 Public representations have also referred to the profitability of the development and the costs of undertaking the junction improvements, as well as concerns about the enforcement of the conditions; these matters are not material planning considerations and are not relevant to the assessment of the current application.

7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority (LPA) makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the development plan for the District and is the basis for decision-making in South Kesteven.
- 7.2 Furthermore, in relation to the current development site specifically, the Local Planning Authority have adopted the Rectory Farm Planning Brief Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.
- 7.3 In addition, the Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.
- 7.4 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023), are also a relevant material consideration in the determination of planning applications.
- 7.5 As referenced above, the current application is a revised submission of a previous Section 73 application vary the trigger point for the completion of the junction improvement works (LPA Ref: S24/0140), which was refused by the Local Planning Authority in April 2024. The previous application was refused due to the proposed variation resulting in a severe impact on highways safety and capacity. As indicated, the current application has been revised to reduce the number of dwellings proposed to be occupied prior to the completion of the junction improvement works. However, the LPA’s assessment of the previous application proposals remain a relevant material consideration in the determination of the current application.

7.6 Principle of Development

- 7.6.1 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. This is the case with the current application which seeks to vary Condition 24 (Off-site highways works) of planning permission S16/2816.
- 7.6.2 Planning permission granted under a Section 73 application takes effect as a new independent planning permission to carry out the same development as previously approved, subject to new or amended conditions, showing the amendment together with any other relevant conditions from the original permission (S16/2816). The new permission would sit alongside the original permission, which remains intact and unamended. It is then for the Applicant to determine which permission to implement.
- 7.6.3 The Act is very clear that “On such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

- (a) If they decide planning permission should be granted subject to conditions different from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly; and
- (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission as granted, they shall refuse the application”.

7.6.4 In other words, the Local Planning Authority cannot revisit the principle of development, or any other issues, which are not relevant to the conditions of the application.

7.7 Access and Highways Impacts

7.7.1 The current application seeks to vary Condition 24, which relates to a scheme of highways improvement works to upgrade capacity at the A1 / A52 eastern junction. This scheme of junction improvements is required to accommodate the Rectory Farm development together with other committed and allocated development schemes within the area. The Phase 1 Rectory Farm planning permissions, and other relevant permissions (including the approved Grantham Designer Outlet Village) are all subject to Grampian planning conditions requiring the implementation of the identified scheme of mitigation.

7.7.2 As detailed above, as approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

7.7.3 It is acknowledged that a previous Section 73 application (LPA Ref: S24/0140), which sought permission to vary Condition 24 to allow for occupation of 150 dwellings prior to the completion of the junction improvement works, was refused by the LPA in April 2024 due to the likely severe impact on highways safety and capacity.

7.7.4 The current application seeks permission to vary Condition 24 to allow for the occupation of up to 50 dwellings (cumulatively) on Phase 1 of the Rectory Farm development; 30 dwellings on the Vistry development and 20 dwellings on the Jelson Homes development. The application has been accompanied by a Highways Safety and Capacity Review Technical Note (Pell Frischmann), which identifies that Vistry and Jelson have been in discussions with National Highways since mid-2023 in relation to the technical design of the junction improvements; and this has included detailed investigations carried out in September and October 2024, which relate to the ground conditions and existing drainage and utility arrangements. However, the technical approval process is protracted, and the technical approval and relevant legal agreements are due to be concluded in 2025, with the revised junction expected to be completed and operational in early 2026.

7.7.5 Consequently, the Developers are seeking to vary Condition 24 to allow for the occupation of up to 50 dwellings to be occupied on the Phase 1 site(s) prior to the completion of the junction improvement works.

- 7.7.6 The Highways Safety and Capacity Review Technical Note (Pell Frischmann) concludes that the occupation of 50 dwellings prior to the completion of the junction improvement works would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak passing through the A1 / A52 eastbound junction. This is compared to an additional 42 two-way movements in the AM peak and 34 two-way trips in the PM peak as a result of the previously refused application for 150 occupations.
- 7.7.7 The submitted capacity assessment concludes that whilst the junction would operate over capacity, the increase in queueing and delay would be minimal. Similarly, the road safety assessment concludes that the occupation of 50 dwellings prior to the junction improvements would not result in any safety concerns.
- 7.7.8 In connection with the above, it is noted that representations received from Barrowby Parish Council, Grantham Town Council and members of the public have raised objections to the proposed variation to the trigger point for the completion of the junction improvement works. In particular, it has been stated that the proposed development would result in an unacceptable impact on highways safety and capacity.
- 7.7.9 National Highways (as Strategic Highways Authority) have been consulted on the application and have confirmed that vehicle trips resulting from the occupation of 50 dwellings prior to the completion of the junction improvement works would not have a material impact on the A1 / A52 junction. As such, they have confirmed that they have no objection to the variation to the condition.
- 7.7.10 Furthermore, Lincolnshire County Council (as Local Highways Authority) have reviewed the submitted details and have also confirmed that the proposed variation to the condition would not result in a material impact on the local highways network.
- 7.7.11 Taking all of the above into account, it is Officers' assessment that the proposed variation to Condition 24 to allow for the occupation of 50 dwellings prior to the completion of the junction improvement scheme would not result in any unacceptable impacts on highways safety and / or capacity. As such, the application scheme is in accordance with Policy ID2 and GR3-H2 of the adopted Local Plan, and Paragraph 115 of the National Planning Policy Framework (December 2023).

7.8 **Other Matters**

- 7.8.1 It is noted that representations received from Barrowby Parish Council have referred to the need for a safe pedestrian and cycle connection from the village of Barrowby. These matters are not relevant to the current application, which relates to the impact of the proposed development on the A1 / A52 junction only; the need for pedestrian and cycle connections between the site and Barrowby village was considered as part of the original application and was not considered to be necessary. The current application falls to be considered in the context of that fallback position.

