

# AGENDA



For a meeting of the
<b>DEVELOPMENT CONTROL COMMITTEE</b>
to be held on
<b>TUESDAY, 29 MARCH 2011</b>
at
<b><u>1.00 PM</u></b>
<b>*PLEASE NOTE TIME OF MEETING*</b>
<b>(THE LATE REPORT WILL BE AVAILABLE IN THE MEMBERS' ROOM FROM 12 NOON)</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillors Parkin (Chairman); Adams (Vice-Chairman); Cook; Exton; Mrs Gaffigan; Helyar; Higgs; Holmes; Howard; Sam Jalili; Mrs Jalili; Mrs Kaberry-Brown; Vic Kerr; Scott; Mrs Smith; Turner and Avril Williams
Committee Support Officer:	Malcolm Hall Tel: 01476 406118 <a href="mailto:m.hall@southkesteven.gov.uk">m.hall@southkesteven.gov.uk</a>

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

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

**1. MEMBERSHIP**

The Chief Executive to notify the Committee of any substitute members

**2. APOLOGIES**

**3. DECLARATIONS OF INTEREST**

Members are asked to declare an interest in matters for consideration at the meeting

**4. MINUTES OF MEETING HELD ON 1ST MARCH 2011**

**(Enclosure)**

**5. PLANNING MATTERS**

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

**(Enclosure)**

**6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

Report No. PLA880 by the Acting Lead Professional

**(Enclosure)**

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

# MINUTES

**DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 1 MARCH 2011**



---

## COMMITTEE MEMBERS PRESENT

Councillor Adams (Vice-Chairman)  
Councillor Cook  
Councillor Exton  
Councillor Mrs Gaffigan  
Councillor Higgs  
Councillor Holmes  
Councillor Howard  
Councillor Jalili

Councillor Mrs Jalili  
Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor Parkin (Chairman)  
Councillor Scott  
Councillor Mrs Smith  
Councillor Turner

## OFFICERS

Acting Lead Professional  
Area Planning Officer (3)  
Planning Technician  
Committee Support Officer  
Legal Executive

## OTHER MEMBERS

Councillor Harvey

---

## 90. APOLOGIES

Apologies for absence were received from Councillors Helyar and Avril Williams.

## 91. DECLARATIONS OF INTEREST

Councillor Vic Kerr declared a personal and prejudicial interest in application 10/1804 (PL1) as one of the partners was his former employee.

Councillor Mrs Kaberry-Brown declared a personal interest in application 10/2811 (CM1) as she served on a committee with one of the objectors.

## 92. MINUTES OF MEETING HELD ON 1ST FEBRUARY 2011

The minutes of the meeting held on 1 February 2011 were approved as a correct record of the decisions taken.

*(The electronic voting system being out of action, the vote on this minute was taken by a show of hands)*

*(Voting on subsequent minutes was taken using the electronic voting system)*

### **93. PLANNING MATTERS**

*Decision:-*

*To determine applications, or make observations, as listed below:-*

#### **PL1**

Application ref: S10/1804/FULL

Description: Retention of agricultural building and change of use to house livestock with additional livestock building and food storage

Location: Odd House Farm, Holme Lane, Claypole, NG23 5AP

Decision: Refused

*(13:10 – Having declared a personal and prejudicial interest in application PL1, Councillor Kerr left the meeting).*

Noting comments made during the public speaking session from:

- Tracie Swift – objecting
- Stuart Gillespie – objecting
- Paula Money – on behalf of the applicant
- Elaine Snape – providing technical information on air cleaning solutions on the applicant's behalf

and noting relevant planning history at the site; no objection from the Community Archaeologist; comments from Lincolnshire County Council Highways, South Kesteven District Council's Environmental Protection Team, the Environment Agency, Network Rail and the agricultural consultant; the site inspection report and comments made by Members at the meeting. Advertising the application led to the submission of 14 responses and 128 e-mails against, and two e-mails in support of the proposal. These were summarised within the officer's report and late papers.

It was proposed, seconded and agreed that the application be refused for the following reason:

1. In the opinion of the Local Planning Authority the proposed retention of the agricultural building and its change of use to house livestock and the erection of an additional livestock building with associated food storage area and vehicular turning area is likely to have a detrimental effect upon residential amenity to the nearby, unrelated, domestic accommodation by reason of noise and smell associated with the cattle and their food supply and general disturbance from vehicular movements both bringing supplies, food etc to the site and vehicle movements and use of equipment to feed the animals.

The proposal is therefore considered to be contrary to the aims of Policy EN1 of the South Kesteven Core Strategy.

### **NB1**

Application ref: S10/2312/FULL

Description: Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of a single storey and part two-storey rear extension

Location: 4 St Mary's Place, Stamford, PE9 2DN

Decision: Deferred

*(13:55 – Councillor Kerr returned to the meeting)*

Noting comments made during the public speaking session from:

- Councillor John Harvey (Ward Councillor) – objecting
- Liz Heesom – objecting
- James Heesom – objecting
- Slaine Short – objecting
- Professor Alan Short – objecting
- Johnny Foo – objecting
- Philip Grover – the applicant's agent

together with comments from Stamford Town Council; no objection from the Consultant Arboriculturalist; comments from the South Kesteven Planning Archaeologist, South Kesteven's Planning Policy, Building Control and Environmental Protection teams, Lincolnshire County Council Highways, English Heritage, Lincolnshire Police; the site visit report; Members present at the meeting and 26 representations received as a result of consultation (summarised in the agenda and late papers).

It was proposed and seconded that the application be approved. A vote was taken on this motion and lost. It was subsequently proposed and seconded that the Committee were minded to refuse the application on the grounds of noise, loss of neighbours' amenity and inadequate highway infrastructure.

The Acting Lead Professional confirmed that he did not accept the reasons given in the meeting for the purposes of the procedure set out in the Constitution. Members were reminded of the procedure that needed to be followed, as set out in the Constitution, where the Committee proposed to take a decision against clear advice from the Acting Lead Professional. The Constitution provided for a recorded vote on the first and subsequent hearings of an application in this category.

A recorded vote was then taken as follows:

<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>
Councillor Adams Councillor Exton Councillor Mrs Gaffigan Councillor Cook Councillor Howard Councillor Mrs Jalili Councillor Sam Jalili Councillor Mrs Kaberry-Brown Councillor Vic Kerr Councillor Mrs Smith Councillor Turner	Councillor Higgs Councillor Holmes Councillor Parkin Councillor Scott	
11	4	0

The motion was carried. All Members who supported the motion were required to submit the planning reasons for their view to the Acting Lead Professional within 5 working days.

### **NB2**

Application ref: S10/2313/LB

Description: Alterations and extensions to listed building

Location: 4 St Mary's Place, Stamford, PE9 2DN

Decision: Deferred

This application was deferred pending the outcome of NB1 at the Committee's next meeting on 29 March 2011.

*(The meeting adjourned from 15:27 to 15:46).*

*(15:48 – Councillor Sam Jalili returned to the meeting).*

### **NB3**

Application ref: S10/2619/FULL

Description: Erection of bridge club house

Location: Land adjacent to Stamford and District Bowls Club, Off Exeter Gardens, Stamford, PE9 2RN

Decision: Approved

Noting comments made during the public speaking session from:

- Graham Hedley, Stamford Bridge Club – representing the applicant

together with no objections from Lincolnshire Heritage, Lincolnshire County Council Highways, Stamford Town Council, South Kesteven District Council's Planning Policy team, Sport England, the acting South Kesteven Arboriculturalist; no comments from South Kesteven District Council's Environmental Health team; 7 letters of objection received as a result of consultation; feedback from the site visit and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated report, and subject also to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. This permission relates solely to the application as amended by plans received on 20 January 2011.
4. 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.

5. 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.
6. The arrangements shown on the approved plan 2010/20 01 c, dated 20 January 2011, for the parking/turning of vehicles shall be available at all times when the premises are in use.
7. 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].

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
2. Please note that this grant of planning permission does not override civil legal matters which could affect the development such as development on or over a boundary and the Party Wall Etc Act.

**PG1**

Application ref: S10/1876/HSB

Description: Erection of classic car storage unit for domestic use

Location: The Old Rectory, Carlby Road, Greatford, PE9 4PR

Decision: Deferred

This application was withdrawn by the applicant.

## **PG2**

Application ref: S10/2088/FULL

Description: Retention of 8 floodlights and installation of 2 portable buildings

Location: Sports Fields, Manor Close, Langtoft, PE6 9NB

Decision: Approved

Consideration of this application had been deferred from the Committee's meeting held on 1 February 2011 to enable the floodlights to be re-angled to ensure the impact on neighbouring residents was lessened.

Noting submissions and considerations from the previous meeting (1 February 2011); comments from Langtoft Parish Council and Lincolnshire County Council; no objections from the Archaeologist; comments from the Environmental Protection team; one representation from a resident and an update from the Area Planning Officer on the re-angling of the lights.

It was proposed, seconded and agreed that the application be approved subject to the following condition:

1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 1st February 2016 unless a further permission has been granted by the local planning authority. The buildings shall also be painted a suitable colour, to be submitted to and approved by the local planning authority, within one month of this approval and shall be retained and maintained as approved at all times.

## **PWM1**

Application ref: S10/1759/FULL

Description: Erection of one wind turbine (hub height 50m, blade diameter 33.4m and total ground to tip height 66.7m) and associated access track and crane hardstanding

Location: Frinkley Farm, Frinkley Lane, Hougham, NG32 2JQ

Decision: Approved

Noting comments during the public speaking session from:

- Simon Tilley – supporting
- David Roe – applicant's agent

together with no objection from the Community Archaeologist, Lincolnshire

County Council Highways, the Highways Agency; comments from Natural England, Lincolnshire Wildlife Trust, English Heritage, the National Trust; no objections from the Ramblers Association, Ministry of Defence, NATS; support from Foston Parish Council; comments from Hough on the Hill Parish Council; objections from Barkston and Syston Parish Council; 17 objections and five letters of support received as a result of consultation; the site visit report and comments made by Members at the meeting.

It was proposed and seconded that the application be refused for the reasons detailed in the officer's report to Committee. The proposal was put to the vote and lost. A motion to approve the application subject to appropriate conditions was proposed and seconded, and a vote was taken. The motion to approve the application was carried and the application was approved subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The turbine shall be fitted with aviation lighting which shall be installed as soon as construction is complete and operated and retained until the turbine is removed. The lighting shall consist of 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
3. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Estates Safeguarding) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Estates Safeguarding) of the date of completion, and the exact height and latitude and longitude of the position of the turbine, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.
4. Before the delivery of any components to Frinkley Farm, further details relating to the temporary track system on highway verges, including location and method of installment and reinstatement, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before any deliveries are made.
5. The temporary track system shall be removed within 48 hours of the final delivery of the turbine.
6. The Delivery of components shall be in accordance with the Route Access Report submitted 15 November 2011.
7. The development shall not commence until details of the external

finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

8. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed and the land restored to its original condition in accordance with a scheme to be submitted to and agreed in writing with the local planning authority.
9. Before the development is commenced, a monitoring programme for bird collisions at the site shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring programme shall be carried out in accordance with the agreed details.

#### Informative(s)

- A. Before submitting a bird collision monitoring programme, you are advised to seek the advice of Natural England including their Technical Information Note - TIN069

#### **PWM2**

Application ref: S10/2403/FULL

Description: Erection of nine dwellings

Location: Winters Lane, Long Bennington, NG23 5DW

Decision: Refused

Noting comments made during the public speaking session from:

- Iain Angus - objecting
- Mike Sibthorp – on behalf of the applicant

together with no objections from the Community Archaeologist and Lincolnshire County Council Highways (subject to conditions), comments from Long Bennington Parish Council, an objection from the SK Projects Officer (Drainage), no objection from South Kesteven District Council's Environmental Protection team, comments South Kesteven District Council's Housing Solutions Officer (Affordable Housing), no objection from the Upper Witham Internal Drainage Board (subject to conditions), seven objections received as a result of consultation, the report of the site visit and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be refused for the following reasons:

1. The application site is greenfield and on the edge of the village encroaching into open countryside and cannot therefore be reasonably described as being within the built up area of the village or an infill or redevelopment site. Taking into account the evidence of a continuous five year supply of housing land in the Local Service Centres, and the large amount of housing development which has already taken place and is committed via planning approval in Long Bennington, it is considered that there are no other overriding material considerations relevant to the specific site which justify development of an additional greenfield site for housing. It is therefore considered to be an unsustainable site for development which is contrary to national planning policy given in PPS1(Sustainable Development), PPS3(Housing), policies 1 & 3 of The East Midlands Regional Plan and policies SP1 & H1 of The South Kesteven Core Strategy.
2. The site is considered to be an important open area which contributes positively to the rural character and appearance of this part of the village. It is considered that development of the site would erode the established character and appearance of the area contrary to Policy EN1 of The South Kesteven Core Strategy.
3. Core Strategy policy H3 requires residential developments of 5 or more dwellings to make provision for affordable housing. Although, the applicant has expressed a willingness to provide an appropriate level of affordable housing off site or a commuted sum in lieu of provision, no evidence has been provided to demonstrate that on site provision would make the scheme unviable, contrary to Policy H3 of The South Kesteven Core Strategy.

### **PWM3**

Application ref: S10/2297/FULL  
Description: Erection of three dwellings  
Location: 2 Bourne Road, Colsterworth, NG33 5JE  
Decision: Deferred

This item was deferred to allow members to visit the site and assess the submitted additional indicative drawings of the access submitted

### **PWM4**

Application ref: S10/2547/FULL  
Description: Demolition of existing garage and erection of one and a half storey dwelling  
Location: 3 High Road, Barrowby, NG32 1BH  
Decision: Deferred

*(16:53 – Councillor Cook left the meeting and did not return)*

Noting comments made during the public speaking session by:

- Mike Sibthorp – representing the applicant

together with no objection from the Community Archaeologist, Lincolnshire County Council Highways (subject to the application of conditions) and Barrowby Parish Council; four objections received as a result of consultation; the site visit report and comments made by Members at the meeting.

It was proposed and seconded that the Committee were minded to refuse the application over concerns about the highway infrastructure's suitability and consequently the safety of people living in the area. During discussions, Members suggested clarification from the Highways Authority would assist their determination of the application. A new proposal to defer determination of the application pending the receipt of explanatory information from Lincolnshire County Council (Highways) was proposed and seconded. The mover of the original motion agreed to its withdrawal, and the motion to defer became the substantive motion. This was duly voted upon and carried.

*(The meeting was adjourned from 17:09 to 17:15).*

*(17:16 – Councillor Sam Jalili returned to the meeting).*

#### **PWM5**

Application ref: S10/1384/OUT  
Description: Demolition of existing dwelling and erection of six dwellings (extension of time of S07/0843)  
Location: Sandy Willows, 354 Harlaxton Road, Grantham  
Decision: Deferred

Noting comments made during the public speaking session from:

- Mike Sibthorp – for the applicant

together with no objection from the Community Archaeologist, the Highways Authority, SK Projects Officer (Drainage) and the Environment Agency; comments from Lincolnshire Wildlife Trust, Upper Witham Internal Drainage Board and South Kesteven District Council's Affordable Housing Officer; one neighbour objection received as a result of publicity; a site visit report and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be deferred to the Acting Lead Professional of Development Control for approval after consultation with the Chairman and Vice-Chairman and subject to the summary of reasons referred to in the case officer's report, subject to the signing of a Section 106 Agreement (failure to sign the S.106 within 6 weeks will lead to the refusal of the application) and subject also to appropriate conditions.

**KJC1**

Application ref: 10/2813/MJRO  
Description: Extension of time – S07/0798 – Residential, business and industrial development  
Location: Bairds Malt Ltd, Springfield Road, Grantham  
Decision: Deferred

Noting no objection from the Community Archaeologist; no further comments to S07/0798 from the Crime Prevention Officer, the Environment Agency, Lincolnshire County Council (Education); comments from Lincolnshire County Council (Highways); one letter of objection received as a result of publicity and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be deferred to the Acting Lead Professional of Development Control for approval after consultation with the Chairman and Vice-Chairman and subject to the summary of reasons referred to in the case officer's report, subject to the signing of a Section 106 Agreement (failure to sign the S.106 within 6 weeks will lead to the refusal of the application) and subject also to appropriate conditions.

**PJM1**

Application ref: S11/0031/FULL  
Description: Creation of new access and driveway  
Location: The Stables, 57 Hough Road, Barkston, NG32 2PA  
Decision: Approved

Noting no objection from the Highway Authority or Barkston and Syston Parish Council; one third-party representation received as a result of consultation, the site inspection report and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved subject to the summary of reasons in the case officer's report and subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on Amended drawing dated 26th January 2011, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Note(s) to Applicant

1. 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.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

*(17:36 Councillor Turner left the meeting and did not return)*

**CM1**

Application ref: S10/2811/HSB  
Description: Extensions and alterations to dwelling  
Location: The Poplars, 19 Village Street, Gelston, NG32 2AE  
Decision: Deferred

(Having declared a personal interest, Councillor Mrs Kaberry-Brown stated that she would not vote on any proposal but would reserve her right to participate in questioning and debate on this item).

Noting comments made during the public speaking session by:

- Mr Milne – objecting
- Mike Sibthorp – for the applicant

together with no objection from the Community Archaeologist; comments from Hough on the Hill Parish Council; two representations received as a result of consultation; information raised within the late papers; the site inspection report and comments made by Members during the meeting.

It was proposed and seconded that the application be approved. Discussion by Members led to a further proposition, which was duly seconded, that determination of this item be deferred pending further detail about issues raised in the late papers. The mover of the original motion agreed to its withdrawal and the motion to defer became the substantive motion. A vote was taken on this motion, which was carried.

#### **94. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Acting Lead Professional submitted his report PLA873 listing details of applications not determined within the eight week time period and a list of applications dealt with under delegated powers. Also submitted was a list of outstanding planning appeals and appeal decisions. Members of the Committee noted the report.

#### **95. CLOSE OF MEETING**

The meeting closed at 18:10.

# Agenda Item 5

**COMMITTEE: 29 MARCH 2011**

<b>NO</b>	<b>PAGE</b>	<b>PROPOSAL AND LOCATION</b>	<b>REC</b>	
NB1	10/2312	1	Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of single storey and part two storey rear extension, 4 St Marys Place, Stamford PE9 2DN	AC
NB2	10/2313	17	Alterations and extensions to listed building, as above	AC
NB3	10/2401	24	Erection of single storey side extension to dwelling, The Bridge House, Casterton Road, Stamford PE9 2YL	AC
NB4	11/0287	28	Two storey side extension to existing house, The Bridge House, Casterton Road, Stamford	AC
NB5	11/0133	32	Two storey side and front extension, 4 Caesar Close, Baston, PE6 9PN	R
RV1	11/0083	35	Extension to existing car parking area, Village Green, Main Street, Witham on the Hill	R
RV2	11/0377	40	Change of use of shop to residential, Stone House, South Street, Bourne, PE10 9LT	AC
RV3	11/0271	43	Alteration of listed building, 12 South Street, Bourne PE10 9LT	AC
PWM1	10/2297	46	Erection of three dwellings, 2 Bourne Road, Colsterworth, NG33 5JE	AC
PWM2	10/2547	54	Demolition of existing garage and erection of one and a half storey dwelling, 3 High Road, Barrowby, NG32 1BH	AC
PWM3	11/0301	61	Garage/garden store, Paddock Cottage, Village Street, Oasby, NG32 3NA	AC
PJM1	10/2667	67	Erection of four dwellings, Seneca House, Vicarage Lane, Long Bennington, NG23 5DN	AC
FF1	11/0212	76	Detached double garage, 17 Church Lane, Caythorpe NG32 3DU	AC
FF2	11/0192	81	Conversion of dwelling to 2 self contained flats, 72 Dudley Road, Grantham, NG31 9AA	AC
KJC1	10/1283	85	Application Order Section 73 of the Town and Country Planning Act for residential development (not to comply with Condition 8 of application S05/0220 relating to affordable housing), Former Impress Factory Site, Springfield Park, Grantham	DEF

JJ1	11/0069	94	Change of Use of the premises from an A3 restaurant with ancillary bar to mixed A3/A4 (restaurant, bar) use of the entire premises with use of the basement area as a venue for the playing of live and recorded music and as a comedy club, 9A North Street, Stamford, PE9 1EL	AC
PG1	11/0189	107	Two storey dwelling at land rear of existing dwelling, 12 Greatford Road, Baston, PE6 9NR	AC
CM1	10/2811	111	Extensions and alterations to dwelling, The Poplars, 19 Village Street, Gelston, NG32 2AE	AC
	99/0930 00/0815	120	Residential Development, Off Londonthorpe Lane Grantham	

## AGENDA ITEM

### Development Control Committee

29 March 2011

**NB1**    **S10/2312/FULL**

Target Decision Date: 07-Dec-2010

Applicant	<b>Mark Harrod, Agellus Hotels Limited</b> Vale House, 2, Kings Mill Lane, Stamford, Lincolnshire, PE9 2QS
Agent	Philip Grover, Grover Lewis Associates Limited The Green, 10, Beacon Hill Road, Newark, NG23 1NU
Proposal	<b>Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of single storey and part two storey rear extension</b>
Location	<b>4, St Marys Place, Stamford, Lincolnshire, PE9 2DN</b>
App Type	Full Planning Permission
Parish(es)	Stamford

### REPORT

#### Application Category

The application is categorised as a minor application.

#### Reason for Referral to Committee

The application is to be determined by Committee with a previous application on the same site also determined at Committee, as well as the proposal considered to be locally controversial.

#### The Proposal

The proposal is to convert the building, with a current use as a residential property, to a luxury restaurant on the ground floor with up to 66 covers and a boutique hotel with 9 bedrooms on the upper floors. In addition to internal alterations, such works would require the demolition of an existing office and greenhouse and the construction of a new kitchen with cold storage and staffroom above. Refuse wheeled bins and cycle storage would be sited adjacent to existing outbuildings, within which would be located refrigeration and condenser units. All servicing and access would be from St. Mary's Place, with valet parking provision for hotel guests.

At the last Committee meeting members were minded to refuse the application and under the existing constitution were to send their reasons for refusal to the Acting Lead Professional. Four members have sent their comments and inevitably they are very similar to those expressed before when the previous proposal was refused in October 2009 and subsequently led to the public inquiry in July 2010.

The reasons advanced by members are as follows and include observations as to whether these are supportable in the view of the Acting Lead Professional:-

1. Loss of neighbours amenities, Point out that although Inspector agreed that this would be unacceptable it was the view of members that even by taking out the garden area from use by patrons there would still be noise generated by staff and servicing, condition restricting its use would be unenforceable and smokers would be forced to use front of St. Marys Place thus causing disturbance- This is the one aspect of the proposal which does warrant further investigation in our opinion and a noise consultant has been instructed to give further advice.
2. Insufficient evidence for need for change of use- This was the third reason for refusal and not addressed directly by the Inspector, although mentioned in para 30 of the appeal decision notice and it is considered that the insufficient evidence has been submitted to substantiate its use and that the internal and external works affect the character of the building its setting and the environment in general- The works to the courtyard were identified as harmful to the heritage asset by removing these from the current application this removed that objection. The current alterations are not considered to be harmful thus alternative uses were not necessarily considered.
3. Service access and Highway Safety- Since the Inquiry new evidence from the local Police Inspector throws into question the Planning Inspectors assessment of the situation. Before framing the reason for refusal there should be a meeting of all keyholders – The Highway Authority are aware of the Police comments but there are no recorded accidents and speeds are low. It is further observed that control of and improved parking layout would benefit access to St. Marys Place. Would not support a refusal on an application which addresses the points made by the Inspectorate.
4. Disabled Access and Emergency Access- Both these points were raised at the Inquiry and Para 58 referred to other matters which were not overriding issues. The Building Control Inspector has confirmed that there are no insurmountable problems with regard to the fire regulations, disabled access or emergency access which are all subject to other legislation.

## **Conclusion**

The applicant has made his intentions clear in the event of the proposal being refused ( see letter below from agent) that they will appeal. While accepting that there is strong local opposition to the proposal a local planning authority must consider whether the revised application following the Inspectors decision reasonably meets the previous objections. With the exception of the noise issue, which is being further investigated, then it is

considered the revisions do meet the issues raised at the Inquiry. It is not considered that the reasons advanced are substantial enough to defend the decision at an Inquiry. However members may wish to defer any decision until the views of the noise consultant can be assessed.

Letter from agent

I refer to the Development Control Committee held on 1 March 2011 and the Members' provisional decision to be minded to refuse the above planning application. The application for listed building consent (Ref: S/10/2313/LB) was not debated, and therefore no decision was made in respect of that application, which we understand will be held in abeyance pending the outcome of the planning application.

Agellus Hotels were surprised and dismayed by the Planning Committee's provisional decision since the revised scheme directly addresses the two specific concerns cited by the Planning Inspector in relation to the previously dismissed appeal, namely the use of the rear garden by hotel guests and restaurant customers, and the roofing-in at ground floor level of the small rear courtyard. In all other respects the Inspector found the proposals to be acceptable, subject to appropriate safeguards through planning conditions.

As you will be aware, all of the Council's reasons for refusal of the previous scheme were rigorously tested at the Public Inquiry last year. The Planning Inspector's decision on the previous application is clearly a major material consideration in the determination of the current application. In arriving at his decision the Inspector identified 3 main issues:

- Impact on the level of residential amenity enjoyed by occupiers of the neighbouring property
- Impact on service access and highway safety
- Impact of the appeal proposal on the appearance layout and setting of the listed building

In regard to neighbour amenity the Inspector was satisfied that the proposal would not result in an unacceptable increase in noise within St Mary's Place, and considered that 'no unacceptable noise would emanate from kitchen or the condenser units, and/or from equipment within the outhouse'. He also concluded that the proposed arrangements for waste management were acceptable, subject to a waste management plan. With regard to potential odours emanating from the proposed kitchen the Inspector noted that the Council withdrew its objection to this aspect of the proposals at the inquiry, and considered that adequate odour control arrangements could be secured and maintained through an Odour Management Plan. He therefore concluded that the proposals would accord with criterion (viii) of the SKLP Policy EN1 which seeks to avoid pollution of the surrounding area by toxic or offensive odour. The Inspector did, however, consider that the regular use of the rear garden in conjunction with the hotel/restaurant would generate an 'unacceptable level of aural activity and disturbance which would be unacceptably intrusive and harmful to residential amenity'. It is precisely for this reason that the current proposals expressly omit the use of the rear garden by hotel guests and restaurant customers, and Agellus are entirely willing to accept a planning condition to preclude such use.

In relation to the issue of service access and highway safety the Inspector considered that the proposals would afford adequate arrangements and therefore concluded that they

‘would not be unacceptably at odds with criterion (vi) of SKLP policy EN1 which requires that the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated or incorporate suitable proposals for all necessary improvements, or criterion 2 of SKLP Policy E5 which requires satisfactory access, servicing and parking facilities.’

In regard to the issue of the impact of the proposal on the listed building, the Inspector considered that the ‘proposed internal conversion works had been sensitively considered and designed, and would therefore not be harmful to the appearance and layout of the listed building’. In respect of the proposed rear extension to provide a kitchen and cold store the Inspector concluded that this would not intrude upon the appearance, layout and setting of the listed building. Indeed, he expressed the view that the extension would ‘make a pleasing addition to the architectural vocabulary of Stamford’. The Inspector did, however, conclude that the proposed enclosure of the small rear courtyard and associated works would unacceptably alter the appearance layout and setting of the listed building. We have therefore responded directly to this criticism by completely omitting this element from the revised application.

In bringing forward revised proposals for 4 St Mary’s Place we have directly responded to specific criticisms of the Planning Inspector. It is clearly on this basis the scheme has been recommended for approval by officers. I should add that we note that the proposals are also considered acceptable by the Council’s environmental health officers (who have had regard to noise and odour issues), and the Council’s building control officers (who have commented specifically on disability access issues).

The scheme is also considered acceptable by the county highways officers, subject to appropriate conditions, You will be aware that in this connection that Agellus have indicated a willingness to make a financial contribution to certain highway improvements through a Section 106 Agreement. You will also be aware that English Heritage do not object to the proposals, and have stated that they are content for the listed building consent application to be determined on the basis of the specialist advice of your in-house conservation officer. Agellus recognise that the proposed new use must be strictly controlled through planning conditions which, amongst other things, would restrict the opening hours of the restaurant. Agellus fully accept the need for such conditions. Crucially, they are mindful of the sensitivities of the occupants of adjoining premises, and are anxious to be good neighbours. That is why they have gone to a great deal of trouble and cost to take on board expert advice on matters such as noise, odours and highways. Agellus have also met the neighbours in the interest of openness. If the current proposals are refused, Agellus have every intention to take the matter to appeal and, if the Council again fails to justify its reasons for refusal, will seek a further award of costs. A key factor in any inspector’s determination will be the conduct of the Council in arriving at its decision and in defending its case for refusal. In this respect we need look no further than the decision of the Inspector in relation to the previous appeal, who awarded costs against the Council for acting unreasonably by failing to provide detailed justification for their reasons for refusal.

Circular 03/2009 gives very clear advice on such matters. B16 of the Circular states that authorities will be expected to produce evidence to show clearly why the development cannot be permitted. Reasons for refusal must be complete, precise specific and relevant. The key test in the event of an appeal will be whether evidence is produced which provides

a respectable basis for the local authority's stance. B18 cautions that, whilst the living conditions of adjoining occupiers is a legitimate issues, vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis, are likely to result in a costs award.

