

Applicant	Mr Aaron Hughes, Rural Affordable Homes Ltd 53, Forest Road East, Nottingham, NG1 4HW
Agent	Mr Mark Jermy, Halsall Lloyd Partnership 53, Forest Road East, Nottingham, NG1 4HW
Proposal	Erection of ten affordable dwellings and associated infrastructure
Location	Land off Barnby Lane, Claypole
App Type	Major Full (Residential)
Parish(es)	Claypole
Reason for Referral to Committee	This application has been referred to the committee at the request of the local Ward Member as it is considered to be locally controversial. It also requires a Section 106 agreement to be entered into.
Recommendation Summary	Defer to Chairman and Vice Chairman in association with Development Management Service Manager for approval subject to conditions and the signing of a section 106 agreement

Key Issues

- The principle of development (sustainability and the need for affordable housing)
- The impact on the character and appearance of the area
- Highway safety
- Neighbours' residential amenities

Technical Documents Submitted with the Application

- Design and Access Statement
- Transport Statement
- Drainage Statement

REPORT

Application Category

This application is categorised as a major application for planning permission for residential development.

Reason for Referral to Committee

This application has been referred to the committee at the request of the local Ward Member as it is considered to be locally controversial. It also requires a Section 106 agreement to be entered into.

The Proposal

This application seeks full planning permission for the erection of 10 x affordable dwellings (6 x semi detached houses and 4 x semi detached bungalows) on the northern edge of Claypole to meet an identified local need. Eight of the dwellings would be social rented and two would be shared ownership. The development would be owned and managed by a registered social landlord and would remain as affordable housing for local people in perpetuity through a Section 106 agreement.

Access would be from Barnby Lane via a short section of adoptable road serving two private drives.

The application site and its surroundings

The site is L shaped with an area of approximately 0.4ha. It is currently agricultural land bounded by a modern housing estate on the edge of the built up area of Claypole village to the south, Barnby Lane to the west with a field and farm buildings beyond, and the remainder of the field to the north and east. The large field (grazing land) of which the application site is part is bounded by the village to the south, a sports ground to the east, Barnby lane to the west and the East Coast railway line to the north.

Relevant Site History

There have been a number of proposals on and immediately adjacent to the site, some of which were refused.

The large housing estate to the south of the site was allocated for residential development in the 1995 Local Plan and approved in 1998 (S98/0607)

A planning application was refused in 1997 (SK.97/0717) for the erection of two dwellings on the site. This was refused as it was considered to be contrary to planning policy as it was at the time and dismissed at appeal.

A planning application for an agricultural dwelling (S01/1249) was refused in 2002 on the opposite side of Barnby Lane. This was refused as a functional need required for such a dwelling had not been demonstrated. It was therefore considered that there was no justification for a dwelling in a location where new dwellings would not normally be permitted under planning policy at that time.

A planning application to demolish a semi detached dwelling (the last property along the west side of Barnby lane) and replace it with a substantial two storey dwelling (S03/0749) was refused in 2003. It was considered that it would result in an awkward relationship with the remaining semi on this edge of village site which would be detrimental to the character and appearance of the area.

Representations Received

The Highways Authority:

The Community Archaeologist:

Recommends a scheme of works condition requiring the applicant to commission an earthwork survey of the ridge and furrow, and a watching brief during groundworks.

Network Rail:

No objection in principle but advise that the local planning authority should be satisfied that occupiers of the dwellings are not adversely affected by noise from trains and crossing indicators.

Anglian Water:

No objection in principle. The foul drainage and sewerage system at present has available capacity. Surface water drainage should be via a SUDS system with connection to the sewer seen as a last resort. A condition is recommended requiring details of a surface water strategy/flood risk assessment.

Upper Witham Internal Drainage Board:

No objection in principle to the drainage details provided the discharge rate is equivalent to the existing greenfield rate but concerns that the site levels need to be addressed.

SKDC Drainage Officer:

Run-off rates must be within the IDB's acceptable limits and ground levels should ensure that run-off is not directed towards adjacent development.

Environment Agency:

No objection but refer to advice to be added as an informative.

SKDC Affordable Housing Officer:

The Parish Council commissioned an affordable housing needs survey be carried out by the Rural Housing Enabler from Community Lincs in 2008. The Housing Needs Survey was published in April 2008, identifying a need for nine affordable homes for local people. Following the Needs Survey a call for land was carried out and three potential sites were bought forward.

- Hough Lane, Claypole – width of unmade roadway was unacceptable and high costs of providing a roadway to the site prohibitive.
- Westborough Lane, Claypole – land owner wanted development on the road frontage extending a considerable way out of the village.

- Rear of Coulby Close, Claypole – access would be through existing housing and concerns were raised over the width of the access road and would also necessitate the demolition of two bungalows.

No further sites were bought forward and in agreement with the Parish Council a village walk was carried out in 2010 with the Rural Housing Enabler and Waterloo Housing Association to try and identify potential sites in the village. Six potential sites were identified as follows in order of preference.

1. Rectory Lane, Claypole
2. Barnby Lane, Claypole
3. Hough Lane, Claypole
4. School Lane, Claypole
5. Fen Lane, Claypole
6. Coulby Close, Claypole

The most suitable site in terms of location within the village was Rectory Lane. There were concerns raised over the amount of traffic already accessing this road especially at school times. Plans were drawn up for the site, however access to the site could not be secured.

The Parish Council put forward an alternative suggestion of land at Barnby Lane, Claypole, which could be accessed either from School Lane or Barnby Lane. Contact was made with the land owner and he was agreeable to the land being used for a small development of affordable housing. Highways were consulted and they would only support a development of Barnby Lane as again School Lane is a very busy road especially during school hours.

With the support of the Parish Council a scheme for ten affordable dwellings has now been submitted. The scheme has been designed to meet the current affordable housing needs. To supplement the Housing Needs Report published in 2008, a report was produced in September 2011 following a survey of applicants on the Housing Register. The research suggested a need for 8 x two bedroom properties and 2 x three bedroom properties. The research also suggested that two of the units should be made available for shared ownership.

Just prior to the planning application being submitted further research was carried out with regards to the Housing Register which identified 15 applicants with a direct connection to Claypole and with two applicants requiring level accommodation with a wet room. The additional need for wet rooms in a couple of the bungalows have therefore been included.

The scheme has therefore been designed in partnership with Waterloo Housing Association to include the latest housing needs requirements. The affordable homes will be owned and managed by Waterloo Housing Association who will enter into nomination agreements with the District Council for the affordable homes and will include a local lettings criteria. The affordable homes will also remain affordable in perpetuity for local people.

This proposed scheme for the development of ten affordable homes in Claypole will assist with providing affordable homes to local people in order that they can remain in the village and/or receive support from other family members already living in the village and will assist Claypole in continuing to be a sustainable and inclusive community.

SKDC Planning Policy:

Claypole has not been designated as a Local Service Centre. Policy SP1 of the Core Strategy restricts development in settlements which have not been identified as Local Service Centres. Proposals for affordable housing schemes are, however, considered acceptable, on exception sites or allocated sites, in these smaller settlements.

Policy H3 of the Core Strategy states:

"In addition to allocated sites, rural exception schemes which are located in or adjacent to a smaller village will be considered acceptable where the scheme meets

a proven need for local affordable housing. Such houses should be available in perpetuity for local needs. Sites should be suitable for development in all other respects and meet all other policy requirements for development."

The Site Allocation and Policies DPD has been submitted to the Secretary of State, and will be subject to an Examination, anticipated to be in November 2012, prior to adoption. Emerging policy SAP 2 in the DPD identifies Claypole as a settlement where a need for affordable housing has been established.

In broad terms, therefore, there are no policy objections to development of a rural exception site for affordable housing in Claypole, to meet an identified need, provided that the site is meets all other policy requirements for development.

SKDC Environmental Protection:

No objections

SKDC Open Space Officer:

A section 106 contribution of £9225 is required for off site play space provision

NHS Lincolnshire Primary Care Trust:

No Section 106 contribution required.

Lincolnshire County Council – Education:

No Section 106 contribution required.

Claypole Parish Council:

A number of concerns have been raised some of which appear to the concerns of the parish council and others of local residents (comments summarised)

- Could set a precedent for further development of the field
- Increase in traffic movements
- Local residents concerned about design and appearance and whether it is appropriate
- Potential archaeological interest – ridge and furrow
- Could empty dwellings or other sites be used for affordable housing to aid integration?
- Lack of public transport.
- How would field be accessed?
- Concern about the ratio of rented to shared ownership properties.
- Concerns about the criteria for allocating occupiers and that the system could be abused.

Any further representations from consultees will be reported in the late background papers.

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, 43 letters of objection had been received including a copy of a letter sent to Stephen Phillips MP. One petition with 132 signatures had been received. A summary of the main concerns are listed below:

- Claypole is an unsustainable village
- Insufficient local services or employment to support occupiers of new dwellings
- Housing needs report out of date
- Affordable homes available in Newark and Balderton
- Empty properties in Claypole should be used first
- Other more suitable sites in Claypole
- Other recent developments in Claypole should have provided affordable housing
- The development would lead to social segregation of occupiers of social housing
- Would set a precedent for the whole field to be developed
- The development is a precursor to develop the whole field identified in the SHLAA
- Layout lends itself to future extension
- Loss of agricultural land
- Site is greenfield land
- Site is of archaeological interest
- Would change the character of the village
- Would destroy the beauty of the countryside
- Highway safety and traffic issues
- Planning permission has been refused for dwellings on this site in the past and advice given by SKDC planning that extending the gardens of existing dwellings into the land would not be supported.
- Too close to cattle sheds
- Loss of privacy/overlooking
- Noise and disturbance
- Visually intrusive
- Mediocre design
- Concerns about future access for farm traffic to field
- Oppressive environment would be created
- No guarantee tenants will be local
- Affordable housing does not strike the right chord with neighbours who have large mortgages and who work hard to pay for them
- Does not support transition to low carbon future
- Too close to railway
- Impact of radon gas and pesticides
- Undemocratic to impose a scheme that residents don't want
- Increased flood risk
- Sewers at capacity

2 x letters of support have also been received. A summary of the main points are listed below:

- There is a recognised shortage of affordable housing for local residents and their families
- It promotes a way of improving care in the community if families live nearby.
- Site is broadly suitable
- Suitably managed affordable housing is preferable to private rented
- Dismay at hostile reaction
- Will provide housing for future generations of local people.

Any further representations will be reported in the late background papers.

Policy Considerations

National Planning Policy Framework

Paragraphs 6 -17: Achieving Sustainable Development

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

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

Policy H1: Residential Development

Policy H3: Affordable Housing

Officer Evaluation

Key Issues

- The principle of development (sustainability and the need for affordable housing)
- The impact on the character and appearance of the area
- Highway safety
- Neighbours' residential amenities

Sustainability

The broad thrust of current national, regional and local planning policy is to locate new development within or adjacent to sustainable locations with preference given to redevelopment of brownfield land wherever possible. There are however certain exceptions to this general rule which are considered to contribute to general sustainability aims. These include rural affordable housing exception sites where there is a proven local need.

The South Kesteven Core Strategy has a very clear spatial strategy for the location of new development. The majority of new development in the rural area will be focussed on more sustainable villages with a higher level of local services/amenities which have been identified as Local Service Centres (LSCs). In LSCs a certain amount of infill development and development on allocated sites will be permitted in principle. Other villages (such as Claypole) which have more limited services/amenities are considered to be less sustainable and development will be restricted.

Core Strategy policy SP1 (Spatial Strategy) states that within the countryside and all villages that are not classed as Local Service Centres (such as Claypole), proposals will only be considered acceptable if they are sites for:

1. Affordable housing (rural exception or allocated sites)
2. Agriculture, forestry or equine development

3. Rural diversification projects
4. Local services & facilities
5. Replacement buildings (on a like for like basis)
6. Conversions of buildings

SP1 also states that in all cases, planning permission will only be granted on a less sustainable site, where it has been proven that there are no other more sustainable options available or there are other overriding material considerations.

Core Strategy policy H1 (Housing) distributes the district housing requirement, establishing a housing target for each of the towns, the Local Services Centres (LSCs) and the rural areas. In establishing the pattern of distribution the policy seeks to direct the majority of new housing towards the towns as well as a modest level of development in LSCs to enable them to continue to function as sustainable local centres. Policy H1 reinforces policy SP1, stating that within the countryside and all villages that are not classed as Local Service Centres (such as Claypole), new housing will be restricted to affordable local need housing, agricultural/forestry workers accommodation or conversions in accordance with policy SP1.

Taking the above into account, it is considered that as an affordable housing exception site, the proposal in principle, complies with national, regional and local policy on the location of sustainable development.

The Need for Affordable Housing

The policies referred to above require a proven need for affordable housing. Core Strategy Policy H3 (Affordable Housing) states that:

The Council will seek to identify suitable opportunities to deliver about 10 rural affordable housing units each year through the allocation of rural exception sites within or adjacent to the smaller villages which are not identified as Local Service Centres or towns. In addition to allocated sites, rural exception schemes which are located in or adjacent to a smaller village will be considered acceptable where the scheme clearly meets a proven need for local affordable housing. Such houses should be available in perpetuity for local need. Sites should be suitable for development in all other respects and meet all other policy requirements for development. Together with Registered Housing Providers (RHPs) and land owners the council aims to deliver additional affordable housing in the rural area to meet identified local need. To achieve this, the Council will investigate and identify specific sites or areas of search to allocate specifically for local affordable housing development (exception sites). In negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. An Affordable Housing Supplementary Planning Document will set out in detail how these requirements will be calculated on a site by site basis.

The Council's Affordable Housing Officer has confirmed that there is a demonstrable need for affordable housing in Claypole. This has been established from surveys carried out in 2008 and 2011 and regular and up to date reviews of the Housing Register.

The emerging Site Allocations and Policies Plan - Policy SAP2 (Rural Exception Affordable Housing), clearly identifies Claypole as a priority "area of search" for rural affordable housing exception sites. It also confirms that a site has been already identified in the village.

Para 216 of the NPPF states that weight should be given to relevant policies in emerging plans depending on the stage of preparation, number of outstanding objections and consistency with the NPPF. The Council's Site Allocation and Policies Plan is at the submission stage and is expected

to be adopted in early 2013 following a number of minor changes required to overcome objections and ensure consistency with the NPPF. It should be noted that no fundamental changes will be made and there are no specific objections to the relevant policy. Although not yet adopted, taking the above into account, it is considered that significant weight should be given to this part of the Local Plan. It should be noted that a planning inspector gave this document significant weight in a recent appeal decision.

A Section 106 agreement would ensure that the dwellings would remain as affordable dwellings in perpetuity and that local people would be given priority. The site itself was identified as suitable following a call for land and assessment by the Council (in association with Claypole Parish Council) of a number of potential sites. All other potential sites (including brownfield sites) have been considered and discounted for a number of reasons including viability, non availability, highways concerns or other planning reasons. Notwithstanding the availability of vacant properties for sale/rent in the village, there are none which are viable or suitable in order to meet the identified need or required standards for affordable housing. Given that no suitable brownfield sites are available in Claypole, in this case the use of greenfield land can be justified as the most sustainable option, particularly as it adjoins the existing built up area of the village. Furthermore, the type and tenure of each proposed dwelling is considered to be appropriate for the identified need.

A number of objectors have asked why affordable housing has not been provided in other recently approved housing developments if there is such a need. Whilst it is acknowledged that the council in recent years has approved a number of small infill developments, all of these developments were below the threshold specified in the relevant policy for an affordable housing requirement.

Taking the above into account, it is considered that a need for affordable housing has been demonstrated and that the site is the most sustainable option available. The proposal therefore complies with national, regional and local policy on the location of sustainable development (including the Council's affordable housing policies), by meeting an identified need on a suitable site within the village.

Impact on Form and Character of the Area

Whilst it is acknowledged that the proposal would encroach onto an open field, it would be a continuation of fairly modern residential development along the east side of Barnby Lane. Taking into account the presence of existing farm buildings on the opposite side of Barnby Lane and the relatively small scale of the development it is not considered that the proposal would appear unduly prominent or out of keeping on this approach to the village. Furthermore, the countryside on the edge of this part of Claypole, whilst not unpleasant is not statutorily designated and is not considered to be of high landscape value. The wider field is fairly flat and bounded by development on all sides including the railway to the north, a sports field to the east, housing estates to the south and Barnby Lane to the west.

The design has to some extent been influenced by highways constraints, i.e. the requirements of the highways authority for the access to be in the proposed location, and the limitations on the number of properties that can be served by private drives, as well as the need to maintain overall viability. It is considered that the proposal generally conforms with good urban design principles, taking into account the unique constraints of the site. The layout, density, plot sizes and house types (including scale, appearance and materials) are considered to be appropriate and sympathetic to the adjacent development and the character of the village in general. The design ensures that the approach to the village would be enhanced by setting back the road frontage development, siting buildings of lower heights i.e. bungalows at the outermost parts of the site and other positive features such as the comprehensive landscaping scheme (including retention of the existing hedgerow and new tree and hedge planting). The result would be a smoother transition from the countryside to the built up area of the village softening the current abrupt transition.

Some concern has been raised that this development would lead to “social segregation” of the occupiers as it is 100% affordable and that any affordable housing should be better integrated within the village. The aim of current policy is to create and sustain mixed communities through the provision of different types and tenures of housing which meet the needs of different groups within society. In respect of affordable housing, this can be achieved through mixing small clusters of affordable dwellings with market dwellings throughout larger developments or siting small affordable housing developments within or adjacent to the wider mix of other types of development. In this case, the development is relatively small in terms of area and numbers of dwellings and is considered to be reasonably well integrated into the wider mix both in terms of tenure and appearance. The development itself is a mixture of social rented and shared ownership with a number of house types to suit varying needs. The village as a whole has a mixture of mainly owner occupied dwellings with some small clusters of social rented dwellings as well as some private rented. The immediate area consists of privately owned dwellings to the south, the older council and ex council houses to the east of Barnby Lane and north of Welfen Lane and the older core of the village which is only some 270 metres to the south. All local amenities are within easy walking/cycling distance.

Taking the above into account it is considered that the proposal is of an appropriate scale and design and would not be detrimental to the form and character of this part of the village.

Access and Highway Safety

A short section of Barnby Lane would be upgraded and an adoptable access road/turning head would be provided leading to two private driveways. It is considered that there would be sufficient off street parking to avoid problems of on street parking. The applicant has provided a detailed transport statement which has been assessed by the County Highways Authority. Some concern has been raised about highway safety, and the capacity of local roads to accommodate the extra traffic. However, following their assessment of the transport statement, the Highways Authority have stated that they do not object to the proposal subject to conditions.

The development would result in the loss of the access to the field from Barnby Lane. However, planning permission would not be required to create a new access to the field from Barnby Lane as it is an unclassified road. There is also a second existing access from Brunts Farm Close. In any case, given that it is a single field of grazing land, the volume of agricultural traffic entering and leaving the field is likely to be very small and it is not considered that highway safety would be detrimentally affected.

It is acknowledged that the proposal will result in some increased traffic on Barnby Lane but taking into account the comments of the highway authority, it is considered that the relatively low level of extra traffic likely to be generated will not have an unacceptable adverse impact on highway safety or traffic capacity.

Drainage

Claypole, due to the local geology and ground conditions is known to be susceptible to drainage problems. However, it is considered that there is no fundamental reason why the site cannot be adequately drained without increasing the risk of flooding, subject to an appropriate SUDS drainage system, full details of which will be required by condition.

Anglian Water have confirmed that the local sewerage and foul drainage system has adequate capacity to cope with the development.

Archaeology

The Community Archaeologist has confirmed that site is of some archaeological/historical interest and is known to have remnants of mediaeval ridge and furrow. In order to record any potential archaeological remains, a condition has been attached requiring a watching brief and an earthwork survey.

Residential Amenities

It is considered that the site is sufficiently large to accommodate the ten proposed dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings.

Some concern has been raised about the close proximity of the development to the railway line and a nearby cattle shed. The railway line is approximately 160m from the nearest dwelling. This is considered to be an acceptable separation distance. It should be noted that a significant number of dwellings in the village including some modern developments are much closer to the railway line and level crossings. Clearly the proximity to the railway does not give rise to unacceptable living conditions.

The farm buildings opposite the site are used at various times to house cattle, the closest dwelling being approximately 40m away from the shed. These buildings and associated yard are part of a mixed farm rather than an intensive cattle unit and have been observed as being used for storage of bales and farm machinery as well as cattle. Although there may be some occasional odour or cattle noise, it is considered that the level of activity is relatively low key and would give rise to minimal noise, smell and disturbance and no greater than can normally be reasonably expected in a rural area. SK Environmental Protection have confirmed that they have received no complaints about the farm from nearby residents and do not object.

It is considered that the separation distances from adjacent dwellings are adequate and will maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

Concerns have been raised about the location of a bin collection point close to the southern boundary. This would be used only on bin emptying days. Bins would be kept within the curtilage of individual properties at all other times. It is not therefore considered that the adjacent property would be adversely affected.

A condition requiring further details of the landscaping scheme will ensure provision of a buffer zone of new trees/shrubs along the southern boundary to provide screening of rear gardens of the adjacent properties on Allen Close.

Taking the above into account, it is considered that (subject to conditions) the development would not be detrimental to the residential amenities of future occupiers or the occupiers of adjacent properties.

Ecology

The site is not considered to be particularly sensitive in terms of ecology or biodiversity. The development offers the opportunity for enhancement of biodiversity (in accordance with NPPF Section 11) through the retention of the existing hedgerow along Barnby Lane as well as new trees, shrubs and boundary hedges which will be secured through a landscaping condition.

Contamination

Radon gas and pesticides have been suggested as potential contaminants by an objector. The presence of radon gas is common in many parts of the district. If radon gas is identified, it can be adequately dealt with by protection measures required by building regulations. Contamination from pesticides is likely to occur in farmyards or buildings where it is stored rather than open fields. The land in question has been used for a long period of time as grazing land. On that basis, there is no reason to suggest that the land is contaminated by pesticides or that a survey is required.

Previous Refusals

A significant number of objections point to the fact that a number of small residential schemes have in the past been refused on or adjacent to the site and asking the question -why should this development be considered differently? The general thrust of planning policy has not changed significantly since these refusals. One of the key objectives of planning policy has been to protect the countryside from piecemeal development and the unrestricted encroachment of settlements. Policies are designed to ensure that development on greenfield sites on the edge of settlements is restricted to that which there is no reasonable alternative and which contributes to wider sustainability objectives. Affordable housing rural exception sites fall into this category whilst the others clearly do not. The refused schemes cannot be directly compared to the current proposal as the circumstances are materially different. S01/1249 and SK.97/0717 were open market or agricultural dwellings where there was no overriding material consideration which justified their location outside the existing village confines. The main issue for S03/0749 was the design and scale and its relationship with the surrounding area. Reference has been made by objectors to advice given by planning officers that garden extensions to properties on Allen Close would not be acceptable on the site. The exact reasons given are unclear. However although there may be some circumstances where garden extensions into open countryside may be acceptable, the general presumption against development in the open countryside would apply. In any case, as no planning application has been submitted and the exact details and extent are unknown, it is not possible to comment specifically on any garden extension proposal in this location. As indicated earlier in the report, the usual presumption against development on greenfield sites in open countryside are outweighed in the case of the current application by other factors i.e. the identified need for affordable housing and the lack of suitable alternative sites.

Further Development

A number of objectors including the parish council have concerns that approving this application would “set a precedent” and lead to a much larger development of the whole of the field. The granting of planning permission on one piece of land does not necessarily make further nearby development more acceptable. Whilst the layout may lend itself to the addition of a couple of extra dwellings, any significant extension is restricted by the limited number of dwellings that a private driveway can accommodate. Each proposal is considered on its own merits in accordance with the planning policy at that time and any other material considerations relevant to the development.

This land, or indeed any other land in Claypole, has not been allocated for residential development in the current Local Plan. As mentioned earlier in this report, within the current local plan (South Kesteven Core Strategy) Claypole is not identified as a Local Service Centre(LSC).

The emerging Site Allocations and Policies Plan, which is expected to be adopted early 2013, expands on the Core Strategy and contains allocated sites for residential development in LSCs. No land is proposed for allocation in Claypole as it is not defined as an LSC. During the preparation of the Core Strategy, in accordance with government guidelines, a SHLAA (Strategic Housing Land Availability Assessment) was carried out. During this exercise, a number of potential sites were put forward (including this field) and assessed for their suitability for residential development. However,

this particular site was discounted as a potential allocation when it was decided not to designate Claypole as an LSC. The status of Claypole will not change until the next time the Core Strategy is reviewed. There are no plans for review at the present time.

Other Issues Raised

Whilst the arguments put forward by objectors may be material planning considerations, the strength of opposition or the number of objections received is not in itself a material planning consideration or reason to refuse and cannot be taken into account when making a recommendation or decision.

Section 106 Heads of Terms

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

- £9225 for off site play equipment provision
- That the development remains as affordable housing for local people in perpetuity

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

OFFICER RECOMMENDATION:

That determination of the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a section 106 agreement securing development contribution and in accordance with the conditions set out below. Where the section 106 agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the development of this rural affordable housing exception site will meet the established and demonstrable need for affordable housing in Claypole and that the site is the most sustainable option available. It is therefore considered to be in accordance with the sustainability aims of national, regional and local policy.

It is considered that the design and layout of the development is appropriate and compatible with the surrounding area and would not be detrimental to highway safety or result in increased risk of flooding.

It is considered that there would be sufficient separation distance to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of future occupiers or the occupiers of adjacent properties.

It is therefore considered that the current proposal is in accordance with the National Planning Policy framework (Paragraphs 6 -17: Achieving Sustainable Development Section 6: Delivering a wide choice of high quality homes, Section 7: Requiring good design, Section 10: Meeting the challenge of climate change, flooding and coastal change and Section 11: Conserving and enhancing the natural environment), policies 1, 2 & 3 of The East Midlands Regional Plan, policies SP1, H1 EN1 & EN3 of the South Kesteven Core Strategy, and that there are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

2. The arrangements shown on the approved plan P010 Rev N received 01 June 2012 or the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

3. No development shall be commenced (apart from those works identified on drawing number P010 Rev N received 01 June 2012 or as specified) before the works to improve the public highway (by means of Kerbing and widening of Barnby Lane, provision of short lengths of footway together with all associated drainage and ancillary works) have been certified complete by the local planning authority.

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

4. Prior to any of the buildings being occupied the private drive(s) shall be completed in accordance with the details shown on drawing number P010 Rev N received 01 June 2012.

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

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

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

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

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

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

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

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

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the agreed programme of implementation, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

10. Other than the removal of a short section to enable the widening of the access, the existing hawthorn hedgerow shall be retained in accordance with the approved plans and maintained thereafter at a height of no less than 1.5m.

Reason: To retain the character of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

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

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

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

Site Location Plan - P001
Block Plan - P012
Site Layout - P010 Rev N
Street Elevations - 011
A1 House Type - 208 Rev B
A2 House Type - 209 Rev B
H2.3 House Type - 201 Rev C
H2.9 & H2.9a House Types Elevations - 210 Rev C
H2.9 & H2.9a House Types Floor Plans - 203 Rev D
H3.7 House Type - 207 Rev B
H3.7 Plot 3 Variant - 211
H3.7a House Type - 202 Rev C

All received 01 June 2012

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

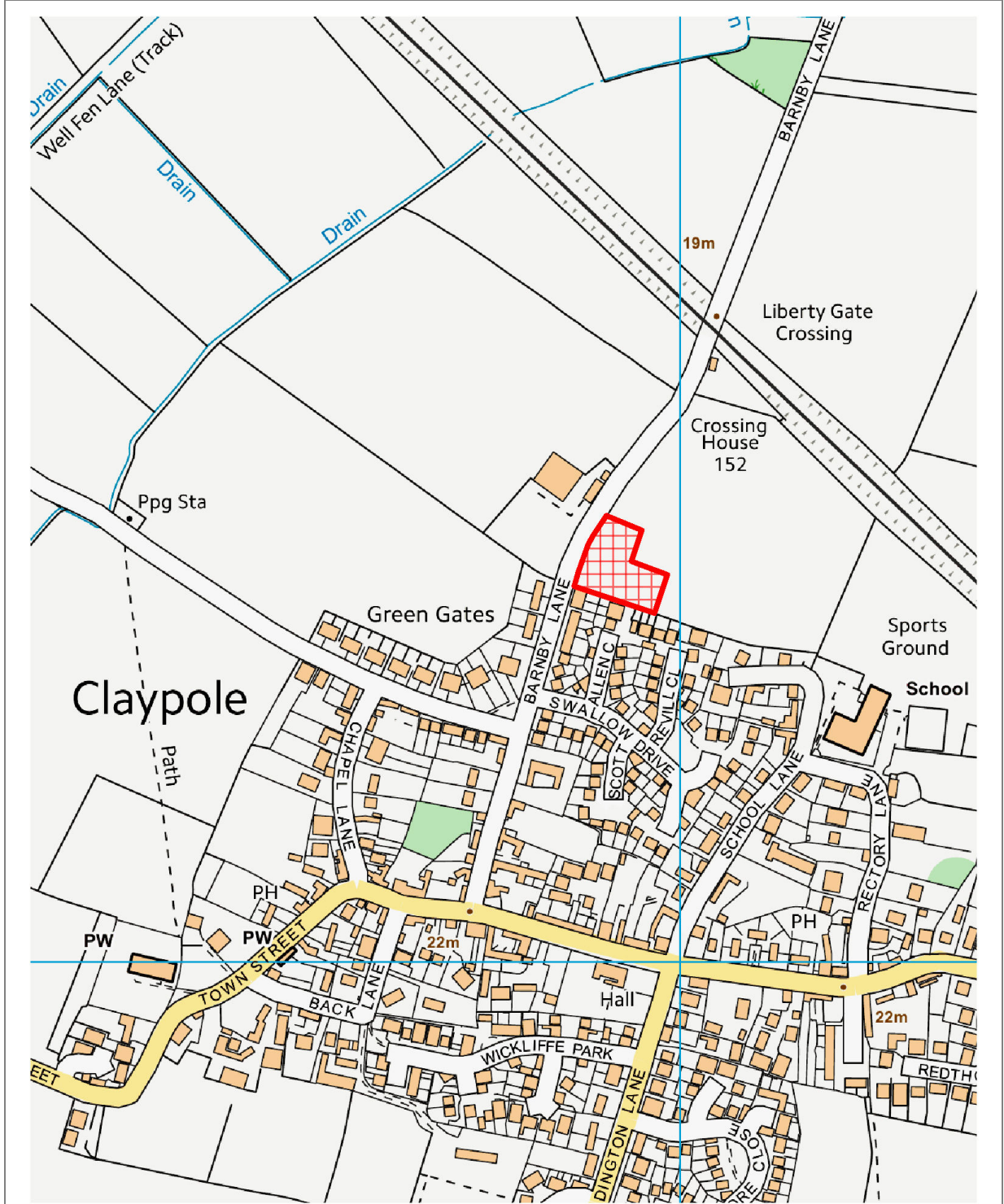
Note(s) to Applicant

1. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
3. This permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to drainage may need to be submitted on request for approval of the Lead Local Floods Authority and any amendments to the approved scheme shall subsequently be implemented before occupation of the first unit to which this permission relates
4. No works shall commence on site until a Section 278 Agreement of the Highways Act has been entered into with the local highway authority, Lincolnshire County Council to widen Barnby Lane, provide footways together with all drainage and all associated ancillary works
5. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

* * * * *

Site Location Plan

Ref	S12/1374
Proposal	Erection of ten affordable dwellings and associated infrastructure
Location	Land off Barnby Lane, Claypole



Applicant	Stamford AFC/Burghley House Pres Trust c/o agent
Agent	Insight Town Planning Ltd The Stables, Sutton Bassett, Market Harborough, Leic, LE16 8HL
Proposal	Demolition of existing football club buildings and structures. Residential development with associated infrastructure, including new means of access with Kettering Road.
Location	Stamford AFC, Kettering Road, Stamford, PE9 2JS
App Type	Major Outline (Residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	<p>Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent conservation area or listed buildings.</p> <p>Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy. The site is located on the edge of Stamford and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities.</p> <p>Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.</p>

Key Issues

- Layout and access
- Loss of the football ground and provision of open space
- Housing land supply and principle of development
- Noise and vibration from the adjacent railway line

- Accessibility
- Provision of affordable housing
- Impact on residential amenity
- Impact on setting of adjacent listed buildings and conservation area

Technical Documents Submitted with the Application

- Application form
- Planning statement
- Design and access statement
- Statement of community involvement
- Archaeological assessment
- Ground investigation
- Floodrisk/drainage assessment
- Transport assessment
- Topographical survey
- Almshouses elevation
- Site location plan
- Illustrative site layout
- Existing site sections
- Illustrative street elevations
- Illustrative dwelling mix
- Illustrative development layout – site constraints
- Proposed access
- Cross section to station
- Amended plans to Kettering Road elevation
- Amended Layout Plan
- Updated Photomontage

REPORT

Introduction

This application was reported to the Development Control Committee on 26 June 2012. At the meeting following an assessment of the application Members resolved to defer the application for Officers to seek amended plans and cross sections of the whole site, specifically showing no development above two storey on the sites northern boundary with any higher buildings located in the south-west corner of the site.

The applicants have submitted amended plans showing two storey development along the sites northern boundary and have amended the site layout to omit the dwelling located directly adjacent to the west of the Almshouses. The applicant has also repositioned the apartments located on the northern boundary in order to minimise the impact of this building on the setting of the listed station buildings. A photomontage has also been submitted in support of the application. This report relates to the scheme as amended.

The Proposal

This is an outline application for the demolition of the exiting football club buildings and structure at the Stamford AFC site on Kettering road in Stamford. The application also includes the redevelopment of the site with residential development and associated infrastructure, including a new access on to Kettering Road.

Although the application is only in outline form the accompanying plans and design and access statement indicate that a total of 53 units could be provided on the site in terraces, detached and semi-detached pairs, along with a building providing flats.