8 **Crime and Disorder**

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

9 **Human Rights Implications**

- 9.1 Article 6 (Rights 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 concluded that no relevant Article of the Act will be breached in making this decision.

10 Planning Balance and Conclusions

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 10.2 The current application proposes to vary Condition 24 (Off-site highways works) of planning permission S16/2816 to allow for the occupation of 30 dwellings (50 dwellings in combination with the Jelson development) prior to the completion of the scheme of junction improvements to the A1 / A52 eastern junction. In this respect, it is appreciated that the current application is a revised submission of S24/0140, which sought permission for the occupation of 150 dwellings prior to the completion of the junction improvement works, that was refused by the Local Planning Authority in April 2024 due to the proposals resulting in a severe impact on highways safety and capacity.
- 10.3 The current application has been accompanied by a revised Highways Capacity and Safety Technical Review (Pell Frischmann) which concludes that the occupation of 50 dwellings prior to the completion of the junction improvement works would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak passing through the A1 / A52 eastbound junction.
- 10.4 National Highways (as Strategic Highways Authority) have accepted the findings of the submitted Technical Review and have confirmed that this quantum of additional vehicle movements would not result in a material impact on the capacity or safety of the A1 / A52 junction. On this basis, National Highways have no objections to the proposed variation
- 10.5 Similarly, Lincolnshire County Council (as Local Highways Authority) have acknowledged that the junction falls within the remit of National Highways, in any event that too have concluded that the proposed variation would not result in a material impact on the local highways network.
- 10.6 Taking the above into account, it is Officers' assessment that the proposed variation to Condition 24 would not give rise to any unacceptable adverse impacts on highways safety and / or capacity. As such, the proposal would accord with Local Plan Policy ID2 and GR3-H2 and Section 9 of the National Planning Policy Framework.
- 10.7 As such, the application proposals would accord with the development plan when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld, although appropriate conditions are recommended.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to the following schedule of conditions:

Schedule of Conditions

Approved Plans

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

Site Location Plan: 379-LP-01C received 24 January 2019

Access: NTW 477 014 received 24 January 2019

Site Wide Plans: 379-SK-01F; 379-SK-02F; 379-SK-03F; 379-SK-04F; 379-SK-05F; 8247-L-01C; GRA01.PL001D; GRA01.PL004A; GRA01.PL006A; GRA01.PL008B; GRA01.PL009B all received 18 September 2020

House Types and garages: HWK.pe7; EVE.pe; WAY.pe; MOU.pe; MYL.pe; PEM.pe; Rip.pe; KNI.pe; ASL.pe; COT.CH.pe; SG.pe; DTG.pe all received 08 June 2018

Unless otherwise required by another condition of this permission.

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

During Building Works

Construction Management Plan

- 2) All construction works on site shall be carried out in accordance the Construction Management Plan and Method Statement (Dated February 2023) approved under application reference: S23/0300, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

Ecological Mitigation

- 3) The development shall be carried out in accordance with the ecological mitigation measures specified in the Environmental Statement (Dated May 2018).

Reason: In the interests of ecology and biodiversity.

Before the Development is Occupied

Estate Road

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

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

Hard Landscaping

- 5) Before any part of the development hereby permitted is occupied / brought into use, all hard landscaping works shall have been carried out in accordance with the details approved under application ref: S23/0300 except where amended by application ref: S24/0525, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Hard landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping

- 6) Before the end of the first planting / seeding season following the occupation / first use of any part of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the soft landscaping details approved under application ref: S23/0300, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Materials

- 7) Before any part of the development hereby permitted is occupied / brought into use, the external surfaces shall have been completed in accordance with the details approved under application ref: S23/0300, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Boundary Treatments

- 8) Before any part of the development hereby permitted is occupied / brought into use, the works to provide the boundary treatments shall have been completed in accordance with the details approved under application ref: S23/0300, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Surface and Foul Water Drainage

- 9) Before any part of the development hereby permitted is occupied / brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the details approved under application ref: S23/0300, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

Sustainable Building

- 10) Prior to first occupation of each dwelling hereby permitted, the approved sustainable building measures shall be completed in accordance with the details approved under application ref: S23/0500, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development mitigate against and adapts to climate change in accordance with Local Plan Policy SB1.

Off-Site Highways Works

- 11) No more than 30 dwellings within the development hereby approved shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden/Jelson Eastern junction 'top up' scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction 'top up' scheme as required under condition 28 of planning permission S17/1262), [the scheme shown on Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1)] or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development.

Off-Site Highways Works (Western junction)

- 12) No more than 448 dwellings within the development hereby approved, either alone or in combination with planning permission S16/2819 shall be occupied, until the scheme shown on drawing no. 106648-SK006 Rev A (the Western junction GDOV scheme) has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development.

Ongoing Conditions

Landscaping Protection

- 13) Within a period of five years from the first occupation of the final dwelling / unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as identified in the approved soft landscaping scheme, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved plans and in accordance with Policy DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Landscape Management Plan

- 14) Following the first occupation of the final dwelling / unit hereby permitted, the approved Landscape and Biodiversity Management Plan approved under application ref: S23/0300 shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Surface Water Drainage

- 15) The approved surface water drainage scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

7 November 2024



S24/1443

Proposal:	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2819
Location:	Land at Rectory Farm (Phase 1), Grantham
Applicant	Jelson Homes
Application Type:	Full Planning Permission (Major)
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth
Key Issues:	Highways Impacts
Technical Documents:	<ul style="list-style-type: none"> Highways Safety and Capacity Review Technical Note (Pell Frischmann)

Report Author

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Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Arnoldfield

Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	28 October 2024
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Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions

