

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 31 MAY 2011
at
1.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillor Bob Adams, Councillor Michael Cook, Councillor David Higgs, Councillor Reginald Howard, Councillor Mrs Rosemary Kaberry-Brown, Councillor Vic Kerr, Councillor Alan Parkin, Councillor Trevor Scott, Councillor Mrs Judy Smith and Councillor Frank Turner
Committee Support Officer:	Malcolm Hall Tel: 01476 406118

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 26 APRIL 2011

(Enclosure)

5. PLANNING MATTERS

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

(Enclosure)

B Analysis of Environmental Impacts in relation to the proposed development at 4 St Mary's Place, Stamford – applications NB1 and NB2 on the above list at 'A' above.

(Enclosure)

6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA885 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, 26 APRIL 2011**



COMMITTEE MEMBERS PRESENT

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

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

OFFICERS

Head of Development and Growth
Acting Lead Professional
Principal Planning Officer
Area Planning Officers (5)
Committee Support Officer
Assistant Solicitor

OTHER MEMBERS

Councillor Channel
(In accordance with Council Procedure Rule 24.5, Councillor Miss Channel spoke in connection with application NB4).

102. MEMBERSHIP

The committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Bob Sandall in place of Councillor Avril Williams for this meeting only.

103. DECLARATIONS OF INTEREST

Councillor Bob Sandall declared a personal interest in Application FF2 as the applicant and agent were both known to him personally.

Councillor Exton declared a personal interest in Application FF2 as he knew the agent personally.

Councillor Holmes declared a personal and prejudicial interest in Application KJC1 as he was related by marriage to the applicant.

Councillor Mrs Kaberry-Brown declared a personal and prejudicial interest in

Application IVW1 as she had given advice on the application to local residents during the course of a previous application.

Councillor Bob Sandall declared an interest (during the course of the meeting) in applications JST1 and JST2, as he knew the neighbouring property owner, who had objected.

104. MINUTES OF MEETING HELD ON 20TH MARCH 2011

The minutes of the meeting held on 29 March 2011 were approved as a correct record of decisions taken.

105. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S10/2312/FULL
Description: Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of single storey and part two storey rear extension
Location: 4, St Marys Place, Stamford, Lincolnshire, PE9 2DN
Decision: Deferred

Pending an assessment of the recommendations of the noise consultant.

NB2

Application ref: S10/2313/LB
Description: Alterations and extensions to listed building
Location: 4, St Marys Place, Stamford, Lincolnshire, PE9 2DN
Decision: Deferred

Pending an assessment of the recommendations of the noise consultant.

NB3

Application ref: S11/0431/MJNF
Description: Solar farm including 2.2m high boundary fence and associated equipment

Location: Land Adjacent Lodge Farm, Spalding Road,
Bourne

Decision: Approved

Noting comments made during the public speaking session from:-

Mr Bish – objecting
Mrs J Wall – applicants

together with no objection from Bourne Town Council or Natural England, comments from the Black Sluice Internal Drainage Board and Lincolnshire Archaeology, no objection from the Highway Authority, objections from nearby residents; late information report circulated to members at the meeting including confirmation from the Environment Agency that they do not object subject to an imposition of a condition, together with the suggested condition referred to, report of site inspection 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 five years from the date of this permission.
2. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
3. Before development commences a working design, methods statement and timetable of works to mitigate any adverse impacts to badgers shall be submitted to and agreed in writing with the Local Planning Authority.
4. Site clearance operations that involve the destruction and removal of vegetations 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.

5. 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 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 along with an implementation programme.
6. The fencing surrounding the site shall be painted a green colour, the detail of which shall be submitted to and agreed in writing with the Local Planning Authority. The colour as approved shall be utilised on the fencing
7. No permanent lighting shall be erected on the site without the prior written approval of the Local Planning Authority.
8. No development shall take place, including site clearing or preparation, until a detailed Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout and the detailed report shall provide for:
 - i. Delivery details including proposed numbers and types of vehicles to the site.
 - ii. Access arrangements, including temporary or proposed and details of how any vehicle will turn within the site.
 - iii. Details of any junction improvements or widening required at the A151.
 - iv. Details of edge protection or strengthening works to accommodate such proposals.
 - v. Reason: To ensure that the proposal would not be detrimental to highway safety and to comply with guidance contained in PPG13.
9. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment undertaken by HSP Consulting (Rev. B) and dated January 2011. In particular, the finished floor levels of the inverter houses shall be set no lower than 0.822 metres above Ordnance Datum. The applicant shall confirm in writing to the Local Planning Authority that this has taken place within one month of completion.
10. In the event that the solar panels are no longer used for the generation of electricity all structures associated with the solar farm

shall be removed and the land restored to its original condition within six months.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the generation of electricity on site and any plants or shrubs that die within the first five years shall be replaced, unless otherwise agreed in writing with the Local Planning Authority.

Note to Applicant

1. Please note that this grant of planning permission does not override the need, or otherwise, for consent which may be required from the Black Sluice Internal Drainage Board.

Acting Lead Professional to write to the Highway Authority regarding the placing of suitable signs warning of the location of the solar farm.

NB4

Application ref: S11/0190/FULL

Description: Retention of stable

Location: Sunnyside Cottage, Edenham Road, Lound, Bourne, Lincolnshire, PE10 0LJ

Decision: Deferred

Noting comments made during the public speaking session from:

Huw Milsom – objecting

together with no objection from Lincolnshire Heritage, comments from Planning Policy and objections from nearby residents together with comments made by members at the meeting.

It was proposed and seconded that the application be refused. Following discussion the proposition to refuse was withdrawn and it was proposed, seconded and agreed that further consideration be deferred pending a site inspection.

Both location and more detailed plans to be included within the agenda when the application is next considered.

FF1

Application ref: S11/0212/HSB

Description: Detached double garage

Location: 17, Church Lane, Caythorpe, Grantham, NG32
3DU

Decision: Approved

Noting an objection from a Parish Council and objections from nearby residents, and no objection from the Highway Authority, conservation team, LCC footpaths or the SKDC Heritage team, report of site inspection 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. 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.

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.

(1.58pm – Councillor Mrs Gaffigan left the meeting)

(2.02pm – Councillor Mrs Gaffigan returned to the meeting)

FF2

Application ref: S10/2181/FULL

Description: Provision of hard standing for outside seating area

Location: The Fighting Cocks, 13, Market Place, Corby Glen, Grantham, Lincolnshire, NG33 4NH

Decision: Deferred

Noting comments made during the public speaking session from: -

Mike Sibthorp – applicant's agent

together with no objection from the Parish Council, an objection from SKDC Environmental Protection, objections from nearby residents and comments made by members at the meeting.

It was proposed, seconded and agreed that further consideration be deferred pending a site inspection to more properly assess the likely impact of the proposal on neighbouring residential properties.

PL1

Application ref: S11/0475/FULL
Description: Installation of public artwork on highways land
Location: Bottom Of Butchers Row, Market Place, Grantham
Decision: Approved

Noting comments from English Heritage and representations from local residents; late information report circulated to members at the meeting including comments from the Highway Authority 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 condition:-

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

PL2

Application ref: S11/0270/FULL
Description: Use of land for the siting of 5 mobile homes to be occupied in connection with fishery
Location: Wagtail Country Park, Cliff Lane, Marston, Grantham, Lincolnshire, NG32 2HU
Decision: Approved

Noting comments made during the public speaking session from:-

Mike Sibthorp – agent

together with no objection from the Highway Authority or Environmental Protection and comments from Planning Policy, together with 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 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 lodges hereby approved shall not be occupied between 31 January and 1 March in any year unless otherwise agreed in writing with the local planning authority.
3. The lodges hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
4. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges hereby approved, and of their main home addresses, and the dates and duration of their stays. This information shall be made available at all reasonable times to the District Planning Authority.
5. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide passing bays to a full approved specification together with all ancillary works.

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.