The indicative layout shows 83 off-street parking spaces being provided. This represents 1.5 spaces per dwelling. The indicative layout shows a row of terraced properties fronting on to Kettering Road, providing a strong frontage to the development. Within the site the dwellings front on to the roads and courtyard areas. Towards the northern boundary of the site the application proposes a row of terraced and semi-detached properties along with a block of 1-bed flats. The built form of these properties runs parallel to the railway line which lies in a cutting directly to the north of the site. The flats have been set back off the northern boundary in order to minimise the impact on the setting of the adjacent listed station.

The proposed development provides for a mix of single storey, two and three storey properties throughout the site. The indicative heights of the buildings range from 6.6m to 11.5m to the ridge height. Whilst appearance is a reserved matter the illustrative cross-sections indicate a possible design approach. The D&S indicates that "the site warrants a high quality scheme with extensive use of natural stone, good quality slate and good quality timber casements or sash windows."

The proposed access to the site would see the closure of the existing access point to the football ground and the creation of a new access point further west on Kettering Road. The access would be 5m wide with 2m footways to either side.

This application is linked to two other applications, S11/2283 which seeks outline construction of affordable housing on land at Barnack Road Stamford and application S11/2288 which seeks to construct a new football stadium for Stamford AFC on land to the north of Stamford on Ryhall Road.

The applicant has requested that the affordable housing element due on the Kettering Road site be put in an off-site location on Barnack Road in order to ensure that the affordable housing contribution does not affect the overall viability of the developments. The affordable housing element and the proposed new football ground element were considered acceptable by the Development Control Committee at the meeting on the 26 June 2012 subject to the completion of the S106 Agreements.

The Application Site and its Surroundings

The application site is located towards the southern edge of Stamford on the northern side of Kettering Road. The site is currently occupied by Stamford AFC and comprises a full size football pitch, single tier football stand, various prefabricated clubhouse and administration buildings, dug-outs, lighting columns and car parking. The site has a total area of approximately 1.5 hectares

The site is situated on a raised plateau created by the construction of the railway cutting located directly to the north of the site. Stamford Station (Grade II Listed Building) lies directly to the north of the site within Stamford Conservation Area which runs along the sites northern and eastern boundaries. There are a number of stone cottages located to the east of the application site several of which are Grade II Listed Buildings.

Fryers Callis, a terrace of Grade II Listed almshouses is located towards the south east corner of the site. Directly to the south of the site on the opposite side of Kettering Road there is an area of open paddock / field. Located to the west of the site lie the tennis courts and cricket pitch associated with Stamford Junior School with the main school complex beyond.

Relevant Site History

SK.69.412.74.688 – In September 1974 planning permission was granted for a clubhouse for Stamford Football Club.

S.69.821.80.1435 – In July 1980 planning permission was granted for alternations and extensions to the clubhouse.

S.69.1254.80.2211 – In November 1980 planning permission was granted for the erection of 6 floodlight pylons at the Stamford A.F.C site.

SK.97/1146/69/47 – In January 1998 planning permission was granted for the erection of a 2.4m high fence to the north and west side of the football ground.

Policy Considerations

National Planning Policy Framework:

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

East Midlands Regional Spatial Strategy (2009) (RSS8)

Policy 1 Regional Core Objectives
Policy 2 Promoting Better Design
Policy 3 Distribution of New Development
Policy 4 Development in the Eastern Sub-area
Policy 13a Regional Housing Provision
Policy 14 Regional Priorities for Affordable Housing
Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 Regional Priorities for the Historic Environment

South Kesteven Core Strategy 2010:

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

Local Development Framework for South Kesteven: Site Allocation and Policies Development Plan Document Submission October 2011:

Policy STM1: Housing Allocations in Stamford

Representations Received

Stamford Town Council:

- 1) The Town Council believe that any development on this site should be low density,
- 2) We object strongly to 3 storey buildings in the site,
- 3) The Committee have serious concerns about the increased traffic on Kettering Road where some traffic light control should be considered as part of a S106 agreement,
- 4) We would like to see a disabled access provided to platform 2 to Stamford Railway Station. As part of S106 agreement.

Network Rail:

“Thank you for your letter of 13/10/2011 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Given the size and proximity of the development site to the railway station it is considered appropriate that a contribution is sought from the developer towards station facility improvements. We would be happy to discuss possible improvements to the station with the council as part of any S.106 package as the application is processed.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before the development can commence.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows

(Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice."

LCC Children's Services:

"Having reviewed the latest projections for Stamford in both the primary and secondary sectors we feel that across the town there is sufficient capacity available but it is noted that this capacity is decreasing in future years therefore future development beyond that with current consent and this development are likely to see an education request made."

Peterborough City Council – Planning Services: - No comments or observations in relation to the development.

Environment Agency:

"The proposed development will only be acceptable if the following planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological

context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

Condition 2

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

Reason To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

Condition 3

No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

The sewerage undertaker should be consulted regarding the availability of capacity in the foul water sewer. In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. A review may be required depicting how the infrastructure operates within environmental limits and in light of forecast demand for these facilities.

Condition 4

All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason To prevent pollution to the water environment.”

Lincolnshire Police – Crime Prevention Design Advisor:

No objections subject to following condition –

“The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason: In the interest of security and crime prevention.”

Community Leisure Officer: - Requests an off-site Section 106 contribution of £31,552 towards play equipment in the vicinity of the development.

Partnership Projects Officer (affordable housing):

“AFFORDABLE HOUSING REQUIRMENTS ON PLANNING GAIN SITES

- All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of between 5-14 housing units provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.
- Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of social rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need

With regards to this application the following has been agreed with regards to the affordable housing requirement:-

- That 35% affordable housing to be provided off site at Barnack Road, Stamford.
- Agree with the Council in writing the location, size, type and tenure of affordable unit to be provided.
- A minimum of 60% of the affordable housing to be social/affordable rent
- A maximum of 40% of the affordable housing to be shared ownership
- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RHP).
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RHP) partners and choice of partner to be agreed in writing with the council. The RHP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- All social/affordable rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development or as otherwise agreed with the Council.
- The consideration of the affordable housing units to be offered for sale to a RHP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the commuted off site affordable housing units).

Discussions have taken place with regards to the provision of the affordable housing units on Barnack Road, Stamford and planning application S11/2283 has been submitted.

Should the Barnack Road, Stamford site not proceed further arrangements will be required either to provide the 35% affordable housing units on site or a further site capable of providing 35% affordable housing units commuted off site within Stamford.”

Planning Policy Team:

“This application is linked to application nos: S11/2288 for the relocation of the football stadium and facilities to a new site off Ryhall Road and S11-2283 for the development of 19 affordable homes at Barnack Road in Stamford. My comments below relate to this application specifically however they should also be considered in conjunction with comments of the Planning Policy and Partnerships team in relation to the other two applications.

My consideration of the policy implications of the principle of the development proposed by this application focus upon the following key issues:

- Suitability of the site for residential development in light of national policy (PPS3); adopted Core Strategy Policies SP1 and H1; and the emerging Site Allocation and Policies DPD (particularly policy STM1)
- National and local Planning Policy regarding the retention and provision of playing fields and open space (PPG17)
- Maintaining a five year supply of deliverable housing land
- Whether the details of the proposal meets policy requirement in terms of affordable housing provision and phasing

The application site is currently in use as a football stadium accommodating Stamford Town FC. Because of the way the site has been used and developed I consider it is brownfield (in accordance with Annex B of PPS3 Housing: 'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'). The site is well located, being within the existing built up part of the town and located close to many local facilities including the town centre, the railway station and local schools, it is therefore considered a sustainable location for development.

The adopted Core Strategy establishes in policy SP1 that new development which maintains and supports the role of the Stamford as a market town will be allowed. The policy also gives priority to development of sustainable sites within the built up part of the town, which do not compromise the nature and character of the area and to sites which are allocated for development in the Site Allocation and Policies DPD. Policy H1 of the adopted Core Strategy considers the delivery of housing across the district. The policy seeks to maintain a modest development rate (55 hpa) for Stamford. The policy establishes that over the 20 year plan period some 1140 homes should be built in Stamford. This development will be delivered by sites with planning permission and on allocated sites identified in the Site Allocation and Policies DPD.

The Site Allocation and Policies DPD is not yet adopted, however the submission version of the plan has been published for a six week Representation Period prior to being submitted to the Secretary of State by the end of this year. A Public Examination will be held next year to consider whether the DPD is sound. As part of that Examination the Planning Inspector will consider the merits of those sites which have been allocated as well as any other competing site. It is expected that the DPD will be adopted later in 2012.

The Site Allocation and Policies DPD identifies the site which is subject to this planning application as a housing allocation (Policy STM1d) for 50 houses. However the policy also makes it clear that redevelopment of this site must be linked as part of a comprehensive proposal for the relocation of the football club, and that development on site cannot commence before a new ground is available and occupied by the football club. For this reason the development of the site is allocated to the 2nd phase of the plan period 2016-2021.

Given the advanced stage of the DPD any application for a site allocated within the DPD would be considered as premature and prejudicial to the Public Examination Inspector's considerations, however in view of the nature and location of the existing football club site in Stamford as a "sustainable site within the built up part of the town" I consider the proposal is in accordance with the requirements and definitions of sustainable development set out in PPS3 and in Core Strategy policy SP1. The site also meets the locational criteria set out in the supporting text for policy H1 of the Core Strategy, and will contribute to the delivery of housing within Stamford in accordance with policy H1. Granting planning permission for the site at this time is however contrary to the phasing policy included in the emerging SAP DPD, and consideration should be given to the implications of releasing the site in advance of the phasing suggested.

PPG17 Planning for Open Space, Sport and Recreation provides the national policy for the consideration of proposals for playing fields and open space. One of the main objectives of PPG17 is to ensure the availability of sufficient, adequate and appropriate open space and recreation spaces for all, and promotes the idea that, where appropriate, existing playing fields should be protected. The intentions of the national policy are reflected within policy EN1 of the adopted Core Strategy and in policy SAP10 of the emerging Site Allocations and Policies DPD.

Where a playing field is to be lost to development, the PPG advocates the need for replacement provision which is at least as accessible to current and potential new users and of at least equivalent in terms of size, usefulness, attractiveness and quality. My comments on the application for the replacement stadium consider these issues in more detail, however in respect of this application: the redevelopment of an existing football stadium will result in the loss of the playing field. However the associated application S11/2288 proposes a new football stadium and facilities on new site as a replacement for this loss. If approved, the new site would replace the old with additional playing fields and better associated facilities, therefore the replacement would satisfy the requirements of the PPG in terms of ensuring no net loss of playing field within the town.

The Council has prepared a five year land supply paper for the period 2011-2016. This reveals that across the district there is considered to be 4 years supply of deliverable housing land. Whilst this falls slightly short of the recommended five years supply, this is largely because there are currently no new allocated sites available for housing development. The current small deficit in the five year supply is to be expected at this stage in the plan preparation process, and will be addressed in the very near future when the SAP DPD is adopted later next year, as this plan will provide sufficient allocated land to meet the housing need identified in the Core Strategy. This land will be released in a phased manner to ensure a continual supply of available and deliverable land.

Policy H3 of the adopted Core Strategy requires housing sites to provide for up to 35% of the site capacity as affordable housing. The proposed capacity of the application site is 55 homes and applying policy H3 results in the need for 19 homes to be provided as affordable units. The applicant has, however, demonstrated that the constraints of the redevelopment of the site together with the associated costs of providing the replacement football club facilities, make the provision of affordable housing on the site unviable. To compensate, a proposal for 19 – 20 affordable homes on a different site nearby has been submitted (application ref S11/2300) alongside this application. Separate policy comments have been prepared about this proposal. However in principle the scheme is considered acceptable. If that application is approved it would satisfy the requirements of the policy H3 of the Core Strategy as an off-site affordable housing provision for this application. As such, the granting of planning permission for each application should be clearly linked, and development of the affordable housing on Barnack Road should be required to be delivered concurrently with market housing on the football club site. It must be made clear that the provision of affordable housing on this site is an off-site provision, without which the application proposal for the football club is contrary to policy H3 of the adopted Core Strategy. It is, therefore, important to stress that without the approval and appropriate conditioning of application S11-2283, this application S11/2300 would be rendered contrary to policy.

In conclusion I consider that this application on its own, without the appropriate replacement football stadium and the off site affordable housing is contrary to policies H3 and EN1 of the adopted Core Strategy and policies STM1 and SAP10 of the emerging SAP DPD. It would also be contrary to the objectives of PPG17 in respect of protecting playing field provision. However if the associated applications (referenced S11/2283 and S11/2288) are approved and conditioned appropriately these policy objections will be addressed and the application can be considered to be in accordance with adopted policy.

In particular it is essential that the following issues are satisfactorily concluded:

- The need to ensure the acceptability and therefore approval of application ref S11-2283 for affordable housing on a separate site off Barnack Road, approval must be conditioned to ensure the appropriate timing of the development of the affordable housing in relation to the development of market housing on the application site; and
- The need to ensure the acceptability and approval of application S11/2288 for the relocation of the football ground and stadium. Restricting the start of any work to implement the application housing application (S11/2300) to the completion and occupation of that proposal, stressing that no development should take place on the current football club site until the new facility is completed and occupied by Stamford Town AFC.”

Sports England:

Thank you for consulting Sport England on the above applications. Sport England’s responses to both applications are included in this letter, given the clear links between these two applications.

a) Residential development at Kettering Road

The site forms part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453).

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific exceptions applies.”

The exceptions to this policy relate to the following:-

- E1 - A proven excess of provision.
- E2 - The use is ancillary to the playing field.
- E3 - The site is incapable of forming part of a pitch.
- E4 - Equivalent or better replacement will be provided elsewhere.
- E5 - An alternative sports use is proposed, outweighing loss

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The Planning Statement indicates that there is an intention to prepare a section 106 agreement to ensure that the residential development on the current football club site does not commence until the replacement playing fields and new stadium are available for use at the proposed new site at Ryhall Road. The area and scope of the facilities on the new site will more than compensate for the loss of the existing site, as the area is approximately doubled from about a hectare to 2 hectares. This will therefore satisfy exception E4 above.

In conclusion, although Sport England is aware that it is intended to use a suitable Section 106 agreement to address our concerns, Sport England wishes to maintain a statutory objection to this

application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered or arrangements are confirmed on replacement provision. Sport England can confirm that once a suitable section 106 agreement or other legal mechanism has been signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

If the Council was inclined to approve the application in the absence of a suitable legal agreement the application should be referred to the Government in accordance with The Town and Country Planning (Consultation) (England) Direction 2009. “

English Heritage: - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer:

“I have considered the revised drawings and additional information submitted for the proposed redevelopment of Stamford Football Ground and have to advise that whilst these in some instances address the concerns I expressed about the scheme as originally submitted, in others my concerns remain.

The houses on the Kettering Road frontage are now shown to be uniform terraces of either two storey or two and a half storey houses. This uniformity and omission of any three storey element addresses my concerns over the original submission which proposed terraces of dwellings to varying heights on this part of the site that is elevated in relation to Kettering Road.

I note, however, that the dwelling on the eastern side of the site entrance remains in the same position and to the same design as originally proposed. I would therefore reiterate my concerns about its impact of this dwelling on the setting of the adjacent listed almshouses. In my opinion any dwelling here should be set back well behind the line of the frontage of the almshouses and should not try to mimic their design as this will compromise their significance. I acknowledge that the setting of these buildings is currently compromised by the football ground but harm of a different kind would result from a dwelling in the position proposed, regardless of its design.

With regard to the section submitted to illustrate the potential impact of the proposed three-storey dwellings at the northern end of the site on the listed railway station, I have to advise that this confirms rather than allays my concerns about the substantial harm that would be caused. At three storeys I am convinced that they will have an overbearing presence and dominate the skyline when viewing the station along its principal approach of Gresley Drive. I would suggest therefore that any dwellings on this part of the site should have no more than two-storeys and that permitted development rights be removed for alterations extensions and garden structures, in order to safeguard the setting of the listed Station. At two-storey there will still be an impact on the setting but if the houses are correctly detailed and subject to strict control regarding alteration and additions etc, any harm should be less than substantial.”

Consultant Arboriculturalist: -“Development of the site should take into account the presence of trees immediately outside of the boundary fence, both with regard to potential pruning and balancing (all tree works to British Standard 3998 2010) and the protection of roots, to comply with British Standard 5837, 2005.

The frontage trees adjacent to the Kettering Road are not of sufficient amenity value to stand in the way of development. A comprehensive landscaping scheme should be designed to compensate for this.”

Heritage Lincolnshire:

“It is considered that the site officers a potential for archaeological remains to be encountered during development. This consideration is based on the extent and type of remains recorded in the close vicinity. It is recommended that an archaeologist be contracted to carry out a trial trench evaluation in order to establish the depth, date, condition and nature of any archaeological remains. The results of this survey will be used to inform the local planning authority on the suitability of the proposed development and whether any mitigation measures are required to preserve archaeological remains in-situ or by record.”

Lincolnshire County Council (Highways): The local highway authority has raised no objections to the proposed access arrangements subject to conditions relating to the provision of on-site parking and turning facilities and a condition requiring a scheme for improving the public highway by means of implementing a One-Way scheme and providing a cycleway on Wothorpe Road. The highway authority has also requested a Section 106 contribution of £3500 for the administration advertisement and consultation for alteration of existing traffic regulation orders adjacent to the locale of the development (One Way System and provision of cycle route)

Stamford Chamber of Trade and Commerce has made the following comments:

- “1. PLANNING APPLICATION REF: S11/2288
LAND WEST OF RYHALL ROAD, STAMFORD
DEVELOPMENT OF FOOTBALL STADIUM WITH CAPACITY FOR 1500
SPECTATORS
2. PLANNING APPLICATION REF: S11/2283
LAND AT REAR OF CORONATION VILLAS, BARNACK ROAD, STAMFORD
AFFORDABLE HOUSING & ASSOCIATED INFRASTRUCTURE & ACCESS
3. PLANNING APPLICATION REF: S11/2300
STAMFORD AFC, KETTERING ROAD, STAMFORD, PE9 2JS
DEMOLITION OF EXISTING FOOTBALL CLUB BUILDINGS & STRUCTURES
RESIDENTIAL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE
INCLUDING NEW MEANS OF ACCESS WITH KETTERING ROAD, STAMFORD

Stamford Chamber of Trade and Commerce (our Chamber) is the democratically organised representative body for those involved in Stamford's trade and commerce. It currently has about 80 members, from the largest to the smallest employer.

I write on behalf of our Chamber to lodge objection to the above three outline planning applications, all of which are categorised as being Major Applications.

On 24 May 2012 our Chamber wrote to your colleague Case Officer, Mr N Bryan with our Chamber's objections to another outline Major Application, i.e. Planning Application S12/0864 for a sustainable urban extension at Stamford West on land between Empingham Road and Tinwell Road, Stamford.

In those objections we said that the submission at this time of an outline planning application for the development of the 'Stamford West' site was a clear attempt by the site's prospective developers to bypass the Local Plan Site Allocation & Policies DPD ('SA&P DPD') Examination Hearings scheduled for 5 November 2012, thereby displacing the proper processes currently in train for the allocation of lands in our Town for development during the period 2011 to 2026. We said that the application was therefore 'premature' and should be treated as such.

We have now been advised by that it is unlikely SKDC will be considering Planning Application S12/0864 for some time.

We welcome this state of affairs. It will enable the merits of Planning Application S12/0864 and those of the other suggested strategic sustainable urban extension sites to be fully debated in the most appropriate forum for such a debate, namely the Local Plan SA&P DPD Examination Hearings.

You will also be aware that our Chamber made extensive and detailed formal representations in November 2011 and January 2012 in response to SKDC's Local Plan SA&P DPD Submission consultations. Our representations are also to be found at www.stamfordchamber.co.uk/dpd. In its representations, our Chamber argued that future development in Stamford should take place on land to the East and North of our Town in close proximity to our proposed Stamford Ring Road. Such a Ring Road would reduce congestion and improve accessibility in our Town. Our Chamber will pursue this argument at the Local Plan Examination Hearings.

The eastern junction on the A6121 Ryhall Road of the proposed Northern Relief Road can only be located between Borderville Farm and the existing edge of Stamford. Please see attached drawing SCT-32 Rev E overprinted with a circled 2. This location is the site proposed for the 1,500 seat football stadium. The planning system needs to take a considered decision between these developments.

Irrespective of the questionable sustainability, landscape setting, traffic and other credentials of the development intended at the site the subject of Planning Application S11/2288, approval of this application will render impossible the future construction of the strategic Stamford Ring Road's Northern Relief Road as proposed in the Local Plan process by our Chamber.

The planning system needs to take a considered decision between these two developments, or arrange matters such that both may proceed.

May we draw your attention to the adopted Core Strategy SP3 commitment relating to Stamford Roads Issues? This is to work "in partnership with the County Council, service providers and others to develop and implement measures to reduce traffic congestion and improve accessibility". Please see the attached extracts from the Core Strategy Inspector's Report and adopted Core Strategy SP3.

SCOT therefore urges the SKDC Development Control Committee to either decline to determine Planning Application S11/2288, or, refuse it on the grounds of prematurity so that a full debate on the future development of Stamford, including our Chamber's Stamford Ring Road proposals, can take place in the Local Plan SA & P DPD Examination Hearings.

We also ask that Planning Applications S11/2283 and S11/2300 be treated similarly by the SKDC Development Control Committee. Whilst the development proposals the subject of these applications are in themselves not controversial or likely to irretrievably damage the prospects of a Stamford Ring Road, development of these sites is inextricably linked to the re-location of Stamford AFC's existing facilities in Kettering Road."

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's adopted Statement of Community Involvement and 17 letters of objection have been received. The Concerns raised can be summarised as follows:

- Concerns about additional traffic in area and highway safety,
- Concerns about parking congestion on adjacent roads, where there are already problems,
- Concerns about amount of off-street parking provision. 1.5 spaces per dwelling is not enough,
- Wothorpe Road will be used as a 'rat run' and cause additional traffic problems in the area,
- Stamford Football Ground is the oldest in the country and serves its purpose very well. Are there any really good reasons for this major upheaval to take place?
- Plans should only be approved if a disabled access is provided to the south side of the Railway Station,
- The football site is currently ideally located next to good transport links,
- The affordable housing is not proposed on this site but some distance away and does not therefore comply with the Council's policies,
- Moving the football club will just increase traffic movements through the town,
- Could a footpath be constructed through the site from Kettering Road to Wothorpe Road in order to enable pedestrians to avoid the existing hazardous corner?
- Concerns about Children's safety as they often walk across the junction of Kettering Road and Wothorpe Road,
- The existing football ground car park is used as an overflow car park for the adjacent school. What will happen when this facility is lost?
- Concerns about drainage and the capacity of the existing services in the area,
- Concerns have been raised about the architectural style of the proposed dwellings,
- Concerns about impact of the development on the setting of the Fryers Alms Houses,
- Concerns about the scale of the development and the density,
- Concerns about loss of view over existing football pitch,
- Concerns about overlooking / loss of privacy,
- Approval of this and other similar proposals will progressively destroy the "ancient charm" of Stamford,
- Concerns about impact on the setting of adjacent listed buildings and the conservation area,
- Appearance should not be a "reserved matter",
- The mature trees along the sites boundary with the railway line should be retained,
- Concerns about location of cycle route at junction with Wothorpe Road,
- Green space should be maintained as such and not be left to become additional areas for car parking,
- An assessment of the vibration from the adjacent railway line must be taken into account in assessing the full impacts of locating dwellings so close to the railway line,
- Concerns that the submitted traffic assessment is seriously flawed, as it is assumed that people will use the Kettering Road /High St junction where as people with local knowledge will cut through Wothorpe Road,
- Concerns that the character of the old ground will be lost also no need for a new ground the size of that proposed as the crowd sizes are usually no more than between 100-210 people,
- Concerns that the proposed flats will appear visually intrusive,
- Concerns about removal of trees. We wish to see existing trees retained with additional planning provided if the development takes place.

Officer Evaluation

This is an outline application for the demolition of the existing football club buildings and structures and redevelopment of the site with residential development and associated infrastructure, including

a new access on to Kettering Road. All matters are reserved for subsequent approval except the proposed access arrangements which are to be considered as part this application.

The key issues in the consideration of this application are layout and access; loss of the football ground and provision of open space; housing land supply and principle of development; noise from the railway line; accessibility and the provision of affordable housing.

Housing land supply and principle of development:

The Council Planning Policy Team has advised that the application would comply with the requirements of adopted Core Strategy policy SP1 which states that new development which maintains and supports the role of the Stamford as a market town will be allowed. The policy also gives priority to development of sustainable sites within the built up part of the town, which do not compromise the nature and character of the area and to sites which are allocated for development in the Site Allocation and Policies DPD.

The Site Allocation and Policies DPD identifies the site which is subject to this planning application as a housing allocation (Policy STM1d) for 50 houses. The policy does however make it clear that redevelopment of this site must be linked as part of a comprehensive proposal for the relocation of the football club, and that development on site cannot commence before a new ground is available and occupied by the football club. For this reason the development of the site is allocated to the 2nd phase of the plan period 2016-2021.

The Council Planning Policy Team has advised that there is considered to be 4 years supply of deliverable housing land across the district. Whilst this falls slightly short of the recommended five years supply, this is largely because there are currently no new allocated sites available for housing development. The current small deficit in the five year supply will be addressed in the very near future when the SAP DPD is adopted next year (likely spring 2013), as this plan will provide sufficient allocated land to meet the housing need identified in the Core Strategy.

Whilst the proposed development would be contrary to the phasing plan of the emerging SAP DPD as it would bring this site forward sooner than expected it would not compromise the overall aims and objectives of the Council's Core Strategy. The proposal is in general conformity with the Council's policies and objectives. It is considered that subject to a Section 106 been completed to ensure that no development takes place until the replacement football stadium is constructed and occupied on the Ryhall Road site the development would not result in any adverse impacts on the Council's overall housing strategy. Notwithstanding the fact that the SAP DPD has been submitted to the Secretary of State and will be going through the Public Examination towards the end of this year it is considered that because the application is in general conformity with the policies of the adopted Core Strategy that it should not be considered premature for the Council to make a decision on the application at this time.

Layout and access:

The proposed access to the site would see the closure of the existing access point and the creation of a new access further to the west on Kettering Road. The proposed access would be 5m wide with 2m footways to either side. The local highway authority has been consulted and raised no objections to the proposed access arrangements subject to conditions relating to the provision of on-site parking and turning facilities. Concern has been raised that Wothorpe Road would be used as a 'rat-run'. The highway authority has requested a condition requiring a scheme for improving the public highway by means of implementing a One-Way scheme and providing a cycleway on Wothorpe Road. Subject to the requested conditions been attached to any consent it is considered that the proposed development will not result in any adverse impact in highway safety terms.

Concerns have been raised by local residents about the amount of off-street parking proposed for the development. Although the proposal is in outline form the development indicatively indicates 53 dwellings and proposes approximately 83 parking spaces, this equates to a parking provision of 1.5 spaces per dwelling. As the site is located within the built framework of Stamford with good links to public transport and within easy walking distance of the town centre it is considered that this represents an appropriate amount of off-street parking provision.

Appearance, layout, scale and landscaping are all reserved for subsequent approval. The applicant has, however, submitted indicative elevation plans and layout plans showing the scale parameters of the proposed dwellings. The development proposes a mix of single storey, two and three storey properties throughout the site including a small block of flats/apartments towards the north western corner of the site. Along the northern site boundary the scheme has been amended and it is now proposed to construct a number of two storey properties.

The application site is situated on a raised plateau created by the adjacent railway cutting. Stamford Station (a grade II listed building) is located directly to the north of the site and the site is also located directly adjacent to the Conservation Area. The site is quite prominent when viewed from the north given its elevated position. The Council's Conservation Officer and Members previously expressed some concern in relation to the previously proposed three storey buildings proposed to be constructed along the sites northern boundary making use of the extensive views out across Stamford.

In view of concerns raised by Members and the Conservation Officer the applicant has amended the scheme and reduced the height of the proposed dwellings along the northern boundary down to two storey in height only.. The Councils Conservation Officer has advised that the amended plans address the previous concerns raised in relation to the scale of the development and the impact on the adjacent listed station.

The Conservation Officer and Members also expressed concern with regard to the proposed dwelling previously labelled as plot 9 which was shown to be sited forward of the listed almshouses. In view of these concern the applicant has revised the indicative layout plan to omit the dwelling from the scheme and to show the area as landscaped open space. It is considered that these amendments address the previous concerns raised by Members and Officers.

Overall it is considered that residential development of the site would not adversely affect the setting of adjacent listed buildings or the conservation area. Indicative elevation plans have been submitted and whilst there is some concern about some of the indicative designs, appearance is a reserved matter and these details can be agreed at that later application stage. It is considered that on balance sufficient information has been submitted to demonstrate that the site can be developed for residential purposes and ensure that the historic assets in the vicinity of the site can be satisfactorily preserved.

The indicative layout demonstrates that there would be adequate separation distances between properties to ensure no significant overlooking or loss of privacy. The separation distances also ensure that there would not be any significant overbearing or overshadowing of adjacent properties. In addition the applicants have indicated that single storey development would be positioned adjacent to the existing listed almshouses in order to minimise the impact of the development on the occupiers of these plots and to ensure that the development does not adversely affect the character and setting of these listed buildings.

Loss of the football ground and provision of open space:

An area of informal open space is proposed towards the eastern side of the site. This will help to ensure that the occupiers of the properties backing on to the site from Wothorpe Road are

protected. It should be noted that it is not proposed to put play equipment on this area of land and its main purpose is as an area of landscaping and not for children's play space. The main provision for children's play space will be met by an off-site contribution of £31,552 towards improving and providing play equipment in the vicinity of the development.

Concern has been raised in relation to the loss of the existing football ground. As set out above this application forms part of a wider development which includes the development of a new football stadium for the club on Ryhall Road (this is the subject of planning application S11/2288 and is considered as a separate agenda item). Sport England has been consulted and has submitted a holding objection to the proposed application. They have however indicated that this objection would be withdrawn if a Section 106 Agreement is entered into which ensures that residential development on the current football club site does not commence until the replacement playing field and new stadium are available for use at the proposed new site at Ryhall Road. Based on the comments from sport England it is considered necessary and appropriate to require the applicants to enter into the required Section 106 as requested. The applicants have also indicated that they are prepared to enter into a suitably worded legal agreement.

Noise from Railway Line:

Concerns have been raised in relation to noise and disturbance from the adjacent railway line and vibration causing problems to the occupiers of the proposed dwellings. The Council's Environmental Protection Team has been consulted and raised no objections to the proposed development. It is however considered appropriate and necessary to attach a condition requiring a detailed noise and vibration survey to be undertaken prior to the submission of the reserved matters application and that this should include details of measures to mitigate against any noise and vibration from the use of the adjacent railway line.

Accessibility:

Local residents have suggested that a pedestrian route should be provided from the site down in to the adjacent Station providing access to platform two. Whilst this is desirable it is not something which is considered essential for the development to take place. It is however recommended that a note be attached to any consent requesting the developer to investigate the feasibility of providing an access from the site to the adjacent railway station prior to any reserved matters being submitted. In addition Network Rail has suggested that given the size of the development and its close proximity to the station that a Section 106 contribution towards station improvements should be sought. Network Rail has not provided specifics in relation to what these improvements are or provided any justification for the proposed request. Based on the information provided it is considered that the proposed request does not meet the relevant tests set out in Section 122 of the Community Infrastructure Levy regulations 2010 and it is therefore not considered appropriate in this case to request any additional contributions.

Affordable housing:

Concern has been raised by local residents that the affordable housing provision is being provided in an off-site location on Barnack Road. Policy H3 of the Council's adopted Core Strategy states that all developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development site. The policy goes on however to state that in negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes. Based on the fact that the development of this site is linked to the redevelopment of a new stadium for the football club on Ryhall Road the applicants have demonstrated that the provision of on-site affordable housing will make the scheme unviable. The applicants have therefore proposed to make the affordable housing contribution on a nearby site on Barnack Road. The Council's Partnership Projects Officer (affordable housing) has

confirmed that this is an acceptable method of providing the affordable housing and will meet the needs of the local community and the requirements of Policy H3 of the Core Strategy.

Other Issues:

The Council's Planning Policy Team has made the following comments in relation to the comments from Stamford Chamber of Trade and Commerce:

"SCOT have made a number of representations to the Submission Site Allocation and Policies DPD (SAP). These representations relate primarily to SCOT's view that the route of an eastern relief road or town ring road should be protected and that the proposed development for the town should be located to facilitate the construction of this road, rather than on the sites which are proposed for allocation in the SAP. These representations have been submitted to the Planning Inspector and will be considered as part of the SAP examination over the coming months.

The matter of the relief road/ring road for Stamford and to 'safeguard' a line for such a road was considered in detail by the Inspector at the Examination of the Core Strategy in 2010. The Inspector concluded that as there was unlikely to be a commitment to such a proposal by either South Kesteven District Council or Lincolnshire County Council (through its Local Transport Plan (LTP)) and as no route had been agreed it was not appropriate to protect land for such a purpose. This is clear by the nature of the changes the Inspector made to the Core Strategy in this respect, i.e. there is no mention of the need to define and protect a route in either the policies or text. The Inspector also commented that she was not convinced that the likely scale and type of development anticipated for Stamford during the plan period would be capable of delivering such a scheme through developer contributions alone.

This situation remains unchanged. The current LTP makes clear that further work by LCC on a feasibility study into a bypass or relief road is on hold as it seems unlikely that funding for any major improvement will be available and that the focus will rather be on opportunities to improve sustainable travel in the town with funding through S106 agreements."

Based on the above and the fact that this site would not directly affect the route of any possible relief / ring road it is considered that the application should be considered in line with the recommendations contained in the main agenda.

Conclusion:

Taking all of the above factors into account it is, on balance, considered that sufficient information has been provided to demonstrate that the site can be satisfactorily redeveloped for residential purposes, subject to satisfactory details being submitted at the reserved matters stage. Redevelopment of the site would be in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with the relevant policies of the adopted Core Strategy. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy.

