South Kesteven District Council  
Site Allocations Examination in Public  

Hearing Session 8  
15 November 2012  

Statement on behalf of JGP Properties Ltd – Land at Main Road, Long Bennington

Introduction

1. This statement has been made on behalf of JGP Properties Ltd in respect of the site at Main Road, Long Bennington, which is recommended for allocation in the first phase of the Site Allocations Plan under Site Ref: LSC1f.

2. This statement relates to Session 8 – Omission Sites and responds to issues raised by the Inspector in the Examination Agenda document issued on 24 September 2012.

3. In summary, the statement will put forward reasons why there are no sound reasons for including the Costa Row site in the Site Allocations Plan at the expense of site LSC1f.

4. Prior to this analysis confirmation is provided on what parcel of land the ‘Costa Row Site’ relates to. In October 2009 a site at Costa Row was included in the Suggested Sites consultation. The plan of Long Bennington enclosed within the document shows LB16 as broadly triangular shaped plot comprising undeveloped land to the west of Costa Row upto the boundary with the A1 and extending as far north as Valley Lane. The site is described as measuring 6.07Ha with a potential capacity for 243 houses at a density of 40 dwellings per hectare.

5. It is our understanding that the ‘Costa Row’ site now being promoted is a portion of this site, of 0.78ha, that runs alongside Valley Lane, which was the subject of a detailed planning application for affordable housing (Ref: SO9/1233/MJRF). The location and site plans from that application are attached to this document (Appendix A). All comments made in this representation relate to site determined under that application.
Reasons for not including the Costa Row site in the Site Allocations Plan

Noise

6. The Costa Row site lies in close proximity to two major sources of vehicular traffic noise. Detailed analysis of the impact of both of these sources is summarised in the Inspector’s report to the planning appeal in 2010 (Appendix B). Based on the noise assessments undertaken by the applicant and the Council the Inspector concluded that:

   • In many cases the external noise would make the opening of windows highly undesirable when trying to sleep
   • A number of gardens would have noise levels well in excess of 55dBA which would conflict with World Health Organisation advice and that in PPG24
   • The noise would affect the way in which residents would be able to use their dwellings on a significant number of plots and would have a significant effect on living conditions.

7. The decision also makes reference to Valley Lane being the main route for heavy goods traffic from the two industrial parks in Long Bennington to the A1 (northbound). Since the Inspector’s decision both parks have obtained planning permission for increased floorspace. At the Long Bennington Business Park permission was granted in March 2012 for the erection of 1100sqm of office (B1) floorspace (Ref: S12/0439/FULL). This replaced an area of car parking previously used for a (now ceased) car/van hire business. It is understood that due to the cessation of the car/hire business there would be a net reduction in vehicle movements from the site (Appendix C).

8. The second permission relates to the erection of buildings at the Roseland Business Park to the south west of Long Bennington. This application (Ref: S11/3161/MJNF) granted permission under delegated authority in July 2012 for the development of a 2.4Ha parcel of land within the business park for the erection of a 5800sqm storage building (B8) and a 370sqm office building (B1). In granting permission the decision notice acknowledges that there will be some increase in traffic to and from the northbound A1 through Long Bennington (Appendix D).

9. At present all traffic leaving or arriving at the site which requires use of the northbound A1 has to take Valley Lane. In addition, the same route has to be used for all traffic that arrives from the southbound A1. Consequently, the
continued expansion of the business park will almost certainly have a greater impact upon vehicular traffic and noise levels along Valley Lane. At present Core Strategy Policy identifies Roseland Business Park as providing 8 hectares of employment land for B1, B2 and B8 use. The 8 hectares relates to existing commitments on site, however there is considerable potential for further expansion based on the amount of surplus land within the site. The South Kesteven Employment Land Capacity Study recommends an additional allocation of 10ha at the business park in addition to current commitments.  

10. In addition, the Costa Row site is situated just east of the bridge crossing the A1. The Inspector noted that there was agreement between appellant and Council that this location resulted in recordings which showed short, sharp increases in noise levels as HGV’s travelled up and over the bridge, under load. The inspector concluded that such noise is considered to be more harmful than continuous noise and would be likely to result in sleep disturbance. 

11. Noise levels from traffic passing site LSC1f would not be subject to such variations as traffic speed levels would be carefully controlled via the proposed works to the highway which are integral to the proposed development. As part of the development the local highways authority have agreed an access design which would narrow the width of Main Road, from 10.5m to 6.2m and would involve a movement of the 30 mph speed limit from 130m to 230m north of the site (Appendix E).

Visual Impact

12. The Costa Row site lies on the western fringe of the settlement with the western and south western boundaries adjacent to open countryside. From the western boundary the land slopes gradually down to the hedgerow boundary with the A1 approximately 100m away. The road is elevated above this hedgerow enabling views from both carriageways of the existing housing on Costa Row. Views of the site would also be possible when approaching the village from the west along Valley Lane.

13. The application was presented at the Council’s Committee Meeting on 6 March 2010 (Appendix F). In the report the officer refers to a proposed 4m high bund with 1m acoustic fence on top. The report acknowledges that the proposal would result in “an undeniable impact on the countryside” and

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1 SKDC – Employment Land Capacity Study, March 2010 – para 8.34
2 Planning Inspectorate - Appeal Decision: APP/E2530/A/10/2136247 – para 17
that the proposed bund and fence “may be regarded as an alien feature”. It concludes that “any detrimental impact is offset by the identified need for affordable housing”. These comments need to be viewed in the context of when the application was being determined in that there were no other alternative sites offering affordable housing at that time. With the submission of the application at site LSC1f there is now an alternative proposal for affordable housing which is considered would have less of a visual impact.

14. The application at site LSC1f seeks outline consent plus approval of access and layout for up to 34 dwellings. The application at the time of this statement is pending consideration subject to analysis of a noise report (Ref: S11/2002/MJRO). The site is located on a parcel of land in between Main Road and a relatively modern housing development off Westborough Lane (Riverview). A Landscape and Visual Appraisal has been submitted as part of the application which assesses the potential impact of the development upon key views from the surrounding area. Since the submission of that document the site layout has been modified to respond to issues raised in respect of residential amenity and noise attenuation. A copy of the appraisal and revised layout is attached (Appendix G).

15. Due to the requirement to provide a noise survey the application was taken off the 24 July 2012 Development Control Committee (Appendix H). However, the report which was produced for that Committee confirms that the officer had no objections to the proposal on grounds of visual impact. The report notes that: “the site has substantial landscaping/hedgerows along the frontage of the site and to the southern boundary (which) would be reinforced by additional planting to help screen and aid assimilation of the development”. The report also comments that whilst it “would result in built form beyond the current confines of the village…it is considered that it can be seen as a logical ‘rounding off’ of the village and would be seen as an infill between Westborough Lane and the Riverview development”.

16. In conclusion, it is considered that in terms of visual impact the proposal at LSC1f would be a more appropriate development than the site at Costa Row.
Appendix A
Appendix B
Appeal Decision

Inquiry held on 2 & 3 March 2011 and resumed on 31 March 2011
Site visit made on 30 March 2011

by Louise Crosby  MA MRTPA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2011

Appeal Ref: APP/E2530/A/10/2136247
Valley Lane, Long Bennington, Grantham, Lincolnshire, NG23 5DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Larkfleet Homes against the decision of South Kesteven District Council.
- The application Ref: SO9/1233/MJRF, dated 22 May 2009, was refused by notice dated 23 March 2010.
- The development proposed is erection of 29 affordable dwellings and associated infrastructure.

Application for costs

1. At the Inquiry an application for costs was made by Larkfleet Homes against South Kesteven District Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Procedural matters

3. Although the Council’s decision notice contained 3 reasons for refusal, the 3rd reason relating to the sustainability of the site was withdrawn prior to the Inquiry. Also, following the decision to refuse planning permission, the Council has adopted its CS1. I shall deal with the appeal on the basis of the first 2 reasons for refusal and the CS.

Main Issues

4. The main issues are whether:

   i) the provision of affordable housing in this location would accord with the relevant local and national planning policy objectives in relation to the provision of affordable housing and;

   ii) the existing noise environment would provide acceptable living conditions for the future occupiers of the proposed dwellings.

1 Adopted South Kesteven Core Strategy

http://www.planning-inspectorate.gov.uk
Reasons

Background

5. The appeal site is located on the edge of Long Bennington outside the settlement limits defined in the LP and therefore in open countryside. It is presently used for agricultural purposes and therefore does not constitute previously developed land. The site would be accessed off Valley Lane, a busy road leading to the area west of the nearby A1 dual carriageway trunk road and the access onto its north bound carriageway.

Whether the provision of affordable housing in this location would accord with the relevant local and national planning policy objectives in relation to the provision of affordable housing

6. Long Bennington is defined within the adopted South Kesteven Core Strategy (CS) policy SP2 as a local service centre (LSC). The CS envisages that after the main towns within the District development will be focussed on the LSC’s. It was agreed at the Inquiry that there have been significantly less affordable homes built in recent years than the previous target or that set out in the CS. A number of reasons were cited, including the depressed housing market. An annual average of 191 affordable dwellings were delivered, in the district, over the period 2006-2010 and I understand a similar number are expected by the end of the current monitoring period (2010-2011). The CS establishes a requirement of 238 affordable dwellings per annum. It is agreed between the parties that this falls well short of the real need. Also, whether this is achieved is highly dependent upon the delivery of market housing and as each year the target is unmet, so the demand becomes greater.

7. There are very few undeveloped sites allocated in the LP remaining within the district and it is expected that the recently published ‘Site Allocation and Policies Development Plan Document – Policies Consultation’ (DPD) will not be adopted until at least next year. At present the Council can only demonstrate a 4.8 year supply of housing across the District, but this is only marginally short of the 5 year requirement. The DPD envisages that affordable housing in LSC’s will be provided on allocated sites or windfall sites in accordance with CS policy H3. Policy H3 seeks the provision of up to 35% affordable housing for developments of 5 or more dwellings in villages such as Long Bennington.

8. The Council accepts that there is currently a local need for at least 19 affordable dwellings in the Long Bennington area to meet the needs of people with a local connection. However, policy H3 only requires there to be a clearly proven need for local affordable housing on sites which are located in or adjacent or smaller villages and not LSC’s. As such, the provision of 29 affordable dwellings in a LSC would be acceptable in principle.

9. While it would be better to integrate such housing with market housing on sites within Long Bennington, and other LSC’s, the timescale for this is likely to be frustrated by the time to adopt the site allocations DPD. Nevertheless, despite the proposal including a range of tenures, houses types and sizes I have concerns about an affordable housing scheme of this size on the edge of Long Bennington. In my view it would not be sufficiently well integrated into the village, instead a development of this size on a greenfield site in open countryside, would appear as an uncharacteristic and standalone addition to

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2 South Kesteven Local Plan
the edge of the village. Moreover, the adoption of the DPD is not likely to be so far into the future that it should be seen as a reason to not integrate high quality affordable housing into existing communities.

10. The current and growing shortfall in affordable housing in the district weighs heavily in favour of the proposal. This issue is very finely balanced, but I have attached greater weight to the need to integrate these dwellings in a more strategic, inclusive and sustainable manner and thus create a high quality living environment within the village for future residents. The proposal would not necessarily conflict with CS policy H3, but it would conflict with national planning guidance in so far as it seeks to ensure that affordable housing is high quality and as with all housing promotes community cohesion and inclusion. As such the proposal would conflict with the objectives of PPS1 and PPS3.

**Whether the existing noise environment would provide acceptable living conditions for the future occupiers of the proposed dwellings**

11. It is agreed that there are two main noises sources which would potentially affect residents living at the appeal site. Firstly traffic on the A1, to the west of the site, and secondly traffic on Valley Lane to the north. Valley Lane is the main route for heavy goods vehicles travelling from the two industrial parks in Long Bennington to the A1 (northbound). It is common ground that at least part of the undeveloped site falls with Noise Exposure Category (NEC) C, as defined in PPG24\(^3\). According to PPG24 sites falling within this NEC should not normally be granted planning permission, but where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

12. Consequently, the appellant proposes a suite of measures aimed at attenuating noise both within the proposed garden areas and inside the dwellings. A bund with an acoustic fence on top would be erected along the western boundary of the site in order to attenuate noise from the A1. In addition, the gardens of the dwellings would be surrounded by 1.8 metre high acoustic fencing. It is proposed that some of the dwellings would include measures to reduce noise internally and those worst affected would require a form of mechanical ventilation.

13. Noise assessments have been carried out by the appellant and the Council. The Council’s and appellants’ assessments provide very different data about existing background noise levels and the likely noise levels across the site following the installation of the proposed sound attenuation measures. An additional survey was submitted with the planning application, however it is agreed that this did not seem to take account of traffic on Valley Lane and therefore is less accurate than the latest assessment. Therefore I have attached much less weight to its findings.

14. The Council’s CRTN\(^4\) survey is based on averages of weather, traffic speed and volume etc and it was agreed that this data was likely to under-represent the noise from the A1. The appellant’s 24 hour survey was carried out on a weekday and although some variations in traffic flow are to be expected from day to day and month to month, this is unlikely to be to such a degree that it would discredit the assessment. One of my main concerns with the appellants’

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\(^3\) Planning Policy Guidance Note 24: Planning and Noise

\(^4\) Calculation of Road Traffic Noise
noise survey is in relation to the accuracy of the recorded wind direction throughout the latter part of the 24 hour assessment. According to the appellants, weather conditions during the survey were calm with wind speeds less than 5m/s. Their noise assessment also states that the wind, when blowing, was from west to east and therefore from the A1 towards the site i.e. the prevailing wind direction. This would represent a worst case scenario in terms of noise since the traffic noise from the A1 would be blown towards the appeal site.

15. However, at the Inquiry the Council produced weather data for the period when the appellants’ 24hr noise assessment was being carried out. This had been collected at local RAF stations; Cranwell about 20km east of Long Bennington, Cottesmore around 32km south of Long Bennington and Waddington about 24km north east of Long Bennington. These show that although the wind direction was from the west during the morning, during the day the wind direction changed. By the evening and night time the wind direction, particularly at the nearest RAF stations had changed to south easterly and it had also increased in speed markedly.

16. Clearly these changes in wind direction and speed would have affected the noise readings taken during the latter part of the 24 hour assessment. Those taken in the morning and afternoon would be much more accurate than those taken in the evening and at night when the south easterly wind would have blown the noise from the A1 away from the site. It would have also affected noise from Valley Lane similarly, although possibly to a lesser degree. According to the Council, this would have been likely to reduce the evening and night time readings by approximately 10 dB. This correlates with the charts produced by the appellant showing the noise readings suddenly falling around the same time (between 1900hrs and 200hrs) that that wind direction changed. In my experience the levels of traffic on roads, such as the A1, do not drop so dramatically over such a short space of time in the evening. Nor would the vehicles on Valley Lane, which show up as intermittent high, noise levels become quieter in the evening.

17. Regarding noise levels in first floor bedrooms at night, noise readings taken at location 2 of the appellants’ noise survey show short, sharp increases in noise throughout the night. It is agreed that these arise as a result of noise from heavy goods vehicles travelling along Valley Lane and up the bridge over the A1, under load. Assuming a prevailing westerly wind these noise events would be in excess of 70 dB. As such, they represent significant spikes in noise and may be higher in certain weather conditions. So, notwithstanding the constant noise, which could make sleeping with windows open on large parts of the site difficult, those proposed dwellings facing Valley Lane would experience particular difficulties because of the maximum noise levels and the regularity in the high peaks in noise throughout the night. This type of noise is widely acknowledged to be more harmful than continuous noise and would be likely to result in sleep disturbance. Indeed I heard from 2 residents living close to the appeal site, but farther way from A1 than these dwellings would be, that they cannot sleep at night with windows open because of the background noise levels.

18. I realise that dwellings can be installed with acoustic glazing to attenuate noise levels far higher than those present on this site and that this could be controlled by planning conditions. Clearly this would need to be combined with a ventilation system, which I understand all dwellings would have fitted in any
event. However, I am not convinced that despite this type of ventilation residents would not wish to open their windows in hot weather. While I realise that the windows in the dwellings could be opened, in many cases the external noise would make this option highly undesirable when trying to sleep. This in my view would lead to harmful living conditions at night for some residents.