Circular 03/2009 recognises, at B20, that planning authorities are not bound to accept the recommendations of their officers. However, it states that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision, and produce relevant evidence to support the decision in all respects. B21 of the Circular states that, while local authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight opposition should be founded on valid planning reasons which are supported by substantial evidence. Crucially in this regard B22 of the Circular highlights that planning authorities will be at risk of an award of costs for unsubstantiated objection where they that rely almost exclusively on local opposition from third parties.

Under B23 of Circular 03/2009 Planning authorities are expected to give thorough consideration to relevant advice from statutory consultees such as English Heritage, or from the county council highway authority, before determining a planning application. Whilst it is open to an authority to accept or reject such advice, members should clearly understand the basis for doing so and should provide a clear and rational explanation of the position taken.

Circular 03/2009 states that where appropriate, planning authorities are expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed, and should consider any conditions proposed to them before refusing permission. An authority that refuses planning permission on a planning ground capable of being dealt with by conditions risks an award of costs.

Bearing all of the above factors in mind we earnestly hope that members of the Development Control Committee endorse the sound advice of professional officers and statutory consultees, and approve the applications for planning permission and listed building consent. I would be grateful if you would draw the contents of this letter to the Chairman and Vice Chairman of the Development Control Committee

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

The application property is late C18th and listed Grade II\*, located on the southern corner of St. Mary's Place. This relatively narrow cobbled street is within the historic core of Stamford Conservation Area. The site is of an 'L' shaped configuration and abuts the eastern and southern boundaries of St. Mary's Church whilst extending from St. Mary's Street to the north to St. Mary's Hill to the west. To the north of No. 4 are residential flats (Lansbury House, 3 St. Mary's Place); to the west is the Town Hall. Walls on the eastern and southern boundaries of the appeal site curtilage abut both the rear garden to the ground floor flat to 3 St.Mary's Place and gardens to the nearby Registry Office.

## **Relevant Site History**

Planning application S09/0815 and Listed Building Consent S09/0846 were both refused permission on 14 October 2009. The reasons for refusal attached to the full permission are reproduced below;

- 1) It is considered that the proposed development would create an adverse impact on the amenities of neighbours, particularly at 3 St Mary's Place, from noise and odours by activities in the kitchen and noise from activities in the rear area. It is also considered that there are inadequate facilities for the storage and disposal of food waste from the restaurant and hotel. This is contrary to Saved Policy EN1 (vii) of South Kesteven Local Plan.
- 2) It is considered that delivery and service vehicles together with private motor vehicles would create highway congestion that could not be permanently controlled by condition, contrary to Saved Policy EN1(vi) of South Kesteven Local Plan.
- 3) It is also considered that insufficient evidence has been submitted to substantiate the use as a hotel and restaurant rather than as a private residence as the only viable use for the building, contrary to Policy 27 of RSS8 and Paras 3.8 – 3.11 of PPG15.

Both applications were determined at the Development Control Committee, contrary to Officer recommendation. An appeal was made against both decisions and both appeals dismissed. Despite the Inspector finding in favour of the Council an award of costs was given to the appellant against the Council on the grounds of limited expert witnesses being put forward at the Inquiry and a reliance on local resident's evidence.

## **Policy Considerations**

### National Policy

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPS6: Planning for Town Centres  
PPG13: Transport  
PPG24: Planning and Noise

### Regional Planning Policy - East Midlands Regional Plan

Policy 1: Regional core objectives  
Policy 2: Promoting better design  
Policy 27: Regional Priorities for the Historic Environment

### Core Strategy Policy

SP1: Spatial Strategy  
EN1: Protection and Enhancement of the Environment  
EN3: Renewable Energy Generation  
EN4: Sustainable Construction and Design

E2: Town Centre and Retail Development (plus The Town Centre Shopping Area defined in Local Plan policy S1)

## **Representations Received**

The comments of Stamford Town Council are reproduced below;

“The Town Council Planning Committee recognises the adjustments made within the application. However it wishes to reaffirm strong objection to this application as the location in the corner of a very narrow cobbled street is totally inappropriate for a hotel. There has been no apparent change proposed to allay the concerns of the serious impact of the change of use on highway safety and traffic movement along this ancient cobbled street in the heart of this Conservation Town. St. Mary’s Place is already heavily used for parking restricting the width of the road system at the junction of St. Mary’s Place and St. Mary’s Street. The serious concern over the access for service and delivery vehicles and Emergency Services still remain. Concern is also expressed over the location of the kitchen facilities which would have a serious impact on a neighbouring resident whose dwelling is directly above the proposed kitchen.

This application went to Appeal and was refused in reference to Planning Policy Statement (PPS) 5 which relates to planning guidance for the Historic Environment and the accompanying Historic Environment. The Appeal decision supported the findings of the 1977 survey of the Town of Stamford by the Royal Commission for Historic Monuments (RCME) which identified St. Mary’s Place as a street whose preservation was thought to be of paramount importance. The RMCE also concluded that 4 St. Mary’s Place, being a Grade II\* had a distinctive and particular plan form. It is considered that the proposed works would fundamentally and unacceptably alter the layout and setting of this listed building and consequently be at odds with the main thrust of East Midlands Regional Plan Policy 27 which establishes regional priorities for the Historic environment and criteria (iii) and (iv) of SKDC Local Plan Policy EN1 which require that development reflects the general character of the area and does not intrude upon the setting of important buildings”.

The Consultant Arboriculturalist does not raise objection to the application subject to an appropriate condition.

South Kesteven Planning Archaeologist considers the site has potential for archaeological remains with it lying within the historic medieval core of the town. Request that if permission is granted a condition about a watching brief is added to the decision notice.

Planning policy comments are reproduced below and do not raise any objection to the application;

“Application S09/0815 [for CoU residential (C3) to restaurant (A3) and hotel (C1)] was refused by this Council in October 2009. This decision was upheld by the Inspector in May 2010. This application has been submitted to address the issues raised by the Inspector.

Since application S09/0815 was submitted the Core Strategy has been adopted. This has replaced the Local Plan which was extant at the time of the first application. However, certain locational policies remain until such time as they are replaced by other LDF

documents. The Town Centre Shopping Area defined in Local Plan policy S1 remains effective. The Site Allocations and Policies DPD, which is in the course of preparation, will contain policies which define the town centres and shopping areas of Stamford (and other towns). The emerging policy does not, however, locate the application site within the defined town centre.

Essentially, therefore, the advice I gave in relation to application S09/0815 remains the same and I reproduce it below:

"This property is situated within a small square, dominated by St Mary's Church, which is immediately adjacent to the area designated as S1: Town Centre Shopping Area in the Local Plan. It is also adjacent to one of the Primary Shopping Streets (S3 designation in Local Plan). The properties along both St Mary's Street and St Mary's Hill (both of which face St Mary's Place) are predominantly in retail/business/commercial use. The Town Hall is adjacent to the application site.

PPS6 Annex 2 defines Town Centres in terms of Primary Shopping Areas, Primary frontages, Secondary frontages and Edge-of Centre locations. Although the application site does not fall within the area designated as a "Town Centre Shopping Area" it is considered that St Mary's Place could still be regarded as part of the Town Centre of Stamford. Using PPS6 definitions, it is certainly an Edge-of-Centre location (within 300m of a town centre boundary). As such, in strictly policy terms, it is considered that restaurant/hotel use is not incompatible with its location."

Core Strategy policy EN1 will also be relevant when considering the application".

Lincolnshire County Council, as highway authority, does not object to the application subject to appropriate conditions including an annual revision of the Parking Demand Management Plan and approval of a staff Travel Plan. Furthermore, a financial contribution toward highway improvements in the area would be required.

English Heritage request that the application be determined in accordance with local and national policy guidance, and on the basis of Council specialist conservation advice.

Building Control note that the proposal does not fully comply with the Disability Discrimination Act; however, taking into account changes that have been made and constraints given the buildings Listing, raise no objection to the proposal.

Environmental Protection does not object to the application subject to the Waste Management Plan identifying the method of glass disposal and compliance with the Inspectors observations on use of the garden area. Also see no reason to object to a condition restricting the hours of opening for the restaurant to guests not staying at the hotel.

A letter has been received from Lincolnshire Police, via a member of the public, identifying that during a ten minute site visit two cars mounted the pavement in St Mary's Place and they raise concern about highway safety. Also note there have been no recorded accidents in St Mary's place since 2005, which is as far back as records go, but note how difficult it would be for larger vehicles to exit on to St Mary's Street.

## Representations as a Result of Publicity

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 03 December 2010. A total of 25 representations have been received as a result of consultation. A summary of the reasons for objecting to the application is set out below;

- The Planning Inspector Dismissed the appeal and that decision should be upheld by the Development Control Committee and revised application refused permission.
- Under the Governments proposed 'Localism Bill' local resident views should be listened to and application refused permission.
- The proposal does not comply with DDA or Part M of the Building Regulations, along with expressing concern about fire safety as a result of the change of use.
- The grant of planning permission would irreversibly change the residential character of the area.
- Consider the proposal would be detrimental to highway safety through the increase in vehicular traffic and lack of parking in the immediate area.
- Feel that the valet system is unrealistic and that the number of potential users for the hotel and restaurant would mean congestion in the area is inevitable.
- Express concern about the ability of delivery lorries to access the site.
- Believe that the proposed use would be detrimental to the amenity of neighbouring buildings through increased overlooking from hotel bedrooms.
- Consider the design of the proposed extensions and alterations detrimental to the character of the grade ii\* Listed Building and wider Conservation Area.
- The internal layout of the hotel is likely to result in excessive noise pollution through the Party Wall to neighbouring properties, particularly from the kitchen.
- Removal of waste and disposal of bottles would generate excessive noise and require pick up from large vehicles.
- Feel that part of an important green space in the Conservation Area would be lost and built over.
- Enforcement and monitoring of a Parking Demand Management Plan is unrealistic and likely to be expensive.
- Believe that the use would reduce house values in the area.
- There is no demand for a hotel of this nature in Stamford with it not being in the Town Centre.
- The overall intensity of the use e.g. number of diners, guests and workers, is likely to alter the character of the area.
- The kitchen would result in an excessive amount of noise and an alternative location should be considered for this aspect.
- The extraction and condenser units would result in an excessive level of noise as well as likely to generate unacceptable odours.
- The proposal is contrary to local and national policy guidance with the application site not within the town centre.
- The building should be retained as a residential use with there being a shortage of housing in the local area.

## Officer Evaluation

It should be noted that four amended plans have been received that make slight alterations to the ground and first floor internal layout. This is a result of improving access to disabled guests. Furthermore, a summary of Draft Management Plans, including a 'Highways and Parking Demand Management Plan', 'Travel Plan', 'Waste Management Plan' and 'Odour Management Plan', have also been submitted. No additional consultation was undertaken on the alterations but the information put onto the Internet. The amendments are considered to be relatively minor in terms of internal layout and final agreement of the management plans controlled via condition.

The conclusion reached by the Planning Inspector on the previous application is considered to be an important material planning consideration in the outcome of this application. When determining the appeals the Inspector considered there to be three key issues; firstly the appearance, layout and setting of the listed building; secondly the level of residential amenity enjoyed by the occupiers of the neighbouring property, thirdly service access and highway safety.

The first issue is considered in greater detail in Committee report S10/2313, with particular regard to impacts on the Listed Building; however, the broad conclusion reached by the Inspector was that the proposal would not be harmful to the character or appearance of the Conservation Area with there being no alterations to the front façade, whilst proposed extensions would be to the rear. Your officers agree with the Inspectors view in respect of this issue.

The second issue relates to the level of residential amenity enjoyed by occupiers of the neighbouring property. The Inspector considered that the disposal of waste would be appropriate through a waste management plan. This included the provision and storage of food waste in the outhouse in a refrigerator and glass being reduced in a 'little smasher' in a storage area abutting the cellar. General waste would be stored in wheeled bins adjacent to the outhouse. With appropriate controls over the time and frequency of collections it is not considered that waste would be detrimental to the amenity of neighbouring properties with it being possible to wheel the bins to St Mary's Hill without passing a residential property. Odour from the kitchen would be released through existing chimneys on the main roof, this form of extraction is considered acceptable to ensure residential amenity would not be compromised.

With regard to noise in St Mary's Place the Inspector did not consider that when taking into account appropriate management plans and existing traffic movements there would be unacceptable increase in noise from the proposal. Furthermore, with appropriate conditions and measurements noise that may be generated from plant and equipment, including condenser units and the kitchen generally, would not give rise to an unacceptable level of noise.

However, the Inspector did dismiss the appeal on the grounds that noise from conversations within the garden area would be over and above that associated with a typical residential property. This would be detrimental to the enjoyment of neighbouring properties and audibly intrusive. It was for this reason that the Inspector dismissed the

appeal on the second issue. However, the revised application proposes that the rear garden area will not be used by guests and only accessible by members of staff. Such a proposal could be controlled via a suitably worded condition. In addition, to further alleviate concerns a condition that would restrict use of the ground floor restaurant to hotel guests at unsociable hours is recommended.

In view of the above it is considered that the revised application has overcome the reason for refusal highlighted by the Inspector relating to the second issue, residential amenity.

The third issue relates to highway considerations. The Inspector noted that vehicle speeds within St Mary's Place are slow and that there is no recorded incidence of accidents in the area. It was also suggested that most restaurant and hotel visitors are likely to arrive by private vehicle or taxi, with a valet system available. The Bath Row car park is a short distance from the building. In addition a Highways and Parking Demand Management Plan is proposed which includes provision for timed delivery of service vehicles; no vehicles larger than a 3.5T van can enter St Mary's Place, with larger vehicles required to park on St Mary's Hill. A travel plan for employees would also be required.

The Inspector noted that vehicle movements are likely to increase as a result of the proposal but also observed that due to the historic layout of the town a degree of congestion is evident (and indeed tolerated) within Stamford. With appropriate conditions and a unilateral undertaking the Inspector concluded that the proposal would afford adequate service access and highway safety. The proposal was therefore deemed to comply with the then relevant policy of the Local Plan. Furthermore, there is now no reason to conclude that the proposal would be contrary to pertinent core strategy or national policy guidance relating to highway issues. The proposal is therefore considered to be acceptable with regard to the third key issue, service access and highway safety.

Additional concerns have been raised as a result of consultation including whether or not the proposal fully complies with the Disability Discrimination Act; however, part M of the building regulations makes it clear that with historical buildings it need not necessarily fully comply with the regulations if it would compromise the character of the Listed Building.

Concern has also been expressed about sustainable development and use of resources e.g. energy associated with refrigeration, air conditioning etc. Whilst a hotel may use more energy than if the building were to be used as a residential property it is not considered that this would justify a refusal of permission with there also being a need to consider constraints on the building given its II\* Listing.

In summary, the appeal against a previous full application was dismissed on one key issue, the detrimental impact on residential amenity through noise that would be generated from use of the rear garden area. Subject to a condition restricting the use of the garden area it is considered that this sole reason for has been overcome.

## **Section 106 Heads of Terms**

A financial contribution has been requested by the Highway Authority to 'undertake measures it deems necessary for reason of safety and convenience/or prevention of damage to the highway infrastructure'. A section 106 is, in this instance, not necessary

with a contribution of £7,500 payable to the Highway Authority through a unilateral undertaking. At this stage it is unclear whether the contribution would be utilised toward the establishment of a one way system or improved parking layout to the front of the building, but it has been identified as an important factor by the Highway Authority.

### **Crime and Disorder**

It is not considered that the proposal would raise any significant issues with regard to crime and disorder.

### **Human Rights Implications**

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

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

### **Conclusion**

It is considered that the alterations to the application overcome the reasons for refusal attached to permission S09/0815 as well as those attached to appeal decision APP/E2530/A/10/2120312. With appropriate conditions the development is therefore deemed to respect the character of the Conservation Area and Listed Building through the alterations, extensions and materials that are proposed. Nor would the development be detrimental to residential amenity through noise, waste or smell that may be generated. As a result of the development it is also not considered that the proposal would be detrimental to highway safety or lead to a significant degree of congestion. In addition, the use of the building is appropriate given that no substantial harm would be caused to the Listed Building and the location of the application site adjacent to the town centre. The proposal is therefore deemed to comply with core strategy policies SP1, EN1, EN3, EN4 & E2; East Midlands Regional Plan policies 1, 2 & 27 and national policy guidance PPS1, PPS5, PPS6, PPG13 & PPG24; with no other material planning considerations to indicate that the application should be determined otherwise.

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

It is considered that the alterations to the application overcome the reasons for refusal attached to permission S09/0815 as well as those attached to appeal decision APP/E2530/A/10/2120312. With appropriate conditions the development is therefore deemed to respect the character of the Conservation Area and Listed Building through the alterations, extensions and materials that are proposed. Nor would the development be detrimental to residential amenity through noise, waste or smell that may be generated. As a result of the development it is also not considered that the proposal would be detrimental to highway safety or lead to a significant degree of congestion. In addition, the use of the building is appropriate given that no substantial harm would be caused to the Listed

Building and the location of the application site adjacent to the town centre. The proposal is therefore deemed to comply with core strategy policies SP1, EN1, EN3, EN4 & E2; East Midlands Regional Plan policies 1, 2 & 27 and national policy guidance PPS1, PPS5, PPS6, PPG13 & PPG24; with no other material planning considerations to indicate that the application should be determined otherwise.

### **Recommendation 1**

That the Committee resolve to approve the application and delegate authority to the Acting Lead Professional of Development Control in consultation with to the Chairman and Vice Chairman to issue a planning permission subject to the signing of a unilateral undertaking for the contribution of monies to the Local Highway Authority and subject to the conditions set out below;

### **Recommendation 2**

Where the agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

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

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

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

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

3. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning

Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

4. Before the use hereby permitted commences, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. Replacement equipment shall not be installed without the written approval of the Local Planning Authority.

Reason: To ensure that the proposal would not give rise to an unacceptable level of odour release that would be detrimental amenity of neighbouring properties and to comply with core strategy policy EN1.

5. The level of noise emitted from plant and equipment on the site shall not exceed LAeq1hr = 35 dB between 0700 and 2300 hours and LAeq5min = 30 dB between 2300 and 0700 hours, as measured at one metre from the windows of 3 St Mary's Place. The measurements and assessment shall be made according to the provisions of BS 4142:1997.

Reason: To ensure that the development would not give rise to an unacceptable level of noise to neighbouring properties and to comply with guidance contained in PPG24.

6. The rear garden area shall not be open to guests of the hotel or diners at any time.

Reason: To ensure that the development would not give rise to an unacceptable level of noise to neighbouring properties and to comply with guidance contained in PPG24.

7. No development shall take place until a Highways and Parking Demand Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter annually from the commencement of the use the Occupier shall review the operation of the Plan with the Local Planning Authority. Any variation to the Plan agreed by the Occupier and the Local Planning Authority upon review shall be implemented by the Occupier thereafter within a timescale to be agreed by the parties.

Reason: To ensure that the development would not give rise to an unacceptable increase in vehicle movement or be detrimental to highway safety and to comply with guidance contained in PPG13.

8. Within 6 months of the use commencing, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter annually, a staff survey shall be analysed and submitted to the Local Planning Authority together with details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements to and from the site are fulfilled in accordance with the Travel Plan, unless the Local Planning Authority gives approval to any variation.

Reason: To ensure that the development would not give rise to an unacceptable increase in vehicle movement or be detrimental to highway safety and to comply with guidance contained in PPG13.

9. This permission relates solely to the application as amended by plans received on 07 February 2011.

Reason: For the avoidance of doubt and to ensure that the development complies guidance contained in PPS5.

10. 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 means of enclosure, hard surfacing materials, planting plans, written specifications (including a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate) along with an implementation programme.

Reason: To assimilate the proposal within the locality and to comply with core strategy policy EN1.

11. Prior to the commencement of development a timetable for the implementation of the Arboricultural Method Statement (contained in the Arboricultural Implications Assessment received on 21 August 2009) shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details unless the local planning authority gives written consent to a variation.

Reason: To ensure that the proposal would not be detrimental to retention of existing trees and to comply with core strategy policy EN1.

12. No development shall take place until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter annually, from the commencement of the use, the Occupier shall review the operation of the Plan with the Local Planning Authority. Any variation to the Plan agreed by the Occupier and the Local Planning Authority upon review will be

implemented by the Occupier thereafter within a timescale to be agreed by the parties.

Reason: To ensure that the amenity of neighbouring properties is respected and to comply with core strategy policy EN1.

13. No development shall take place until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter annually, from the commencement of use, the Occupier shall review the operation of the Plan with the Local Planning Authority. Any variation to the Plan agreed by the Occupier and the Local Planning Authority upon review will be implemented by the Occupier thereafter within a timescale to be agreed by the parties.

Reason: To ensure that the amenity of neighbouring properties is respected and to comply with core strategy policy EN1.

14. 15. Use of the restaurant shall not take place, save for residential guests of the hotel, other than between the hours of:-  
11:00 – 23:00, Sunday – Thursday  
11:00 – 24:00, Friday – Saturday

Reason: To ensure that the amenity of neighbouring properties is respected and to comply with core strategy policy EN1.

15. The door from the kitchen to rear garden area shall only be used as a fire escape and be kept closed at all other times.

Reason: To ensure that the amenity of neighbouring properties is respected and to comply with core strategy policy EN1.

16. No collections or deliveries of goods shall take place outside the hours of 08:00 – 20:00.

Reason: To ensure that residential amenity is respected and to comply with core strategy policy EN1.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
2. This grant of planning permission does not override issues relating to the Party Wall etc Act, an issue on which you are advised to seek independent legal advice.

\* \* \* \* \*

Applicant	<b>Mark Harrod, Agellus Hotels Limited</b> Vale House, 2, Kings Mill Lane, Stamford, Lincolnshire, PE9 2QS
Agent	Philip Grover, Grover Lewis Associates Limited The Green, 10, Beacon Hill Road, Newark, NG23 1NU
<b>Proposal</b>	<b>Alterations and extensions to listed building</b>
<b>Location</b>	<b>4, St Marys Place, Stamford, Lincolnshire, PE9 2DN</b>
App Type	Listed Building Consent
Parish(es)	Stamford

## REPORT

### Application Category

This application is categorised as a other application.

### Reason for Referral to Committee

The application is to be determined by Committee with a previous application on the same site also determined at Committee, as well as the proposal considered to be locally controversial.

### The Proposal

The proposal is to convert the building, with a current use as a residential property, to a luxury restaurant on the ground floor with up to 66 covers and a boutique hotel with 9 bedrooms on the upper floors. In addition to internal alterations, such works would require the demolition of an existing office and greenhouse and the construction of a new kitchen with cold storage and staffroom above. Refuse wheeled bins and cycle storage would be sited adjacent to existing outbuildings, within which would be located refrigeration and condenser units.

### The Application Site and its Surroundings

The application property is late C18th and listed Grade II\*, located on the southern corner of St. Mary's Place. This relatively narrow cobbled street is within the historic core of Stamford Conservation Area. The site is of an 'L' shaped configuration and abuts the eastern and southern boundaries of St. Mary's Church whilst extending from St. Mary's Street to the north to St. Mary's Hill to the west. To the north of No. 4 are residential flats (Lansbury House, 3 St. Mary's Place); to the west is the Town Hall. Walls on the eastern and southern boundaries of the appeal site curtilage abut both the rear garden to the ground floor flat to 3 St. Mary's Place and gardens to the nearby Registry Office.

## **Relevant Site History**

Listed Building Consent S09/0846 and planning application S09/0815 were both refused permission on 14 October 2009. The reasons for refusal attached to the Listed Building Consent are reproduced below;

Notwithstanding previous unsympathetic alterations, it is considered that the plan form of the internal rooms is historically important. This legibility would be unduly compromised by proposed subdivisions associated with the change of use to a hotel, creating an adverse impact on the historic character of the building derived from the original residential use. It is also considered that insufficient evidence has been submitted to substantiate the use as a hotel and restaurant rather than as a private residence as the only viable use for the building, contrary to Policy 27 of RSS8 and Paras 3.8 – 3.11 of PPG15.

It is considered that the living wall and light grey aluminium panels would have an adverse impact on the character and setting of this listed building that is predominately of traditional “Georgian” form contrary to Policy 27 of RSS8 and Paras 3.12 – 3.13 of PPG15.

Both applications were determined at the Development Control Committee, contrary to Officer recommendation. An appeal was made against both decisions and both appeals dismissed. Despite the Inspector finding in favour of the Council an award of costs was given to the appellant against the Council on the grounds of limited expert witnesses being put forward at the Inquiry and a reliance on local resident’s evidence.

## **Policy Considerations**

### National Policy

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment

### **Regional Planning Policy - East Midlands Regional Plan**

Policy 1: Regional core objectives  
Policy 2: Promoting better design  
Policy 27: Regional Priorities for the Historic Environment

### Core Strategy Policy

EN1: Protection and Enhancement of the Environment

EN3: Renewable Energy Generation  
EN4: Sustainable Construction and Design

## **Representations Received**

The comments of Stamford Town Council are reproduced below;

“The Town Council Planning Committee recognises the adjustments made within the application. However it wishes to reaffirm strong objection to this application as the location in the corner of a very narrow cobbled street is totally inappropriate for a hotel. There has been no apparent change proposed to allay the concerns of the serious impact of the change of use on highway safety and traffic movement along this ancient cobbled street in the heart of this Conservation Town. St. Mary’s Place is already heavily used for parking restricting the width of the road system at the junction of St. Mary’s Place and St. Mary’s Street. The serious concern over the access for service and delivery vehicles and Emergency Services still remain. Concern is also expressed over the location of the kitchen facilities which would have a serious impact on a neighbouring resident whose dwelling is directly above the proposed kitchen.

This application went to Appeal and was refused in reference to Planning Policy Statement (PPS) 5 which relates to planning guidance for the Historic Environment and the accompanying Historic Environment. The Appeal decision supported the findings of the 1977 survey of the Town of Stamford by the Royal Commission for Historic Monuments (RCME) which identified St. Mary’s Place as a street whose preservation was thought to be of paramount importance. The RMCE also concluded that 4 St. Mary’s Place, being a Grade II\* had a distinctive and particular plan form. It is considered that the proposed works would fundamentally and unacceptably alter the layout and setting of this listed building and consequently be at odds with the main thrust of East Midlands Regional Plan Policy 27 which establishes regional priorities for the Historic environment and criteria (iii) and (iv) of SKDC Local Plan Policy EN1 which require that development reflects the general character of the area and does not intrude upon the setting of important buildings”.

English Heritage request that the application be determined in accordance with local and national policy guidance, and on the basis of Council specialist conservation advice.

Building Control note that the proposal does not fully comply with the Disability Discrimination Act; however, taking into account changes that have been made and constraints given the buildings Listing, raise no objection to the proposal.

South Kesteven Planning Archaeologist considers the site has potential for archaeological remains with it lying within the historic medieval core of the town. Request that if permission is granted a condition about a watching brief is added to the decision notice.

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

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 03 December 2010. A total of 25 representations have been received as a result of consultation. The majority of responses primarily relate to considerations against the full application, although a few did raise issues relating to impacts on the Listed Building, these are set out below;

The rear extension in terms of design would not respect the character of the host building Materials proposed would be at odds with the form of the building as well as the living wall being difficult to maintain

Internal alterations would not respect the character of the grade II\* Listed Building The Planning Inspector dismissed the appeal on the grounds of the alterations not respecting the character and form of the Listed Building and this application should be refused permission also.

## **Officer Evaluation**

It should be noted that four amended plans have been received that make slight alterations to the ground and first floor internal layout. This is a result of improving access to disabled guests. No additional consultation was undertaken on the alterations but the information put onto the Internet. The amendments are considered to be relatively minor in terms of internal layout and the application considered accordingly.

The conclusion reached by the Planning Inspector on the previous application is considered to be an important material planning consideration in the outcome of this application. When determining the appeal the Inspector considered there to be three key issues, the first of which related to the appearance, layout and setting of the listed building. The second and third issues are considered under application S09/2312.

The application proposes a number of alterations to the building as it currently stands and these include the removal of modern extensions to the rear and fixtures in the basement. On the ground floor an existing toilet would be modified and a disabled one created, along with the erection of a new kitchen and disabled lift. At the first floor a large front room would be subdivided and existing rooms upgraded, including the insertion of an en-suites, removal of kitchen and stairs and installation of a disabled lift. At a second floor level bedrooms would have en-suites created and a stair removed. On the third floor a stud wall would be removed and en-suite created.

Internal alterations to the scheme are considered acceptable and the planning Inspector deemed the works sensitive and appropriately designed and not harmful to the appearance and layout of the Listed Building.

External alterations to the rear would include a small glazed lobby and kitchen extension on the ground floor. A staff room and cold store would be above part of the kitchen. The materials proposed in the new extension are relatively modern utilizing a large amount of glazing and living wall. The Inspector concluded that the alterations would clearly be identified as contemporary structures and their location and scale not unacceptably intrude upon the appearance, layout and setting of the listed building. Indeed, and whilst they might not be readily visible to the general public, they would make a pleasing addition to the architectural vocabulary of Stamford.