Section 106 Heads of Terms

The following Section 106 Agreement contributions will be necessary in order to mitigate the impacts of the proposed development:

- A Clause is required to ensure that residential development on the current football club site does not commence until the replacement playing field and new stadium are available for use at the proposed new site at Ryhall Road,
- Provision of affordable housing on the Barnack Road site.
- An off-site contribution of £31,552 towards improving and providing play equipment in the vicinity of the development.
- The highway authority has requested a Section 106 contribution of £3500 for the administration advertisement and consultation for alteration of existing traffic regulation orders adjacent to the locale of the development (One Way System and provision of cycle route)

Crime and Disorder

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

Human Rights Implications

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

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

Recommendation:

That determination of the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the bases that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

Although this is an outline application it is considered that, on balance, the submitted indicative plan demonstrates that it is possible to accommodate the quantum of development proposed on the site and that subject to conditions the proposed development will not compromise the character and appearance of the surrounding area or adversely impact on the setting of the adjacent conservation area or listed buildings.

Residential redevelopment of the site is in general accordance with the guidance set out in the National Planning Policy Framework and in accordance with policies SP1, SP3, SP4, EN1, EN2, EN4, H1 and H3 of the adopted South Kesteven Core Strategy 2010. Whilst the development may be brought forward slightly earlier than the phasing set out in Policy STM1d of the emerging Site

Allocation and Policies DPD this would not compromise the overall aims and objectives of the policy. The site is located on the edge of Stamford and is considered to be strategically well located in relation to the town centre with alternative means of transport other than the motor car existing in the area. The site is also well located in relation to schools, shops, doctors surgery and employment opportunities.

Concerns have been raised in relation to highway safety. The local highway authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns were also raised in relation to the appearance of the proposed development, the potential impact on existing trees and that the development would have detrimental impact on residential amenity. Whilst these issues are material planning considerations it is considered that subject to the conditions attached to this permission they do not outweigh the principal policies referred to above.

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

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

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

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

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

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

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

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

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

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

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

5. The gradient of the vehicular access shall be no steeper than 1 in 20 for the first 6 metres from the nearside edge of the carriageway of Kettering Road and thereafter no steeper than 1 in 10.

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

6. Before development commences on site further detail relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

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

7. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

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

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

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

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

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

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

10. No dwellings shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing BH/S09/020/A dated 25/07/11 has been completed.

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

11. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the

limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

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

12. Prior to first occupation of the approved development works to improve the public highway (by means of kerb realignment minor improvements at Kettering Road/Wothorpe Road junction together with all necessary drainage and ancillary works) shall have been certified complete by the local planning authority. Such work will require the submission of details for the scheme including materials, specification for the works and construction method for written approval of the local planning authority.

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

13. When application is first made for the approval of reserved matters the application shall be accompanied by a scheme investigating the feasibility of improving the public highway by means of implementing a one-way scheme and providing a cycleway on Wothorpe Road. The development shall be carried out in accordance with any agreed scheme approved by the local planning authority at the reserved matters application stage and shall be fully implemented prior to the occupation of the first dwelling.

Reason: In the interests of the safety and convenience of the users of the public highway and of the users of the site and to ensure that access to the development is sustainable and reduces dependency on the car.

14. The dwellings on plots 44-53 shall be two storey in height only in accordance with the amended details set out on drawing No:BHS09/022/A received on 17 July 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The submitted details are not considered to be acceptable and the Council wish to fully assess the impacts of the development on the adjacent grade II listed station at the reserved matters stage of the development, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

15. When reserved matters applications are submitted in relation to the layout of the development they shall comply with the details set out on drawing No: BH/S09/020A received on 25 July 2012, in so much as there shall be no dwelling located directly to the west of number 4 Fryer's Callis, Wothorpe Road, Stamford. The siting of a dwelling in this location is considered to compromise the setting of the adjacent listed almshouses.

Reason: The siting of a dwelling in this location would compromise the setting of the adjacent grade II listed almshouses, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

16. When details are first submitted at the 'Reserved Matters' application stage a detailed noise and vibration assessment shall be undertaken and submitted to and approved by the local planning authority. The assessment shall set out measures to mitigate for protecting the proposed dwellings from any potential effects from noise or vibration from the adjacent railway line. The development shall then only be carried out in strict accordance with the approved mitigation measures.

Reason: To ensure that the occupiers of the proposed dwellings are protected from any adverse impacts from noise and vibration from the adjacent railway line.

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

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata 'Zebrina'

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

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

Reason: To provide a satisfactory appearance by screening rear gardens from public view

and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

19. When the application is made for approval of the 'reserved matters' that application shall include details of the trees to be retained as part of the development along with measures to ensure that they are protected during the development. The details to be submitted shall include measures for protecting trees which are adjacent to the site but outside of the application site boundary. The development shall only be commenced in strict accordance with the approved details.

Reason: To prevent unnecessary damage to existing trees and in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

20. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason: To ensure that the development incorporates the principles of secured by design to improve community safety and to help prevent crime in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

21. All excavations/earthworks/building works carried out in the vicinity of Network Rail property / structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations/earthworks and building operations to be carried out near the railway undertaker's boundary fence along with a method statement detailing how the works will be undertaken in a 'fail-Safe' manner shall be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

22. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

23. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly around the parking courtyard in the north

east corner of the development. Details of such barriers shall be submitted as part of any 'Reserved Matters' application and the development shall only be undertaken in strict accordance with the details as may be agreed by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

24. Prior to any development taking place details of a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx 1.8m high) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in strict accordance with the approved details and the fence shall be maintained in perpetuity. The existing fencing / wall shall not be removed, unless otherwise agreed in writing with the Local Planning Authority in consultation with Network Rail.

Reason: To ensure that the proposed development does not adversely impact on the safe operation of the adjacent railway line / infrastructure.

25. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and to ensure that the development does not adversely impact on the adjacent rail network infrastructure.

26. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

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

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

28. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

29. All surface water from parking and manoeuvring areas shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason: To prevent pollution to the water environment.

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

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

31. Prior to occupation of the development hereby approved an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: A Travel Plan has been conditioned to ensure that access to the site is sustained and reduces dependency on the car.

Note(s) to Applicant

1. Your attention is drawn to the attached letter and information from the Environment Agency.
2. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
3. This road is a private road and will not be adopted as Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontages.
4. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
5. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
6. No part of the development shall be occupied until Section 278 Agreement(s) of the Highways Act 1980 has been entered into with the local highway authority Lincolnshire County Council for the schemes to improve the junction Kettering Road/Wothorpe Road and provide a cycleway on Wothorpe Road.
7. Note to applicant: Whilst some element of three-storey development may be acceptable along the sites northern boundary it is considered that this should be broken up with predominantly two storey development in order to ensure that the development does not appear overbearing and adversely affect the setting of the adjacent listed station.

8. Prior to the submission of any reserved matters applications the applicants shall investigate, in consultation with Network Rail, the feasibility of providing a pedestrian access from the site to Platform 2 of the adjacent Station.
9. The developers attention is drawn to the following comments of Network Rail:

Drainage:

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Security of Mutual Boundary:

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Method Statements/Fail Safe/Possessions:

Method statements may require to be submitted to Network Rail's Assets Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where works cannot be carried out in a 'fail-Safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Boundary:

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent Land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. this will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing:

The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

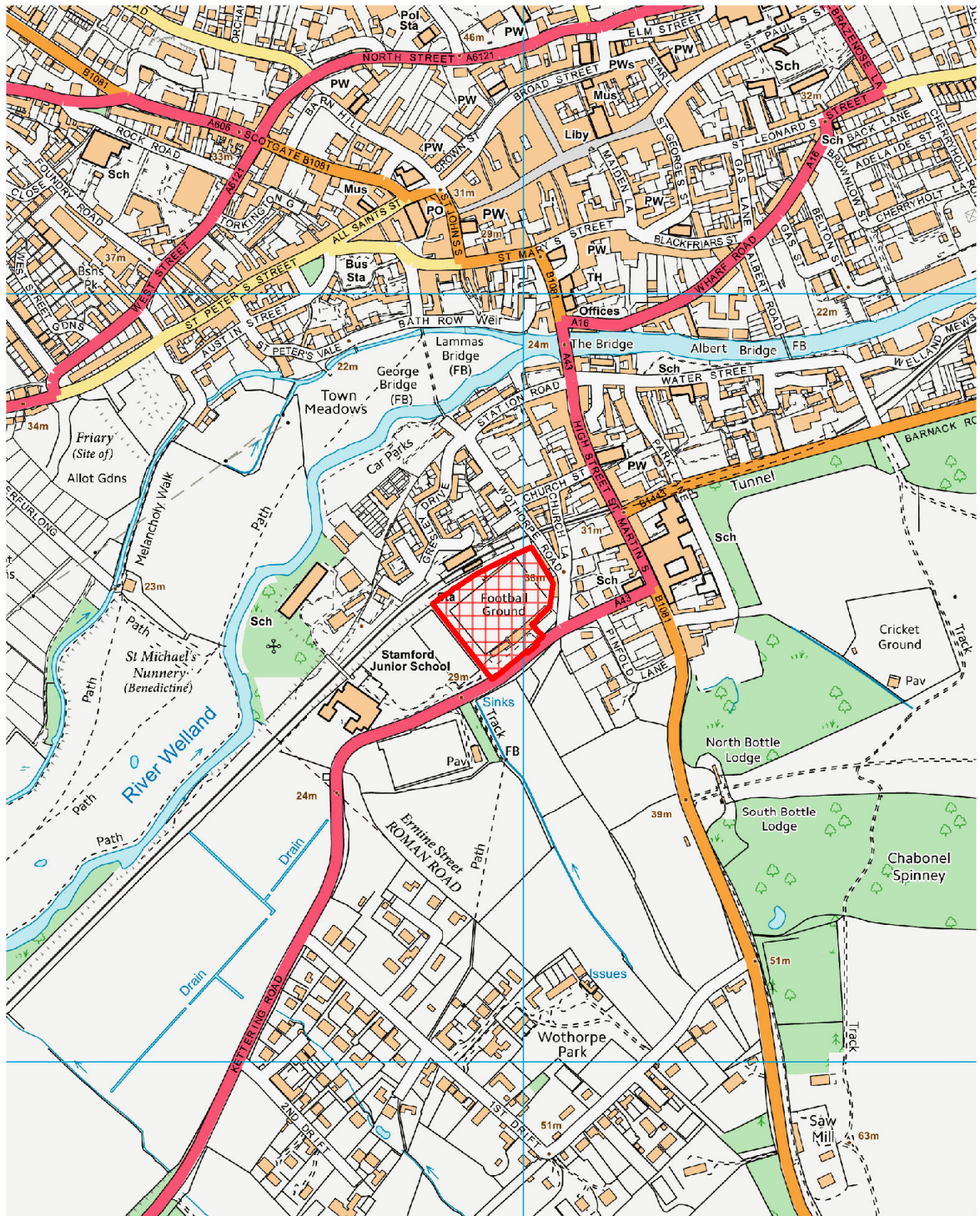
Asset Protection Engineer Team
Network Rail (London North Eastern)
Floor 1B
George Stephenson House
Toft Green
York
YO 16JT

10. This consent should be read in conjunction with the Legal Agreement (S106) dated

* * * * *

Site Location Plan

Ref	S11/2300
Proposal	Demolition of existing football club buildings and structures. Residential development with associated infrastructure, including new means of access with Kettering Road.
Location	Stamford AFC, Kettering Road, Stamford



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Applicant	Wm Morrison Supermarkets plc Hilmore House, Gain Lane, Bradford, BD3 7DL
Agent	Peacock & Smith Suite 2A, Josephs Well, Hanover Walk, Leeds, LS3 1AB
Proposal	Non food retail development (6 units) with associated parking, servicing and access
Location	Former Mirlees Blackstone Site, Uffington Road, Stamford
App Type	Major Full (Non-residential)
Parish(es)	Stamford
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the application is a major application requiring a Section 106 Agreement to be completed.
Recommendation Summary	<p>The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. the policy accords with the requirements of policies 1, 2, 3, 4, 22,26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4 E1 and E2 of the adopted South Kesteven Core Strategy 2010.</p> <p>Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues, the design of the proposed development and concerns about the impact of the development on local wildlife and trees on the site. Whilst all of these issues are material consideration to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal.</p> <p>A retail impact assessment and a transport assessment have been submitted in support of the application and it is considered that these demonstrate that the development, subject to conditions, would not have a significant adverse impact on Stamford Town Centre or highway safety.</p> <p>An ecological assessment has also been submitted and it is considered that subject to a condition requiring additional details of mitigation measures to be submitted in accordance with the measures set out in the supporting ecological survey the development would not result in any significant adverse impact on local wildlife and ecology.</p>

Key Issues

- retail impact
- access and highway safety
- design and layout
- impact on wildlife

Technical Documents Submitted with the Application

- Amended arboricultural survey plan
- Amended arboricultural survey report
- Amended landscape master plan
- Amended letter and revised tables
- Amended tree protection plan
- Peacock and Smith Updated Retail Assessment - including missing page 78
- Proposed bus layby plan
- Proposed pedestrian crossing option 2
- Roundabout access option plan
- Amended Plan - Acoustic Impact report
- Amended Plan - Arboricultural Survey Plan
- Amended Plan - Design and Access Statement
- Amended Plan - Ecology Report
- Amended Plan - Flood Risk and Drainage Assessment
- Amended Plan - Framework Travel Plan
- Amended Plan - Landscape Masterplan
- Amended Plan - Part Typical Elevation
- Amended Plan - Proposed Elevations Plan
- Amended Plan - Proposed Site Layout Plan
- Amended Plan - Retail Planning Assessment
- Amended Plan - Site Investigation
- Amended Plan - Soil and Groundwater Assesment
- Amended Plan - Statement of Public Consultation and Community Engagement
- Amended Plan - Transport Assessment
- Application Form
- Arboricultural Survey
- Covering Letter
- Proposed Site Sections Plan

REPORT

Application Category

This application is categorised as a 'major' application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee as the application has been considered by the Committee previously.

The application was first considered by the development control committee on 13 November 2007. At the meeting Members decided to defer the application for determination by the Lead Professional, subject to the Secretary of State not calling the application in and, subject to certain provisos, including the completion of a S106 Agreement to improve pedestrian and cycle access from the town centre to the development and to provide a bus service to the site.

Following the meeting Solicitors acting on behalf of Stamford Chamber of Trade and Commerce and F.H.Gilman & Co wrote to the Council and enclosed a copy of a final draft retail report from a consultant, MT Town Planning (raising further objections to the application). The report undertook a critical review of the retail assessment submitted in support of the application and of the council's assessment of retail issues in the report presented to committee in November 2007. The report was critical of the question as to need for the proposed development had been demonstrated. There was an assertion that the quantum of floorspace proposed was excessive in relation to likely turnover and floorspace in the town centre; it was of an inappropriate scale; and the impacts on the town centre were likely to be in excess of those reported to committee. In addition, it was said that the site was not sufficiently accessible, inasmuch as there was insufficient provision for public transport.

Following this, additional reports were produced by consultants acting on behalf of Stamford Chamber of Trade and Commerce and F.H.Gilman & Co to the council commenting on reports prepared on behalf of the council by White Young Green (WYG). WYG being a firm of consultant the council used to critically assess the retail impact of the application.

The application was reported back to the Development Control Committee on 25 March 2008. At that meeting Members resolved to defer the application to enable Members to read and consider additional information which was circulated at the meeting.

The application was then considered at the Development Control Committee meeting on 22 July 2008. At the meeting an updated officer report was produced. The updated report dealt with the position in relation to matters which had either not been dealt with fully in the previous reports or in respect of addressing issues where additional objections and criticisms had been raised. Following consideration of the information before them Members resolved to grant planning permission for the development.

Following the grant of planning permission Stamford Chamber of Trade and Commerce and F.H. Gilman & Co (Claimants) applied for judicial review of the decision in September 2008. The Claimants submitted that (1) the material relating to bulky and non-bulky goods floor space capacity, the turnover likely to be achieved by the proposed development and the impact of the development provided in the committee report was confusing; (2) the council had failed to impose a retail condition that imposed a restriction on the non-bulky comparison floor space which was a requirement of the committee's decision; (3) the council had failed to have regard to material consideration that there were no proposals to extend the local bus service to the development site.

The Court in granting the application for judicial review quashed the planning consent and held that (1) the figures produced in the committee report concerning the bulky and non-bulky comparison goods floor space and the turnover were, in the circumstances, misleading. (2) The council had failed to impose the retail condition in accordance with the committee's resolution. Concern about the enforceability of the condition was not a justification for not imposing the condition. If the council believed the condition was inappropriate the correct course of action should have been to send the matter back to the committee. (3) In the circumstances, matters relating to the provision of bus services and the frequency of the bus service were not properly dealt with.

Following the Courts decision to quash the decision the application is now been reported back to the Development Control Committee to be re-determined.

The Proposal

Original Scheme:

The application when originally submitted comprised:

- A JJB Fitness Club of 2,128 sq m gross floorspace;
- A JJB Sports non-food retail unit of 2,145sq m gross / 1,502sq m net floorspace; and
- 6 non-food retail units totalling 4,190sq m gross / 2,933sq m net floorspace.
- Associated car parking alterations and new service and access road to serve the development.

In total, the proposal at that time involved 6,335 sq m gross / 4,435sq m net new retail floorspace and 2,128sq m gross leisure floorspace. Of the net comparison goods floorspace it was proposed that 2,282sq m was to be used for the sale of bulky goods and 2,153sq m for the sale of non-bulky goods. It was indicated that units 1, 4, 5 & 6 would be used for bulky goods retailers, whilst the JJB unit and units 2 and 3 would be for the sale of non-bulky comparison goods.

Amended Scheme:

The applicants have amended the scheme since it was last considered by the Development Control Committee and following the quashing of the previous planning decision by the High Court. The amended scheme, which is now before the Committee for consideration, comprises:

- A reduction in the proposed gross floorspace from 6,335 sq m to 5,083sq m with a small increase in proposed net sales area from 4,435 sq m to 4,576sq m;
- Removal of the leisure element of the proposal (2,128sq m gross);
- A decrease in the amount of floorspace devoted to bulky comparison goods floorspace from 2,282sq m net to 1,773sq m net;
- An increase in the level of devoted non-bulky comparison goods floorspace from 2,153sq m net to 2,803sq m net.

The proposed six units vary in size and are grouped in an 'L' shaped terraced block running in a north south orientation towards the sites eastern boundary. The proposed units would be of a modern design constructed from buff brickwork at the lower level and modern flat cladding panels at the higher levels.

A new roundabout would be created towards the south of the site on Uffington road and this would serve the proposed parking for the development and a service road which would run to the rear of

the proposed units. Parking would be provided to the front of the units and would be located between the new units and the existing Morrison store.

The Application Site and its Surroundings

The application site comprises approximately two thirds of the former Mirrlees Blackstone factory, foundry and adjacent quarry, at its southern end, plus part of the existing WM Morrison Stamford superstore car park and a length of Uffington Road.

The western boundary comprises, from south to north, the superstore car park, the east elevation of Morrison's superstore at the top of a steep embankment, and Stamford Retail Park. The rear service road and delivery yard to Stamford Retail Park is protected by a low concrete retaining wall and substantial timber security fence for most of its boundary, with a small section of post and wire mesh fencing at the extreme northern end. Beyond Stamford Retail Park lies Ryhall Road. There is no means of either vehicle or pedestrian access into the northern part of the site.

The remainder of the former Mirrlees Blackstone factory and foundry area lies beyond the north of the application site, and comprises land cleared of buildings and structures in 2009.

The eastern boundary of the site abuts commercial and industrial land. At the extreme northern end of the adjacent land there is an area of scrub vegetation. Further south the adjacent land comprises industrial and commercial buildings and associated areas of hardstanding. A continuous post and wire mesh fence runs along the sites eastern boundary. Mature trees also run along the eastern site boundary.

The southern boundary of the site runs parallel to the A16 Uffington road and is formed by a brick and timber wall with metal access gates.

In general the site comprises concrete roadways, hardstandings and floor slabs. Across the site weeds and scrub species have started to become established within the hardstanding. There are also isolated groups of mature trees towards the southern end of the site.

Relevant Site History

S.69.92.76.140 – In February 1976 planning permission was granted for an oil storage compound and pump house on the site.

S.69.78.77.126 – In February 1977 planning permission was granted for a factory extension.

S.69.1364.79.2309 – In November 1979 planning permission was granted for an additional fuel storage tank and surrounding spillage pit.

SK.69.2113/88 – In March 1989 planning permission was refused for the erection of non-food retail store on the site. The application was refused on highway safety grounds.

SK.93/0406/69/17 – In June 1993 planning permission was granted for the erection of new fence and wall and gate house on the site.

S04/1861/69 – In December 2004 an application was submitted for retail/leisure development with associated car parking, servicing and new access, including extension to existing car park. The application was eventually withdrawn in April 2005.

S05/1656/69 – In March 2006 planning permission was refused for retail and leisure development and associated works at the site. The application was refused on highway safety grounds. The applicants began the appeal process but the appeal was withdrawn in March 2008.

S06/1151 – This relates to the current application the history to this application is set out above in the 'reasons for refusal to committee' section of this report.

S11/2694 – In November 2011 an EIA Screening Opinion was issued in relation to proposed retail development, fast food restaurant, car parking and associated access works. It was concluded that an EIA would not be required for the development.

S11/2782 – In November 2011 a planning application was submitted for the erection of a pub/restaurant with associated parking. The application is currently under consideration.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 3 – Supporting a prosperous rural economy

Section 4 – promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

East Midlands Regional Plan March 2009 (RSS8)

Policy 1 Regional Core Objectives

Policy 2 Promoting Better Design

Policy 3 Distribution of New Development

Policy 4 Development in the Eastern Sub-area

Policy 22 Regional Priorities for Town Centre and Retail Development

Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 29 Priorities for Enhancing the Region's Biodiversity

Policy 35 A Regional Approach to managing Flood Risk

Policy 45 Regional Approach to Traffic Growth Reduction

Policy 46 A Regional Approach to Behavioural Change

Policy 48 Regional Car Parking Standards

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

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

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of

State has stated that he considered that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

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

South Kesteven Core Strategy 2010:

Policy SP1 Spatial Strategy
Policy SP3 Sustainable Integrated Transport
Policy SP4 Developer Contributions
Policy EN1 Protection and Enhancement of the Character of the District
Policy EN2 Reducing the Risk of Flooding
Policy EN4 Sustainable Construction and Design
Policy E1 Employment Development
Policy E2 Retail Development

Representations Received

Consultations received in relation to the scheme as amended following the Judicial Review process:

Stamford Town Council – the updated retail assessment was considered and noted. The Town Council Planning Committee wish to reiterate its previous request to ensure a sizable S106 agreement is negotiated to support the infrastructure for Stamford. (10/8/2010)

- 1) Access to new car park too close to existing building as this is the busiest point in complex for pedestrians, cyclists and disabled entering the store,
- 2) Stamford should be the beneficiary from proceeds of S106. (29/11/2011)

Environment Agency:

The Environment Agency has raised no objections to the development subject to conditions relating to the following:

1. Details of sustainable surface water drainage for the site being submitted,
2. Surface water to be passed through oil traps,
3. A scheme to be submitted to deal with possible contamination,
4. A condition restricting the use of piling foundations,

Planning Policy Team:

“Policy comments were made to this application in December 2011. This memo updates the advice given in those comments, in light of the publication of the National Planning Policy Framework has been issued [which replaced all PPGs and PPSs] in March 2012.

The Framework continues to endorse a plan-led system, where applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and is clear that a **presumption in favour of sustainable development** should be applied when assessing and determining development proposals. The Framework is also clear that decision

makers may give weight to relevant policies in emerging plans: the amount of weight given being dependent on how advanced the plan preparation is, the extent of any unresolved objections to the policy and the degree of consistency of relevant policies in the emerging plan within those in the Framework [para 216]. The Council believes that the policies of the adopted Core Strategy and of the emerging Site Allocation and Policies DPD are largely consistent with the Framework. Although the Council is proposing modifications to the submitted SAP [consultation on these ends on 27 June 2012], no modifications have been made to policies which impact on this application.

This application is for development of a former industrial site to the east of Stamford. The site is located immediately adjacent to the Morrison supermarket (accessed from Uffington Road) and the retail park (accessed from Ryhall Road). It is located south, and west, of areas which have been identified in the Site Allocation and Policies DPD for protection as Existing Employment Sites.

The proposal is to construct a retail park, comprising six units of varying sizes along with the appropriate infrastructure, which will include a new junction to the A16 Uffington Road. The proposal also involves some reconfiguring of existing car parking at the adjacent supermarket. The site has been disused for several years and has been cleared of all the industrial buildings. This application proposes the redevelopment of a previously developed (or brownfield) site.

The adopted Core Strategy is clear that the focus of development within the District will be the towns and identified Local Service Centres. Policy **SP1** locates development within **Stamford** in order to maintain and support its role as a market town. SP1 gives priority to **sustainable sites within the built-up part of the town where development would not compromise the nature and character of the town** and allocated sites. It also allows for the use of appropriate edge-of-town sites where there is insufficient land available within the built-up part of the town. This site is well located, immediately adjacent to existing retail units and within easy reach of the town centre. I would regard this as an appropriate location for this type of development.

Core Strategy policy E2 relates to the location of retail development. It aims to strengthen the town centres by locating retail development within the identified town centre boundaries. The policy is clear that retail development should be focused in identified town centres, and where this is not possible, advocates a sequential approach to site location, **with preference first to sites on the edge of the defined town centre prior to consideration of out-of-centre sites**. This approach is consistent with that proposed in the Framework, which is clear that when assessing applications for retail development in locations outside town centres a sequential test, and an impact test, should be applied [paras 24 and 26]. The recommendations of the Council's Retail Needs Study is to be used to inform the implementation of Policy E2. This study is to be updated on a regular basis and the most up-to-date study should be used.

The Framework [para 27] is clear that applications for town centre uses which are not in a town centre should be refused unless it can be demonstrated that the applicant can satisfy the sequential test [para 24] or where there is no evidence that the development will have adverse impacts [para 26].

From the information provided, it appears that the applicant has looked at the likely sites in and around the town centre. The Retail Needs Study (published March 2010) which looked at retail capacity in the market towns of the District found that there was significant retail capacity in Stamford. The following is an extracted from para 14.5 and table 14.1:

Stamford	floorspace sq m gross			
	convenience	comparison	other	total
by 2016	2,200	5,600	1,600	9,400
by 2021	2,700	11,700	2,900	17,300

The report shows that re-use of vacant premises is unlikely to reduce the projections significantly. It identifies areas where, it suggests, redevelopment may meet some of this capacity. As part of the preparation of the Site Allocation and Policies DPD, these sites were assessed for their redevelopment potential. It was, however, decided that it was not appropriate to identify any of the areas for redevelopment. I note that these sites are among those identified by the applicants in their sequential assessment, detailed in Appendix 3 of the Retail Planning Assessment. Taking into account the findings of the Council's assessment of the sites, I would not disagree with their conclusions.

The Site Allocation and Policies DPD has been submitted to Secretary of State for Examination prior to adoption: the Examination is expected to be in November 2012. The DPD does not identify land for retail use. It does, however, identify Locally Important Existing Employment Sites in policy SAP5. The intention is that these will be protected from redevelopment for non-employment generating uses. The site which is the subject of this planning application is located to the south and to the west of sites which have been identified in policy SAP5 for protection.

The area east of Ryhall Road and north of Uffington Road comprises a mix of employment and retail uses. This area of Stamford is also a major destination for the larger retail operations which are usually found in out-of-centre locations. The protection of areas identified as ExE S1 and ExE S2 is intended to ensure that they are not subsumed into the neighbouring retail areas. It is considered that the whole of the area east of Ryhall Road benefits from the mixed economy of retail and employment/business uses which presently exist. The redevelopment of this now derelict former industrial site should further strengthen the economy of the area. The site will have access to the A16 Uffington Road. This provides good access to Stamford town centre and also to the villages to the east of Stamford.”

Lincolnshire Wildlife Trust:

Have read the ecological report and consider that provided the consultant’s recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

They also support the recommendations made for enhancement of the site for biodiversity through planting of native trees and hedgerows. The site also falls within a priority area for calcareous grassland recreation and LWT are pleased that use of calcareous grassland seed mix has been recommended. LWT advise that this would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets and would also fit well with a partnership project called Life on the Verge (www.lifeontheverge.org.uk). LWT would also support the inclusion of features for roosting bats and nesting birds around the site.

Natural England: No objections to the proposed development.

Environmental Protection:

The Environmental Protection Team has raised no objections to the proposed development. They have, however, requested a condition requiring details of any external lighting to be submitted to and approved in writing prior to being implemented.

Highways Agency: No objections to the proposed development.

Heritage Lincolnshire:

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

Consultant Arboriculturalist:

“The site layout & tree protection plan appear to be consistent with what was agreed in my meeting with the landscape architects for the client.

While the proposal will inevitably result in the loss of a significant number of trees at the site, it does now show the trees on the eastern boundary with industrial estate as retained. This is beneficial in that it keeps an important natural screen & visual amenity. Given the merit of the trees on the eastern boundary in terms of the amenity of the area & the possible threat from development, I would recommend that they be considered for protection by a TPO. This would give them added status within the development, ensure their long term retention & enable the LPA to take action in the event of their inadvertent loss or damage.

It appears that a number of trees growing close to the existing site frontage are to be retained also. These trees should also be considered for TPO status.

If planning consent is to be granted then I would recommend that it should be subject to a condition ensuring the protection of all the retained trees on the site in accordance with the guidelines in the accompanying report & tree protection plan.

During my meeting with the landscape architects, plans were discussed relating to installing a new hard surfaced footpath inside the root protection areas of the retained trees on the eastern boundary. This is shown by purple hatching on the plan. I would recommend that any new hard surfaces installed inside the root protection areas of retained trees should be constructed using the no-dig method as described in Arb Practice Note 12. This should be required by a condition & subject to the provision of a detailed site specific method statement.

A further landscape condition will also be necessary describing what tree & shrub planting is proposed & to what standard .e.g. sizes locations etc. Post planting maintenance proposals will also be necessary to ensure the longevity of the landscape.”

Representations as a Result of Publicity

Representations received in relation to the scheme as amended following the Judicial Review process:

The application has been advertised in accordance with the Council’s Statement of Community Involvement and 6 letters of objection have been received. The comments are summarised below:

- The development will have a detrimental impact on the vitality and viability of the shops in the town centre,
- Concerns in relation to extra traffic travelling across Stamford through the Conservation Area (400 new homes on Empingham/Tinwell Road) will cause terrible damage to the roads and the stone buildings,
- Stamford is in need of affordable housing and leisure facilities in the correct locations and this site would be more than suitable,
- Stamford already has enough out of town retail parks,
- It would be much better if the site was used for leisure uses rather than retail,
- Design is out of keeping with the local town,
- The effect of traffic travelling across Stamford through the conservation area,

- The visual effect it will be a blot on the landscape,
- The effect on the health of the local population due to extra traffic,
- Damage to listed buildings, trees and the general conservation area,
- Local and government planning has already stated that Stamford does not need this development and it was refused, greed by Morrison should not be allowed just so that a few people can by a pair of socks, the business of Stamford should be protected and not turned into a ghost town,
- Stamford does not have the traffic infrastructure to cope with the demand of east/west traffic flow, this will cause un-repairable damage to the conservation area,
- Concerns about impact on mature trees and wildlife.

F.H.Gilman & Co

Letter dated 13 August 2010 – Summary of comments:

Objects to the 'latest' application on the grounds that 'out of centre' retailing has a detrimental impact on the viability and vitality of the town centre of Stamford. The proposed development would also prejudice the creation of a Stamford Relief Road/Ring Road.

F.H.Gilman & Co together with the Chamber are taking specialist advice in relation to both the retail and the highway issues raised by the application.

Stamford Chamber of Trade and Commerce:

Letter dated 31 August 2010 – Summary of comments:

The Chamber object to the Morrison proposal for an 'out of centre' non-food retail/leisure park on the following grounds:

- The proposals are contrary to Policy E2 of the Core Strategy,
- The proposals will have a detrimental impact on the viability and vitality of the town centre, and
- The proposals will prejudice the creation of a Stamford Relief Road/Ring Road.

In relation to retail considerations, the Chamber advises:

1. The proposal intends the creation of some 6335 square metres (gross) of retail and 2128 square metres (gross) of leisure floorspace. Policy E2 : Town Centre and Retail Development of the adopted South Kesteven Core Strategy ('SKCS') directs large retail development to Grantham. 'Large retail development' is defined in Paragraph 14.23 of the March 2010 Retail Needs and Town Centre Study ('RNTCS'), prepared for South Kesteven District Council ('SKDC') by Nathaniel Lichfield and Partners, as being "over 5000 sq.m gross floorspace.
2. Further, the RNTCS indicates that capacity in Stamford also be re-allocated to Bourne and vacant units in the Town. The RNTCS suggests that such re-allocations, coupled with the utilisation of potential development areas in St John's Lane/Bath Row, Stamford Bus Station and North Street Car Park/Nelson's Butchers, could be sufficient to meet the projection for required retail floorspace in Stamford up to 2016.
3. The proposal is therefore inconsistent with the RNTCS and offends SKCS Policy E2.
4. The above notwithstanding, the Applicant, via its Peacock & Smith ('P&S') Updated Retail Assessment, has not demonstrated compliance with the 'sequential approach' demanded by Policy EC15 of Planning Policy Statement 4 ('PPS4'). P&S have not identified and considered

all more central locations in the Town. As a result the sites concerned have not been "thoroughly tested, having regard to their suitability, viability and availability having regard to the identified need/demand and the timescales over which it arises" (See PPS4 Practice Guidance on Need, Impact and the Sequential Approach at Part 6, Para. 6.52). Because of its 'out of centre' location and the failure of P&S to address all of the PPS4 Practice Guidance sequential list items, the proposal fails the sequential assessment to site selection.