PWM1

Application ref:	S11/0301/HSH
Description:	Garage/garden store
Location:	Paddock Cottage, Village Street, Oasby, Grantham, NG32 3NA
Decision:	Approved

Noting comments from the Community Archaeologist, an objection from the Parish Council, comments from English Heritage and the SKDC Conservation Officer, an objection from the local member, objections from neighbouring residents together with a number of letters of support from local residents, report of site inspection 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. 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.
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.
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.
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 or living accommodation.
6. The garage doors shall be a matching timber pair as shown on the plan and retained as such thereafter unless otherwise agreed in writing with the local planning authority
7. The external stonework shall be laid in courses to match the stonework of the main dwelling.
8. This permission relates solely to the application as amended by the drawing '04 Rev A' received 24 March 2011

PWM2

Application ref: S11/0597/HSB

Description: Single storey extensions to rear and side of dwelling including open porch

Location: The Old Stables, Fen Lane, Long Bennington, Newark, NG23 5ED

Decision: Approved

Noting late information report circulated to members present at the meeting in relation to a request from the Upper Witham Internal Drainage Board for further details (and confirmation from the case officer that there is no objection from the Drainage Board) 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. The development shall be built in accordance with the materials detailed on the submitted application forms and drawing unless otherwise agreed in writing by the local planning authority.
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 window other than those expressly authorised by this permission shall be inserted in the south elevation of the extensions without planning permission having first been obtained from the Local Planning Authority.

Note(s) to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

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.

(2.48pm – Councillor Mrs Kaberry-Brown left the meeting).

(2.49pm – Councillor Turner left the meeting).

(2.50pm – Councillor Mrs Kaberry-Brown returned to the meeting).

(2.52pm – Councillor Turner returned to the meeting).

PWM3

Application ref: S11/0150/MJNF

Description: Replacement of part of Effluent Treatment Plant (ETP) including construction of a Covered Anearobic Lagoon (CAL) with associated sludge mixing and collection facilities together with a biogas recovery facility

Location: PAS (Grantham) Ltd., Easton, NG33 5AY

Decision: Approved

Noting comments from the Community Archaeologist and Highway Authority, no objection from the Highways Agency, Natural England, Lincolnshire Wildlife Trust or the Parish Council, an objection from the Environment Agency and an objection from a nearby resident; late information report circulated to members at the meeting including further comments from the Highway Authority, the withdrawal of the objection from the Environment Agency and comments from Environmental Protection together with a recommendation for an additional condition/note, report of site inspection 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
3. The arrangements and details shown on the approved plans and described in the consultant's letter dated 08 April 2011 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when construction works are in progress.
4. The facility shall be used for the treatment and processing of effluent and waste material produced on site only, and shall not be used for processing of waste material brought in from elsewhere.

Note to applicant

1. It is important to ensure that the submitted Evacuation Plan is in place at all times, to be enacted in the event of a dam failure and that all other relevant legislation is complied with.

JJ1

Application ref: S10/2586/FULL

Description: Erection of 4 dwellings and associated access

Location: 16, Towngate East, Market Deeping,
Peterborough, PE6 8DR

Decision: Deferred

Noting no objection from the Highway Authority, comments from Heritage Lincolnshire, an objection from the Town Council and objections/comments from nearby residents, report of site inspection and comments made by members at the meeting.

It was proposed, seconded and agreed that further consideration of the application be deferred pending discussions with the developer with regard to a redesign of the site to remove the overdevelopment in the south west corner.

*(The meeting adjourned from 3.06pm to 3.25pm).
(Councillor Holmes did not return to the meeting on its resumption, as he had declared an interest in the next item).*

KJC1

Application ref: S10/2176/MJRF

Description: Residential Development (21 dwellings)

Location: Elm Farm, Lilley Street, Long Bennington,
Newark, NG23 5EJ

Decision: Deferred

Noting comments from the Police Architectural Liaison Officer, Partnerships Project Officer, Upper Witham Internal Drainage Board, Anglian Water, Lincolnshire Primary Care Trust, Lincolnshire Fire and Rescue, Lincolnshire County Council Education, Open Space Officer, Highway Authority, Senior Historic Environment Officer (Archaeology) and the Parish Council, report of site inspection and comments made by members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Acting Lead Professional, after consultation with the Chairman or Vice Chairman, subject to the summary of reasons referred to in the case officer's report and subject to the completion of a Section 106 Agreement, in relation to appropriate developer contributions, and to appropriate conditions, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding 6 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 Acting Lead Professional in consultation

with the Chairman, 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 developments acceptable have not been forthcoming.

(3.40pm – Councillor Holmes returned to the meeting).

IVW1

Application ref: S10/0256/FULL

Description: Use of Marston Hall for civil weddings, entertainment receptions, guided tours, conferences and use of adjacent land for event car parking

Location: Marston Hall, School Lane, Marston, Grantham, NG322HQ

Decision: Minded to refuse

Noting comments made during the public speaking session from:-

Mr A M Watson – Marston Parish Council – objecting
Nick Dunn – objecting

together with comments from the Highway Authority, English Heritage and Environmental Health, a lengthy objection from the Parish Council and objections from nearby residents, including a petition; late information report circulated to members at the meeting including further representations from a local resident and an amended suggested reason for refusal, together with comments made by members at the meeting.

It was noted that an appeal had been submitted against non determination, and the application was brought before the committee to secure a resolution as to what decision members would have made had the appeal not been submitted and they had been able to make a decision.

It was proposed, seconded and agreed that the committee are minded to refuse, for the following reason:-

The Local Highway Authority so requests because the use of School Lane in connection with the type of use proposed would be unacceptable on highway safety and convenience grounds, particularly with regard to the location of the village school and the poor alignment and visibility at the junction of Main Street/School Lane.

In the absence of an acceptable alternative means of access, the sole use of the access of School Lane in connection with the proposed use of the

property for weddings etc would be detrimental to the interests of highway safety and convenience, contrary to PPG13.

JST1

Application ref: S10/2872/HSB

Description: 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

Location: 7, St Leonards Street, Stamford, Lincolnshire, PE9 2HU

Decision: Approved

Noting comments from the Community Archaeologist and Consultant Architect for the Historic Environment, no objection from Stamford Town Council Stamford Civic Society and comments from the Highway Authority, together with objections from nearby residents, report of site inspection 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.
3. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
4. Before development is commenced on site the sycamore tree 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 unless submitted to and agreed in writing by the local planning authority.

5. 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.
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors.
 - ii. loading and unloading of plants and materials.
 - iii. storage of plant and materials used in constructing the development.
 - iv. measures to control the emission of dust and dirt during construction.
 - vi. traffic management proposals during each process including demolition and construction.

JST2

Application ref:	S10/2873/LB
Description:	Alteration to listed building to include demolition of existing extension and boundary wall, new two storey rear extension, new boundary wall and garage
Location:	7, St Leonards Street, Stamford, Lincolnshire, PE9 2HU
Decision:	Approved

Noting comments from the Community Archaeologist and Consultant Architect for the Historic Environment, no objection from Stamford Town Council or Stamford Civic Society and comments from the Highway Authority, together with objections from nearby residents, report of site

inspection and comments made 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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
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.
3. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
4. Before development is commenced on site the sycamore tree 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 unless submitted to and agreed in writing by the local planning authority.
5. 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.
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors.

- ii. loading and unloading of plants and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. measures to control the emission of dust and dirt during construction.
- vi. traffic management proposals during each process including demolition and construction.

JST3

Application ref: S10/1876/HSB

Description: Erection of classic car storage unit for domestic use

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

Decision: Refused

Noting comments from Heritage Lincolnshire and the Highway Authority, an objection from Greatford Parish Council, no objection from the Environment Agency or Ramblers Association, objections from nearby residents and late information report circulated to members at the meeting including supplementary observations from Greatford Parish Council included in full in an appendix to the late report, together with comments made by members at the meeting.

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 size and scale of the proposed building, which is to house 36 vehicles for the occupiers of the dwelling known as 'The Rectory', is considered to be of excessive size and scale more akin to a commercial structure rather than being of domestic proportions and its use is likely to be beyond that which could be considered to be ancillary to the enjoyment of the occupiers of the main dwellinghouse.
2. The allowance of a building of this size and scale is likely to have a detrimental visual impact on both the setting of the listed building and this part of the Greatford Conservation Area.

It is therefore considered to be contrary to Planning Policy Statements 1 and 5 (PPS1 and PPS5), policy 27 of the East Midlands Regional Plan and policy EN1 of the South Kesteven Core Strategy (2010).

(As the meeting had lasted for 3 hours, in accordance with council procedure rule 9, the committee voted for the meeting to continue).