However, the Inspector dismissed the appeal on the grounds that enclosure of a rear courtyard adjacent to the Town Hall with a timber roof would unacceptably alter the appearance, layout and setting of the listed building. This conclusion was largely reached as a result of evidence contained in the Royal Commission for Historic Monuments (RCME), which identified St. Mary's Place as a street whose preservation was thought to be of paramount importance. The RCME also concluded that 4 St. Mary's Place had a distinctive and particular plan form, being classified as type 11a which is essentially 'L' shaped.

The revised application omits this aspect from the scheme. As a result it is considered that the application as amended overcomes the reason for highlighted by the Inspector and should be granted Listed Building Consent.

It is noted that concern has been expressed about the use of the building and whether or not the original use of the building is most appropriate. However, as identified in policy HE9 of PPS5 such a consideration would only be applicable should it be demonstrated that there would be 'substantial harm', in the lack of such harm the use is considered appropriate in the Listed Building.

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

No section 106 would be required for the application

### **Crime and Disorder**

It is not considered that the proposal would raise any significant issues with regard to crime and disorder.

### **Human Rights Implications**

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

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

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

It is considered that the alterations to the application overcome the reasons for refusal attached to consent S09/0846 as well as those attached to appeal decision APP/E2530/A/10/2120313. With appropriate conditions the development is therefore deemed to respect the character of the Conservation Area and Listed Building through the alterations, extensions and materials that are proposed. Nor would the proposal have a detrimental impact on features of interest and the use proposed is appropriate. The proposal is therefore deemed to comply with core strategy policies EN1, EN3 & EN4; East Midlands Regional Plan policies 1, 2 & 27 and national policy guidance PPS1 & PPS5; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

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

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

4. This permission relates solely to the application as amended by plans received on 07 February 2011.

Reason: For the avoidance of doubt and to ensure that the proposal complies with guidance contained in PPS5.

\* \* \* \* \*

Applicant	<b>Mrs S E Davies</b> The Bridge House, Casterton Road, Stamford, Lincolnshire, PE9 2YL
Agent	Robert Weighton Partnership 10, Broad Street, Stamford, Lincs, PE9 1PG
<b>Proposal</b>	<b>Erection of single storey side extension to dwelling</b>
<b>Location</b>	<b>The Bridge House, Casterton Road, Stamford, Lincolnshire, PE9 2YL</b>
App Type	Householder Development
Parish(es)	Stamford

## REPORT

### Application Category

This application is categorised as an other application.

### Reason for Referral to Committee

The application is to be determined by the Development Control Committee with Bridge House the home of a Councillor

### The Proposal

The proposal is to erect a single storey side extension that would have a footprint area of 6.5m by 4.7m.

### The application site and its surroundings

Vehicular access to the property is down a narrow drive via Radcliffe Road. From Casterton Road there is only pedestrian access. There is a significant change of levels from Radcliffe Road to Casterton Road and the property garage is sited roughly at the roof level of Bridge House. A large retaining wall sits close to where the proposed extension is proposed with boarded fencing marking the property boundary with properties that front Casterton Road. The dwelling has a garden that is larger than is common for the area.

### Site History

An application for a two storey side extension is also currently under consideration (ref; S11/0287).

Besides the above there is no pertinent planning history.

## **Representations Received**

Stamford Town Council does not object to the application.

South Kesteven Planning Archaeologist does not consider that the proposal would impact on archaeological features of interest.

## **Representations as a result of publicity**

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 23 March 2011. At the time of writing 1 letter has been received and expresses concern about vehicle movements as a result of construction traffic.

## **Policy Considerations**

### Core Strategy

EN1: Protection and Enhancement of the Environment

### National Policy

PPS1: Delivering Sustainable Development

PPS3: Housing

## **Key Issues**

Impact on the character of the area and residential amenity.

## **Officer Evaluation**

The single storey extension would be sited close to the retaining wall to the north and there would only be severely restricted views of it from properties on Radcliffe Road. Given the distance of the extension from properties that front Casterton Road, 14m, it is not considered that the proposal would be detrimental to residential amenity through a dominating or overlooking impact.

In terms of design the extension would be relatively simple with a large amount of glazing on the ground floor south elevation, orientated toward the applicants rear garden. The scale, design and siting of the extension is considered to respect the host property and wider area.

It is also intended to replace existing hanging tiles with timber cladding; this aspect is considered acceptable. Concern has been expressed about access to the site but this would not change as a result of the proposal and vehicle movements only likely to increase during the period of construction.

### **Crime and Disorder Implications**

The proposal is not considered to have any crime and disorder implications.

### **Human Rights Implications**

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

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

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

The proposed alteration and extension is, by virtue of materials, siting and design, deemed to respect the character of the host property and wider area without having a detrimental impact on residential amenity through a dominating or overlooking impact. The proposal is therefore deemed to comply with policy EN1 of the Core Strategy along with guidance contained in PPS1 & PPS3; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

2. The development shall be built in accordance with the materials detailed on the submitted application forms 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).

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
3. Please note that this grant of planning permission does not authorise access onto land not within the applicants control, an issue on which the applicant should seek independent legal advice.

\* \* \* \* \*

Applicant	<b>Mrs S Davies</b> The Bridge House, Casterton Road, Stamford, Lincolnshire, PE9 2YL
Agent	Robert Weighton, Robert Weighton Partnership 10, Broad Street, Stamford, Lincs, PE9 1PG
<b>Proposal</b>	<b>Two storey side extension to existing house</b>
<b>Location</b>	<b>The Bridge House, Casterton Road, Stamford, Lincolnshire, PE9 2YL</b>
App Type	Householder Development
Parish(es)	Stamford

## REPORT

### Application Category

This application is categorised as an other application.

### Reason for Referral to Committee

The application is to be determined by the Development Control Committee with Bridge House the home of a Councillor

### The Proposal

The proposal is to erect a two-storey side extension that would have a footprint area of 6.5m by 4.7m with a ridge height slightly lower than the main property.

### The application site and its surroundings

Vehicular access to the property is down a narrow drive via Radcliffe Road. From Casterton Road there is only pedestrian access. There is a significant change of levels from Radcliffe Road to Casterton Road and the property garage is sited roughly at the roof level of Bridge House. A large retaining wall sits close to where the proposed extension is proposed with boarded fencing marking the property boundary with properties that front Casterton Road. The dwelling has a garden that is larger than is common for the area.

### Site History

An application for a single storey side extension is also currently under consideration (ref; S10/2401).

Besides the above there is no pertinent planning history.

## **Representations Received**

South Kesteven Planning Archaeologist does not consider that the proposal would impact on archaeological features of interest.

## **Representations as a result of publicity**

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 23 March 2011. At the time of writing 2 letters have been received and express concern about vehicle movements as a result of construction traffic.

## **Policy Considerations**

### Core Strategy

EN1: Protection and Enhancement of the Environment

### National Policy

PPS1: Delivering Sustainable Development

PPS3: Housing

## **Key Issues**

Impact on the character of the area and residential amenity.

## **Officer Evaluation**

The two-storey extension would be sited close to the retaining wall to the north and there would only be restricted views of it from properties on Radcliffe Road. Given the distance of the extension from properties that front Casterton Road, 14m, it is not considered that the proposal would be detrimental to residential amenity through a dominating or overlooking impact.

In terms of design the extension would have a ridge height slightly lower than the main house with the majority of first floor windows orientated south. On the ground floor there would also be a large amount of glazing facing toward the main garden space. The scale, design and siting of the extension is considered to respect the host property and wider area.

It is also intended to replace existing hanging tiles with timber cladding; this aspect is considered acceptable. Concern has been expressed about access to the site but this

would not change as a result of the proposal and vehicle movements only likely to increase during the period of construction.

### **Crime and Disorder Implications**

The proposal is not considered to have any crime and disorder implications.

### **Human Rights Implications**

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

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

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

The proposed alteration and extension is, by virtue of materials, siting and design, deemed to respect the character of the host property and wider area without having a detrimental impact on residential amenity through a dominating or overlooking impact. The proposal is therefore deemed to comply with policy EN1 of the Core Strategy along with guidance contained in PPS1 & PPS3; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

2. The development shall be built in accordance with the materials detailed on the submitted application forms 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).

### **Note(s) to Applicant**

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

2. Please note that this grant of planning permission does not authorise access onto land not within the applicants control, an issue on which the applicant should seek independent legal advice.

\* \* \* \* \*

Applicant	<b>Mrs J Digby</b> 4, Caesar Close, Baston, Peterborough, Lincolnshire, PE6 9PN
Agent	
<b>Proposal</b>	<b>Two storey side and front extension</b>
<b>Location</b>	<b>4, Caesar Close, Baston, Peterborough, Lincolnshire, PE6 9PN</b>
App Type	Householder Development
Parish(es)	Baston

## REPORT

### Application Category

This proposal is categorised as an other application.

### Reason for Referral to Committee

The application is considered to locally controversial and at the request of a local Councillor.

### The Proposal

The proposal is to erect a two-storey side and front extension

### The application site and its surroundings

The application site is at the end of a quiet cul-de-sac comprising of seven detached dwellings. The applicants property is quite prominent when heading along Caesar Close and has a detached double garage to the front. There are four semi-mature trees to the immediate north of the application site although these would not be affected by the development. To the west of the application site a new dwelling, Toad Hall, has recently been constructed.

### Site History

There is no relevant planning history to the application site.

### Representations Received

Baston Parish Council does not make representation on the application.

South Kesteven Planning Archaeologist does not consider that the proposal would have an impact on archaeological features of interest.

### **Representations as a result of publicity**

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being 17 February 2011. A total of 4 representations have been received as a result of consultation. A summary of the reasons for objecting to the application is set out below;

1. The proposal would result in an overbearing impact.
2. The design of the extension does not respect the character of the area.
3. Feel that it is the applicants intension to run a music business from the property, which would be contrary to a legal covenant as well as generate a large number of vehicles movements and create noise pollution.
4. The design and access statement is misleading.

A letter has also been received from the applicant to address some of the highlighted concerns and confirms that there is no intention to operate a business from the site.

### **Policy Considerations**

#### Core Strategy policy

EN1: Protection and Enhancement of the Environment

#### National policy Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

### **Key Issues**

Impact on character of the area and residential amenity.

### **Officer Evaluation**

An amended plan has been received which makes slight alterations to the site boundaries to confirm that the entire application site is within the applicants control. The drawing also indicates that windows are intended to be made of timber and not UPVC; the application is considered accordingly.

The proposed side extension, which would have a footprint area of 2.83m by 5.67m, is not considered to be a concern in terms of design and scale nor would it have an overbearing impact on neighbouring properties given the mass of the existing property and relationship with the recently constructed Toad Hall.

However, the link extension and re-built garage with accommodation above would extend some 8.44m forward of the front elevation with an eave height of 4.85m and ridge of 7.33m, at its highest point. There are no other similar forms of development in the area and the extension would form an incongruous and large addition to the property that would be at odds with the character of the area. Furthermore, whilst it is not considered that the proposal would result in an overlooking impact, given the orientation of windows; it is considered that the proposal would lead to a significant overbearing impact that would be detrimental to the amenity of neighbouring properties taking into account the scale and relationship with neighbouring properties, in particular 5 Caesar Close and Toad Hall.

It is noted that concern has been expressed about use of the play room above the garage; however, there is no indication that the applicant proposes to operate a business from the property and, if needs be, this is something that could be controlled through appropriate methods. Notwithstanding the above it is recommended that the application be refused permission.

### **Crime and Disorder Implications**

It is not considered that the proposal would raise any issues with regard to crime and disorder.

### **Human Rights Implications**

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

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

**RECOMMENDATION:** That the development be Refused for the following reason(s):

1. The first floor front aspect of the extension would, by virtue of its layout and scale, not respect the character of the host property or wider area forming an incongruously large and prominent extension as well as resulting in an overbearing impact that would be detrimental to the amenity of neighbouring properties. The proposal is therefore deemed contrary to core strategy policy EN1 along with guidance contained in PPS1 and PPS3; with no other material planning considerations to indicate that the application should be determined otherwise.

\* \* \* \* \*

Applicant	<b>Ms R Woolley, Witham on the Hill Parish Council</b> Barholm Old Hall, Horse Shoe Lane, Barholm, Stamford, Lincolnshire, PE9 4RA
Agent	
<b>Proposal</b>	<b>Extension to existing car parking area</b>
<b>Location</b>	<b>Village Green, Main Street, Witham On The Hill, Bourne</b>
App Type	Full Planning Permission
Parish(es)	Witham on the Hill

## REPORT

### Application Category

This application is categorised as a other application.

### Reason for Referral to Committee

The application is to be determined by the Development Control Committee as the application considered to be locally controversial and on land owned by South Kesteven District Council.

### The Proposal

The proposal is to extend an existing car park to the west of Grade 1 Listed St Andrew's Church. The current car park covers an area 7m by 31m and is laid with hardcore at the entrance with the remainder appearing to be hardened earth. There is a small change in levels between the car park and adjacent open space, approximately 10-20cm, with a concrete kerb marking the boundary between the two. The proposal would double the size of the car park by extending it another 7m west into the green space. The car park extension would be constructed of a geotextile membrane with crushed hard core overlaid by a plastic grill filled with soil and grass. A 500mm tall timber post and rail fence would be erected to delineate the car park and adjacent green. Access would be through the existing entrance off Main Street. This is a resubmission of Application S/10/0225 which was refused in June last year. The only additions to the previous are various documents from 1965, 1968, 1969, 1988, 1993, 2005 and 2006 relating to the possibilities and desire to extend the car park.

In support of their application the Parish Council & residents of the village state that The Parish Council & residents of the village have had concerns about the parking outside St Andrew's Parish Hall, the Church & Village Green for some time.

There are several reasons why extra parking is required at the green, they are as follows:-

1. It is the main route used by Heavy Goods Vehicles.

2. Lincolnshire County Council (LCC) Highways department have classified the road as its main gritting route.
3. The road narrows along the side of the Church & Village Hall.
4. Vehicles have been damaged while parked outside the Church & Village Hall.
5. A property opposite the Village Hall has been damaged by farm machinery catching the building while trying to avoid a vehicle parked outside the Church.
6. If LCC highways department place double yellow lines along the side of the Church & Village Hall this will create a problem further down the road in regard to parking.
7. New play equipment has been installed on the village green which has increased the number of visitors from outside the village with cars being their main transportation.
8. A 1 metre public footpath, which is situated along the church wall boundary & existing parking area, does not allow room for reversing or parking if use correctly.
9. There is poor visibility when leaving the car park because of the gradient of the road towards the church, the church wall & narrowness of the exit.
10. A vehicle would not be able to access the car park while a vehicle was waiting to leave.
11. The Parish Hall is not only the Village Hall for Witham on the Hill but also Toft, Lound & Manthorpe, therefore any fund raising events done by the other three villages, residents have to use private transport & that requires somewhere to park.

The majority of villagers feel very privileged that they have such an area, but times are changing & more people have to depend on their own transport. If the proposed car park area is doubled in size & blends in with the green then they would be able to share their good fortune with others.

### **The application site and its surroundings**

The application site currently forms part of the green open space to the centre of the village, adjacent to St Andrew's Church. A footpath runs to the immediate east of the existing car park. A wall approximately 1.25m tall marks the boundary with St Andrew's Church.

### **Site History**

Planning applications were refused permission for the same development in 1990 (SK.642/90) and 2010 (S1O/0225). It is noted that the neither application was challenged at appeal.

### **Representations Received**

Lincolnshire Heritage notes that there are no recognised archaeological features of interest that would be affected by the proposed development.

English Heritage has indicated that they do not wish to offer any comments on this occasion.

Lincolnshire County Council, as Highway Authority, does not object to the application, subject to an appropriate condition.

The Parish Council request that the application be determined at the Development Control Committee.

The Rights of Way Officer at the County Council does not consider that the proposal would affect a designated footpath.

The Ramblers Association notes that the proposal would not affect any public footpaths.

Sport England has no comments to make.

The Grounds Maintenance Co-ordinator of South Kesteven District Council raises concern about the application in that it would turn a designated area of public open space into a car park and may make other similar proposals difficult to resist. Requests that the application be refused permission.

South Kesteven's Arboriculturalist requests a condition be imposed regarding a tree survey, details of hard surface construction and on site tree protection in the form of a Method Statement and Tree Protection Plan.

The Acting Principal Conservation Officer objects to the application on the grounds that The Green is an important feature of Witham-on-the-Hill Conservation Area, across which there are attractive views, notably of St Andrew's Church. Whilst there is an existing car park on The Green the open character of the area is predominant. An extension to the car park would be detrimental to the open nature of the area and setting of the adjacent Listed Building. Also notes that a previous application for the same form of development was refused permission. In addition, the land has been identified as an 'Open Area Important to the Character and Setting of Built-up Areas' and falls to be determined against saved policy EN1 of the South Kesteven Core Strategy.

## **Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 02 April 2010. An amended site notice was erected that indicated the proposal would affect the setting of a Listed Building, the expiry of this notice is 18 March 2011.

## **Policy Considerations**

### Saved policies EN1 of the South Kesteven Core Strategy

Planning policy statement 5: Planning for the Historic Environment  
Planning policy guidance note 17: Planning for Open Space, Sport and Recreation

## **Key Issues**

Highway safety, residential amenity, impact on character of the Conservation Area, setting of Listed Building and openness of the area. Loss of public open space.

## **Officer Evaluation**

It is not considered that the proposal would be detrimental to highway safety, subject to conditions, or residential amenity through noise that would be generated. Nor would the proposal be detrimental to the longevity of adjacent trees.

The key issues are therefore considered to be impact on the character and openness of the Conservation Area along with the setting of an adjacent Listed Building. Furthermore, loss of public open space.

With regard to openness of the area saved policy EN1 of the South Kesteven Core Strategy identifies that 'planning permission will not normally be granted for development which would destroy or adversely affect the open character of the area'. The proposal would encourage the parking of cars on an important area of open space as well as create a degree of enclosure to the car park, on a parcel of land which is currently open. Furthermore, the area of open space is important to the setting of the Listed Building with there being views of St Andrew's Church across the space when entering the village from the west. Whilst a previous application for a similar form of development was determined against previous Local Plan policy (SK.642/90), the broad considerations are considered to be similar with that application refused permission on the grounds that it would not protect or enhance the visual amenities and environment of the Conservation Area. This view was endorsed by the more recent refusal (S10/0225) dated June 2010. Whilst there may be occasions where parking is a problem within the village it is not considered that the benefit of a car park would outweigh the negative impact of the proposal, which is considered to be detrimental to the setting of a Listed Building, as well as contrary to Policy EN1.

'PPG17: Planning for Open Space, Sport and Recreation' notes that Local Planning Authorities, when determining developments within open spaces, need to weigh up the benefits being offered to the community against the loss of open space that will occur. The document also notes that local authorities should i) avoid any erosion of recreation function and maintain or enhance the character of open spaces; ii) ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment. It is accepted that there is an existing car park on the site; however, the remainder of the park is used for recreational facilities and has been enhanced through additional play facilities. Allowing the parking of cars on the land would erode the recreational function of the space. Whilst there may be individual events that create car parking problems it is not considered that this is an overriding issue to allow a permanent increase in size of the car park to the detriment of the character of the Conservation Area, setting of listed building, openness of the area and erosion of public open space.

Whilst not considered as part of this application it is noticeable that there may be other solutions to parking problems that could be explored including extending an existing car

parking bay to the west of The Green or use of the adjacent school car park when it is not in use by the school.

### **Crime and Disorder Implications**

The application will not raise any significant issues.

### **Human Rights Implications**

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

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

**RECOMMENDATION:** That the development be Refused for the following reason(s):

1. The proposed car park extension would erode the functional use of an area of public open space. Furthermore, the car park extension would be detrimental to the setting of the adjacent listed building, openness of the area and detrimental to the character of the Conservation Area. The proposal is therefore considered contrary to guidance contained in PPS5, PPG17 and saved policies EN1 (iv) and EN6 of the South Kesteven Local Plan.

\* \* \* \* \*

Applicant	<b>Mr D Higgs</b> Stone House, South Street, Bourne, Lincolnshire, PE10 9LT
Agent	Mr A Oglesby, Oglesby & Limb Ltd Suite 4 & 5 Market Chambers, 12, Market Place, Spalding, PE11 1SL
<b>Proposal</b>	<b>Change of use for shop to residential</b>
<b>Location</b>	<b>Stone House, South Street, Bourne, Lincolnshire, PE10 9LT</b>
App Type	Full Planning Permission
Parish(es)	Bourne

## REPORT

### Application Category

This application is categorised as a Listed Building/minor application.

### Reason for Referral to Committee

The application is to be determined by the Development Control Committee as the application has been submitted by a member of the South Kesteven District Council.

### The Proposal

The proposal is to change the use of the existing shop area into an extended living area including recreating a fire place in the former shop unit. The proposal includes refurbishment of the shop door but blacking out the glazed lights at the top and fixing shut the post box. The external appearance to the street scene will remain unaltered. The extension to the rear will have the part internal wall removed and a rear facing window replaced with French doors. The existing gates will be replaced with new purpose made timber gates.

### The application site and its surroundings

The application site currently forms a dwelling and small retail shop area at the north west corner. The building is a street edge Grade 2 Listed Building on the east side of South Street, constructed of stone walls with ashlar rusticated quoins and a steep pitched pantile roof. The site is within the Bourne Town Centre mixed shopping and residential area and inside the Bourne Conservation Area.

### Site History

None relevant to this application.

## **Representations Received**

Lincolnshire Heritage notes that there are no recognised archaeological features of interest that would be affected by the proposed development.

The Town Council have indicated that all members present declared a prejudicial interest (applicant is a fellow member) and so no observation can be forwarded.

The Acting Principal Conservation Officer has no objections to the proposals either in principle or design.

Lincolnshire County Council Highways have indicated that they have no objections as the development will not be detrimental to highway safety or traffic capacity.

## **Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 25 March 2011. There have been none received.

## **Policy Considerations**

Saved policies SP1 and EN1 of the South Kesteven Core Strategy

Planning policy statement 1: Delivering sustainable development.

Planning policy statement 5: Planning for the Historic Environment

## **Key Issues**

Highway safety, residential amenity, impact on character of the Conservation Area, setting of Listed Building and openness of the area. Loss of public open space.

## **Officer Evaluation**

The key issues are considered to be impact on the character of the Grade 2 Listed Building, the character of the street scene and surrounding Conservation Area and any impact on the amenities of neighbouring properties.

In terms of scale and visual impact on the existing building the proposed conversion is in scale and is designed to be in keeping with the original dwelling. The minor elevation changes to the front and rear of the property will have no impact on the neighbouring properties the north and south of the site. There is minimal impact on the street scene or surrounding Conservation Area as the conversion has no elevation changes on the street

side and only the new gates will have a visual impact which will be an improvement on the existing ones.

**Crime and Disorder Implications**

The application will not raise any significant issues.

**Human Rights Implications**

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

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

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

The overall impact of the scheme is the refurbishment and retention of the historic quality of this prominent roadside building retaining the visual appearance and setting of this grade II listed building for the future. The proposals are therefore acceptable.

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

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

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

\* \* \* \* \*

Applicant	<b>Mr D Higgs</b> 12, South Street, Bourne, Lincolnshire, PE10 9LT
Agent	Oglesby & Limb Ltd Suite 4 & 5 Market Chambers, 12, Market Place, Spalding, PE11 1SL
<b>Proposal</b>	<b>Alteration of listed building</b>
<b>Location</b>	<b>12, South Street, Bourne, Lincolnshire, PE10 9LT</b>
App Type	Listed Building Consent
Parish(es)	Bourne

## REPORT

### Application Category

This application is categorised as a Listed Building/minor application.

### Reason for Referral to Committee

The application is to be determined by the Development Control Committee as the application has been submitted by a member of the South Kesteven District Council.

### The Proposal

The proposal is to change the use of the existing shop area into an extended living area including recreating a fire place in the former shop unit. The proposal includes refurbishment of the shop door but blacking out the glazed lights at the top and fixing shut the post box. The external appearance to the street scene will remain unaltered. The extension to the rear will have the part internal wall removed and a rear facing window replaced with French doors. The existing gates will be replaced with new purpose made timber gates.

### The application site and its surroundings

The application site currently forms a dwelling and small retail shop area at the north west corner. The building is a street edge Grade 2 Listed Building on the east side of South Street, constructed of stone walls with ashlar rusticated quoins and a steep pitched pantile roof. The site is within the Bourne Town Centre mixed shopping and residential area and inside the Bourne Conservation Area.

### Site History

None relevant to this application.

## **Representations Received**

Lincolnshire Heritage notes that there are no recognised archaeological features of interest that would be affected by the proposed development.

The Town Council have indicated that all members present declared a prejudicial interest (applicant is a fellow member) and so no observation can be forwarded.

The Acting Principal Conservation Officer has no objections to the proposals either in principle or design.

Lincolnshire County Council Highways have indicated that they have no objections as the development will not be detrimental to highway safety or traffic capacity.

## **Representations as a result of publicity**

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 25 March 2011. There have been none received.

## **Policy Considerations**

Saved policies SP1 and EN1 of the South Kesteven Core Strategy

Planning policy statement 1: Delivering sustainable development.

Planning policy statement 5: Planning for the Historic Environment

## **Key Issues**

Highway safety, residential amenity, impact on character of the Conservation Area, setting of Listed Building and openness of the area. Loss of public open space.

## **Officer Evaluation**

The key issues are considered to be impact on the character of the Grade 2 Listed Building, the character of the street scene and surrounding Conservation Area and any impact on the amenities of neighbouring properties.

In terms of scale and visual impact on the existing building the proposed conversion is in scale and is designed to be in keeping with the original dwelling. The minor elevation changes to the front and rear of the property will have no impact on the neighbouring properties the north and south of the site. There is minimal impact on the street scene or surrounding Conservation Area as the conversion has no elevation changes on the street

side and only the new gates will have a visual impact which will be an improvement on the existing ones.

### **Crime and Disorder Implications**

The application will not raise any significant issues.

### **Human Rights Implications**

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

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

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

The overall impact of the scheme is the refurbishment and retention of the historic quality of this prominent roadside building retaining the visual appearance and setting of this grade II listed building for the future. The proposals are therefore acceptable.

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

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

\* \* \* \* \*

Applicant	<b>Mrs S Harding</b> Colsterworth Post Office, 2, Bourne Road, Colsterworth, Grantham, Lincolnshire, NG33 5JE
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
<b>Proposal</b>	<b>Erection of three dwellings</b>
<b>Location</b>	<b>2, Bourne Road, Colsterworth, Grantham, NG33 5JE</b>
App Type	Outline Planning Consent
Parish(es)	Colsterworth

## REPORT

### Application Category

This application is categorised as a minor application for outline planning permission.

### Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional as it involves development of domestic garden land and is considered to be locally controversial. The application was deferred at the last committee meeting (01 March 2011) in order to allow members to visit the site and assess the submitted additional indicative drawings of the access.

### The Proposal

The proposal involves the erection of a terrace of three dwellings on garden land adjacent to number 2 Bourne Road. The application is in outline form but with matters of access, appearance, layout and scale included for consideration. The dwellings would front onto Bourne Road with a gap of 0.4m from the footway grass verge enclosed by railings. Access would be provided from Bourne Road through an archway to off road parking and a turning space at the rear. All the dwellings would have small rear gardens.

### The application site and its surroundings

The site is broadly rectangular in shape and is currently a lawned area which forms part of the curtilage of No 2 Bourne Road. No 2 also contains a single storey building currently used as Colsterworth Post Office within its curtilage immediately to the west of the proposed dwellings. The site is close to the main crossroads of the village where there is a mixture of older higher density, mainly terraced properties abutting the back edge of the pavement and more modern detached properties in fairly spacious plots set further back from the road. The properties immediately to the east and west of the site are all built right

up to the pavement. The site slopes down from east to west and is approximately 1m above the level of the road.

## **Site History**

SK.2030/88: erection of bungalow and shared access – this was refused in 1988 due to concerns that it would be overdevelopment of the plot and would leave insufficient amenity space for no 2 Bourne Road. Notwithstanding these reasons given for refusal, it should be noted that national, regional and local planning policy has changed significantly since then, with a much greater emphasis on sustainability and more efficient use of land.

S10/0107: erection of 3 dwellings (outline) – this was withdrawn on officer advice. The applicant was advised to resubmit with more detailed information including sections, external elevations and street elevations.

## **Representations Received**

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

The highways Authority do not object subject to conditions. As a result of concerns raised from Members and objectors, they have also provided the following statement to clarify their stance:

“In respect of this application, the local highway authority are satisfied that the proposed access can achieve standards in relation to visibility requirements, width and radius criteria. Parking is provided on site in accordance with current guidance, there are existing accesses to both east and west of the site. A frontage footway serves approximately 9 properties, terminating to the east at the access to numbers 14 & 16 Bourne Road. The existing accesses and footway accommodate one another. Subject to detail it is not unreasonable to assume that the additional access cannot be similarly integrated.

Residents further to the east (and on the site side) have not the benefit of a footway link on their side of the road, but have an available pedestrian route on the north side from which they can choose a point at which to cross to access the Post Office. Further detail can be requested of the applicant in the form of plan and cross-sections to more fully appreciate the likely impact of the proposals, and the local planning authority can condition the need for written approvals of proposed works prior to implementation. Any works in the highway would require the applicant to enter into the appropriate agreement under the Highways Act 1980 prior to commencement.”