5. In terms of impact, the proposal is speculative. P&S have not considered a range of possible occupiers and impacts as recommended in Appendix D.12 of the Practice Guidance. Such impact as has been identified has been based upon an unrealistically high level of 'clawback leakage' of 45%. If this was not to be achieved, the impact upon the town centre of Stamford will be far greater than the estimated 3.8%. Even if P&S are correct in their assertions, the test required by Policy EC16.1d of PPS4 is that of the impact on trade and turnover; not turnover alone. The Government's own Market Towns research indicates that impacts on turnover can be significantly different to impacts on profitability. Evidence from recent research in Abergavenny and Ilkley has confirmed that for small shops the true impact, or loss of net profit, is much higher than the impact on turnover. Thus even a 3.8% reduction in turnover within the town centre of Stamford would adversely affect the net profitability of independent retailers' operations significantly.
6. The development proposals are not only inconsistent with the RNTCS and contrary to SKCS Policy E2, they are in any event premature in relation to the production of the Site Allocations and Policies Development Plan Document currently in course of formulation. Preparation of this Document is to be informed, so far as sites for future retail developments are concerned, by the conclusions and recommendations of the RNTCS. Approval of the Morrison proposals would prejudice the preparation and final form of the Document. In addition the proposals are inconsistent with Policy EC5.5 of PPS4 for the "phasing and release of allocated sites to ensure that those sites in preferred locations within centres are developed ahead of less central locations".

In respect of prejudice to the creation of a Stamford Relief Road/Ring Road:

7. At Paragraph 1.06 of their Updated Retail Assessment P&S state "by not building on the protected road corridor, the development allows for the construction of the first part of a relief road linking Uffington Road and Ryhall Road". This is patently untrue. The 'estate road' which is proposed to serve the site encroaches into the lands which comprised the A16 Uffington Road/A6121 Stamford Ryhall Road Link Protection Corridor and which was safeguarded from development by the 1995 South Kesteven Local Plan. Further, the number of access points leading off the site estate road, coupled with road's deficient horizontal and vertical alignments and access roundabout, make this road incapable of performing the functions required for this piece of strategic highway infrastructure. These points have been repeatedly drawn to the attention of both Lincolnshire County Council and SKDC since the first submission by Morrison of development proposals for this site in 2004.
8. Lincolnshire County Council's Second Local Transport Plan contained a commitment to undertake a Feasibility Study into a possible Stamford Bypass/Relief Road. Work on the Study began in late Spring 2009. An extensive traffic survey was undertaken leading to the development of a new traffic model for the Town. However at the SKCS Examination Hearings in January 2010, the County Council's agents advised that further work on the project had been halted due to the lack of financial resources. Whilst the SKCS Examination Hearings Inspector declined to re-instate the 1995 Local Plan Protection Corridor, changes were made at her behest to Chapter SP3: Sustainable Integrated Transport of the Core Strategy Submission. Thus at Paragraph 3.3.7. of Chapter SP3 of its adopted Core Strategy SKDC acknowledges that "Stamford experiences problems from the presence of through

traffic, increasing demand for access to the town centre with congestion and parking problems at peak periods, limited public transport services and constraints imposed by the historic road network and historic core the town". SKDC has therefore committed itself to "work in partnership with the County Council, service providers and others to develop and implement measures to reduce traffic congestion and improve accessibility". The commitment is further strengthened by the terms of SKCS Policy SP3 itself as "the council will ensure that the objectives of the most recent local transport plan for Lincolnshire are met". Approval of the Morrison development proposals will be an abandonment of this commitment, and thus contrary to SKCS Policy SP3.

9. Approval of the Morrison development proposals will prejudice not only the outcome of the presently stalled LTP2 Stamford Bypass/Relief Road Feasibility Study, but also the preparation of Lincolnshire County Council's Third Local Transport Plan. Thus notwithstanding the other highway deficiencies associated with the proposed development, the proposals must be deemed premature.

For the reasons outlined above, our Chamber asks that this Planning Application be refused.

The Chamber has also made reference to the successful outcome of the July 2009 Judicial Review High Court Hearing when Mr Justice Collins quashed the Planning Committee's grant of Planning Permission for this development. **The Chamber has provided a copy of the decision which has been circulated to Committee Members.**

Letter from Stamford Chamber of Trade and Commerce dated 13 January 2012 – Summary of comments:

The Chamber has appointed Martin Tonks of MT Town Planning to undertake a critique of the application to support the Chambers objections. The Chamber has also appointed JMP Consultant Ltd to comment on the highway and transport implications of the development. The comments contained in these reports are summarised below.

Conclusions from the Review Note prepared by JMP Consultants Ltd (JMP) on behalf of Stamford Chamber of Trade and Commerce:

“Conclusions

Non-food retail development

Section 10 of the TA contains the summary and conclusions drawn by Brian G Hall. These are:

“In summary therefore, the proposals are well located to encourage linked shopping trips and trips other than by private car, consistent with the advice of PPS6 and PPG13. The site can be satisfactorily accessed and the traffic likely to be generated by the development proposals can be safely and satisfactorily accommodated on the local highway network. It can be concluded that there are no highway reasons why planning consent for the proposed redevelopment should be withheld.”

In this review of the planning application, TA and FTP, JMP has identified the following omissions and deficiencies that should be material to the consideration of the planning application:

- The application includes the necessary infrastructure to serve a much larger development, but the Transport Assessment considers only the traffic impact of the first phase. Thus there is no indication of the impact on the local highway network of the intended development.
- The standard and proximity of the proposed development access points would not be compatible with the function, standard and integrity of a future Ryhall Road Link and hence would impose severe constraints on the scope for and outcome of the feasibility work that the County Council is committed to undertaking for a Stamford Bypass / Relief Road.
- If the Morrison proposal was to be approved it would constrain the options for the junction between the Ryhall Road Link, Uffington Road and 2nd Town Bridge and therefore could compromise the Link and opportunities for a relief road to Stamford Town Centre.
- There is a significant unexplained difference in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout.
- The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that 'the computer model is a reasonable representation of actual operating conditions' has to be considered with some caution.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout shows extensive queues on the Ryhall Road approach but only modest queues on Uffington Road and St Paul's Road. The TA claims that the model is not representative of the current situation and therefore can only be used for comparison rather than for capacity purposes. JMP is aware that this junction is a problem location and queuing is a regular occurrence on all approaches therefore any impact at this junction is relevant to its operation.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout does not include the interaction with traffic movements into and out of Pinfold Lane.
- The method of deriving the trip generation is not in-line with DfT's Guidance on Transport Assessment, and is therefore flawed. The vehicle trip generation rates used in the TA for the proposed retail use are low for this location and level of public transport services available in Stamford.
- The car parking proposals are unacceptable given that the proposals include for an additional 140 spaces for a possible Phase 2 development, and 34 spaces for the existing Morrison store. The car parking provision is also excessive given the peak hour arrivals predicted.
- As a consequence of the deficiencies in the base traffic models for the Morrison roundabout and the Uffington Road / Ryhall Road / St Paul's Street mini roundabout, as identified by JMP, it is JMP's opinion that the TA results for future year (2016) assessments at these junctions both without and with committed and proposed developments, plus traffic growth, are not valid and therefore they must be treated with caution.
- No evidence is presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions.

- The FTP is poor, and needs significant work to make it acceptable including measures to specifically encourage visitors to use sustainable modes to access the site, measures to maximise the use of sustainable modes of travel to work for staff, clarity on improvements to bus services, baseline and future mode split targets for staff and visitors, vehicle trip generation targets for staff and visitors and further clarity on monitoring and mitigation procedure.

JMP's conclusion is that the TA conclusion is flawed for the following reasons:

- No consideration is given to the County Council's policies and proposals in respect of feasibility work on the Stamford Bypass / Relief Road.
- The development proposal compromises options for the proposed Ryhall Road Link and 2nd Town Bridge as proposed by the Stamford Chamber of Trade and Commerce and discussed at the Structure Plan examination in public.
- There is an unexplained discrepancy in the peak base traffic flows for Uffington Road.
- The existing junction base models do not realistically represent the current operational situation.
- Given that the base models are suspect, it follows that the results of the future year assessments with developments must also be suspect irrespective of whether the development trip rates used are representative or not of what might occur with the development.

Pub / Restaurant development

JMP's conclusions are as follows:

- No assessment of the additional impact the pub / restaurant traffic will have on the local highway network. Given the location of the pub /restaurant it is likely to increase traffic on junctions that already have some degree of congestion at peak times.
- Further investigation is required by Bryan G Hall on the number of car parking spaces provided, who they are for and how they will be managed, as part of FTP for the proposed development or as part of the FTP for the non-food retail proposal.
- The location of the proposed development could restrict opportunities for the delivery of future highway schemes, by constraining the land available for a relief road junction with Uffington Road.

JMP's Recommendation

In view of the deficiencies and omissions in the TA and FTP, for both the non-food retail and pub / restaurant proposals as outlined in this review report, JMP would recommend that the planning applications be refused for the following reasons:

- i) They are not compatible with the principles of the Ryhall Road Link or a future 2nd Town Bridge,
- ii) They are premature pending the County Council's proposed feasibility work for the Stamford Bypass / Relief Road, and
- iii) The likely traffic impact of the developments on the wider local highway network has not been demonstrated satisfactorily or mitigated.

- iv) The traffic impact of the intended full development has not been assessed.
- v) The Framework Travel Plan does not satisfactorily address the detailed requirements to ensure sustainable travel from the outset of the development.”

Conclusions from Martin Tonks review of the application, submitted on behalf of Stamford Chamber of Trade and Commerce (Tonks review):

“In this report I have demonstrated that the planning arguments and principles for the proposed development have not been established for this proposal from a policy standpoint contrary to the claims of P&S in their Planning and Retail Assessment (1.05). The revised proposal and does not comply with current national planning guidance as the original application addressed PPS6 policy tests, although not satisfactorily in the view of SCOT.

Since the original application was determined in July 2008 PPS4 and the accompanying Practice Guide (PG) have been published (December 2009) and the SKDC LDF Core Strategy has been adopted (5 July 2010). In addition SKDC commissioned a Retail Need and Town Centre Study (March 2010) and WYG carried out a review of the earlier application and supporting information concluding it did not comply with PPS4 EC16.1 (b) and (d) and compliance with the sequential assessment (EC15) had not been demonstrated. These are all material considerations in the determination of this planning application.

This report demonstrated that the revised proposal and updated supporting information still fail to address the PPS4 sequential (EC15) and impact (EC16) assessment policy tests satisfactorily. In addition I have demonstrated that the proposal does not comply with EC10.2 Economic Development impacts. Similarly this large scale development proposal does not comply with EC16 (e) „Scale“ as the SKDC Core Strategy Policy E2 clearly states:

“The scale of development should be appropriate to the role and function of the centre where it is to be located, having regard to Policy SP1. Large scale developments should be located in Grantham and all proposals should support and enhance the town’s status as a sub-regional centre and growth point.”

Quantitative need or capacity is no longer a PPS4 policy test but it does inform the sequential and impact assessment policy tests of PPS4 as confirmed by recent Secretary of State decisions. I have demonstrated that the P&S capacity assessment fails to follow specific PG guidance and is flawed in several areas. In contrast to the conclusions of the more robust SKRNTCS that itself is now superseded by more cautious population / expenditure information, there is barely sufficient capacity for this proposal (4,576 sq m net) in Stamford in the short term covered by the study period. As a result of there being insufficient current or future capacity to support this proposal the impact on the town centre and local shops will be far greater than assessed by P&S.

With regard to the sequential assessment P&S have failed to address a number of the PG checklist criteria. The SKRNTCS identifies two sites capable of accommodating disaggregated elements of this proposal and P&S have provided insufficient justification as to why either sequentially superior sites 4 or 9 should be discounted from the sequential assessment to site selection. The applicant therefore fails to demonstrate compliance with the requirements the sequential assessment (PPS4 EC15) which under EC17.1a is sufficient grounds to refuse the proposal.

Due to its excessive scale this out of centre proposal it will have a negative impact on town centre trade and turnover, which could possibly be „significant adverse“, and in turn will have a negative impact on the vitality and viability of Stamford town centre.

There are no PPS4 (EC10.2) material considerations that can be weighed heavily in favour of the proposal. It is uncertain whether it will result in a decrease in CO2 emissions. The proposal is not accessible by a choice of means of transport. There are some regeneration benefits and possibly limited employment gains but no great weight can be attached to the PPS4 (EC10.2) considerations in the determination of this proposal.

PPS4 (EC17.1) advises out-of-centre retail proposals should be refused planning permission where they fail to demonstrate compliance with the sequential assessment (EC15) or where a proposal is likely to lead to significant adverse impacts (EC16 and EC10).

It is concluded that P&S have failed to demonstrate compliance with the both these PPS17.1 “gateway” policy tests and can be refused on either of these grounds alone (EC15, EC16 or EC10). If the Council disagree with this conclusion then the proposal has to be determined against EC17.2 that advises *“the positive and negative impacts of the proposal”* should be balanced along with cumulative impact considerations.

I have demonstrated that only limited weight can be attached to the positive benefits of the proposal. In contrast, greater weight might be attached to the negative impact of the proposal and particularly when considered cumulatively with the Sainsbury occupation of the former Focus unit on Markham Retail Park and the proposed second phase. Although impact of the proposal on its own might not be “significant adverse” it is significant and a material consideration. The cumulative impact of the proposal and other recent / proposed developments on Stamford town centre is of particular concern. The proposal is not a sustainable development therefore the NPPF “presumption in favour” is not a material consideration in the determination of this planning application.

My overall conclusion is that need has not been demonstrated for this proposal in the updated PRA that fails to follow specific PG guidance and is flawed in many respects. This has implications for the sequential assessment, which the proposal fails to satisfy, and impact assessment which also fails to follow specific PG guidance and is flawed. As a result the proposal fails to satisfy both PPS17.1 “gateway” policy tests and can be refused on either of these grounds alone. Even if this is not accepted the proposal fails the planning balance of positive and negative impacts set out in EC17.2 particularly when considered cumulatively with other recent / proposed developments. The Council are therefore respectfully asked to consider this application and this report submitted by SCOT very carefully and to refuse the planning application as it contravenes national and local planning guidance.”

Wedlake Bell on behalf of Stamford Chamber of Trade:

Letter dated 30 November 2011:

The letter from Wedlake Bell is summarised below and the comments made are also reiterated in a letter from Voice of Stamford dated 30 November 2011:

That the application should not be treated as a reconsideration of the previous application as there are some notable and significant differences between the current and previous development proposal.

The consideration of the latest application under the original application reference is misleading as it suggests that this latest application is the same or similar application and may result in less objections/comments being received by members of the public who will be misguided into believing that they are the same or largely the same applications.

The manner in which the latest development proposal is being considered would legitimately mislead members of the public.

There are clear discrepancies between the site layout plan and the Transport Assessment (TAA).

Planning Policy

The application site is not allocated as a suitable site in the Development Framework. The Council's Core Strategy dissuades applications of this size and nature from being sited out of the town centre/edge of centre in Stamford. The policy position makes it clear that if applications of this scale for out of centre schemes are to be approved they should be located in Grantham.

The site is not allocated for retail development in the Allocations DPD,

Policy E2 of the Core Strategy seeks to strengthen and regenerate the town centres in the district. The policy identifies that provision will be made to accommodate additional retail floorspace over the plan period based on the recommendations of the most up-to-date Retail Needs Study.

The Site Specific Allocations and Policies (SSAP) Development Plan Document and Grantham Area Action Plan will identify sites.

The Council's policies in these regards are up to date and the development site has not been identified as a suitable site for additional retail development and certainly not for the scale and extent proposed. The development proposal therefore should be considered not to comply with policy requirements and is likely to undermine the retail policies adopted by the Council.

Impact on the vitality and viability of the town centre

The last reconsideration of this application resulted in a withdrawal on account of the fact that it was not supported by White Young Green, who undertook a review of the application on behalf of the Council.

The revised scheme as now submitted still appears to our client to pose a threat to businesses in the Town Centre, and would undermine the vitality and viability of the town centre.

The application remains a speculative one as no anchor or other tenants are identified. The applicant supports the retail case for this scheme on the basis that there is much leakage to Peterborough which the scheme would address rather than impact on the existing retail operations in Stamford.

The potential for leakage clawback (which is promoted as the main benefit of the scheme) from a speculative scheme such as this one is uncertain and therefore the

percentages of likely clawback suggested in the retail assessment is far from reliable or certain.

It should also be noted that leakage, specifically to Peterborough is less evident in respect of DIY/Hardware items which now forms a significant part of the development proposal. Stamford appears to retain some 80% of its DIY sales. It would also be interesting to know whether the new Homebase store has made a significant improvement to these figures.

The retail assessment carries out an impact assessment but fails to consider the real impacts which would result from the loss in trade by existing town centre outlets in terms of their profitability and therefore fails to consider properly the impact on trade which is required under PPS4. The Council's Core Strategy is clear in its aims of promoting Stamford town centre and nothing in PPS4 or emerging central government policy changes that position.

Given the history of the applications made by this applicant for various retail uses at the site we ask that the Council carries out its own independent retail audit of the submissions made by the applicant.

Highways/Transport

Our client has maintained since 1999 that a Stamford Ring Road is required to relieve traffic in the town centre, and to provide for natural growth in traffic over time as well as from development proposals.

The applicant states in his planning statement that the roundabout and the service road which it proposes will provide the first leg of the relief road. It is clear to our clients that the development proposal will make impossible delivery of a Stamford Ring Road. The Applicant needs to be prepared to dedicate the appropriate lands and cooperate with neighbours in facilitating and sharing the construction costs of a major roundabout on the A16 positioned to enable access to a future 2nd Stamford Town Bridge and the Ryhall Road Link sections of the Stamford Ring Road. Such a facilitating and cost sharing approach will also greatly enhance access to Morrison and other local properties. It is the clear intention of Morrison to shirk their responsibilities in this regard. Thus the proposed development will make impossible the Ryhall Road Link, a possible 2nd Town Bridge and an eventual Ring Road.

Our client's transport consultant advises that it is simply not correct to claim that the proposal *"demonstrates that the link road is accommodated and the proposal is therefore in accordance with the requirements of Policy T1 in any case."* The proposal will frustrate the link road because the access road, with its multiplicity of individual access points, will not be capable of functioning as a part of the strategic road network and thus the link road will fail in its purpose of providing relief to the town. This is clearly a matter of fundamental concern to our clients.

In addition no regard has been given to the very clear intention of the County Council to carry out a feasibility study into a wider transport measure to provide traffic relief to Stamford, in accordance with LTP2 and the Structure Plan. The new site access roundabout will clearly frustrate the options to be considered in relation to a second Town Bridge. At SCOT's request JMP has recently undertaken further work to assess the traffic implications of proposals within SKDC's LDF consultation Site Allocations and Policy DPD. This work has confirmed that without new highway infrastructure committed and proposed development within Stamford will result in traffic gridlock.

The outcome of this work has been submitted to the Council as supporting evidence to SCOT's representation and objection to the DPD.

As this proposal could compromise the provision in the future of essential highway infrastructure it is SCOT's contention that the current planning application cannot be considered in isolation and that it can only be considered in the context of a full LDF infrastructure study of Stamford to be undertaken by the highway authority, Lincolnshire County Council. Thus this application is premature to the outcome of such a study.

Our client has obtained the view of its transport consultants JMP in relation to the latest application who advise as follows:

"planning consent for the proposed redevelopment should be withheld."

JMP has identified the following omissions and deficiencies that should be material to the consideration of the planning application:

- The application includes the necessary infrastructure to serve a much larger development, but the Transport Assessment considers only the traffic impact of the first phase. Thus there is no indication of the impact on the local highway network of the intended development.
- The standard and proximity of the proposed development access points would not be compatible with the function, standard and integrity of a future Ryhall Road Link and hence would impose severe constraints on the scope for and outcome of the feasibility work that the County Council is committed to undertaking for a Stamford Bypass / Relief Road.
- If the Morrison proposal was to be approved it would constrain the options for the junction between the Ryhall Road Link, Uffington Road and 2nd Town Bridge and therefore could compromise the Link and opportunities for a relief road to Stamford Town Centre.
- There is a significant unexplained difference in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout.
- The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that *'the computer model is a reasonable representation of actual operating conditions'* has to be considered with some caution.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout shows extensive queues on the Ryhall Road approach but only modest queues on Uffington Road and St Paul's Road. The TA claims that the model is not representative of the current situation and therefore can only be used for comparison rather than for capacity purposes. JMP is aware that this junction is a problem location and queuing is a regular occurrence on all approaches therefore any impact at this junction is relevant to its operation.
- The TA assessment of the Uffington Road / Ryhall Road / St Paul's Street mini roundabout does not include the interaction with traffic movements into and out of Pinfold Lane.
- The method of deriving the trip generation is not in-line with DfT's Guidance on Transport Assessment, and is therefore flawed. The vehicle trip generation rates used in the TA for the proposed retail use are low for this location and level of public transport services available in Stamford.

- The car parking proposals are unacceptable given that the proposals include for an additional 140 spaces for a possible Phase 2 development, and 34 spaces for the existing Morrison store. The car parking provision is also excessive given the peak hour arrivals predicted. The rationale for the further 140 spaces is to serve Phase 2 development which “*may be applied for at a later date.*” (Paragraph 7.7 of the TA) JMP does not consider this to be acceptable. Providing an additional 55% over and above the maximum number of parking spaces for a future phase of the development, which may or may not be submitted for planning approval, is against local and national policy on delivering sustainable developments by reducing the need to travel by car. It is therefore unjustifiable. An oversupply of car parking spaces would create a car culture from first occupation, a behaviour that will be difficult to influence once the development is operational. Furthermore, this provision would most likely lead to a significant parking problem if and when phase 2 comes forward, causing on-street parking and congestion on the surrounding highway network in addition to congestion within the development itself, once the Phase 2 development opened.
- JMP also questions the additional 34 spaces identified for use by customers of the existing Morrison store. The TA states that these additional spaces are required “*in order to overcome deficiencies in this car park, which results in vehicles queuing back onto the Morrison access roundabout during busy trading periods.*” However, following the review of the base year junction capacity assessment at this roundabout, no queuing or capacity issues have been identified at this roundabout, which contradicts this statement. Therefore, JMP does not agree with the justification for the provision of these additional spaces as presented.
- As a consequence of the deficiencies in the base traffic models for the Morrison roundabout and the Uffington Road / Ryhall Road / St Paul’s Street mini roundabout, as identified by JMP, it is JMP’s opinion that the TA results for future year (2016) assessments at these junctions both without and with committed and proposed developments, plus traffic growth, are not valid and therefore they must be treated with caution.
- No evidence is presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions.
- The FTP is poor, and needs significant work to make it acceptable including measures to specifically encourage visitors to use sustainable modes to access the site, measures to maximise the use of sustainable modes of travel to work for staff, clarity on improvements to bus services, baseline and future mode split targets for staff and visitors, vehicle trip generation targets for staff and visitors and further clarity on monitoring and mitigation procedure.

JMP’s conclusion is that the TA conclusion is flawed for the following reasons:

- No consideration is given to the County Council’s policies and proposals in respect of feasibility work on the Stamford Bypass / Relief Road.
- The development proposal compromises options for the proposed Ryhall Road Link and 2nd Town Bridge as proposed SCOT and discussed at the Structure Plan examination in public.
- There is an unexplained discrepancy in the peak base traffic flows for Uffington Road.
- The existing junction base models do not realistically represent the current operational situation. Given that the base models are suspect, it follows that the results of the future year assessments with developments must also be suspect irrespective of whether the development trip rates used are representative or not of what might occur with the development.

Sustainable Development

The applicant seeks to rely on emerging central government policy in the form of the draft National Planning Policy Framework to support its application. It should be noted that whilst the draft NPPF was consulted upon the strength of the consultation responses received by the government casts serious doubt on the final form that such a policy document will take. It is therefore dangerous to assume that the final document will be in the same or similar form to the version consulted upon. The applicant maintains that its scheme would accord with the presumption in favour of “sustainable development”. Whilst the planning and the design statement maintains that the development is a sustainable form of development, detailed analysis makes it apparent that many of the sustainable options have been considered but considered to be undeliverable for this site. It is therefore far from evident that this is a sustainable form of development.

Sustainable Access

SCOT’s transport consultant identifies the deficiencies with the development proposals which question the sustainability credentials of the scheme. It will already be seen from the summary of the transportation advice detailed above that the car parking provision is excessive and cannot be considered to be sustainable. It is likely to generate greater CO2 emissions than a scheme of this nature should generate and would promote the use of the car to the site. In addition to the concerns over sustainability arising from the car use likely to be generated by this scheme there is doubt over the sustainability of the remaining forms of access, namely:

Walking/Cycling and Public Transport

Walking

The TA and FTP contain a plan showing catchment areas for recommended walking and cycling distances. The majority of residential areas in Stamford are within the 800m-2km band, i.e. within the acceptable, not desirable walking distance. It is therefore considered that walking to the site will be relatively limited without firm measures to encourage this mode of travel particularly as walking to non-food retail is not conducive to the purchase of bulky goods.

The TA or FTP do not identify or quantify a particular pedestrian desire line at this location, it merely states, *“Its [the crossing] provision will be an incentive to pedestrians travelling between the application site, Morrison, the town centre and the local residential areas within convenient walking distance of the site.”*

JMP comment that there is little evidence of customers walking to out of centre non-food retail developments, particularly where bulky goods retailers are located. JMP also comment that the proposed development site is quite remote from local residential areas and therefore are not ‘within convenient walking distance of the site.’

Therefore, as there is no evidence presented in the TA to support the contention that the crossing will be an incentive to pedestrian customers, JMP has doubts over the value of providing a crossing at this location.

Additionally, the footpath along the northern side of Uffington Road is relatively narrow, with trees impinging on the width along the route. This doesn’t make for a good walking route to encourage pedestrians to walk to and from the proposed development from the town centre.

Cycling

The TA and FTP need to specify the number of spaces that would be provided (for staff and for visitors) and the quality of the facilities. All cycle parking facilities should be covered and provided in a convenient location, namely outside store entrances where they will be well overlooked and promote the use of cycling. It might be appropriate to provide a separate facility for staff. JMP suggests that the current proposed locations for cycle parking are not appropriate.

Buses

JMP considers the existing public transport service provision to the site to be relatively poor, with only one regular (hourly) Stamford Town Centre 'hopper' service on Monday to Friday, and eight other sporadic services Monday to Friday and five sporadic services on Sundays. There are no services currently operating on Saturday.

Bryan G Hall has agreed with the bus operator (Delaine Buses) that the 'Stamford Town Centre' service would run between the local areas and the site, providing some six journeys between 09:50 and 14:45. This would be funded for a period of three years. This proposal would have to be secured under a Section 106 planning Agreement.

We note that contrary to the general position in relation to development schemes of this nature no planning agreement is proposed or countenanced to address the adverse impacts of the scheme. At the very least we would have expected contributions to public transport and the travel plan to be properly secured by the use of a section 106 planning obligation. It would be wholly inappropriate to grant a planning permission in the belief that a bus service will be provided when no steps have been taken to secure this.

Sustainable Design/Construction

The applicant acknowledges in section 8 of its design and access statement of the need to reduce energy consumption and carbon emissions in the design and construction of the development but then fails to identify how this has been achieved here. It simply states that BREEAM standards have been considered but all that is stated is that Building Regulations Requirements are "intended" to be exceeded. All development would need to comply with Building Regulations requirements and an aspiration (which is not specific) to achieve more cannot be said to be a reason to treat the scheme as being particularly noteworthy.

Local construction material - There is a further suggestion that locally sourced materials for construction and fill may be used "where possible and practicable"; once again this is aspirational and falls far short of any concrete proposal.

Microwind/Energy generation- it is stated that "the site is positioned on ground lower than its surroundings, the very high expense of a multiple turbine installation versus the minimal power generated; the use of microwind turbine would be both impractical and not economically viable". Once again therefore this option is discarded and the option of using biomass for energy generation is also dismissed for similar reasons. Use of photovoltaic is also considered prohibitive on grounds of costs associated with its provision.

Localised energy generation and saving natural resources- these options are suggested as measures which could be investigated but it is not proposed that any of the suggestions will actually be secure as part of this development proposal, once again this is aspirational and falls far short of any concrete proposal.

There is therefore very little to commend this application as a sustainable form of development.

Delaine Buses Ltd:

Delaine Buses Ltd have made comments in relation to the application. They have advised that the siting of a bus stop within the site will give rise to the potential for conflict with vehicles ingressing and egressing the joint sites. Delaine currently serve their Stamford – Deeping route with 12 metre long buses. Should these have to navigate the car park to service the proposed stop then this will undoubtedly give rise to potential for accidents with both pedestrians and vehicles.

The siting of the proposed bus stop is such that inevitably delays will be occasioned as a result of indiscriminate parking in front of the existing store by drivers waiting to pick up and drop down shoppers and also from vehicles such as security vehicles making cash deliveries and pick-ups. A more sensible approach would be for the consideration of the provision of bus lay-bys on Uffington Road.

Savills – on behalf of the administrative receivers of FH Gilman and Company Limited:

“Firstly, we would like to stress that we support the principle of the redevelopment of previously developed land in this general location for both non-food retail and a public house/restaurant. We consider that such development should be encouraged provided it does not adversely impact upon the deliverability of other nearby development sites, particularly those allocated for redevelopment and which are brownfield and which require environmental improvements.

In particular we note the proposed roundabout which will provide access to both applications as well as having the potential to provide part of the long awaited relief/link road.

This roundabout is adjacent to both the land to the south and north of Uffington Road in the ownership of FH Gilman. In the Council’s Site Allocations Submission Document the land to the south is identified under policy STAM1c for housing and under STAM2b for employment and the land immediately north of the road under Policy SAP5: Locally Important Existing Employment Sites as site ExE S3. In addition the land is identified in the Adopted Local Plan under Policy E2.1.

In the interests of good planning and to facilitate the delivery of the Council’s vision for the area as contained in the Adopted Local Plan, the Core Strategy and the Submission Site Allocations Document, we strongly advise the Council, acting as Local Planning Authority, that they need to ensure that the roundabout’s design and location does not prejudice the delivery of the allocated employment sites (both in the adopted Local Plan and those sites emerging in the site allocations document) or the redevelopment of existing employment sites.

There are limited opportunities to provide appropriate access points along this part of Uffington Road and the proposed Morrison development should not be considered in isolation from the other development/redevelopment sites in this locality.

In respect of the land to the north, this is identified under Policy E2.3 for employment. This was subject to planning application for the development of a business park. Although agreed in principle

by Committee, subject to the completion of a Section 106 agreement, a decision notice was never issued.

We note that although the Morrison proposals do take limited account of the need to facilitate the provision of, or at least not prejudice the delivery of a new relief road, there is further scope, to make sure that the development enhances the deliverability of Council policy, namely Policy E2.3. This can be achieved in a number of ways, for example:

- The proposed service road running from the roundabout alongside the boundary between the Morrison site and the FH Gilman land has the potential, in addition to providing part of the potential relief road, to provide an alternative access to the allocated employment site E2.3, to east of the application site. Ideally this road should be built to adoptable standards to facilitate access to the north and east of the Morrison site.
- The roundabout can be designed in such a way to facilitate rather than prejudice access to the sites to the east, such as the existing employment site to the north of Uffington Road (ExE S3) and the proposed mixed use development site to the south of Uffington Road (STAM1c and STAM2b).

This part of Stamford has a significant amount of previously developed land such as that owned by FH Gilman and Wm Morrison Supermarkets. These sites, like many brownfield sites, are environmentally degraded as a result of their previous uses. Their redevelopment will bring significant environmental benefits along with the other benefits associated with such development such as investment and jobs. As such these sites, in accordance with national and local policy, should be a priority for development for the Council and the Council should do everything in its power to facilitate the regeneration of these sites.”

Cllr Sandall:

Cllr Sandall has requested a Section 106 Contribution of £7,000 - £8,000 to go towards new play equipment for the children of Stamford at Kesteven Road playing fields and Empingham Road playing fields and any money left over to go towards the new toilet block at the Rec being provided by Stamford Town Council, The Friends of the Rec, The spend a penny group and the Bowls and Tennis Club.

Officer Evaluation

The key issues in the consideration of this application are retail impact; access and highway safety; design and layout; impact on wildlife.

Retail Impact:

The Council has appointed White Young Green Planning & Design (WYG) to undertake a retail audit of the Retail Assessments produced by the applicant's consultants Peacock & Smith (P&S) in support of the proposal to develop a non-food retail park at Uffington Road Stamford.

The application when originally submitted comprised:

- A JJB Fitness Club of 2,128 sq m gross floorspace;
- A JJB Sports non-food retail unit of 2,145sq m gross / 1,502sq m net floorspace; and
- 6 non-food retail units totalling 4,190sq m gross / 2,933sq m net floorspace.

In total, the proposal at that time involved 6,335 sq m gross / 4,435sq m net new retail floorspace and 2,128sq m gross leisure floorspace. Of the net comparison goods floorspace it was proposed that 2,282sq m was to be used for the sale of bulky goods and 2,153sq m for the sale of non-bulky goods. It was indicated that units 1, 4, 5 & 6 would be used for bulky goods retailers, whilst the JJB unit and units 2 and 3 would be for the sale of non-bulky comparison goods.

The revised proposal to be considered by the Committee comprises the following revised retail elements:

- A reduction in the proposed gross floorspace from 6,335 sq m to 5,083sq m with a small increase in proposed net sales area from 4,435 sq m to 4,576sq m;
- Removal of the leisure element of the proposal (2,128sq m gross);
- A decrease in the amount of floorspace devoted to bulky comparison goods floorspace from 2,282sq m net to 1,773sq m net;
- An increase in the level of devoted non-bulky comparison goods floorspace from 2,153sq m net to 2,803sq m net.

The alterations are summarised in the following table:

Unit	Size (Sq m gross)	
	Previous	Now Proposed
1	930	1,970
2	465	604
3	465	465
4	700	465
5	700	929
6	930	650
JJB Unit	2,145	0
Total	6,335 (net = 4,435)	5,083 (net = 4,576)

The National Planning Policy Framework (NPPF) has replaced the former guidance contained in PPS4 'Planning for Sustainable Economic Development'. The NPPF therefore contains the most up to date national guidance in relation to ensuring the vitality of town centres.