19. In terms of the likely noise in the proposed gardens, it is agreed between the parties, based on guidance provided by WHO\(^5\) that “general daytime noise levels of less than 55 dB(A) L\(_{Aeq}\) are desirable to prevent any significant community annoyance”. In this case, according to the appellant, all of the gardens following the introduction of the proposed mitigation measures, such as the bund and acoustic fencing, would have free-field external noise levels in the daytime of about 55 dB L\(_{Aeq}\), or below.

20. My second main concern with the appellants’ noise assessment is that these calculations assume a noise reduction of around 18dB for the bund barrier and fail to take account of the increased noise near to the dwellings as a result of the façade effect. Paragraph 5.5.4 of BS 8233\(^6\) advises that attenuation barriers commonly provide attenuation values of around 10 db, but a barrier may reduce the benefits of any ground absorption. Even without the façade effect, assuming a maximum noise reduction of 10 dB as a result of the barrier bund, a number of gardens would have noise levels well in excess of 55 dB(A) L\(_{Aeq}\). There is disagreement between the parties about the effectiveness of the proposed acoustic fences around the gardens. Nevertheless, the exceedances are so great in some cases here that they would, in my view, fail to reduce noise levels to a satisfactory level. This would be in conflict with WHO advice and that in PPG24.

21. Turning to consider the internal noise environment in the day time; it was agreed at the Inquiry that some dwellings, particularly those closest to the bund, would not be able to open windows on at least one elevation without experiencing unacceptable levels of noise. The appellant concludes that bedrooms facing away from the A1 would generally meet the BS8233 ‘good standard’ with windows open. This is in relation to continuous noise, based on their noise monitoring. There is a lack of agreement between the parties about precisely which windows would be likely to be opened and how many dwellings would not be able to open any windows without suffering noise nuisance above that recommended in BS8233 and WHO\(^7\) guidance.

22. In my view the day time noise levels would not be so significant that they could not be mitigated in an acceptable manner. In reaching this view I have taken into account the noise that generally occurs within dwellings in any event and that all of the dwellings would have at least some windows on elevations not facing noise sources that could be open for rapid ventilation purposes. I am also mindful that the appellant’s noise survey more accurately assesses morning and afternoon noise.

23. I find on this issue that the position of the site in close proximity to two noise sources would result in harm to living conditions within many of the proposed garden areas. In addition, annoyance for residents close to Valley Lane would occur at night, particularly if they wished to sleep with their windows open. The unpredictable noise on Valley Lane would be particularly hard to mitigate.

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\(^5\) World Health Organisation

\(^6\) Sound insulation and noise reduction for buildings – Code of practice

\(^7\) World Health Organisation
Moreover, the noise would not just affect a small percentage of the plots it would potentially affect the way in which residents would be able to use their dwellings on a significant number of plots contrary to CS policy EN1. In reaching this view I am mindful that the dwellings would be affordable housing and paragraph 27 of PPS3\(^8\) states ‘the Government is committed to providing high quality housing for people who are unable to access or afford market housing...’. In my view that would not be the case here because the noise environment would in many cases have a significant adverse effect on living conditions. This harm is sufficient on its own for the appeal to fail.

Other matters

24. Regarding the other matters raised by local residents, I consider that the access would not be detrimental to highway safety given its design and the good visibility available along Valley Lane. The living conditions of existing residents would be protected because of the distance between the proposed and existing dwellings. Drainage is a matter that would be dealt with by other legislation. The local road network could accommodate the likely increase in traffic. Moreover, the design of the dwellings would respect the character and appearance of the surrounding area.

25. I realise that there are concerns about the capacity of local services and in particular the local school. However, it is agreed between the parties that the likely increase in pupils at the school would not be significant since the dwellings would be likely to be occupied by people already living in the area and thus already have children attending the school. On this basis it was agreed that a commuted sum for education would not be required. I have no reason to disagree.

Conclusions

26. I find that living conditions would be unacceptable for many residents of this proposed development as a result of the existing noise environment and this is an overriding reason for this appeal to fail. Moreover, the provision of affordable housing in Long Bennington should be provided as part of larger developments in order to achieve the Government’s objectives of creating mixed and balanced communities and social cohesion. The lack of harm in relation to the other matters does not outweigh my conclusions on the main issues.

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby
INSPECTOR

\(^8\) Planning Policy Statement 3: Housing
APPEARANCES

FOR THE APPELLANT:

Mr R Kimblin of Counsel

He called

Mr R Watson Blue Tree Acoustics
Mr D Smith Larkfleet Homes
Mr R Edwards As above

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Wigley of Counsel

She called

Mr M Stigwood MAS Environmental
Mr C Rae Colin Rae Associates

INTERESTED PERSONS:

Cllr P Wood Local Member
Mr G Dawking Local resident
Mr P Goodman As above
Ms S Poon As above

DOCUMENTS

1 Statement of common ground
2 Statement of common ground in relation to noise
3 Copy of BS 8233 – Sound insulation and noise reduction for buildings – Code of practice
4 Weather data relative to Long Bennington
5 Revised Noise maps 3 to 5 in relation to Mr Stigwood’s proof of evidence
6 World Health Organisation – Guidelines for Community Noise
7 Extract of A-Z map covering Long Bennington and surrounding area
8 Written statement of Cllr P Wood
9 Written statement of Mr G Dawkins
10 Written statement of Mr P Goodman
11 Copy of front cover of MHSO Calculation of Road Traffic Noise
12 Site Allocation and Policies Development Plan Document - Policies Consultation – November 2010
13 Revised appendix SKDC 9 to accompany the proof of evidence of Colin Rae
14 Suggested noise condition
Appendix C
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Location Plan

Harlaxton Estates Partnership

Proposed New Block D1, Long Bennington
Business Park, Main Road, Long Bennington

S12/0439
South Kesteven District Council
Development Services
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PLANNING PERMISSION
Town and Country Planning Act 1990

Part I – Particulars of application

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<th>S113161/MJNF</th>
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<tr>
<td>Date Received:</td>
<td>21 December 2011</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Clive Bontoff, Roseland Group Ltd</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Erection of buildings for B8/B1 purposes</td>
</tr>
<tr>
<td>Location:</td>
<td>Roseland Business Park, Long Bennington, Newark, NG23 5FF</td>
</tr>
<tr>
<td>Decision/Date:</td>
<td>Approved conditionally - 06 July 2012</td>
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SUMMARY OF REASON(S) FOR APPROVAL

It is considered that development of this Brownfield site in a sustainable location for B1/B8 use is in line with the sustainability and economic growth aims of national, regional and local policy. It is considered that (subject to conditions) the proposal would not be detrimental to highway safety, the landscape character, or the amenity of the area.

It is acknowledged that there will be some increase in traffic to and from the northbound A1 through Long Bennington. However, it is considered that this is outweighed by the positive benefits of the proposal.

For the reasons outlined above, it is considered that the proposal is in accordance national planning policy advice contained in The National Planning Policy Framework (Section 1 - Building a strong competitive economy, Section 3 - Supporting a prosperous rural economy, Section 7 - Requiring good design & Section 10 - Meeting the challenge of climate change, flooding and coastal change), policies 1, 2, 3 of The East Midlands Regional Plan, policies SP1, SP2, EN1, EN2 and E1 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

Part II – Particulars of decision

The South Kesteven District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof, in accordance with the application and plan(s) submitted, subject to the following condition(s) and reason(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.

   Continued/...
2. The development shall be built in accordance with the materials detailed on the submitted application forms and drawings unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenities of the locality and to ensure a satisfactory development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. The arrangements shown on the approved plan 1116/11 Rev A received 21 December 2011 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

4. 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 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, both on and off site.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. The implementation of the scheme is therefore necessary to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Core Strategy.

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

1116/11 Rev A - Location & Block Plan as proposed
1116/12 - Storage Unit Layout as Proposed
1116/13 - Storage Unit Elevations Proposed
1116/14 - Offices Layout & Elevations as Proposed
1116/15 Rev A - Landscaping Proposals
11-3151/301 Rev P1 - Proposed Drainage Layout

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

Continued/...
Standard Note(s) to Applicant:
A. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
B. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
C. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact South Kesteven District Council Development Management for clarification prior to the commencement of any works.
D. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £25 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £85 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at www.southkesteven.gov.uk/planning or Customer Services will complete a short form taking the relevant details and receipt any fee. We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.

Additional Note(s) to Applicant:
E. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
F. Your attention is drawn to the attached comments of the Environment Agency

Mr Pat Reid
Development Management Service Manager

Date: 06 July 2012
Appendix E
INDICATIVE 3.0m FOOTWAY / CYCLEWAY

CARRIAGEWAY TO TAPER DOWN INTO 4.8m ONCE INSIDE RESIDENTIAL AREA

PROPOSED 3.0m FOOTWAY / CYCLEWAY

LAND AT MAIN ROAD, LONG BENNINGTON

PROPOSED PRIORITY JUNCTION AT THE SITE ACCESS TO DEVELOPMENT

ANDREW MARTIN ASSOCIATES

CAPITA SYMONDS
DEVELOPMENT TRANSPORT AND INFRASTRUCTURE

52 Eaveshall Garden, Bishops Stortford, Hertfordshire, EN9 1DL
Tel: +44 (0)20 8972 9530 Fax: +44 (0)20 8972 9569

DESIGNED BY: TC 04/03/11 DRAWN BY: TC 04/03/11 CHECKED BY: DF 04/03/11 PASSED BY: DF 04/03/11
Scales: 1:500 ISSUE: D PRELIMINARY DRAWING NUMBER: CS46981/T/001

NOTES

KEY
- SITE BOUNDARY

D CARRIAGEWAY WIDTH REDUCED TC TC DF DF 11/04/11
G JUNCTION BUILT OUT TO REDUCE MAN MC MC SG DF 24/04/11
CARRIAGEWAY WIDTH AS LGG COMMENTS

B ACCESS RE-LOCATED NORTH TC TC DF DF 05/03/11
A ACCESS RE-LOCATED SOUTH TC TC DF DF 05/03/11

REV
DC DR CH PA DATE
AGENDA ITEM

Development Control Committee
16 March 2010

KJC1 S09/1233/MJRF

Target Decision Date: 23-Nov-2009

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Richard Edwards, Larkfleet Homes Larkfleet House, Falcon Way, Bourne, PE10 0FF</th>
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<tbody>
<tr>
<td>Agent</td>
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<tr>
<td>Proposal</td>
<td>Erection of 29 affordable dwellings and associated infrastructure</td>
</tr>
<tr>
<td>Location</td>
<td>Land Off, Valley Lane, Long Bennington</td>
</tr>
<tr>
<td>App Type</td>
<td>Major Full (Residential)</td>
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<tr>
<td>Parish(es)</td>
<td>Long Bennington</td>
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REPORT

Application Category

This is a major application

Reasons for Referral to Committee

The application is a major application.

The Proposal

The proposal relates to the erection of 29 Affordable dwellings and associated infrastructure. It is proposed to construct 3 bungalows, 12 two bedroom houses and 14 three bedroom houses. The application site is (1.94 acres) 0.78 hectares, the overall density for the site would be 37 units per hectare. The site would be accessed off Valley Lane via an access drive slightly offset to the west of the existing access to the surgery opposite. Further to the west of the application site it is proposed to erect a pumping station and a noise attenuation bund.

An amended site plan which increases the overall application site area has been submitted. This is to allow a more sympathetically designed noise attenuation bund. Any further representations regarding this amendment or raising any new material planning considerations will be reported in the late items paper.

The application site levels fall east to west towards the A1 trunk road by approximately 5 metres.
The Application Site and its Surroundings

The application site is located on the southern side of Valley Lane opposite the existing medical practice. The land is in agricultural use. To the east of the application site are residential properties and to the west is the A1 trunk road.

Representations Received

Local Highway Authority: Final comments are as follows:

"The proposal for housing is acceptable in principle subject to the applicant investigating and providing details of measures to improve links to services within the village principally in the form of footway and/or cycle upgrades. This is based on the ‘stand alone’ proposal for the housing.

I would have concerns regarding the proximity of the access on the opposite side of Valley Lane currently serving the Surgery if a proposal came forward that would lead to an intensification of vehicular movements over and above the existing."

Highways Agency

Further checks re trip generation have been made using the TRICS database and the Highways Agency now concur with the applicant that this development is unlikely to have a significant impact on the trunk road network.

Environment Agency

"As the application lies outside of the floodplain and is less than a hectare in size and as there are no other constraints on the site we have no comments to make in respect of this application.

All I would suggest is that if soakaways are proposed then suitable percolation tests should be undertaken to demonstrate that they will function effectively. These percolation tests should be carried out in accordance with DETR Circular 03/99 and BS 6297: 2007. The developer may also wish to refer to the advice contained within CIRIA (Construction Industry Research and Information Association) publication C635 “Designing for Exceedence in Urban Drainage – Good Practice.”

Upper Witham Internal Drainage Board

"The applicant indicates that surface water is disposed to a sustainable drainage system. Usually the applicant has submitted a drainage statement. It would appear that this is proposed to discharge to the public sewer.

If the relevant Water Company, or its Agents cannot confirm that there is space capacity in the existing system, the applicant must be requested to resubmit amended proposals showing how it is proposed to drain the site."
The applicant should provide information as to the point of discharge of the public sewer and details on the potential effect that any increase in discharge may have on the receiving watercourse.

Reason: To provide an adequate method of surface water disposal without increasing flood risk."

Local Plans (Policy) – 19th August 2009

Initial Comments

The application proposes the construction of 29 affordable dwellings on green field land in Long Bennington.

Long Bennington is identified in the Council’s Interim Housing Policy as a Local Service Centre (LSC). Within this policy new housing development in LSC’s will only be permitted on previously developed sites or as a rural exception site for affordable housing, agricultural or forestry workers accommodation that meets a proven local need.

The proposal is clearly not a brownfield site, it can only therefore be considered as an exceptions site for local affordable housing and as such Policy H8 of the Saved South Kesteven Local Plan must be considered. Policy H8 establishes a number of criteria against which such proposals must be considered. In particular policy H8 requires that:

The site is small and adjoins an existing settlement
That it will meet a proven local need and;
That the need cannot be met elsewhere

I feel that the application and the supporting information with it does not adequately demonstrate that the proposal addresses these issues as I will explain below.

It is recognised that the Council has approved rural exceptions affordable housing schemes elsewhere in the district for up to 29 dwellings. Notwithstanding this fact the policy team remains concerned that such large development may not be the best and most appropriate way to deliver affordable housing within villages, this has not been demonstrated by the applicant. In addition the applicant has not justified the claim that this is the best site within Long Bennington to meet a need for affordable housing. The Strategic Housing Land Availability Assessment (SHLAA) for the district was published in November 2008. This identified that 20 different sites have been assessed as suitable for development and a potential capacity attached to them. It has not been proven by the applicant that the application site (which itself was put forward as part of a larger SHLAA site assessed as not viable for development) is better suited than the 14 or so alternative sites identified as suitable for development in the SHLAA.

The applicant has not provided any information to demonstrate that there is a proven local need for 29 affordable houses within the village. The Council’s own
information on this issue will be addressed by Mandy Gee in her response – however I will draw your attention to the Housing Needs Assessment February 2006 (prepared by Fordhams Research) which identified a net need for 3 additional affordable units per year in the Saxonwell ward (within which Long Bennington sits). Unless additional affordable units have been developed in the intervening period, this will have increased to 9 units in the three years since the Assessment was completed. I therefore question whether there is a proven local need (ie people with a local connection in need of affordable housing) within the Saxonwell ward for 29 affordable units.

In these three respects I believe the application, as submitted, fails to meet the criteria of policy H8. Until or unless these issues are appropriately addressed I would object to the application which fails to satisfy the requirements of policy H8.

I note from the application file that a large number of letters of objection have been submitted about this application. Many of these letters refer to the application site being designated as an EN6 open space.

I can confirm that the site is not designated as an EN6 site in the Local Plan. EN6 identified open areas of land which were considered to be important to the character and setting of settlements, which should remain open. Within Long Bennington two sites were identified as EN6 sites – the application site does not form part of either. It cannot therefore be contrary to policy EN6.

The designation of EN6 sites did not make these areas of land “public open space”. Public open space is land which is formally owned or adopted by a public organization (usually the district or parish council) and is available to everyone for leisure or recreational uses. Land to the north of the application site off Main Road is public open space but it does not include any part of the application site.