Following the submission of indicative drawings showing how a satisfactory access could be achieved, the Highways authority have also made the following comment:

“The detail appears to show as expected that a satisfactory access can be achieved, and somewhat better than those existing. They are indicative and full details would have to be approved in writing in due course.”

Colsterworth Parish Council: (comments summarised)

1. Concerns about the access given the changes in levels.
2. Highway safety and parking issues.
3. Reduction in amenity space for No 2 Bourne Road .

### **Representations as a result of publicity**

Three neighbour objections at the time of writing this report. The issues raised are summarised below:

1. Visually intrusive
2. Loss of greenfield site - “Garden grabbing”
3. Loss of view
4. Concerns over boundary treatment
5. Highway safety/parking/congestion issues
6. Overlooking/loss of privacy
7. Overbearing impact
8. Loss of light

### **Policy Considerations**

#### National Policy

Planning Policy Statement 1 (PPS1): Sustainable Development

Planning Policy Statement 3 (PPS3): Housing

Planning Policy Statement 5 (PPS5): Historic Environment

#### East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

#### South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy SP2: Sustainable Communities

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

Policy H1: Residential Development

## **Officer Evaluation**

### **Key Issues**

This is an outline application with matters of access, appearance, layout and scale included for consideration. The key issues to be considered in this case therefore are:

The principle of development (sustainability)  
The impact on the form and character of the settlement  
Visual impact  
Highway safety/parking  
Neighbours' residential amenities

#### **Sustainability**

The application site is within the existing built up area of the village of Colsterworth which is classed as a Local Service Centre (LSC) under the SK Core Strategy and therefore in principle a sustainable location. The thrust of national and regional policy as well as the Core Strategy is that preference should be given to development on brownfield land wherever possible. However, there is not likely to be any available brownfield land in Colsterworth and no allocated land remaining. Core Strategy policy H1 allows for some limited growth in LSCs to maintain their viability. As this is an infill site within the built-up area it is considered that notwithstanding the recent reclassification in PPS3 of garden land as greenfield land, development of this site is acceptable in principle subject to other policy considerations. The proposal has a relatively high density and is therefore an efficient use of the land. Taking the above into account it is considered that the proposal in principle, complies with national, regional and local policy on the location of sustainable development.

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

There are a variety of building types and densities in this part of the village, including older terraces built up to the back edge of the pavement. Taking into account the surrounding development, the site is a logical infill plot. The current openness of the application site is not considered to contribute significantly to the character of the area and its loss would not have a detrimental impact. The proposed terrace would respect the building line on the south side of Bourne Road and would be of a similar scale, density and plot sizes as nearby development. In terms of appearance, the buildings would be of a simple vernacular style, in keeping with the village context and helping to reinforce local distinctiveness (subject to use of appropriate materials). The half hipped roof on the western elevation would help to soften the impact of the proposal when viewed from the west. Taking the above into account, it is considered that the proposal would be of an appropriate appearance as well as being compatible with the form and character of the surrounding development.

#### **Neighbours' Amenities**

Concerns have been raised about potential overlooking, overbearing impact and loss of light. It is considered that the angle of the building in relation to its neighbours, modest scale and good separation distances from adjacent dwellings are sufficient to maintain

current levels of privacy and ensure that the development would not be overbearing or detrimental to the residential amenities of the occupiers of adjacent properties. Some concern has been expressed about boundary treatment. This will be addressed at the reserved matters stage when landscaping details are submitted.

### Highways/Traffic

Some concern has been raised about highway safety and the construction of the access given the steep slope between the application site and the highway and in particular how this would work in relation to the footpaths. In order to address the concerns raised, the Highways Authority were asked to provide further clarification about highway safety and how the access and footpath would work to their satisfaction given the sharp change in level. Furthermore the applicant has submitted some indicative drawings showing how a satisfactory access could be achieved including a block plan, cross sections and elevations. These drawings are for indicative purposes only and show only one possible scenario.

The Highways Authority have confirmed that they are satisfied that there would be no detrimental impact on highway safety and that a satisfactory access could be constructed to accord with the relevant highway safety criteria.

The indicative drawings submitted show that a satisfactory access is possible which takes into account the needs of the users of the footway as well as vehicles entering and leaving the site. It would involve reengineering of the path and verge along all or most of the frontage. The drawings will be shown as part of the committee presentation. The applicant would still be required by condition to submit full details and specifications of the access to be approved in writing before development can commence and no building can be occupied before completion of the access. A further condition is recommended for the avoidance of doubt, confirming that the submitted drawings described above are indicative only.

Taking into account the design and layout of the site, the position of the access, the low level of traffic likely to be generated as well as the comments of the Highways Authority, it is considered that there would be sufficient off road parking and turning space and that adequate visibility has been demonstrated at the access. Furthermore it has been demonstrated that a satisfactory access could be achieved. On that basis it is considered that there would be no detrimental impact on highway safety, parking or traffic capacity.

### Amenity Space

Concerns have been raised about the reduction of amenity space of no 2 Bourne Road. The current garden of this property is fairly substantial. If the proposal were to go ahead, the curtilage of no 2 (excluding the post office) would still be fairly large at approximately 3 x the footprint of this property. This is adequate to allow off road parking and a garden area. Furthermore the reduced curtilage would not be dissimilar in size to a number of existing nearby properties and would not be reduced to such an extent as proposed by the scheme refused in 1988. All the proposed dwellings would have small garden areas which are considered to be sufficient for dwellings of this size in a village context.

## **Crime and Disorder Implications**

The application will not raise any significant issues.

## **Human Rights Implications**

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

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

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

It is considered that the proposal for a new dwelling within a Local Service Centre would be an efficient use of the land and complies with the sustainability aims of national, regional and local policy.

The proposal is considered to be of appropriate plot sizes, scale, layout and design for the village context which would be in keeping with the built form and character of the surrounding area.

It is considered that the modest scale and adequate separation distance from adjacent dwellings would preserve the residential amenities of the occupiers of neighbouring properties and that subject to a condition requiring a satisfactory access, there would be no detrimental impact on highway safety.

Taking the above into account, it is considered that the proposal is in accordance with national planning policy given in PPS1 (Sustainable Development), PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas), policies 1, 2 & 3 of the East Midlands Regional Plan and policies SP1, SP2 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

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

2. 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.

3. 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:

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.

4. 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. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with PPS1 and Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. 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 and commerce of the residents of the site.

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

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

7. Before the dwelling is occupied, the parking and turning space shall be completed in accordance with the approved plan drawing number MSP.670/003 RevA dated 27 October 2010 and retained for that use thereafter

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in forward gear in the interests of highway safety.

8. No development shall take place before the detailed design of a satisfactory access have been submitted to and agreed in writing by the Local Planning Authority and no building shall be occupied before the agreed access has been completed.

Reason: To ensure safe access to the site and the dwellings in the interests of

residential amenity and convenience and highway and pedestrian safety.

9. The drawings submitted 15 February 2011 (MSP.670/104, MSP.670/003A & MSP.670/004A) are for indicative purposes only and do not form part of the proposal hereby approved.

Reason: For the avoidance of doubt.

Note(s) to Applicant

1. 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.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Mr A Grylls, on behalf of AG, JE &amp; SC Grylls</b> 25, St Marks Road, Maidenhead, SL6 6DG
Agent	Mr M Sibthorp, Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	<b>Demolition of existing garage and erection of one and a half storey dwelling</b>
Location	<b>3, High Road, Barrowby, Grantham, NG321BH</b>
App Type	Full Planning Permission
Parish(es)	Barrowby

## REPORT

### Application Category

This application is categorised as a minor application for planning permission.

### Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional as it is considered to be locally controversial. This application was deferred at the last committee meeting (01 March 2011) in order to obtain further clarification from the Highways Authority on highway safety and traffic issues. Members also expressed concerns about the size of the dwelling and close proximity to the adjacent dwellings.

### The Proposal

The application proposes the erection of a single two storey dwelling and detached single garage within the back garden of an existing dwelling. The existing double garage to this dwelling would be demolished to make way for the access off the unadopted Chapel Lane which would be shared by the proposed dwelling and no 3 High Road. Parking space for no 3 would be provided within the remaining back garden area. In response to members concerns, the applicant has been asked to revise the design of the dwelling by reducing it in size and moving the footprint further to the west to increase the separation distance from the adjacent dwellings.

### The application site and its surroundings

The application site is the rear half of the large domestic garden of 3 High Road. It is bounded to the east by a number of small terraced houses without rear gardens which face onto Chapel Lane. To the south and west are large domestic gardens and the car park

and beer garden of the White Swan public house. Chapel Lane is an unadopted Lane serving 11 properties.

## **Site History**

A previous similar application (S10/1777) was withdrawn on officer advice due to highway concerns. The current proposal has been reduced to a 2 bed rather than 4 bed dwelling following consultation between the applicant and the highways authority.

## **Representations Received**

The Community Archaeologist: advises that the proposed development does not affect any known archaeological sites.

The Highways authority: does not object subject to conditions. Following members concerns about potential highway safety issues, the Highways Authority have been asked to clarify and justify their position. Any further comments will be reported in the late background papers.

Barrowby Parish Council: No objection

## **Representations as a result of publicity**

Four neighbour objections:

1. Impact of noise/disturbance/traffic during construction
2. No need for more development in conservation area
3. Impact on neighbour's dwelling from demolition of garage
4. Highway safety concerns
5. Dominant and oppressive environment
6. Design out of keeping
7. Questions as to who will maintain Chapel Lane

## **Policy Considerations**

### National Policy

Planning Policy Statement 1 (PPS1) – Sustainable Development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 5 (PPS5) – Historic Environment

### East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 27: Regional Priorities for the Historic Environment

### South Kesteven Core Strategy

Policy SP1: Spatial Strategy  
Policy SP2: Sustainable Communities  
Policy EN1: Protection and Enhancement of the Character of the District  
Policy H1: Residential Development

## **Officer Evaluation**

### **Key Issues**

The principle of development (sustainability)  
The visual impact on the character and appearance of the conservation area  
Highway safety  
Neighbours' residential amenities

### Sustainability

The application site is within the existing built up area of the village of Barrowby which is classed as a Local Service Centre (LSC) under the SK Core Strategy and therefore in principle a sustainable location. The thrust of national and regional policy as well as the Core Strategy is that preference should be given to development on brownfield land wherever possible. However, there is not likely to be any available brownfield land in Barrowby and no allocated land remaining. Core Strategy policy H1 allows for some limited growth in LSCs to maintain their viability. As this is an infill site within the built-up area it is considered that notwithstanding the recent reclassification in PPS3 of garden land as greenfield land, development of this site is acceptable in principle subject to other policy considerations. Furthermore, the proposal would be an efficient use of the land. Taking the above into account it is considered that the proposal in principle, complies with national, regional and local policy on the location of sustainable development.

### Visual Impact

The proposed development is considered to be of an appropriate traditional vernacular design using locally distinctive materials and in terms of scale, plot size and siting, respects the form and character of the conservation area. Concerns have been raised that the development would give the area a cramped appearance. The removal of the relatively modern garage (which does not contribute positively to the conservation area) would ensure that this is not the case. Furthermore the dwelling itself would not be easily visible from most public vantage points. Taking the above into account, it is considered that the proposal would preserve the character of the conservation area.

Notwithstanding the above, the applicant has been asked to revise the design with a reduction in size. This would further reduce the visual impact. Any revised plans will be commented on in the late background papers and shown in the committee presentation.

### Neighbours' Amenities

The proposed dwelling would be adjacent to the largely blank rear elevations of 5 & 6 Chapel Lane and would be well separated from all other properties in the area ensuring that there would be no overbearing impact, direct overlooking or loss of light. There would be adequate private amenity space for a two bedroomed dwelling of this type and location. Sufficient amenity space would also remain for no 3 High Road. Taking the above into account it is considered that there would be no detrimental impact on the residential amenities of future occupiers or occupiers of neighbouring properties.

### Highways/Traffic

The property would add to the number of dwellings already served by the narrow unmade Chapel Lane. However the Highways Authority have withdrawn their previous objections to the scheme on the grounds that a 2 bedroom property is likely to generate less traffic than a four bedroomed dwelling. Furthermore, conditions removing permitted development rights for extensions and outbuildings are recommended in order that the Council is able to control future expansion that could lead to extra traffic.

Following members concerns, the applicant has been asked to revise the design with a reduction in size so that the dwelling cannot easily be reconfigured internally to increase the number of bedrooms beyond two. Further clarification has also been requested from the Highways Authority on highway safety and traffic issues. Any further comments from the Highways Authority or revised plans will be commented on in the late background papers and shown in the committee presentation.

### Other Issues

Concerns have been raised about the impact of noise/disturbance from construction works and the impact of demolition of the existing garage on the neighbouring property. Because the proposal is for a single dwelling only, although some inconvenience and disruption is likely to occur, it is not likely to be of such a degree as to require conditions restricting vehicular movements during construction. Given that demolition of the garage does not in itself require planning permission or conservation area consent, this is not considered an adequate grounds for refusal.

There are two significant mature trees within the site which are proposed to be retained. Taking into account the separation distance from the proposed dwelling and the identification of a root protection area on the plans, it is considered that a full tree survey is not required and that a condition will be sufficient to ensure protection during construction.

The issue of responsibility for maintenance of the unadopted lane is a legal rather than a material planning consideration and has not been taken into account when making this recommendation.

### **Crime and Disorder Implications**

The application will not raise any significant issues.

### **Human Rights Implications**

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

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

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

It is considered that the proposal for a new dwelling within a Local Service Centre would be an efficient use of the land and complies with the sustainability aims of national, regional and local policy.

The proposal is considered to be of an appropriate plot size, scale, layout and design and would be in keeping with the built form and character of the conservation area.

It is considered that the boundary treatment and adequate separation distance from adjacent dwellings would preserve the the residential amenities of the occupiers of neighbouring properties and that the limited amount of traffic likely to be generated would be not be detrimental to highway safety. Conditions have been attached to ensure that trees on site are protected during construction.

Taking the above into account, It is considered that the proposal is in accordance with national planning policy given in PPS1 (Sustainable Development), PPS5 (Historic Environment) PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas), policies 1, 2, 3, 26 & 27 of the East Midlands Regional Plan and policies SP1, SP2, H1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. 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 extension, enlargement or other alteration of the building(s) 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, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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 outbuilding shall be constructed 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, to the character of the area, or to the health and vitality of trees within the site, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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 window, dormer window or rooflight 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 and in accordance with the guidance contained in national Planning Policy Statement PPS1.

6. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number MSP.609/002 dated 16 November 2010 and retained for that use thereafter.

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. The trees within the site shall be protected, maintained and managed in accordance with BS. 5837:2005 (Trees in Relation to Construction).

Reason: In order to protect and avoid damage to the existing trees in accordance with Policy EN1 of the South Kesteven Core Strategy.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Mr Lee Ballaam</b> Paddock Cottage, Village Street, Oasby, Grantham, Lincolnshire, NG32 3NA
Agent	Mr Martin Kelby, Riverside Design 88, Belton Grove, Grantham, NG31 9HH
<b>Proposal</b>	<b>Garage/garden store</b>
<b>Location</b>	<b>Paddock Cottage, Village Street, Oasby, Grantham, NG32 3NA</b>
App Type	Householder Development
Parish(es)	Heydour

## REPORT

### Application Category

This application is categorised as an “other” application for planning permission.

### Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional as it is considered to be locally controversial. It involves a revised version of a previous proposal which was refused by committee.

### The Proposal

The proposal involves the erection of a detached double garage with garden store located in the south west corner of the garden of Paddock Cottage. A domestic oil tank screened by a 1.8m fence is also included in the application.

### The application site and its surroundings

The application site is located in the small village of Oasby within Oasby Conservation Area and has an area of 0.2 ha. The existing dwelling is located in the north west corner of the plot and is an unlisted traditional vernacular limestone and pantile cottage which has been recently renovated and extended. The plot is generally level and fairly open. There are several small trees on the plot which is enclosed by a stone boundary wall of approximately 1m in height. The site is surrounded by a mixture of historic and more modern low density residential properties including two listed buildings – Oasby House (grade II) to the south and Oasby Manor (grade II\*) to the east. To the far north west of the site there is open countryside.

## **Relevant Site History**

Planning permission was refused in 2009 (S09/0428) for extensions and alterations to the house and the erection of a detached garage with office/store. This was refused by committee and dismissed at appeal on the grounds of its design, scale and location which was considered to intrude into the setting of the adjacent listed buildings and the openness of the conservation area.

An amended application which omitted the garage and included the extensions and alterations to the dwelling only, was submitted in 2009 (S09/1885) and approved by committee. This scheme is currently nearing completion.

The current application is a significantly revised proposal for the garage which has been submitted following extensive pre – application discussions involving the applicant, Council Officers and English Heritage.

## **Representations Received**

The Community Archaeologist: advises that the proposed development does not affect any known archaeological sites.

The Highways authority: no observations

Heydour Parish Council: object due to size of building (height and width) as well as impact of gravel driveway on green area.

English Heritage: no comments received at time of writing. Any comments received will be reported in the late background papers. It should be noted however that English Heritage has been fully involved in pre application discussions leading to this application.

## **Representations as a result of publicity**

Five neighbour objections:

1. Scale – too tall and wide
2. Utilitarian design
3. Should have hipped roof
4. Visually intrusive
5. Garage could be converted to extra dwelling
6. Impact on character of the conservation area
7. Impact on setting of adjacent listed buildings
8. Loss of open green space
9. The garage and oil tank should be closer to house
10. Loss of light
11. Noise and disturbance
12. Loss of privacy
13. Overbearing

14. Other properties have outbuildings directly adjacent
15. Would set a precedent

As well as the issues raised above, some of the objectors claim that the proposal is contrary to English Heritage comments and advice given on the previously refused proposal and in the letter submitted as part of the current proposal.

## **Policy Considerations**

### National Policy

Planning Policy Statement 1 (PPS1): Sustainable Development  
Planning Policy Statement 5 (PPS5): Historic Environment

### East Midlands Regional plan (RSS8)

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 27: Regional Priorities for the Historic Environment

### South Kesteven Core Strategy

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

## **Officer Evaluation**

### **Key Issues**

The impact on the character and appearance of the conservation area  
The impact on the setting of adjacent listed buildings  
Neighbours' residential amenities

The site is within Oasby conservation area and is adjacent to two listed buildings. PPS5 and policies 26 and 27 of the East Midlands Regional Plan are concerned with the impact of development on historic environment.

PPS1 stresses the importance of high quality design which is well integrated into the existing built form, and preserves or enhances the character of its environment. Core Strategy policy EN1 is also concerned with the impact of development on its surroundings.

### Visual Impact and Impact on Heritage Assets

One of the key characteristics of the conservation area in this part of Oasby is its openness. This open area in front of Paddock Cottage also forms part of the settings of two listed buildings - Oasby House (grade II) and Oasby Manor (grade II\*). The previous proposal was refused and dismissed at appeal, due to its scale and position which was considered to intrude into the openness of the conservation area and the setting of the listed buildings.

It is considered that the current proposal has overcome these issues and addressed the concerns of both English Heritage and the Planning Inspector's report. The garage has been greatly reduced in scale and set back much further into the site adjacent to the western boundary. It would be a relatively small and low key feature in relation to the site as a whole and the surrounding buildings. It would be set back sufficiently far from the road to preserve the fairly open character of this part of the conservation area and ensure that it would not intrude into the setting of the listed buildings. The building would be some distance from Paddock Cottage itself. However, within Oasby and the wider local area there is no single arrangement of dwellings and associated outbuildings. Taking the above into account, the siting of the garage is considered to be appropriate for the context.

In terms of design, it is considered that the proposal reflects the simple vernacular design of the cottage whilst remaining a typical subordinate "background" building. The materials to be used are locally distinctive and in keeping with the built form of the surrounding area.

The building would be a single storey structure, the main body of which would be no wider than the width of two normal garage doors. The attached garden store is subordinate being set back and with a much lower ridge height and clad in timber, which softens the impact of the southern gable end. Although English Heritage initially suggested that consideration should be given to the use of a hipped roof, it is considered that a gabled roof to the main building is appropriate, given the location and small scale.

The proposed oil tank is a low key feature which would be well screened from public vantage points by timber fencing. Concerns have been raised about the impact of the gravel driveway on the "green" open space. It should be noted that the gravel driveway and parking/turning area is classed as permitted development under The Town and Country Planning (General Permitted Development) Order 1995 (As Amended) and does not in itself require planning permission.

Taking the above into account it is considered that the proposal would preserve the historic character and appearance of the conservation area and the setting of the adjacent listed buildings - Oasby House (grade II) and Oasby Manor (grade II\*).

#### Highway Safety

The Highways Authority does not object. As an existing access is to be used and the level of traffic is not likely to significantly increase, it is considered that there are no highway safety and traffic issues.

#### Neighbours Amenities

Although the proposal would be directly adjacent to Oasby Lodge, the part of this property closest to the proposal is a domestic garage. This together with the modest size and separation distances is considered sufficient to ensure there will be no unacceptable overbearing impact, increase in noise and disturbance, or loss of light or privacy to Oasby Lodge. The other adjacent properties are considerably further away. Taking all the above into account, it is considered that the proposed development would not be detrimental to the residential amenities of the occupiers of adjacent properties.

## Impact on trees in the conservation area

It is considered that the development would not be detrimental to any trees which contribute positively to the character of the conservation area. The mature cedar in the adjacent property's garden is sufficiently distant that its roots would not be affected.

## Other Concerns Raised

Comments have been received suggesting that the garage could be converted into, or pave the way for a dwelling at some point in the future. The current application is for a garage to be used for domestic purposes in connection with Paddock cottage only. This would be reinforced by a condition requiring it to remain in domestic use, ancillary to the main dwelling. A separate planning application would be required for change of use to an independent dwelling, or the erection of a new dwelling on the site and any future application would be judged according to its own merits.

In respect of the safety of the oil tank, this would be covered by other legislation including building regulations. It should also be noted that domestic oil tanks do not normally require planning permission to the rear or side of a dwelling, irrespective of the separation distance between the tank and the dwelling. Planning permission is only required in this case because it would be forward of the principle elevation due to the unusual arrangement of the dwelling within the plot.

## Crime and Disorder Implications

The application will not raise any significant issues.

## Human Rights Implications

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

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

## SUMMARY OF REASON(S) FOR APPROVAL

It is considered that by virtue of the siting, design, scale and materials to be used, the proposal would preserve the historic character and appearance of the Conservation Area and the setting of the adjacent listed buildings, and would not be detrimental to either highway safety or the residential amenities of the occupiers of nearby properties.

It is therefore considered that the proposal is in accordance with national planning policy given in PPS1 (Sustainable Development), PPS5 (The Historic Environment), policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although

conditions have been attached.

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

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

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

2. The development shall be built in accordance with the submitted samples of materials and details specified in the submitted application forms, drawings and Design and Access Statement 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 in accordance with PPS55 and Policy EN1 of The South Kesteven Core Strategy

3. The rooflights in the approved development shall be of conservation style fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4. The timber fence screening around the oil tank, as shown on the plans shall be erected before the development hereby permitted is brought into use and retained permanently thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to ensure the character of the conservation area and setting of the listed buildings is preserved and in accordance with PPS5 and Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. The building shall be used for a purpose incidental to the enjoyment of the dwellinghouse as such and shall not be used for commercial purposes.

Reason: The building is part of a residential curtilage in a residential area where non-residential use would adversely affect the amenities of the occupiers of nearby residential properties.

\* \* \* \* \*

Applicant	<b>Mr Robert Lee</b> Seneca House, Vicarage Lane, Long Bennington, Newark, NG235DN
Agent	Mr Iain Orme, M & O Architects Waterloo House, Woodhill Road, Collingham, Nottinghamshire, NG23 7NR
<b>Proposal</b>	<b>Erection of four dwellings</b>
<b>Location</b>	<b>Seneca House, Vicarage Lane, Long Bennington, Newark, NG235DN</b>
App Type	Full Planning Permission
Parish(es)	Long Bennington

## REPORT

### Application Category

This application is categorised as a minor application for full planning permission.

### Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional as it involves development of domestic garden land and is considered to be locally controversial.

### The Proposal

The proposal involves the erection of 4 dwellings with associated parking and landscaping on garden land adjacent to Seneca House. The proposal includes the provision of 3 to 5 bedroom detached dwellings with garaging.

The design of plots 1-3 include pitched roofs and front elevations with two storey gable projections. Cladding and rendered sections are proposed providing variety with tiled roofs over.

Plot 4 to the rear of the site is contemporary in design, being single storey with a flat roof and offering a curved footprint with a completely glazed inner elevation.

### The application site and its surroundings

The site measuring 0.69 hectare forms part of the garden to Seneca House. The house is sited to the east of the site which is mainly laid with lawn and landscaped.

The proposal splits this existing garden into two aspects with the northern aspect siting three detached properties and the southern section siting a single contemporary dwelling.

Access to the site is gained off Vicarage Road down a single driveway.

To the west of the site is a modern two storey telephone exchange and to the east of the proposed access is a residential bungalow. There is a mixture of detached properties to the north of the site on the opposite side of Vicarage Lane.

Various trees exist mainly to the site boundary consisting predominantly of Poplar.

## **Site History**

S06/1057: Outline approval for 6 Dwellings

S06/1709: Outline approval for 7 Dwellings

S08/0762: Full approval for the erection of 8 Dwellings

## **Representations Received**

Planning Policy: This proposal is to erect 4 dwellings on the garden of Seneca House in Long Bennington. Policy SP2 of the adopted Core Strategy identifies Long Bennington as a Local Service Centre. Policy SP1 of the adopted Core Strategy supports development in Local Service Centre. It gives preference to brownfield sites within the built-up part of settlements (which do not compromise the nature and character of the village) and sites allocated in the Site Specific Allocations and Policies DPD.

This site is part of the garden of Seneca House and is therefore, not a brownfield site within the definitions of PPS3 Annex B.

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highways Authority:

The highways Authority do not object subject to conditions.

Natural England: No objection subject to conditions requesting additional surveys and mitigation, the provision of escape ramps in any excavations and site clearance to be carried out during certain months.

Lincs Wildlife Trust: No objections subject to conditions.

Arboriculturalist: I generally concur with the retention ratings in the accompanying tree survey & do not object to the tree removal or pruning works proposed therein. The trees intended for removal are generally poor with limited life expectancies and merit in terms of public amenity. The potential for conflict between the existing trees and proposed new dwellings is minimal and manageable.

I note that some of the weaker specimens have already removed.

Thus, I have no objections in arboricultural terms to the proposed development going ahead subject to a condition requiring the on site protection of all the retained trees with fencing in line with the guidelines in BS5837 (2005) Trees in Relation to Construction.

A further condition should also be required in terms of landscaping e.g. new tree and shrub planting.

Anglian Water: Comments awaited.

### **Representations as a result of publicity**

Neighbour objections were received as a result of the publicity period. The issues raised are summarised below:

1. Highway safety
2. Excessive development
3. More concrete will increase surface water run off
4. Add to existing traffic problems along Vicarage Lane
5. Wishes trees to be retained
6. Drainage System does not have capacity for further development.
7. Entrance passes over sewer pipes and concerned about damage.
8. Vicarage Lane is too narrow.

### **Policy Considerations**

#### National Policy

Planning Policy Statement 1 (PPS1): Sustainable Development

Planning Policy Statement 3 (PPS3): Housing

Planning Policy Statement 5 (PPS5): Historic Environment

#### East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

#### South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy SP2: Sustainable Communities

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

Policy H1: Residential Development

## **Officer Evaluation**

### **Key Issues**

The key issues to be considered in this case are:

The principle of development (sustainability)  
The impact on the form and character of the settlement  
Neighbours' residential amenities  
Drainage  
Highway safety/parking

### **Sustainability**

The application site is within the existing built up area of the village of Long Bennington which is classed as a Local Service Centre (LSC) under the SK Core Strategy and therefore in principle a sustainable location. The thrust of national and regional policy as well as the Core Strategy is that preference should be given to development on brownfield land wherever possible. Core Strategy policy H1 allows for some limited growth in LSCs to maintain their viability. As this is a site within the built-up area it is considered that notwithstanding the recent reclassification in PPS3 of garden land as greenfield land, development of this site is acceptable in principle subject to other policy considerations. The site also has an extant permission for residential development. Taking the above into account it is considered that the proposal in principle, complies with national, regional and local policy on the location of sustainable development.

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

The proposed scheme has been sympathetically designed to minimise the impact on the extensive landscaping that exists on the site. The informal nature of the access drive and distance between Vicarage Lane and the proposed dwellings would ensure that there would be no significant impact on the street scene or the character and appearance of the wider area.

The proposed dwellings would have significant footprints but would be set in appropriately sized plots. As such the scheme does not appear cramped but can be seen to have a comparable form to that of the existing residential property of Seneca House.

In terms of appearance, the buildings would be of interesting and varying styles, in keeping with the village context and helping to reinforce local distinctiveness (subject to use of appropriate materials). Taking the above into account, it is considered that the proposals would be of an appropriate appearance as well as being compatible with the form and character of the surrounding development.

### **Neighbours' Amenities**

It is considered that the position of the buildings in relation to its neighbours, modest scale and good separation distances from adjacent dwellings are sufficient to maintain current

levels of privacy and ensure that the development would not be overbearing or detrimental to the residential amenities of the occupiers of adjacent properties.