1 Description of the site

- 1.1 The application site comprises part of Phase 1 of the Rectory Farm development situated on the north-western edge of Grantham. Phase 1 consists of two parcels of land being delivered by Vistry Group and Jelson Homes; the current application has been submitted in relation to the parcel being developed by Jelson Homes.
- 1.2 The site comprises an area of approximately 9.73 hectares of land and is situated in the south-western corner of the allocation site.
- 1.3 Full planning permission for 220 dwellings (LPA Ref: S16/2819) was granted in January 2023. Subsequently, a Section 73 planning permission (LPA Ref: S23/0592) has been granted, which substituted housetypes and introduced an electricity substation. There have also been various applications for the approval of details reserved by planning conditions and non-material amendments to the approved details, which have been granted by the Local Planning Authority. Works have now commenced on site and construction of properties fronting onto Barrowby Road are in progress.
- 1.4 The allocation site is a roughly rectangular parcel of land, which was formerly in agricultural use, and is part of a raised plateau which forms the higher ground enclosing the Grantham “bowl” to the east, and slopes from west to east.
- 1.5 The Rectory Farm development (North-West Quadrant Phase 2) is allocated in the adopted Local Plan (Site Ref: GR3-H2) for approximately 1,150 dwellings. The adopted Local Plan allocation includes a series of development principles to ensure that the proposals appropriately integrate with the wider North-West Quadrant development scheme, including the adjacent Poplar Farm development; this includes a requirement to “provide appropriate mitigation measures to the Strategic Road Network if required and demonstrated by a relevant transport assessment and agreed with Highways England”.
- 1.6 The current development site is bound to the east by land owned by Vistry Group, which forms the remainder of Phase 1 of the Rectory Farm development and benefits from planning permission for 228 dwellings (LPA Ref: S16/2816), beyond which lies the ongoing Poplar Farm development. The site is bound to the south by Barrowby Road (A52) with low density residential estates from the 1980s / 1990s, and the ongoing residential development of 300 dwellings by Countryside Properties (The Colleys) (LPA Ref: S14/1571). The site is bound to the north by further undeveloped agricultural land which forms part of the Rectory Farm allocation; this land is to form Phase 2 of the development scheme, and the LPA has recently resolved to grant planning permission, subject to the completion of a Section 106 Agreement, on an outline planning application for up to 400 dwellings (LPA Ref: S23/1023) on behalf of Vistry Partnerships. The land to the west is further agricultural land, part of which, bounding onto Barrowby Road (A52), is allocated as an additional urban extension for approximately 404 dwellings (Local Plan Ref: GR3-H3).
- 1.7 Furthermore, Members will recall that the Phase 1 development has been the subject of a previous Section 73 application to vary Condition 24 (Off-site highways works) to allow for 150 dwellings to be occupied prior to the completion of the required highways improvement works (LPA Ref: S24/0140). The previous application was refused in April 2024 following consideration by the Planning Committee; and is subject to an Appeal Hearing scheduled for February 2025.
- 1.8 The previous application was refused for the following reason(s):

1. *The proposed variation to Condition 24 to enable the occupation of 150 dwellings prior to the completion of the scheme of improvements to the A1 / A52 eastern junction would be likely to result in a severe impact on highways capacity and safety. As such, the application scheme is contrary to Policy ID2 of the adopted South Kesteven Local Plan and Paragraph 115 of the National Planning Policy Framework (December 2023). In this case, the Local Planning Authority considers that the public benefits of the proposal, including the provision of housing, which is a significant public benefit, would not outweigh the identify harm.*

2 Description of the proposal

2.1 The current application is a Section 73 planning application seeking to vary Condition 24 (Off-site highways works) of planning permission S16/2819.

2.2 As approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

2.3 In this respect, it is acknowledged that the current application is a revised submission of the previously refused application (Ref: S24/0140). The refused scheme sought permission to allow for the occupation of 150 dwellings prior to occupation of the junction improvement works being completed. The current application(s) seek approval for the occupation of 50 dwellings (30 dwellings within the Vistry Partnerships parcel and 20 dwellings in the Jelson Homes parcel) prior to the works being completed.

2.4 The application has been accompanied by an updated Highways Safety and Capacity Review Technical Note (Pell Frischmann) (Rev S2_P6), which outlines that Vistry and Jelson have been in discussions with National Highways since mid-2023 in relation to the technical design of the junction improvement scheme. Additional site investigations to inform the technical design have been carried out in September and October, which are seeking to confirm the ground conditions and existing drainage and utility arrangements. The technical approval and relevant legal agreements are due to be concluded in 2025, with the revised junction being completed and operational in early 2026.

2.5 However, whilst works are being progressed with the technical approval, the programme for the implementation of the junction works, and the programme for first occupation do not align and, therefore, the Developers are seeking to vary Condition 24 to allow for the occupation of 50 dwellings (cumulatively) prior to the highways improvement works being completed.

2.6 The proposed development would remain unchanged in all other respects.

3 Relevant History

Application Ref	Description of Development	Decision
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S16/2816	Residential development for 228 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 17.01.23
S16/2819	Residential development for 220 dwellings, formation of public open space, provision of access and associated drainage and engineering works	Approved Conditionally 10.01.23
S23/0592	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S16/2819 to allow for substitution of house types and introduction of an electric substation	Approved Conditionally 14.09.23
S24/0140	Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/2816	Refused 17.01.24 Appeal Lodged
S23/1023	Outline application for the erection of up to 400 dwellings, public open space (including outdoor sports pitches, an associated community pavilion (Use Class F2), outdoor fitness stations, and play areas), internal circulation routes and associated drainage and utilities (Access for approval only) Rectory Farm (Phase 2), Grantham	Pending Consideration Resolution to grant planning permission at Committee in November 2023

4 Policy Considerations

4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

Policy ID2 – Transport and Strategic Transport Infrastructure

Policy GR3-H2 – Rectory Farm (Phase 2 North West Quadrant)

4.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)

4.3 National Planning Policy Framework (NPPF) (Published December 2023)

Section 9 – Promoting sustainable transport

5 Representations Received

5.1 Lincolnshire County Council (Highways & SuDS)

5.1.1 No objection.

5.1.2 The junction affected by this variation is in the Strategic Road Network and it is therefore advised that National Highways recommendation is followed.