JST4

Application ref:	S11/0350/FULL
Description:	Material change of use of industrial unit (part) to gymnasium (D2)
Location:	Fen Manufacturing Engines, Blenheim Way, Market Deeping, Peterborough, Lincolnshire, PE6 8LD
Decision:	Deferred

Noting no objection from Market Deeping Town Council and comments from Planning Policy; late information report circulated to members at the meeting including a representation from a neighbouring business, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be refused.

After the applicant, who was present at the meeting, had made representations that he should be allowed to speak as he had asked last week and this request appeared not to have been recorded, despite it having been properly made, the Chairman ruled that, without precedent, he would allow the applicant to speak on this occasion.

The applicant, Mr A Joyce, then spoke for the 3 minutes allowed by the public speaking rules.

The proposition to refuse was then put and lost. It was then proposed, seconded and agreed that the application be deferred for determination by the Acting Lead Professional, after consultation with the Chairman or Vice-Chairman, subject to the submission of a plan showing car parking arrangements as required by the Highway Authority, and subject also to other appropriate conditions.

(4.55pm – Councillor Mrs Kaberry-Brown left the meeting).

(4.58pm – Councillor Mrs Kaberry-Brown returned to the meeting).

106. LEVEL 2 STRATEGIC FLOOD RISK ASSESSMENT (SFRA) FOR SOUTH KESTEVEN - PUBLICATION OF FINAL REPORT

The committee received report PLA882 from the Planning Policy Manager in relation to the preparation of the Level 2 Strategic Flood Risk Assessment (SFRA) for South Kesteven. Planning Policy Statement 25 (Development and Flood Risk) required the council to produce a SFRA for the district. This assessed the risk of flooding across the district and particularly considered the flood risk associated with areas which were being considered for future

development as part of the emerging Local Development Framework. In 2009 a Level 1 SFRA was prepared for the district in order to comply with the requirements of PPS25. That report recommended that a Level 2 assessment should be prepared to consider the flood risk to and posed by sites considered for allocation in the sites allocations and policies DPD.

The main conclusions of the report were summarised in Appendix 1 and should be used in evidence to guide and support the site allocations and policies DPD and Grantham Area Action Plan, and also to guide the evidence provided by applicants in support of planning applications. The SFRA review had been prepared for the council by Entek UK Limited. The Environment Agency had taken an active role in the assessment process and the preparation of the final report, which met the requirements of PPS25 and of the Council's project brief. It also met the requirements of the Environment Agency and was recommended for immediate use by the council.

Margaret Parr, from Planning Policy and Partnerships, gave further information in relation to the report and in particular flood risks and flood management in the towns and in local service centres.

(5.05pm – Councillors Bob Sandall, Mrs Gaffigan and Mrs Jalili left the meeting).

In concluding, the committee were reminded that the conclusions of the report should be used as background evidence to support and inform policies and proposals in the emerging LDF documents and that they be also used by the council in determining planning applications, particularly those located in areas defined in the SFRA as at risk of flooding.

The Chairman thanked Mrs Parr for her report.

107. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA884 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers and a planning appeals update.

108. CLOSE OF MEETING

The meeting closed at 5.15pm.

Agenda Item 5

COMMITTEE: 31 MAY 2011

NO	PAGE	PROPOSAL AND LOCATION	REC	
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	21	Alterations and extensions to listed building, as above	AC
NB3	10/2296	28	Change of use of land to golf course, creation of car park and erection of 2 pedestrian bridges, Land at Witham on the Hill	R
NB4	11/0190	34	Retention of stable, Sunnyside Cottage, Edenham Road, Lound	AC
NB5	11/0419	38	Erection of dwelling, R/o 45A Horsegate, Deeping St James	R
JST1	10/2877	42	Demolish existing warehouse and erection of 4 dwellings, Land between 2 Coggles Causeway and 2 South Road, Bourne	AC
JST2	10/2833	52	Demolition of existing shop and warehouse and erection of 3 shops and 4 flats to upper floors, 24 Broad Street, Stamford	AC
JST3	11/0056	58	Demolition of existing shop, warehouse and curtilage walls in conservation area, 24 Broad Street, Stamford	AC
JST4	11/0442	62	Change of use from retail (A1) to hot food takeaway (A5) and provision of external flue to rear roofslope, 41-51 Bridge Street, Deeping St James	AC
KJC1	10/1283	67	Application Order Section 73 of the Town and Country Planning Act for residential development (to not comply with Condition 8 of application S05/0220 relating to affordable housing), Former Impress Factory Site, Springfield Road, Grantham	DEF
IVW1	11/0686	79	Alteration of listed building, Men of Grantham War Memorial, St Wulframs Church Yard, Swinegate, Grantham	AC
PWM1	10/2380	82	Erection of dwelling with access off Camarthen Close, R/o 138 Barrowby Road, Grantham	AC
PWM2	10/2297	88	Erection of three dwellings, 2 Bourne Road, Colsterworth	AC
PWM3	11/0641	95	Change of use to B8 (open) storage and formation of access, Bourne Road, Colsterworth	AC

FF1	10/2181	102	Provision of hardstanding for outside seating area, The Fighting Cocks, 13 Market Place, Corby Glen	R
JJ1	10/2586	108	Erection of three dwellings and associated access, 16 Towngate East, Market Deeping	AC
JJ2	11/0406	116	Application to extend time limit for the implementation of application S08/0317 for construction of 9 dwellings, 59 & 65 Abbey Road, Bourne	DEF

**Development Control Committee
31 May 2011**

NB1 **S10/2312/FULL**

Target Decision Date: 07-Dec-2010

Applicant	Mark Harrod, Agellus Hotels Limited 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	Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of single storey and part two storey rear extension
Location	4, St Marys Place, Stamford, Lincolnshire, PE9 2DN
App Type	Full Planning Permission
<u>Parish(es)</u>	Stamford

REPORT

Introduction

This application was due to be determined at the Development Control Committee of 1 March and Members made a resolution to refuse permission contrary to the advice of Officers and the Lead Professional. However, the reasons for refusal suggested by Members at the Development Control Committee were not at that time accepted as sound. Therefore the application was deferred and, as required, Members submitted draft reasons for refusal to the Lead Professional, these are reproduced below;

“1. Loss of Neighbours' Amenities:

The Inspector found (para 43 of the Decision Notice) "the regular use of the rear garden in conjunction with the proposed hotel and restaurant would generate a level of aural activity and disturbance which would be unacceptably intrusive and harmful to the level of residential amenity enjoyed by the occupiers of the neighbouring property". Consequently in this respect the appeal proposal would not accord with criterion (vii) of SK Local Plan Policy EN1 which seeks to avoid pollution of the surroundings by noise. Furthermore (para 44 of DN), the regular movement of groupings of people within the confines of a relatively small area close to residential units could be visually intrusive. Such a possibility adds weight to the above judgement.

In the view of the Development Control Committee members, the new proposal by the applicant effectively to ban hotel and restaurant guests from using the rear garden, whilst reducing the impact on neighbours' amenity would not reduce it to an acceptable level because:

- There would still be considerable intrusion because of noise and movement by hotel staff in the rear garden.
- The use of the outhouse in the garden for the purposes of services would still produce an unacceptable level of noise, particularly at night when bottles are being disposed and waste bins are being loaded.
- The hotel and restaurant guests would be forced to use the front of the hotel as a smoking area, thus transferring some disturbance to the front of St Mary's Place.
- Such a condition is virtually unenforceable.

In addition the close proximity of the bedrooms of the adjoining property which overlook both the garden and what would be hotel rooms are also an unacceptable loss of the amenity of the adjoining building.

2. Insufficient evidence for need for change of use:

This was the third original reason for refusal and was not addressed directly by the inspector in his decision notice, although he does mention it (para 30 of DN) in support of his refusal decision associated with the proposal to enclose the courtyard.

The original reason for refusal still stands, but needs to be amended to reflect the move from RSS8 and PPG15 to PPS5. Hence:

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. As there would need to be considerable intrusive works for this Grade 11* Listed Building to effect the conversion, this is contrary to PPS5, Policy HE9 and C7 of the Core Strategy. It is considered that the internal and external works (including the extensions proposed at the rear of the building) necessitated by the change of use is contrary to the requirements of policy C7 in that the proposal will have an adverse affect on the character of the building, its setting and the environment in general.