#### Drainage

Concerns have been expressed regarding potential flood risk and the inability of the existing sewerage system to take any further development. Anglian Water have been consulted but at the time of writing the report no comments had been received. Should any comments be received they will be reported to committee through the late paper. A condition has been attached requiring final details of drainage to be submitted to the authority for approval.

Damage to any private sewer pipes as a result of development is a civil matter between the concerned parties.

#### Highways/Traffic

Some concern has been raised about highway safety. The Highway Department have confirmed that they are satisfied that there would be no detrimental impact on highway safety. It is recommended that a condition be attached requiring that no development take place before details of a satisfactory access and turning space together with footpath provision have been submitted and approved.

Taking into account the design and layout of the site, the position of the access, as well as the comments of the Highways Authority, it is considered that there would be sufficient off road parking and turning space as well as a suitable access. On that basis it is considered that there would be no detrimental impact on highway safety, parking or traffic capacity.

#### **Crime and Disorder Implications**

The application will not raise any significant issues.

#### **Human Rights Implications**

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

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

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

It is considered that the proposal for 4 dwellings within a Local Service Centre would be an efficient use of the land and complies with the sustainability aims of national, regional and local policy.

The proposals are considered to be appropriate in terms of plot sizes, scale, layout and design for the rural context which would be in keeping with the built form and character of the surrounding area.

It is considered that the modest scale and adequate separation distance from adjacent dwellings would preserve the residential amenities of the occupiers of neighbouring properties and that subject to conditions, there would be no detrimental impacts on highway safety, protected species, trees or an increase in flood risk.

Taking the above into account, it is considered that the proposal is in accordance with national planning policy given in PPS 1 (Sustainable Development), PPS 3 (Housing) and PPS 7 (Sustainable Development in Rural Areas), policies 1, 2 & 3 of the East Midlands Regional Plan and policies SP 1, SP 2 and EN 1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

**RECOMMENDATION:** That the development be Approved subject to no adverse comments from Anglian Water and subject to the following condition(s):

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

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

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

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

3. No development 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. 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; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);

schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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

5. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 0022 dated November 2010, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and to accord with National Guidance PPG 13.

6. No development shall take place before a scheme has been agreed in writing by the Local Planning Authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied or in accordance with a phasing arrangement to be first agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety of the users of the public highway and the safety of the users of the site and to accord with national policy PPG 13.

7. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 0022 dated November 2010. (Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.)

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and to accord with national policy PPG 13.

8. 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 extension, enlargement or other alteration of the building(s) 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, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off with fencing in line with the guidelines in BS 5837 (2005) Trees in relation to Construction 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.

10. Before development commences a working design, methods statement and timetable of works to mitigate any undue adverse effects to great crested newts shall be submitted to and agreed with your Authority and shall be carried out as part of the development.

Reason: In the interests of the protection of protected species.

11. Any trenches dug during on site operations that are left open overnight should include a sloping end or escape ramp to allow badger (or any other animal to escape). Pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of the protection of protected species.

12. 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

Reason: In the interest of the protection of protected species.

13. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted protected species survey conducted by EMEC Ecology dated December 2010.

Reason: In the interests of the protection of protected species.

14. Building operations shall not be commenced on site until details of the existing and proposed ground levels within the site, and finished floor levels of the proposed buildings, together with the existing floor and ground levels of adjoining properties have been submitted to and approved in writing by the local planning authority.

Reason: To protect the character of the area and visual amenity in accordance with the adopted policy EN1 of the South Kesteven Core Strategy.

#### Note(s) to Applicant

1. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information
3. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

\* \* \* \* \*

Applicant	<b>Mr Patrick Armstrong</b> 17, Church Lane, Caythorpe, Grantham, Lincolnshire, NG32 3DU
Agent	Mr Tony Sharpe The Olde Barn, Church Walk, Brant Broughton, LINCOLN, LN5 0SN
<b>Proposal</b>	<b>Detached double garage</b>
<b>Location</b>	<b>17, Church Lane, Caythorpe, Grantham, NG32 3DU</b>
App Type	Householder Development
Parish(es)	Caythorpe

## REPORT

### Application Category

This application is categorised as a 'household' application.

### Reason for Referral to Committee

This application has been referred to the committee at the request of Caythorpe and Frieston Parish Council as it is considered to be locally controversial.

### The Proposal

The proposal is for a non-commercial detached double garage located to the north side of the elevation of the existing two storey dwelling at 17 Church Lane in Caythorpe, Grantham.

The proposed development will be to the front of the two storey detached dwelling within a residential setting. It will provide cover during inclement weather and warmer periods for parked vehicles. The scale of the proposed development will be 5.5m by 5.5m within the cartilage of an unlisted property on the south side of Church Lane. The opening of the proposed development would face southwards, away from the road. It will be constructed of natural stone and reclaimed pantiles which will match the host property and be in keeping with the adjoining properties.

The land on which the garage is to be located is approximately 1.0 m higher than the road and appears prominent in views southwards along Waterloo Road, where it approaches Church Lane. It is less prominent in views east and west along Church Lane itself as it largely screened by buildings, the majority of which are positioned right up to the edge of the public highway.

## **The application site and its surrounding**

The host property (No.17 Church Lane) is a two storey detached dwelling within the residential conservation area of Caythorpe in Grantham. The existing dwelling has a white rendered facing finish with a pitched roof. There is a gravelled driveway to the side of the existing dwelling which leads to the rear garden. Dotted around the existing dwelling are numerous overgrown shrubs, trees and hedging. It must be noted the existing building will be set back from the road hence the only accessible route to the site for the applicant is by way of the front elevation of (No.17 Church Lane).

Caythorpe has been designated a conservation area. Other dwellings in the vicinity are single and two storey dwellings which share similar characteristics in design, scale and materials. Even though the existing dwelling is set back from the street it is nevertheless visible from the street scene (highways) and it is felt that it is important to note the surrounding area.

## **Relevant Planning History**

S09/ 2101: Erection of detached family annexe with integral garage (amendment S09/0640) – Granted – 09/11/2009.

S09/0640: Erection of detached family annexe with integral garage- Granted – 8/05/2009.

S08/0783: Erection of dormer dwelling detached garage and access – Refused- 15/08/2008.

S08/0048: Extension and alterations to dwelling- Granted – 08/05/2008.

S07/0608: Single storey extensions and garage – Granted- 12/06/2007.

S07/0146: Erection of dwelling and alteration of existing access – Refused – 20/05/2007.

DC/08/0018: Discharge of condition 2 (materials) of S08/0048- Granted- 02/07/2008.

## **Representations Received**

Parish Council: Objection on the grounds of ‘visual impact and over intensification of the area.’

Highways Department: No objections/ observations.

South Kesteven District Council’s Conservation Team: No objections/ observations.

PROW (Public Rights of Way): No objections/ observations.

South Kesteven District Council Heritage Team: No objection subject to conditions

## **Representation as a result of publicity**

The seven neighbours were notified on 3rd February 2011 and this resulted in four letters of objection on the following grounds:

Overlooking: The proposed development would alter the 'look of the property' from the street scene.

Impact on daylight: Restriction on natural daylight to adjoining property (Impact on view from windows at the front and the side of our dwelling (and neighbouring properties)

Impact on landscape: The building work, there are significant changes. For examples, part of the development phase was to transform what were previously a lawn area at the front of the property into a fenced –off gravel /patio area. It has impacted on light and transformed the view from objector's window. Objector notes the proposal will be located within a conservation area and the fences and gravel is not in keeping with the 'vernacular landscaping`

Traffic movements: The proposed development will increase in noise

Visual impact

Over development: The applicant has applied for numerous additions to the dwelling which has increased the development and the proposed development will be converted onto an annexe at a later date. It will cause traffic movements.

Impact on privacy: Another objector also commented that the proposed development will 'dwarf' the adjoining neighbouring parts and subsequently restrict both light and view. There is planning consent to build a dwelling (with connected power) to the rear of the extended property; this could easily be replaced with the twin garage. This would impact on the view from any of the other residences, including ours, nor would it be visible from the road.

## **Planning Considerations**

### National Policy

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 5 (PPS5): Historic Environment.

### Local Policy

South Kesteven District Council Core Strategy (EN1)

## **Officer Evaluation**

### **Key Issues**

Overlooking (privacy) and Impact on daylight to adjoining properties.

The proposed development is for a detached garage to the front of detached dwelling in Caythorpe conservation area. The scale and the orientation of the proposed development will not overlook onto neighbouring properties. There is good separation distance between the garage and surrounding properties and its modest scale ensures that there would be no adverse impact on the residential amenities of the occupiers of the adjacent property. The low height (4.4 metres to eaves) and south facing aspect ensures that there would be no adverse impact from overshadowing or overbearing impact on the residential amenities of the occupiers of the adjacent property.

### Landscaping Concern

There are numerous plantings dotted around the applicant's dwelling but there was not a tree preservation order placed on site.

### Traffic Movement / Public Safety/Noise

The Objectors felt that the proposed development would increase noise and traffic movement within Caythorpe. However, Lincolnshire County Council's Highways Authority was consulted on 3rd February 2011 and after careful examination of the site and the plans; they were satisfied with the proposal and raised no objection.

### Visual Impact

The street scene is a picturesque setting with historic buildings located within Caythorpe. It consists of well spaced out dwellings on plots of various shapes and sizes. The proposed double garage will be located to the front of the (17 Church Lane). It is safe to say that the proposal would not have any visual impact on the dwellings in the vicinity, bearing in mind that the proposed garage will be located to the front of the applicant's large paved drive. It is considered that the proposal enhances the local setting and there are no planning objections.

### Future development

The objectors commented that the applicant at the host dwelling would be further developing the plot at a later date (i.e. into an annexe) and as a result will cause traffic problems. South Kesteven District Council Development and Control (Planning Department) have no knowledge of the applicant future aspiration for the site.

### Non planning material considerations

The objector commented on the proposal that; the plans were not uploaded onto the website. The applicant would look at the adjoining neighbour's damp wall. Previous repairs to the garden walls have not been complete so this proposal should not go ahead, the host dwelling is being developed for resale, change a garden area into a car park.

## **Crime and Disorder Implications**

The application will not raise any significant issues.

## **Human Rights Implications.**

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

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

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

The proposed development has aroused a lot of attention from numerous consultees. The proposed development will be to the front of a two storey detached dwelling within a residential setting. It will provide cover during inclement weather and warmer periods for parked vehicles. The proposal accords with the provisions of National Policy and the South Kesteven District Council Core Strategy and it should be approved with conditions.

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

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

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

2. The development shall be built in accordance with the materials detailed on the submitted application forms 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).

### Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Mr W McIntosh</b> 72, Dudley Road, Grantham, Lincolnshire, NG31 9AA
Agent	Brian Johnson 18, Tanners Lane, Corby Glen, Grantham, NG334NA
<b>Proposal</b>	<b>Conversion of dwelling to 2 self contained flats</b>
<b>Location</b>	<b>72, Dudley Road, Grantham, Lincolnshire, NG31 9AA</b>
App Type	Full Planning Permission
Parish(es)	Grantham

## REPORT

### Application Category

This application is categorised as a 'full' application.

### Reason for Referral to Committee

This application has been referred to the committee at the request of the Lead Professional for the Council and Councillor Cook as it is considered to be locally controversial.

### The Proposal

The proposal is for the conversion of a semi –detached dwelling to two self contained flats at 72 Dudley Road in Grantham in Lincolnshire. The basement will structurally remain as the existing building. The staircase is to be partitioned off to the ground floor and a utility room. There will be no change to the ground floor. The first floor bathroom is to become a bedroom and the existing rear bedroom changed into a smaller bathroom and box room.

Dudley Road also accommodates other residential dwellings (C3) and shops (A1). The proposed development is accessible remains unchanged. Flat 1 is via the north side of the dwelling and Flat 2 is via the west side of the dwelling. The vehicular access to the site is by dropped kerb to hard standing and the pedestrian access is by footpath along the west side of Dudley Road.

The external appearance will remain unchanged.

### The application site and its surrounding

The application site is a semi-detached dwelling which is typical of dwellings situated on the west side of Dudley Road. On the east side directly opposite number 72 Dudley Road, the dwellings are of a terraced style or are semi-detached dwellings. The host dwelling consists two reception rooms, WC/ shower and utility, access is from the rear of the dwelling. The ground floor comprises two reception rooms, hall/ stairs and a kitchen, access is from the north side of the dwelling. The first floor comprises of two bedrooms, landing/stairs and large bathroom. Externally to the west is a large garden of various levels

down to the river, to the north side is a single garage and hard standing for a further two to three vehicles

### **Relevant Planning History**

N/A

### **Representations Received**

Councillor Cook: Objections on impact of limited parking.

Highways Department: Objections on the ground it will increase on-street parking and thereby interfere with road safety and free flow of traffic in Dudley Road. Also there are insufficient details highlighting and justifying parking provisions for three spaces.

South Kesteven District Council Environment Protection: No response at the time of writing this report

### **Representation as a result of publicity**

Nine neighbours were notified on the 3rd February 2011 and there were no responses.

### **Planning Considerations**

#### National Policy

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

#### Local Policy

South Kesteven District Council Core Strategy (EN1)

### **Officer Evaluation**

#### **Key Issues**

Traffic Movement / Public Safety

Highways Authority and the local councillor both raised concerns regarding parking issues in Dudley Road. The agent has responded that there is sufficient parking area for three vehicles, a garage at the rear of the property and an additional parking space. The applicant went on to comment that other properties on the road use this facility, which would then increase the parking to comfortably park four cars within his boundary. He further elaborated that the proposal will not increase the footprint as it is an additional bedroom to the first floor level. The Highways Authority acknowledged the additional

information but was still adamant and stood by its original decision. A representative wrote, 'I have read the comments submitted by the applicant but it's not really a case of querying the parking spaces. It's also a case of how they will work - no turning provided.

For example, is flat one going to have to liaise with flat 2 each and every time they need to take the car off the private drive. My reasons for refusal still stand.'

However, from observation there does not appear to be any critical parking issues in the vicinity. The parking arrangements shown are no different to the most of the properties in the area. It is considered that the proposal is acceptable

#### Enforcement Issues

A local councillor commented that work had started on the application site. South Kesteven District Council's Development and Control (planning department) notified the Enforcement Team and an officer visited the site. The officer confirmed that internal works had commenced but there was no evidence that external work had started.

Non planning material considerations

N/A

#### **Crime and Disorder Implications**

The application will not raise any significant issues.

#### **Human Rights Implications.**

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

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

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

The proposed development will convert a dwelling into two self-contained flats and provide parking arrangements for three cars on the application site. The current parking arrangements and traffic entering and leaving the application site have been documented but there is no overwhelming evidence to warrant application for refusal. The proposal accords with the provisions of national policy and the South Kesteven District Council Core Strategy and it should be approved with conditions.

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

2. 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.

Note(s) to Applicant

3. Please note that this grant of planning permission does not override any civil legal matters relating to the Party Wall etc Act or legal covenants, issues on which you should seek independent legal advice.

\* \* \* \* \*

Applicant	<b>Mr B Herrod - Planning Manager, Bovis Homes Ltd</b> Bromwich Court, Highway Point, Gorse Lane, Coleshill, West Midlands, B46 1JU
Agent	
Proposal	<b>Application Order Section 73 of the Town and Country Planning Act for residential development (to not comply with Condition 8 of application S05/0220/35 relating to affordable housing)</b>
Location	<b>Former Impress Factory site, Springfield Park, Grantham</b>
App Type	Major Outline (Residential)
Parish(es)	Grantham

## REPORT

### Application Category

This is an application to vary a condition of a major outline application. As such the application is categorised as a major application.

### Reasons for referral to Committee

The application is a major application of more than local significance.

### The Proposal

This application relates to the variation of condition 8 of outline planning permission S05/0220. This condition reads:

No house shall be occupied until the details of arrangements for the provision of affordable housing, at a level of 30% of the total number of dwellings, as part of the development have been submitted to and approved in writing by the Planning Authority, and such details shall include:

- i) the type and nature of the affordable housing provision to be made;
- ii) the areas within the site to accommodate the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
- iv) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

No more than 50% of the total number of market houses approved under any future Reserved Matters application shall be occupied until the affordable housing has been

constructed and either allocated or transferred to a registered social landlord or registered housing association, in accordance with the approved occupancy criteria.

The requested variation is to revise the provision to 25%.

### **The application Site and its Surroundings**

The site is located on the northern side of Springfield Road. The site is a former industrial use and was occupied by a sizeable factory. This has been demolished to allow the residential development. The site is predominantly flat with a small drop in levels from Springfield Road to the northern corner of the site.

A number of properties have been constructed on the site some of which are occupied.

### **Representations Received**

#### Community Archaeology

The application does not affect any known archaeological sites.

#### Partnerships Project Officer

With reference to the above application to vary the S.106 agreement to reduce the affordable housing numbers from 74 to 62 due to the viability of the site.

The original agreement related to the provision of 74 affordable units (49 x 2 bed flats, 20 x 2 bed houses and 5 x 3 bed houses).

Since the agreement was signed the collapse of the financial market has had a serious impact on the viability of the site.

The Council and its approved affordable housing partners have worked with Bovis to deliver the affordable housing on the site. Various ways have been employed to deliver the affordable housing including the change of unit sizes and location on the site. 62 affordable units have now been delivered on the site and handed over to two affordable housing partners, Cross Key Homes and Muir Group. The units consist of 22 x two bedroom flats, 30 x two bedroom houses and 10 x three bedroom houses. This has produced a better mix of properties on the site in terms of size, unit type and location. All 62 units have been built and handed over to the respective registered housing providers.

However, despite all our efforts it has not been possible to provide the remaining 12 affordable units. The main reason being the financial viability of the site to provide further affordable housing units. To this end, a viability assessment has now been carried out, the result of which has shown that it is not viable for Bovis to provide the remaining 12 affordable homes on site.

The application to vary the S.106 agreement and Condition 8 of the planning permission from 30% affordable housing on site to 25% affordable housing on site is acceptable.

## **Representations as a result of Publicity**

The application has been advertised in accordance with the adopted statement of community involvement. No letters of objection have been received.

## **Relevant Site History**

S05/0220 – Outline Planning Permission was granted for residential development of the site on 3rd March 2006. This application was accompanied by a Section 106 legal agreement securing Affordable housing, open space/play areas, education contributions, CCTV/Town Centre Enhancements, Highway works and highway contribution.

S06/1546 – Variation of Condition 12, 13, 14, and 15 of S05/0220. To allow development to commence before certain highway improvements are undertaken but no occupation of dwellings.

S07/0749 – Application for residential development was withdrawn on 11 December 2007.

S07/0588 – Approval of Reserved Matters for 246 dwellings was approved on 21st November 2007.

## **Applicants Submission**

The applicant has submitted the following information in support of the application. A summary of the contents of the supporting letter is listed below:

“Bovis Homes secured approval of reserved matters for the construction of 246 homes pursuant to reserved matters application S07/0588 on 21st November 2007, and the development is now progressing.

At that stage it was agreed with the Council’s Housing Strategy Officers that the development would provide 74 affordable units (30%). Subsequently the tenure mix has been revised and a revised mix of 62 units representing 25% provision has been agreed. I enclose an extract of an e-mail to confirm this revision from the Partnerships Project Officer:

I am please that a solution has finally been found and that you are working with Muir Group Housing Association to deliver 33 affordable housing units on Springfield Road, Grantham. The units below are as per our many discussions. This leaves a balance of 12 affordable units from the original S106 agreement for 30% affordable housing on site.

Also that despite all our efforts no housing association was willing to take on the management of 40 flats in one location for rent and that the collapse of the financial market meant that shared ownership was not an option. We then discussed a change to the affordable unit types and once again contacted the housing associations and interest was shown in the units. However, it was established that the Homes and Community Agency (HCA) were not in a position to assist with grant because units did not meet Code Level 3

and the site was not part of Grantham Growth. Finally, an agreement has been reached with Muir Group Housing Association for 33 units.

The original affordable housing units comprised 49no. 2 bed flats, 20no. two bed houses and 5no. 3 bed houses.

29 units have been delivered so far, 10no. two bed flats, 14no. two bed houses and 5no. 3 bed houses.

In total this revision will provide 22no. 2 bed flats, 30no. 2 bed houses and 10no. 3 bed houses (62 units in total).

This would provide a greatly improved mix of affordable housing on the site in terms of unit type, size and location from the original proposal and offers a far better choice and will be more sustainable in terms of housing management”.

## **Policy Considerations**

### National Guidance

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPG13 – Transport

PPS25 – Development and Flood Risk

### South Kesteven Core Strategy

SP1: Spatial Strategy

This policy is aimed at directing the majority of all new development towards Grantham to support and strengthen its role as a Sub-Regional Centre.

SP4: Developer Contributions

The Council will enter into planning obligations with developers to secure the provision of (or financial contributions towards) infrastructure and community benefits which the Council considers are necessary in the conjunction with development.

Site specific requirements will be secured using dedicated Section 106 Agreements negotiated on an individual site basis. Facilities provided by such agreements will normally be located on-site but may, exceptionally, be provided nearby.

EN1: Protection and Enhancement of the Character of the District

This policy looks to control development to ensure that it is appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

## EN2: Reducing the Risk of Flooding

Planning permission will not normally be granted for development which is likely to be at risk from flooding, or which will increase the risk from flooding elsewhere. Development which would result in an adverse impact on the water environment due to surface run-off should also be resisted. The local authority will seek to bring about an overall reduction in flood risk through development.

## H1: Residential Development

Housing growth should be focused on Grantham to deliver social and economic aspirations of Grantham Growth Point Partnership.

## H3: Affordable Housing

All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development 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 socially rented and intermediate housing appropriate to the current evidence of local need.

## **Key Issues**

The main issues for considerations in relation to this application is whether or not there is justification to allow a reduction in the provision of affordable housing on the site.

A development appraisal has been submitted to demonstrate that, in the current economic climate the delivery of the remaining affordable units would render the scheme unviable. As such it is considered acceptable to permit the aforementioned condition to be varied to allow the number of affordable units to be reduced by 12 to an overall level of provision 25% instead of the 30%. This view is supported by the Partnerships Project (Affordable) Officer.

As such it is considered reasonable to allow the level of affordable housing provision to be reduced to 25%. All other relevant conditions will be carried over to this new permission to ensure that the development is undertaken in accordance with the approved plans. There is also a requirement for a deed of variation of the existing Section 106 to ensure that all the other developer contributions and requirements remain.

## **Crime and Disorder Implications**

It is considered that the proposed development would not give rise to any significant Crime and Disorder Issues.

## **Human Rights Implications**

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

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

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

The proposal relates to the variation of condition 8 of planning permission S05/0220 to allow the level of affordable housing provision on the site to be reduced from 30% to 25%.

The submitted appraisal demonstrates that it is not viable for 30% affordable housing to be provided by the scheme. All other matters relating to the development remain unchanged.

It is therefore considered that the proposed development is in accordance with National Policy Guidance PPS1, PPS3, PPG13 and PPS25, Policies SP1, SP4, EN1, EN2, H1 and H3 of the adopted South Kesteven Core Strategy. It is considered that there are no material considerations that indicate a decision should be taken otherwise.

## **Recommendation 1**

That the application be deferred to the Lead Professional in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions as per planning permission S05/0220, subject to the reduced level of affordable housing to 25% and subject to the following conditions:

## **Recommendation 2**

Where the agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and where in the opinion of the Lead Professional acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

1. The development hereby permitted shall be undertaken in accordance with the approved reserved matters (Planning Reference: S07/0588).

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

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

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

3. No dwelling shall be occupied (apart from those works identified on drawing no. B/B0267900/SR/06 received by the local planning authority on 17th November 2006 for the provision of a ghost island right turn lane or as specified) before the works to improve the public highway (by means of a ghost island right turn lane) have been certified completed by the local planning authority.

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

4. No dwellings (or other development as specified) shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays as shown on drawing B/B0267900/SR/06 dated 17 November 2007 has been completed.

Reason: To ensure a satisfactory form of development and in the Interests of highway safety.

5. There shall be no direct means of vehicular access to the development from Springfield Road apart from that for the main site access as shown on the Drawing No.B/B02267900/SR/06 received on 17th November unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory form of development and the interests of highway safety.

6. The development shall be constructed in accordance with the submitted materials schedule and the amended plan Drawing No. GRAN-02-300 received by the local planning authority from the applicant's agent on 17 July 2007.

Reason: In the interests of visual amenity.

7. This permission shall be read on conjunction with the submitted application and the amended plans Drawing No. GRAN-02 0232 Rev C Bin stores and garages,

Drawing No. GRAN-02-100RevH received by the local planning authority from the applicant's agent on 6 November 2007.

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

8. The landscaping of the development hereby permitted shall be undertaken in accordance with DC/08/0042 and DC/08/0041 approved on 13 November 2008.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species, unless the District Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to ensure satisfactory landscaping of the site.

9. The surface water drainage scheme on the site shall be undertaken in accordance with the approved details S09/0097/DC granted on 15th January 2009 and the surface water drainage details approved by details S09/0170.

Reason: To prevent the increased risk of flooding and to provide a satisfactory means of surface water drainage on the site.

10. Noise attenuation/mitigation measures shall be undertaken in accordance with the approved details as per S09/0097/DC dated 15th January 2009.

Reason: To ensure a satisfactory form of development and to protect the residential amenity of occupiers of the site.

11. The development hereby permitted shall be undertaken in accordance with the approved flood risk assessment planning ref: S09/0170 approved on 27th February 2009.

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

12. The boundary treatments on the development hereby permitted shall be in accordance with Drawing No. GRAN-02-100 Rev G unless otherwise agreed in writing by the local planning authority.

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

13. Within a period of 3 months from the date of this permission details of arrangements for the provision of affordable housing, at a level of 25% of the total number of dwellings, as part of the development shall be submitted to and approved in writing by the local planning authority, and such details shall include:

- i) the type and nature of the affordable housing provision to be made;
- ii) the areas within the site to accommodate the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers if the affordable housing;
- iv) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

No more than 50% of the total number of market houses shall be occupied until the affordable housing has been constructed and either allocated or transferred to a registered housing association, in accordance with the approved occupancy criteria.

Reason: In order to allow for adequate levels of affordable housing within the sate.

14. Contamination on the site shall be treated in accordance with the approved validation report Ref: 3RL00076-002R dated January 2008 and the remediation and validation actions as outlined in the letter from Mr P Rogers dated 22 February 2008, unless otherwise agreed in writing by the local planning authority. Including the works identified in the phase I and II Geo-Environmental Investigation (STLJN0145, April 2007).

Reason: To ensure a satisfactory development and to ensure the proper treatment of any contamination present on the site in the interests of public and environmental safety.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Mr M Houlihan, Mama Liza Ltd</b> 9A, North Street, Stamford, PE9 1EL
Agent	Mr M Hubbard, Antony Aspbury Associates Limited 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW
Proposal	<b>Change of Use of the premises from an A3 restaurant with ancillary bar to mixed A3/A4 (restaurant, bar) use of the entire premises with use of the basement area as a venue for the playing of live and recorded music and as a comedy club</b>
Location	<b>9A, North Street, Stamford, PE9 1EL</b>
App Type	Full Planning Permission
Parish(es)	Stamford

## REPORT

### Application Category

This application is categorised as a other application.

### Reason for Referral to Committee

The Council's Acting Lead Professional has requested that this application be referred to the Development Control Committee as it is considered that the application is locally significant.

### The Proposal

This is an application to change the use of the premises from a restaurant (A3) with ancillary bar to mixed restaurant and bar (A3/A4) with use of the basement area as a venue for the playing of live and recorded music and as a comedy club (sui generis).

### The Application Site and its Surroundings

The application property is located on the south side of North Street, Stamford, which is the main road (A6121) that runs to the north of, and bypasses, the town centre. Immediately to the west of the site is a private car parking area for the wine merchants premises located on Broad Street. Opposite the site to the north are retail premises including a hot food takeaway and a shop with its associated storage and display area. To the east and south east of the site are the Catholic Church of St. Mary and St. Augustine, its associated land and the Priest's residence (the Presbytery), all of which front Broad Street to the south. There is, however, a private access to the Presbytery from North Street. To the south east of the application site are employment offices, which also front Broad Street.

Mama Liz's 9a North Street, Stamford occupies a three storey building fronting on to North Street which was formerly a warehouse attached to the wine merchants which fronts Broad Street to the south. Because the land drops away to the south, its basement level is at the ground-floor level of properties fronting Broad Street. These include in particular, an annexe to the presbytery to St Mary and St Augustine Roam Catholic Church which the basement shares a party wall on its southern and eastern sides.

## **Relevant Site History**

SK.97/0834/69 – Planning Application – Change of Use B1 (Business) to A3 (Food and Drink) Approved subject to conditions 7th October 1997.

SK.98/0192/69 – Planning Application – Extension to existing warehouse building with A3 restaurant use. Approved subject to conditions 26th April 1999 (Permission not implemented).

S02/0462/69 – Planning Application – Alteration to restaurant and conversion of 1st floor to residential. Approved subject to conditions 13th May 2002.