5.1.3 The application is supported by a Technical Note which sets out that 50 dwellings at the development would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak through the A1 / A52 (eastern junction).

5.1.4 This would not have a material impact on the LCC network in the peak hours.

5.2 Barrowby Parish Council

5.2.1 Objection

5.2.2 The Parish Council would have concerns if the junction improvements were delayed because the requirement to provide a safe pedestrian and cycle route in and out of Barrowby is a primary concern.

5.3 **National Highways**

5.3.1 No objection.

5.3.2 Following approval of planning applications S16/2819 and S16/2816, we received a previous Section 73 application vary Condition 24 of S16/2816 to allow 150 dwellings to be occupied prior to the delivery of the highway improvement scheme. A technical note to support that application indicated that 150 dwellings would be likely to generate 87 two-way movements in the AM peak hour and 89 in the PM peak hour. The pattern of distribution indicated that this would result in 42 additional two-way vehicle trips in the AM peak and 34 two-trips in the PM peak at the A1 / A52 junction.

5.3.3 This number of trips prompted the need to consider how the junction would perform with these additional trips together with trips from wider cumulative developments. A capacity assessment of the junction indicated that the peak hour would result in the junction being over its theoretical capacity and result in long delays, particularly during the AM peak hour. This gave rise to concern.

5.3.4 At the same time, we were also delayed that extending the trigger point by such an amount could add delay to the delivery of the agreed mitigation scheme which is needed to ensure that the cumulative impacts of the development do not become severe or unsafe. In light of these factors, we advised that the application be refused.

5.3.5 In support of this application, the Technical Note outlines the work undertaken to identify the effect of varying the trigger point to 50 occupied dwellings. This sets out that 50 dwellings at the development would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak through the A1 / A52 (eastern) junction.

5.3.6 We consider that this level of vehicle trips is not likely to have a material impact on the A1 / A52 junction in the peak hours.

5.3.7 In light of the above, we have no objection to the variation of conditions applications.

5.4 **Grantham Town Council**

5.4.1 Objection.

6 Representations as a Result of Publicity

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and letters of representation have been received from 39 interested parties, all of which have raised formal objection to the proposals. The letters of representation have raised the following matters:

1. Delaying the junction improvement works will have an unacceptable impact on highways capacity and safety.
2. The submitted technical note does not take into account the increase in traffic from the Southern Relief Road or other committed developments.

6.2 Public representations have also referred to the profitability of the development and the costs of undertaking the junction improvements, as well as concerns about the enforcement

of the conditions; these matters are not material planning considerations and are not relevant to the assessment of the current application.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority (LPA) makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the development plan for the District and is the basis for decision-making in South Kesteven.

7.2 Furthermore, in relation to the current development site specifically, the Local Planning Authority have adopted the Rectory Farm Planning Brief Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.

7.3 In addition, the Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.

7.4 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023), are also a relevant material consideration in the determination of planning applications.

7.5 As referenced above, the current application is a revised submission of a previous Section 73 application vary the trigger point for the completion of the junction improvement works (LPA Ref: S24/0140), which was refused by the Local Planning Authority in April 2024. The previous application was refused due to the proposed variation resulting in a severe impact on highways safety and capacity. As indicated, the current application has been revised to reduce the number of dwellings proposed to be occupied prior to the completion of the junction improvement works. However, the LPA’s assessment of the previous application proposals remains a relevant material consideration in the determination of the current application.

7.6 Principle of Development

7.6.1 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. This is the case with the current application which seeks to vary Condition 24 (Off-site highways works) of planning permission S16/2816.

7.6.2 Planning permission granted under a Section 73 application takes effect as a new independent planning permission to carry out the same development as previously approved, subject to new or amended conditions, showing the amendment together with any other relevant conditions from the original permission (S16/2816). The new permission would sit alongside the original permission, which remains intact and unamended. It is then for the Applicant to determine which permission to implement.

7.6.3 The Act is very clear that “On such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

- (a) If they decide planning permission should be granted subject to conditions different from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly; and

(b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission as granted, they shall refuse the application”.

7.6.4 In other words, the Local Planning Authority cannot revisit the principle of development, or any other issues, which are not relevant to the conditions of the application.

7.7 Access and Highways Impacts

7.7.1 The current application seeks to vary Condition 24, which relates to a scheme of highways improvement works to upgrade capacity at the A1 / A52 eastern junction. This scheme of junction improvements is required to accommodate the Rectory Farm development together with other committed and allocated development schemes within the area. The Phase 1 Rectory Farm planning permissions, and other relevant permissions (including the approved Grantham Designer Outlet Village) are all subject to Grampian planning conditions requiring the implementation of the identified scheme of mitigation.

7.7.2 As detailed above, as approved Condition 24 states:

“No dwellings within the development hereby approved, either alone or in combination with planning permissions (S16/2816, S16/2819 or S16/2818) shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden / Jelson eastern junction ‘top up’ scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction ‘top up’ scheme as required under Condition 28 of planning permission S17/1262) or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development”.

7.7.3 It is acknowledged that a previous Section 73 application (LPA Ref: S24/0140), which sought permission to vary Condition 24 to allow for occupation of 150 dwellings prior to the completion of the junction improvement works, was refused by the LPA in April 2024 due to the likely severe impact on highways safety and capacity.