3. Service Access and Highway Safety:

Since this aspect was dealt with at the inquiry, new evidence from the local Police Inspector has been obtained (letter from Inspector Stewart dated 26 November 2010) which throws into question the Planning Inspector's assessment of the situation and the comments of LCC Highways about the highways issues surrounding this application.

Before framing the exact working for a refusal on these grounds, although it is likely to be similar to those of reason 2 in the original Development Control Committee refusal of 14 October 2009, a site meeting with all the key stakeholders (Police, LCC Highways, SKDC Officers and Members) is suggested to thrash out the issues on the ground.

4. Disabled Access:

If necessary, there are also grounds for refusal based around disabled access because the Development Control Committee do not accept, without further explanation, the statement

from SKDC's Building Control Dept that "the proposal does not fully comply with the Disability Discrimination Act; however,raise no objection to the proposal".

We consider that the proposals submitted to convert No4 St Mary's Place for use as a hotel, restaurant and bar would not be justifiable under the terms of the Disability Discrimination Act 1995 and Approved Document Part M2004, because the service provided to a disabled person would be to a lower standard than for a person who is not disabled.

5. Emergency Access:

In addition, are the very real concerns of members regarding access by emergency vehicles to a public building to which there is no rear access and the secondary service access is restrictive in width and angle".

Observations on draft reasons for refusal

Reasons for refusal 2 to 5, as suggested by Members, are considered in the following short paragraphs. Reason 1 is considered in greater detail later in this report.

Reason 2 – As identified in PPS5, there is only a need for the applicant to consider whether or not the proposed use is appropriate should the change of use result in 'substantial harm' to the Listed Building. However, following amendments to the scheme no substantial harm would occur to the Listed Building and, therefore, the reason for refusal is not just in that there is no requirement for the applicant to demonstrate that this is the buildings only viable use.

Reason 3 – Issues relating to highway safety were considered at the previous appeal and the Inspector did not consider that the proposal would be detrimental to highway safety or lead to congestion. The observations of the Police Inspector are noted but raise no issues that have not already been considered.

Reason 4 – The issue of disabled access was considered at the previous appeal and the Inspector did not consider that this would justify a refusal of permission. Furthermore, with a Listed Building it is not always possible to fully comply with the Disability Discrimination Act if it would compromise the character of the Listed Building. A refusal of permission on this ground is not considered justified.

Reason 5 – The issue was broadly discussed at the previous appeal and the Inspector did not consider that this would justify a refusal of permission. Furthermore, Building Control does not object to the application with regard to fire vehicular access.

In view of the above it is not considered that suggested reasons for refusal 2 – 5 are just or would be defensible at appeal.

Reason 1 – To determine whether or not a refusal on the loss of neighbours' amenities could be supported the Authority sought expert external advice to consider both noise or odour, taking into account the previous appeal decision.

The summary findings of the report, dated 6 April, are reproduced below. It should be noted that the document was placed onto the Internet although no formal consultation was undertaken on it;

“To ensure the residential and commercial uses can appropriately coexist in this case a high level of control is required over the design and use of the commercial operation. In most cases issues can be addressed with appropriate design but the ventilation system and odour control requirements remain a serious obstacle in this case because of the constraints on extract and supply air. Modification to cooking style as identified in the appeal decision is not reflected in the application details and the design. It will require significant constraints. I am concerned this is to the extent that it could defeat the enterprise and thus it requires further demonstration it can be achieved.

Controls and measures required include:

- A) A noise scheme type condition to address internal design issues that may generate noise and the acoustic performance of the glazed wall.
- B) A condition preventing alterations to roofs, facades and openings without prior written approval of the LPA.
- C) A condition controlling the opening of the kitchen, restaurant and glazed lobby doors.
- D) A revised plant noise condition with a lower decibel limit and different form of words.
- E) A scheme type condition controlling garden and yard use by staff to limit activity and prevent noise during unsocial times.
- F) A waste management scheme condition is already proposed but the infrastructure requires identification and approval.
- G) Redesign of cooking equipment and methods and ventilation design and odour control. Change is required to meet what the Inspector identified in the decision and to address the physical constraints. This cannot currently be dealt with by condition as it is not demonstrated the requirements can be achieved in practice.

Approving the development with this matter left unaddressed would lead to an unsatisfactory situation where additional ventilation plant and ductwork not currently identified is likely to be an inevitable requirement that would conflict with the planning objectives.

Until the ventilation issues in G) above are addressed I am unable to recommend approval. These observations are made in the light of the planning decision of May 2010”.

The applicant submitted amended plans to address concerns highlighted by the external consultant; these were received on the 6, 11 and 13 May 2011.

The amended drawings indicate that three of four existing chimneys are to be used as flue extracts from the kitchen. This alteration will ensure that suitable air flows are available and overcome initial concerns of the consultant to ensure that odour, subject to conditions, will not be detrimental to residential amenity. There will also be a need for conditions to control the type of cooking appliances in the kitchen to ensure that, in the future, the odour extraction system is fit for purpose.

The consultant has also looked at noise issues and suggested additional conditions to restrict the use of the garden for staff along with lowering the noise levels identified in previous conditions to ensure that the amenity of neighbouring properties is not compromised.

In view of the above, and subject to additional conditions suggested by the consultant, it is not considered that there is any justifiable reason to refuse the application on grounds of the development being detrimental to the amenity of neighbouring properties.

Therefore, despite the 5 suggested reasons put forward by Members, and following extensive research into whether or not a refusal of permission would be justified, it is recommended that the application be granted permission, subject to conditions.

In addition to the observations of the external consultant the authority has also sought independent Counsel advice on this application. The advice given is that the Planning Inspectors conclusion is an important material planning consideration in the outcome of this application. Reasons for refusal 2 – 5 put forward by Members cover issues already dealt with by the Inspector and would not justify a refusal of permission that is likely to be defensible at appeal. With regard to suggested reason for refusal 1 it was advised that conditions could control use of the outside garden area and would be enforceable. Therefore, unless other material planning considerations are put forward in relation to noise or odour, not previously considered by the Inspector, which are negative and could not be controlled by condition, there would no justifiable reason to refuse the application on grounds of being detrimental to residential amenity.

In conclusion, having regard to all suggested reasons for refusal put forward by Members there is not considered to be, in your officers opinion, any sound planning grounds to refuse the application. This is taking into account the original application and subsequent appeal, along with Counsel advice and that of an independent consultant who is expert in noise and odour issues.

The application is therefore recommended for approval, subject to the imposition conditions and signing of a legal agreement.

Below is the original Committee report which should be read in conjunction with this prequel, with the original report covering in greater detail the planning history attached to the site.

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.

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(s)

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.

3. 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. 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).

5. 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.

6. Without the prior written approval of the Local Planning Authority, the level of noise emitted from plant and equipment located at the site shall not exceed 25dB LAeq(5 minutes) when determined at any point one metre perpendicular from the windows of 3 St Mary's Place, Stamford.

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. This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from the garden, the yard areas of the site external to the buildings and emissions from building openings, which is the subject of this consent.

The code shall be submitted for approval prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with the approved details and shall identify measures to reduce the impact of noise on the adjoining residential community as set out below:

- a) Restriction on the opening and keeping open of doors connecting to the garden and yard including doors to plant and storage rooms.
- b) Restriction over the use of the garden and yard by persons at specific times and of activities likely to adversely impact upon neighbouring residential property including activity during evenings, night time, weekends and public holidays.
- c) The restriction and management of all deposits of waste materials into the refuse storage facilities located external to the buildings.
- d) Restriction over the use of radios, music amplification systems, telephones and sound amplification equipment in the garden and yard area.
- e) The location and use of any mobile plant and machinery outside the building and its noise level.
- f) A review of the written code within 2 years shall be submitted to the local planning authority for prior written approval to address any issues identified by the local planning authority arising from the operation of the code in the preceding period. Amendments of the code approved by the local planning authority shall be implemented within 3 months of written approval.

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.

8. 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.

9. 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.

10. This permission relates solely to the application as amended by plans received on 07 February, 6 May, 11 May and 13 May 2011.

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

11. 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.

12. 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.

13. No development shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall

address infrastructure and operational requirements of waste control required to prevent odour, insect and vermin problems, including de-watering of waste, how and where stored, times of movement of waste receptacles, procedures to minimise insects and vermin and odour control.