Further Comments from Local Plans 24th November 2009

Although still has concerns about the number of units on a single site does accept that the information provided by the Partnerships Projects does seem to show a need.

South Kesteven Archaeology

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

Lincolnshire Police Architectural Liaison Officer

I have received an application from the developer for this development to be registered under the ‘Secured by Design’ initiative. All issues regarding security including those for the Secured by Design accreditation have been incorporated in the plans prior to the submission to yourselves
Anglian Water

Water Supply Network

The development can be supplied from the network system that at present has adequate capacity.

Foul Sewerage System

The foul flows from the development can be accommodated within the foul sewerage system that at present has adequate capacity.

Severn Trent

I can confirm that Severn Trent Water Limited has no objection to the proposal subject to the inclusion of the following condition.

The development hereby permitted shall not commence until drainage plans for the disposal of surface and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as the risk of creating or exacerbating a flooding problem and minimise the risk of pollution.

Lincolnshire County Council Children’s Services

This development would result in a direct impact on local schools. In these cases the secondary schools at Grantham are currently full to permanent capacity and projected, notwithstanding the proposed development to remain full in the future. A contribution is therefore required to mitigate against the development at local level. The level of contribution sought in this case equates to £84,957 relating to 4 primary school places and 5 secondary school places

Partnership Projects Officer (14th July 2009)

Initial Comments

I can confirm that the council is working in partnership with Larkfleet and the Waterloo Housing Group to secure affordable housing in Long Bennington.

Fordhams Housing Needs survey published February 2006 highlights the need for 3 affordable dwellings to be developed per annum. Since 2006 only 4 affordable units have been delivered on a planning gain site in Long Bennington (3 x 2 bed and 1 x 1 bed flats). The survey also highlights a need for two and three bedroom properties (bungalows and houses).
The Housing Waiting List also highlights the need for affordable housing in Long Bennington as follows:

Two Bedroom Bungalows 57 (of which 21 applicants with direct local connection)
Two Bedroom House 116 (of which 32 have a direct local connection)
Three Bedroom House 36 (of which 4 have a direct local connection)
Four Bedroom House 24 (of which 2 have a direct local connection)

The proposed development offers a choice of two bedroom houses and bungalows and three bedroom houses and the scheme has been designed to ensure a mixed sustainable community.

The registered housing provider working with Larkfleet will be required to enter into a nomination agreement with the Council to ensure that applicants with a direct local connection will be nominated to the affordable housing and that the affordable housing will remain affordable in perpetuity. The tenure of the affordable housing units will be agreed with the RHP (registered housing provider) and at least 60% of the affordable units will be affordable rented and the units must meet the current Homes and Community Agency standards with regards to size, facilities etc and meet Code Level 3 for sustainable homes as a minimum.

Both Waterloo and Larkfleet are both preferred affordable housing providers in partnership with the district council,

Additional Comments from Partnerships Projects Officer (9th September 2009)

With reference to your memorandum dated 2 September 2009 concerning the above application I can confirm that the council is working in partnership with Larkfleet and the Waterloo Housing Group to secure affordable housing in Long Bennington. Following my response to you with regard to your previous enquiry I am able to update the housing register as follows:

The housing register highlights the need for affordable housing as at the 3 September 2009 in Long Bennington as follows:

1 bedromed flat/house = 71 of which 18 applicants have a direct local connection
2 bedromed bungalows = 48 of which 17 applicants have a direct local connection
2 bedromed house = 109 of which 22 have a direct local connection
3 bedromed house = 30 of which 5 have a direct local connection
4 bedroomed house = 22 of which 3 have a direct local connection

The proposed development offers a choice of 2 bedroomed houses and bungalows and 3 bedroomed houses and the scheme has been designed to ensure a mixed sustainable community.

The registered housing provider working with Larkfleet will be required to enter into a nomination agreement with the council to ensure that applicants with a direct local connection will be nominated to the new affordable housing and that the affordable housing units will remain affordable in perpetuity. The tenure of the affordable housing units will be agreed with the RHP (registered housing provider) and at least 60% of the affordable housing units will be affordable rented and the units must meet the current Homes and Community Agency standards with regards to size, facilities etc and meet Code Level 3 for sustainable homes as a minimum.

Both Waterloo and Larkfleet are both preferred affordable housing providers in partnership with the district council.

Additional Comments from the Partnerships Projects Officer (22 October 2009).

A recent survey of the Housing Register has been carried out. The survey was sent to all applicants on the register who had expressed an interest in living in Long Bennington and for applicants to identify their connection with the village. To date, 93 completed questionnaires have been received.

The survey revealed that 12 applicants actually live in Long Bennington presently and a further 13 have a direct connection with the village (either work or direct family connection). Therefore 25 applicants have a direct connection with the village.

A further 7 applicants either live within 5 miles of the village or have a family connection (nieces, nephews, aunts and uncles).

A further 5 applicants have registered on the housing waiting list since the survey was sent out 2 of which actually live in the village of Long Bennington and 3 have a direct family connection.

This gives a total of 14 applicants living in Long Bennington and 16 with a direct connection and 7 living or other family connection with Long Bennington.

Open Space Officer

Regarding S106 calculations I am basing the recommendation below on the fact that Long Bennington is classified as a rural area.

Section 4.6.20 of the Fields in Trust document (2008) states: "For rural areas, the following recommendations should be considered.....Less than 100 people: there
should be provision of a LEAP for existing housing areas and DPS's for play in any new developments. These should be located as close as possible to the centre."

Having looked at the plan I do not see any allocation for Play or Public Open Space (POS) only a 'potential storm water storage attenuation area' with would not suffice as POS or a play site. Therefore if a site cannot be identified for play and POS on site I would recommend a commuted sum of up to £22,000 (With the additional sum required for ongoing maintenance) for the development of 1.5 DPS within a 5 min walking distance of the proposed site. Please see the attached guidance for a DPS, which identifies an activity area of 100 sq m per DPS with a buffer zone of 5m between the activity zone and the forward-most part of the nearest dwelling.

If a suitable area cannot be located on site I would request that a commuted sum be utilised to upgrade the existing play facilities at the Long Bennington Playing Fields.

Environmental Protection

Noise Assessment

I refer to the above application and the PPG24 assessment undertaken by Acoustic Associates dated June 2009.

The site is approx 100 metres from the A1, where road traffic is the dominant noise source. Their assessment finds that the site falls within PPG24 Noise Exposure Category C (NEC C). This states that “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”.

The report goes on to suggest noise mitigation measures which will result in noise levels which are “likely to be within the World Health Organisation and/or BS5233 guidance limits in most areas; although a marginal exceedance may occur in some areas”.

The proposed mitigation measures are based on predictions made by modelling software which has been calibrated using noise measurements taken on the site. It should be noted that the report has a margin of error of +3db as discrepancies were found between the actual noise levels on the proposed site and the predicted levels. This has resulted in the predicated noise level being a 3dB underestimation of the level of noise expected.

Predictions for noise levels inside the properties have been based on a number of assumptions in relation to the construction of the properties (a) external walls were assumed to be brick/block cavity walls, b) the double glazing, including compression seals, were used as standard, c) roof construction was roof tiles with insulation in the loft space and 12.5mm plasterboard layer for the ceiling and d) the room volume was assumed to be at least 30m³. I am not aware of the intended construction but if it were different then the noise calculations would not be accurate.

The report suggests the following noise mitigation strategies;
1. The formation of a bund on the Western boundary which rises 4 metres above the existing ground level, an additional 1 metre high barrier to be erected on top of the bund with a mass per unit area of at least 10kg/m² (with no gaps between the barrier and the top of the bund).

2. All windows should be double glazed units fitted with compression seals.

3. Rooms marked green on figure 7 of the report behind the Eastern facades in the buildings located on the East may open windows for ventilation. All other rooms should have windows closed, with a ventilation system installed. Any vents, grills trickle vents or other openings should have a sound reduction index RW of at least 35dB pr a Rtra of at least 32dB.

4. 1.8 metre high fencing to each plot

In order to achieve the guidance limits, the majority of the properties will be unable to open windows for ventilation and must have an acoustically treated ventilation system installed. Predictions made to include the mitigation measures at representative plots show that the night time internal noise level at the representative dwelling on the Western side of the site will not achieve the World Health Organisation guidance level or the “good” BS8233 standard, but will achieve the “reasonable” BS8233 standard. However, it is possible that the “reasonable” British Standard may not be achieved if the 3dB discrepancy is taken into account.

Externally, with the mitigation measures in place, predictions indicate that occupiers will experience moderate annoyance at the majority of outdoor living areas on the site, and serious annoyance will be experienced by occupiers of several properties on the Western and South Eastern boundaries of the site.

In summary, it is possible for good levels to be achieved at most properties internally by keeping windows closed and through the use of alternative ventilation systems; however, there is a likelihood that there will be exceedances in outdoor living areas across much of the site, particularly along the Western and Southern boundaries where additional external mitigation measures e.g. a higher/greater mass bund may be considered to provide greater levels of attenuation.

Independent Noise Consultants acting on behalf of the Council:

An assessment has been made of the submitted noise report. Its conclusions are summarised below:

The report recommend the Rw of the glazing required to achieve the indoor noise criteria based on the outcome of the predictions. It should also highlight the need to review the calculations if there are any significant alterations to the building envelope or if the assumptions stated are not correct. The size of the windows assumed in the predictions should be stated.

It is possible more could have been done to protect the noise sensitive rooms within the development by altering the layout; however, this would need additional modelling which is beyond the scope of this review.
The report recommends certain facades have openable windows. It would have been useful for the report to provide facade noise levels for these facades as it is not clear how this decision was taken.

It is considered that the predictions in the report show the specified mitigation provides an adequate level of protection against noise. The ‘reasonable’ indoor noise limits given in the BS 8233 are unlikely to be significantly exceeded inside any of the properties, even taking the discrepancy into account.

A small number of gardens may experience noise levels which are marginally exceed WHO guideline levels; however, in light of the mitigation measures provided, this has not been deemed significant in the report or in this review.

Further comments have been requested from the consultants to ensure that the revised bund details still offer adequate levels of protection against noise. These comments have not been received at the time of drafting this report. Their final comments will be reported in the late items paper.

Long Bennington Parish Council

An extra ordinary meeting was held at short notice as feelings were high regarding this application. This was well attended and although the majority were in favour of some affordable housing; this application was strongly objected to for the following reasons:

1. Sewers and drainage - currently experiencing inadequate capacity without further building
2. Traffic – this site is on the only access to the A1 north and would inevitably create congestion.
3. SKDC Core Strategy- the site is marked as ‘unsuitable’. It seems unlikely that SKDC planning department would disagree with this judgement.
4. The site is agricultural land – current policy suggests that it is undesirable to utilise agricultural land when there are alternatives available.
5. There is approval for another 50 properties which have not yet been completed. The increase in population will impact the Surgery, School, roads, buss service and drains without a further 29 houses.
6. Commuting costs and Co2, affordable housing are for low income householders. There is little work in the village and commuting costs £100 per month or more which defeats the objective for low cost housing. This would also add to Co2 emissions.
7. Over development –the population has increased dramatically with over 100 dwellings in recent years and continual backfill being approved despite representations against them. The density of housing having increased the open space need to be protected to retain the quality of rural life.
8. Previous criteria – a similar development by the playing field was declined planning permission. The same criteria apply to this site.

The Parish Council met again and in a letter of 29 July 2009 restated the above objection.
Further Comments from the Parish Council - 16th September 2009

In reviewing the updated information provided by the Larkfleet Group in their letter of 21st August 2009, the pariah council finds no material grounds for changing their position and therefore remains opposed to the this planning application. In reviewing the response from Larkfleet Group, the Parish Council would like to make the following points:

1. Consideration of other sites outside of the village that have been granted planning permission is irrelevant to this application.
2. There is no firm justification for the dismissal of the comments of the highways authority especially regarding the issues of safety around the proposed access.
3. The justification raised by the Larkfleet Group in terms of employment opportunity considers the location of commercial premises without consideration as to whether these will actually provide employment in the village.
4. Highlighting the closeness of village amenities without taking into consideration the impact of availability especially around schooling and public transport services is potentially misleading.
5. Fails to consider the local need for this type of development.

Given that the plans and justification from the Larkfleet Group fail to address any of the material objections highlighted by the Parish Council in our letter dated 29th July 2009 we stand behind our original decision to object to this planning proposal.

These comments were restated in a further letter from the Parish Council dated 2 October 2009.

**Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement. 112 letters of objection have been received. A summary of the main concerns are listed below:

1. There are drainage problems in the village. There should be no development until the drainage problem is improved to eliminate the current problem and have spare capacity.
2. Application is on Greenfield land which is not suitable for development.
3. The design proposals are of low architectural quality design.
4. Loss of privacy to neighbouring occupiers
5. Loss of residential amenity
6. Significant number of houses have been constructed in the village without any improvements to facilities and infrastructure
7. More traffic for the 29 dwellings and associated construction traffic.
8. More development means more cars and associated congestion.
9. Overdevelopment in Long Bennington. The proposal is out of character with the area.
10. Sewage and surface water problems in Long Bennington
11. The village school is at capacity
12. Play Group is virtually at capacity
13. Current infrastructure is failing with surface water drainage.
14. Valley Lane has limited footpaths and lighting despite the road being the only north-bound A1 slip road from the village.
15. Public transport is poor and the development will only result in additional vehicle movements.
16. Infrastructure is at saturation point.
17. Outside the village envelope
18. Proposal does not accord with the Village Design Statement and the Core Strategy.
20. Constructing 29 affordable dwellings in a single location is contrary to Central government policy which calls for mixed social integration.
21. The application is based solely on exceptions policy H8.
22. Increased volume of traffic would be create a serious safety risk.
23. Large concentration of affordable housing would create a ghetto environment.
24. Occupiers of the properties are likely to be reliant upon public transport which is currently very limited.
25. Increase demands on the surgery would overload it.
26. The village is a constant building site.
27. There are other alternative sites available within the village that would not require expansion into the countryside.
28. The impact of a housing estate is different than a medical centre.
29. There have been 2 members of the village that have been involved in road accidents in that area.
30. Proximity of the entrance to the A1 is a concern as it was for the adjacent medical surgery.
31. The application site should be extended to take away the fly infested slurry pit and unsightly storage of 100 plus hay bales.
32. The proposal contravenes Central Government and Local Planning Policy
33. The design is out of keeping with the character of the area
34. The local infrastructure would be unable to cope with the increased demands.
35. The volume of traffic would create a serious safety risk.
36. Impact on property values. (Not a planning consideration).
37. The development could be amended to improve the unsatisfactory shared driveway to an adjacent property.
38. There is only a footpath down one side of valley lane. Proposal would result in a significant increase in pedestrian footfall which would have to be on the opposite pavement and then cross the road to the detriment of pedestrian safety.
39. 56 cars emerging from the site close to the National speed limit boundary would be detrimental to highway safety.
40. Local employment opportunities are limited and the bus service to Grantham and Newark cannot be regarded as regular.
41. Acknowledge the need for affordable housing.
42. Affordable housing in this location would create social division within the community.
43. Future occupiers would be reliant upon the motor vehicle as employment and public transport links are poor in the village.
44. The development would result in urban sprawl.
45. The development seems out of proportion to the size of the village.
46. Valley Lane already accommodates a large amount of traffic and the proposed access point would be in an awkward position.
47. Facilities in the village are not as good as the developer highlights. The youth club has just closed after 51 years.
48. The size and style of the properties is not in keeping with nearby dwellings.
49. Proposal would result in overcrowding in the village.
50. Connectivity between the development and the village needs to be improved.

In addition to the above letters a further objection letter has been received accompanied by a petition containing 102 names.