Paragraph 24 of the NPPF states that "local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

Paragraph 26 goes on to state that when assessing retail applications outside of the town centres, which are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment if the development exceeds locally set thresholds or a floorspace of 2,500Sq m. This should include an assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 states clearly that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Policy E2 of the Adopted Core Strategy seeks to strengthen and regenerate Grantham, Stamford, Bourne and the Deepings town centres and support uses and activities which sustain and improve their vitality and viability.

The policy states that provision will be made to accommodate additional retail floorspace over the Plan period based on the recommendations of the most up to date Retail Needs Study.

The policy goes on to states that town centre development should be focused in identified town centres. Where developments cannot be identified with town centres a sequential approach will be followed with preference first to sites on the edge of the defined town centre prior to consideration of out-of-centre sites.

The application site is located on Uffington Road approximately 900 metres walking distance from Stamford Town Centre. It is considered that the site is located in an out-of-centre location in relation to the retail assessment purposes.

Sequential Assessment:

P&S have identified eight sites which are more centrally located than the application site for the purposes of the Sequential Assessment:

1. The Cattle Market, Station Road Car Park;
2. The Riverside area, Wharf Road/Priory Road & Wharf Road Car Park;
3. North Street Car Park
4. Scotgate Car Park;
5. Bath Row Car Park;
6. St Leonards Street Car Park;
7. St Johns Lane/Bath Row Site; and
8. Bus Station Site

It is considered that the assessment of these sites complies with the requirements of the NPPF and Policy E2 of the Core Strategy. It is considered that the sites listed above represent an appropriate assessment of relevant sites.

Following the assessment of the above sites P&S concluded that “There are no suitable, available and viable sequentially preferable sites to accommodate the scale and type of the proposed development, together with the necessary car parking and servicing arrangements, even when adopting a flexible approach. This, in turn, has led to the identification of the application site, which abuts two well-established retail destinations that benefit from good transport connections. It fully satisfies the sequential analysis criteria within a reasonable period of time.”

The review of the P&S Retail Assessment undertaken by MT Town Planning (Tonks review) in support of Stamford Chamber of Trade and Commerce’s objections to the development stated that P&S have failed to address a number of the Planning Guidance checklist criteria and that the South Kesteven District Council Retail Needs and Town Centre Study (SKRNTCS) identifies two sites

capable of accommodating disaggregated elements of this proposal and P&S have provided insufficient justification as to why either sequentially superior site at the Bus Station or at North Street Car Park should be discounted.

WYG have undertaken a review of the P&S Retail Assessment on behalf of the Council. They have concluded that *“overall, it is considered, in consultation with planning policy officers at the Council, that there are no sequential preferable sites or units suitable for accommodating the proposal.”* In assessing the development WYG advised following discussions with the council’s Policy Team that the Bus Station Site would not be suitable for redevelopment if it resulted in the loss of the bus station. It was therefore considered that retention of the bus station would result in the site not being able to physically accommodate the size and type of units proposed in this application.

With regard to the North Street Car Park Site P&S in their assessment considered the site not to be viable for the proposed development on the grounds that the site is not in the ownership of the applicant; land acquisition costs may be prohibitive; and owing to the small size of the site, replacement car parking will need to be provided either on-site as part of a multi-storey development or off-site in close proximity to the town centre. WYG discounted the site stating *“This site is identified in the SKRNTCS as a ‘potential development site’ (Site S3). It is suggested that it is potentially suitable to accommodate a small foodstore with surface car parking, such as a discount retailer. The only possible alternative use identified is for its existing use to be retained. The site is identified as potentially available in the short to medium term. The site could physically accommodate either a non-food retail or leisure unit but this would be contrary to the recommendations of the 2010 Retail Needs Study.”* It is considered that given the constraints of developing the North Street Car Park and the potential loss of car parking close to the town centre the site is not considered viable for redevelopment.

Retail Impact

As set out above paragraph 26 of the NPPF advises that planning applications for retail development outside town centres, not in accordance with an up-to-date Local Plan, should include an impact assessment. As P&S’s updated assessment was produced before the publication of the NPPF it is based on the impact tests set out in the recently abolished PPS4 Policy EC16. Notwithstanding this, as the NPPF impact tests essentially encompass the previous PPS4 Policy EC16 tests (a), (b) and (d), it is considered that P&S’s updated assessment considers the NPPF impact tests.

Impact on Investment in Stamford Town Centre

With regard to the impact of the development on investment in Stamford Town Centre it is considered that there is no proposed public investment schemes planned or committed for the town centre, other than the shop front improvement scheme. Officers are also not aware of any significant private investment currently planned in Stamford Town Centre.

Impact on In-centre Trade / Turnover

P&S have used the household survey results of the SKRNTCS to identify Stamford’s catchment area for comparison goods. The catchment area adopted by P&S represents Zone 6 (postcodes PE9 1, PE9 2, PE9 3 and PE9 4). The Council’s consultants WYG have confirmed that the extent of the catchment area is reasonable and acceptable.

Floorspace and Turnover of the Proposal

Table 5 of the P&S report details the floorspace and turnover details of the proposed development. The table is reproduced below:

P&S Proposals Development (Floorspace and Turnover Forecasts) and Commitments:

Proposals and Commitments in Catchment Area (Zone ^)	Total Sales Area (Sq m net)	Average Sales Density (£ per sq m net)	2014	Trade Draw from Catchment Area (%)	2014	2017
			Benchmark Turnover (Design Year) (£M)		Turnover from Catchment Area (Design Year) (£M)	Turnover from Catchment Area (Assessment Year) (£M)
Bulky Goods Retail Floorspace	1,773	£3,303	£6.5	90%	£5.8	£6.2
Non-Bulky Goods Retail Floorspace	2,803	£4,500	£13.9	90%	£11.8	£13.3
Total Floorspace Proposed	4,576		£20.4		£17.6	£19.5
Commitments	None					

(Source P&S Table 5 update)

WYG has noted that gross/net floorspace ratio adopted by P&S in the updated assessment (October 2011) has changed from a split of 70%/30% to 90%/10%. WYG advise that the majority of retail park operators usually adopt a 80%/20% gross / net floorspace split. However they go on to advise that providing the Council, if minded to approve the application, attach a suitable net sales floorspace restriction planning condition this should not be a matter for concern.

In terms of the adopted average retail warehouse park sales densities for the bulky and non-bulky comparison goods elements of the proposal WYG has advised that P&S have adopted the bulky goods sales density from the SKDCRNS and the non-bulky goods sales density is an estimate. WYG have confirmed that both average sales density figures are reasonable.

Expenditure Capacity

The SKNTCS contains a detailed quantitative capacity assessment based on the results of a household telephone survey conducted in October 2009. In respect of the Stamford shopping catchment area, the study concludes that:

- There is likely to be in the region of £23m comparison goods expenditure capacity by 2016.
- Comparison goods expenditure is expected to increase to around £53m by 2021.

WYG has advised that they are not aware of any current retail commitments or other proposals in Stamford. On the basis of the Council's LDF evidence base there would appear to be potential sufficient comparison goods capacity by 2016 to support the proposed development.

Trading Assessment

WYG has advised that in terms of the year for testing the impact of the development P&S assess impact at 2017. This is considered to be in accordance with the guidance contained in the NPPF at paragraph 26.

WYG has advised that in terms of trade draw assumptions P&S assess that the proposal is anticipated to draw 80% of its trade from retail facilities outside of Stamford. It is unclear how P&S

have derived this figure. WYG has advised that having regard to the current levels of comparison goods expenditure leakage from Stamford identified in the SKRNTCS they consider that P&S have overestimated this level. The SKRNTCS identifies that the current level of comparison goods expenditure leakage from the Stamford catchment area is 42%.

The SKRNTC also identifies that 46% of comparison goods expenditure from Stamford's catchment area is spent in the town centre whilst 12% is estimated to be spent in out-of-centre retail warehouses in Stamford. Taking the existing shopping patterns into consideration WYG has advised that in their opinion P&S have underestimated the level of trade anticipated to be drawn from the centre. P&S have estimated that 15% of the proposals trade will be drawn from the town centre and 5% from retail warehouses in Stamford.

WYG having regard to the existing shopping patterns, the size and type of units proposed, and the fact that the proposal is speculative suggest that the proposal could draw between 30-45% of its trade from Stamford Town Centre.

In light of there being no named end retailers associated with the proposal WYG considered it necessary to sensitivity test the potential level of trade assessed to be drawn from Stamford Town Centre. They provided a sensitivity impact test of the proposal under two scenarios:

- Sensitivity Test 1 – Assumes that 30% of proposal's turnover is drawn from Stamford Town Centre
- Sensitivity Test 2 – Assumes that the proposal will draw 45% of its trade from Stamford Town Centre.

Sensitivity Test 2 is considered to provide the worst case scenario in relation to the potential level of trade drawn from Stamford Town Centre. The table below provides an assessment of impact under the sensitivity tests.

	2017 Turnover (£m)	Trade Draw To Proposal		2017 Residual Turnover (m)	2017 Impact (%)
		%	£m		
Sensitivity Test 1 – 30% trade draw from Stamford Town Centre					
Stamford Town Centre	111.4	30	6.1	105.3	-5.8
Stamford Out of Centre	-	15	3.1	-	-
Outside Stamford	-	55	11.2	-	-
Total		100	20.4		
Sensitivity Test 2- 45% trade draw from Stamford Town Centre					
Stamford Town Centre	111.4	45	9.2	102.2	-8.3
Stamford Out of Centre	-	10	2.0	-	-
Outside Stamford	-	45	9.2	-	-
Total		100	20.4		

Notes:

Turnover of subject proposal is the total turnover

Figures rounded by WYG Planning

(Source WYG Review April 2012)

The above sensitivity testing undertaken by WYG assesses that the proposal could draw between £6.1m and £9.2m of its turnover from Stamford Town Centre. The resulting impact on the town centre at 2017 is assessed to be between 5.8% and 8.3%.

WYG has advised that whilst the level of impact on Stamford Town Centre is assessed to be higher than P&S have assessed in their current retail assessment (2.6% impact figure from updated information provided by P&S on 28th March 2012) it is not considered that it is of a level which would materially harm the trading position of the town centre.

Impact on Vitality and Viability of Stamford Town Centre

With regard to the impact of the development on the vitality and viability of Stamford Town Centre P&S have undertaken a vitality and viability health check assessment of Stamford Town Centre. WYG has reviewed the assessment and advised that the health check appears to have been undertaken two years ago in January 2010 and that it is unclear why P&S have not sought to update the assessment. Notwithstanding these comments it is clear that P&S have updated the report in some areas including the current number of vacant units in which they indicate that there were only 12 vacant units following a survey of the town centre in September 2011.

MT Town Planning (Tonks Review) has raised concerns that there are a significant number of charity shops including in the primary shopping frontages and that the Portas Review advises this can also be an indicator of poor performance.

Notwithstanding the above it is considered that the town centre is vital and viable. In particular the centre has good representation of comparison goods shops; has a low vacancy rate; provides a very attractive shopping environment; is popular with tourists; contains a good provision of independent and specialist shops; and is accessibly by both bus and train services.

In light of the current health of the town centre, and on the basis that it is considered that the proposal is unlikely to materially harm the trading position of the town centre and will not impact on any current or planned investment in the centre, WYG has advised that the proposal is unlikely to have a significant adverse impact on the vitality and viability of Stamford Town Centre.

Policy E2 states that large scale development should be located in Grantham and this is an issue which has been picked up by objectors to the development. Policy E2 does, however, go on to state that in order to promote the vitality of the town centre, provision will be made to accommodate additional retail floorspace over the plan period based on the recommendations of the most up to date Retail Needs Study. The 2010 Retail Needs and Town Centre Study categorised the scale of developments as follows: small scale – under 1,00sq m gross floorspace; medium scale – 1,000 to 5,000sq m gross floorspace; and large scale – over 5,000sq m gross floorspace.

Whilst the proposed development is to be considered a large scale retail development as it comprises 5,083sq m gross floorspace it is considered as already set out above that the development will not significantly impact on the vitality and viability of Stamford Town Centre. The development would comply with the findings of the most up to date retail needs assessment and it is therefore considered that the application would not be contrary to the requirements of policy E2 of the adopted Core Strategy.

WYG have accordingly advised that should the Council be minded to approve the development conditions restricting the following should be attached to any consent:

- Total net sales floorspace to 4,576sq m;

- Net sales non-bulky comparison goods floorspace to 2,083sq m (including clothing, footwear, glassware, medical goods, jewellery and other personal effects, games, toys, books, pets and pets products, and soft furnishings);
- Net sales bulky comparison goods floorspace to 1,773sq m (including furniture, floor-coverings, DIY and decorating goods, garden supplies, office equipment and supplies, motor accessories, bicycles, electrical and gas goods and appliances);
- The sub-division of the retail units; and
- The minimum retail unit size to 465sq m gross.

Access and Highway Safety::

Section 4 of the NPPF sets out the Governments approach towards promoting sustainable transport. Paragraph 29 states that “transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. When determining planning applications local authorities should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 of the NPPF goes on to state that planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 36 of the NPPF advises that developments which generate significant amounts of movement should be required to provide a Travel Plan in support of the application.

The applicant has appointed Bryan G Hall consultants to prepare a Transport Assessment for the site and a Framework Travel Plan in support of the proposed development. The redevelopment of the site comprises 5,082sq m gross floorspace for non-food retails across 6 units. The proposed development would be served from a purpose built roundabout junction to the south of the site on A16, Uffington Road.

With regard to the concerns raised in the letter from Savills on behalf of the administrators of FH Gilman the applicant’s consultants and the Objections from Voice of Stamford and Stamford Chamber of Trade and Commerce Bryan G Hall have advised that *“the A16/A6121 Stamford relief road was previously known as Policy T1 within the South Kesteven Local Plan (adopted April 1995). Policy T1 expired on 27 September 2007 and such was not saved within the Local Plan. The decision not to save Policy T1 was subject to a legal challenge by Stamford Chamber of Commerce on 23 June 2010. The appeal was dismissed.”* Therefore there is no planning requirement to protect and accommodate for a future relief road in this location.

Lincolnshire County Council's Third Transport Plan was adopted in April 2011. *Paragraph 3.26 of the LTP3 relates to Stamford and states "A feasibility study into a bypass or relief road was proposed in LTP2. Work started on this, with the traffic model being updated. However, currently work is on hold as it seems unlikely that funding for any major improvement will be available in the short to medium term."* It is therefore considered that it is unlikely that the bypass scheme or relief road is likely to take place in the near future.

Bryan G Hall have advised that the access road is designed to a carriageway width of some 7.3 metres with a footway provision of some 2.0 metres and that "the design of the road is therefore consistent with adoptable standards."

Bryan G Hall have also advised that there is capacity within the proposed junction and roundabout design to account for future traffic growth and to accommodate other development schemes which may come forward or be promoted through the Local Development Plan.

The Local Highway Authority has also advised that the proposed service road would be built to an adoptable standard over and above that which would be necessary to solely serve the proposed development. They go on to advise that the proposed service road is consistent with the dimensions that would be expected for the initial length of such a relief road. In that respect, the future potential for delivery of the road may not be compromised.

The Highway Authority has undertaken checks on the detail contained in the Transport Assessment (TA) and subject to conditions they concur with its conclusions. The Highway Authority advise that the findings of the TA demonstrate that the proposed roundabout junction design is capable of accommodating traffic growth associated with future demands including other possible future developments in the area. In this context the proposed development will not forestall regeneration of previously developed land.

It has been argued that the proposal could compromise the provision of future essential highway infrastructure and that the current planning application should not be determined in isolation and that it should only be considered in the context of a full LDF infrastructure study of Stamford undertaken by the Local Highway Authority. As already stated above the Local Highway Authority has raised no objections to the proposal subject to conditions and indicated that the proposed junction / roundabout improvements have capacity built in to accommodate future growth and development in the area.

Concern has been raised that the application includes the necessary infrastructure to serve a much larger development, but the TA only considers the traffic impacts of the first phase and that there is no indication of the impact on the local highway network of the intended larger development. The proposed development does include approximately 428 car parking spaces of which 254 would serve the current development and 34 spaces would provide some additional provision to the adjacent Morrison store. This leaves 140 spaces which would provide additional parking for a possible future development to the north of the application site.

Any future development to the north of the site would need to be assessed as part of a separate planning application and that would need to be supported by an appropriate TA. The potential impacts of any future development would therefore be assessed at that time and do not form part of the consideration of this current application.

It is however necessary to consider the potential impacts of the over provision of car parking as part of this current application. The applicants have discussed the matter of the overprovision of approximately 140 spaces (in the absence of a phase 2 development to the north of the site) with the Local Highway Authority and Officers from SKDC. It has been accepted that during the

construction stage it is not unreasonable to provide appropriate infrastructure for future phases in order to minimise costs and disruption.

However in order to ensure that the development as currently proposed is not provided with excessive car parking, it is considered appropriate to attach a planning condition requiring a car park management plan to be submitted prior to the occupation of the buildings. This would require the additional 140 car parking spaces not to be made available for use until such time as an application has been submitted and approved in relation to any future development to the north of the application site. The reason for this condition is to help to ensure that the users of the site do not depend on the motor vehicle and consider more sustainable alternative means of transport when visiting the development.

Concern has been raised in relation to the traffic survey data contained in the TA and discrepancies in the traffic flows on Uffington Road between the St Paul's / Ryhall Road mini roundabout and the Morrison roundabout. Bryan G Hall have advised that there are two reasons for the differences in traffic flows. Firstly there is a priority T-junction of Pinfold Lane / Uffington Road which serves residential properties and provides a link between Uffington Road and Priory Road to the south. Secondly Stamford and Rutland Hospital has an access located on Uffington Road with approximately space for 100 vehicles. The Local Highway Authority has not raised concerns about the data provided and it is considered that the reasons put forward are reasonable and could account for the differences in the surveyed traffic flows.

JMP in their review of the TA raised concerns stating *"The operational assessment of the Morrison access for the current (2011) situation indicates that the junction operates well within capacity and that queues do not form, whereas elsewhere in the TA Bryan G Hall indicates vehicles currently back up onto the roundabout during peak trading hours. JMP does not think that the TA model for this junction reflects the current peak period situation. Hence the statement in the TA that 'the computer model is a reasonable representation of actual operating conditions' has to be considered with some caution."*

Bryan G Hall have advised that the reference that JMP refer to is made at paragraph 7.5 of the TA. They have clarified the situation and advised that this paragraph talks about queuing which can occur internally within the Morrison store car park associated with customers queuing looking for a space or queuing to access the petrol filling station. They advise that the reference is not therefore related to vehicles on the local highway network. They also state that the junction models presented within the TA have been validated against on-site queue observations undertaken at the time of the vehicular surveys. The Highway Authority has raised no objections to the data provided it is therefore considered to be accurate and fit for purpose.

The JMP review of the TA raised a number of concerns about the data used to assess the development. The Local Highway Authority has advised that checks have been undertaken in relation to the data contained within the TA and they have raised no concerns. It is therefore considered that the data contained in the TA is reliable and that the submitted Traffic Assessment provides an accurate account of traffic in the area.

JMP have raised concerns stating that no evidence has been presented to support the need for a new pelican type pedestrian crossing on Uffington Road between the Morrison and Ryhall Road junctions. The crossing is proposed in order to enhance pedestrian linkages between the site and Stamford Town Centre. It is considered that the provision of a crossing in this location is in accordance with current national and local planning policies. The Local Highway Authority has requested the provision of the crossing by way of condition and it is considered that this forms a necessary part of the proposed development to help encourage visitors of the site to use more sustainable options i.e. walking.

Bryan G Hall have advised in the TA that there are informal bus stops located on Uffington Road approximately 190 metres to the east of the application site immediately adjacent to the Gwash Valley Business Park access. The existing public transport services on Uffington Road operate on a 'hail and ride' basis. These stops are served by the number 203 bus service which is operated by 'Delaine Buses' and provides six daily services (typically every 2 hours) during the week (Monday to Friday) in each direction. These serve a catchment area running between Bourne and Stamford and the Deepings.

Informal bus stops are also located adjacent to the Morrison store at the 'drop off/pick up point' within the car park and are served by the number 182 Town Centre Hopper bus service which is operated by 'Mark Bland Travel'. This service provides an operational frequency of 60 minutes during the week (Monday to Friday) in each direction.

The 401/404 buses operated by 'Peterborough City Services' also provide a service to the site. These provide a limited service to Stamford on a Monday to Friday and some 4-5 services per day on a Sunday (approximately every 2 hours).

Lincolnshire 'Call Connect' also provides an "on demand bus service which operates in response to pre-booked requests on a 'dial-a-bus' basis".

In order to help improve access to the site by public transport the applicants following discussions with the local highway authority propose to provide a designated bus stop located directly to the entrance of the site on Uffington Road.

In addition in order to address concerns raised by the Court when quashing the previous decision a condition is proposed requiring that a Saturday bus service be secured prior to the occupation of the buildings and that the service be maintained for a period of three years in order to enable it to become established.

There has been some concern raised in relation to the detail contained in the draft Framework Travel Plan submitted in support of the application. Although it is accepted that this will require some amendments before it can be considered acceptable the local highway authority has indicated that they are happy for the details to be addressed by way of a condition requiring the travel plan to be submitted and approved prior to the occupation of the proposed units.

DESIGN AND LAYOUT:

The proposed six units vary in size and are grouped in an 'L' shaped terraced block running in a north south orientation towards the sites eastern boundary. The proposed units would be of a modern design constructed from buff brickwork at the lower level and modern flat cladding panels at the higher levels.

The proposed design is considered to be in scale and character with the other modern retail and commercial development directly adjacent to the site. The proposal is therefore considered to comply with the requirements of policy EN1 of the Core Strategy relating to the protection and enhancement of the character of the District.

IMPACT ON WILDLIFE:

An initial protected species survey was undertaken in May 2009, and an up-dating survey was carried out in April 2011. The following is a summary of the findings:

Badgers

Consultation with the Lincolnshire Environmental Records Centre provided a number of badger records, from within a 2km radius on the site. Badgers are protected under the Protection of Badgers Act 1992 and offences can result from both reckless and deliberate damage, disturbance or destruction.

Signs of badgers were identified during the initial site visit in April 2009. During the updated survey in 2011 it was considered that badger activity at the site had reduced.

The submitted ecological report recommends that precautionary working methods are undertaken during the construction phase of the development including: covering trenches at the end of each working day, or a means of escape should be added to prevent animals becoming trapped, and exposed pipes should be capped to prevent badgers gaining access. As badgers are primarily active at dusk and dawn it would be preferable to avoid using construction vehicles at these times.

Bats

A number of trees within the site were assessed as having the potential to support roosting bats, with features such as cracked limbs, crevices within the main stems, etc. Trees within the site proposed for removal were re-examined during the additional protected species assessment.

It was considered that the proposed development has the potential to impact upon bats as; a number of trees within the application site are considered to have a low to moderate risk of supporting roosting bats, there are known bat records within the area, there is suitable foraging habitat within the vicinity of the site.

As a result of these initial findings a climb and inspect tree survey was carried out in July 2011. It was concluded that a repeat survey would be required prior to any development taking place on site.

The ecological survey advises that during any tree work planning procedure, consideration should be given to the timing of works. Dependant on weather conditions and temperatures, the bird nesting season could restrict felling operations. It is therefore recommended that the trees are worked on prior to early-mid March or after late July. It is also important to avoid June to August as this could be critical time for young bats in maternity roosts; these bats are not as mobile and can not move away from roosts quickly. Additionally the winter months should be avoided because of hibernating bats for the same reason of immobility.

Rooks

The site is known to support a rookery, which was originally considered during a survey undertaken in 2009. During the April 2011 site visit the rookery was found to be active with up to 50 nests predominantly within the group of trees to the south of the site.

All birds, their eggs and nests are given protection whilst breeding. To ensure the protection afforded to nesting birds is not contravened, all tree and vegetation clearance works should be undertaken outside of the bird nesting season (which generally runs from March to August inclusive, but which may extend outside of this period, depending on local weather conditions). Rooks have been noted to begin breeding early, sometimes as early as February, depending on local climatic conditions. Breeding often starts before leaves appear on the trees. Therefore all vegetation clearance and tree works should be carried out during October to January, unless first checked and confirmed by an ecologist that there are no nests present or in use.

Trees intended to be retained within the proposed development, at the eastern and western boundaries, would potentially provide an alternative rookery site. Landscaping within the site,

would include tree and shrub planting to provide potential rookery sites in the future. Proposed lighting would avoid retained sections of vegetation and any new areas of planting to ensure these features would provide a suitable alternative.

Following discussions with Natural England and consideration of their standing advice it is considered that the proposed development will not have any significant impacts on protected wildlife, subject to the proposed mitigation measures in the report being implemented.

Lincolnshire Wildlife Trust has read the ecological report and consider that provided the consultant's recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

They also support the recommendations made for enhancement of the site for biodiversity through planting of native trees and hedgerows. The site also falls within a priority area for calcareous grassland recreation and LWT are pleased that use of calcareous grassland seed mix has been recommended. LWT advise that this would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets and would also fit well with a partnership project called Life on the Verge (www.lifeontheverge.org.uk). LWT would also support the inclusion of features for roosting bats and nesting birds around the site.

It is therefore considered that the proposed development will not have an adverse impact on local ecology. It is however recommended that a condition be attached to any consent requiring details of a scheme of mitigation to be submitted prior to any development taking place. The scheme to be submitted will also be required to be in accordance with the findings and recommendations set out in the Ecological Report (Revision A) prepared by Smeeden Foreman dated October 2011.

Section 106 Heads of Terms

Cllr Sandall has requested a Section 106 Contribution of £7,000 - £8,000 to go towards new play equipment for the children of Stamford at Kesteven Road playing fields and Empingham Road playing fields and any money left over to go towards the new toilet block at the Rec being provided by Stamford Town Council, The Friends of the Rec, The spend a penny group and the Bowls and Tennis Club. As the proposed development relates to retail development it will not generate any impact on local leisure facilities. It is therefore not considered appropriate to request a contribution towards improving the facilities on Kesteven Road, such contributions would usually be required on residential development. The proposed request would not meet the relevant tests associated with S106 contributions and as such the request is considered to be inappropriate in this instance.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications.

Human Rights Implications

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

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

Recommendation: That determination of the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the application not being 'called in' by the Secretary of State.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. The policy accords with the requirements of policies 1, 2, 3, 4, 22, 26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4 E1 and E2 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues, the design of the proposed development and concerns about the impact of the development on local wildlife and trees on the site. Whilst all of these issues are material considerations to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal.

A retail impact assessment and a transport assessment have been submitted in support of the application and it is considered that these demonstrate that the development, subject to conditions, would not have a significant adverse impact on Stamford Town Centre or highway safety.

An ecological assessment has also been submitted and it is considered that subject to a condition requiring additional details of mitigation measures to be submitted in accordance with the measures set out in the supporting ecological survey the development would not result in any significant adverse impact on local wildlife and ecology.

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

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

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

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

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitats.

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas of fifty car parking spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained.

Reason: To prevent the increased risk of flooding, to improve protected water quality, improve habitat and amenity, and ensure future maintenance of these.

5. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- a) all previous uses
- b) potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is located in a sensitive area for groundwater, with a Principal Aquifer present below the site (Lincolnshire Limestone) and is also within a Source Protection Zone 2. In addition, surface waters are in close proximity to the site, including the River Gwash and the River Welland.

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

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the local planning authority, for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any piling or foundation designs do not increase the potential for contaminants at the site to migrate and impact the underlying Principal Aquifer.

8. No development shall take place until details of any external lighting have been submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed lighting does not have an adverse impact on the amenity of the surrounding area in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

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

Proposed Site Layout Plan: Ref A1A00037 A(PL) 01-101 Rev A
Proposed Elevations: Ref A1A00037 A(PL) 01-200
Part Typical Elevation: Ref A1A00037 A(OO) 01-201
Proposed Site Section AA and BB: Ref A1A00037 A(PL)01-200
Landscape Masterplan: Ref SF1412 LL01 Rev D
Tree Protection Plan: Ref SF1412 TPP01 Rev B
Proposed Roundabout: Ref 10-257-TR-009 Rev A
Proposed Bus Layby : Ref 10-257-TR-011
proposed Pedestrian Crossing: Ref 03/332/100/013 Rev A

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

10. Prior to beneficial occupation of the development hereby permitted a new four arm roundabout on Uffington Road (as indicatively shown on drawing ref 10-257-TR-009) shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

11. Prior to beneficial occupation of the development hereby permitted details of the proposed bus stop together with all ancillary works on Uffington Road shall be submitted to the local planning authority for approval in writing and the bus stop shall thereafter be provided in accordance with the approved details prior to the beneficial occupation of the development.

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

12. Prior to beneficial occupation of the development hereby permitted details of a pedestrian crossing facility on Uffington Road together with all necessary ancillary works as indicatively shown on drawing number 03/332/100/013A shall be submitted to the local planning authority for approval in writing and the pedestrian crossing facility shall thereafter be provided in accordance with the approved details prior to the beneficial occupation of the development.

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

13. Prior to beneficial occupation of the development hereby permitted, details of the mechanism to secure a Saturday bus service to the site shall be submitted to and approved in writing by the local planning authority. The approved service shall be implemented for a minimum of 3 years in accordance with the frequency and timetable set out in the submitted details.

Reason: To improve the accessibility of the site by public transport.

14. Before the beneficial occupation of the development hereby permitted all objects exceeding 0.6 metres high shall be removed from the vision splays as indicated on drawing number 10_257_TR_009 Rev A dated 21 March 2012, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

15. No development shall take place until the detailed design for the arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved arrangements.

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

16. No development shall take place until details of the provision of parking/turning/manoeuvring/loading/unloading areas for vehicles have been submitted to and approved in writing by the local planning authority.

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

17. Notwithstanding the approved plans, a car park management plan shall be submitted to and approved in writing by the local planning authority prior to any development taking place on site. The car park management plan shall include measures to ensure that no more than 288 parking spaces within the development are made available to the public at any one time, unless otherwise agreed in writing by the local planning authority.

Reason: To provide an appropriate level of car parking for the development and whilst ensuring that there is not an over provision.

18. Prior to the beneficial occupation of any of the units hereby approved a Travel Plan shall be submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order that the local planning authority conforms to the requirements of the National Planning Policy Framework in terms of promoting sustainable development.

19. No development shall take place until all existing trees to be retained as part of the development as shown on the approved plan (ref SF1412 Tpp01 Rev B) have been fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these fenced areas. The tree protection measures shall comply fully with the guidelines and recommendations set out in the Arboricultural Survey Report submitted on 27 February 2012.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

20. No development shall take place until details indicating the position, design, materials and type of boundary treatment to be erected together with a timetable for their provision has been 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 provide a satisfactory appearance for the proposed development in the interests of visual amenity in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

21. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

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

22. No development shall take place until details of any new hard surfaces to be installed inside the root protection areas of any retained trees has been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that the hard surfaces will be constructed using the no-dig method of construction as described in Arboricultural Practice Note 12.

Reason: To prevent damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

23. The total net sales floorspace for the development hereby approved shall be restricted to a maximum of 4,576 sq m.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

24. The total net sales non-bulky comparison goods floor space shall be restricted to 2,803sq m (including clothing, footwear, glassware, medical goods, jewellery and other personal effects, games, toys, books, pets and pets products, and soft furnishings).

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

25. The total net sales bulky comparison goods floor space shall be restricted to 1,773 sq m (including furniture, floor-coverings, DIY and decorating goods, garden supplies, office equipment and supplies, motor accessories, bicycles, electrical and gas goods and appliances).

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

26. The minimum retail unit size shall be restricted to 465sq m gross.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

27. The retail units hereby permitted shall only be sub-divided in accordance with the approved plans and there shall be no further sub-division of the units without an express grant of planning permission by the local planning authority.

Reason: To ensure that the size of the retail operation on the site would not adversely affect the vitality and viability of the town centre.

28. No development shall take place until details of a scheme for the mitigation and enhancement of habitat creation have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the recommended enhancement measures as set out in section 4.4 of the Ecology Report (rev A) undertaken by Smeeden Foreman dated October 2011. The scheme to be submitted shall include details of the location of Bird and bat boxes to be installed on suitable retained trees.

Reason: To ensure that the development does not have an adverse impact on the local ecology.