Thereafter, annually, from the commencement of use, the operator shall review the operation of the plan in consultation with the local planning authority. The operator shall propose amendments to address any issues of odour, insects or vermin arising from the handling and storage of waste within 3 months of the review that have been identified by the local planning authority in the preceding 12 months. Amendments are to be implemented with 3 months of the prior written approval of those amendments as proposed and subject to any conditions of their approval.

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

14. 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.

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.

16. 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.

17. 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.

18. A scheme for the sound insulation of the kitchen, staff and storage areas (as identified in the plans submitted with the application titled GA kitchen plan and sections Reference 13 and revised 13th May 2011) and for the reduction of noise generation arising from the use of the rooms, shall be submitted to the Local Planning Authority for approval. The scheme shall be designed to reduce emissions of noise, arising from use of the buildings and affecting the adjacent dwellings at 3 St Mary's Place. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. Any approval may be subject to conditions of approving the scheme. The works and scheme shall be implemented in full and thereafter maintained in accordance with the approved details.

Upon completion of the works identified in the scheme, no alterations to the structure, roof, doors, windows or external facades of the building shall be undertaken without the prior written approval of the Local Planning Authority. All alterations implemented shall be undertaken in accordance with the prior written approval and thereafter maintained in accordance with the approved details.

The scheme shall identify the level of sound attenuation determined from internal to external locations and also internally within adjoining dwelling rooms that are outwith the site. It shall provide for their measurement and reporting post the completion of scheme works. A written report of attenuation achieved shall be submitted post the completion of works.

The scheme shall include:

- a) Identification and implementation of additional mitigation works where the predicted level of sound attenuation is not achieved or structure borne noise arising from use is discernible within adjoining residential property. This excludes any de-minimus activity.
- b) Acoustic properties (sound reduction) of the kitchen roof, glazed wall and openings within the new structure, including ventilation openings.
- c) The identification and location of fixed plant and machinery and the levels of noise they emit and which forms part of the operational development. To include noise from ventilation and any air conditioning equipment, determined at 1 metre from dwellings windows within 3 St Mary's Place Stamford. Spectral noise data to be provided.
- d) Testing of the completed development and a report of findings as to the achievement of predicted sound reduction.
- e) Sound attenuation levels expressed in Octave or third octave bands.

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.

19. A scheme for the ventilation and control of odour from the kitchen operations shall be submitted to the local planning authority for their prior written approval. The approved scheme shall be fully implemented in accordance with the approved details before the use commences and thereafter maintained in accordance with the approved details. The scheme shall include operational controls as well as the design and installation of plant and equipment. This shall include identification of the cooking and hot food holding appliances to be operated in the kitchen as well as the extraction and supply air infrastructure. The scheme shall also address:
- 1) The system of checking and replacing of all single use filters incorporated in the extract system to ensure correct operation of odour control systems. Filter replacement shall occur not less than as recommended by the manufacturers.
 - 2) The checking and cleaning of reusable filters.
 - 3) Maintenance checks on the air handling systems serving the kitchen.
 - 4) The recording of all checks, cleaning of filters and replacement of single use filters and the provision of those records to the local planning authority within 14 days of written request.

Replacement equipment shall not be installed without the prior written approval of the local planning authority.

Reason: To ensure that the development would not be detrimental to the amenity of neighbouring properties through odour that may be generated and to comply with guidance contained in PPS1.

20. No additional or replacement cooking or hot holding appliances which have a power consumption rating in excess of three kilowatts shall be operated in the kitchen without the prior written approval of the local planning authority unless they are of the same make and model as the appliances identified in the ventilation and odour control scheme for the kitchen required as part of this consent.

Reason: To ensure that the development would not be detrimental to the amenity of neighbouring properties through odour that may be generated and to comply with guidance contained in PPS1.

21. A planning odour control and noise survey, involving the measurement of noise emissions and compliance checking with conditions issued as part of this approval shall be undertaken not less than once every four years at the site, the subject of this approval. The survey shall identify the level of compliance and any breaches of the conditions attached to and forming part of this approval. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within 1 month of survey completion.

Reason: To ensure the continued enforceability of Conditions which have on-going requirements and that the Local Planning Authority is notified of any unlawful

development that may subsequently acquire immunity, thereby compromising the measures to protect against excessive impact upon amenity.

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	Mark Harrod, Agellus Hotels Limited 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	Alterations and extensions to listed building
Location	4, St Marys Place, Stamford, Lincolnshire, PE9 2DN
App Type	Listed Building Consent
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as a other application.

It should be noted that the application was due to be determined at the Development Control Committee of 01 March; however, the application was deferred following the discussion and deferment of a full application for the same site (ref; S10/2312). The observations on the full application are noted but would not change the recommendation for the Listed Building 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.

Conclusion

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.

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	Mrs S Hazelwood Crown Hill Farm, Ropsley, Grantham, NG33 4BH
Agent	Jim Grundy, JHG Planning Consultancy Orchard House, Main Road, Welbourn, Lincoln, LN5 0PA
Proposal	Change of use of land to golf course, creation of car park and erection of 2 pedestrian bridges
Location	Land At, Witham On The Hill
App Type	Major Full (Non-residential)
Parish(es)	Witham on the Hill

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

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

The Proposal

The proposal is to change the use of an existing field and for it to be used as a nine-hole golf course. The applicant has indicated that there will be no engineering operations as a result of the proposal and the grass will just be mown and any features associated with a golf course e.g. water features etc, will have to be there as existing and not created. The only form of operational development proposed is the creation of a car park and two pedestrian bridges over a dyke.

The application site and its surroundings

The application site lies to the west of Witham on the Hill, an attractive village with a Conservation Area encompassing it. There is a gradual change of levels across the application site with the land rising to the north. To the east of the application site is a wood and lake with there being an element of sporadic boundary/tree planting in the site; however, for the most part the application site is an open arable field. A dyke also crosses the site.

Site History

None

Representations Received

Witham on the Hill Parish Council request that the application be determined at Development Control Committee as well as express concern that the proposal will result in loss of mature trees.

Heritage Lincolnshire note that the proposal would not affect any features of archaeological interest.

Natural England does not object to the application subject to the imposition of conditions.

The Environment Agency does not object to the application.

The tree officer has requested the submission of a tree survey.

Lincolnshire County Council as Highway Authority does not object to the application subject to the imposition of conditions

Planning Policy notes that the application falls to be determined against policies SP1, E1 & EN1 of the Core Strategy. SP1 identifies that such development will only be considered acceptable if they are sites for:

- A. affordable housing (rural exception or allocated sites)
- B. agriculture, forestry or equine development
- C. rural diversification projects
- D. local services & facilities
- E. replacement buildings (on a like for like basis); or
- F. conversions of buildings provided that the existing building(s),” subject to certain criteria

Policy E1 identifies that:

“Outside Local Service Centres, rural diversification proposals will be supported where it can be demonstrated that it is necessary to meet the needs of farming, forestry, recreation, tourism or other enterprises and has an essential requirement for a rural location. Such proposals would need to demonstrate that they will help to support or regenerate a sustainable rural economy”.

Key national policy guidance is contained in PPS4 and policy EC7 [planning for tourism in rural areas] allows support for tourism and leisure development. Such development should be located in “appropriate locations” and meet an identified local need which is not being met by current facilities.

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 16 March 2011. At the time of writing 3 letters of objection have been received and a summary of their observations are reproduced below;

Valuable agricultural land will be removed from the production of food
The proposal should not be classed as 'rural diversification'
There are a number of golf courses in the locality, including one just three miles away, and there is no requirement for this proposal
Golf balls are likely to stray onto adjacent land and this is likely to lead to trespass as well as possibly impact on cars using the adjacent road
What are hours are proposed to be operated
The proposal will be detrimental to highway safety

Policy Considerations

Core Strategy

EN1 – Protection and Enhancement of the Character of the District
SP1 – Spatial Strategy
E1 – Employment Development
SAP4 – 'Business Development in the Countryside' in the draft 'Site Allocation and Policies Development Plan Document'

East Midlands Regional Plan

1 – Regional Core Objectives
41 – Regional Priorities for Culture, Sport and Recreation

National Policy Guidance

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPS25 – Development and Flood Risk

Key Issues

Visual impact of the development
Likely economic development/benefit
Whether or not the proposal is in a sustainable location and complies with relevant spatial guidance, and if there is an identified need for the proposal.