The main concerns are summarised below:

1. Design out of keeping with the character of the area.
2. Contrary to the Village Design Statement, South Kesteven Core Strategy and local plan policy EN6.
3. Infrastructure – public transport has been significantly reduced and is insufficient for a village of 2000 inhabitants.
4. The village play group is virtually at capacity with 34 dwellings currently with planning permission still to be occupied.
5. The village school is already at capacity with no room for expansion.
6. Sewage – current infrastructure is failing with surface water. There have been no improvements since the enlargement of the village.
7. Highway safety and traffic impact – Valley Lane is already highly trafficked. The Lane only has limited footpaths with no street lighting and footpaths. The development would result in an unacceptable risk to safety.
9. Contrary to Government Planning Policy that promotes mixed and social integration.
10. A critique of the developers comments in relation to highway safety and access to nearby facilities in the village.
11. A critique of the developers comments on policy criteria. Whilst the need for affordable housing is supported we are opposed to the potential segregation that this large development of 29 dwellings would bring to the village. The 20 alternative sites that have been identified in Long Bennington provide the opportunity to build 29 affordable houses that would be fully integrated.

A further 2 letters have been received following the reconsultation exercise with the revised site plan and bund details. A summary of the main concerns are listed below:

1. Highway safety
2. Overloaded sewerage system
3. Village school is at capacity
4. Greenfield site not suitable for development

Any additional comments will be reported in the late items paper.
Applicants Submission

The applicant has submitted a number of documents in support of the application, including a Design and Access Statement, Sustainability Statement, Need/Justification Statement, Drainage Statement and a Environmental Noise Assessment. The paragraphs below are taken from the conclusion of the Design and Access statement:

"The development of the site has been carefully considered in light of its location on the edge of Long Bennington. The scheme strives for a high quality design on all levels with great attention to detail, in terms of layout and building disposition and consideration of the appropriate local vernacular.

The scheme has regard to the obligation set out in PPS1 and PPS3 to take into account the need for good layout and design and has been carefully designed to ensure that it complements its surroundings and reflects the historical equine related uses on the site. The proposal has been designed to fit into its specific context, utilises design cues taken from the traditional buildings in the vicinity and makes efficient use of the land. The development is in accordance with extant central government advice regarding density and results in a development proposal that adds positively to and is harmonious to its surroundings.

The development is wholly affordable and will provide 29 much needed dwellings specifically to meet the needs of local people. Overall, the proposal is compliant with the development plan and is consistent with the aims and objectives of current planning policy on delivering affordable housing. This scheme provides an additional 29 affordable dwellings in a layout that is reflective of the character and appearance of the area whilst at the same time retaining the site’s historical character and thus creating an acceptable design solution for this site."

Proposed S106 Agreement Heads of Terms

Affordable Housing - This is a wholly affordable housing scheme and as such we are willing to enter into an obligation that ensures the dwellings remain affordable for both current and future occupiers. The obligation will contain a cascade arrangement to ensure that considerations is first given to occupiers with a direct local connection to Long Bennington.

Education – This affordable housing proposal is being delivered to meet a proven local need in Long Bennington as confirmed by the Council’s Housing Services department. As such the future occupiers of the scheme are by definition local people that are likely to already be living in the community (i.e. hidden households). Therefore if many of the future occupiers of the scheme are already resident in Long Bennington then they must already be using the existing education facilities and be already accounted for in the County Council’s assessment of the projected impact. We note that many of the existing pupils that frequent the primary school in Long Bennington are not resident in the village. Numerous pupils live outside the village and are brought in by the motor car through parental choice. It is therefore unreasonable to expect the affordable housing provider in this case to be asked to mitigate an impact that maybe caused by non-Long Bennington pupils.
Primary Care – Long Bennington is well served by a new purpose built medical centre located directly opposite the proposed development site. This excellent facility serves the wider rural area and is ideally situated for future residents of this scheme. It would appear to be unreasonable to expect an wholly affordable housing development to contribute to a facility that already exists in the village.

Open Space – Long Bennington is extremely well served by formal and informal public open space. In terms of formal play facilities the village playing fields are located within 400 metres walking distance of the site and contain a full range of facilities for both adults and children. It would appear to be unreasonable to expect a wholly affordable housing development to contribute to a facility that already exists within the village.

Highways – It is not clear as to what contributions are being sought in relation to highways. Any such request for a highways contribution will be assessed as and when a formal request is made by the Local Highway Authority.

Additional Information provided by the Applicant

"The issue of compliance with Policy H8 was debated at length in the recent public inquiry into the Manning Road, Bourne affordable housing development. The policy is now somewhat out of date and not necessarily in line with the more contemporary planning guidance. It is therefore important to view this policy in the context of current national and regional planning policy.

Your major concern, in terms of compliance with H8, appears to be whether the development can be delivered on other sites within Long Bennington (although the policy is not explicit on this point). In order for another site to be considered as genuine alternative and to comply with the policy criteria of PPS3 it needs to be demonstrably the case that it is suitable, available and achievable (PPS3, para 54). These three criteria define whether or not a site is truly deliverable and is one of the key strands of current national planning policy. The application site complies with all three of these criteria and is immediately deliverable. As a company we do not control any of the other sites and are therefore not in a position to deliver this scheme on alternative sites other than that currently being considered.

Neither Policy H8 nor PPS3 requires affordable housing developments to be disaggregated over a number of separate parcels of land. Contrary to your assertions, the costs of developing more than one site is significantly more expensive. For example prelim and overhead costs will be double as it will be necessary to operate two site compounds, 2 sets of site managers as well as the obvious loss of economies of scale through a single site. When delivering affordable housing projects on an extremely tight margin such additional costs cannot be absorbed within the scheme and as such renders them economically unviable. It must be borne in mind that this scheme will be delivered with the benefit of NAHP (National Affordable Housing Programme) funding through the Homes and Communities Agency (HCA). The HCA assess each scheme that is presented to them against a number of criteria, one of which being value for money. The increased costs associated with disaggregating the development over 2 or more sites will inevitably mean that the development is more expensive and therefore less likely to attract grant funding from the HCA."
Your letter suggest that a different set of circumstances exist with this scheme compared with Barrowby, Harlaxton, Great Gonerby, Woolsthorpe and Deeping St James. This comment appears to be founded on the fact that a number of alternative sites exist in Long Bennington (identified in the SHLAA which is not the case for any of the other settlements. Quite simply this is not the case. The SHLAA clearly identifies sites in Colsterworth (1 no.), Deeping St James (7no.), Great Gonerby (3no.), Harlaxton (2 no.) and Barrowby (3 no.) all capable of delivering development proposals. It would therefore appear that the Council is applying an inconsistent and punitive approach to considering exceptional affordable housing schemes.

In closing I would like to remind you that this scheme has evolved over a number of months with the benefit of extensive pre-application consultation with the District Council. I do hope that the above information is of assistance to you in your deliberations and that this provides sufficient justification in terms of site selection and policy compliance for you to be able to recommend this deliverable rural affordable housing scheme for approval.

A PPG24 noise assessment has been submitted regarding the proposed residential development. The assessment relates to the relationship with the A1 Trunk Road and the associated potential for noise and disturbance."

**Site History**

No relevant site history

**National Policy**

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPS7 – Sustainable Development in Rural Areas

Para 8 - The needs of all in the community should be recognised, including those in need of affordable housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.

PPG 13 – Transport

PPG24 – Planning and Noise

**East Midlands Regional Plan**

Policy 1 – Regional Core Objectives – The first core objective is “to ensure that existing housing stock and new affordable and market housing address need and extend choice in all communities in the region”.


Policy 13a – Regional Housing Provision – requires the provision of 13,600 dwellings within the South Kesteven administrative area between 2006-2026.

Policy 14 Regional Priorities for Affordable Housing – indicative housing targets are set out – 8,400 is allocated to the Peterborough Partial Housing Market Area within which SKDC falls.

Policy 15 – Regional Priorities for Affordable Housing in Rural Areas – New housing in rural areas should contribute to:

-Addressing affordability issues by providing appropriate levels of housing in suitable locations;
-Creating sustainable rural communities through a choice of well designed homes.

Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment

Policy H6 – Residential Development

Policy H8 – Affordable Housing

Interim Housing Policy

Local Development (LDF) Submission Core Strategy (January 2009)

Policy H1- New housing development in South Kesteven during the period 2001-2026 should be planned and phased to deliver the minimum level of housing development required by the Regional Plan.

H3 – Affordable Housing – This policy sets out an affordable housing requirement of 40% on qualifying sites. At least 60% of this should be for social rent.

(Note - Limited weight can be attached to this document as it awaiting public examination.)

Landscape Character Assessment

Trent and Belvoir Vale – Landscape sensitivity to new employment and residential proposals is likely to be medium. Whilst the landscape itself contains relatively few sensitive features there is little structure to help assimilate new development. Woodlands and trees in the landscape are typically associated with the settlement, so new development assimilated with existing settlement edges could be mitigated by appropriate landscape proposals in keeping with the established character.
**Key Issues**

The main issues for consideration in relation to this application are visual amenity, residential amenity of neighbouring occupiers, highway safety/capacity, noise disturbance for future occupiers and compliance with policy.

**Visual Amenity**

The proposal is for 29 affordable dwellings which would be located adjacent to the existing properties on Valley Lane and Costa Row to the west of the existing settlement. The proposal would clearly result in built form beyond the existing confines of the existing settlement. However, it is not considered that there would be any significant harm to visual amenity or detrimental impact on the character and appearance of the area. The area is characterised as having a medium sensitivity to residential proposals and is already dominated by the A1 trunk road.

The western most portion of the site would accommodate a noise attenuation bund, pumping station and water attenuation area. As such there would be no real built form within the westernmost 20 metres of the site bar the pumping station.

The western edge of the development would be bounded by a 4 metre high bund topped by an acoustic fence. The degree to which this would be detrimental to visual amenity is arguable. On one hand the bund would screen the development and could be appropriately landscaped. On the other hand the bund and proposed acoustic fence, may be regarded as an alien feature. To help lessen the visual impact of the original bound it has been redesigned to give a more informal feel. It is considered that the bund when appropriately landscaped would not be so detrimental to the character and appearance of the area that a refusal of planning permission could be justified on that ground.

It is accepted that the development would result in built form beyond the confines of the existing village. However, there is built form directly opposite the application site in the form of the surgery and the proposed acoustic bund will also serve as a visual screen.

In light of the above comments it is considered that the proposed development relates reasonably well to the existing settlement and would not be seen as a totally illogical extension of the existing settlement. Whilst there is an undeniable impact on the countryside, notwithstanding the proposed screen bund it is considered that any detrimental impact is offset by the identified need for affordable housing.

**Residential Amenity**

The nearest properties to the application site are located on Valley Lane and Costa Row. The nearest proposed buildings to these dwellings are plots 1, 6, 7 and 8.

Plots 1, 6 and 7 are bungalows and as such would ensure that there would not be any significant overlooking or loss of privacy subject to appropriate boundary treatments being erected prior to occupation of the proposed dwellings.

Plot 8 is a two storey dwelling set approximately 2.5 metres off the boundary of the site. There are no windows proposed to the side elevations. As such it is considered that the
disposition and orientation of this property coupled with windows located to the front and rear elevations is sufficient to ensure that current levels of amenity of neighbouring occupiers are not significantly impinged upon and that planning permission could not be refused on these grounds.

The remaining plots are a significant distance away from existing properties to ensure that amenity levels would not be significantly affected.

It is acknowledged that the outlook from the neighbouring dwellings would change as views over the farmland would be removed. It is accepted that these changes may not be welcomed. However, to ensure that the existing occupiers would experience no adverse impact from a new development would be an unreasonable level of test for any proposed development.

The proposed screen/acoustic bund would be a sufficient distance away from the nearest proposed dwellings and their associated rear gardens to ensure that the future occupiers would not feel overpowered to the detriment of reasonable residential amenity. The nearest properties to the bund have a garden depth of at least 10 metres which coupled with the lie of the land which gives them a slightly elevated position in relation to the bund would ensure that the outlook from plots 17 to 23 would not be dominated by the bund and acoustic fence.

Highway Capacity/Safety

Capacity

A number of representations have highlighted the highly trafficked nature of Valley Lane at present and its ability to accommodate the proposed development. It is noted that Valley Lane is an access route to the A1 north bound and serves the busy doctors surgery opposite. However, the local highway authority has not objected to the proposed number of dwellings. They have however indicated that the number of dwellings proposed is a ceiling due to the proposed junction offset with the surgery site opposite.

In the light of the comments of the highway authority it is considered that a refusal of planning permission on highway capacity grounds could not be substantiated.

Safety

It is accepted that the proposed access is located in close proximity to the access to the surgery site opposite. The local highway authority considers this arrangement to be acceptable to serve the proposed development. The various comments relating to highway matters based on the experiences of living in Long Bennington are acknowledged. However, without the technical backing of the local highway authority a refusal would be difficult to substantiate.

Pedestrian safety has also been raised. Of particular concern is the foot path links to the site and the requirement to cross the road and the associated danger this may bring. The local highway authority has echoed these concerns in that there should be investigation into improved links to and from the village. However, the applicant’s agent considers that the site has suitable access via the existing footways.
This matter is being pursued further with the local highway authority to establish whether or not the proposed development is acceptable from a highway perspective without the footpath/cycle link improvements. Any further comments from the local highway will be reported in the late items paper.

Depending on the extent of the proposed works it may be necessary to secure the improvement works via a section 106 legal agreement.

Noise disturbance to future occupiers

The application site is approximately 100 metres from the A1 trunk road which is a significant source of noise. The submitted noise assessment indicates that the site falls within PPG24 Noise Exposure Category C which states that:

“Planning Permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”.

As can be seen from the comments of the Environmental Protection Team Leader the majority of the properties will be unable to open windows for ventilation and must have an acoustically treated ventilation system installed.

The acoustic report indicates that notwithstanding the noise mitigation measures being in place, future occupiers will be likely to experience moderate annoyance in the majority of outdoor living areas. Or serious annoyance will be experienced by the occupiers of several properties on the western and south western boundaries of the site.

I have sought clarification from the Head of Environmental Protection as to whether or not the quality of life of the future occupiers would be so adversely affected that a refusal of planning permission could be substantiated. The comments received are as follows:

“The mitigation proposals are likely to reduce the noise to the ‘reasonable’ standard internally and as such I would not be justified in refusing albeit that the proposals include a whole house ventilation system. In terms of gardens, as it is so marginal defending this at appeal may be difficult”.

In light of the above comments, and without the technical support of the Environmental Protection Section, it is considered that it a refusal of planning permission on noise grounds would not be robust enough to be defended at appeal.

These conclusions were supported by the findings of the independent noise consultants who have been engaged to assess the submitted noise report, they conclude:

“It is considered that the predictions in the report show the specified mitigation provides an adequate level of protection against noise. The ‘reasonable’ indoor noise limits given in the BS 8233 are unlikely to be significantly exceeded inside any of the properties, even taking the discrepancy into account.
A small number of gardens may experience noise levels which are marginally exceed WHO guideline levels; however, in light of the mitigation measures provided, this has not been deemed significant in the report or in this review”.

Confirmation has been sought from the consultants to ensure that the revised bund layout offers the same level of noise protection to the future occupiers.

Compliance with Policy

The comments from the Partnerships and Projects Officer clearly demonstrates that there is an identified local need for affordable housing in Long Bennington. A recent survey of the Housing Register has indicated that there a 14 applicants Living in Long Bennington and 16 applicants with a direct connection and a further 7 applicants that either live within 5 miles of the village or have a family connection.

However, what is less clear is whether or not this is the most appropriate site to deliver affordable housing.

Policy H8 of the Saved South Kesteven Local plan relates to the provision of affordable housing. In order for applications to be considered favourably the District Council needs to be satisfied that the need for such housing cannot be accommodated in any other way.

Alternative sites, 14 in total, have been identified by the developers. They have all been discounted for varying reasons including: ‘site too small to deliver development, land owner unwilling to release the site, suitable for market housing, economies of scale not achievable’. Whilst there are no good reasons to disagree with the assessment, the Council does not have information to verify the statements that certain land is not available.

In light of the above there is a reasonable degree of expectance that this site could deliver a significant amount of affordable housing that is not readily deliverable through other means.

Another strand to policy H8 is ensuring that the dwellings remain affordable. A section 106 legal agreement is a recognised means of ensuring that the dwellings remain affordable not only for initial occupants but also subsequent occupants. The developers are in agreement to such a course of action.

The other requirements of Policy H8 relate to form and character of the settlement, be sited in locations that would not spoil a settlement's character or landscape setting and where public services and satisfactory access can be made available.

Impact on the character and form of the settlement and landscape are discussed as part of the visual amenity of key issues.