On the 15 March 2010 the District Council issued an enforcement notice against the applicants Mama Liz's Ltd. The enforcement notice was served in respect of the following breach of planning control:

“Without the benefit of planning permission, the making of a material change of use of the premises from restaurant with ancillary bar to a mixed use of the premises as a restaurant with ancillary bar and music/comedy club and related uses including the live and recorded music which is currently operating in the basement of the premises.”

The applicant's appeal against the enforcement notice and the Secretary of State's Planning Inspector dismissed the appeal and upheld the enforcement notice with a correction and variation deleting the words “and other uses” on 3rd December 2010.

The Council's Environmental Protection Team served an Abatement Notice in Respect of a Statutory Nuisance under the Environmental Protection Act 1990, Section 80 on 26 February 2009 following a complaint about noise from the occupier of the Presbytery.

Following ongoing monitoring the abatement notice was breached and on the 16th November 2009 a non-key decision was made to undertake legal proceedings against the person responsible for the noise nuisance at Mama Liz's. Mama Liz's pleaded guilty and was fined £2000 as a result of the prosecution.

## **Policy Considerations**

### National Planning Policy

PPS1: Delivering Sustainable Development  
PPS4: Planning for sustainable Economic Growth  
PPG24: Planning and Noise

## East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 22: Regional Priorities for Town Centres and Retail Development

## South Kesteven Core Strategy 2010

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

Policy E1: Employment Development

### **Representations Received**

Heritage Lincolnshire: The development does not affect any known archaeological sites. No objections.

Stamford Town Council: No objections in principle, but an essential pre-requisite is the installation of noise and vibration proofing, to a degree acceptable to people living in the adjoining premises and within the immediate vicinity. It is recommended that this application is decided by SKDC Development Control Committee.

Environmental Protection Officer:

“I have made an initial assessment of the application and noise survey and impact assessment dated 22 June 2010 undertaken by Dave Ball Acoustic Services.

The assessment was undertaken during an evening of entertainment which was stated to be blues rock bands and reproduced music. I am concerned that this did not represent the worst case scenario as the report describes the acts as “relatively loud although not of the ‘heavy metal’ genre and its associated volumes”. These type of bands are likely to result in a higher level of low frequency breakout than has been reported.

The report found unacceptable levels of noise in the adjacent property. Contrary to Town Planning Statement, I consider the study to be a habitable room and a room which could equally be used as a lounge or other habitable room by the occupier.

The report suggests further mitigation measures which could be undertaken in addition to those already in situ. It suggests that work could be done to improve the insulation from the receiving room side i.e. the presbytery study, kitchen and utility rooms. I do not believe that this can be considered within this application as it would be outside the scope of any potential planning conditions and as such I have discounted this option.

The owners have undertaken work to insulate the two properties, although the work has not been fully implemented and many of the suggestions in 6.2 of the report should ideally already have been undertaken. The work thus far failed to resolve the problem of noise breakout.

A noise limiter was fitted at the premises and a suitable level of 92dB(A) was agreed with owners as a cut off for music within the basement. However, para 5.9 of the Town Planning Statement suggests that this has been increased to 103dB(A) by the owners and without consultation. This shows a clear disregard for the agreed limit which was set with the aim of preventing breaches of the noise abatement notice. The notice was served on the premises in 2009 and for which they have already been prosecuted on one occasion for breaching.

The suggestion of constructing a “room within a room” to isolate the stage completely and the completion of all other suggestions in 6.2 may provide a suitable solution for the live music element. However given that the construction of the ceiling is unknown this would need to include new walls and an independent dropped ceiling as well as a floating stage to isolate the whole thing from the floor. The size of the room, vaulted ceiling and pillars may make this option impractical to achieve.”

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

The application has been advertised in accordance with the Council’s Statement of Community Involvement and 4 letters of objection have been received. The comments raised are summarised below:

The noise coming from Mama Liz’s is ridiculous at the weekends and affects my sleep. I do not think there should be a bar, let alone a live music venue or deejay venue so close to many houses and flats, particularly older residents.

I live directly across the road opposite Mama Liz’s, no more than 30 feet and have grave concerns about their plan. I can hear loud music coming from there most Fridays and Saturday nights. I am living at an elevated position so the noise really is unacceptable within such a residential area.

You can hear people shouting and jostling in their courtyard, dance music beats and bass from the basement and live music drone until the early hours of the morning. I have problems sleeping and have raised my concerns before.

The club’s application does not just concern a hypothetical noise. For several years it made a real unpleasant amplified noise that affected many people, and will continue to do that again if you grant this application.

My husband and I have been personally affected by the noise from this nightclub/bar. We live on the corner of Kings Road and Princes Road. On a bad night, noise from the amplified music travels up Recreation Ground Road/Kings Road straight to our house, and continues into the small hours of the morning. It is very, very disturbing.

I know the noise caused the previous occupant of the Presbytery to almost have a nervous breakdown from sleep deprivation. If you give permission again, it may do the same for the present occupant. As you know, the Presbytery and Mama Liz’s have adjoining walls. Surely a night club/bar should never be allowed adjoining a residential dwelling.

In the next two or three years there will be two residential developments very close to the club: the old Darby and Joan club right opposite, and the old Salvation Army centre a few yards down. The occupants of these will almost certainly complain about the noise from the club if this application goes ahead.

If such levels of amplified music came from a residential house every weekend until 2 am or later, you would rightly put a restraining order on it.

When the fair comes to the Recreation Ground, they have to stop all noise by about 11pm. Why is a night club allowed to continue until 2am or later?

Could Mama Liz's perhaps either install much better sound insulation or stop all amplified music by midnight? I have no problems with the club itself, just with the noise it makes that disturbs other people.

I object to this application strongly on noise pollution grounds. I live next door to this venue and the noise is terrible every weekend and affects my sleep.

I am writing to object about Mama Liz's in North Street Stamford. I live no more than 20 feet away and experience noise, drone and disturbance every weekend since they opened. Their venue is not suitable for late night music and many of my fellow residents agree.

Kirby Charles Associates Limited have been instructed by the Roman Catholic Diocese of Nottingham to make comment on the proposed change of use application and in particular the submitted Noise Survey and Impact Assessment Report. The conclusions to their assessment is copied in full below:

"3.1 The Live Music Venue Noise Survey and Impact Assessment carried out by Dave Ball Acoustic Services in June 2010, of the music produced by live bands and reproduced music in the basement Voodoo Lounge of Mama Liz's Ltd, 9A North Street, Stamford, confirms that there is a noise nuisance inside the priest's residence at the Catholic Church of St Mary and St. Augustine, Stamford, especially the low frequency when assessed against the guidance in The Good Practice Guide to the Control of Noise from Pubs and Clubs.

3.1 Mama Liz's Ltd previously failed to provide an adequate sound insulation scheme to prevent breakout of noise, especially low frequency noise, from music produced by live bands and reproduced music at their Voodoo Lounge.

3.2 Mama Liz's Ltd has not produced any sound insulation scheme to improve their existing scheme within the Voodoo Lounge.

3.3 Mama Liz's Ltd only option to control the low frequency breakout would be to construct a completely isolated room within the existing Voodoo Lounge.

3.4 The suggestion in the report that the noise breakout could be controlled by treating the receiving rooms in the Priest's residence would be unacceptable as it significantly reduces the area and volume of the rooms.

3.5 Mama Liz's Ltd has failed previously to adhere to the noise limits set by the Local Authority to control the music noise within the Voodoo Lounge.

3.6 Without the installation of a room within a room, it is considered that the application for the change of use of the premises located at 9A North Street, Stamford, Lincolnshire, from an A3 Restaurant Use with Ancillary Bar to a Mixed A3 / A4 Use of the entire premises, with the use of the basement area as a venue for the playing of live bands and recorded music and as a comedy club should be refused."

Sutherland Craig Partnership have also been instructed by the Roman Catholic Diocese of Nottingham to make comment on the proposed change of use application. Their comments are copied in full below:

"We act on behalf of the Diocese of Nottingham, whose property abuts the application site, and thank you for your consultation in respect of the proposed change of use to A3 with live music in the basement.

Our clients are very concerned that the development will have a significantly adverse effect on the pleasant enjoyment of their premises and wish to OBJECT to the proposals.

We are considering the information which was submitted by the applicant in support of the application and in particular the acoustic report. In this respect our clients are seeking help from a specialist acoustics engineer with a view to carrying out their own noise assessment in the context of the report, findings and recommendations offered by the applicant in support of the application.

An initial indication from the data submitted with the application is that the remedial measures offered will not be adequate to overcome our client's concerns and that the application should be refused.

In view of the history associated with the applicant's use it is our intention to lodge a full response once the acoustic information has been collected. Until and unless measures can be identified which will totally eliminate the noise nuisance our client's wish to maintain their OBJECTION.

No doubt your Council's own Environmental Health Officer will be carrying out an assessment of the submitted data but we would ask that we be given time to submit our own data and present our own conclusions so that our client's interests can be fully respected. We are endeavouring to carry out the acoustic assessment as soon as possible but trust that you will allow time for this to be lodged should it not be available by the 22nd February."

The Local Member of Parliament Nick Boles has made the following comments in relation to the application:

"I am writing to you on behalf of my constituent, Michael Houlihan, who has submitted a planning application for Mama Liz's, 9A North Street, Stamford PE9 1EL, for change of use of the premises from A3 restaurant with ancillary bar to mixed A3/A4 use of the entire premises with the use of the basement area as a venue for the playing of live and recorded music as a comedy club.

I have been informed that this enterprise employs forty full and part-time members of staff with the kitchen being supplied by around fifteen local businesses. The bar is supplied by ten different drinks companies and local breweries. Whilst I have no comments on the planning issues raised in the application, I would urge you to give due consideration to the importance of supporting local employment, at a time when jobs are scarce and the local economy is still very fragile.”

The Applicant’s Agents Antony Aspbury Associates Limited has submitted a Town Planning Statement in support of the application. The conclusion from the statement is copied in full below:

“9.1 We have acknowledged that there have been issues with noise nuisance to the neighbouring, predominantly as a result of the basement area to Mama Liz’s, the Voodoo Lounge, being used as a live music venue. To a large degree the business relies on the use of the basement part of the premises for this purpose, along with its use for the playing of recorded music and as a comedy club, in order to remain viable. The Applicants therefore need to take every step possible in order to address the concerns raised in the past, in order that planning permission can be forthcoming for the overall use of the building.

9.2 We have shown that the business clearly adds to the vitality and viability of the town centre and, as the only venue of its type within the town, acts as a popular community and social facility that appeals to locals and visitors alike and it does, therefore, play a vital role in adding to the diversity of the evening and night time economy within Stamford.

9.3 Section 5 of this Statement has shown that this planning application is fully in accordance with the national planning advice set out in PPS4 – Planning for Sustainable Growth and PPG24 – Planning and Noise.

9.4 Section 6 of this Statement has shown that this planning application is fully in accordance with Objectives 1 and 9 of the recently adopted Core Strategy, along with its policies EN1 – The Protection and Enhancement of the Character of the District and E1 – Employment Development.

9.5 Section 7 of this Statement provides a comprehensive list of all the other material considerations that should be taken into account in the determination of this application, which clearly form a case for the approval of this planning application.

9.6 Section 8 of this report lists all the measures of mitigation that can still be carried out to the premises, under the control of the Planning Authority and the Environmental Protection Team, in order to ensure that the basement area is fully soundproofed in order to prevent any future issues of noise leakage and noise nuisance to the neighbouring property.

9.7 The premises are a good local employer and the Applicants act extensively with local social groups, therefore providing great community benefits for the town. As a relatively new business Mama Liz’s is flourishing but needs to retain the use of the Voodoo Lounge in order to survive economically. It is, therefore, respectfully requested that planning permission is granted in this instance.”

The Applicant's Agent has also drawn attention to the fact that the recent enforcement appeal generated a high level of interest and support in maintaining the business and the music/comedy venue in the town. In support of this application the same written petition, containing over 900 signatures and the on-line petition which contained 1509 signatures have been submitted.

The Applicant's Agent has also submitted an email in support of the application stating the following:

"I have recently received some further correspondence from the Applicant regarding his premises, which is relevant in the determination of the current planning application.

Firstly, he has advised me that he has received a considerable amount of local support for the proposed development and that you are likely to hear from both David Brailsford (Stamford Town Council, ex Mayor of Stamford and ex Development Control Committee Member) and the local MP Nick Boles, who have both received a great deal of support for the proposal from their constituents who consider that the proposed development has a tremendous community value.

Secondly, and more importantly in showing the versatility of the venue, the Applicant has had meetings with New College Stamford, to secure an official partnership with Mama Liz's and the College. This partnership will allow Students, as part of their curriculum, to stage events at the venue, allowing them to take theory from the classrooms and have the ability of being able to produce, promote and stage a show/performance, with the chance to earn money from resulting work. Students will organise radio interviews/broadcasts, press conferences, advertising and online promotional events for real gigs in a genuine working environment. They will also have the chance to work with professional equipment and professional sound technicians through an industry standard PA system. Students will be observed by the venue promoters, within their genres, with a view to seeking the recognition they deserve and potentially secure a support slot with the high profile touring acts that are likely play in the venue. It is hoped that this partnership can commence towards the end of March 2011.

This is a really positive development for the venue, the College and the town alike, and once again accentuates the community value of the premises and the ways in which it can be used to benefit more than just paying guests on a 'band night'.

It would be appreciated if you could take the above information into account in your determination of the proposed development and provide me with an update on where we are with the application at your very earliest opportunity."

### **Officer Evaluation**

This is a full application to change the use of the premises from a restaurant (A3) with ancillary bar to mixed restaurant and bar (A3/A4) with use of the basement are as a venue for the playing of live and recorded music and as a comedy club (sui generis).

The premises have planning permission to operate as a restaurant with an ancillary bar. Mama Liz's has occupied the premises since 2008 and have operated the business as a

mixed use business since this time with the bar/ restaurant elements of the business being primarily located on the ground and first floors with the live music/comedy club operating from the basement area known as the Voodoo lounge. This mixed use was found to be unauthorised and an Enforcement Notice against the mixed use was upheld at appeal in December 2010.

This application has been submitted in order to regularise activities at the site following the recent Enforcement Notice appeal and seeks to address the environmental concerns relating to noise disturbance caused as a result of the use.

It is considered that the noise disturbance implication is the prime material consideration in the determination of this application although it is not the only issue to be considered.

A Noise Survey and Impact Assessment has been submitted in support of the application and Section 6 of the Assessment sets out a number of remedial works which have or could be installed in order to minimise the noise impact from the development.

The report indicates that the existing sound insulation provides a reduction in noise between the Voodoo Lounge and the Presbytery of up to 67dB(A). Although it is noted that the survey also shows that the existing system is perhaps not performing at its best and that a further reduction of between 9 to 17 dB(A) is required to bring the noise levels down to an acceptable level at the Presbytery.

Taking this into account the reports first recommendation in trying to improve matters is to examine the existing work that has been completed to ensure that it has been done correctly.

The report then goes on to suggest additional acoustic treatments that can be under taken to the application premises in order to further reduce noise disturbance. These include:

The fitting of acoustic absorption panels to the walls and ceilings in the Voodoo Lounge. This would primarily help acoustic in the room but would provide some additional sound insulation for adjacent properties.

Relocating Speakers and mounting and locations. Mounting speakers properly can help to minimise Bass tones which carry through ridged structures such as concrete floors. Facing speakers away from the affected walls will also help to reduce noise transition through the party walls.

Flanking Paths- Flanking paths are areas where sound transmission bypasses an acoustic insulation scheme and seriously affects its performance. Acoustic plaster can be used on the walls to help improved sound insulation and can provide as much as 15dB improvements.

Room within a Room – This creates an isolated room within a room and offers a significant noise reduction. In this particular case it would not be a full room within a room but would isolate the ceiling and party wall areas where sound can pass through to the adjacent Presbytery

The submitted assessment also suggests improvements which could be made to the Presbytery in order to further minimise noise disturbance. These have however not been considered as they would require third party land outside of the control of the applicant.

The Council's Environmental Protection Officer has considered the submitted Noise Survey and Impact Assessment and has advised that the suggestion of constructing a "room within a room" to isolate the stage completely and the completion of all other suggestions in 6.2 may provide a suitable solution for the live music element. However given that the construction of the ceiling is unknown this would need to include new walls and an independent dropped ceiling as well as a floating stage to isolate the whole thing from the floor. The size of the room, vaulted ceiling and pillars may make this option impractical to achieve.

This recommendation has been put to the Applicant and their Agent they have indicated that there is acceptance to the suggested 'room within a room' proposal subject to this being fully assessed and 'specified' by an independent noise specialist and with the works required concentrating on wither the walls and areas that adjoin the adjacent dwelling or where the work will result in an overall reduction in noise escaping from the premises. They have also confirmed that the noise limiter will be reduced back down to 92dB(A) if this is the upper noise limit that will keep the noise from the premises from breaching the noise abatement notice.

The general thrust of planning policy and guidance is to support local businesses and to encourage economic growth unless there are material considerations which indicate otherwise. In this particular case Members need to consider the desire to help support an existing local business against the need to protect the residential amenities of the occupiers of adjacent residential properties from noise disturbance.

This is clearly a finely balanced application. The existing business has as a result of the live music events and the playing of recorded music caused significant noise and disturbance to the occupier of the adjoining Presbytery which shares a party wall with the Voodoo Lounge element of the building. It is however noted that the Environmental Protection Team have not received any other complaints in relation to noise and disturbance although four objections have been received in relation to this application.

The business is however clearly a successful local enterprise which has some wider social benefits and there is clearly local support for the business which can be seen in the number of signature contained in the petitions submitted in support of the recent appeal against the enforcement notice.

On balance and following the advice from the Council's Environmental Protection Officer it is considered that the application can be recommend for approval subject to the imposition of a carefully worded condition which requires the submission of further details in relation to the noise attenuation measures and that these are installed and checked on site with further monitoring before the basement venue known as the Voodoo Lounge is used for any events relating to live or recorded music or amplified sound.

A condition restricting the premises such that the live, recorded music (excluding background music) and comedy club element of the use shall only take place in the sound proofed basement area of the premise.

It is also recommended that an additional condition restricting the playing of live or recorded music to between the hours of 09:00hrs and 02:30hrs, with a seasonal exception to allow an extension to 03:00hrs on New Years Eve. These hours are the same as those included in the applicant's entertainment license.

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

A Section 106 is not required in relation to this application.

### **Crime and Disorder**

It is considered that the proposed development is unlikely to raise any significant crime and disorder implications.

### **Human Rights Implications**

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

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

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

The general thrust of planning policy and guidance is to support local businesses and to encourage economic growth unless there are material considerations which indicate otherwise. In this particular case Members need to consider the desire to help support an existing local business against the need to protect the residential amenities of the occupiers of adjacent residential properties from noise disturbance.

This is a finely balanced application. The existing business has as a result of the live music events and the playing of recorded music caused significant noise and disturbance to the occupier of the adjoining Presbytery which shares a party wall with the Voodoo Lounge element of the building. It is however noted that the Environmental Protection Team have not received any other complaints in relation to noise and disturbance although four objections have been received in relation to this application.

The business is however clearly a successful local enterprise which has some wider social benefits and there is clearly local support for the business which can be seen in the number of signature contained in the petitions submitted in support of the recent appeal against the enforcement notice.

On balance and following the advice from the Council's Environmental Protection Officer it is considered that the application can be recommend for approval subject to the imposition of several condition which require the submission of further details in relation to the noise attenuation measures and that these are installed and checked on site with further

monitoring before the basement venue known as the Voodoo Lounge is used for any events relating to live or recorded music or amplified sound.

Subject to the imposition of the conditions listed below the development complies with the requirements of national planning guidance contained in PPS1, PPS4 and PPG24, Policies 1, 2 and 22 of the East Midlands Regional Plan 2009 and policies EN1 and E1 of the South Kesteven Core Strategy 2010.

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

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

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

2. Prior to the basement area of the building being used for the purposes of holding live or recorded music events or comedy club events or any other amplified entertainment a full specification of the proposed noise attenuation measures shall be submitted to and agreed in writing by South Kesteven District Council. The specification shall include the remedial works contained in Section 6 of the Live Music Venue Noise Survey and Impact Assessment undertaken by Dave Ball Acoustic Services dated 22 June 2010. This shall include creating a 'room within a room' and include an independent dropped ceiling. The agreed works shall be installed and maintained thereafter. The developer shall arrange for the effectiveness of the installed sound insulation measures to be tested on site by a suitably qualified independent acoustic engineer. The details of the testing shall be agreed in writing prior to being undertaken and the results shall be submitted to the local planning authority. The basement area of the building shall not be used for the purposes of holding live or recorded music events or other amplified events until the sound insulation measures have been confirmed acceptable in writing by the local planning authority.

Reason: To ensure that the required sound insulation measures are installed to the necessary standard in order to protect the residential amenity of the occupiers of adjoining buildings, in accordance with the requirements of PPS24 Planning and Noise.

3. Live or recorded music events, comedy club events or other amplified entertainment shall not be held in any room in the premises other than the basement room to be acoustically insulated in accordance with a scheme to be submitted as required by condition 2 above. Only low level / incidental background music shall be played in the ground & first floor bar and restaurant areas of the premises.

Reason: To ensure that the development does not result in unacceptable noise disturbance to the occupiers of adjacent properties, in accordance with the requirements of PPG 24 Planning and Noise.

4. A noise limiting device shall be fixed and used in connection with all amplified events held in the basement area of the premises. The device shall be initially set to a cut out level of 92dB(A) in accordance with the agents email received on the 14 March 2011. The cut out level shall then be maintained at 92dB(A) unless otherwise agreed in writing by the local planning authority following the under taking of acoustic sound insulation of the building as required by condition 2 above.

Reason: To ensure that the development does not result in unacceptable noise disturbance to the occupiers of adjacent properties, in accordance with the requirements of PPG 24 Planning and Noise.

5. Live or recorded music or other amplified events shall only be undertaken in the basement room of the premises between the hours of 09:00hrs and 02:30hrs, with a seasonal exception to allow an extension to 03:00hrs on New Years Eve.

Reason: To ensure that the development does not result in unacceptable noise disturbance to the occupiers of adjacent properties, in accordance with the requirements of PPG 24 Planning and Noise.

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Mrs A Jeffs</b> 12, Greatford Road, Baston, Peterborough, Lincolnshire, PE6 9NR
Agent	Shayne Andrews, Shayne Andrews Design & Architecture Ltd 10, Spalding Road, Deeping St James, Peterborough, Lincolnshire, PE6 8NJ
<b>Proposal</b>	<b>Two storey dwelling at land rear of existing dwelling</b>
<b>Location</b>	<b>12, Greatford Road, Baston, Peterborough, Lincolnshire, PE6 9NR</b>
App Type	Full Planning Permission
Parish(es)	Baston

## REPORT

### Application Category

This application is categorised as another application.

### Reason for Referral to Committee

The application has been referred to Committee as it relates to backland development which has resulted in more than 3 objections to the proposal.

### The Proposal

The application is a full application for the building of a four bedroomed dwelling to the rear of 12 Greatford Road on part of the garden which is presently used as a cattery. The proposed dwelling would gain access via an unmade access to the east of the dwelling which at present serves the cattery, No.10 Greatford Road which is a small detached bungalow, and paddock land to the north.

The dwelling would be a four bedroomed property with a linked double garage and built of reconstituted stone work with a slate roof.

### The Application Site and its Surroundings

The site lies to the west of the A15 Peterborough to Lincoln Road and on this particular part of the village the pattern of development includes a number of backland development.

### Relevant Site History

S02/1286 - Erection of one dwelling to rear REFUSED 28th January 2003 on highway grounds.

S10/1119 – Erection of two dwellings REFUSED 26th November 2010 On highway grounds and residential amenity.

## **Policy Considerations**

### National Policy

PPS1: Delivering Sustainable Development  
PPS3 Housing  
PPS25 Development and Flood Risk  
PPS3 Housing  
PPS1 Delivering Sustainable Development  
PPG13 Transport

### Core Strategy EN1 Protection and Enhancement of the Environment

## **Representations Received**

Environment Agency: Object because of lack of acceptable flood risk assessment but previously had no objection to the application for two dwellings.

Baston Parish Council; No representations with regard to the application but have concerns Design and Access Statement may be inaccurate.

Archaeology: No intervention needed.

County Council Highways: No objections subject to conditions. The levels of traffic associated with the single dwelling will result in a net reduction of traffic utilising the access. In terms of visibility this can be achieved in accordance with Manual for Streets.

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

Four letters of objection on the following grounds:-

1. The use of the rear access to the cattery has never been used for years..the Design and Access statement refers to daily traffic using the cattery.
2. Take issue with the visibility at the point of access.
3. The owner of No 10 has maintained the access track and the applicant only has right of access to the rear gateway only.
4. The conifer hedge should be maintained at its current height to protect privacy.

## **Officer Evaluation**

The proposal raises two key issues, traffic and residential amenity.

## Traffic and Highways

Both the Parish Council and surrounding neighbours have taken issue with the Design and Access Statement referring to the frequent use of the rear access. From observation it does appear that the bulk of the traffic coming to the cattery comes to the front of the premises and park on the village street. The agent has been asked to clarify the position. Irrespective of this the Highway Authority consider the elimination of this rear access and its use for a single dwelling to be acceptable and also that the visibility issue for vehicles exiting the site is to an acceptable standard using the Manual for Streets. This latter guidance is for traffic in urban areas rather than for county roads.

## Residential Amenity

The previous application for two dwellings (S10/1119/FULL) was refused on the grounds of impact upon No 10 Greatford Road by increased noise and disturbance and highways reasons. This proposal will significantly reduce this impact and by the retention of the hedge surrounding the site will also reduce any loss of privacy. On balance the proposal is considered to be acceptable subject to conditions.

## Section 106 Heads of Terms

None applicable.

## Crime and Disorder

No implications.

## Human Rights Implications

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

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

## SUMMARY OF REASON(S) FOR APPROVAL

The proposal by reason of its siting and design is considered to reflect the pattern of development in the immediate area and will not have a detrimental impact upon residential amenity of the adjoining properties. The proposal is therefore deemed to comply with Policy EN1 of the Core Strategy along with guidance contained in PPS1 and PPS3. The access arrangements are considered to be acceptable in accordance with PPG13.

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

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

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

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

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

3. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number SA/BC/50/10 Sheet 3 dated 28/01/2011, and retained for that use thereafter.
4. 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.
5. The existing leylandii hedge along the eastern boundary of the site shall be maintained at a minimum height of 2 metres in perpetuity. In the event of the hedge becoming dead or dying a replacement screening shall be submitted to and agreed with the local planning authority to include details of implementation.

Reason: In the interests of residential amenity in accordance with Policy EN1 of the South Kesteven Core Strategy and PPS1.

\* \* \* \* \*

Applicant	<b>Mr Michael Cooke</b> The Poplars, 19, Village Streets, Gelston, Grantham, Lincolnshire, NG32 2AE
Agent	
<b>Proposal</b>	<b>Extensions and alterations to dwelling</b>
<b>Location</b>	<b>The Poplars, 19, Village Street, Gelston, Grantham, NG32 2AE</b>
App Type	Householder Development
Parish(es)	Hough on the Hill

## REPORT

### Application Category

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

### Reason for Referral to Committee

This application was referred to the committee as it involves an application by an employee of the District Council.

Due to errors in the consultation process the application was withdrawn from the February Agenda. Further publicity was been given to the application and additional consultations undertaken, also the Parish Council's views were included in the report. The opportunity was taken to correct an error in the previous report and make minor amendments to the wording in order to clarify some aspects of the application.

The application was considered at the Development Control Committee of 1<sup>st</sup> March 2011 and after discussion by Members it was resolved that determination of this item be deferred pending further detail about issues raised in the late papers.

In summary, these issues concerned the accuracy of submitted plans; comparisons between the relative scale and massing of the original cottage, the original altered and extended dwelling as permitted in 2006 (S06/0486/46) and the proposal submitted in 2010 (S10/2811/HSH) to regularize retrospectively works carried out not in accordance with the 2006 approval and matters of due process in considering the application.

In response to the decision of the Committee to defer the application for further information and following discussions with applicant and his planning advisor, drawings have been submitted which contain information that illustrate and clarify the comparisons referred to above. One drawing shows the north and east elevations of the dwelling as built and for which approval is being sought, with superimposed on them the outlines of the north and east elevations of the original cottage and the dwelling as approved in 2006. In addition amended plans for the current application have been submitted which show the outlines of the cottage and 2006 approval superimposed on the proposed elevations (with pecked lines) in a corrected form; the plans also include a minor amendment, showing the outline

of the chimney that has been constructed on the roof as built. These drawings will be included in the visual presentation material for Members to view at the Committee meeting.

Also, since the Committee meeting, two letters and a petition have been received.

One letter (attached hereto at Appendix A) is from the applicant's planning advisor, in which he refers to the following matters: the new drawings; the non planning considerations discussed by Members arising in part from the submissions made by an objector in the public speaking section of the meeting; a detailed comparison between the scheme approved in 2006 and the proposal the subject of the current application; an analysis of the impacts of the changes on neighboring properties; a detailed response to the objectors submissions – firstly those not material to the planning decision and secondly those that are material; finally, the advisor stresses that the decision must be made solely on planning grounds and that if the decision were to be based on or influenced by considerations not material to planning that the decision could amount to maladministration and result in a 'challengeable' (i.e. unlawful) decision.