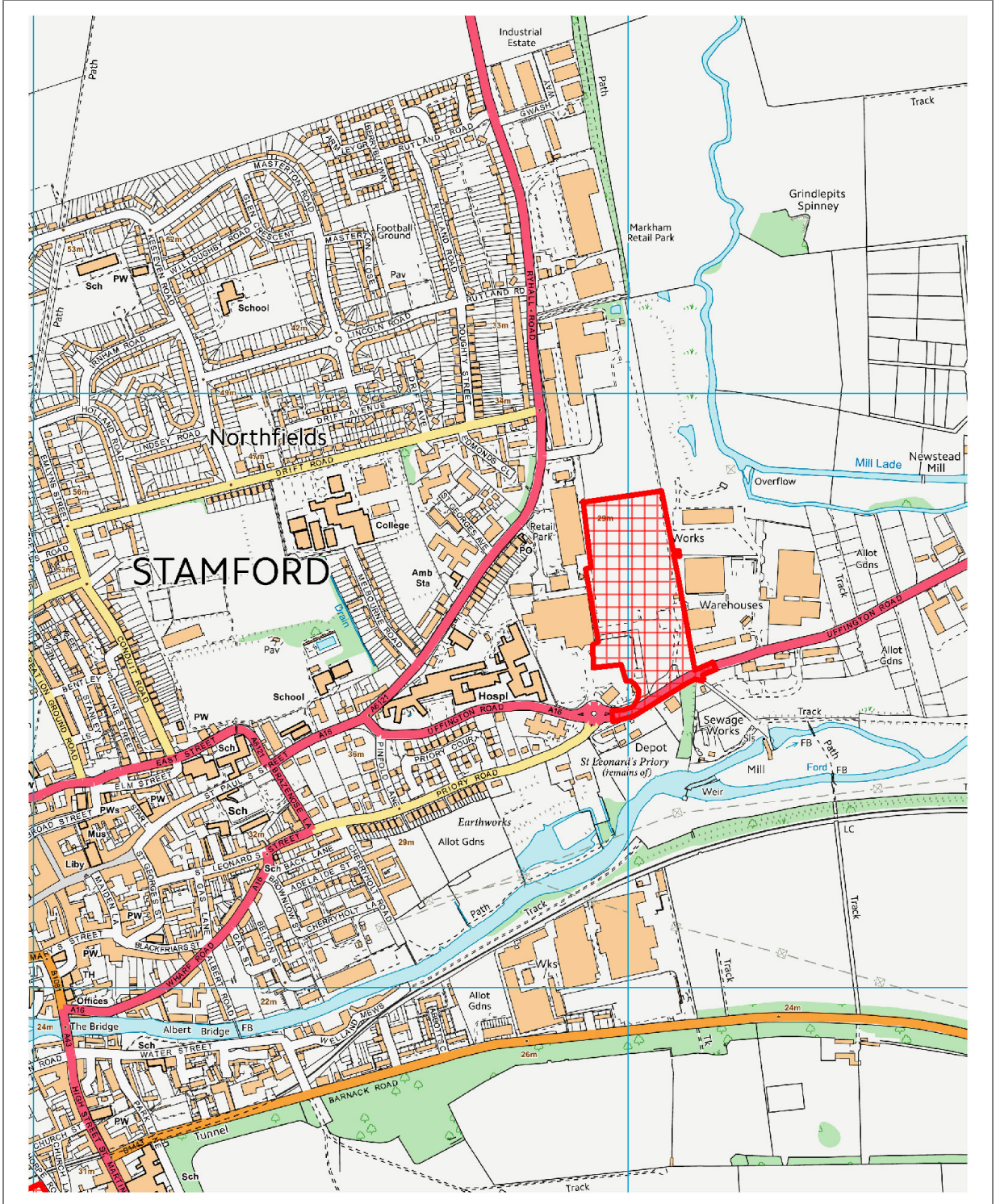
Note(s) to Applicant:

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
2. prior to commencement of the permitted development a Section 278 Agreement of the Highways Act 1980 shall be entered into with the local highway authority Lincolnshire County Council to provide a four arm roundabout and bus stops and pedestrian crossing facilities together with all drainage, lighting and necessary ancillary works.
3. This permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to drainage may need to be submitted on request for approval of the Lead Local Floods Authority and any amendments to the approved scheme shall subsequently be implemented before occupation of the first unit of the phase to which this permission relates.
4. Your attention is drawn to the attached letter from the Environment Agency dated 23November 2011 which provides additional information in relation to the details to be submitted for the conditions outlined above.

* * * * *

Site Location Plan

Ref	S06/1151
Proposal	Non food retail development (6 units) with associated parking, servicing and access
Location	Former Mirlees Blackstone Site, Uffington Road, Stamford



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Applicant	Copthill Independent Day School c/o agent
Agent	Peter Webster, Webster Associates 3, Spaldwick Road, Stow Longa, Huntingdon, Cambs, PE28 0TL
Proposal	Construction of all weather sports pitch, associated fencing and additional landscaping scheme (revised scheme)
Location	Copthill Preparatory & Nursery School, Barnack Road, Uffington, Stamford, Lincolnshire, PE9 3AD
App Type	Full Planning Permission
Parish(es)	Uffington
Reason for Referral to Committee	This application has been referred to the development Control Committee by the District Councillor due to six letters of objection being received and the contentious nature of the application in relation to nearby Listed Buildings and the Uffington Conservation Area.
Recommendation Summary	<p>In terms of impact on the setting of nearby Listed Buildings, the Conservation Area and surrounding landscape it is felt that the visual intrusion will be negligible to low taking into account the existing hedge screening, supplementary planting and the reasonable low key nature of the proposal. With regard to any impact on archaeology the indication is that a robust watching brief will control, if any, disturbance of archaeologically remains that may be in this area. There are no highway issues.</p> <p>It is therefore considered that the proposal is in accordance with NPPF Sections 8, 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.</p>

Key Issues

- The visual impact on the surrounding area.
- The impact on the setting of nearby listed buildings (opposite the site)
- The impact on the Uffington Conservation Area.
- The impact on any archaeological remains within the area of the site.

Technical Documents Submitted with the Application

- Design and Access Statement.
- Heritage Assessment Impact Study.
- Ecological Statement.
- Land Contamination Assessment.
- Tree Survey.

REPORT

The Proposal

The proposal is for the construction of an all weather sports pitch, associated fencing and additional landscaping scheme. The scheme will have a visual impact on the area but in terms of the use of this area of the existing sports field it will be compatible with the educational use of the school and immediately surrounding land. The access to the area remains unaltered and has provision for parking and turning within the site to ensure vehicles can enter and leave the highway in a forward direction.

The application site and its surroundings

The site is adjacent to the Main Road, A1175 (to the south) and Barnack Road(to the west). The area forms part of the existing sports field situated to the north of the main school buildings. The dimensions of the pitch are 60 metres long by 43 metres wide with a 2.5 metre high green mess fence around the perimeter. The proposal is to sink the pitch into the ground by 1.5 metres and hedge plant on three sides around the edge with supplementary planting to the existing main road hedge. There are the Grade 2 Listed Lodge buildings opposite to the north of the site and the nearest residential unit on the southern edge of Uffington is approximately 200 metres away.

Site History

The school originally founded in 1969 relocated to the present site in 1990 and the playing field as it is today was laid in 1994. Since this time the following applications have been received:-

SK.96/0260 – New classroom wing. Approved 21.05.1996.

SK.96/0417 – Additional classroom. Approved 04.06.1996.

SK.97/1267 – Widening of existing access. Approved 31.03.1998.

S00/0146 – Retain 3 mobile classrooms. Approved 18.04.2000.

S02/1450 - Extensions to school. Approved 16.07.2003.

S12/0463 - All weather sports pitch, floodlighting, fencing and landscaping. Withdrawn.

S12/0482 – Erection of three classrooms with storage and toilet facilities to form creative suite. Approved 10.05.2012.

Planning Considerations

National Policy

NPPF 8 – Promoting healthy communities.

NPPF 11 – Conserving and enhancing the natural environment.

NPPF 12 - Conserving and enhancing the historic environment.

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 1, 2, 5, 10 and 12 refer in this case relating to, statutory, national and local designations of landscape features, including natural and historical assets, local distinctiveness and sense of place, the quality and character of the built fabric and their settings and visual intrusion and Conservation Area Appraisals where this have been adopted by the Council.

Representations Received

District Councillor has requested Committee consideration due to objections received.

Archaeology – Request that a watching brief condition be imposed.

Lincolnshire County Council Highways Division - Does not wish to restrict the grant of permission.

Parish Council – Were concerned about the amount of earth to be removed in order to level out the sports pitch and hide it from the road but decided not to raise an objection. They did request a condition be imposed that no future permanent or temporary lights be erected on this sports pitch due to their distracting nature to motorists on this sharp dangerous corner.

Campaign to Protect Rural England - Whilst recognising the efforts made to mitigate the impact of the development they only serve to highlight the development is in the wrong place. They confirm they are still opposed to the development in principle in this particular location which is considered to be an inappropriate intrusion into this visually sensitive location in the countryside and close to important Listed Buildings in parkland within the Uffington Conservation Area.

Tree Officer – No objections but recommends a condition be imposed requiring that the retained trees be protected during building works as described in the accompanying tree protection plan and method statement by Mr. A. Belson.

Conservation Officer – Has no comment to make following submission of the Heritage Assessment.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement to which there have six letters of objection on the grounds of Impact on setting of Grade 2 Listed Buildings, the Conservation Area, urbanization of the countryside, there are other sites within the school complex that are in a less sensitive area such as to the rear of the school which would also be less distracting to motorists, safer for children and more acceptable to locals as it would have minimal impact on the Conservation Area. The application should be refused on the basis of the impact on the surrounding area having regard to both landscape and heritage assets. There have also been fourteen letters received supporting the application. Following the submission of a Heritage Assessment further correspondence has been received on behalf of one of the objectors indicating that whilst the assessment has some useful information it appears contradictory and inconclusive especially on archaeology and impact on Listed Buildings and the Conservation Area and the application should therefore be refused.

Officer Evaluation

In terms of scale and visual impact on the existing school buildings the proposal will have very little impact as it is to the north and screened from the school area by existing planting. The pitch, fencing and landscaping are to the south of the main A Class County Highway and Lincolnshire County Council Highways have indicated that they do not wish to restrict the grant of permission. With regard to the impact on the Listed Buildings and the Conservation Area the Conservation Officer has indicated, that the Heritage Assessment was a sufficiently rigorous assessment of the likely impact of the development on the heritage assets in the vicinity of the site and the landscape character of the area and concluded that the overall impact of the proposed development on the landscape of the area is considered to be negligible to low. From an overall visual impact on the area the proposals will have minimal impact on the surrounding area as the existing boundary hedge which is already a substantial screen of the existing playing field is to have supplementary planting and will increase in height. For the main part only the top of the fencing will be seen.

Crime and Disorder Implications

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

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposals are in accordance with NPPF Sections 8,11 and12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. The issues regarding impact upon character of the dwelling, the street scene and amenities of neighbouring occupiers were considered as follows :-

In terms of scale and visual impact on the existing school buildings the proposal will have very little impact as it is to the north and screened from the school area by existing planting. The pitch, fencing and landscaping are to the south of the main A Class County Highway and Lincolnshire County Council Highways have indicated that they do not wish to restrict the grant of permission. With regard to the impact on the Listed Buildings and the Conservation Area the Conservation Officer has indicated, that the Heritage Assessment was a sufficiently rigorous assessment of the likely impact of the development on the heritage assets in the vicinity of the site and the landscape character of the area and concluded that the overall impact of the proposed development on the landscape of the area is considered to be negligible to low. From an overall visual impact on the area the proposals will have minimal impact on the surrounding area as the existing boundary hedge which is already a substantial screen of the existing playing field is to have supplementary planting and will increase in height. For the main part only the top of the fencing will be seen.

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

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

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

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

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

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

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

4. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

Drawing Ref No: U-CIDS-1.1 1:500 Scale Site Levels.

Drawing Ref No: U-CIDS-1.2 1:500 Scale Site Layout.

Drawing Ref No: U-CIDS-1.3 1:200 Scale Fence Details.

Drawing Ref No: U-CIDS-1.4 1:200 Scale Drainage Details.

Drawing Ref No: U-CIDS-1.6 1:500 Landscaping Details.

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

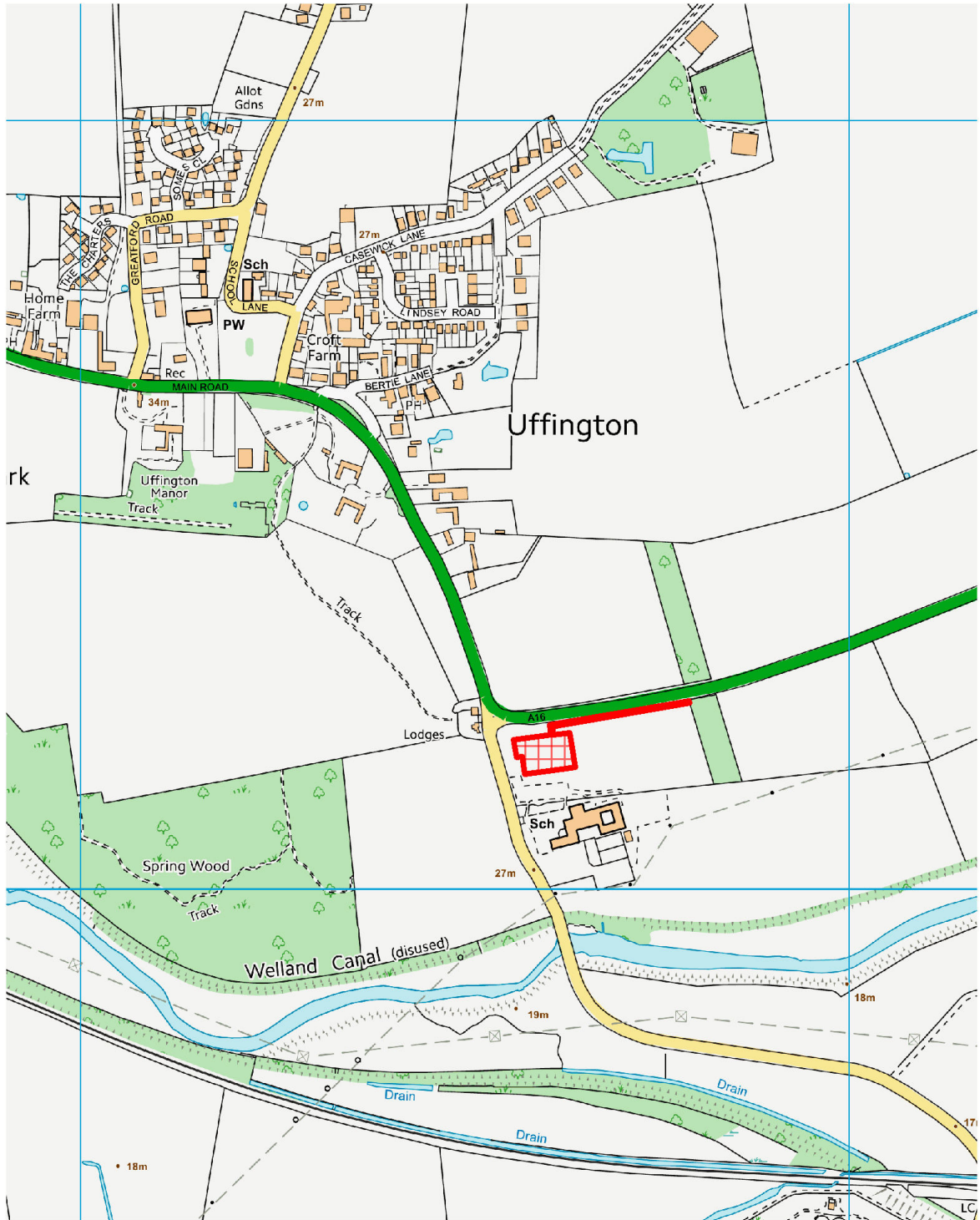
Note(s) to Applicant

1. You are informed that the close boarded fencing that has been erected at the north western corner of the playing field across the existing gateway does not have the benefit of planning permission and is unlikely to receive favourable consideration in this visually sensitive area. In view of this you are advised to remove the fence within 1 month of the date of this decision notice.

* * * * *

Site Location Plan

Ref	S12/1354
Proposal	Construction of all weather sports pitch, associated fencing and additional landscaping scheme (revised scheme)
Location	Copthill Preparatory & Nursery School, Barnack Road, Uffington, Stamford, Lincolnshire



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Applicant	Mr Paul Wheatley, Lincolnshire County Council Beech House, Witham Park, Waterside South, Lincoln, LN5 7JH
Agent	Mr Roger Prescott, Mouchel Export House, Cawsey Way, Woking, Surrey, GU21 6QX
Proposal	Section 73 Application to vary Conditions 4, 26, 30 and 50 of Planning Permission S11/2511 to increase the floor area of Building 6 (Business Incubation Centre) and decrease floor area of Building 5 (Hotel) and minor amendment to Building 1 (Offices)
Location	Grantham Station Approach, between Grantham Railway Station and Wharf Road, Grantham
App Type	OL Environmental Impact Assessment
Parish(es)	Grantham
Reason for Referral to Committee	Major Application. Likely to cause wider concern.
Recommendation Summary	<p>In relation to the previous scheme (S11/2511) whilst concerns were raised in relation to residential amenity, visual amenity, highway safety, traffic congestion, impact on the form and character of the area they are not considered to outweigh the policies referred to above or the wider regeneration benefits that are likely to result from the scheme.</p> <p>The proposed amendments to buildings 1, 5, 6 and associated alterations are not considered to be significant when viewed in the context of the development as a whole. Whilst the national guidance contained in the now superseded PPS's and PPG's has been replaced by the NPPF it is considered that the development generally conforms with this guidance, and is specifically conforms with the heart of the NPPF which promotes sustainable development. As such it is considered that there are no material planning considerations that would outweigh the policies referred to above to justify a refusal of planning permission.</p>

Key Issues

- Compliance with Policy
- Residential Amenity
- Highway Safety
- Design
- Heritage
- Drainage

Technical Documents Submitted with the Application

- Environmental Statement that accompanied S11/2511
- Planning Statement
- Environmental Review

REPORT

Reason for Referral to Committee

The application has been referred to the Development Control Committee because the application relates to a major project that is likely to cause wider concern.

Members may recall that the previous planning application for a mixed use development on the site was granted outline planning permission on 9th March 2012. (planning ref: S11/2511). Whilst this application, would result in a new planning permission for the entire site. This application proposes alterations to two buildings on the site, building 5 (hotel) and building 6 (business incubation centre).

The Proposal

The proposed development remains as per the previous planning permission S11/2511 with the exception of buildings 5 and 6. Building 6 (business incubation centre, BIC) would increase in floor area from 2,240 m² to 3,228m² and to facilitate this increase, building 5 (hotel) would decrease in floor area from 3,812 m² to 3,308m². This gives an overall increase in floor area beyond that of the previous planning permission of 484m². Which in the context of the development as a whole represents a 1.74% increase.

There would no longer be a gap between the two buildings which front Wharf Road.

The amendments to the footprints and increased floor area would result in amendments to the courtyard and associated car parking area.

Additionally, there is a minor adjustment to the rear of plot of the office block (building 1) in the northwest corner of the site to provide a 2 metre wide utilities corridor. This would result in a small projection of the building moving closer to the properties along Station Road.

It is also proposed to move the shared space improvement works (along Grantley Street) from phase 1 to phase 2. This has no effect on the built form of the site.

The difference in levels in the site would be accommodated by steps between buildings 11 and 15, and 16 and 17 which would be delivered in different phases to ensure that the existing public right of way is not affected.

The western row of residential parking spaces adjacent to building 14 would also be moved slightly eastwards to provide a 2 metre wide utilities corridor. This would result in a smaller central square. But it is anticipated the scope for landscaping and tree planting would not be affected.

The application is accompanied by the previous Environmental Statement (ES) prepared in relation to planning permission S11/2511. The ES has been updated by an Environmental Review assessing the impact of the changes proposed.

The original development is described in the Non Technical Summary of the submitted Environmental Statement:

Lincolnshire County Council is proposing a mixed use business centre redevelopment of the area adjacent to the Grantham Railway Station to link both the rail station and town centre. The project seeks to:

Provide a connected public realm
Create sustainable transport solutions
Improve and diversify the town retail offer; and
Create a town of different parts.

The land uses proposed are residential, office, retail, incubator units (managed workspaces catering for new start ups, community businesses or locally developed micro businesses helping them to grow), hotel, leisure and community uses.

As the original planning permission was approved in relation to specific plans in order to facilitate these changes to building 5 and 6 it is necessary to substitute plans. Specifically, this requires the following conditions to be varied:

Condition 4	List of approved plans.
Condition 26	Restricting the development to the parameters contained on the Building Heights Plan.
Condition 30	Access to the development in accordance with 3no. plans.
Condition 50	Public Realm constructed in accordance with 1no. approved plan.

A revised set of plans has been received by the local planning authority clearly illustrating the full extent of these changes. A consultation exercise and public notification has been undertaken which will expire on 31 August 2012.

The application is before members prior to the expiration of the publicity period as there is a critical timeline for the delivery of the BIC and the associated funding package.

The application site and surroundings

The application site is roughly triangular and is approximately 3 hectares. It has a mix of current uses that include a small element of residential, tyre fitting business, building suppliers and car parking associated with the railway.

The northern portion of the site contains a number of linear buildings that align with the street pattern to the east. To the north west of the application site adjacent to the junction with Wharf Road are the listed Railway Cottages. The listed buildings are not within application site.

The site is bounded by differing uses. To the north is a mix of residential and town centre uses, to the west is the railway, and to the east is residential and to the south is car parking.

The application is predominantly flat from west to east. The south of the application site is approximately 7 metres higher than the frontage of the site adjacent to Wharf Road.

Relevant Site History

The site has been the subject of a number of planning applications. However none are specifically relevant to this current planning application.

92/0674 – Change of use of part of site to a skating rink – granted on 4 August 1992

94/0100 – Alteration of time limit condition of planning permission 92/0674 – granted on 29 March 1994.

96/0563 – County Matter application – Storage of spoil. Refused on 16 July 1996.

S99/0910 – Change of use to car park of former shoe factory Granted 7 December 1999.

S01/1415 – Security fencing – Tanvic Tyres – Granted 7 January 2002.

S01/1459 – Change of use of part of site from D2 to B1 and B2 uses – Application withdrawn. No further action as the requested transport statement was not received.

S01/1489 – Change of use application of part of site from D2 to B8 – Application withdrawn. No further action as the requested transport statement was not received.

S02/0887 – Security fence – Tanvic Tyres – granted 5 August 2002.

S02/1084 – Security fence to former shoe factory – granted 30 September 2002.

S10/0816 – Screening opinion Requested EIA required – 13 May 2010. This relates to the redevelopment of three sites including the subject of this planning application (S11/2511).

S11/2511 – Outline Planning Permission was granted for the construction of the mixed use development – 9th March 2012.

S12/1720/EIASC - Screening opinion was issued on 12th July 2012 confirming that an environmental impact assessment should accompany the Section 73 application that is before you today.

National Guidance

NPPF

Building a strong, competitive economy

Ensuring the vitality of town centres

Promoting sustainable transport

Requiring Good Design

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

East Midlands Regional Plan

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 4 – Development in the Eastern Sub area

Policy 13a – Regional Housing provision

Policy 14 – Regional Priorities for affordable housing

Policy 18 – Regional Priorities for the economy

Policy 22 – Regional Priorities for Town Centres and Retail Development

Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 48 – Regional Car Parking Standards

South Kesteven Core Strategy

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flood Risk
EN4 – Sustainable Construction and Design
H1 – Residential Development
H3 – Affordable Housing
E1 – Employment Development
E2 – Town Centre and Retail Development

Station Approach Development Brief – Adopted October 2010

Its principles and aims which it seeks to achieve are:

- a) a clear connection between the station and the town centre
- b) a distinctive arrival point for Grantham by creating a station square
- c) An engaging route through a series of urban spaces that encourage people to visit the town centre
- d) a versatile character area with a sustainable mix of employment and residential uses
- e) appropriate scale and massing of development that respects the listed buildings and adjacent residential area
- f) reduced provision of car parking to minimum standards and
- g) creating a public transport interchange with bus services extended to the railway station.

Grantham Area Action Plan – emerging

The Grantham Area Action Plan was submitted to the Secretary of State on 19th December 2011 and the Site Allocation and Policies on the 31st January 2012 in line with Regulation 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations.

The role of an Inspector acting on behalf of the SoS is to consider whether a document is legally compliant i.e. meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and satisfies the criteria for soundness i.e. whether it is justified, effective and consistent with national policy.

Policy MOV1 – Movement and Accessibility
Policy RT1 – Improving Town Centre Retail Offer
Policy SA1 – Station Approach
Policy OSS1 – Open Space Provision
Policy HS1 – New Housing Development
Policy EM2 – New Employment Allocations
Policy HE1 – Townscape Character

Representations Received

Highways Agency

No objection

Environment Agency

We have examined the revised plans and have no objections to the proposed changes. The implications of the changes will need to be considered when finalising the details of surface water drainage scheme for the site, at the discharge of conditions stage.

Economic Development

This is in accordance with our understanding for the Grantham Business Innovation Centre approved by the Grantham Growth Point Strategic Board and subject to external funding agreement with European Regional Development Fund.

Lincolnshire County Council (Footpaths)

It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazard by any such works.

Police Architectural Liaison Officer

I have studied the plans and can state that I have studied the plans and can state that I have no comments to make that would have any bearing on any crime reduction and/or community safety issues.

Open Space Officer

No change to the previous comments for open space and play as the residential aspect of the application has not changed.

English Heritage

The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Defence Infrastructure Organisation

I can confirm that the MOD has no safeguarding objection to this proposal.

Lincolnshire Wildlife Trust

This planning application has been assessed in line with the attached statement and the Trust has no comments to make.

Network Rail

In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied for the above application other than those returned in response to the original application as detailed below which still apply.

Any consultee responses not included in the main report will be included in the late items paper.

Representations as a result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. The expiry date for commenting on this application is 31 August 2012.

At the time of drafting the report, no comments have been received. Any comments received in relation to this application raising material planning considerations will be reported in the late items paper.

Applicants Comments in support of the application

"The most significant change has been the confirmation as Government guidance of the National Planning Policy Framework (NPPF). Cardinal among its statements is that there should be a presumption in favour of sustainable development. Thus, unless a local planning authority can demonstrate that the development (or, in this case, the changes in development) would not be sustainable, then permission should be granted".

It is contended that the revised development would be sustainable in nature, especially as the Government makes clear that sustainability relates not only to environmental factors, but also to the economic and social roles that the development would bring. The greater benefits that would be brought about by the larger scale BIC, in terms of encouraging local and small enterprises must necessarily be taken into consideration. Accordingly, if SKDC considers that the development is sustainable, it should, in accordance with para 14 of the NPPF, approve "...development proposals that accord with the development plan without delay".

The conclusions of the Environmental Review that update the Environmental Statement:

"None of the proposed changes are anticipated to result in additional significant effects or to change the conclusions of the original Environmental Statement.

The modifications to the floor plans of buildings 1, 5 and 6, the change in floor space of buildings 5 and 6 does not change the overall massing or height of the proposed development. Although there will be a slight change in the visual appearance of these buildings due to slight modifications in their shapes, there will be no material townscape and visual impacts above those already identified within the Environmental Statement. The overall townscape and visual impact of the development will not change from that predicted in the Environmental Statement produced for the original scheme.

The minor change in the location of the western residential parking spaces, the size of the associated central square and the layout of the steps/tree planting will not result in a material change in the townscape and visual impact of the development".

"The proposed reduction in the number of parking spaces would reduce traffic flow as the reduction in parking would result in:

- fewer development related trips than details in the Transport Assessment as the lower number of car parking spaces will mean fewer movements;
- adhere to current policy, both at national level and with the development plan, including the area's adopted development brief;
- encourage non-car use through levels of parking provision which will be managed in line with the car park management strategy (which will ensure that the facilities provided are properly managed via ticketing, permits and limited stock); and
- promote non-car use through an approved Travel Plan".

Officer Evaluation

The principle of this development is established by planning permission S11/2511. This application is a variation of condition to allow the substitution of plans to allow alterations to the footprints of two buildings, the BIC and the hotel, both of which would front Wharf Road. In addition building 1, (Offices) would have an amended footprint to facilitate a 2 metre pedestrian/service strip to the rear.

In relation to the material considerations that were discussed as part of planning application S11/2511, compliance with policy, residential amenity, highway safety/capacity, design and impact on townscape, impact on heritage assets and drainage.

It is considered that they remain material to the determination of this application. However, it is considered that the minor nature of the changes is unlikely to have any significant effect.

Compliance with Policy

The proposed alterations do not change the principle of the development, mix of uses or quantum of the development. As such the scheme would accord with planning policy.

Residential Amenity

The proposed alterations whilst changing the footprints of the BIC and the hotel and the offices (building 1) would not result in built form significantly closer to existing properties than the previous planning permission.

The changes in footprint to the BIC and the hotel would not result in any significant built form closer to existing properties beyond that previously approved by planning permission S11/2511.

The amendment to the footprint of building 1 would result in a small projection to the rear of the building being closer to the existing dwellings to the south-west. It is of such a minor nature as to have no significant impact on the residential amenity of neighbouring occupiers beyond that of the previously approved scheme.

Issues of overlooking and loss of privacy would be considered/addressed at reserved matters stage via the careful location of windows and openings.

Highway safety and Capacity

It is likely that the revised courtyard proposals would result in a minor reduction in available parking spaces for the BIC but not to an extent that would impede the operation of the BIC. Parking provision on the remainder of the site would remain unchanged.

The reduction in car parking provision is considered to accord with the emphasis of sustainable travel that has been a primary consideration in relation to this development since the outset. The location of the site in relation to the bus and railway station promotes this.

The development brief for the site states:

“Fundamental to the development of proposals for the site should be the ease of access via public transport which serves to enhance any proposed development’s sustainability and the opportunities redevelopment offers to better integrate the Station in to the wider town centre and the potential to enhance interchange facilities”.

The applicants supporting information states:

“The Section 73 application is being submitted for Site 1 of the Grantham Station Approach area to reflect changes in footprint design of the Business Incubation Centre. It is understood that, with this increase in floorspace, and considering the architectural requirements of the revised design parking adjacent to the BIC will be slightly affected. The EIA and Transport Assessment used a maximum figure of 18 spaces in order to calculate worst case scenario for noise, air quality, traffic flows etc. As a result of these changes, this number will not be exceeded and a detailed layout will be incorporated in the reserved matters application for that part of the site. The proposals for parking provision on the remainder of Site 1 are unchanged. Thus, for example, the car parking areas on Phase 2 of the site remain in the short term, and future provision of car parking in Site 2 will be brought forward, exactly as described in the supporting information for the original application.

The outline planning permission for Site 1 recognised that a sustainable approach is taken as regards to travel and transport, because of the strategic advantages this site offers. That position remains and the concepts associated with travel and transport, including car parking, related to the development of the whole of the site, are not changed.

For the original application it was agreed with the Highway Authority that, as car parking at the site is limited, the vehicular trip generation estimates will reflect capacity. For site 1 this meant that there would be relatively modest traffic generations associated with the limited parking provided on the site for the BIC and the hotel. Therefore, to ensure a robust assessment, the Transport Assessment assumed that these spaces would be fully utilised (i.e. in the peak hours assessed – each space would be used).

Therefore as the number of parking spaces has not increased, the assessment provided in the TA can still be considered as robust, with the actual number of trips generated by the site being overestimated (i.e. this amendment would effectively result in a reduction of trips from that originally assessed. This approach has been discussed with the Highway Authority which concurs that this is realistic.

This modest change in car parking provision accords well with current transport planning policy, which highlights the virtues of sustainable development located in accessible areas and encourages the promotion of alternative modes of transport to the car. Furthermore, considering the latest planning policy, the development adheres to the overriding ethos running through the National Planning Policy Framework which states: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”.

It is considered that the reduction in the number of parking spaces will have no significant impact on the operation of the development as a whole. Or have any significant impact on the traffic assessment already undertaken.

Any comments from the local highway authority will be reported in the late items paper.

Design and Impact on Townscape

Whilst the proposed alterations would result in a change to the appearance of the BIC and the hotel in that there would not be any gap between the two buildings. However, this is not considered to have any detrimental impact on the impact of the street scene. It is considered that it would provide enclosure to the site and a strong frontage along Wharf Road.

The alterations to building 1 would have little or no impact on visual amenity as they would not be readily visible from public vantage points.

Impact on Heritage Assets

The minor nature of the alterations to buildings 5 and 6 are unlikely to result in any significant impact on heritage assets. The vista to the Grade II Maltings on Wharf Road would remain and the redevelopment of the site as a whole would clearly improve the setting of heritage assets when compared existing uses and built form on the site.

The alterations to building 1 whilst resulting in a projection closer to the rear of the listed properties on Station Road it is not considered to sufficient to have any significant impact on the setting of these heritage assets.

Any comments from the Principal Conservation Officer will be reported in the late items report.

Drainage

The amendments to buildings 5 and 6 has resulted in a redesign of the courtyard car parking the rear. The alterations result in a relocation of the landscaping with the remainder of the courtyard being given over to parking. It is considered that these alterations are not significant as to have any material effect on the drainage of the site and would be sufficiently addressed at the discharge of conditions phase. This view is supported by the comments of the Environment Agency:

“We have examined the revised plans and have no objections to the proposed changes. The implications of the changes will need to be considered when finalising the details of surface water drainage scheme for the site, at the discharge of conditions stage”.

The western row of parking spaces adjacent to building 14 has also been revised to facilitate a 2 metre utilities corridor. This has resulted in an increase in permeable hard surfacing of 63 m². It is considered that this not significant when viewed in the context of the scheme as a whole.

In view of the above comments it is considered that the proposed alterations would not raise any significant drainage issues beyond that considered as part of the original grant of outline permission.

For members information condition 39 of planning permission S11/2511 requiring details of surface water drainage has been deleted as surface water requirements are controlled by condition 42.

Section 106 Heads of Terms

A Draft Heads of Terms was submitted with the previous planning application S11/2511.

It states that, in line with policy SP4 of the adopted South Kesteven Core Strategy Developer Contributions, Lincolnshire County Council, as developer, agrees to discussions with South Kesteven District Council to draw up a legal agreement subject to a financial viability appraisal.

The proposed development is clearly part of the wider aspirations of Grantham as its promotion of growth point status.

The scheme is designed to achieve the following:

- Provide encouragement to private sector investment
- facilitate its own implementation of revised public transport, access and public realm;
- establish firm commitments to achieving high quality of design;
- encourage the future redevelopment of Site 2 and of Grantham Railway Station.

A development appraisal has been submitted which in summary, shows that the scheme is not considered financially viable based on current market conditions and it is the planning applicant's view that the scheme cannot support any s106 obligations that may have been requested.

“To illustrate this view, the appraisal indicates that for a developer to obtain a return on the cost of development of 15% (which is in itself rather low, the normal market assumption is for a 20% return), the land would need to be given to the developer at nil cost and the developer then given a further cash injection in order to proceed! Clearly this would not constitute a commercial transaction that would be undertaken by the private sector.

The delivery of the Station Approach scheme is therefore only considered deliverable following significant public sector investment in recognition of the fact that the scheme will bring a number of economic benefits to Grantham including new job creation, improved public realm and enhanced movement corridors between the existing town centre and railway station”.

It is clear from the submitted appraisal that the proposed development is not viable if Section 106 contributions are insisted upon. The development has significant wider regeneration and economic benefits for the town and help the town develop its vision to of becoming “...as a key economic centre not only in Lincolnshire but also sub-regionally” which are considered, in this particular case to warrant accepting no Section 106 contributions.

If Section 106 requirements are insisted upon the development would be unviable and the development would not take place.

It is considered that the same issues in relation to viability are relevant to this application and requesting developer contributions would render the scheme unviable.