With regard to access to public services it is considered that the site is well related to the main core of Long Bennington which is identified as a Local Service centre by the Interim Housing Policy. Local Service Centres have been identified through a standard assessment process that identifies essential, desirable and other facilities which need to be available within a settlement in order that the residents of the village have the opportunity to meet their daily needs without having to travel by private car.
Planning Policy Guidance Note PPG 13 – Transport states that walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres. Clearly, the main core of Long Bennington and its associated facilities are within this distance. As such it is considered to form a sustainable form of development.

Social inclusion

Of interest here is an appeal decision in 2006 which granted planning permission for 350 dwellings, comprised wholly of affordable and accessible housing. During the determination of the appeal significant discussion took place as to whether or not the 100% affordable scheme would provide an acceptable mix of development. (APP/Q3630/A/05/1198326).

It was considered in that case that the mixture of housing types and the intended tenure mix is likely to accommodate a range a variety of households.

In the light of that appeal decision and as this scheme includes a mix of house types and an appropriate tenure mix which would be secured through a Section 106 agreement to meet an identified local need, the same tests that the Inspector applied to the appeal site apply to this scheme. It is considered that it would be difficult to substantiate a refusal of planning permission on the grounds that it would not provide an inclusive form of development by the fact that 29 affordable units are all located on one site.

Infrastructure and Access to Facilities

A number of concerns have been voiced regarding the ability of Long Bennington as a whole, the existing roads and sewerage infrastructure to accommodate the new development. Long Bennington is identified as a Local Service Centre by the Interim Housing Policy. This indicates that essential facilities are available in the village to meet residents’ everyday needs without the need to travel extended distances in the motor car.

The comments of the various technical consultees do not agree with residents/parish comments. There is no objection from the various consultees relating to surface and foul drainage, flood risk or the capacity of road network to safely accommodate the development.

As such it is considered that issues relating to surface and foul drainage and highway matters can be satisfactorily addressed by appropriately worded conditions.

It is accepted that the local highway authority is seeking improved connectivity to the main core of the village. This matter is being pursued further with the local highway authority and may be secured through a section 106 legal agreement. However, it must be demonstrated that these improvements are necessary, and without them the development would be refused planning permission. Similarly the Section 106 agreement could cover financial contributions for open space and education.
Developer Contributions

The developers have submitted a development appraisal which contains commercially sensitive information. The appraisals indicate that in order for the development to be undertaken it will require grant levels over and above the regional average. The developers have applied for increased amounts of grant in the Kickstart 2 programme. But increased amounts of grant funding would not be made available for Section 106 contributions to the local planning authority. As such, based on the submitted appraisal there is very limited ability for the scheme to provide any significant developer contributions.

The various assumptions on which the appraisal are based, principally, build costs, abnormals and land value are being assessed as these have a significant impact on the ability of the site to deliver developer contributions.

Any further comments on the submitted development appraisal and any developer contribution requirements will be reported in the late items paper.

The expected heads of terms relate to education, open space and possible highway improvements.

Crime and Disorder Implications

It is not considered that the proposed development raises any significant crime and disorder issues.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

Conclusion

As can be seen from the discussion above there is a complex balancing assessment to be undertaken in relation to this proposal. Against the development is the impact of the built form and associated acoustic mitigation measures on the character and appearance of the area, the level of noise that future occupiers would experience from the adjacent trunk road and the associated loss of residential amenity.

In favour of the development is that the scheme would satisfy the identified local need for affordable housing in a sustainable location adjacent to a local service centre.

Significant weight has been attached to the ability of the site to deliver affordable housing to meet an identified local need.
It is considered that the applicant has reasonably addressed the issue of alternative sites including developing two or more smaller sites. Whilst the concerns of the local residents and parish council are noted it is considered that the deliverability of 29 affordable dwellings to meet an identified local need outweighs the harm resulting from the other material planning considerations discussed above.

In the light of the above concludes it is recommended that the application is deferred to the Chairman and Vice Chairman of the Planning Committee for approval subject to the signing of a section 106 agreement to ensure that the dwellings remain affordable and that any appropriate developer contributions are included.

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

It is considered that the proposed scheme is a satisfactory form of development, providing affordable housing to meet an identified local need.

It is considered that it has been satisfactorily demonstrated that there is an identified need for the proposal and alternative sites have been reasonably explored and the development conforms to the principles of sustainable development.

As such the proposal accords with Central Government Policy Guidance/Statements PPS1, PPS3, PPS13 and PPG24, Policies 1, 13a, 14 and 15 of the East Midlands Regional Plan, Policies EN1, H6 and H8 of the Saved South Kesteven Local Plan. The Interim Housing Policy and the South Kesteven Landscape Character Assessment.

Issues relating to highway safety, highway capacity, surface and foul drainage capacity, infrastructure and available village facilities, social inclusion, visual amenity and residential amenity are material considerations and whilst there may be a degree of tension between policy in relation to the potential noise disturbance, impact on the character and appearance of the area and the number of units to be provided on a single site, it is considered that the proposed development generally accords with local and national policy and subject to the conditions attached to this permission are not sufficient in this case to outweigh the policies referred to above and the need to provide affordable housing.

**RECOMMENDATION:** That the application be deferred to the Chairman and Vice Chairman of the Planning Committee for approval subject to the following conditions and the signing of a section 106 agreement to ensure that the dwellings remain affordable, together with the consideration of any developer contributions.

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

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

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

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

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extensions shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

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 Saved Policy EN1 of the South Kesteven Local Plan.

7. The development hereby permitted shall be in accordance with the approved Proposed Level Plan Drawing No. NTC/076/100 Rev P4 unless otherwise agreed in writing by the local planning authority.
Reason: To ensure a satisfactory form of development and to protect the amenity of adjacent occupiers in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

8. 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 dwellings are occupied. The 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.

9. 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.

10. Prior to the commencement of work on site a method statement regarding the proposed construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:

   a) Hours of operation.
   b) Types of machinery and equipment to be used on the site; and
   c) Details of how noise, vibration and dust are to be controlled, using best practicable.

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

Reason: To ensure that the construction of the development is carried out to the best practice to minimise disruption to adjoining occupiers in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.
11. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to the first occupation of any part and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in accordance with Saved Policies H6 and H7 of the adopted South Kesteven Local Plan.

12. Prior to the commencement of the development hereby permitted and notwithstanding the submitted details, precise details of the construction and appearance of the acoustic fence shall be submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details and the fence shall remain in situ whilst any of the properties hereby permitted are occupied.

Reason: To protect the amenity of future occupiers in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan. Since the submitted details are considered insufficient to reduce the noise levels for the A1 Trunk road to acceptable levels.

13. The development hereby permitted shall be undertaken in accordance with the mitigation measures except for the acoustic fence as set out in the approved Acoustic Associated PPG24 Assessment. All mitigation measures shall be in place prior to the occupation of any of the dwellings hereby permitted and thereafter retained.

Reason: To protect the amenity of future occupiers in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

14. Prior to the commencement of the development hereby permitted, precise details of the proposed pumping station shall be submitted to and approved in writing by the local planning authority.

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

Reason: In the interests of visual amenity and to ensure a satisfactory form of development in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

15. Pursuant to condition 8 above precise details of any proposed retained structure within the site or on the boundary of the site 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 ensure a satisfactory form of development.

16. This permission shall be read in conjunction with the submitted application and the amended site location plan and planning layout Drawing No. 1071-004E received by the local planning authority on 17 February 2010.

Reason: To define the permission and to facilitate the revised screen bund.

Note(s) to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * * *
Note: All dwellings to be two storeys maximum.
All garden boundaries to be screened with 1.8m high close-boarded fence, unless shown otherwise.
2bb - 2 bed bungalow
(a) - affordable dwelling
LAND AT MAIN ROAD, LONG BENNINGTON

LANDSCAPE AND VISUAL APPRAISAL

CAPITA SYMONDS
Capita Symonds incorporating Andrew Martin Associates

Chartered Town Planners
Chartered Surveyors
Environmental Planners
Urban Designers
Chartered Landscape Architects

NOTTINGHAM

Icon Business Centre,
Lake View Drive,
Sherwood Park,
Nottingham,
NG15 0DT

CHELMSFORD OFFICE:

Croxton's Mill,
Little Waltham,
Chelmsford,
Essex CM3 3PJ

Telephone: +44 (0)1245 361611
Fax: +44 (0)1245 362423
Email: ama@capita.co.uk
Website: www.capitasymonds.co.uk

Telephone: +44 (0)1623 729310
Fax: +44 (0)1623 729343
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INTRODUCTION

This Landscape and Visual Appraisal has been produced in support of an outline planning application submitted on behalf of JCP Properties Ltd for a residential development of up to 35 dwellings and a new access.

The Appraisal should be read in conjunction with the range of documents already submitted with the application, but in particular the Design and Access Statement which explains the detailed principles behind the indicative layout.

The layout submitted with that document outlined a proposal for 25 dwellings. However, in order to demonstrate that the site is capable of accommodating the maximum number of units proposed which would have no harmful impact upon neighbouring properties or the surrounding landscape further supporting evidence has been produced.

The Appraisal includes a revised indicative layout to demonstrate how the site could adequately accommodate a mix of dwellings and also illustrates the height parameters within such a development. This information is collated into creating a series of photomontages which show how the existing and proposed planting to the north may impact upon the most prominent view into the site. It also provides an overview of local landscape features and considers both their impact upon the proposal but also how these features would be affected.
INTRODUCTION
SITE LAYOUT AND PARAMETERS
A revised indicative site layout and parameters plans have been produced to demonstrate that the proposal is in accordance with Policy H1 and H3 of the Core Strategy. The plans show that the site is capable of providing a suitable mix of house size, design and tenure, including up to 35% (12 dwellings) of the total capacity as affordable housing.

The layout essentially follows the same pattern created for the original site plan in that the central access point and a strong building line to Main Road have been retained. Attention has been paid as to how the built form relates to the boundaries of the site in order to minimise the impact on adjacent properties and also views looking into the site, particularly from the north. In such sensitive locations the spacing and orientation of buildings combined with the use of native species planting will play an important role.

A further measure used to minimise the impact of the proposal is a restriction on building heights up to two storeys. The parameters plans indicate that within this limit there would be a mixture of building heights through the inclusion of bungalows and also a range of house types.

Any increase in the number of units to that shown within the Design and Access Statement would clearly have an impact upon average garden sizes and parking provision. Based on the amended indicative layout the average garden size for each house type would be as follows:

- 2 bed house – 65sqm
- 2 bed bungalow – 140sqm
- 3 bed house – 120sqm
- 4 bed house – 140sqm
- 5 bed house – 150sqm

The layout also makes provision for an average of two spaces per dwelling with an increased allocation for four and five bed houses and shared parking for some of the two bed houses. It is considered that the provision ensures that there is an appropriate balance between servicing the needs of car users whilst also maintaining an appropriate level of amenity space and site landscaping. It should be noted that the site lies within easy walking distance of services and facilities in the village which itself is recognised as a sustainable settlement in the Council’s Core Strategy.
SITE LAYOUT AND PARAMETERS

Plan 3 Indicative Dwelling Schedule Plan

Key
- Site Boundary
- 5 Bedroom House
- 4 Bedroom House
- 3 Bedroom House
- 2 Bedroom House
- 2 Bedroom Bungalow
- Affordable Dwelling
- Garage

Note: all dwellings to be two storey maximum.
SITE LAYOUT AND PARAMETERS

Plan 4 Indicative Scale Parameters Plan

Key
- Site Boundary
- 2 Storey House
- 1 Storey Bungalow
- 1 Storey Garage
VISUAL IMPACT OF PLANTING

Shelterbelt Planting +5 years

Shelterbelt Planting +15 years
The images illustrate how the proposed planting is likely to assist in screening the development. It will be supplemented by the mature hedgerow shown in the foreground, which is located approximately 80m north of the site boundary.

Shelterbelt Planting +5 years

There will be some glimpsed views of roof tops to the two storey buildings, comparable to those taken of the relatively modern housing estate directly to the east. The existing field boundaries provide a robust visual screen.

Shelterbelt Planting +15 years

As the proposed tree and shrub planting becomes more established views of buildings on the site are lessened. The landscape character is now wholly reflective of the Trent and Belvoir character area.

Shelterbelt Planting +30 years

As the planting matures and becomes fully established the trees and understorey planting provides a robust and dense screen, mitigating almost all of the visual impact of the development.

Plan 5 Photomontage Location Plan
LANDSCAPE AND VISUAL APPRAISAL

Landscape Context

The site lies in the East Midlands within the county of Lincolnshire and the administrative Borough South Kesteven District Council. This small scale urban fringe site occupies a generally square area of land located to the north of Long Bennington. The site is broadly defined and bounded by the following features:

- Large scale hedge planting punctuated with large scale native tree species
- Residential properties along the eastern and southern boundaries
- Predominantly pasture field, fronting onto Main Road

Topography

The site is situated on the northern side of the gently undulating slopes associated with the South Kesteven landscape. The site steadily falls downwards from west to east by around 2-3m, marking one of the lowest points in the surrounding landscape. From here it gradually rises in a broadly easterly and southerly direction.

The surrounding countryside is largely typical of the South Kesteven landscape which is characterised by a gently undulating topography. Moving north from the site the land begins to gradually rise from the River Witham towards Dry Doddington. To the west the land falls gently to 25m towards the Staunton Quarry Nature Reserve. Heading south to the land surrounding Allington and Bottesford the land eventually rises to 60m.

Landscape Character

The landscape context has been evaluated at three levels initially by reference to the following published assessments:

- Natural England Countryside Character Area East Midlands
- Natural England’s The Character of England’s Countryside Character Area 48 Trent and Belvoir Vales
- South Kesteven Landscape Character, Trent and Belvoir Character Area

This area lies to the northwest of the District. It is described as a gently undulating landform, with shallow ridges dropping down gently to broad river valleys. It is an open, arable or mixed, farmed landscape, strongly rural in feel, with trimmed hedges and few hedgerow trees; woodlands are only locally significant. These are frequent nucleated villages with red brick houses, roofed with pantiles, and spired churches prominent in long views. Tree cover is mostly noticeable around the villages which are typically situated on slightly rising ground.

The vale is described as rural in character with a simple and sometimes weak landscape pattern. There are few woodlands ensuring open views are possible with few landscape features of intrinsic sensitivity. The landscape is medium to large in scale with relatively simple regular field pattern consisting of open arable or mixed farming landscape, enclosed by hawthorn hedges and intermittent trees. Looking north from the site the skyline is dominated with panoramic views of overhead electric cables.
Local Landscape Character Area

The site is typically urban fringe in character however the surrounding landscape is dominated by mature hedge planting with intermittent mature tree planting, giving a sense of enclosure. Residential development dominates the southern and western edge of the application site see (viewpoint 1).

The site is screened from the south and east by adjacent residential properties. The land gently falls from the south to the north of the site and is currently used as grass pasture for horses. The hedge and tree planting consists of mainly native species with some larger native species which acts as the site’s only significant landscape feature.

Landscape Sensitivity

The landscape sensitivity for new development is deemed to have medium impact. The landscape contains relatively few sensitive features and there is little structure to help assimilate new development. However woodlands and trees within the landscape are generally associated with existing development. Therefore new development assimilated within existing settlement edges could be mitigated by appropriate landscaping.

Landscape Strength

The surrounding area contains no readily prominent landscape features however the gentle contours and existing development obscure views from the south. There are long distant views from the north however these are limited to certain points.

The absence of any distinctive landscape features and strong nearby associated urban features result in a landscape which is weak to moderate. Due to topography and positioning of adjacent residential properties, the majority of views into the site, are obscured. This is a well-screened parcel of land which is only partially visible from the surrounding public rights of way (see viewpoints 2 and 3).
Visual Resources

Although the site enjoys some partial views from the public footpaths to the east of the site (see viewpoint 4), the existing planting and built form greatly limits any visual impact the proposed development would have. Whilst the site is distantly visible from the north the proposal would not form a prominent feature on the landscape.

The site is enclosed from the surrounding countryside with only close range views from the existing development and partial glimpses from the surrounding footpath network.

Assessment of landscape and visual effects

Although the magnitude of change would be moderate; from the conversion of pasture fields into a high quality residential development; the visual impact would be minimal due to the surrounding vegetation and built form. The northern, western and eastern boundaries provide a robust visual screen that is specific to that found within the locality.