The second letter (attached hereto as Appendix B) is from a local resident supporting the application and presenting reasons for its approval, a petition containing 19 names (from 10 households) of village residents in support of the proposed alterations and extensions.

### **The issues raised by Members in discussions and debate at the 1<sup>st</sup> March DC Committee**

1. **The accuracy of submitted plans:** amended drawings have been received, these show the position of the chimney that has been built and correctly shows the outlines of the original cottage and the dwelling as permitted in 2006, superimposed on elevations showing the current proposal. These changes/additions: a) correct the omission of the chimney; b) remedy the erroneous cottage outline as previously added to the drawing of the north elevation, which was found to be misleading; and c) give a clear indication of the difference in massing on the north elevation (i.e. that facing the highway and the objector's property), between the 2006 permission and that currently being considered.
2. **Comparisons between the relative scale and massing of the original cottage, the original altered and extended dwelling as permitted in 2006 (S06/0486/46) and the proposal submitted in 2010 (S10/2811/HSH) to regularize retrospectively works carried out not in accordance with the 2006 approval:** A new drawing has been submitted showing clearly comparisons between the scale and massing of the original cottage, the altered and extended dwelling as permitted in 2006 (S06/0486/46) and the proposal submitted in 2010 and currently under consideration (S10/2811/HSH). This drawing is annotated showing the maximum roof ridge heights as follows: the original cottage – 7.13 metres; the dwelling that would have resulted if the 2006 approval had been implemented – 7.3 metres; the current proposal – 8.15 metres. Thus the difference in ridge height at the front (north) elevation as between the 2006 approval and as built and the subject of the current application is 0.85 metres.
3. **The matters of due process raised by the objector:** These appear to fall in to three categories:
  - a) Some of the building works carried out following the grant of permission were not in accordance with the approved plans and therefore were unauthorised.

- b) The processing of new application, requested in order to regularise, in retrospect, the unauthorised works, was flawed in terms of errors made in carrying out consultations and in the original Committee Report.
- c) Errors on the submitted plans, some of which gave a misleading impression of the proposals and the degree of difference from the scheme approved in 2006.
- d) Challenges in respect of the granting of the 2006 permission, with regard to the intentions of the applicant; the integrity and competence of officers; the quality and veracity of the evidence presented to the Committee in recommending approval of the 2006 application.

Concerning point a), it is true that significant works were carried out that were not in accordance with the approved plans; however such actions are not in themselves unlawful. The usual way of dealing with such unauthorised work, when it comes to the attention of the local planning authority, is to request that an application be submitted to seek planning permission for the unauthorised work. This is what has happened in this case. Having received such an application, for retrospective approval of work already carried, it is the duty of the Planning Authority to determine the application solely on its planning merits. The fact that the carrying out of such unauthorised works is not condoned and is frowned upon, must not influence the determination of the application.

Point b) is addressed in the report to the Committee meeting of 1<sup>st</sup> of March. Errors in carrying out consultations and in information are regrettable should not happen, in some circumstances such errors can invalidate a planning decision and your officers will try their utmost to ensure that they do not recur. In this case the consultation and reporting errors were remedied before the Committee met on 1<sup>st</sup> March. As matters stand now, these are not matters material to the planning decision to be made by the Development Control Committee in determining the planning application reference S10/2811/HSH.

The errors and misleading impressions referred to in point c) have been dealt with by the applicant with amended plans and a new annotated drawing comparing the cottage, dwelling as approved in 2006 and the current proposal, particularly with respect to the elevation (north) facing the objector's property. These are not matters that are material to the planning decision to be made by the Development Control Committee in determining the planning application reference S10/2811/HSH.

The matters raised in point d), involving challenges in respect of the granting of the 2006 permission, are not material to the consideration current application. These and any related matters will be the subject of investigations which are entirely separate from and not material to the planning decision to be made by the Development Control Committee in determining the planning application reference S10/2811/HSH.

In conclusion your officer would make the following crucial points

- In considering and determining this application the focus of the decision maker must be entirely on the individual merits of the proposal, as amended, having regard for the development plan and all other material considerations.
- The 2006 scheme is capable of being a material consideration, but only in respect of the situation that would arise should the Committee be minded to refuse the current application, in that it would be the starting point for considering what development

would be acceptable to the local planning authority (that can be referred to as the 'fall-back position').

- It is absolutely essential in determining this application that the local planning authority deal only with considerations material to planning that the authority do not take account of or be influenced by any non-material considerations, even if for non-planning reasons, such considerations may give the decision makers cause for concern as individuals.

## **The Proposal**

The application is for planning permission for two-storey extensions to the rear of the original house and other alterations including increasing the roof height and making changes to elevations, at The Poplars, Gelston. The development applied for has been substantially completed under a planning permission (S06/0486/46) approved by the Development Control Committee on 16 May 2006. The current application has been submitted as the development has not been carried out in accordance with the plans approved in 2006. The differences between the approved plans and those built and being considered here are detailed below.

## **The application site and its surroundings**

The application site is broadly rectangular in shape covering about 0.4 hectares. It fronts onto a narrow grassed verge next to a village street at the south east edge of Gelston. The front elevation of the two storey house is close to the edge of the highway and the rest of the front part of the site comprises various outbuildings, the access and extensive parking/storage areas.

There is a domestic property next door to the site (20 Gelston Village), with a white painted two storey house on it. The house is located fairly close to the road frontage and on the same building line as the application dwelling. There are three dwellings opposite the application site across the village street.

## **Relevant Site History**

S06/0486: extensions and alterations – granted full permission, subject to conditions on 22 May 2006.

## **Policy Considerations**

National Policy: Planning Policy Statement 1 (PPS1): Sustainable Development

East Midlands Regional plan (RSS8): Policy 2: Promoting Better Design

South Kesteven Core Strategy: Policy EN1: Protection and Enhancement of the Character of the District

## **Representations Received**

The Community Archaeologist: The proposed development does not affect any known archaeological sites.

Hough on the Hill Parish Council: No objections to the oak colour being used for windows and doors but have concerns regarding the height of the extension as it is not the same, but considerably higher than the original cottage (as detailed on the previous application).

## **Representations as a result of publicity**

There was an error made in the initial consultation process and further publicity has been given to the application and the date for making representations extended. Thus, the application has been advertised in accordance with the Council's adopted statement of Community Involvement, the closing date for representations on the Site Notice being the 19 February 2011.

There are two neighbour responses in support of the proposal. One supporter is happy with the view from the neighbour's property from across the street and happy with the way in which it is constructed and will be pleased when completed. The other letter of support received since the Committee meeting of 1<sup>st</sup> March 2011 is attached to this report at Appendix B.

There is an objection from a resident of a neighbouring property, on the following grounds (this objection and a submission from another resident of the same property were circulated to Members as late papers prior to the DC Committee meeting of the 1<sup>st</sup> March 2011):

- The domestic property next door is not two storey being a dormered cottage, significantly lower in height (than the proposal).
- The term extension is a misnomer, because of the size and scale of the new build in comparison to the original cottage, which it far exceeds, particularly the height; the drawing is misleading as it seems to indicate no increase in height; it is also higher than the single storey sides to the original cottage; generally creating a wider, higher block of roof at the front overlooking the objectors property, exacerbating the impact on the property immediately opposite.
- The building is over a metre higher the dwelling permitted in 2006 and has created room for third floor in the roof, as highlighted by the double doors and balcony to the rear.
- The additional height at the front increases the visual impact on the street scene and approach to the village, making it more intrusive and dominant.
- Concerned about the precedent the proposal creates for similar massive rebuilds disguised as extensions, e.g. 20 Gelston, also directly opposite the objectors dwelling. Such developments in this rural hamlet are out of keeping with character of the area, being too dominant and visually intrusive.
- The objector concludes: whilst it is appreciated that approval for a storey house was given in 2006, to which the objector was opposed, the additional 1 metre in height, so creating a third storey, increases the visual impact and compromises the residential amenity and values.

The objector makes comments on the officer report prepared for the February Committee as follows:

- The PO's view that 'the extensions are to the rear and though they can be seen from the side close too they do not appear out of keeping in the local street scene' is disagreed with, the extensions are not all at the rear and are visible immediately the hamlet comes into view, a considerable distance from the property. It is out of scale and therefore out of place in the surroundings, the elevation fronting the road is particularly dominant and overbearing; whilst there is a variety of building types around none have the visual impact of this proposal, which dwarfs its immediate neighbours.
- The PO notes that the 2006 plans were of a poor quality and somewhat sketchy, it is therefore surprising that they were approved.
- Notes the PO's view that the increased height is marginal in terms of the impact beyond the immediate surroundings and that in that context is an issue of residential amenity. The objector feels that the difference is not marginal and has a visual impact not to be dismissed both in terms of residential amenity and visual impact.
- Whilst the windows are 'better balanced' the increased height is not an improvement to the design.
- There is an error in the report, as there are two dormers with windows to habitable rooms in the side elevation of the next door property facing the site.

This objector also cites a number of concerns relating to:

- The fact that the significant works were carried out not in accordance with the 2006 approval;
- Lack of consultation, despite objecting in 2006, were not informed of the application, whilst the site notice did not have a date on it, an administrative error that caused stress and meant that a recommendation was made (in the withdrawn officer report) without the objectors views being taken into account.
- The Parish Council's comments are not mentioned in the previous report.

There is an objection from a visitor to one of the houses opposite, stating that the building is not in keeping with the vicinity. The new roof, is regarded as 'hugely dominating' as from the house immediately opposite across the street, affecting outlook and light, also dominant in the street scene, 'dwarfing everything around it'.

## **Officer Evaluation**

### **Key Issues:**

This is an application for the approval of changes to an already approved development that has been substantially completed, but is not fully in accordance with the approved plans. The key material issues in this case are judged to be:

- The visual impact on the form and character of the original dwelling, the dwelling as approved, the street scene and the character and appearance of the village.
- Residential amenity

## **Impact on Form and Character of the original dwelling, the dwelling as approved, the streetscene and the village**

There are a variety of building types and densities in this part of the village, and it is considered that the proposal would not be generally out of keeping with or have a detrimental impact on its surroundings. Many of the properties in the village, including the properties in the immediate vicinity of the application site, have seen significant extensions in the past and many are similar in scale to the proposal under consideration here.

It is judged that the development as built is of a significantly better design than the original dwelling, as it was in 2006, and that approved in 2006. Though large in scale in overall terms and in relation to the original cottage, the extensions are to the rear and though they can be seen from the side close too they do not appear out of keeping with the local street scene.

The extensions and alterations being applied for have been built, but not in accordance with the details shown on the plans approved in 2006. It should be noted that those approved plans were of a poor standard and somewhat sketchy. The overall impact of the dwelling as extended, compared with that approved, on the form and character of the area are, as just stated, considered to be generally positive. The elevations and outline are more balanced than the original dwelling and that approved in 2006, whilst it is considered that the increased height is marginal in terms of any visual impact beyond the very immediate environs, where it is considered to be an issue of residential amenity rather than visual impact as such.

The elevations and particularly the openings are considered to be an improvement in design terms to those on the original dwelling and the design approved in 2006; the overall effect is one of better balance aesthetically and better, more traditional detailing.

It is considered, on design and visual impact grounds, that the proposal is in accordance with the relevant policies of the Core Strategy (EN1) and Regional Plan (Policy 2) and guidance in PPS1.

### **Residential Amenity**

Concerns were raised in connection with 2006 application about potential overbearing impact and loss of light, particularly in relation to the adjoining property, No. 20 Main Street, Gelston. Now that the extensions have been substantially constructed, it is possible to make a direct assessment of its impact.

It is considered that though the west elevation next to No. 20 has two dormer windows facing the west elevation of the application dwelling the impacts of the proposal relative to the design approved in 2006 are not significantly different and the ground floor windows and rooflight do not result in additional adverse impacts on the privacy of the occupants of the next-door property. It is noted that the rear part of No. 20 are additions to the original cottage and that the dormer windows overlooked the rear of the back garden behind the original cottage on the application site.

In terms of overshadowing and overbearing effects, the space between the two dwellings is occupied in part by the access way to No. 20 and in part by a single storey extension on that property. Thus levels, although the roof height of the built dwelling is about a metre higher than that approved the impacts are not judged to be materially greater to any significant degree. The occupants of the most affected property (No. 20) have responded to publicity by submitting a letter indicating that they do not object to the development.

The concerns of one of the neighbours occupying a property across the street are material in terms of impacts on the residential amenity enjoyed by their property. However, it is considered that, by virtue of the distance between the front, street facing, elevations of the two properties (around 25 metres), the increase in height and massing relative to the front elevation approved in 2006 is not significant and does not adversely impact visually and in terms of overshadowing and overbearing effects on the amenities afforded to the objectors property or those of the other two properties across the street from the application. It is noted that the occupants of one of these dwellings considers the proposal to be acceptable.

Thus in terms of residential amenity the proposal is considered to accord with relevant local and national policies and guidance.

### **Crime and Disorder Implications**

The application will not raise any significant issues.

### **Human Rights Implications**

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

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statement 1, Policy 2 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy. The issues relating to design, visual impact, impact on residential amenity, materials are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

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

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

2. 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 window, dormer window or rooflight 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 and in accordance with the guidance contained in national Planning Policy Statement PPS1.

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

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

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

**S99/0930****Target Decision Date:**

Applicant	<b>Jelson Ltd</b>
Agent	
<b>Proposal</b>	<b>Residential Development</b>
<b>Location</b>	<b>Off Londonthorpe Lane, Grantham</b>
App Type	Major Outline (Residential)
Parish(es)	Londonthorpe and Harrowby Without

**S00/0815****Target Decision Date:**

Applicant	<b>Belton Trust Estate</b>
Agent	Escritt & Barrell
<b>Proposal</b>	<b>Residential development – amendment of condition</b>
<b>Location</b>	<b>Off Londonthorpe Lane, Grantham</b>
App Type	Major Outline (Residential)
Parish(es)	Londonthorpe and Harrowby Without

**REPORT****Introduction**

Outline planning permission was granted for the above applications 6 June 2001 and 13 November respectively. The accompanying section 106 legal agreements require the following developer contributions towards open space and play equipment:

**S99/0930**

“to provide the land edged green on Plan no. 2 as play areas and public open space”

“to pay to the Council the sum of £15,510 as a contribution towards the on site play equipment”

**S00/0815**

“To provide on the Land an area or areas calculated as not less than 40 square metres per Housing Unit in position(s) to be agreed between the parties as public open space and to provide on the Land an area or areas calculated as not less than 20 metres per Housing Unit in positions to be agreed between the parties as play areas”

“Not to use or permit to be used the Green Area for a purpose other than open space”

“To pay the Council the sum of £15,000 (fifteen thousand pounds) as a contribution towards the on site play equipment”

**Alternative proposal**

The original proposal for S99/0930 was to position the equipment at the location marked A on the enclosed plan, Appendix 1. The section 106 agreement for S00/0815 did not specify

a location for play equipment, but the areas marked B1, B2 and B3 on the map were designated as public open spaces.

SKDC have received payments of £15,510 (S99/0930) and £15,000 (S00/0815) towards on site play equipment from the section 106 agreements associated with the above planning applications.

It is being proposed that the total amount of both payments from the above two agreements be used to provide additional play equipment next to the existing multi use games area marked C on the map. It is felt that location A on the map is not suitable for a play area as it is very close to a busy road and also has a stream passing through.

The original areas identified as public open space for both applications will remain as such and building of further dwellings will not be permitted on these sites. Maintenance and insurance of the new equipment at location C will be the responsibility of Londonthorpe and Harrowby Without Parish Council.

### **Representations following public notice**

The intention to alter the Section 106 Agreements associated with S99/0930 & S00/0815 was advertised in the Grantham Journal and Citizen and on site on 26 November 2010. All residents within the two developments and surrounding the proposed play area were sent letters with details of the proposal. Following a 21 day period 3 representations were received. Two were in support of the proposal but included some concerns and one was against. Supporting comments were:

- Makes sense to develop area C rather than create a new play area
- Our children are a range of ages and it means we can all visit the same place together
- Opposed to locating equipment on area B2

Concerns about the proposal are:

- Security of the area C including access from the Alma Park Industrial Estate
- ASB concerns at area C
- Reduce area for dog walking
- Area B3 better suited
- 

### **Londonthorpe and Harrowby Without Parish Council statement**

Two separate lots of 106s are due for play areas on this estate to a total of £30500. The two sites identified by the developers/SKDC are;

1. Londonthorpe Lane/St Mellion Drive.
2. A Choice of one of the three areas of open space in the Cavendish Way/ Tom Childs Close part of the estate.

**Site No.1** is enclosed by the busy Londonthorpe Lane/ St Mellion Drive the Withambrook and a Concrete Floor Factory.

On the parish inspection tour made by the councillors in 2009 all commented that this was a very dangerous place to put a play area for young children. This was reiterated at the 2010 parish inspection. This is not at all suitable.

Councillors were concerned that;

- It was by a very busy road junction Londonthorpe Lane/St Mellion Drive
- The road was used by many HGVs each day to and from the Alma Park Industrial Estate.
- The boundary fence is less than 2 metres from the road.
- The Withambrook is at its deepest here, with steep banks to a depth of over 2 metres.
- The factory although quite well fenced, could well be a danger for inquisitive children who could use the trees as a way over. The PC has just had a willow tree reduced in size on the opposite end of the factory as children were entering the site by it!

**Site No.2**, here there is the choice of two or three different areas to be used. Our information from earlier discussions with SKDC was that either the area at the end of Cavendish Way or the Tom Childs Close POSs were preferred.

The PC asked in their 2009 questionnaire where residents would like it to be sited giving three options; Tom Childs Close, Cavendish Way or the Withambrook Play Area. The Withambrook Play Area was a clear winner.

The Withambrook Play Area is less than 30 metres from the Cavendish Way POS; placing it here it would also be only approximately 15-20m from some people's front doors.

The Tom Childs Close POS is less than 200 metres from Withambrook Play Area.

Residents from this area stated categorically in our questionnaire that they did not want a play area on that POS.

About Withambrook Play Area;

- A Recreation area since the mid 1980s.
- A Multi Use Games Area built in 2008 with help from the BIG Lottery.
- Wooden Climbing equipment installed 2009.
- Lots of open space for free running.
- New access from Third Ave to link up with the Polygon estate planned for this winter.
- Access available from Cavendish Way and Ruston Road at present.
- The Withambrook at its widest here, no steep banks.
- Rights of Way footpath goes through the south end of the site.

## **Relevant Policy Considerations**

Planning policy

Planning Policy REC3 - Public Open Space (partially replaced by Core Strategy SP4)

This policy requires developers to provide, where appropriate, new public open space for recreation and amenity purposes of a scale, nature and quality in satisfactory locations taking into account the number and types of dwellings.

#### Core Strategy Policy SP4 – Developer Contributions

The Council will enter into planning obligations with developers to secure the provision of (or financial contributions towards) infrastructure and community benefits which the Council considers necessary in conjunction with the development.

#### **General Permitted Development Order – Siting of Play Equipment**

Part 12 of the General Permitted Development Order 1995 – Development by Local Authorities permits the erection and construction and maintenance, improvement or other alteration by a local authority of any small ancillary building, works of equipment on land belonging or maintained by them required for the purposes of any function exercised by them on that land. Subject to the works or equipment not exceeding 4 metres in height.

This would include the Parish Council siting play equipment on Parish Land. However, if the proposed play equipment exceeds 4 metres in height planning permission would be required.

#### **Conclusion**

It is recommended that using the money received to add to the existing play facilities at location C is the most appropriate site for the play equipment.

There would be no overall loss of open space within the residential development. The open space areas would remain the subject of the legal agreement and thereby protected from any future development, but the play equipment would be sited on the adjacent land.

There would be a requirement for a deed of variation as the current agreement requires the play equipment provision on site and authority is sought to enter into a deed of variation.

# Agenda Item 6

## AGENDA ITEM

Report No: PLA. 880

### DEVELOPMENT CONTROL COMMITTEE

29 MARCH 2011

---

#### REPORT BY ACTING LEAD PROFESSIONAL DEVELOPMENT CONTROL

#### Information relating to development control and other planning activity

##### TABLE 1                    Applications not determined within statutory period

This table, broken down into Major applications and Others, lists those applications that have not been determined within the recommended 13 week (for Majors) or 8 week (for Others) time period. These applications are listed by application number stating a brief reason for the decision not being made.

Applications outstanding (at the date the report was compiled) = 49

##### TABLE 2                    Applications dealt with under delegated powers from 14 February – 11 March 2011

This table lists those applications upon which decisions have been made under the Powers of the Council Exercisable by Officers (as adopted by the District Council on 27 October 2006).

**DEVELOPMENT SERVICES**  
**DEVELOPMENT CONTROL**

**Applications not determined within the statutory period**

Report No: 03/2011  
Date Prepared: 16 March 2011  
No of applications over 8 weeks: 49

**MAJOR APPLICATIONS**  
**(13 weeks)**

**S06/1151/MJNF/JJ**

Date received:  
08-Aug-2006  
No of days: 1681

**Wm Morrison Supermarkets plc**

Construction of non food retail & leisure development  
Former Mirlees Blackstone Site, Uffington Road, Stamford  
Reason for non-determination:  
Awaiting consultation replies  
Awaiting consultation replies

**S07/1267/MJRF/KJC**

Date received:  
13-Sep-2007  
No of days: 1280

**Able Homes Ltd**

Demolition of existing dwelling and erection of 10 detached dwellings  
53 And R/o 45-59 (incl), Harrowby Lane, Grantham  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S08/0780/MJRF/NB**

Date received:  
17-Sep-2008  
No of days: 910

**Mr T Robinson, G S Robinson (Builders)**

Residential development - 14 dwellings and associated parking  
Land Off Stephens Way, Deeping St. James  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S09/1671/MJRO/RV**

Date received:  
16-Nov-2009  
No of days: 485

**Mr C G Richardson**

Outline: Erection of 8 houses, 6 apartments with 33 ancillary parking spaces.  
Bourne Auction Rooms, Spalding Road, Bourne, PE10 9LE  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S10/1283/MJRO/KJC**

Date received:  
24-Jun-2010  
No of days: 265

**Mr B Herrod - Planning Manager, Bovis Homes Ltd**  
Application Order Section 73 of the Town and Country  
Planning Act for residential development (to not comply with  
Condition 8 of application S05/0220/35 relating to affordable  
housing)  
Former Impress Factory site, Springfield Park, Grantham  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S10/2176/MJRF/KJC**

Date received:  
19-Oct-2010  
No of days: 148

**Ablehomes Ltd**  
Residential Development (21 dwellings)  
Elm Farm, Lilley Street, Long Bennington, Newark, NG23 5EJ  
Reason for non-determination:  
Awaiting Committee

**S10/2813/MJRO/KJC**

Date received:  
29-Nov-2010  
No of days: 107

**Bairds Malt Ltd**  
Extension of time - S07/0798 - Residential, business &  
industrial development  
Bairds Malt Ltd, Springfield Road, Grantham  
Reason for non-determination:  
Awaiting S106 completion

**S08/1231/EIAOL/PG**

Date received:  
30-Jun-2009  
No of days: 624

Outline permission for residential, community facilities, public  
open space, sports pitch, railway bridge, roads and ancillary  
works  
Poplar Farm, Barrowby Road, Grantham, NG31 8AF  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**ALL OTHER APPLICATIONS**  
**(8 weeks)**

**S07/0818/OUT/IVW**

Date received:  
12-Jun-2007  
No of days: 1373

**Dr D Burston**  
Erection of Community Health Centre  
The Old Quarry, Castle Bytham  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S09/2409/FULL/NB**

Date received:  
15-Oct-2009  
No of days: 517

**Mr T Robinson, G S Robinson (Builders) Ltd**  
Residential development (7 dwellings)  
Land Off Stephens Way, Deeping St. James  
Reason for non-determination:  
Lead Professional to approve in consultation with  
Chairman/Vice Chairman subject to S106 agreement

**S09/2827/FULL/JJ**

Date received:  
27-Nov-2009  
No of days: 474

**Mr C Riddle**

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of dwelling  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP  
Reason for non-determination:  
To be withdrawn

**S09/2829/LB/JJ**

Date received:  
27-Nov-2009  
No of days: 474

**Mr C Riddle**

Extension and alterations of farmhouse, conversion and extension and re-build of barn and dovecote  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP  
Reason for non-determination:  
To be withdrawn

**S10/0256/FULL/IVW**

Date received:  
09-Feb-2010  
No of days: 400

**Mr J Thorold**

Use of Marston Hall for civil weddings, entertainment receptions, guided tours, conferences and use of adjacent land for event car parking  
Marston Hall, School Lane, Marston, Grantham, NG322HQ  
Reason for non-determination:  
Appealing against non-determination

**S10/0857/FULL/NB**

Date received:  
03-Jun-2010  
No of days: 286

**Mr A F Martin**

Siting of temporary mobile home for agricultural worker  
Meadow Farm, King Street, West Deeping, Peterborough, PE6 9JE  
Reason for non-determination:  
Additional information requested from applicant in relation to justification

**S10/0962/FULL/PL**

Date received:  
13-Apr-2010  
No of days: 337

**Mr Robert Cunniffe**

Change of use of area 1 into garden and change of use of areas 2, 3 & 4 to recreational equine land  
Land adjacent to Orchard House, Woolsthorpe Road, Woolsthorpe By Colsterworth, Grantham, NG335NT  
Reason for non-determination:  
Contamination report required

**S10/1364/FULL/PL**

Date received:  
08-Jun-2010  
No of days: 281

**Mr Stewart Thorpe, S T A S Ltd**

Erection of one dwelling  
Ryland Grange Farm, Fulbeck Heath, Grantham, NG32 3HJ  
Reason for non-determination:  
To be withdrawn

**S10/1384/OUT/PWM**

Date received:  
15-Jun-2010  
No of days: 274

**Mr Colin Pask, Pask, Somerville & Diment c/o**

Demolition of existing dwelling and erection of six dwellings (Extension of time limit of S07/0843)  
Sandy Willows, 354, Harlaxton Road, Grantham  
Reason for non-determination:  
Awaiting signing of S106 agreement

**S10/1582/FULL/NB**

Date received:  
15-Jul-2010  
No of days: 244

**David Pennell, Burghley House Preservation Trust**

Conversion and extension of outbuildings to form dwelling  
43A, High Street, St Martins, Stamford, Lincolnshire, PE9 2LP  
Reason for non-determination:  
Officer processing application following Conservation comments.

**S10/1583/LB/NB**

Date received:  
15-Jul-2010  
No of days: 244

**David Pennell, Burghley House Preservation Trust**

Alteration and extension to listed building  
43A, High Street, Stamford, Lincolnshire, PE9 2LP  
Reason for non-determination:  
Officer processing application following Conservation comments.

**S10/1668/FULL/NB**

Date received:  
17-Aug-2010  
No of days: 211

**Mr G Day**

Erection of dwelling and detached garage  
Church Farm, 3, Church Street, Corby Glen, Grantham,  
Lincolnshire, NG33 4NJ  
Reason for non-determination:  
Amended plans have been requested from applicant and chased up by the officer.

**S10/1776/LB/TF**

Date received:  
15-Sep-2010  
No of days: 182

**Sir S Benton Jones**

Partial demolition of listed building and erection of two single storey side extensions and front canopy to pool house  
Irnham Hall, Corby Road, Irnham, Grantham, Lincolnshire, NG33 4JD  
Reason for non-determination:  
Negotiations taking place over highway issues raised at a late stage

**S10/1805/FULL/KJC**

Date received:  
13-Oct-2010  
No of days: 154

**Mr S Turner, Grantham Roofing Services Ltd**

Residential Development for the creation of nine flats including demolition of the existing building  
20b, Swinegate, Grantham, NG316RJ  
Reason for non-determination:  
Awaiting consultee responses

**S10/1853/FULL/TF**

Date received:  
15-Sep-2010  
No of days: 182

**Sir Simon Benton Jones**

Partial demolition of listed building, extensions to pool house and change of use to events use  
Irnham Hall, Corby Road, Irnham, Grantham, Lincolnshire, NG33 4JD  
Reason for non-determination:  
Negotiations taking place over highway issues raised at a late stage

**S10/1876/HSH/PG**

Date received:  
24-Aug-2010  
No of days: 204

**Mr Andy Wood**

Erection of classic car storage unit for domestic use  
The Old Rectory, Carlby Road, Greatford, Stamford,  
Lincolnshire, PE9 4PR  
Reason for non-determination:  
Awaiting amended plans

**S10/1978/FULL/JJ**

Date received:  
01-Oct-2010  
No of days: 166

**Mr S Fox, Alston Homes**

Conversion, alteration and extension of barns to create 5 dwellings; erection of 2 dwellings and car port and shed, erection of 3m earth bund  
Towngate House Farm, Towngate West, Market Deeping  
Reason for non-determination:  
Waiting for amended plans to address design concerns

**S10/2002/FULL/RV**

Date received:  
31-Aug-2010  
No of days: 197

**Mrs N Jacobs \*, Bourne Town Council**

Change of use from residential land to cemetery and 14 space car parking area  
Land Rear Of, 41-45, South Road, Bourne  
Reason for non-determination:  
Awaiting responses from consultees

**S10/2015/LB/JJ**

Date received:  
01-Oct-2010  
No of days: 166

**Mr S Fox, Alston Homes**

Conversion, alteration and extension of listed building  
Towngate House Farm, Towngate West, Market Deeping  
Reason for non-determination:  
Waiting for amended plans to address design concerns

**S10/2020/FULL/JJ**

Date received:  
03-Sep-2010  
No of days: 194

**Mr C Riddle**

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP  
Reason for non-determination:  
Waiting for additional info and report from District Valuer

**S10/2021/LB/JJ**

Date received:  
03-Sep-2010  
No of days: 194

**Mr C Riddle**

Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP  
Reason for non-determination:  
Waiting for additional info and report from District Valuer

**S10/2134/HSH/FF**

Date received:  
20-Sep-2010  
No of days: 177

**Mr J Shimel**

Two storey rear extension to dwelling  
56, Eastgate, Deeping St James, Peterborough, Lincolnshire, PE6 8HJ  
Reason for non-determination:  
Amended drawings submitted, neighbours and consultees reconsulted

**S10/2140/LB/IVW**

Date received:  
11-Oct-2010  
No of days: 156

**Mrs M Traynor**

Alteration of listed building  
Rose Cottage, 7, Corby Road, Swayfield, Grantham, Lincolnshire, NG33 4LQ  
Reason for non-determination:  
Awaiting consultee responses

**S10/2142/FULL/TF**

Date received:  
01-Oct-2010  
No of days: 166

**Invicta Developments Ltd**

Demolish existing walls & carports to form new vehicular access and erection of 11 garages  
Land Off Albert Street, Grantham  
Reason for non-determination:  
Revised plans received, decision can be issued shortly

**S10/2181/FULL/FF**

Date received:  
01-Oct-2010  
No of days: 166

**George Bowman & Son Ltd**

Provision of hard standing for outside seating area  
The Fighting Cocks, 13, Market Place, Corby Glen, Grantham, Lincolnshire, NG33 4NH  
Reason for non-determination:  
Awaiting amended drawings and additional information from applicant and agent

**S10/2200/LDE/TF**

Date received:  
23-Sep-2010  
No of days: 174

**Mr D T Copland**

Lawful Development Certificate (LDC) for existing builders yard use  
171, Eastgate, Deeping St James, Peterborough,  
Lincolnshire, PE6 8RB  
Reason for non-determination:  
Revised plan and further sworn details requested. Since received and decision to be issued shortly.