Officer Evaluation

A screening opinion has been given and concluded that the proposal would not require the submission of an Environmental Impact Assessment. It was also indicated in an 'ecological and protected species survey' that no trees would be affected by the development and, as a result, no tree survey was requested. However, an amended plan was required to identify an appropriate visibility and, subsequent to this, trees within the visibility splay have been felled.

It is accepted that the visual impact of the development would be limited with no form of earth works proposed and the only operational development being the creation of a car park and 2 bridges over a dyke. It has been indicated by the applicant that grounds maintenance vehicles will arrive as and when required and that there is no need for buildings on-site; this is how a similar course is run by the applicant at Ropsley. Therefore, it is not considered that the proposal would be detrimental to the character of the area by virtue of physical alterations that are proposed.

Agricultural land would be taken out of production and is generally required to be protected; however, the land could easily be converted back to agricultural production and a golf course inevitably has to be on a green field site. It is not considered that this loss of agricultural land would, in its own right, justify a refusal of permission.

With regard to the spatial strategy of the Core Strategy there are a number of issues that would need to be considered.

The application site does not fall within or near to a Local Service Centre (LSC), the nearest of which is Thurlby and Northorpe, approximately 3 miles away with Bourne some 4 miles away. There is also a golf course, at Toft, between the application site and nearest LSC. It has been indicated that the applicants own an adjacent field but the proposal is not considered to be a rural diversification project, as required by policy SP1, with the proposal a largely independent commercial enterprise. There is also a need, in all cases, for the proposal to comply with the remainder of Core Strategy policies and relevant Development Plan Documents. Therefore, whilst at first glance it may appear that the proposal would comply with policy SP1 it is considered that the proposal is contrary to it. Furthermore, emerging policy SAP4 of the 'Site Allocation and Policies Development Plan Document', which although not adopted would need to be given appropriate weight, explores the issue of 'Business Development in the Countryside' and looks in greater detail at developments such as those under consideration in this application. The document identifies that;

"Proposals which generate high levels of visitor traffic or increased public use, such as large scale sport, leisure or tourist facilities will only be permitted on the edge of towns and Local Service Centres, or where they can be easily accessed by public transport, foot or cycle".

In terms of sustainability it is noted that there is no regular bus service that runs past the application site although a call direct service, booked in advance, is available. The nearest regular service runs along the A6121, linking Bourne with Stamford, and is approximately 1.5 miles from the application site. A golf course is, by virtue of its nature, likely to lead to a large increase in vehicle movements to a rural area with there being no alternative method of accessing the site. In addition the site is not close to a Local Service Centre or Town and the proposal, therefore, considered contrary to emerging policy SAP4.

Policy E1 of the core strategy would generally support proposals that need to be in a rural location and will help to support or regenerate a sustainable rural economy. The proposal would generate limited additional employment through maintenance and grass cutting etc but not require a full time member of staff. As a result there would be limited direct employment benefits.

National policy guidance would generally encourage development subject to them being in an appropriate location and meeting an identified local need. However, as previously identified it is not considered that the proposal is appropriately and sustainably located because the site is so far from a LSC. Nor has any evidence been submitted of an identified need for the development with there being a golf course between the Witham on the Hill and nearest LSC.

Crime and Disorder Implications

Given the limited form of operational development e.g. buildings etc, it is not considered that the proposal will 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.

Conclusion

In summary, whilst it is not considered that the proposal would be visually detrimental to the character of the area, given the limited physical alteration that is proposed to the land, it is considered that the proposal would lead to an unacceptable form of development in an unsustainable location for which no local need has been demonstrated and that would generate an unacceptable level of vehicle movements. Economic benefits to the local economy would also be limited.

Summary of Reason(s) for Refusal

Notwithstanding that the proposal would have limited visual impact on the character of the area it is considered that the proposed golf course would be in a location detached from a Local Service Centre and lead to a form of development that would generate an unacceptable number of vehicle movements in an unsustainable location. Furthermore,

there would be limited economic benefits to the local economy with no identified need for the development.

The proposal is therefore deemed contrary to core strategy policy SP1, E1 and SAP4 of Site Allocation and Policies Development Plan Document along with being contrary to guidance contained in PPS4.

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

1. Notwithstanding that the proposal would have limited visual impact on the character of the area it is considered that the proposed golf course would be in a location detached from a Local Service Centre and lead to a form of development that would generate an unacceptable level of vehicle movements in an unsustainable location. Furthermore, there would be limited economic benefits to the local economy with no identified need for the development.
2. The proposal is therefore deemed contrary to core strategy policy SP1, E1 and SAP4 of Site Allocation and Policies Development Plan Document along with being contrary to guidance contained in PPS4.

* * * * *

Applicant	Mr N Smith Sunnyside Cottage, Edenham Road, Lound, Bourne, Lincolnshire, PE10 0LJ
Agent	A M Knight Mouse Cottage, North Fen Road, Glinton, Peterborough, PE6 7JL
Proposal	Retention of stable
Location	Sunnyside Cottage, Edenham Road, Lound, Bourne, Lincolnshire, PE10 0LJ
App Type	Full Planning Permission
Parish(es)	Toft with Lound & Manthorpe

REPORT

Application Category

This application is categorised as a minor application.

It should be noted that this application was due to be determined at the Development Control Committee of 26 April. However, the application was deferred to allow Members the opportunity of a site visit. There has been no change in the merits of the application and therefore the original report is reproduced below. The only proposed change is that a condition, as opposed to an informative, should be added to the decision notice to ensure that the structure is used for the purpose applied for.

Two additional letters have been received; one from the applicant who expresses concern about some mis-representation on the application, including the number of letters of objection, which was two not eight. Furthermore, notes that the use of the building as a workshop was only temporary and the long-term intention was always as a stable to replace a previous structure. Also points out that it is possible for the timber floor to have a surface placed over it so that it can be used as a stable. The second letter was from an objector who raised similar concerns to those already expressed.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee given the planning history to the site and with the proposal considered to be locally controversial.

The Proposal

The application is for the retention of a stable in a paddock to the rear of Sunnyside Cottage. It is of timber construction and close to a small copse of trees. A hardcore track has been built to allow vehicular access to the stables and this runs along the boundary with Manor House Farm/Manor Lodge.

The application site and its surroundings

Lound is a small hamlet just north of Toft and south west of Bourne. The application site comprises land to the immediate west of Sunnyside Cottage. Heading west from the applicants property the land slopes down quite significantly. Hedging marks the boundary with Manor House Farm.

The stable is constructed of timber with a parking area adjacent to its eastern face. The footprint of the building measures 6m by 13m. The eave height of the building is 2.5m with a ridge of 3.5m.

Site History

Outline consent was granted for the erection of Sunnyside Cottage in October 1994. Reserved matters approval was granted in August 1996.

Application S10/2477 was submitted for retention of the same building when a joinery firm was being operated from it. The application was also due to be determined by the Development Control Committee, with a recommendation of refusal. The application was withdrawn prior to the Committee meeting.

Policy Considerations

PPS 1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
East Midlands Regional Plan – policies 1, 2, 24

Core Strategy – EN1, SP1

Representations Received

Lincolnshire Heritage raises no concern to the application with regard to possible archaeology in the area.

Planning policy note that Lound is not a Local Service Centre as defined by Core Strategy policy SP2. Also note that policy SP1 restricts development in Hamlets such as Lound, except for, amongst other criteria, 'equine development'. Therefore, raise no objection to the application.

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 the 30 March 2011.

Three letters of objection have been received and express concern about the proposal on a number of levels; falling outside the residential curtilage; contrary to core strategy policy; visually intrusive; hazardous through waste that may be created from the animals; question whether the building is appropriate for horses and that the approach taken by the applicant is unethical.

Officer Evaluation

It should be noted that when permission was granted for the erection of Sunnyside Cottage, in August 1996, the land to the east of the property where the building is sited was not within the residential curtilage. On the previous application for retention of the structure as a workshop this was a concern. However, using the paddock for equine use is, in principle, supported given the open countryside location of the stable; a view supported by Planning Policy. The principle of development is, therefore, supported.

Concern has been expressed about the proposal given the previous application for the buildings use as a workshop; however, all joinery machinery has been removed from the structure and the application needs to be determined accordingly. It is noted that the internal layout has not yet been completed and a store to the rear needs to be removed. That said, should permission be granted it would need to be utilised as a stable.