7.7.4 The current application seeks permission to vary Condition 24 to allow for the occupation of up to 50 dwellings (cumulatively) on Phase 1 of the Rectory Farm development; 30 dwellings on the Vistry development and 20 dwellings on the Jelson Homes development. The application has been accompanied by a Highways Safety and Capacity Review Technical Note (Pell Frischmann), which identifies that Vistry and Jelson have been in discussions with National Highways since mid-2023 in relation to the technical design of the junction improvements; and this has included detailed investigations carried out in September and October 2024, which relate to the ground conditions and existing drainage and utility arrangements. However, the technical approval process is protracted, and the technical approval and relevant legal agreements are due to be concluded in 2025, with the revised junction expected to be completed and operational in early 2026.

7.7.5 Consequently, the Developers are seeking to vary Condition 24 to allow for the occupation of up to 50 dwellings to be occupied on the Phase 1 site(s) prior to the completion of the junction improvement works.

7.7.6 The Highways Safety and Capacity Review Technical Note (Pell Frischmann) concludes that the occupation of 50 dwellings prior to the completion of the junction improvement works would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM

peak passing through the A1 / A52 eastbound junction. This is compared to an additional 42 two-way movements in the AM peak and 34 two-way trips in the PM peak as a result of the previously refused application for 150 occupations.

- 7.7.7 The submitted capacity assessment concludes that whilst the junction would operate over capacity, the increase in queueing and delay would be minimal. Similarly, the road safety assessment concludes that the occupation of 50 dwellings prior to the junction improvements would not result in any safety concerns.
- 7.7.8 In connection with the above, it is noted that representations received from Barrowby Parish Council, Grantham Town Council and members of the public have raised objections to the proposed variation to the trigger point for the completion of the junction improvement works. In particular, it has been stated that the proposed development would result in an unacceptable impact on highways safety and capacity.
- 7.7.9 National Highways (as Strategic Highways Authority) have been consulted on the application and have confirmed that vehicle trips resulting from the occupation of 50 dwellings prior to the completion of the junction improvement works would not have a material impact on the A1 / A52 junction. As such, they have confirmed that they have no objection to the variation to the condition.
- 7.7.10 Furthermore, Lincolnshire County Council (as Local Highways Authority) have reviewed the submitted details and have also confirmed that the proposed variation to the condition would not result in a material impact on the local highways network.
- 7.7.11 Taking all of the above into account, it is Officers' assessment that the proposed variation to Condition 24 to allow for the occupation of 50 dwellings prior to the completion of the junction improvement scheme would not result in any unacceptable impacts on highways safety and / or capacity. As such, the application scheme is in accordance with Policy ID2 and GR3-H2 of the adopted Local Plan, and Paragraph 115 of the National Planning Policy Framework (December 2023).

7.8 **Other Matters**

- 7.8.1 It is noted that representations received from Barrowby Parish Council have referred to the need for a safe pedestrian and cycle connection from the village of Barrowby. These matters are not relevant to the current application, which relates to the impact of the proposed development on the A1 / A52 junction only; the need for pedestrian and cycle connections between the site and Barrowby village was considered as part of the original application and was not considered to be necessary. The current application falls to be considered in the context of that fallback position.

8 **Crime and Disorder**

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

9 **Human Rights Implications**

- 9.1 Article 6 (Rights 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 concluded that no relevant Article of the Act will be breached in making this decision.

10 **Planning Balance and Conclusions**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 10.2 The current application proposes to vary Condition 24 (Off-site highways works) of planning permission S16/2819 to allow for the occupation of 20 dwellings (50 dwellings in combination with the Vistry development) prior to the completion of the scheme of junction improvements to the A1 / A52 eastern junction. In this respect, it is appreciated that the current application is a revised submission of S24/0140, which sought permission for the occupation of 150 dwellings prior to the completion of the junction improvement works, that was refused by the Local Planning Authority in April 2024 due to the proposals resulting in a severe impact on highways safety and capacity.
- 10.3 The current application has been accompanied by a revised Highways Capacity and Safety Technical Review (Pell Frischmann) which concludes that the occupation of 50 dwellings prior to the completion of the junction improvement works would result in 12 additional two-way trips in the AM peak and 11 two-way trips in the PM peak passing through the A1 / A52 eastbound junction.
- 10.4 National Highways (as Strategic Highways Authority) have accepted the findings of the submitted Technical Review and have confirmed that this quantum of additional vehicle movements would not result in a material impact on the capacity or safety of the A1 / A52 junction. On this basis, National Highways have no objections to the proposed variation
- 10.5 Similarly, Lincolnshire County Council (as Local Highways Authority) have acknowledged that the junction falls within the remit of National Highways, in any event that too have concluded that the proposed variation would not result in a material impact on the local highways network.
- 10.6 Taking the above into account, it is Officers' assessment that the proposed variation to Condition 24 would not give rise to any unacceptable adverse impacts on highways safety and / or capacity. As such, the proposal would accord with Local Plan Policy ID2 and GR3-H2 and Section 9 of the National Planning Policy Framework.
- 10.7 As such, the application proposals would accord with the development plan when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld, although appropriate conditions are recommended.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to the following schedule of conditions:

Schedule of Conditions

Approved Plans

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

Site Wide Plans

- Green Infrastructure Strategy Plan (Ref: 8247-L-01-C)
- Composite Proposed Site Plan (Ref: GRA01.PL001J)
- Proposed Site Plan (Ref: GRA01.PL002J)
- Composite Proposed House Type Plan (Ref: GRA01.PL004G)
- Proposed House Type Plan (Ref: GRA01.PL005G)
- Composite Storey Height Plan (Ref: GRA01.PL006E)
- Proposed Storey Height Plan (Ref: GRA01.PL007E)
- Composite Proposed Movement Plan (Ref: GRA01.PL008E)
- Proposed Materials Layout (received 27 April 2023)
- Composite Proposed Store and Bin Plan (Ref: GRA01.PL011E)
- Close Coupled Substation – Pyramid Roof Detail (Ref: GTC-E-SS-0012_R2-1_1of1)