The surrounding landscaping and surrounding topographical features visually screen the site well. There will be some minor long distance views from the north, however the proposed development would have minimal impact upon the view of the village edge.

Residential Properties

Inevitably there will be close range views from the nearby residential properties; however some of these could be reduced through strategic tree planting. The landform to the north obscures any views from properties at Dry Doddington and those along Doddington Lane (see viewpoint 5).

Roads

There will be some close range views from the proposed access point from Main Road and some minor glimpsed views from the A1 slip road (see viewpoint 6). Views from the existing road network to the west of the site are generally obscured (see viewpoint 7). Overall the development is almost entirely screened from the surrounding road network.
Public Rights of Way

The landscape to the north of Long Bennington enjoys a mix of public rights of ways, generally located to the west of the site associated with the River Witham and the more undulating ground leading to Westborough. The site is well screened from surrounding views with a mix of vegetation, topography and existing development. The industrial estate fully obscures any views from the west of the site (see viewpoint 8). There are some restricted views from the River Witham (see viewpoint 9 and 4); however the existing properties and associated landscaping are typical of the South Kesteven landscape character and the visual impact will be minimal.
Conclusion

The proposal seeks approval for the principle of accommodating a maximum of 35 dwellings on a site on the northern edge of Long Bennington. This document illustrates how careful consideration of the proposed built form in terms of scale, layout and design combined with the characteristics of the surrounding natural and built environment will ensure that this proposal would have no harmful impact upon the landscape and the amenity of neighbouring properties.

The careful siting and scale of the maximum two storey development will have minimal impact on the village edge. The proposed hedging and native species trees whilst screening the development from northward views also enhance the setting as defined within the Trent and Belvoir Landscape Character Area and create a positive urban edge to the north of Long Bennington.

Properties along the southern and eastern boundaries as well as the adjacent properties along Main Road will experience some impact on views over the site towards Dry Doddington and Claypole. However, with detailed consideration of design, scale and layout combined with the proposed boundary planting, both longer distance views from the north and close views from adjacent to the site will not be significantly affected.
Appendix H
**Applicant**  
Andrew Rogers, JGP Properties Ltd c/o Agent

**Agent**  
Mr Andrew Rogers, Capita Symonds Architecture ICON Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT

**Proposal**  
Outline planning permission for residential development and the formation of new vehicular access

**Location**  
Land Off Main Road, Long Bennington

**App Type**  
Major Outline (Residential)

**Parish(es)**  
Long Bennington

**Reason for Referral to Committee**  
Major application and likely to cause wider concern.

**Recommendation Summary**  
Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. the Site Allocations DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations.

It is accepted that determining the application could prejudice the Examination of the Site Allocations and Polices DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable development endorsed by the National Planning Policy Framework.

### Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity
- Drainage
- Heritage Impact

### Technical Documents Submitted with the Application

- Transport Statement (and Addendum)
- Reptile Survey/Habitat and Protected Species Assessment/Badger and Breeding Bird Survey
- Flood Risk Assessment
- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Statement
REPORT

The Proposal

The application was originally submitted in outline form with all matters reserved for subsequent approval except access. However, at the request of the case officer details of layout were requested to be considered at outline stage in order for a reasoned assessment of the development to be undertaken.

Accordingly a plan was submitted to demonstrate how the site could accommodate 35 residential units.

The site would be served off Main Road with the main access road running roughly through the centre of the site terminating with a turning head. The proposed dwellings would either be accessed directly off this road or off shared surface areas.

The application site and its surroundings

The application site is located on the northern edge of the existing village and is currently an open field. The site is bounded by Main Road to the west, residential properties off Water Lane and Westborough Lane to the south and properties off Riverview to the east. The north of the site is open fields.

There is a listed building, Mount Pleasant adjacent to the site to the south. The planning application has been advertised as affecting the setting of this listed building. Whether or not the development would result in any demonstrable harm to the setting of the listed building will be discussed as part of the officer evaluation.

Relevant Site History

SK.55/1444/89 - A scheme for residential development was submitted and subsequently refused on the grounds that the site was out of character with the rural nature of the village extending the built form into open countryside.

S03/0914 - A near identical proposal to the previous application was submitted earlier in 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S03/1510/55 – An outline planning application for the residential development of the site was submitted in November 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S04/1001 – Full Planning permission for 53 dwellings and garages was refused on 5th October 2004. The reasons for refusal are:

1. Full planning permission is sought for a residential development scheme on land at Town End Field at the northern extreme of the village of Long Bennington. The land is currently undeveloped open agricultural fields and is situated beyond the recognised confines of the settlement. In the opinion of the local planning authority the development forms an unwarranted extension of built development into an area of open countryside to the north of the village contrary to the aims of the Development Plan and contemporary central government planning guidance. The site is not allocated in the
South Kesteven Local Plan for residential purposes and is therefore considered to be contrary to the aims and objectives of Policies EN1, H6 and H8 of the adopted Local Plan, Policy 5a of the adopted Lincolnshire Structure Plan and Policy 11 of the deposit draft replacement Structure Plan.

2. This authority is in the process of preparing the Local Development Framework which will emerge to replace the current Local Development Framework Plan. It is considered that the granting of permission for the development of the site with a major residential proposal would be premature and would prejudice the outcome of the Local Development Framework process by pre-determining decisions about the scale and location of new development that are most appropriately determined through the Local Development Framework preparation process, detrimental to the planned growth of the settlement and the district as a whole.

Representations Received

Policy Considerations

Initial Comments

The relevant Development Plan policies for the consideration of the principle of this application are policies SP1 and H1 of the adopted Core Strategy. Whilst these policies allow for some modest housing development within the 16 Local Service Centres (which includes Long Bennington), both policy SP1 and the supporting text for H1 make it clear that housing development in the LSCs should be limited to brownfield sites within the built up part of the village, or sites which are allocated in the Site Allocation and policies DPD.

Preparation of the Site Allocation and Policies DPD (SAP DPD) is now quite advanced, and the plan is expected to be submitted to the Secretary of State before the end of this year. However until the DPD is adopted, only those sites which remain undeveloped from the adopted local plan remain as allocated housing sites. As this site is not allocated for development in the saved, adopted Local Plan it is not allocated. The application is therefore contrary to policies SP1 and H1 of the adopted Core Strategy.

The application site is, however, one of a large number of sites which has been considered and assessed as part of the preparation of the emerging Site Allocation and Policies Development Plan Document. As a result of this assessment process the application site has been identified by the Council as the preferred option for allocation in Long Bennington. However it should be noted that there were several other sites in Long Bennington which were also assessed as suitable for housing.

The DPD has just been published for the formal six week representation period prior to being submitted to the Secretary of State for Examination. 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 this and other competing sites in the village. In addition, the Inspector will need to test the principle of an allocation in Long Bennington is a sound one.

Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector’s consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard
to the guidance in ‘The Planning System: General Principles’ [paragraph 17] regarding prematurity, I object to this application.

Final Comments

This memo updates and provides further policy advice to my consultation response about this application dated 11th October 2011. Since those comments were written the Government has published the National Planning Policy Framework (the Framework) which has replaced all PPGs and PPSs, and is therefore a material consideration in the determination of planning applications. In addition and the plan preparation process for the Site Allocation and Polices DPD has moved on to the Examination phase.

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; in this case the development plan is the Adopted Core Strategy, it also establishes a presumption in favour of sustainable development and Annex 1 indicates that decision makers should give weight to relevant policies in emerging plans; and that the amount of weight given to those policies will depend upon how advanced the plan preparation is, the extent of unresolved objections to the relevant policy and the degree of consistency of relevant policies with the Framework.

The relevant Development Plan policies for the consideration of the principle of this application continue to be policies SP1 and H1 of the adopted Core Strategy. The Site Allocation and Policies DPD allocates the application site in policy LSC1(f), thereby the principle and suitability of the site for development has been accepted by the Council. Some weight should be afforded to this policy as it has progressed through to examination stage. However there are outstanding objections to the site which should be considered at the examination, in particular this site is one of a large number of sites in the village which were assessed, several other sites were also assessed as suitable for housing and a number of these sites are being pursued through the examination process. Those making representations about this have a right to have their concerns considered by the Inspector as part of the Examination. The emerging policy is considered to be consistent with the Framework.

The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan’s strategy, applications should continue to be determined.

I conclude therefore that whilst some weight can be given to emerging policy LSC1f, I remain concerned that determining this application could prejudice the Examination process in relation to determining the scale and location of development in the LSCs, however I do not believe that the scale of development is sufficient to be considered “strategic” nor would it significantly affect the spatial strategy of the emerging plan. In all other respects the proposal is in accordance with the Core Strategy policies and in allocating the site in the council has agreed that it is suitable for development and can therefore be considered “sustainable development”. In light of the NPPF’s presumption in favour of sustainable development, the weight which can be afforded to the emerging policy and the proposals compliance with adopted policy, I withdraw my initial objection to the application.

Open Space Officer
The calculation for the provision of equipped children’s play space is detailed in the attached spreadsheet. Based on the potential number of residents (35 dwellings x 2.36 = 83) in this development the calculation gives a figure of 125 m² (83 x 1.5 m²) to be provided for equipped children’s play. 1.5 m² of equipped children’s playing space per head of population is as per the SKDC commissioned open space study – “A Study of Open Space, Sport and Recreation in South Kesteven District 2009”.

Long Bennington Playing Fields are located on the opposite side of the Main Road adjacent to this proposed site. As well as ensuring there is a safe crossing point to these facilities I would request a contribution of £18,750 to these play equipment on these facilities, based on the following calculation.

Calculated equipped play space for proposed development = 125 m²
This is equivalent to 1.25 x LAP provision
Financial contribution for LAP provision = £15,000
1.25 x £15,000 = £18,750

Partnerships Projects Officer (Affordable Housing)

Initial Comments

With regards to the above application I can confirm that affordable housing requirements are as follows:-

- 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 affordable 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 requirement is as follows:-

- Preference for the Council is that 35% affordable housing to be provided on site, the developer will need to provide evidence on the viability of the site if the target is less than 35% and agree with the Council the percentage, the location, size and type of unit to be provided.
- A minimum of 60% of the affordable housing to be 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.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social 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.
• 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 affordable housing units).

Please find below response with regards to the provision of affordable housing.

• 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
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of local need.
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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 affordable housing units).

Partnerships Projects Officer (Affordable Housing) further comments (2)

With reference to the layout of the potential development Main Road, Long Bennington.

I can confirm that the proposal includes the required 35% affordable housing on site consisting of 4
x 2 bedroom houses, 5 x 2 bedroom bungalows and 3 x 3 bedroom houses (12 units in total).

The greatest need in the district is for two bedroom properties. The Housing Needs Survey
published in October 2010 also highlights the greatest need for two bedroom properties. The
development proposes 9 x two bedroom properties which will meet local needs and 3 x 3 bedroom
houses to meet larger family needs. It is possible that 1 or maybe 2 of the bungalows will need to
provide adaptations such as a wet room, easy access for a wheelchair. The layout provides two bungalows which may be able to meet this criteria.

With regards to the general layout the affordable housing is well integrated into the site and provides the same level of amenity space and privacy as afforded the open market units.

Partnerships Projects Officer (Affordable Housing)

Final Comments

I am happy with the proposed affordable housing units. The proposal is for 12 (35%) affordable housing units on site. Consisting of 3x2 bed bungalows, 6x2 bed houses and 3x3 bed houses which meet some of the affordable housing need identified for Long Bennington. The affordable housing units are well located in the proposed development and meet the requirements to create a mixed sustainable community.

The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties.

Police Architectural Liaison Officer

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, crime reduction and community safety.

Environmental Protection

No known Contamination Issues

Property and Facilities (Drainage)

Upper Witham will want to comment on any outfall to existing watercourse. So may the EA.

Arboriculture Consultant

If you feel that significant trees, shrubs and hedgerows are growing inside and or just outside the site boundaries then a tree survey will be required to meet with the requirements of Section 197 of the Town and Country Planning Act 1990.

An accurate site survey showing all the existing trees, shrubs and hedges on and adjacent to the site should be submitted to the Local Planning Authority and be approved by it in writing.

The survey should be carried out by a competent and suitably qualified arboriculturist and shall show the position, species and crown radius at the four cardinal points, crown height and approximate heights of all the trees, shrubs and hedges and their apparent condition. The trunk diameters at 1.5m from ground level of each tree shall also be submitted. The Tree Survey and plan should be in accordance with BS5837 (2005) Trees in Relation to Construction and will provide details of root protection areas. Details of retention categories according to the guiding principles in Table 1 of BS5837 and proposed works must be provided.
Mitigation of issues relating to the trees and development should where appropriate be provided in the form of an Arboricultural Implication Study. Further details where deemed appropriate; including hard surface construction and on site tree protection should be submitted in the form of a Method Statement and Tree Protection Plan.

Local Highway Authority

Initial Comments

With reference to the above planning application which was passed to the Highway Authority for consultation on 2 September 2011, I inform you that all relevant information has not been provided to enable the Highway Authority to provide a substantive response. The 21 day consultation period will not commence therefore, until the Highway Authority is in receipt of the relevant information as detailed below.

Please can you go back to the Applicant/Agent and request a drawing is submitted showing the extent of the proposed cycleway/footway along Main Street which will form part of the Section 278 Agreement.

I hereby inform you that should you not agree to the request for delay of commencement of the consultation period, until the Highway Authority is in receipt of requested information, the Highway Authority will recommend refusal of the planning application.

Further Comments (1)

Requests that any grant of planning permission includes the following conditions:

HI00 - No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycleway along Main Road, Long Bennington (Distance as shown on drawing CS46981/T/002 Rev E) together with all ancillary works.

HI03 - 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.

HI05 - 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.

HP16 - When application is made for approval of the 'Reserved Matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.
Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

HP21 - No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway along Main Road, Long Bennington (by means of a 3.0 metre wide footway/cycleway along with all associated 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.
HP23 - Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).
Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

HP24 - No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.
Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site.

HP26 - 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.

Final Highway Comments (Explanation)

The local highway authority looked carefully at the proposals for development of this site and potential improvements to overcome a number of issues some of which include continuing liaison with the Parish Council.

It should be acknowledged that the current width of the carriageway in this location far exceeds the normal standard for a county class 'c' road. The 'narrowing' will reduce the carriageway width to 7.3m where it fronts the Pavilion, sports ground and southwards to that commensurate with the hierarchy type 3 road.

Essentially, it is envisaged that by introducing the 'narrowing' in such a manner this will discourage HGV parking but retain enough width to safeguard on-street parking used by the bowls club:etc.

You will understand that the narrowing of carriageway in itself is considered to be a means of reducing speeds.

My understanding is that the access to the bowls club/sports field is not used by members for the parking of cars of players or their supporters and relatives on any regular or irregular basis although it is noted that car boot sales take place a small number of times per year.

The provision of the footway/cycleway it is hoped will encourage alternative modes of travel.

The mitigating proposals therefore, in conjunction with a ‘Gateway’ scheme and extension to the speed limit northwards are considered suitable improvements with added factors of safety for users of the highway at this end of the village.

The issue of traffic regulation orders to control parking in the locale is being discussed with the Parish Council, but it is suggested that this be investigated more once (should the development be
permitted) the improvements have been implemented as their imposition can affect normal accepted use and have wider implications elsewhere on the network.

Severn Trent Water

No objection subject to a condition regarding the submission of surface drainage details to the local planning authority for approval.

Anglian Water

Pre Development Report (summary)

Wastewater Treatment

The foul drainage from this development is in the catchment of Long Bennington Sewerage Treatment Works that will have capacity for these flows.

Foul Sewerage

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate

Surface Water

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed

Environment Agency

Initial Response

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the granting of planning permission.

Reason

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not, therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

- The discharge rate has been calculated based on the total site area of 1.2 hectares rather than the impermeable area of 0.5 hectares;
- The surface water will enter the River Witham via a watercourse within the drainage area of the Upper Witham Internal Drainage Board (IDB). Accordingly, the written agreement of the IDB should be included within the FRA;
- Further information should be provided regarding how the minor watercourse enters the River Witham. Our records indicate that this is via a sluice and therefore details should be
provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site;

- The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Further Comments (1)

In relation to the above application unless already consulted, we advise that Anglian Water Service Ltd are consulted to confirm whether or not 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 copy of their response should be forwarded to the Environment Agency for comment.