Located toward to the foot of the paddock and away from neighbouring properties it is not considered that the stable would be detrimental to the amenity of neighbouring properties through odour that may be generated. It would also appear that a previous stable, now removed, was on the land. It is accepted that the building is similar in design to the workshop previously applied for but given the buildings timber construction and location close to a copse the development is not considered to be detrimental to the character of the area or residential amenity.

Section 106 Heads of Terms

No section 106 is required for this application.

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.

Conclusion

The location of the stable is appropriate to ensure that it would not be detrimental to residential amenity through odour that may be generated. Furthermore, the design and open countryside nature of the development is acceptable with the stable not resulting in an overbearing impact or being inappropriate in this location. The proposal is therefore deemed to comply with guidance contained in PPS1 & PPS7, along with core strategy policy EN1 & SP1; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The location of the stable is appropriate to ensure that it would not be detrimental to residential amenity through odour that may be generated. Furthermore, the design and open countryside nature of the development is acceptable with the stable not resulting in an overbearing impact or being inappropriate in this location. The proposal is therefore deemed to comply with guidance contained in PPS1 & PPS7, along with core strategy policy EN1 & SP1; with no other material planning considerations to indicate that the application should be determined otherwise.

RECOMMENDATION: That the development be Approved (subject to the following conditions):

1. The building shall be used for stabling and for no other purpose (including any other purpose in Class B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt and to ensure that the proposal complies with core strategy policy EN1.

* * * * *

Applicant	Mr & Mrs B Nuttall 45A, Horsegate, Deeping St James, Peterborough, Lincolnshire, PE6 8EW
Agent	G R Merchant Ltd Unit 4 Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs, PE12 7EE
Proposal	Erection of dwelling
Location	R/O 45A, Horsegate, Deeping St. James, Peterborough, PE6 8EW
App Type	Full Planning Permission
Parish(es)	Deeping St James

REPORT

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it considered to be locally controversial and at the request of the Development Control Committee Chairmen.

The Proposal

The proposal is to erect a dwelling on land to the rear of 45A Horsegate. The dwelling would be two-storey with a first floor eave height of 5m and a pyramid style roof some 7.8m to its highest point. It is proposed to site the dwelling some 8m from the boundary with 39 Horsegate, the nearest aspect of which would be single storey, and 12m from the rear gardens of properties on Swift Road.

The application site and its surroundings

The application site forms part of the rear garden of 45A Horesgate. There are a small number of semi-mature trees on the site, particularly toward the boundary with 39 Horsegate. In addition, boarded fencing 1.8m tall marks the rear property boundary.

Vehicular access to the site can either be between 39 and 41 Horesgate or 45 and 47A; both access points are narrow and wide enough for one vehicle only. Horsegate is a classified road, the B1525.

41, 43, and 45 Horsegate are more traditional properties within the village and sit to the back edge of the footpath. A relatively new development, Horsegate Farm Close, lies to the west of the application, beyond the garden of number 39, and has a number of dwellings to the rear of the established building line. Immediately adjacent to the north of the application site are the back gardens of properties that front Swift Road.

Site History

There is no pertinent planning history to the application site.

Representations Received

Deeping St James Parish Council considers that the proposal would result in over intensive form of development as well as have negative impacts on the occupiers of 45 Horsegate.

Lincolnshire Archaeology notes that the proposal would not affect any known sites of interest

Lincolnshire County Council, as highway authority, has requested that the application be refused permission on the grounds of the access points being too narrow to allow two vehicles to pass one another which will result in additional parking, waiting, turning and manoeuvring of vehicles in Horsegate to the detriment of highway safety.

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 18 April 2011. At the time of writing 5 letters have been received and express concern about the application on a number of levels; a summary of their concerns are reproduced below;

1. Access to the plot is tight and would be detrimental to highway safety
2. A business is being operated from the site and a new dwelling would increase the number of vehicles that access the site
3. Erection of a dwelling would be contrary to a legal covenant and rights of way
4. Privacy of neighbouring properties would be affected through overlooking, as well as resulting in an overbearing impact
5. Vibration from the increased use of the access, as well as poor driving, will undermine the stability of existing dwellings
6. During construction noise and disturbance to local residents will be detrimental to amenity.

Policy Considerations

National policy guidance

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 - Transport

East Midlands Regional Plan

1 – Regional Core Objectives

2 – Promoting Better Design

Core Strategy

SP1 – Spatial Strategies

EN1 - Protection and Enhancement of the Character of the District

Key Issues

Impact on character of the area, residential amenity and highway considerations.

Officer Evaluation

It is noted that the dwelling is to the rear of existing properties but with there being similar forms of development in the area, notably the applicants' property and those at Horsegate Farm Close, it is not considered that there is any reason to object to the development in principle.

In terms of design the dwelling would be relatively conventional compared to 41, 43 & 45 Horsegate. That said, there are a number of dwellings of similar design in the locality, including those on Swift Road and Horsegate Farm Close. Therefore, the design of the dwelling is considered appropriate and to respect the character of the area

Concern has been expressed about impacts on residential amenity through a dominating and overlooking impact. However, the dwelling is proposed to have a rear garden depth of 12m, similar to properties that front Swift Road. As a result any overlooking issues that arise would be negligible and no greater than those which currently exist from properties on Swift Road and are orientated toward the applicants own garden. Given the relatively significant distance from the front elevation of the proposed property to the rear of dwellings 39 – 47A Horsegate it is not considered that the privacy of these properties would be compromised. Furthermore, whilst the property would be two-storey it would be sited 8m from the boundary with 39 Horsegate, with a single storey aspect nearest to this boundary. It is also apparent that dwellings on Horsegate Farm Close are much closer to the rear boundary of 39 Horsegate. It is therefore not considered that the proposal would be detrimental to residential amenity through a dominating impact.

However, a primary determining factor for the application is highway considerations and the number of vehicles using the access points, both of which are narrow and have relatively poor visibility. Currently a total of four dwellings utilise the access points - 45A, 45, 43 and 41 Horsegate - and only two of the properties are within the applicants' control. The highway authority has concerns about the width of existing access points and believes that an additional dwelling would lead to a conflict between existing and proposed users to the detriment of highway safety. It is, therefore, recommended that the application be refused permission on this one issue.

Concern has been expressed about damage to existing dwellings, right of access and covenants but this would be a civil legal matter and not something to consider as part of this application.

Crime and Disorder Implications

The application does 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 access from which this development is to be served is of inadequate width to permit the passage of two vehicles, and as such is likely to result in the additional parking, waiting, turning and manoeuvring of vehicles in Horsegate, adjacent to the access and along the private drive to the detriment of the safety of other road users.

* * * * *

Applicant	Mr David Fox 46, Kingsway, Bourne, Lincolnshire, PE10 9DP
Agent	David Wells, Building Design Services 15, West Road, Pointon, Sleaford, NG34 0NA
Proposal	Demolish existing warehouse and erection of 4 dwellings
Location	land between 2 Coggles Causeway and, 2, South Road, Bourne
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a 'minor' application

Reason for Referral to Committee

The application has been referred to the committee due it being a departure from South Kesteven Core Strategy.

The Proposal

The proposal relates to the erection of 4 dwellings, 3 of which are to be situated in a terrace form, and will front South Road. The fourth, larger dwelling is a detached property to the rear of the plot. Access will be directly of South Road.

The Application Site and its Surroundings

The site consists of a single storey commercial unit that fronts the highway with glazed shop windows to the front elevation. A further building, which has a more pre-fabricated appearance, adjoins this at the rear.

A large wooden structure with a footprint of 15m by 10m is situated deeper into the plot and is positioned close to its northern boundary. This building appears to be similar in height to the dwellings located to the north of the site.

Access to the commercial premises is off South Road.

The site appears to be approximately the front half of the overall commercial plot with a brick built single storey office type building falling outside of the application site but close the sites western boundary.

The boundaries are a mix of fencing and block walls, parts of which are further screened by mature hedging and small trees.

Dwellings are located adjacent to the north and south of the site.

Relevant Site History

S10-1248 – An application was submitted for 4 dwellings. It was withdrawn on 29 July 2010 following a meeting where the case officer expressed a number of concerns.