House Types and Garages

- Redpoll (Brick) (Ref: JD313X_AS)
- Redpoll (Brick) (Ref: JD313X_OP)
- Redpoll (Render) (Ref: JD313Y_AS)
- Redpoll (Render) (Ref: JD313Y_OP)
- Redpoll (Ref: JD331Y-AS)
- Redpoll (Ref: JD331Y-OP)
- Whinchat (Ref: JD315X-AS)
- Whinchat (Ref: JD315X-OP)
- Willowby (Brick) (Ref: JD319X-AS)
- Willowby (Brick) (Ref: JD319X-OP)
- Willowby (Render) (Ref: JD319Y-AS)
- Willowby (Render) (Ref: JD319Y-OP)
- Willowby (Ref: JS319X_AS)
- Willowby (Ref: JS319X_OP)
- Willowby (Ref: JS319HAX_OP)
- Willowby (Ref: JS319HAX_AS)
- Woodcock (Ref: JD326X-AS)

- Woodcock (Ref: JD326X-OP)
- Woodcock (Ref: JS326X_AS)
- Woodcock (Ref: JS326X_OP)
- Auklet (Ref: JD332Y_AS)
- Auklet (Ref: JD332Y_OP)
- Maple (Ref: JD401Y_AS)
- Maple (Ref: JD401Y_OP)
- Siskin (Ref: JD402Y-AS)
- Siskin (Ref: JD402Y_OP)
- Osprey (Ref: JD407X_AS)
- Osprey (Ref: JD407X_OP)
- Aspen (Ref: JD408X-AS)
- Aspen (Ref: JD408X_OP)
- Cardinal (Ref: JD411X_AS)
- Cardinal (Ref: JD411X_OP)
- Redwood (Brick) (Ref: JD416X_AS)
- Redwood (Brick) (Ref: JD416X_OP)
- Redwood (Render) (Ref: JD416Y_AS)
- Redwood (Render) (Ref: JD416Y_OP)
- Kingfisher (Brick) (Ref: JD421X_AS)
- Kingfisher (Brick) (Ref: JD421X_OP)
- Kingfisher (Render) (Ref: JD421Y_AS)
- Kingfisher (Render) (Ref: JD421Y_OP)
- Amber (Ref: JS203X_AS)
- Amber (Ref: JS203X_OP)
- Amber (JS203XHA_AS)
- Amber (JS203XHA_OP)
- Heron (Brick) (Ref: JS318X_AS)
- Heron (Brick) (Ref: JS318X_OP)
- Heron (Render) (Ref: JS318Y-AS)
- Heron (Render) (Ref: JS318Y_OP)
- Plover (Brick) (Ref: S304XHA_AS/OP)
- Plover (Brick) (Ref: S304X_AS/OP)
- Plover (Render) (Ref: S304Y_AS/OP)

- Garage Design (Ref: GD1-P01-AS)
- Garage Design (Ref: GS1C-P01-AS)

Unless otherwise required by another condition of this permission.

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

During Building Works

Construction Management Plan

- 2) The development hereby permitted shall be undertaken in accordance with the Construction Management Plan and Construction Phase Surface Water Management Plan approved as part of application reference: S23/0092, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the permitted development is adequately drained without creating or increasing flood risk to land or property to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are utilised.

Before the Development is Occupied

Sustainable Buildings

- 3) Prior to first occupation of each dwelling hereby permitted, the sustainable building measures approved as part of application reference: S23/0092 shall be completed in full for each dwelling, in accordance with the agreed scheme.

Reason: To ensure the development mitigates against and adapts to climate change in accordance with Local Plan Policy SB1.

Surface and Foul Water Drainage

- 4) Before any part of the development hereby permitted is occupied / brought into use, the works to provide the surface and foul water drainage scheme approved as part of the application reference: S23/0092 shall have been completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Thereafter, the application scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

Hard Landscaping

- 5) Before any part of the development hereby permitted is occupied / brought into use, all hard landscaping works shall have been carried out in accordance with the hard landscaping details approved as part of application reference: S23/0092, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Hard landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Materials

- 6) Before any part of the development hereby permitted is occupied / brought into use, all external surfaces shall have been completed in accordance with the Materials Layout

(Received 27 April 2023) approved as part of application reference: S23/0592, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Boundary Treatments

- 7) Before any part of the development hereby permitted is occupied / brought into use, the boundary treatments shall have been completed in accordance with the Boundary Treatment details and Phasing and Build Route approved as part of application reference: S23/0092, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Estate Road

- 8) Before any part of the development hereby permitted is occupied, all of that part of the estate road and associated footways that forms the junction with Barrowby Road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with the details approved under application reference: S23/0092, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

Soft Landscaping

- 9) Before the end of the first planting / seeding season following the occupation / first use of any part of the development hereby permitted, all soft landscaping works have been carried out in accordance with the soft landscaping details approved under application S23/0092, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Off-Site Highways Works

- 10) No more than 20 dwellings within the development hereby approved shall be occupied, until either the scheme shown on drawing 103790 PEF ZZ XX DR Y SK002 (Linden/Jelson Eastern junction 'top up' scheme), the scheme shown on drawing 103790 PEF ZZ XX DR Y SK001 (GDOV Eastern junction 'top up' scheme as required under condition 28 of planning permission S17/1262), [the scheme shown on Proposed General Arrangement Plan (Ref: SK18/SB JCN/Rev P1)] or any other alternative scheme providing the same mitigation that may be submitted to and approved in writing by the LPA has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development.