Crime and Disorder

It is considered that the proposed development would not raise any significant crime and disorder implications.

Human Rights Implications

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

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

Recommendation

That determination of the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the expiration to the public consultation period and no new material planning considerations being raised that have not already been considered.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is considered to be an acceptable form of development that would represent an important opportunity to regenerate the Station Approach area of Grantham and show commitment towards Grantham's Growth Point Status. The proposal is considered to accord with the thrust of national policy contained in the NPPF Building a strong, competitive economy, Ensuring the vitality of town centres,

Promoting sustainable transport, Requiring Good Design, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment, Conserving and enhancing the historic environment, Regional Guidance contained in Policy 1 - Regional Core Objectives, Policy 2 - Promoting Better Design, Policy 3 - Distribution of New Development, Policy 4 - Development in the Eastern Sub area, Policy 13a - Regional Housing provision, Policy 14 - Regional Priorities for affordable housing, Policy 18 - Regional Priorities for the economy, Policy 22 - Regional Priorities for Town Centres and Retail Development, Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage, Policy 27 - Regional Priorities for the Historic Environment, Policy 32 - A Regional Approach to Water Resources and Water Quality, Policy 35 - A Regional Approach to Managing Flood Risk, Policy 48 - Regional Car Parking Standards and local guidance contained in policies SP1 - Spatial Strategy, SP3 - Sustainable Integrated Transport, SP4 - Developer Contributions, EN1 - Protection and Enhancement of the Character of the District, EN2 - Reducing the Risk of Flood Risk, EN4 - Sustainable Construction and Design, H1 - Residential Development H3 - Affordable Housing, E1 - Employment Development, E2 - Town Centre and Retail Development, the Station Approach Development Brief - Adopted October 2010, and the emerging Grantham Area Action Plan.

In relation to the previous scheme whilst concerns were raised in relation to residential amenity, visual amenity, highway safety, traffic congestion, impact on the form and character of the area they are not considered to outweigh the policies referred to above or the wider regeneration benefits that are likely to result from the scheme.

The proposed amendments to buildings 1, 5, 6 and associated alterations are not considered to be significant when viewed in the context of the development as a whole. Whilst the national guidance contained in the now superseded PPS's and PPG's has been replaced by the NPPF it is considered that the development generally conforms with this guidance, and is specifically conforms with the heart of the NPPF which promotes sustainable development. As such it is considered that there are no material planning considerations that would outweigh the policies referred to above to justify a refusal of planning permission.

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

1. Applications for approval of reserved matters must be made not later than the expiration of seven years beginning with the date of the original grant of planning permission S11/2511 which was granted on 9th March 2012. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of

approval on different dates, the final approval of the last such matters to be approved.

Reason – To comply with Section 92 (as amended if the Town and Country Planning Act)

2. Details of reserved matters set out below shall be submitted to the local planning authority for approval within three years from the date of the grant of the original planning permission S11/2511 which was granted on 9th March 2012:
 - a) Appearance
 - b) Landscaping
 - c) Layout

Approval of all reserved matters shall be obtained from the local planning authority in writing before any development is commenced.

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

3. Notwithstanding the submitted details no development shall be commenced until full details of the proposed phasing programme including land areas, associated public realm works and parking as indicated on plan 1034919-OP-DWG-003 RevA, the broad location of associated off site highway works and timescales, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved phasing programme unless otherwise agreed in writing with the Local Planning Authority.

Reason - The applicants have indicated that the works necessary to implement the scheme fully are likely to come forward in a phased manner. To ensure that the highway network is not adversely affected by the development. To ensure that pedestrian routes through the development are made available at an appropriate time and to ensure adequate parking is available.

4. The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the Local Planning Authority:

1034919-OP-DWG-001 Rev C, 002 Rev C, 003 Rev C, 004 Rev B, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 009 Rev C, 010 Rev C, 011 Rev C, 012 Rev C, 013 Rev C, 014 Rev C and 020 Rev B.

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

5. Construction of any building or phase of development hereby approved shall not take place unless and until samples and specifications of all materials to be used on all external elevations of the development and surface treatments have been submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the local planning authority in the interests of the visual amenity of the area.

6. No part of each phase of the development hereby approved shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate

how secure by design accreditation will be achieved have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with these approved details. No part of each phase of the development hereby approved shall be occupied or used until the local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime and to reflect the guidance contained in Planning Policy Statement 'Delivering Sustainable Development'.

7. All phases of the development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development, which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the local planning authority before any of the buildings or phase of the development hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development and the principles contained within Planning Policy Statement 1.

8. No part of each phase of the development hereby approved shall be occupied unless and until an acoustic attenuation scheme of the acoustic glazing and acoustically treated ventilation to be installed as part of the development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before use of each of the phases of the residential development first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied.

9. No part of each phase of the development hereby approved shall be first occupied until the buildings, together with any externally mounted ancillary equipment, are acoustically insulated in accordance with a scheme submitted to and approved in writing by the local planning authority in order to secure a reduction in the level of noise emanating from the equipment. Any externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation

10. No phase of the development approved by this permission shall be commenced until details of the existing and proposed floor levels have been submitted and approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details unless otherwise approved in writing with the Local Planning Authority.

Reason - In the interests of visual amenity.

11. No part of each phase of the development hereby permitted shall commence until fully detailed cross section plans of the existing and proposed external ground levels of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed with the local planning authority.

Reason - To ensure that a satisfactory development.

12. No phase of development shall commence until a hard and soft landscaping treatment scheme together with long term maintenance arrangements has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area.

13. In this condition 'retained tree' means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS3998 Tree Work Recommendations 2010.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area.

14. All tree work carried out during the construction of the development hereby approved should be carried out in accordance with British Standard BS 3998 'Tree Work Recommendations 2010'.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area.

15. Prior to the commencement of each phase of the development hereby approved, a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include correctly calculated construction exclusion zones, proposals for protection barriers and ground protection measures, engineering construction details where foundations, driveways and paving fall within the root protection areas of the retained trees, and details of any necessary tree surgery to facilitate construction operations. The development shall then be constructed in full accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area.

16. No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to August inclusive), unless otherwise agreed with the Local Planning Authority.

Reason - To ensure the protection of wildlife habitats in the locality.

17. No phase of development approved by this permission shall commence until the existing buildings and trees have been surveyed for evidence of use by bats prior to demolition, and the results of this survey shall be submitted to and approved by the Local Planning Authority. If bats are found to inhabit these buildings or trees, no development shall commence until a scheme for the conservation of this species has been agreed with the Local Planning Authority. The phase of development shall be implemented in accordance with the details so approved.

Reason - To protect bats and their roost sites.

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

Reason: In order to provide a reasonable opportunity to record the history of the site.

19. The applicant will provide proposals for the presentation and interpretation of key heritage features as amenities within the public space, and this will form part of the landscaping works at a later stage of the development. The scheme to be submitted to and agreed in writing by the Local Planning Authority, and implemented on site in accordance with the approved scheme.

Reason - To commemorate the history of the site by means of suitable presentation and an interpretation board.

20. All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the local planning authority prior to the development of each phase commencing. The wheel wash shall be retained on site during the construction period, and shall be positioned to allow use throughout each phase of construction; the locations of the wheel wash shall be submitted to and approved by the local planning authority prior to being implemented.

Reason - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud.

21. All contractors' vehicles entering and leaving the site during the construction period shall be sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to the adjacent premises in the interests of public health and amenity.

22. No phase of development shall commence until a scheme for the storage and segregation of waste and for the provision of recycling facilities within that phase has been approved in

writing by the Local planning authority

Reason - In the interests of amenity and public health and to ensure a satisfactory form of development.

23. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 18:00 Monday to Saturday 8:00 to 16:00 Sunday/Bank Holidays.

Reason: To safeguard the amenities of the occupiers of nearby noise sensitive properties.

24. Prior to the construction of each individual building hereby approved a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties.

25. The residential units hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the neighborhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval and to ensure the permanent retention of the accommodation for normal residential purposes

26. The development, or phases of the development, hereby approved shall not be carried out other than in accordance with the parameters identified in the drawing title Proposed Building Heights Plan' drawing numbered 1034919-OP-DWG-007 Rev C (stamped as received by the Local Planning Authority on 7th August 2012). For the avoidance of doubt the height of the buildings and distribution of uses shall not deviate from the parameters set out in the above drawing and statement.

Reason: To ensure a satisfactory form of development.

27. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

- (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
- (b) As built drawings of the implemented scheme;
- (c) Photographs of the remediation works in progress; and
- (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

28. The development shall not commence until a working plan has been submitted to and approved in writing by the Local Planning Authority detailing the measures that will be taken to minimise dust, emissions from vehicles and plant, noise and vibration arising from the development process.

The term 'development process' includes demolition of buildings and structures, groundworks and any other works necessary to complete the development.

Reason: In the interests of protecting surrounding amenity.

29. Other than as may be agreed in writing by the Local Planning Authority, prior to the commencement of each phase excluding demolition and works relating to the temporary car park, full details of the following shall be submitted to and approved in writing by the Local Planning Authority, and development shall only proceed in accordance with the said agreed details:-

- (a) details of CCTV coverage of the scheme.
- (b) details of the cycle parking stands.
- (c) details of all street furniture to be provided including bins, lighting/CCTV columns, seats directional signs etc.
- (d) details of the means to control access to and egress from the car park.

Reason: For the avoidance of doubt and to ensure that the details of the scheme are acceptable.

30. The access to the development hereby approved shall be in accordance with the indicative plans referenced 1034919-0P-DWG-004/B, 005/C and 006/C received 7th August 2012 and to a phasing arrangement agreed in writing by the local planning authority.

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

31. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

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

32. Within seven days of any new access being brought into use, all existing vehicular access points serving this development or phase of development shall be re-assessed and if any are considered as being redundant these access crossings shall be permanently closed off.

Reason: To reduce to a minimum the number of individual access points to Station Road, Grantley Street, Queen Street or Wharf Road in the interests of road safety.

33. When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building(s) is/are occupied and shall be kept permanently free for such use at all times thereafter.

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

34. No part of the Site 1 Initial Phase of the development shall be commenced (apart from those works indicatively identified on drawing numbers 1034919-0P-DWG-004/A and Figure A - 'Site 1 Phase 1 -Access Improvements and On-Site Loading' within the Transport Assessment or as specified) before the works to improve the public highway by means of the reconfiguration of the junction Wharf Road/Grantley Street, widening Grantley Street and realignment of footway(s) and cycleway improvements together with all ancillary works have been certified complete by the local planning authority.

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

35. No development shall be commenced to Site 1 Phase 2 (apart from those works indicatively identified on drawing number 1034919-0P-DWG-006/A or as specified) before the works to improve the public highway (by means of realignment and widening of Queen Street together with all ancillary works) have been certified complete by the local planning authority.

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

36. No 'development shall be commenced to Site 1, Phase 2- drawing number 1034919-0P-DWG-002/A until a comprehensive scheme for highway improvements to Station Road from its junction with Wharf Road/Harlaxton Road up to and including its connection with Station Road East) have been certified complete by the local planning authority.

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

37. No development shall be commenced to Site 1, Phase 2 drawing number 1034919-0P-DWG-002A before the works to improve the public highway by means of until a comprehensive scheme for the signalised junction improvements to Station Road East/London Road has been submitted to, approved, constructed and) have been certified complete by the local planning authority.

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

38. Where roads and footways are to become the responsibility of the local highway authority - before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to those dwellings or units and, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

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

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

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

40. Within 6 months of the development being occupied, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. Thereafter annually a staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.

Reason: In order that the local planning authority conforms to the requirements of PPG13 Transport, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

41. Prior to the occupation of the development details of how parking will be restricted and altering of the direction of traffic flows shall be implemented in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and the free flow of traffic.

42. No development shall begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

Reason: To prevent pollution of controlled waters.

44. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of controlled waters.

45. Prior to the implementation of any phase or part thereof a phase car parking strategy shall be submitted to and approved in writing by the local planning authority. All reserved matters applications in that phase or part thereof shall include details to ensure that car parking facilities and spaces are provided and managed in accordance with the approved car parking strategy.

Reason: To ensure effective car parking management across the scheme.

46. Before the commencement of the development details of air quality strategy shall be submitted and approved in writing by the Local Planning Authority. The strategy work shall demonstrate that the overall impact of the application hereby permitted will not be detrimental to the air quality when compared to air quality should the development not be commenced.

It shall include:

- (a) A programme for monitoring the progress and impact of the development during its operation and construction phases on air quality;
- (b) The impact of traffic emissions generated from the application on local ambient air levels of NO₂ will be assessed using the significance criteria proposed by EP UK;
- (c) Any mitigation measures to address any significant detrimental impacts on air quality;

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

Reason: To ensure that the any significant air quality issues arising from the development addressed in accordance with the requirements of PPS23 – Planning and Pollution Control.

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

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

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

Kesteven Core Strategy (July 2010) and national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

48. When an application is made for approval of reserved matters that application shall be accompanied by details of how bat and bird boxes are to be incorporated into the design of the buildings. The development shall be constructed in accordance with any such details that are approved.

Reason: To ensure biodiversity enhancements are included in the scheme.

49. Before commencement of the development hereby permitted full details of the layout, specification and programme of delivery for the public realm forming the link from Grantham railway station to Wharf Road as illustrated on the approved plan- Proposed site 1- phase 2 1034919-OP-DWG-006 C received 7th August 2012 shall be submitted to and approved in writing by the local planning authority.

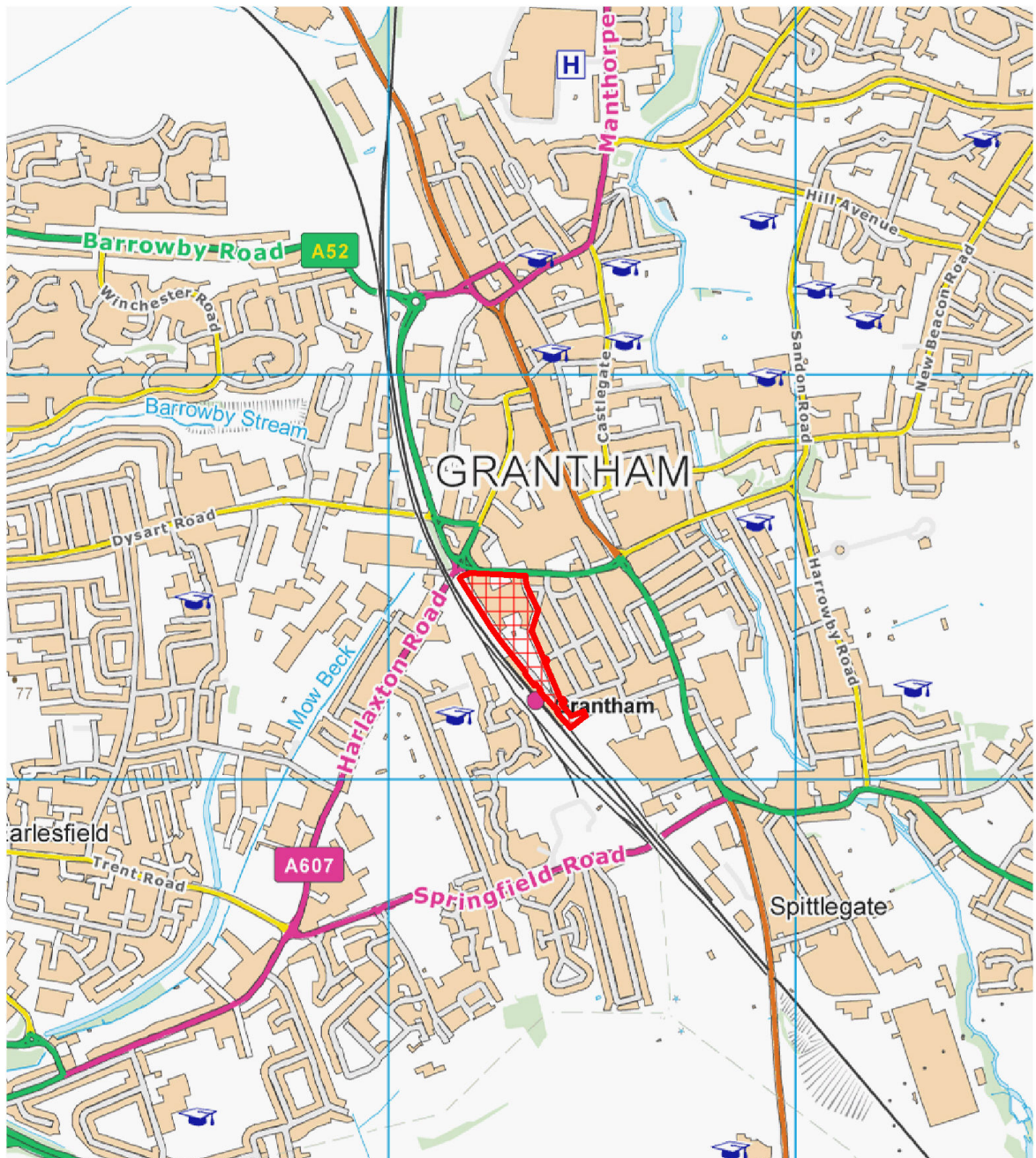
Such details shall include materials and finishes, hard and soft landscaping, any structures and the timeframe for the commencement of and duration of works. These works shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason : To ensure that the works to the public realm are completed within a reasonable timescale and in the interests of the visual amenities of the area.

* * * * *

Site Location Plan

Ref	S12/1720
Proposal	Section 73 Application to vary Conditions 4, 26, 30 and 50 of Planning Permission S11/2511 to increase the floor area of Building 6 (Business Incubation Centre) and decrease floor area of Building 5 (Hotel) and minor amendment to Building 1 (Offices)
Location	Grantham Station Approach, between Grantham Railway Station and Wharf Road, Grantham



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Applicant	Mrs Jennifer Sherlock, Grantham Investments & Alderforce North Elm House, Elmer Street North, Grantham, Lincolnshire, NG31 6RE
Agent	Mr Edward Griffin, Farrell & Clark Architects Tudor House, 35, Gresse Street, London, W1T 1QY
Proposal	Construction of fast food takeaway with associated restaurant
Location	Former Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	<p>This application has been referred to the committee as there is a requirement for a Section 106 legal agreement.</p> <p>Members may recall that a previous for a similar development was refused on 13th February 2012 Planning Permission S11/2206. The reasons for refusal relate to design and materials, highway safety and impact on the amenities of nearby residents.</p>
Recommendation Summary	<p>The proposed development is considered to be acceptable and would not have any significant impact on the vitality and viability of Grantham town centre. There is adequate separation between the proposal and the existing residential properties to ensure that the occupiers of these properties would not experience any significant loss of amenity in relation to overlooking, noise and disturbance and smells and odours.</p> <p>The design and appearance of the development is considered to be compatible with the mixed residential and commercial/industrial character of the area.</p> <p>It is considered that the proposed development would not have any significant detrimental impact on highway safety that would justify the refusal of planning permission.</p> <p>Whilst there is a degree of tension with the NPPF and local guidance contained in Policy E2 of the South Kesteven Core Strategy and Emerging Policy RT1 of the Grantham Area Action Plan state that retail developments should be accompanied by a sequential assessment as this proposal would replace an extant permission and because of the relatively small scale and nature of the proposal it is unlikely to have any significant adverse impact on the town centre there is no requirement for such an assessment in this instance.</p> <p>As such the proposal is considered to accord with national guidance set out in the National Planning Policy Framework - Building a strong and competitive economy, Ensuring the Vitality of Town Centres and Promoting sustainable transport and Requiring good design and local guidance contained in Policy EN1 of the adopted South Kesteven Core Strategy.</p> <p>Concerns in relation to residential amenity, visual amenity, highway safety, are material considerations but they are not considered to outweigh the policies referred to above.</p>

Key Issues

- highway safety,
- residential amenity,
- visual amenity, and
- compliance with policy.

Technical Documents Submitted with the Application

- Design and Access Statement
- Transport Statement
- Travel Plan
- Mechanical Ventilation and Environmental Control Equipment

REPORT

This application is categorised as an 'other' application for planning permission.

Reason for Referral to Committee

This application has been referred to the committee as there is a requirement for a Section 106 legal agreement.

Members may recall that a previous application for a similar development was refused on 13th February 2012 Planning Permission S11/2206. The reasons for refusal relate to design and materials, highway safety and impact on the amenities of nearby residents.

This planning application is to address the reasons for refusal.

The Proposal

The development proposes the construction of a fast food takeaway with associated restaurant. The floor area would be approximately 310 m² in total made up of 266 m² restaurant and an enclosed bin store freezer rooms (44 m²).

The building would be single storey with a mezzanine roof deck for plant equipment contained within the height of the building by hidden parapets. A marketing blade projects above the roof line.

The building would be constructed of red facing brickwork to match the local brick type/style of Grantham and to reflect the brickwork used in the majority of the surrounding buildings. Small areas at the Harlaxton Road end of the building would be clad in composite wall cladding panels at high level with aluminium curtain walling below.

Their statement goes on to state that the composite material, common in many retail areas would provide a transition between the cladding on the large industrial buildings and the smaller textured materials such as brick on the residential properties.

The applicants state in their design and access statement that the building provides a transition between the large urban form of Bairds Maltings and the residential frontage of Springfield Road.

The metal monopitch roof would have a small area for plant to be hidden behind the parapet wall. The entrance to the building would be constructed of continuous glazing.

The application site and its surroundings

The application site is a prominent location on one of the main routes into Grantham town centre. The site was previously occupied by a public house that has recently been demolished.

The area is characterised by a mix of residential properties on Harlaxton Road, Springfield Road and Buckminster Gardens changing to commercial and employment uses to the north including Bairds Malt and the commercial units of Grantham Trade Centre.

The nearest residential property is Whitsters to the north-east of the site approximately 20 metres from the site boundary. The nearest properties to the south of the site, separated by Springfield Road are approximately 30 metres away.

Relevant Site History

S11/3205 – Prior Notification of Demolition of Public House – Demolition Approved -Prior Approval Not required – 19th January 2012.

S11/2206 – Demolition of public house and construction of fast food takeaway with associated restaurant was refused planning permission on 13th February 2012. The reasons for refusal are:

The proposal by virtue of design and materials would have an industrial/commercial appearance detrimental to the character and appearance of the area on this prominent route into Grantham. As such the proposal would be contrary to policy EN1 of the adopted South Kesteven Core Strategy. The proposal would not be appropriate to the quality and character of the built fabric and its setting.

The proposed vehicular access from Harlaxton Road in close proximity to the existing junction would be likely to result in vehicles queuing and waiting to the detriment of highway safety and the free flow of traffic. As such the proposal would be contrary to PPG 13 - Transport.

The proposed use would be likely to result in congregations of customers and members of the public at unsociable hours resulting in noise and disturbance and antisocial behaviour to the detriment of the amenities of nearby residents. As such the proposed use would be contrary to policy EN1 of the adopted South Kesteven Core Strategy and PPS1: Delivering Sustainable Development.

S07/0502 – Outline Planning permission was granted for a retail development, including shops, fast food outlet and public house on land at the corner of Trent Road and Harlaxton Road opposite the application site on 14th January 2008.

S10/2331 – Extension of time to implement planning permission S07/0502 was granted on 23 March 2011.

The relevance of these planning permissions (S07/0502 and S10/2331) in relation to the application site is that they consent a fast food outlet. It is not desirable to have two such outlets in close proximity in this location. As such a legal agreement would be required to ensure that the fast food element of planning permission S10/2331 would not be implemented.

Policy Considerations

National Policy

National Planning Policy Framework

Building a strong and competitive economy

Ensuring the Vitality of Town Centres

Promoting sustainable transport

Requiring good design

Grantham Area Action Plan

Emerging Policy RT1 of the submission version of the GAAP is supported by Planning Policy Statement 4 and requires that applications in out of centre locations will only be acceptable if it can be demonstrated that all other sequentially preferable sites including the identified sites have been considered, but are demonstrated to be unavailable or unsuitable for the proposed use, and the proposal will not lead to significant adverse impacts on the town centre.

Core Strategy

E2 – Retail development

EN1 – Protection and Enhancement of the character of the District

Representations Received

Crime Prevention Design Advisor

I have studied the plans giving consideration towards crime reduction, reduction of the fear of crime and any additional issues relating to community safety. After considering these factors I can state that I have no comments to make.

Community Archaeology

The applications do not affect any known archaeological sites and therefore no archaeological intervention is required.

Community Beat Officer

I am in support of the application in general terms and welcome the development of this site as in my view this is likely to prove beneficial to the community by providing employment, improved facilities and it improves a site which whilst unoccupied has attracted problems of an anti social behaviour nature and contributed to a run down appearance of this side of town. I would like however to raise three questions.

1. The plans appear to show a widening of Harlaxton Road to accommodate the four lanes at the point where the road passes the restaurant as it does not appear wide enough to accommodate four lanes at the moment. Is this the case?
2. How do the plans effect the existing cycle path which runs along the pavement on Harlaxton Road by the site of the restaurant? This is not clear from the plans.
3. Leaving the bus shelter in its current position in between the crossroads junction and the restaurant site entrance and exit in my opinion is likely to a) cause additional congestion given the increase in traffic into and out of the site. And b) be a likely meeting point for young people to sit and consume takeaway food which would lead to an increase in levels of litter in and around the shelter. Can or has consideration be given to the re-siting of the bus stop to a more suitable location further away from the cross roads or removal of it altogether to ease these issues? Is the proximity of the Magistrates court shelter and the one opposite the Fire station close enough?

In response to the questions raised by the Community Beat Officer, the following response was received from the local highway authority:

1. There is currently Land to the West to enable road widening to incorporate four lanes, but only being proposed as part of this development.
2. A cycle path remains on the indicative layout.

3. The position of the bus stop and shelter will be considered in the safety audits that will be undertaken by the Lincs Road Safety Partnership as part of the final design to be carried out under the S278 of the Highways Act 1980 and if considered to be unsafe in its current position will be moved to a more suitable near proximity location.

Local Highway Authority

Requests that any grant of planning permission should be accompanied by conditions in relation to parking and turning, highway improvements, surface water drainage and submission of a travel plan.

Planning Policy

This application is for a fast food takeaway with associated restaurant and drive through on a site at Harlaxton Road Grantham. The existing public house namely the Isaac Newton is proposed to be demolished.

The relevant policies that continue to be relevant following pre-planning stage and also on planning application S11/2206 are as follows:

- Policy E2: Retail development in the adopted Core Strategy
- Emerging policy RT1 in the Submission version of the Grantham Area Action Plan (not adopted when submitting these comments)

Therefore this proposal will only be acceptable if all other sequentially preferable sites, including the identified sites have been considered, but are demonstrated to be unavailable or unsuitable for the proposed use, and the proposal will not lead to significant adverse impacts on the town centre.

The above policies are also supported by the National Planning Policy Framework at paragraph 24.

I note from the application details available to me that a sequential assessment has not been included as part of the application. Therefore this application does not comply with the above mentioned policies in the Core Strategy, the Submission version of the Grantham Area Action Plan and the National Planning Policy Framework.

However it is also noted that the proposal is for one fast food takeaway with associated restaurant. It is believed that given the relatively small scale and nature of this proposal it is unlikely that it would have any significant adverse impact on the town centre.

Furthermore as outlined in the design and access statement the nearby site by Harlaxton Road and Trent Road has conditional outline approval for a development that includes a fast food outlet (S07/0502). The applicant is prepared to enter into a legal agreement with SKDC to agree that should the application be approved, then the fast food outlet on the opposite site will be removed. Therefore no material increases in the number of fast food outlets in the area.

Upper Witham Drainage Board

Requests condition(s) to ensure a satisfactory means of drainage for the site.

Environmental Protection

Environmental Health have no further comments to add to the conditions already applied to this development (as per the previous planning application S11/2206).

For completeness I have repeated the comments from Environmental Protection in relation to previous planning application S11/2206 below:

Initial comments

The following additional information is required: delivery hours and lighting plan.

If planning permission is forthcoming I would request that a condition requiring the installation of a grease trap is required.

I would suggest that a condition which requires that the speaker system is not audible at the boundary of any noise sensitive property would suffice.

Final Comments

I've had a look at the additional information and would comment as follows;

1. I would request a condition is attached to ensure that the lighting is installed and maintained in accordance with the submitted lighting scheme and layout plan.
2. I do have reservations about the 2am opening on Thursday, Friday and Saturday, and would prefer to see a midnight closing time for the site. I am not aware that anything else in that area is already open at that time, and I would wish to protect the nearby residents from noise and disturbance from customers and those using the car park.
3. As discussed, the noise from the tannoy could be conditioned so as not to be audible at the boundary of any noise sensitive premises, not the boundary of the site.
4. A possible grease fat condition "details of grease traps to be installed in the drainage system of the premises must be submitted and approved by the District Planning Authority. The use must not commence until the approved measures have been implemented in full"
5. The "Mechanical Ventilation & Environmental Control Equipment Planning Consent Information" does not provide any details of the odour abatement to be employed and instead deals with conditions inside the premises. I would request the following condition "Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment, including noise levels, have been submitted to and approved by the District Planning Authority".
6. I would also ask for a condition relating to deliveries and waste collection to restrict these to 07:30-18:00 Monday to Saturday with no deliveries or waste collection on a Sunday or Bank Holiday.

Representations as a result of publicity

The application has been advertised in accordance with the Council's adopted Statement of Community Involvement. 14 letters have been received a summary of their concerns are listed below:

- although this is a good use for the site, I feel it will attract the boy racers with their noisy exhausts
- the opening hours of the establishment no doubt it will be operating until 2.00am.
- it will increase the noise levels from vehicles
- litter from the establishment
- smell/odours
- will the building be bright red as per the previous submission?
- traffic problems
- antisocial behaviour

- rubbish/litter everywhere like McDonalds
- boy racers
- how many fast food places does Grantham need. KFC already have an outlet
- don't let them build another eyesore
- no positive about the proposal for the immediate area or the town
- entrance and exit will be onto a busy road adjacent to the traffic lights. The Trent Road, Harlaxton Road, Springfield Road is already choked and at capacity
- town is plagued by litter which will only exacerbated by a further fast food restaurant
- drive through will only mean that the litter is disposed of elsewhere
- great visual impact especially if it is a modern design like the Pizza Hut
- smell from the takeaway will result in our windows needing to be closed at all times
- vehicles coming and going at all times, plus noise from customers which we had to put up with for years as people left the Sir Isaac Newton pub after closing time
- the litter from a fast food outlet would be detrimental to the approach to Grantham which is currently attractive to visitors
- dominant and oppressive environment created by the proposal
- overlooking and loss of privacy
- design out of keeping with the character of the area
- highway safety or traffic impact
- visually intrusive
- excessive noise and smells
- the money recently invested in the junction improvements would be wasted
- make area dirty, smelly and noisy
- traffic congestion and more pollution
- damage to trees
- the town does not need anymore takeaways
- there does not seem to be much change from the previously refused planning application
- unacceptable opening times of 2.00am on three nights, Thursday, Friday and Saturday which will result in noise pollution in the vicinity when people are trying to sleep.
- extended hours will also result exacerbate light pollution in the area
- problems with heavy goods vehicle deliveries
- Smell of cooking, litter, vermin, problems with badly disposed litter and food
- siting of the waste bins on the Springfield Road side of the development will still bring the potential for vermin infestation even closer to rather than further away from the residential properties
- concern relating to the rising problems of obesity within the youth population to such a development close to two primary schools and a secondary school would make little contribution to healthy eating and lifestyle
- if the application is successful the extractor fans, waste bins and delivery routes should be situated on the side of the building facing the open fields across Harlaxton Road, away from Buckminster Gardens in order to minimise disruption and cooking odours.
- proposal does not enhance the area, the architectural style does not complement the unique range of individual properties in Buckminster Gardens
- the proposed building is still an eyesore as you drive into Grantham
- the junction is already very busy
- the other end of Springfield Road is already congested from McDonalds
- the opening times will result in lights shining into our property
- we did not but our house next to a hot food takeaway and we would not have brought it if there was. Use the old Curry's site as an alternative
- more traffic. It is difficult to get out of Denton Avenue at the moment. This will make matters worse
- extra traffic will put pedestrians in danger
- how will litter be controlled?
- dangerous junction which will be made worse by the additional traffic
- would the members of the planning committee like to live next door to a fast food restaurant?
- reduction in house prices (not a material consideration)

- takeaways should be in the centre of town not suburbia
- would not be able to entertain guests in the garden because of noise/smells
- 2.00am closing on a Saturday will be disturbing for all the elderly residents on Buckminster Gardens
- the sign is omitted from the application (this would require separate advertisement consent)
- how will discarded litter be dealt with
- waste may be deposited in the drains
- lighting would be like a football stadium
- the site is a focal point and will become an eyesore
- nearby schools will result in about 70% of customers being children
- delivery lorries would result in vibration and damage
- prime position for shops not KFC
- parking not adequate
- noise from car radios
- adjacent street would be used for vehicles turning and manoeuvring resulting in disturbance to residents
- design of the building with metal cladding and lights is not suitable for this location
- noise, smell and lighting problems
- hot food takeaways should remain on London Road

One letter whilst raising concerns regarding the proposal did state the following:

- creating jobs is always good for the town and the plans look good, nice design, more trees would be a bonus

Officer Evaluation

The main issues for consideration in relation to the above application are highway safety, residential amenity, visual amenity, and compliance with policy.

Highway Safety

Members may recall that the previous planning application was refused on highway safety grounds:

“The proposed vehicular access from Harlaxton Road in close proximity to the existing junction would be likely to result in vehicles queuing and waiting to the detriment of highway safety and the free flow of traffic. As such the proposal would be contrary to PPG 13 – Transport”. (S11/2206).

However, this proposal has not been amended in relation to highways matters. This application and the previous application S11/2206 were both supported by the local highway authority.

To clarify the stance of the highway authority this application is accompanied by a letter from the highway authority confirming their support:

“In respect of this application I would confirm that due to the pre-application work undertaken within this Authority in respect of this application, we as the highway authority have no objection to this proposal as submitted (subject to conditions).