Further Comments (2)

I refer to our previous letter of 14 September 2011, in which we objected to the above application on flood risk grounds.

We have now received a copy of the South Kesteven Detailed Water Cycle Study (WCS), Final Report, November 2011. This report has brought to our attention the lack of sewerage network capacity issues in Long Bennington. As a result of this, we wish to make a further objection to this application on pollution and sewer flooding grounds.

Page 93 of the WCS says that “Anglian Water Services has stated that there is no allowance for any development in Long Bennington until the sewerage system has been upgraded.” The Study goes on to advise that all development will be subject to a minimum 5 year delay to resolve the sewerage constraint. Any additional development, even small scale, will increase the risk of, and be vulnerable to, sewer flooding until the strategic solution is implemented.

Planning Policy Statement 12: Local Spatial Planning states that “when it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted”.

Similarly, Planning Policy Statement 23: Planning and Pollution Control (PPS23) highlights that possible adverse effects on water quality, the provision of sewerage and sewage treatment and the availability of existing sewerage infrastructure are material planning considerations for planning applications. PPS23 directs that the precautionary principle should be applied in such cases.

If you are minded to approve the application contrary to this advice, we request that we are reconsulted to allow further discussion and/or representations to be made.

Further Comments (3)

I refer to my previous letter dated 14 September 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have received an amended FRA in support of the application. However, we consider that the details in the FRA are not yet fully Planning Policy Statement 25 'Development and Flood Risk' (PPS25) compliant. Accordingly, we MAINTAIN our objection to the proposed development subject to the submission of an amended FRA, which addresses the following points:

Further information needs to be provided in respect of how the minor watercourse enters the River
Witham. Our records indicate that this is via a sluice. Therefore, details should be provided of how this operates, particularly when the river is experiencing high flows, and whether or not this will affect the outfall from the site. The long term security and maintenance of the minor watercourse, particularly if it is in third party ownership, should be carefully considered given its role in draining the site.

Appendix E of the FRA has included the calculations for the required amount of attenuation storage. This has not considered a large enough range of storm durations. The volumes shown in the calculations keep increasing. Normally, if longer storm durations were considered you would expect to see the attenuation volume reach a peak amount and then start to reduce – the peak amount should be used as the amount of attenuation storage required. The amount of storage given in Table 6 of the report is not shown in the calculations in Appendix E. The calculations need to be expanded to include longer storm durations which should show the volume required reaching a peak value. We have carried out a check using the Windes Microdrainage software and this has produced a higher figure for the amount of attenuation storage that could be required.

Section 4.3 has considered the use of an above ground attenuation pond but this is not shown on any of the layout plans. An attenuation pond will inevitably have an impact on the development layout so it should be considered at an early stage. Alternative solutions, such as underground storage, may not be considered to be the most sustainable option. We would strongly recommend that the site is discussed at the South Kesteven Flood Risk and Drainage Management Group, so that all relevant organisations can assist with finding a sustainable solution. Lincolnshire County Council runs this group in its capacity as Lead Local Flood Authority. In future this development may need the approval from the SUDS Approval Body (SAB) which will also be the County Council. Early discussions should help to avoid problems later on.

Further Comments (4)

I refer to our previous letter of 30 November 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have since received an amended FRA submitted to support the application. We consider that the details in the amended FRA have been undertaken in line with the guidance contained in Annex E of Planning Policy Statement 25 'Development and Flood Risk' (PPS25). Accordingly, we are prepared to withdraw our objection on flood risk grounds, subject to the imposition of the following condition:

Condition
Development shall not 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.

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

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.

As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 ‘Use of Conditions in Planning Permission’. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our objection in respect of potential pollution and sewer flooding remains valid.

Information for applicant
We would also strongly advise the application to make contact with Lincolnshire County Council with regards to the sustainable drainage elements of the proposed drainage scheme. In the near future the development may require the approval of the SUDS Approval Body (SAB), which will also be the County Council.

Final Comments

I can confirm that we have since received a ‘Pre-development report’ prepared by Anglian Water, dated 3 January 2012. This report states that the sewerage treatment works and sewerage network have adequate capacity to accommodate the flows from this development. We therefore withdraw our objection subject to mains drainage being secured via condition. The following wording is suggested:

Condition
No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

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

Please note that the condition requested in our previous letter in relation to surface water drainage is still relevant, and we request that it be included as part of any permission granted.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 ‘The Use of Conditions in Planning Permissions’. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Upper Witham IDB

The applicant states within the Flood Risk Assessment that surface water is being directed to a watercourse. The applicant form suggests that surface water is being directed to a SUDS system or Main Sewer.

The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.
The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

Reason: To prevent the proposed development increasing flood risk in places outside the immediate vicinity of the development site.

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 in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Surface water discharges from this site should be flow regulated so as not to exacerbate flooding problems elsewhere in the catchment. Therefore no development should be commenced until a Scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use and completed in accordance with the details and timetable agreed. The maximum rate of discharge would not be expected to exceed that of a “greenfield site”

Reason: To prevent the increased risk of flooding.

The Applicant states that surface water is to be to a sustainable system but there is little or no information available as to what that means. It is therefore advised that no development should be commenced until a Scheme for the provision, implementation and maintenance of a SUDs system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. If it is found that a SUDs system is not suitable, the Applicant should be required to re-submit amended proposals showing how the Site is to be drained without increasing flood risk.

Reason: To provide an acceptable means of serving the development

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

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

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

The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant and accepted/agreed by the Local Planning Authority in consultation with the Local Drainage Board prior to works commencing.
Reason: To prevent an increase in flood risk

The applicant has provided an assessment of the agricultural discharge rate and this Board would not object if the rate quoted in the Flood Risk Assessment of 4.18 l/s is used as a maximum discharge rate from this location into a watercourse within the River Witham catchment under all conditions.

The Board wishes to make the following comments which should be included as INFORMATIVES with any Consent granted:-

It should be noted that the watercourse passing through, or adjacent to, the Site has insufficient capacity to accept additional surface water discharge that could be discharged from the Site. Any increase will result in the increased risk of flooding elsewhere.

Any watercourse adjacent to and/or affected by this development is not maintained by the Board. The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

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

Further Comments

The original Flood Risk Assessment (FRA) and the original application were at variance. The FRA suggesting that surface water was being directed to a watercourse, the application form and SUDs system and public sewer. In both cases our comment to the planning authority was that the applicant should provide sufficient information to show that the watercourse into which the development site finally discharges is capable of accepting any increase in flow. We indicated that the site should have a regulated run-off rate not exceeding a maximum rate equivalent to "greenfield" run-off rates.

Taking each point that you raise separately. The Board does not currently maintain any watercourse in the area. The watercourses are maintained by the riparian owner who has no responsibility to maintain the watercourse to accept any increase in the natural flow. The Board may consider enaining the watercourse under its permissive powers but there are issues to resolve. The majority of the site lies outside the Board’s boundary therefore they will probably require some form of commuted sum to accept maintenance responsibilities. Your client should make contact with us to commence discussions. The Board are always concerned over development discharging into a riparian watercourse because of the potential impact that it may have.

As part of the response to the planning authority, and a letter dated 20th September, 2011 to Capita Symonds Ltd, Agent for the Applicant, we stated that:-

Under Section 23 of the Land Drainage Act. 1991 any works affecting a watercourse require the prior consent of the Board. Works in this instance will include outfalls, culverting etc.

Under the Board’s Byelaws, made under Section 66 of the Land Drainage Act 1991

Any proposal to make a discharge to a watercourse, or amend an existing discharge, requires prior Consent. This Consent is in addition to any other Consent required from the Environment Agency with respect to discharge quality. This Consent is required even if the discharge is via a Public Sewer or other existing sewer network.
Any proposal to develop or undertake construction or landscaping works within a strip of 6.00 metres measured from the bank top of any watercourse requires prior Consent. In this instance works are any works, temporary or permanent, whether they have received planning consent or not, including such as fencing, walls, trees etc in addition to building above ground and/or underground services etc.

In general terms agricultural run-off rate in the area is considered to be 1.4 l/s/ha maximum discharge rate therefore a site of 0.5ha would have a maximum rate of 0.7 litres/sec. The non impermeable area will be contributing to the overall site rate “naturally”. Of course this assumes that you show that the site currently discharges to the watercourse either via land drains or by natural methods.

The Board has no records of the watercourse in question as it is not currently maintained by them. Local feedback suggests that the field and area may suffer from water logging. We also consider the watercourses at return periods of up to 1 in 100 year events.

The 0.7 l/s is greater than that figure on the last page of the FRA and should be considered a maximum rate to the 1 in 100 year event.

We noted in the FRA that the Drainage Board, nor any other Drainage Authority was approached regarding this site other than the Environment Agency.

Perhaps in future you may wish to consider extending your consultations as, in addition to ourselves, the County Council may be involved as the Lead Local Flood Authority.

Highways Agency

Offers No objection

Heritage Lincolnshire (Archaeology)

The site officers a potential for archaeological remains to be encounters during the development. It is recommended that an archaeologist is contracted to undertake a staged approach archaeological evaluation as a scheme of works. This is to be undertaken post-determination and by condition on the outline planning permission but prior to the granting of detailed planning permission.

Principal Conservation Officer

I have read the revised Heritage Statement for the proposed development of land to the north of the grade II listed Mount Pleasant Cottages, Water Lane and can advise that I agree with the conclusions of the report that the proposed development will not have a significant impact on the setting of the heritage asset.

I would only suggest that a condition be imposed on any planning permission requiring retention of the mature hedging on the southern boundary of the application site and the northern side of Water Lane, in order to preserve the setting of the listed building and the character of the Lane.

Lincolnshire Wildlife Trust

We have read the ecological information submitted with the application and are satisfied that provided the recommendations are followed with regards to breeding birds, there should not be any significant negative impacts on protected species as a result of the proposed works.
We support the proposal to retain the boundary hedgerows and to infill with native species of shrub and standard trees. The Trust would strongly recommend that other biodiversity enhancements are incorporated within the development, such as features for roosting bats built into the buildings or fitted externally and nest boxes for declining urban birds such as swallows, swifts and house sparrows (all of which were recorded on site). We would expect there to be a net gain in biodiversity on the site as a result of the proposed development.

Natural England

Based on the information provided, Natural England has no objection to the above proposal in relation to species especially protected by law, subject to the following condition:

1. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

Three species of birds were recorded on site including in boundary vegetation which may be removed in order to facilitate to the development.

We also advise that your authority seeks clarification as to whether Tree 1 (as defined in the ecological surveys) will be affected by the proposal. Should this tree require felling (or any significant alterations to it as part of this proposal) then your authority should not determine this application until a nocturnal survey has been undertaken on the tree which establishes whether or not bats are roosting in this tree. This is in line with the ecologist’s recommendations and classification of Tree 1 as having bat roost potential. If this tree is to remain unaffected, then we have no concerns surrounding bats and your authority may determine the application.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Natural England would strongly welcome the incorporation of bat roosting features (e.g. – permanent roof voids and/or bat boxes) and bird boxes into the design of the dwellings. This would enhance the site post development for these species.

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by South Kesteven District Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.
Lincolnshire Primary care Trust

Based on 35 Dwellings a contribution of 35x£904 is requested. Total: £31,640.

Lincolnshire Children’s Services

The development would result in a direct impact on local schools. In this case the secondary schools at Grantham that serve Long Bennington are currently full to permanent capacity and projected, notwithstanding the proposed development to remain full in the future. A contribution is required to mitigate against the impact of the development at local level.

The level of contribution sought in this case equates to £98,708.

Long Bennington Parish Council

Initial Comments

-the application would appear premature on 2 accounts
-site allocations plan has not been adopted and is not expected to be until July 2012.
-binging the site forward due to a shortfall in the five year supply of housing and lack of affordable housing is not adequate justification for granting such consent
-there are highway issues to be resolved on Main Road. These include heavy use of the Main Road adjacent to the site for sports events and in connection with frequent car boot sales.
-a traffic calming scheme has already been agreed with LCC but as yet not put in place.
-green field land and a further extension to the village envelope resulting in loss of agricultural land
-there are a considerable number of permissions already granted but are still to be fully implemented. The cumulative effect of these would exceed the housing units required for Long Bennington over the plan period 2011-2026
-there are concerns over the limited capacity of the mains drains in the village given the recent history of nearby flooding
-there is already a degree of affordable/social housing in the village which is reportedly difficult to fill
-this end of the village has limited access to public transport and is over 2/3 mile from the village school which is more than the comfortable walking distance for young children
-there is no clear demonstration how 35 units can be accommodated on the site
-the village primary school is already close to capacity and 35 new homes would almost certainly put further pressure on the school
-anyone without a car would be adversely affected by the lack of public transport in Long Bennington as commuting to work is virtually impossible
-the replacement of the countryside with the built environment will have a negative visual impact on the village
-the village local plan 2005-15 suggest that this land is suitable for an additional sports field and no consideration has been paid to this allocation
-(22 residents attended the meeting, all confirmed they were against the development).

Further Comments from the Parish Council (1)

In relation to the planning application and the non-technical summary of the water cycle study prepared to support the LDF:

-the comments in relation to the sewerage constraints that affect the site state that a minimum of five years may be required to resolve sewerage flooding issues in this location.

The report states:
“Potentially minimum of 5 years required to resolve sewerage constraint. This is not simply a local site specific problem. The whole of Long Bennington is vulnerable to sewer flooding and a strategic solution is required. All parties should be made aware of this situation when considering applications”.

The water cycle study also goes on to state:

“All wastewater treatment works serving the Local Service Centres to accommodate the modest levels of growth planned, except at Harlaxton and Marston. These constraints may affect the ability of these wastewater treatment works to accommodate development in the first phase of the plan period. In Long Bennington flooding in the sewer catchment requires a strategic solution, rather than a local upgrade, development proposals may have to be restricted to a later phase in the plan period to allow the necessary upgrades to take place prior to the development”.

Further Comments from the Parish Council (2)

The parish council confirms that they support the views of local resident in that the proposal will result in a detrimental effect on the environment (in particular the issues with regard to protested species on the site) and parking issues along Main Road especially during football training (at the sports field opposite).

Further Comments from the Parish Council (3)

Concerns have been raised regarding the effect on an important listed building and the proposed nearby development does not reflect the architectural vernacular of the area.

Concerns regarding the protection of the ancient hedgerow in this immediate area have been raised, These should not be removed.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 65 letters of objection have been received. A summary of their main concerns are listed below:

-Use of a Greenfield site
-Issues regarding highways, surface water, children’s services, health services and highway improvements need to be addressed before the development takes place
-lack of quality of drains and sewers
-schools and surgery are at capacity
-bus service is poor
-vehicular access will cause problems to existing residents particularly if the road is narrowed as is already used by large vehicles
-already a busy road and this will add further traffic
-threat to safety of existing users of the playing field and bowling club opposite
-there have been increased incidences of flooding in the district. This development will exacerbate this
-previous reasons for refusal still
-sites within the confines of village are preferable
-visual impact on the approach to the village from the north
-frequent parking around the proposed access
-conflict with vehicles and children using the facilities opposite
-protected species could be affected
-is there a need for the housing
-will the affordable housing be available to residents of Long Bennington
-impact on utilities
-buildings will not be in keeping with the surroundings
-the village has a soft green edge. This would remove this.
- the determination of the application in advance of the consideration of the Site Allocations and Policies DPD could prejudice the outcome of the DPD examination and represents an inappropriate, and unreasonable pre-determination in advance of the consideration of the DPD by the secretary of state.
-The proposed development would materially conflict with the provisions of the Long Bennington Parish Plan. Specifically, a) it discourages development that would further extend the linear character of the village. b) the application site is identified as being suitable and appropriate for the provision of further amenity space within the village.
-the development will extend the village beyond the existing curtilage into open countryside.
-There are no jobs in walking distance as per the submission. The jobs at Long Bennington Business Park are already taken.
-there are bats circling around the area and they are believed to roost in the trees and hedge on the south side of the development.
-overburden the infrastructure
-as this is a Greenfield site why is it being considered
-there is no provision of play equipment as part of the development. The sports facilities opposite are already at capacity.
-nothing has been done to address the concerns raised by residents during the pre-application consultation exercise.
-Long Bennington doesn’t need anymore housing. If any are built they should be built in the centre.
-traffic calming is required on the road off the A1
-sewer network capacity issues which flood in wet weather
-previously considered inappropriate for housing when compared to more central sites such as Winters Lane
-existing village infrastructure cannot cope with the demand of the over 2000 residents
-more appropriate to extend south between Main Road and the A1
-hedge along the frontage of the site has parts which are over 300 years old and must be retained.
-there are no employment opportunities in Long Bennington
-poor connectivity with the village. It is too far to walk to the centre of the village. Especially for small children as it is a mile to the village school and there is no bus service.
-the village needs a break from all of the development to allow the village infrastructure to be provided.
-additional traffic would be a risk to public safety particularly due to the proximity of the playing fields opposite.
-school is at full capacity
-the only people to benefit from this would be the developers
-there should be additional planting along the boundary adjacent to the listed building (Mount Pleasant).
-there are more sustainable sites within the village
-the alternative sites do not have the associated visual impact of this development.
-access to the site off the slip road is dangerous. The access road is also used by articulated lorries for overnight parking and car parking for the bowls club etc. Lorries also park there during the day.
-35 units meets the total allocation for housing in Long Bennington in one location. This is unbalanced when they should be spread throughout the village.
-loss of privacy to properties on Riverview
-loss of agricultural land that provides food. Instead we have to rely on imported food.
-the proposal will result in more car journeys than indicated in the submitted information. Long Bennington is a village that most people commute to work. Southbound traffic would need to travel the entire length of the village to access the A1. The opposite occurring when people return from work and/or collect their children from school.