Off-Site Highways Works (Western junction)

- 11) No more than 448 dwellings within the development hereby approved, either alone or in combination with planning permission S16/2819 shall be occupied, until the scheme shown on drawing no. 106648-SK006 Rev A (the Western junction GDOV scheme) has been completed.

Reason: To ensure that the A1 / A52 junction has adequate capacity to accommodate the additional traffic generated by the development.

Ongoing Conditions

Landscaping Protection

12) Within a period of five years from the first occupation of the final dwelling / unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as identified in the approved soft landscaping scheme, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishments and maintenance of a reasonable standard of landscaping in accordance with the approved designs and in accordance with Policy DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Landscape Management Plan

13) Following the first occupation of the final dwelling / unit hereby permitted, the Landscape and Biodiversity Management Plan and Preliminary Ecological Appraisal approved under application ref: S23/1745 shall be adhered to in full thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Hard and soft landscaping, and tree planting, make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

07 November 2024



S24/1620

Proposal:	Annual removal of basal shoots and epicormic growth on lower stems to heights of 2m to lime trees T3- T10, T13-T15 and T17 with the addition of crown lift to 6m T9 only
Location:	St Wulfram's Church, Church Street, Grantham, Lincolnshire, NG31 6SR
Applicant:	Mr Andrew Igoea
Application Type:	TPO Tree Application
Reason for Referral to Committee:	SKDC is Applicant and Landowner
Key Issues:	Impact on the amenity of the area Justification for the works

Report Author

Letitia Barrowcliff – Assistant Planning Officer



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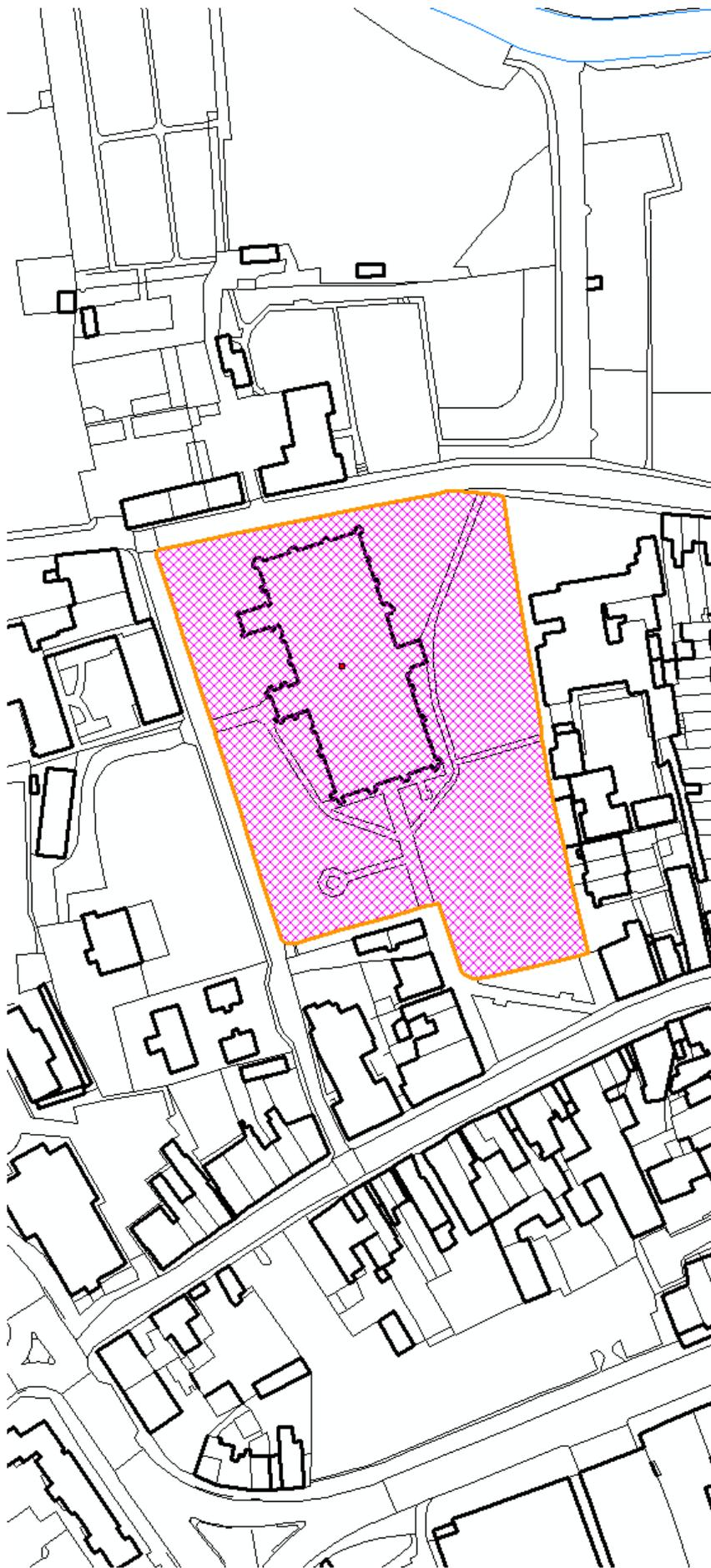
Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham St Wulfram's

Reviewed by: Adam Murray, Principal Planning Officer

28 October 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT Consent, subject to conditions.



Key



Application
Boundary



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1 Description of Site

The application site is situated on the grounds of St Wulfram's Church running along Church Street and Castlegate. The site also situated within Grantham Conservation Area. The site is the subject to Tree Preservation Orders.

2 Description of proposal

Annual removal of basal shoots and epicormic growth on lower stems to heights of 2m to lime trees T3- T10, T13-T15 and T17 with the addition of crown lift to 6m T9 only

3 Relevant Considerations

- 3.1 South Kesteven District Council (SKDC) has a duty to assess the value of the tree/s subject to this application and the likely impact of the proposal on the amenity of the area. It must consider whether or not the proposal is justified having regard to the reasons put forward in support of it.