**S10/2376/TCA/EAB**

Date received:  
19-Oct-2010  
No of days: 148

**Kevin Evison, Asset & Facilities Management, SKDC**

Fell willow tree identified as T1  
6, East Green, Witham On The Hill, Bourne, Lincolnshire,  
PE10 0JF  
Reason for non-determination:  
Awaiting engineering report

**S10/2650/OUT/JST**

Date received:  
24-Nov-2010  
No of days: 112

**Ms G Gaynor**

Erection of 5 dwellings  
28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB  
Reason for non-determination:  
Discussing concerns relating to design with applicant

**S10/2764/FULL/LDPP**

Date received:  
07-Jan-2011  
No of days: 68

**Mr R Hazelwood, Crown Hill Farm**

Excavation of fishing lake  
Crown Hill Farm, Ropsley, Grantham, NG33 4BH  
Reason for non-determination:  
Awaiting consultee comments

**S10/2821/LB/PJM**

Date received:  
20-Dec-2010  
No of days: 86

**Mr N Smith**

External and internal alterations to barn  
Casthorpe House Farm, Casthorpe Road, Barrowby,  
Grantham, Lincolnshire, NG32 1DS  
Reason for non-determination:  
Awaiting consultee comments

**S10/2827/FULL/PJM**

Date received:  
11-Jan-2011  
No of days: 64

**Mr N Smith**

Change of use of barn to residential accommodation and further barn to offices  
Casthorpe House Farm, Casthorpe Road, Barrowby,  
Grantham, NG32 1DS  
Reason for non-determination:  
Awaiting consultee comments

**S10/2833/FULL/JST**

Date received:  
11-Jan-2011  
No of days: 64

**Hereward Homes Limited**

Demolition of existing shop and warehouse and erection of 3 shops and 4 flats to upper floors  
24, Broad Street, Stamford, Lincolnshire, PE9 1PJ  
Reason for non-determination:  
Awaiting consultee comments

**S10/2868/HSH/LDPP**

Date received:  
20-Dec-2010  
No of days: 86

**Mr Steve Pashley**

Extension to form garage/office and insertion of window to first floor of dwelling  
15, High Street, Ropsley, Grantham, NG334BG  
Reason for non-determination:  
Re-notification on amended plans

**S10/2872/HSH/JST**

Date received:  
07-Jan-2011  
No of days: 68

**John Cookson**

Demolition of existing rear extension and boundary wall and erection of two storey rear extension, detached garage with room above and new 1.8m boundary wall to dwelling  
7, St Leonards Street, Stamford, Lincolnshire, PE9 2HU

Reason for non-determination:  
Discussing design issues with agent

**S10/2873/LB/JST**

Date received:  
07-Jan-2011  
No of days: 68

**John Cookson**

Alteration to listed building to include demolition of existing extension and boundary wall, new two storey rear extension, new boundary wall and garage  
7, St Leonards Street, Stamford, Lincolnshire, PE9 2HU

Reason for non-determination:  
Discussing design issues with agent

**S10/2877/FULL/JST**

Date received:  
07-Jan-2011  
No of days: 68

**Mr David Fox**

Demolish existing warehouse and erection of 4 dwellings land between 2 Coggles Causeway and, 2, South Road, Bourne

Reason for non-determination:  
Negotiating design with agent concerns re residential amenity

**S11/0015/FULL/TF**

Date received:  
18-Jan-2011  
No of days: 57

**Mr M Youds**

Alterations and extension to existing barn to create a dwelling R/O 3 & 5, Main Road, Dyke

Reason for non-determination:  
Decision to be issued shortly

**S11/0019/HSH/NB**

Date received:  
18-Jan-2011  
No of days: 57

**Mrs C Kitson**

Insertion of dormer to rear elevation  
64, Conduit Road, Stamford, Lincolnshire, PE9 1QL

Reason for non-determination:  
Awaiting consultee responses

**S11/0056/CAC/JST**

Date received:  
11-Jan-2011  
No of days: 64

**Hereward Homes Limited**

Demolition of existing shop, warehouse and curtilage walls in conservation area

24, Broad Street, Stamford, Lincolnshire, PE9 1PJ

Reason for non-determination:  
Awaiting consultee responses

**S11/0117/HSH/RV**

Date received:  
28-Jan-2010  
No of days: 412

**Mr & Mrs P Owen**

Extension to east gable and to the front (north) elevation of the existing dwelling

8, Elton Close, Stamford, Lincolnshire, PE9 2UL

Reason for non-determination:  
Awaiting consultee responses

**S11/0126/LB/FF**

Date received:  
11-Jan-2011  
No of days: 64

**Mr C Capewell**

Reinstatement of front door

Woodbine Cottage, 75, Main Street, Denton, Grantham, NG32 1JZ

Reason for non-determination:  
Awaiting response from Lincolnshire County Council Highways

**APPLICATIONS DECIDED UNDER DELEGATED POWERS  
FROM 14 FEBRUARY – 11 MARCH 2011**

**S10/1613/OUT**

Applicant: Rev C Martin, The Methodist Church  
Proposal: Outline - residential development (4)  
Location: High Street, Billingborough  
Decision: Approved conditionally - 01 March 2011

**S10/1800/ADV**

Applicant: Mrs G Noon, Great Gonerby Parish Council  
Proposal: Erection of direction sign to cemetery  
Location: Land At Belton Lane, Opposite Covill Close, Great Gonerby, Grantham  
Decision: Withdrawn - 09 March 2011

**S10/2185/FULL**

Applicant: Daltons Solicitors  
Proposal: Demolition of existing dwelling and erection of 2 pairs of semi-detached dwellings  
Location: St Nicholas, Priory Road, Stamford, Lincolnshire, PE9 2EU  
Decision: Refused - 09 March 2011

**S10/2525/FULL**

Applicant: Mrs P Rai, PR Property Developments Ltd  
Proposal: Erection of 2 dwellings  
Location: Rear of Highgate, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX  
Decision: Refused - 03 March 2011

**S10/2540/LB**

Applicant: Mr David Wileman  
Proposal: Replacement of 2 existing solar panels and erection of 2 new solar panels to Listed Building  
Location: 26, Church Street, Harlaxton, Grantham, Lincolnshire, NG32 1HB  
Decision: Approved conditionally - 15 February 2011

**S10/2541/HSB**

Applicant: Mr David Wileman  
Proposal: Replacement of 2 existing solar panels and erection of 2 new solar panels  
Location: 26, Church Street, Harlaxton, Grantham, Lincolnshire, NG32 1HB  
Decision: Approved conditionally - 15 February 2011

**S10/2555/FULL**

Applicant: Delwood Properties  
Proposal: Change of Use of residential care home and staff accommodation to house of multiple occupation  
Location: 98, Bridge End Road, Grantham, NG317ES  
Decision: ANSWERED - 03 March 2011

**S10/2583/TPO**

Applicant: Mr Stephen Clark  
Proposal: Reduce crowns by a maximum of 15% to balance appearance of crowns where necessary, remove limb overhanging building from lime tree (no 0428), removal of two limes (nos 0421 & 0430) and prune down by 5ft and remove spurs from two yew trees protected by TPO  
Location: King's House, 3, Gonerby Court, Grantham, NG31 8HT  
Decision: Split decision - 07 March 2011

**S10/2598/HSH**

Applicant: Mr & Mrs S Doran  
Proposal: Erection of two storey side and rear extension; replacement garage, workshop/store (amendment to planning permission S09/2875)  
Location: Hawley Cottage, 32, Water Lane, Castle Bytham, Grantham, Lincolnshire, NG33 4RT  
Decision: Approved conditionally - 09 March 2011

**S10/2629/FULL**

Applicant: Mrs A Lea, Larkfleet Homes  
Proposal: Erection of 4 affordable dwellings  
Location: Land north of, Spalding Road, Deeping St James  
Decision: Approved conditionally - 02 March 2011

**S10/2660/FULL**

Applicant: Mr & Mrs S Rodgers  
Proposal: Replacement dwelling  
Location: 36, Main Road, Dyke, Bourne, Lincolnshire, PE10 0AF  
Decision: Approved conditionally - 18 February 2011

**S10/2685/FULL**

Applicant: Mrs L Summers  
Proposal: Construction of menage  
Location: April Cottage, Aisby, Grantham, NG323NF  
Decision: Approved conditionally - 21 February 2011

**S10/2742/HSH**

Applicant: Mr Darren Kelly  
Proposal: Pitched roof above garage (incorporating accommodation)  
Location: 60, Rycroft Avenue, Deeping St James, Peterborough, Lincolnshire, PE6 8NU  
Decision: Approved conditionally - 18 February 2011

**S10/2746/FULL**

Applicant: Belvoir Estate  
Proposal: Change of use from garden land to car parking area and installation of gate  
Location: Land adjacent, 1, New Row, Woolsthorpe, Grantham, NG321NE  
Decision: Approved conditionally - 28 February 2011

**S10/2755/FULL**

Applicant: Mr S W Rodgers  
Proposal: Change of use from snooker hall (D2) to Freemasons Lodge & erection of canopy/porch  
Location: 1 & 2, Roman Bank, Bourne  
Decision: Approved conditionally - 09 March 2011

**S10/2760/FULL**

Applicant: Mr P Perring  
Proposal: Erection of dwelling  
Location: 43, Haconby Lane, Morton, Bourne, Lincolnshire, PE10 0NP  
Decision: Refused - 02 March 2011

**S10/2761/OUT**

Applicant: Mr B Selby  
Proposal: Outline application - erection of dwelling  
Location: 7, Thistleton Lane, South Witham, Grantham, Lincolnshire, NG33 5QE  
Decision: Approved conditionally - 01 March 2011

**S10/2770/CWC**

Applicant: Maxine Layland, Adcock Solicitors Ltd  
Proposal: Confirmation of compliance with conditions of SK.94/0125, S04/1931 & S05/1064  
Location: Land at Elsea Park, West Road and South Road, Bourne  
Decision: Both - CWC - 22 February 2011

**S10/2780/HSH**

Applicant: Mr A Henderson  
Proposal: Erection of two storey extension and garden room  
Location: 69, Beech Avenue, Bourne, Lincolnshire, PE10 9RZ  
Decision: Approved conditionally - 18 February 2011

**S10/2783/CWC**

Applicant: Mr Sean Rafferty, S & G Grantham  
Proposal: Confirmation of compliance with condition 1 of S03/1744 (commencement of development)  
Location: R/o 21-43 North Parade, Grantham  
Decision: Approved - 22 February 2011

**S10/2790/LB**

Applicant: Mrs J Middleitch  
Proposal: Single storey extensions, attic conversion and replacement front door to listed building  
Location: Manor Farm, Folly Lane, Hough-on-the-hill, Grantham, NG322BA  
Decision: Approved conditionally - 01 March 2011

**S10/2791/HSH**

Applicant: Mrs J Middleitch  
Proposal: Single storey extensions to dwelling  
Location: Manor Farm, Folly Lane, Hough-on-the-hill, Grantham, NG322BA  
Decision: Approved conditionally - 01 March 2011

**S10/2794/ADV**

Applicant: Ben Harvey, Smiths Gore  
Proposal: Erection of projecting sign  
Location: 9, High Street, St Martins, Stamford, PE9 2LF  
Decision: Approved conditionally - 18 February 2011

**S10/2795/LB**

Applicant: Ben Harvey, Smiths Gore  
Proposal: Projecting sign and painting of shopfront  
Location: 9, High Street, St Martins, Stamford, PE9 2LF  
Decision: Approved conditionally - 18 February 2011

**S10/2803/HSB**

Applicant: Mr Peter Thomas  
Proposal: Retention of boundary wall (including trellis), entrance gateway and gazebo  
Location: Manor Barn, Manor House, Church Lane, Pickworth, Sleaford, NG34 0TF  
Decision: Approved conditionally - 18 February 2011

**S10/2826/LB**

Applicant: Mr Alexander Gordon, National Trust  
Proposal: Installation of internal secondary glazing to office, wc and bedroom windows  
Location: Estate Office and House Managers Flat, Belton House, Belton, Grantham, NG32 2LS  
Decision: Approved conditionally - 21 February 2011

**S10/2829/HSB**

Applicant: Mr & Mrs C J S Maughan  
Proposal: Extensions to dwelling  
Location: The Gabled House, Green Lane, Aisby, Grantham, NG32 3NF  
Decision: Approved conditionally - 23 February 2011

**S10/2832/HSB**

Applicant: Mr & Mrs S Moody  
Proposal: First floor extension and single storey rear extension  
Location: 37, Sutherland Way, Stamford, Lincolnshire, PE9 2TB  
Decision: Approved conditionally - 01 March 2011

**S10/2849/FULL**

Applicant: Mr D Coxe, Claypole Parish Council  
Proposal: Alterations to roof and construction of ramp for disabled access  
Location: Claypole Village Hall, Claypole, Lincolnshire, NG23 5BJ  
Decision: Approved conditionally - 22 February 2011

**S10/2855/FULL**

Applicant: Paul Sharman, Baxter & King  
Proposal: Application to vary condition 11 (adopted road) of planning permission S09/0827  
Location: Land Adjacent, 18, New Road, Langtoft  
Decision: Approved conditionally - 08 March 2011

**S10/2861/FULL**

Applicant: Mr I Powell, South Kesteven District Council  
Proposal: Erection of entrance lobby canopy  
Location: Block Containing 2-5, St. Martins Close, Stamford, PE9 2NF  
Decision: Approved conditionally - 15 February 2011

**S10/2879/HSH**

Applicant: Mr Paul Brown  
Proposal: Erection of attached garage to dwelling  
Location: Homelea, Wilsthorpe Road, Obthorpe, Bourne, Lincolnshire, PE10 0ER  
Decision: Approved conditionally - 15 February 2011

**S10/2883/FULL**

Applicant: Mr R Pearce, PTS Electrical Ltd  
Proposal: Change of use of ground floor of public house to 2 flats with minor alterations and additions (and retention of existing first floor flat)  
Location: 4, Fletcher Street, Grantham, Lincolnshire, NG31 6BP  
Decision: Approved conditionally - 22 February 2011

**S10/2886/FULL**

Applicant: Mr Neil Paulger, St Barnabas Lincolnshire Hospice  
Proposal: Boundary wall and highway alterations  
Location: St Barnabas Lincs Hospice, 86 Barrowby Road, Grantham, NG31 8AF  
Decision: Approved conditionally - 03 March 2011

**S10/2903/HSH**

Applicant: Mr Alan Turner  
Proposal: Extension to front of dwelling  
Location: 32, Church Lane, Caythorpe, Grantham, NG32 3DU  
Decision: Approved conditionally - 22 February 2011

**S10/2904/DC**

Applicant: Cathy Aljohari, Longhurst & Havelok Homes  
Proposal: Approval of details of condition 6 (landscaping) of p/p S06/1280  
Location: Land off Walkers Way, Barrowby  
Decision: Approved - 22 February 2011

**S11/0001/FULL**

Applicant: Miss Lindsey Hughes  
Proposal: Single storey rear extension and change of use of ground and first floor to hairdressing salon (A1)  
Location: 15, High Street, Market Deeping, Peterborough, Lincolnshire, PE6 8ED  
Decision: Approved conditionally - 28 February 2011

**S11/0002/LB**

Applicant: Miss Lindsey Hughes  
Proposal: Demolish rear outbuilding and erection of single storey rear extension and internal alterations to listed building  
Location: 15, High Street, Market Deeping, Peterborough, Lincolnshire, PE6 8ED  
Decision: Approved conditionally - 28 February 2011

**S11/0005/HSH**

Applicant: Mr M Bannister  
Proposal: Ground floor extension to rear of dwelling  
Location: 74, Edinburgh Crescent, Bourne, Lincolnshire, PE10 9DU  
Decision: Refused - 01 March 2011

**S11/0007/FULL**

Applicant: Mr L Lewis  
Proposal: Widening of existing vehicular access including dropped kerbs  
Location: TOAD HALL, Atter's Courtyard, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB  
Decision: Approved conditionally - 15 February 2011

**S11/0008/HSH**

Applicant: Mr & Mrs M Robinson  
Proposal: Detached outbuilding to existing dwelling  
Location: Toft Lodge Farmhouse, Lound, Bourne, PE10 0JY  
Decision: Approved conditionally - 15 February 2011

**S11/0011/CAC**

Applicant: Deeping St James United Charities  
Proposal: Demolition of stone wall to front boundary  
Location: 21, Church Street, Deeping St James, Peterborough, Lincolnshire, PE6 8HF  
Decision: Refused - 14 February 2011

**S11/0012/CAC**

Applicant: Deeping St James United Charities  
Proposal: Demolition of stone wall to front boundary  
Location: 19, Church Street, Deeping St James, Peterborough, Lincolnshire, PE6 8HF  
Decision: Refused - 14 February 2011

**S11/0017/LB**

Applicant: Lindpet Properties Ltd  
Proposal: Internal and external alterations to listed building  
Location: Granby Mews, Market Place, Grantham, NG31 6LJ  
Decision: Approved conditionally - 04 March 2011

**S11/0018/HSH**

Applicant: Mr & Mrs Applewhite  
Proposal: Triple garage to front of existing dwelling  
Location: Carlton Ashes Farm, Hough On The Hill, Grantham, NG32 2BJ  
Decision: Approved conditionally - 28 February 2011

**S11/0023/DC**

Applicant: Phil Barnes, Camstead Limited  
Proposal: Approval of details required by conditions 2 (appearance), 3 (contamination), 4 (contamination), 5 (levels), 6 (drainage), 7 (materials), 8 (ecology), 9 (landscaping) and 10 (boundary treatment) of S07/1546  
Location: Roman Mill, Little Casterton Road, Stamford, Lincolnshire, PE9 1BG  
Decision: Approved - 22 February 2011

**S11/0025/HSH**

Applicant: Mr D Barker  
Proposal: Rear extension and detached garage to existing dwelling  
Location: 14, Salisbury Close, Grantham, Lincolnshire, NG31 8RD  
Decision: Approved conditionally - 09 March 2011

**S11/0026/FULL**

Applicant: David Gregg, Tancreds Limited  
Proposal: Single storey side extension and insertion of rooflights  
Location: 104, Church Street, Market Deeping, Peterborough,  
Lincolnshire, PE6 8AL  
Decision: Approved conditionally - 21 February 2011

**S11/0027/LB**

Applicant: David Gregg, Tancreds Limited  
Proposal: Single storey side extension, insertion of rooflights and  
internal alterations  
Location: 104, Church Street, Market Deeping, Peterborough,  
Lincolnshire, PE6 8AL  
Decision: Approved conditionally - 21 February 2011

**S11/0035/OUT**

Applicant: Mr S Toulson  
Proposal: Outline planning for a detached house and garage  
Location: Land Rear Of 26 & 28, Mill Drove, Bourne  
Decision: Approved conditionally - 01 March 2011

**S11/0046/DC**

Applicant: Mr Basil Clare  
Proposal: Approval of details of condition 2 (boundary treatment)  
required by S10/1151  
Location: 38, Church Street, Market Deeping, Peterborough,  
Lincolnshire, PE6 8DA  
Decision: Approved - 07 March 2011

**S11/0050/CAC**

Applicant: Mrs C Kitson  
Proposal: Partial demolition of boundary wall  
Location: 64, Conduit Road, Stamford, Lincolnshire, PE9 1QL  
Decision: Approved conditionally - 11 March 2011

**S11/0057/HSB**

Applicant: Mr & Mrs V Harding  
Proposal: Rear extension to dwelling  
Location: 8, Roman Way, Ancaster, Grantham, NG323PT  
Decision: Approved conditionally - 04 March 2011

**S11/0061/LB**

Applicant: Mr Ian Reeley, Marstons Brewery  
Proposal: Replace roof tiles to main building , accommodation and  
function rooms  
Location: Hare & Hounds, The Green, Fulbeck, Grantham, NG32 3JJ  
Decision: Approved conditionally - 09 March 2011

**S11/0064/TCA**

Applicant: St Vincent's Parochial Church Council  
Proposal: Raise crown of lime tree adjacent to Church and bunded oil  
tank  
Location: St Vincent's Church, Church Lane, Caythorpe, Grantham,  
NG32 3EJ  
Decision: TC&P - Work allowed - 02 March 2011

**S11/0072/FULL**

Applicant: Mr G Smith  
Proposal: Erection of 3 flats  
Location: 10, Broadgate Lane, Deeping St James, Peterborough,  
Lincolnshire, PE6 8NW  
Decision: Approved conditionally - 10 March 2011

**S11/0075/FULL**

Applicant: Lincolnshire Fire & Rescue Service  
Proposal: Installation of solar panels  
Location: Fire Station, Radcliffe Road, Stamford, Lincolnshire, PE9  
1AP  
Decision: Approved conditionally - 15 February 2011

**S11/0088/HSH**

Applicant: Mrs A Shaw  
Proposal: Extension to front of dwelling and internal alterations  
Location: 2a, Roman Bank, Stamford, Lincs  
Decision: Approved conditionally - 01 March 2011

**S11/0089/FULL**

Applicant: Mr & Mrs D Lister  
Proposal: Proposed 6 stallion stables and hay/feed store  
Location: Spa Farm, Kirkby Underwood Road, Stainfield, Bourne,  
PE100RP  
Decision: Approved conditionally - 22 February 2011

**S11/0097/HSH**

Applicant: Mr Ray Soulsby  
Proposal: Single storey rear extension  
Location: 36, Park Road, Allington, Grantham, NG32 2EB  
Decision: Approved conditionally - 09 March 2011

**S11/0100/FULL**

Applicant: Mr P Loft  
Proposal: Increase width of vehicular access  
Location: 1, Wharf Road, Stamford, Lincolnshire, PE9 2DU  
Decision: Approved conditionally - 02 March 2011

**S11/0101/LB**

Applicant: Mr P Loft  
Proposal: Partial demolition of building to increase width of vehicular  
access  
Location: 1, Wharf Road, Stamford, Lincolnshire, PE9 2DU  
Decision: Approved conditionally - 02 March 2011

**S11/0118/HSH**

Applicant: Mrs S Grayson  
Proposal: Extension to the north gable and to the rear of the existing  
bungalow  
Location: 11, Bytham Heights, Castle Bytham, Grantham,  
Lincolnshire, NG33 4ST  
Decision: Approved conditionally - 08 March 2011

**S11/0123/CM**

Applicant: Mark Page, Hanson Quarry Products Europe Limited  
Proposal: Development to extract sand and gravel from land forming an extension to the Baston no 2 quarry with restoration to biodiversity (PL/0264/10)  
Location: Baston No 2 Quarry, Baston Outgang Road, Baston  
Decision: No objections made (cons) - 22 February 2011

**S11/0128/FULL**

Applicant: Mr & Mrs C Taylor  
Proposal: Proposed new dwelling  
Location: R/o Tamaral, Low Road, Barrowby, Grantham, Lincs, NG321DT  
Decision: Approved conditionally - 02 March 2011

**S11/0129/LB**

Applicant: Mr & Mrs Waudby  
Proposal: Single storey garden room to rear of listed building  
Location: 8, West End, Harlaxton, Grantham, NG32 1HE  
Decision: Approved conditionally - 09 March 2011

**S11/0131/HSB**

Applicant: Mr N Woods  
Proposal: Single storey extension to front and rear of dwelling  
Location: 7, Darley Dale Crescent, Grantham, NG31 8EH  
Decision: Approved conditionally - 11 March 2011

**S11/0135/HSB**

Applicant: Mr S Mellows  
Proposal: Extension to dwelling (amended scheme from original approval S10/1877 with additional window in the west elevation of bedroom one)  
Location: 10A, Cumberland Gardens, Castle Bytham, Grantham, Lincolnshire, NG33 4SQ  
Decision: Approved conditionally - 08 March 2011

**S11/0138/EIASP**

Applicant: G R Ward & Co  
Proposal: Poultry unit development  
Location: Mill Farm, Caythorpe Heath, Grantham NG32 3EY  
Decision: Opinion Issued - 18 February 2011

**S11/0146/LB**

Applicant: Mr Peter Holland  
Proposal: Internal alterations and amendments to rear elevation (guttering, tiles)  
Location: 7, St Peters Hill, Stamford, Lincolnshire, PE9 2PE  
Decision: Approved conditionally - 11 March 2011

**S11/0180/TPO**

Applicant: Mr Nick Taylor  
Proposal: Raise crown of lime tree to 4m - protected by Tree Preservation Order  
Location: 2, Manor Drive, Long Bennington, Newark, NG23 5GZ  
Decision: TC&P - Work allowed - 22 February 2011

**S11/0182/LB**

Applicant: Mr & Mrs A Lowe  
Proposal: Rear one and two storey extension to curtilage listed building  
Location: The Coach House, 18C, Chapel Street, Billingborough, Sleaford, NG340QH  
Decision: Approved conditionally - 09 March 2011

**S11/0217/TPO**

Applicant: Mrs Peace  
Proposal: Re-pollard lime tree  
Location: 21, Roman Bank, Stamford, Lincolnshire, PE9 2SS  
Decision: TC&P - Work allowed - 02 March 2011

**S11/0261/HSH**

Applicant: Mrs H Howson  
Proposal: Erection of a first floor side/rear extension  
Location: 37, Drift Road, Stamford, Lincolnshire, PE9 1XA  
Decision: Approved conditionally - 11 March 2011

**S11/0276/EIASC**

Applicant: Cetus Ltd  
Proposal: Solar Park  
Location: Bottom Fen Farm, Dowsby Fen, Bourne, PE100TX  
Decision: EIA Not required - 23 February 2011

**S11/0284/DC**

Applicant: Mr Paul Harkin, GSS Architecture  
Proposal: Approval of details of condition 7 (foul & surface water) required by planning permission S10/0682  
Location: Land R/o Existing Sports Hall, Conduit Road, Stamford  
Decision: Approved - 09 March 2011

**S11/0299/TCA**

Applicant: David Smith  
Proposal: Removal of Silver Birch  
Location: 8A, Cumberland Gardens, Castle Bytham, Grantham, Lincolnshire, NG33 4SQ  
Decision: TC&P - Work allowed - 09 March 2011

**S11/0308/TCA**

Applicant: Mrs M Anderson  
Proposal: Remove maple and cherry trees and pollard willow tree  
Location: St Nicholas's Church, Church Street, Barkston, Grantham, NG32 2NB  
Decision: TC&P - Work allowed - 02 March 2011

**S11/0312/S198**

Applicant: Julie Runcorn, Waterloo Homes  
Proposal: Removal of dying oak tree  
Location: Driveway to Arnoldfield Court, Grantham, NG31 8GL  
Decision: TC&P - Work allowed - 23 February 2011

**S11/0372/LDP**

Applicant: Mr R Carr  
Proposal: Lawful development certificate for replacement of conservatory roof and alteration to facing wall.  
Location: 18, Roman Bank, Stamford, Lincolnshire, PE9 2SS  
Decision: Lawful Development - 11 March 2011

**S11/0546/DC**

Applicant: Mr & Mrs N Merricks  
Proposal: Approval of details of condition 3 (insulation) required by S10/2379/LB  
Location: 110, Station Street, Rippingale, Bourne, Lincolnshire, PE10 0TA  
Decision: Approved - 11 March 2011