The design agreed by this authority was via Harlaxton Road only with the access from Springfield Road being closed.

Springfield Road was requested to be closed as there are already capacity issues along Springfield Road and recent transport assessments i.e. St John’s Trust Care Home highlighted those issues, to which the committee are fully aware as they agreed a Section 106 agreement contribution for bus services for this site to overcome this Authority’s concerns”. (Area Highways Manager – Grantham).

In light of the above local highway authority comments it is considered that the scheme is acceptable from a highway safety perspective and as such the reason for refusal of planning permission S11/2206 in relation to highway matters cannot be substantiated.

Residential Amenity

Litter

It is accepted that the dropping of litter is a material planning consideration even though it is controlled by other legislation. However, it is not usually sufficient to result in a refusal of planning permission. In this instance as the proposal is for a drive through take-away, it is reasonable to assume that a large proportion of the food will normally be taken home to eat. As such litter should not be a significant issue. However, it is considered that an appropriately worded condition would ensure that litter is properly managed.

Smell

Objections in relation to cooking smells from fast food outlets and the impact they would have on the amenity of neighbouring occupiers is common. However, it is accepted that conditions requiring approval of extraction and filtering details are effective means of mitigating odours/smells etc. Whilst it is impossible to completely eliminate odours it is considered that they can be sufficiently controlled to the extent that a reason for a refusal of planning permission on this ground could not be substantiated.

Noise and Disturbance

Comments have been received that the proposal would generate noise and disturbance to the detriment of residential amenity. Members of the public are concerned that the comings and goings to the site coupled with the potential for customers to congregate outside the premises. However, in this instance it is considered that there would be sufficient separation distances between the proposal and nearby residential properties to ensure that there would not be any significant impact on residential amenity of nearby occupiers.

The chiller units and litter bins would be located within the main building on its eastern side adjacent to Springfield Road. They would be enclosed which when coupled with the separation distances to the existing residential properties would ensure that there would not be any significant loss of residential amenity.

The Environmental Health Protection officer has commented on the original submission and the additional material that has been submitted in relation to lighting, hours of operation. A number of conditions have been requested in relation to lighting, restricting the hours of operation to midnight, the operation of the tannoy/loudspeaker, grease trap, means to suppress odours, and control of deliveries.

It is considered that these conditions are reasonable are circular compliant and would satisfactorily protect the residential amenity of nearby residents.

Privacy

As per the previous planning application S11/2206 it is considered that there would not be any significant loss of privacy as a result of the proposed development as there would be sufficient separation distances between the proposal and the nearest residential properties. It is considered that there would not be any significant impact on levels of privacy beyond that experienced by the residents in relation to the operation of the public house.

Hours of operation

The proposed hours of operation have been assessed by the Environmental Protection section. It is considered that an appropriately worded condition limiting the hours of operation is considered appropriate to protect the amenity of nearby residents.

The Environmental Protection Officer has indicated that subject to the conditions proposed on the previous planning application it is considered that residential amenity would be sufficiently protected.

Visual Amenity/impact on streetscene

The scheme has been amended to address the specific reason for refusal of planning application S11/2206 in relation to design and appearance:

“The proposal by virtue of design and materials would have an industrial/commercial appearance detrimental to the character and appearance of the area on this prominent route into Grantham. As such the proposal would be contrary to policy EN1 of the adopted South Kesteven Core Strategy. The proposal would not be appropriate to the quality and character of the built fabric and its setting”. (S11/2206).

The applicants submitted Design and Access Statement states:

“The proposed building provides a transition between the large urban form of Bairds Maltings and the residential frontage of Springfield Road.

The building will be of a red facing brick to match the local brick in Grantham, and to reflect the brickwork used in the majority of the surrounding buildings. Small areas at the Harlaxton Road end of the building are to be clad in grey composite wall cladding panels at high level with aluminium curtain walling below. This material is common in many retail areas and is a transition between the cladding on the large industrial buildings and the smaller textured materials such as brick on the residential buildings.

(Officer Note: Advertisement consent would require a separate application and cannot form part of this application for planning permission).

The monopitch roof is metal standing seam which reflects the adjacent buildings. A small area of plant is hidden behind the parapet and coping which matched the style of the Baird’s Malt linear roof. Continuous glazing to the entrance of the outlet provides activity at ground floor level. Signage for the store is kept to this west elevation in line with other retail stores and signage that is evident on Harlaxton Road. This allows the other elevations to be more subdued as they face Springfield Road and the residential areas”.

It is considered that that this proposal is a significant improvement over the previously refused scheme. The building would be predominantly constructed of brickwork, inkeeping with surrounding properties.

Policy EN1 of the adopted South Kesteven Core Strategy seeks to assess proposals in relation to the character and appearance of the area in which it is situated. In this instance the application site is located in an area of mixed uses including residential, commercial, and industrial units on a prominent junction on a route into the town centre.

It is considered that the proposed building would successfully form a transition between the commercial buildings to the north-east and the residential properties to the south.

The application site is located within Character Area 5c of the Townscape Character Assessment. The area has no identified heritage assets. There area has a mix of materials including red bricks,

reinforced concrete panels and frames, profile metal roofs. There is a significant variation in scale from two storey to the eleven storey Bairds Malt grain store.

The assessment describes the architectural qualities of the buildings in this area:

“Buildings within this character area are highly functional and have very limited architectural expression or detailing”.

The key design principles identified for this character area relevant to this development are:

- improvement in the material specification and architectural quality of new buildings
- softening of the utilitarian setting of most buildings

The residential development adjacent to the site is located within character area 9e. It is characterised by a post war urban extension of single family dwellings houses. There are no heritage assets identified in this character area. Materials are predominantly red brick and interlocking tiles. Whilst the application site is not within this area it is clearly in close proximity, and must take it into consideration.

The key design principles identified for this character area relevant to this development are:

- ensure future development respects the domestic scale of most of the character area and not the industrial scale of lost buildings or adjacent sites
- maintain and continue a well-defined active frontage along Springfield Road and Harlaxton Road.

It is considered that the proposed development strikes a balance between the two character areas and follows the key design principles set out in the Townscape Character Assessment and would be in keeping with its surroundings and would not have a detrimental impact on the character and appearance of the area.

Compliance with Policy

The proposal relates to the provision of a fast food outlet in an area of the town which has a mix of residential and employment/commercial uses some distance from the town centre.

There is an extant planning permission for a similar proposal to the west of the application site (former Irlams yard) as part of planning permission for a mixed use development S10/2331. It is proposed to not implement that element of the planning permission, and as an alternative, construct the outlet on the application site.

As such it is clear that there would not be any additional impact on the vitality and viability of the town centre beyond that of the extant planning permission. In this instance it is not considered necessary to undertake a further sequential assessment.

The comments of the planning policy officer support this view:

I note from the application details available to me that a sequential assessment has not been included as part of the application. Therefore this application does not comply with the above mentioned policies in the Core Strategy, the Submission version of the Grantham Area Action Plan and the National Planning Policy Framework.

However it is also noted that the proposal is for one fast food takeaway with associated restaurant. It is believed that given the relatively small scale and nature of this proposal it is unlikely that it would have any significant adverse impact on the town centre.

Furthermore as outlined in the design and access statement the nearby site by Harlaxton Road and Trent Road has conditional outline approval for a development that includes a fast food outlet (S07/0502). The applicant is prepared to enter into a legal agreement with SKDC to agree that should the application be approved, then the fast food outlet on the opposite site will be removed. Therefore no material increases in the number of fast food outlets in the area.

Other matters

Healthy Eating

A planning permission in 2010 in Tower Hamlets, London was quashed on the basis that the planning officer wrongly directed the committee. Members were advised that they could not take account of the proximity of a local secondary school because it was not a material planning consideration.

It is accepted that the health impact of a proposed fast food outlet is a material planning consideration. However, the weight to attach to such a consideration is for the decision-maker. It is considered that this particular area of the town is not saturated with takeaway outlets. As such there are sufficient food choices for the local community.

Section 106 Heads of Terms

The applicants are in agreement to enter into a legal agreement not to implement the fast food element of extant planning permission S10/2331. This would ensure that there would not be two fast food outlets in close proximity.

Crime and Disorder

An objection which is often raised in relation to fast food outlets is that they would become a focus for public disorder and/or criminal behaviour. However, such allegations are difficult to sustain as a material consideration that could be used as a reason for refusal. Particularly as there are a number of appeal decisions that make it clear that planning permission should not be denied because of the threat of trouble which is not inevitable coupled with the fact that whilst a take-away use may attract undesirables, adequate powers exist for the police to take action should nuisance arise.

The comments of the Community Beat Officer indicates support for the proposal and that the redevelopment of the site is an opportunity to remove a potential source of antisocial behaviour:

“I am in support of the application in general terms and welcome the development of this site as in my view this is likely to prove beneficial to the community by providing employment, improved facilities and it improves a site which whilst unoccupied has attracted problems of an anti social behaviour nature and contributed to a run down appearance of this side of town”.

In light of the above it is considered that the proposed development is unlikely to result in any significant impact on crime and disorder.

Human Rights Implications

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

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

Recommendation

That the application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement not to implement the fast food element of planning permission S10/2331 on the land to the west of the application site and subject to the following conditions:

Where the agreement has not been concluded prior to the committee a period not exceeding six weeks post the date of committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and in the opinion of the Development Management Service Manager acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances that would justify a further extension of time, the related planning application shall be refused on the basis that no assessment of the impact of two fast food establishments on the vitality and viability of the town centre has been undertaken.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be acceptable and would not have any significant impact on the vitality and viability of Grantham town centre. There is adequate separation between the proposal and the existing residential properties to ensure that the occupiers of these properties would not experience any significant loss of amenity in relation to overlooking, noise and disturbance and smells and odours.

The design and appearance of the development is considered to be compatible with the mixed residential and commercial/industrial character of the area.

It is considered that the proposed development would not have any significant detrimental impact on highway safety that would justify the refusal of planning permission.

Whilst there is a degree of tension with the NPPF and local guidance contained in Policy E2 of the South Kesteven Core Strategy and Emerging Policy RT1 of the Grantham Area Action Plan state that retail developments should be accompanied by a sequential assessment as this proposal would replace an extant permission and because of the relatively small scale and nature of the proposal it is unlikely to have any significant adverse impact on the town centre there is no requirement for such an assessment in this instance.

As such the proposal is considered to accord with national guidance set out in the National Planning Policy Framework - Building a strong and competitive economy, Ensuring the Vitality of Town Centres and Promoting sustainable transport and Requiring good design and local guidance contained in Policy EN1 of the adopted South Kesteven Core Strategy.

Concerns in relation to residential amenity, visual amenity, highway safety, are material considerations but they are not considered to outweigh the policies referred to above.

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

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

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

2. Prior to the implementation of the permission hereby granted a management plan for the collection of litter shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full thereafter.

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

3. Prior to the commencement of the development hereby permitted details of any external lighting of the development shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with any such details that are approved.

Reason: To protect the amenity of neighbouring occupiers.

4. There shall be no external storage on the site.

Reason: In the interests of visual amenity.

5. Any external loudspeaker system/tannoy shall not be audible at the boundary of any noise sensitive property.

Reason: In the interests of residential amenity.

6. Any construction works on the site shall be limited to:

07.30 to 18:00 Monday to Friday, 08:00-13:00 Saturday and no works on Sundays and Bank Holidays.

Additionally, there shall be no burning of waste on the site.

Reason: To control the construction of the development and to protect residential amenity.

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

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

8. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to

encourage travel by means other than the private car and in accordance with Policy SP3 of the adopted South Kesteven Core Strategy (July 2010).

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

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

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

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

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

113-365-P01 E Proposed Ground Floor Layout Plan
113-365-P03 J (Proposed Elevations)
113-365-P04 D (Proposed Site Plan)

received by the local planning authority on 24th May 2012.

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

12. Prior to the operation of the development hereby permitted details of grease traps to be installed in the drainage system of the premises shall be submitted to and approved in writing by the local planning authority. Any such details that are approved shall be implemented fully prior to the commencement of the use hereby permitted.

Reason: To ensure a satisfactory form of development and a satisfactory means of draining the site.

13. Notwithstanding the submitted information, before the use hereby permitted is commenced, equipment shall be installed as will suppress the emission of fumes or smells and obviate odours from frying or other cooking processes details of which shall be submitted to and approved in writing by the local planning authority. Such details shall include noise levels of the equipment to be installed.

Reason: To protect the amenity of neighbouring occupiers.

14. Deliveries and waste collection to and from the site shall be between 07:30 to 18:00 Monday to Saturday with no deliveries or waste collection on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residential occupiers.

15. The premises shall not be used for the purposes hereby permitted outside the hours of:

07:00-23:00 Monday, Tuesday and Wednesday.

07:00 to 12 midnight Thursday, Friday, Saturday and Sunday.

Reason: The operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents.

16. The arrangements shown on the approved plan 113-365-PO4 Rev D dated 24th May 2012 for the parking /turning/manouvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

17. No development shall be commenced (apart from those works identified on drawing number Fig 105 Rev 01 or as specified) before the works to improve the public highway (by means of a right turn facility) have been certified complete by the Local Planning Authority.

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

18. Notwithstanding the submitted details the development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved travel plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that access to the site is sustainable and reduces dependency on the car.

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

Dwg No. 113-365-P04 rev D, 113-365-P03 rev J, 113-365-P01 rev E, Fig 105 Rev 01, Fig 106 Rev 02.

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

20. No development shall take place until details of existing and proposed ground levels and finished floor levels of the proposed development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any such details that have been approved.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

Note(s) to Applicant

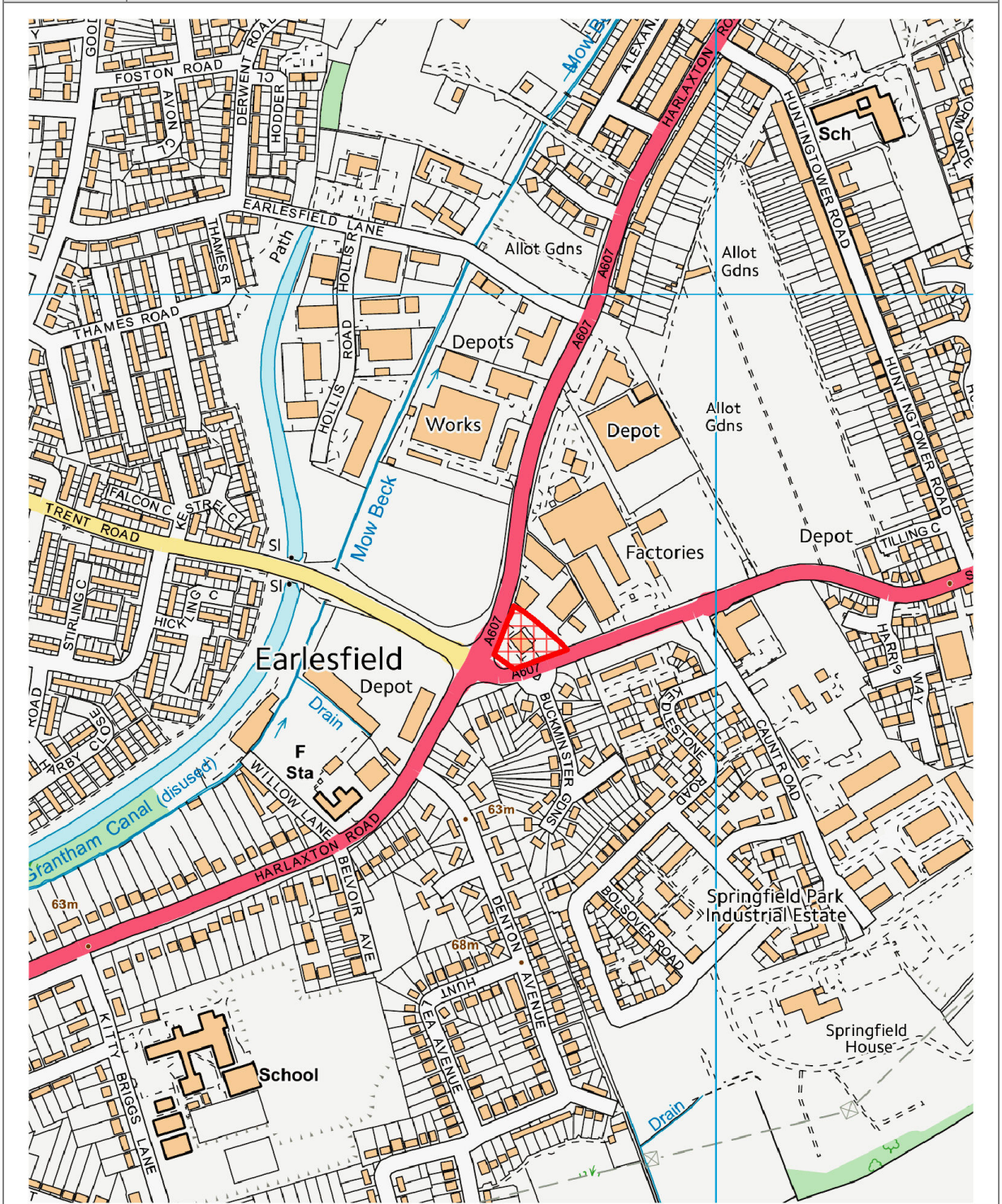
1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

2. No works shall commence on site until a Section 278 Agreement under the Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a ghost island right turn facility along Harlaxton Road (As shown on drawing Fig 105 Rev 01 dated May 2012 together with any ancillary works).
3. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

* * * * *

Site Location Plan

Ref	S12/1272
Proposal	Construction of fast food takeaway with associated restaurant
Location	Former Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire



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Applicant	Seagate Homes (UK) Ltd Seagate Hall, Vicarage Lane, Long Sutton, Lincs, PE12 9AF
Agent	Portess & Richardson 193, Lincoln Road, Peterborough, Cambs, PE1 2PL
Proposal	Reserved matters application in respect of the erection of 5 No dwellings (approved under outline planning permission ref S10/2650/OUT)
Location	28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
App Type	Reserved Matters
Parish(es)	Baston
Reason for Referral to Committee	This reserved matters submission follows on from the earlier outline approval by the Committee for the residential development of the site subject to a Section 106 Agreement relating to the payment of a commuted sum for off-site affordable housing provision.
Recommendation Summary	<p>The principle of the development of the application site for the erection of five No. dwellings has been established by the earlier grant of outline planning permission. It is considered that by virtue of their siting, design, scale and materials to be used, the development proposals in relation to this reserved matters submission would be in keeping with the character and appearance of the streetscape. There would be no significant adverse overlooking, overbearing or overshadowing impacts on the residential amenities of the occupiers of surrounding properties. The scheme would not be detrimental to highway safety and would not detract from the setting of nearby listed buildings.</p> <p>It is therefore considered that the reserved matters submission is in accordance with national planning guidance contained in the National Planning Policy Framework and Policies SP1, SP2, SP4, H1, H3, EN1, EN2 and EN4 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.</p>

Key Issues

- Access/parking including highway and pedestrian safety
- Impact of development on residential amenities
- Visual impact on the character of the area

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans
- Elevational Drawings
- Dwelling Floor Plans
- Site Level Details
- Hard and Soft Landscaping Proposals
- Vehicular Access/Parking Arrangements

REPORT

The Proposal

This reserved matters proposal relates to the detailed submissions for the erection of 5 No. detached dwellings along with associated garaging, access, landscaping and boundary treatments. The scheme shows the proposed erection of a single storey dwelling (Plot 5) in the front garden area of the existing property at No. 28 Main Street and the provision of 3 No. two storey dwellings and 1 No. three storey dwelling (with the second floor accommodation within part of the roofspace) within the existing rear garden area. The dwellings are to be constructed predominantly in Clipsham stone with red tiled roofs.

Vehicular access to the proposed new single storey dwelling (Plot 5) is from Main Road and the existing dwelling (No. 28 Main Street) and the four other new dwellings are to have access via a private drive from Aveland Way. The proposed boundary treatments of a mix of walls, fencing and trees/hedging reflects those presently in situ.

The Application Site and its Surroundings

The application site at No. 28 Main Street is located towards the south-eastern edge of the settlement of Baston, close to the junction with Aveland Way. Residential development is located to the north, west and south with open fields to the east. The site is within zones 2 and 3 of the indicative Environment Agencies flood plain maps.

The application site accommodates a detached single storey dwelling on a large plot of some 0.8 hectares. The footprint of the property is set back 105m from its access point off Main Street with the rear garden extending a further 140m from the rear elevation.

The existing property, which is constructed out of buff brick with a slate roof, is situated relatively central within the plot with the drive and turning area to the property's frontage. The rear garden area is predominantly lawn. An ornamental pond also provides an attractive feature in the rear garden area.

There are a number of trees within the site the majority of which are positioned along the boundaries with others surrounding the pond area. The existing boundary treatment is a mix of walls, fencing and trees/hedging.

Relevant Planning History

S10/2650/OUT - Outline approval for 5 No. dwellings subject to a Section 106 Legal Agreement in relation to an off-site affordable housing payment.

Policy Considerations

National Planning Policy Framework.

Achieving sustainable development
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

South Kesteven Core Strategy 2010

Policy SP1 - Spatial Strategy
Policy SP2 - Sustainable Communities
Policy SP4 - Developer Contributions
Policy EN1 - Protection and Enhancement of the character of the District.
Policy EN2 - Reducing the risk of flooding
Policy EN4 - Sustainable Construction and Design
Policy H1 - Housing Development.
Policy H3 - Affordable Housing.

Representations Received

Baston Parish Council advises that it does not wish to put in a representation on the application but would ask that a Section 106 agreement be implemented for money to be spent on a community project within the parish of Baston only.

Council's Housing Partnership Project Officer advises that the extant Section 106 Agreement provides for a commuted sum payment of £15,190 towards the provision of off-site affordable housing in priority order of Baston; then the villages in the vicinity of Baston which are in the southern area of the District of the Council; and then finally within any area of the District of the Council.

Environment Agency has no objection

Lincolnshire County Highways raise no objections in principle.
Heritage Trust of Lincolnshire comments that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Representations as a Result of Publicity

Two letters of representation have been received from local residents raising the following concerns/objections to the scheme summarised below :-

The scheme will result in a loss of privacy to residents on Colton Close.

The development will exacerbate the levels of traffic on Main Street.

The proposed vehicular access off Aveland Way could give rise to highway dangers initially by construction traffic and then visitors/family parking on Aveland Way which is an "S" bend and not suitable for parking.

Officer Evaluation

The principle of the residential development of the site was accepted in relation to the grant of outline planning permission in October 2011 when it was demonstrated that the scheme would not give rise to any increased risk of flooding in the locality. The approval also established that the vehicular access to the development site for five dwellings would be provided from Aveland Way and the County Highway Authority have confirmed that in relation to the detailed submissions that the access and parking arrangements are acceptable. Accordingly, it is considered that the key issues with regard to this proposal relate to the impacts on residential and visual amenities.

Impact on Residential Amenities.

Concerns are raised by a local resident on Main Street that the scheme will result in a loss of privacy to residents on Colton Close. However, having regard to the proposed siting of the new dwellings within the site and the existing/proposed boundary treatments and tree screening it is considered that the proposed development will not result in any significant overlooking of existing adjoining properties or their garden areas. It is also considered that the proposed dwellings would not have any significant overbearing or overshadowing impacts.

Impact on Visual Amenities.

The proposed single storey dwelling to be erected to the front of No. 28 Main Street respects the scale and design of the existing property and the adjoining dwellings. The proposed four new dwellings to be built in the rear garden area will be less prominent in views from the wider streetscape, nevertheless, in terms of their scale and design they are considered to be in keeping with the locality. Indeed, the scheme reflects that undertaken recently by the same developers on a site to the east of the present application site, namely; on land to the rear of No. 42 Main Street. Given the degree of visual separation and screening provided by existing properties, the proposed scheme would also not detract from the setting of any nearby listed buildings fronting onto Main Street.

Other Matters

Baston Parish Council requests that a Section 106 agreement be implemented for money to be spent on a community project within the parish of Baston only. It is pointed out, however, that as this is a reserved matters submission it is bound by the terms of the Agreement attached to the existing outline planning permission. This extant Section 106 Agreement provides for a commuted sum payment of £15,190 towards the provision of off-site affordable housing with a priority towards Baston.

Accordingly, having regard to the above planning considerations this reserved matters application is recommended for approval with conditions.

Section 106 Heads of Terms

Not applicable to this reserved matters submission - Section 106 to outline permission remains extant.

Crime and Disorder

No implications.

Human Rights Implications

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

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

SUMMARY OF REASON FOR APPROVAL

The principle of the development of the application site for the erection of five No. dwellings has been established by the earlier grant of outline planning permission. It is considered that by virtue of their siting, design, scale and materials to be used, the development proposals in relation to this reserved matters submission would be in keeping with the character and appearance of the streetscape. There would be no significant adverse overlooking, overbearing or overshadowing impacts on the residential amenities of the occupiers of surrounding properties. The scheme would not be detrimental to highway safety and would not detract from the setting of nearby listed buildings.

It is therefore considered that the reserved matters submission is in accordance with national planning guidance contained in the National Planning Policy Framework and Policies SP1, SP2, SP4, H1, H3, EN1, EN2 and EN4 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.

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

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

Drawing No. 3602A-S01
Drawing No. 3602A-S02
Drawing No. 3602A-P01A Rev A
Drawing No. 3602A-P02A
Drawing No. 3602A-P03B
Drawing No. 3602A-P04
Drawing No. 3602A-P05A
Drawing No. 3602A-P06
Drawing No. 3602A-P07
Drawing No. 3602A-P08
Drawing No. 3602A-P09A
Drawing No. 3602A-P10A
Drawing No. 3602A-P11B
Drawing No. 3602A-P12
Drawing No. 3602A-P13
Drawing No. 3602A-P14 Rev A
Drawing No. 3602A-P15B

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

2. The external materials to be used in the construction of the dwellings shall be implemented in accordance with the Finishes Schedule (Project Ref: 3602A) received on 29 May 2012.

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

3. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on Drawing No. 3602A-P02A and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

4. Prior to any of the dwellings being first occupied the private drive shall be completed in accordance with the details shown on Drawing No. 3602A-P11B.

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

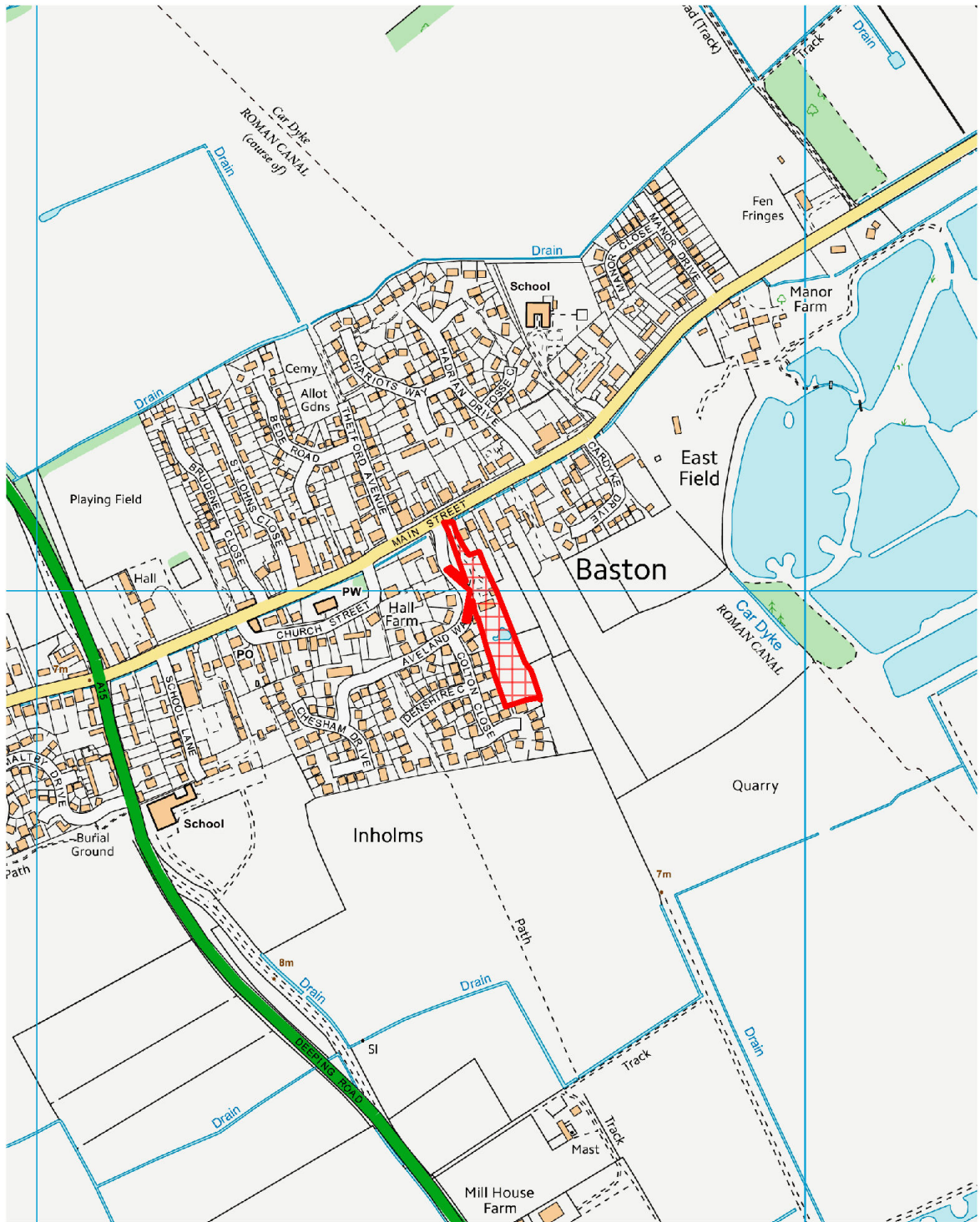
Note(s) to Applicant

1. The County Highway Authority advises that where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. The County Highway Authority advises that prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. The County Highway Authority advises that this road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.
4. In addition to meeting the requirements of condition 1 this approval of reserved matters also provides the approval of the pre-commencement elements of conditions 2, 6, 11, 12 and 13 of outline planning permission ref: S10/2650/OUT. Development carried out in accordance with these agreed details will comply with the aforementioned conditions provided that the works are undertaken on the site in line with any time constraints imposed by the respective conditions.
5. You are reminded of the need to discharge the pre-commencement requirements of all conditions in relation to outline planning permission ref: S10/2650/OUT before any development works commence on the site.
6. You are reminded to comply with the requirements of the Section 106 Agreement attached to outline planning permission ref: S10/2650/OUT.

* * * * *

Site Location Plan

Ref	S12/1129
Proposal	Reserved matters application in respect of the erection of 5 No dwellings (approved under outline planning permission ref S10/2650/OUT)
Location	28, Main Street, Baston, Peterborough, Lincolnshire



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Applicant	Cllr R Howard, Market Deeping Town Council Town Hall, Market Place, Market Deeping, Peterborough, Lincolnshire, PE6 8EA
Agent	
Proposal	Affix steel plaque
Location	Town Hall, Market Place, Market Deeping, Peterborough, Lincolnshire, PE6 8EA
App Type	Listed Building Consent
Parish(es)	Market Deeping
Reason for Referral to Committee	The application has been referred to the development Control Committee due to the application being made on behalf of th Town Council by the District Councillor.
Recommendation Summary	<p>It is considered that by virtue of the location of the site and minimal size of the proposed plaque there is little or no visual impact and would be well integrated into the street scene context of the surrounding area. There would be no detrimental impact on the amenities of the occupiers of nearby buildings or on highway safety.</p> <p>It is therefore considered that the proposal is in accordance with National Planning Policy Framework Section 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.</p>

Key Issues

- The visual impact on the surrounding area.
- The impact on the setting of the adjacent listed building
- Amenities of occupiers of adjacent buildings.

Technical Documents Submitted with the Application

- Extract from the Listed Building description list.

REPORT

The Proposal

The proposal is to affix a steel plaque commemorating the Olympic torch status of the town. The scheme will have a visual impact on the area but will be compatible with the existing Town Hall use of the building and will have low level impact on this prominent Market Place location.

The application site and its surroundings

The application site is to the north side of Market Place and is a Grade 2 Listed Building currently used by the Market Deeping Town Council as their Town Hall office building.

Site History

None relevant to this proposal.

Planning Considerations

National Policy

NPPF – Section 11 – Conserving and Enhancing the Natural Environment.

NPPF – Section 12- Conserving and enhancing the historic environment.

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 3, 5 and 10 refer in this case relating to, local distinctiveness and sense of place, historic character, patterns and attributes of the landscape, the quality and character of the built fabric and visual intrusion.

Representations Received

Conservation Officer –

Archaeology – No known affect.

Town Council – Declared interest and make no comment.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement to which no comments have been received.

Officer Evaluation

With regard to the impact on the character of the Grade 2 Listed Building and the surrounding Conservation Area, the proposed plaque will be visually unobtrusive and have minimal affect on the appearance of the surrounding area. The Conservation officer has indicated that the proposal is

Crime and Disorder Implications

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

Human Rights Implications

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

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

Summary of Reason(s) for Approval

It is considered that by virtue of the location of the site and minimal size of the proposed plaque there is little or no visual impact and would be well integrated into the street scene context of the surrounding area. There would be no detrimental impact on the amenities of the occupiers of nearby buildings or on highway safety.

It is therefore considered that the proposal is in accordance with National Planning Policy Framework Section 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

Recommendation: That the development be approved subject to a 106 Agreement and the following conditions:-

SUMMARY OF REASON(S) FOR APPROVAL

The proposals are in accordance with NPPF Sections 11 and 12 and Policies SP1 and EN1 of the South Kesteven Core Strategy. The issues regarding impact upon character of the dwelling, the street scene and amenities of neighbouring occupiers were considered as follows :-

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

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Drawing Ref: Details of Plaque.
Photograph showing location of plaque on the building.

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

* * * * *

Site Location Plan

Ref	S12/1622
Proposal	Affix steel plaque
Location	Town Hall, Market Place, Market Deeping, Peterborough, Lincolnshire



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