The council must consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions and whether it will impact on the amenity of the area. In deciding an application SKDC are not required to have regard to the local development plan. Each application will be treated on its merits.

4 Representations Received

- 4.1 There were no representations received for the proposal.

5 Evaluation

- 5.1 The application has been submitted by the Council's Tree Officer, who has advised that the works have been identified as necessary for highways safety reasons.
- 5.2 The proposed tree works are a reasonable and are justified. There would not be any harm to the visual amenity of the area as a result of the proposed works that are recommended to be undertaken in the interests of good arboricultural practice and highways safety.
- 5.3 Subject to the conditions proposed it is considered that the works would not result in any harm to the visual amenity of the area and there would be clear public safety benefits from the proposed works.

6 Crime and Disorder

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

7 Human Rights Implications

- 7.1 Articles 6 (Rights 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.

8 Conclusion

Taking the above into account, it is considered that the proposed tree works would be appropriate and would provide a benefit.

9 Recommendation

To authorise the Assistant Director-Planning to GRANT consent, subject to conditions:

1. Crown lifting to T9 shall be to a maximum height above ground level of 6m. This work shall involve the removal of low branches to the height specified and result in a tree of balanced appearance. Those branches to be removed shall be cut at their origin and all branch collars shall be left intact. Climbing irons or 'spikes' shall not be used and the works shall have regard to the BS3998 (2010) Tree Work-Recommendations.

Reason: In the interests of visual amenity and tree health and for the avoidance of doubt.

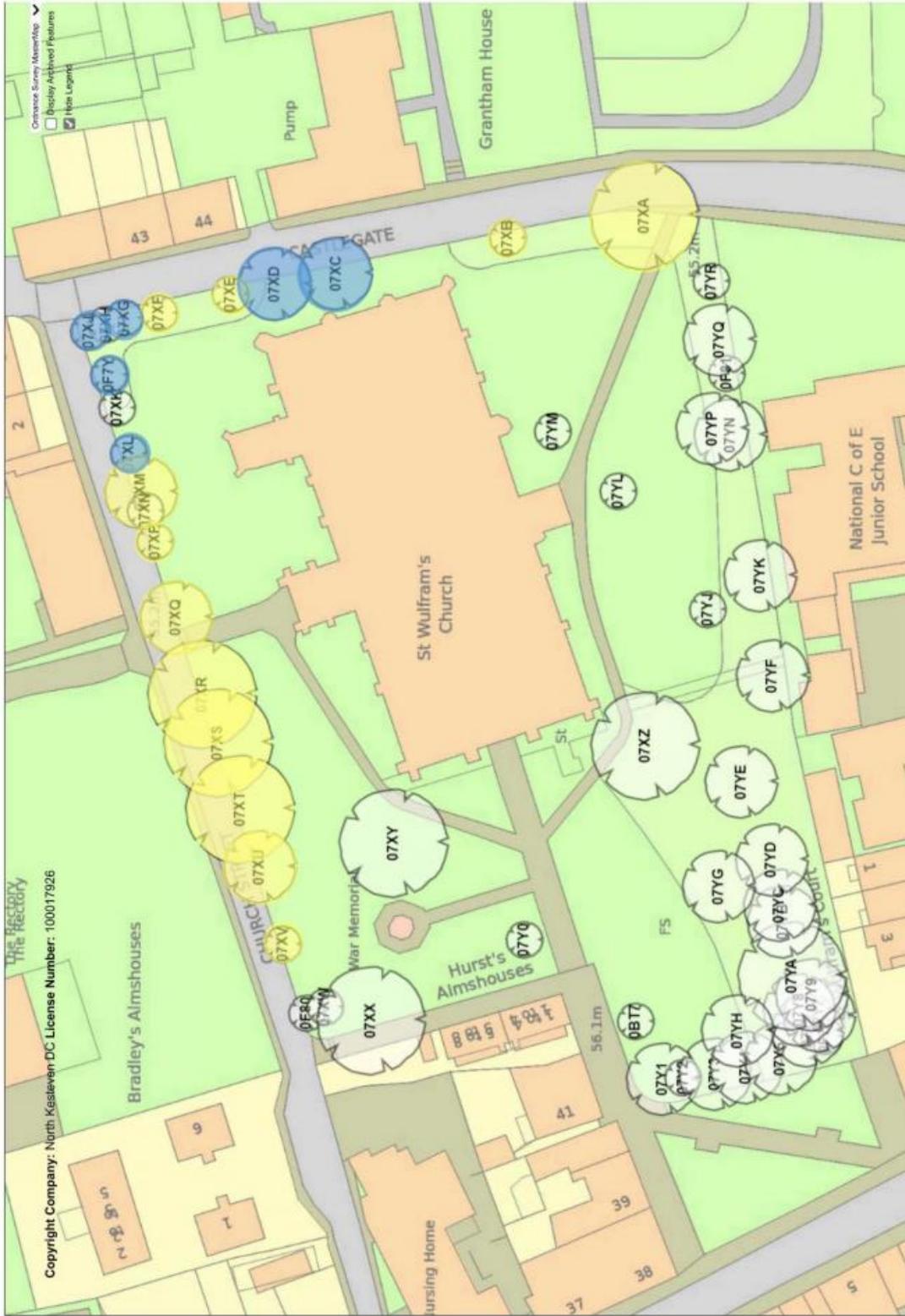
Standard Note(s) to Applicant:

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 38 of the National Planning Policy Framework.

TREE LOCATION PLAN

20/09/2024

Tree Locations (ref: SWC 001)



- = TPO application
- = Conservation notification

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