-the proposed narrowing of the slip road will cause problems in relation to parking on the highway in relation to the adjacent facilities.

-this may impact on the attractiveness of these facilities and make them virtually unusable

-the site is at risk of flooding

-parking is not sufficient for the number of homes

-electricity supply to Long Bennington is at capacity and experiences power cuts. No details have been provided.

-the need for the dwellings is unproven.

-we wish to protect against further irreversible damage and reckless invasion of the rural environment.

-we have a duty to make the most of brownfield sites

-will the developer contribution be sufficient to improve the school

-capacity of the foul drainage system to accommodate the proposed units

-traffic calming measures would affect the parking for the bowls club and playing field.

-the village has expanded so much that it is becoming a suburb of Newark, not a village that most have opted to purchase houses in.

-there is already adequate social housing stock in the village

-proposal will result in increased traffic, noise, and pollution.

-de-value property (not a planning matter)

-cars will conflict with the comings and goings of the business park, sports facilities and car boor sales

-Long Bennington is not a suitable location for affordable housing as there is limited employment, no bus service which will allow you to work normal 9-5 hours. No effective grocery shopping that has extended hours. Each future occupier will need to have access to a car to maintain employment and shop cost effectively. This negates the affordability of the housing.

-the proposal is an accident waiting to happen. Will result in deterioration of road safety particularly for children and elderly

-village infrastructure stretched too much

-noise pollution

-impact on the character of the village

-greenfield sites should be preserved and not built on.

-the parish council does not support the site for housing

-it is perverse to determine the planning application ahead of the DPD allocations document

-I will be directly overlooked by the proposal. There is a bedroom window in my property that will either be overlooked or experience visual intrusion.

-there should be no substantial development in the village until there have been substantial improvements to the sewerage infrastructure (results of the local Water Cycle Study). This could take up to 5 years.

-the whole of Long Bennington suffers from a sewerage constraint. This is not a site specific problem and needs to be dealt with at a strategic level.

-determination of the application ahead of the allocations document would be premature and contrary to the plan led approach promoted by the NPPF.

-the application site is in open countryside and as such contrary to SP1 of the adopted South Kesteven Core Strategy

-the site selection methodology for the DPD Site Allocations is flawed (as indicated by the Inspector) as such determination of the application should be held in abeyance.

-if the proposals impacts on the ability of adjacent facilities to function would be contrary to the para 70 of the NPPF that guards against the loss of valued facilities and services

-the proposal would have a detrimental impact on the intrinsic character and beauty of the countryside which would be contrary to the core principle of the NPPF.
- Long Bennington is the subject of sewage constraints that are unlikely to be solved within 5 years.
- the comments of Anglian Water in relation to infrastructure capacity are flawed as they are not based on the best current information. The findings of the Water Cycle Study should not be ignored.
- hazard, risk to children. Would interfere with the recreational time of the many villagers via parking conflict
- proposed vehicular access is totally inappropriate as the traffic along the main road at this point is busy with vehicle leaving the A1. At this point any traffic calming proposals have not been passed.
- Long Bennington Priory Academy are over subscribed. This would leave the development without a school (in walking distance). I am aware of the developer contribution, however, unless this is substantial enough to expand the school it would not be a solution.
- drainage problems, flooding to Main Road, and 57/57a Main Road, not aware that this has been rectified
- overdevelopment of the site
- inadequate bus service
- plans for the village do not indicate a need for this size of development
- bat activity within the site not included in the habitat survey
- there are far more suitable sites in Long Bennington should further development be necessary
- considerable bat activity seen on/over the site
- premature ahead of the Site Allocations and Policies DPD
- proposed development would materially conflict with the provisions of the parish plan
- site is not the preferred choice of the parish council
- the site should be termed strategic due to the limited number of rural local service centre sites to be considered for allocation. It is certainly an issue f some considerable importance
- the spacious setting of Mount Pleasant combined with the undeveloped northern aspect would be significantly affected by the proposed development which would encircle the listed building to the north
- as the listed building has been materially affected by the development on three sides, further development on the remaining side, significantly closer than the existing development to the east and west
- as the application is in outline form assessment of impact on setting cannot be fully assessed at this time
- the development will be a highly visible backdrop to the listed building when viewed from Westборough Lane
- no assessment has been undertaken as per English Heritage Guide: The Setting of Heritage Assets
- the assessment fails to consider the impact on the development upon the setting of Mount Pleasant when viewed from the permissive footpath which crosses the site, and from pints along Main Road.
- key concern of impact on any development on the hedge that runs along the northern side of Water Lane
- any built form that impacts the hedge will no doubt impact the setting of the listed building
- if multiple future occupies individually attempt to manage the hedge it is likely to result in an unattractive and discordant feature to the detriment of the setting of the listed building
- openings may be made in the hedges by individual occupiers for access to rear gardens
- development immediately adjoining the hedge appears to be wholly incompatible with preservation of the setting of the listed building

**Officer Evaluation**

The main issues for consideration in relation to this application are planning policy matters, impact on visual amenity and form and character of the area, residential amenity, drainage and highway safety.
Planning Policy

Has can be seen from the comments of our policy section there was an initial objection to the proposal on policy grounds. Specifically that the proposal would be premature in relation to the allocations process:

The planning policy officer initially states:

“Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector’s consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard to the guidance in ‘The Planning System: General Principles’ [paragraph 17] regarding prematurity, I object to this application”

However, further comments were made following the meeting with the Inspector:

“The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan’s strategy, applications should continue to be determined”.

The conclusions of the policy officer are that the scale of the development is not ‘strategic’, as such it would not affect the overall spatial strategy or the site allocations policy.

Visual Amenity and Form and Character of the Area

The proposed development would be for 35 dwellings served off a central access road. There would be a mix of properties on the site. The submitted Landscape and Visual appraisal states that the properties would be limited to two storeys. The site has substantial landscaping/hedgerows along the frontage of the site and along the southern boundary. This would be reinforced by additional planting to help screen and aid assimilation of the development.

It is accepted that the proposal would result in built form beyond the current confines of the village. However, it is considered that it can be seen as a logical ‘rounding off’ of the village and would be seen as an infill between Westborough Lane and the Riverview development.

The proposed density and layout are comparable to that of the adjacent Riverview development and is not considered out of character. The proposed layout would provide ample opportunity for a comprehensive landscaping within and reinforcement of the existing boundary screening.

As such it is considered that the proposed development would not result in any significant impact on the visual amenity of the area.

The adjacent property, Mount Pleasant, to the south off Water Lane, is a listed building. A heritage assessment has been undertaken to assess the impact of the development on heritage
asset(s). The conclusion of this assessment indicates that the impact on the listed building would not be significant. This conclusion is supported by our conservation officer.

Residential Amenity

Whilst the planning application is in outline form, layout was requested to form part of the submission to demonstrate how 35 units could be accommodated on the site. The submitted layout plan demonstrates how a mix of detached, semi-detached and terraced properties could be accommodated on the site. The proposed layout would ensure that there would be appropriate separation distances between the proposed dwellings and the existing residential properties to ensure there would not be any significant overlooking/loss of privacy or overshadowing/loss of daylight and/or sunlight.

The exception to this is the relationship of the proposed development with 1, Westborough Lane. It is considered that the proximity of the proposed development to the side facing bedroom window would result in a significant impact on amenity. Additionally it is considered that the proposed dwelling immediately adjacent to 1, Westborough Lane would be likely to be overlooked from this window. Accordingly and amended plan removing this dwelling from the scheme has been requested.

It is accepted that the occupiers of the properties that bound the site currently experience unrestricted views over open countryside and the proposed development would change this. This may not be welcomed by local residents. However, to ensure that local residents would experience no change as a result of a development is an unrealistic test for a planning application.

As such it is considered that there would be no significant loss of amenity to neighbouring occupiers that would justify refusal of planning permission on these grounds.

A noise assessment has been requested in order to assess the impact of noise, particularly from traffic, on the future occupiers of the site. It is important that it can be demonstrated that appropriate amenity levels can be achieved both in the proposed dwellings and externally in private garden areas. The results of this assessment will be reported in the late items paper.

Drainage

There have been significant discussions between all parties in relation to providing a satisfactory means of drainage on the site. Whilst initial comments indicated that there was insufficient capacity in the sewerage network to accommodate the development this was found not to be the case.

A Pre- Development report has been prepared by Anglian Water for the proposed development. It states:

“Foul Sewerage Network

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate”.

A further letter from Anglian Water in relation to pumping rates states:
“The topographical information provided does tend to suggest that discharging floes by gravity would pose a problem for you and that pumping appears to be justified.

Should pumping be ultimately required, the pumped rate should not exceed the minimum self cleansing velocity of the required 80 millimetre rising main.

The amount of properties connected to a pumped facility should be kept to a minimum with the maximum number of properties being allowed to gravitate where possible”.

Surface Water Disposal

In relation to surface water disposal Anglian Water states:

“The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed”.

The Environment Agency also had initial concerns in relation to both surface and foul water disposal. But have withdrawn their objection subject to appropriate conditions on any grant of planning permission.

Based on the comments of Anglian Water and the Environment Agency it is considered that a means of disposal of both surface and foul water can be achieved and it would be unreasonable to refuse planning permission in relation to this matter.

Highway Safety

A significant number of residents have raised concern in relation to highway matters. The local highway authority has clearly fully assessed the proposed development and is aware of the wider issues in relation to neighbouring uses.

The comments of the highway authority state that the proposed highway improvements would improve highway safety by naturally performing a traffic calming function. The road narrowing would still allow on road parking and that the issue of parking restrictions/traffic regulation order would be a matter to be investigated should this planning permission be approved.

Notwithstanding the comments of local residents it is considered that the proposal would be acceptable from a highway perspective, and it would not be reasonable to refuse the planning application on highway grounds.

Other Matters

Need

5 Year Supply of Land
The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all previous national planning policy provided by PPGs and PPSs. The NPPF seeks to boost the supply of housing, and requires Planning Authorities to demonstrate a five year supply of deliverable housing land. SKDC has prepared a new five year land supply paper (2012-2017) which demonstrates a 5.2 year supply of deliverable sites across the district. This paper also demonstrates how the district has continued to deliver an appropriate amount of housing development over the period since 2006, and how an additional 5% buffer of housing land can be identified to be drawn forward should sites fail to be delivered, in accordance with the Framework requirements.

The preparation of the Site Allocation and Policies DPD and the Grantham Area Action Plan make an important contribution to providing a continuing supply of deliverable housing land, through the allocation and phasing of new sites across the district. The delivery of housing on sites or parts of sites allocated for housing in the first phase of these plans (2011-2016) over the next five year period has therefore been taken into account in preparing the five year supply paper. The contribution that these allocated sites make to the current five year supply is important. Together with the sites committed via planning approvals and other potential supply, they ensure that more than 5 year supply of deliverable housing land is available to meet the Core Strategy requirement across the district. If these allocations fail to be delivered the supply of housing land will be reduced and may fall below the required five years.

Clearly this site would contribute to the 5 year supply of land.

Affordable Housing

The comments of the affordable housing officer indicate that there is an identified need for affordable housing in the village.

“The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties”.

This scheme would contribute to meeting that need.

Protected Species

The site has been assessed in relation to protected species and the comments from both Natural England and Lincolnshire Wildlife indicate that the assessment is acceptable. Whilst there is a tree identified as having bat roost potential. It is outside of the application site and as such will not be directly affected by the proposed development.

Concerns have also been raised in relation to sightings of protected species within the site not identified in the report. However, there is a distinction between species foraging, feeding, and commuting through a site than actually residing on the site.

The submitted habitat survey suggests a further bat survey if tree T1 is directly affected by the site. This is not the case as the tree is outside the application site.

It also suggests a reptile survey in April to October and any removal of hedgerows, trees or scrub to be undertaken outside of the bird breeding season.

It is considered that these requirements can be successfully secured by an appropriately worded condition.
Section 106 Heads of Terms

The following Developer Contributions are sought:

NHS Trust - £31,640 based on 35 x £904

Affordable housing – 35% with a mix of 60% social rent and 40% shared ownership.

Open Space - £18,750 – off site contribution towards play equipment on the land opposite the application site.

Education - £98,708 based on the impact of 35 units.

Crime and Disorder

It is considered that the development would not result in any significant adverse 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 the act will be breached.

Recommendation

That the development 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 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 and Vice Chairman of the Development Committee, there are no extenuating circumstances which justify a further extension of time, the planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy, the Site Allocations DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations.
It is accepted that determining the application could prejudice the Examination of the Site Allocations and Policies DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable development endorsed by the National Planning Policy Framework.

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

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

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

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

   (a) scale;
   (b) appearance; and
   (c) 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 building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

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

4. Development shall not 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.

   The scheme shall include:
   - Details of how the scheme shall be maintained and managed after completion;
   - Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
   - Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.
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.

5. When an application is made for approval of reserved matters details of biodiversity improvements as part 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: in the interests of promoting biodiversity on the site.

6. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority.

Reason: To ensure that breeding birds are not adversely affected by the development.

7. The all existing hedgerows along the boundaries of the site shall be retained unless otherwise agreed in writing by the local planning authority.

Reason: To aid assimilation of the development and in the interests of visual amenity.

8. Landscaping details pursuant to condition 2 above shall include specific plating details in relation to reinforcing the existing hedgerows along the boundaries of the site. Such details shall include species, numbers and location of additional planting.

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

Reason: To help assimilation of the development with its surroundings.

9. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, 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: In the interests of visual amenity and to ensure a satisfactory form of development.

10. 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).

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units/bed spaces;

ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved); 

iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that a reasonable provision of affordable housing is met as part of the development in accordance with national, regional and local housing policies and in accordance with Policy H3 of the adopted South Kesteven Core Strategy (July 2010).

12. 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.

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

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

*Note to Applicant: 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.

14. No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway (by means of a 3.0 metre wide footway/cycleway with all associated) 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.

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

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
16. 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).

17. 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.

18. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

19. When an application is made to the local planning authority for approval of reserved matters that application shall be accompanied by further survey work in accordance with the recommendations of the approved Habitat Survey undertaken by Clear Environmental Consultants.

Any mitigation required as a result of this survey work shall be undertaken prior to the commencement of development on site.

Reason: In the interests of ecology and to ensure a satisfactory form of development.

Note(s) to Applicant

1. In accordance with the comments of Natural England it is recommended that bat roosting features and bird boxes are incorporated into the design of the dwellings. This would enhance the site post development.

2. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycle way along Main Road, Long Bennington (Distance as shown on drawing No. CS46981/T/002 Rev E) together with all ancillary works.

3. 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.

4. 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.
5. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

6. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

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<td>Location</td>
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