Policy Considerations

National Policy

Planning Policy Statement 1 'Delivering Sustainable Development'

Planning Policy Statement 3 'Housing'

Planning Policy Statement 23 'Planning and Pollution Control'

Regional Policy

Policy 2 of the East Midlands Regional Plan (2009)

Local Policy

Policies H1, SP1, EN1 and EN4 of the South Kesteven Core Strategy (2010)

Representations Received

Archaeologist – No intervention required

Natural England – No objection subject to a condition being attached

Bourne Town Council – Object on grounds of frontage properties being forward of the general building line.

Assets and Facilities – Drainage proposals should include sustainable drainage methods and proposed soakaways are unacceptable

Linc's Wildlife Trust – No objection subject to development being in accordance with recommendations made within the consultant's report

Environmental Protection – Queries the contamination report stating that further investigation is to be carried out (clarified that no further investigation is being considered). This has now been clarified and an intrusive Phase II report should be requested by condition.

Local Highways Authority – No objection subject to conditions being attached.

Policy – States application should be determined in accordance with policy SP1 of the SK Core Strategy (2010)

Representations as a Result of Publicity

The applications were advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 11 February 2011.

3 objections were received relating to the application for planning permission. A summary of the objections are as follows;

1. Development out of keeping with the area
2. Highway safety
3. Loss of privacy/overlooking
4. Visual intrusion
5. Incongruous character
6. Dominance and oppressiveness
7. Increased pressure on drainage system
8. Noise and disturbance

Officer Evaluation

The proposal relates to the erection of 4 dwellings, 3 of which are to be situated in a terrace form, and will front South Road. The fourth, larger dwelling is a detached property to the rear of the plot. Access will be directly off South Road.

The key issues identified are;

Design, size and scale
Highway safety and parking
Impact on neighbours private amenity
Impact on the character of the area and the streetscene
Principle of development
Contamination issues
Drainage

Design, size and scale

The ridge height of the road frontage properties is to be set at 9.4m for the northernmost plots and 8.2m for the southern most plot. A terrace of 3 dwellings will be created.

The overall footprint of the terrace of 3 dwellings will extend just over 30m in width and 18m deep, with the southernmost plot being set back by a further 2m from the road.

The scale of the proposed terrace is not dissimilar in size to the surrounding dwellings, and notwithstanding the fact that they're 3-storey their height, it appears relatively consistent with surrounding ridge heights.

The rear detached property is of unusual design with a pronounced 'Mansard' type roof and a heavily glazed southern element to the building. The design has been aesthetically improved from its original scheme, which was withdrawn. It should also be noted that views into the rear of the site where the dwelling is to be situated are restricted from most public

vantage points. Whilst its appearance does not conform to the typical 'estate-type' house, it is considered that, on balance, it is an appropriate form of development that will not have a detrimental impact on the streetscene.

Highway Safety

It is considered that there are appropriate levels of on-site parking with sufficient turning space within the site. The parking levels afforded to the site are acceptable to the local highways authority.

Impact on neighbour's private amenity

The dwellings that are proposed to front South Street are to be positioned away from the southern aspect of the dwellings that front Coggle's Causeway. The dominance, visual intrusion and overlooking is therefore, on balance, not considered to be detrimental to the neighbouring occupiers.

The detached dwelling to the rear is positioned more closely to no's 2, 4 and 6 Coggle's Causeway, in particular no' 4; however, the height of this particular dwelling is set relatively low, approximately 6m high, assisting in reducing the dominance and visual intrusion that may arise down to a more acceptable level. It should also be noted that a large timber shed, which appears to have an overall height of around 7m, is to be removed as part of the application.

It is therefore considered that, on balance, the proposal will not result in unacceptable levels of dominance or visual intrusion for occupiers of neighbouring dwellings.

A concern has been raised by an objector regarding the south facing balcony area at first floor level. This is positioned within the glazed element on the southern elevation. The balcony is to be partially enclosed somewhat limiting the views in an easterly and westerly direction. There will be views towards the neighbouring property to the south, namely no' 2 South Road; however, the nearest point of the balcony is approximately 11m from the southern boundary and there is a number of mature trees, which are positioned within the neighbouring property's garden, that provide good levels of screening. It is therefore considered that, on balance, the proposal will not result in any unacceptable levels of privacy loss for occupants of the surrounding dwellings.

Impact on the Character of the Area

The character of the dwellings in the area is predominantly detached 2 storey properties, some of which are set back from the road; however, situated relatively close to the site are road frontage and semi-detached dwellings. The character is further diversified by the builder's merchants and car sales garage use located on the opposite side of the road.

The principle of removing a non-conforming use on the eastern side of South Road is to be welcomed and one which generally reflects the predominantly residential use along this part of South Road. Furthermore, the layout and design of the properties proposed are considered, on balance, to be an acceptable form of development.

Principle of residential development

The proposed residential development does not strictly accord with the general thrust of policy H1 of the South Kesteven Core Strategy, which seeks to restrict new residential development in Bourne to that which has already been committed; however, this site is a previously developed site that, if approved, would remove a non-conforming use in a highly sustainable area. Furthermore, the proposal is considered one which would not compromise the character and nature of the town. For this reason the principle of residential development for this site is, in its context, supported.

Contamination issues

The area has been the subject of longstanding industrial use and therefore a Phase II contamination report condition should be attached to any approval for residential development.

Sustainable Construction and Drainage

According to the submitted Design and Access Statement the proposed detached dwelling has been designed and constructed to improve energy efficiency and incorporates carbon reduction measures. This incorporates ground source heat pumps, water recycling, rainwater harvesting and solar panels to the flat roof.

The detailed drainage for the site is to be requested by way of condition. The applicant originally proposed soakaways to allow for surface water drainage; however, it is unlikely that ground conditions are suitable for soakaways. Full details of a more sustainable drainage system are therefore to be requested if the development is approved.

Section 106 Heads of Terms

The site is not subject to a Section 106 Legal Agreement

Crime and Disorder

It is considered that the application does not give rise to any concerns relating 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

The proposal, on balance, appears to be in accordance with the relevant national guidance and local policy and is recommended for approval subject to conditions being attached.

SUMMARY OF REASON(S) FOR APPROVAL

In the opinion of the local planning authority the development, which proposes 4 dwellings to replace a number of commercial buildings, is situated in a sustainable location and makes efficient use of a previously developed site.

The proposed road frontage dwellings are appropriately scaled and the design is considered acceptable for this location. The contemporary styled dwelling to the rear, which will be largely screened by the surrounding development, is also considered, on balance, acceptable.

Furthermore, the siting of the dwellings and the layout of their respective plots ensure that there will be no significant adverse impact to the occupiers of the surrounding dwellings in terms of dominance, loss of light and loss of privacy through overlooking.

It is therefore considered that the proposal is in accordance with Planning Policy Statements 1, 3, 9 and 23 (PPS1, PPS3, PPS9 and PPS23), Planning Policy Guidance note 13 (PPG13), policy 2 of the East Midlands Regional Plan and policies EN1, EN4, H1 and SP1 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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No development shall take place until 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 and lighting. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

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

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

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 buildings are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

5. 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.

6. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.

Reason: In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with policy EN1 of the South Kesteven Core Strategy (2010)

7. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;

- (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

8. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

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

(b) As built drawings of the implemented scheme;

(c) Photographs of the remediation works in progress; and

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

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

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010) and national guidance contained in Planning Policy Statement PPS23 (Planning & Pollution Control).

9. 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.

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

10. The development shall be carried out in accordance with the mitigation measures proposed within the submitted Protected Species Survey dated March 2010.

Reason: To ensure that wildlife and habitats are protected during the construction and after completion of the development.

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

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

12. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 2622/2 A dated 20 December 2010, and retained for that use thereafter.

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

13. The arrangements shown on the approved plan, drawing no' 2622 A dated 20 December 2010 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

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

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

15. 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 is adequately dealt with within the scheme and not increase the risk of flooding.

Note(s) to Applicant

1. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

3. Surface water off private drives and other private areas shall not discharge onto adopted highway. Drives that fall towards the highway shall have drainage channels at the interface connected into the house drainage.

* * * * *

Applicant	Hereward Homes Limited The Old Barn, 27B, Crocket Lane, Empingham, Rutland, LE15 8PW
Agent	T D Musgrove, Iplan Architectural 22, Cambridge Road, Stamford, PE9 1BN
Proposal	Demolition of existing shop and warehouse and erection of 3 shops and 4 flats to upper floors
Location	24, Broad Street, Stamford, Lincolnshire, PE9 1PJ
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as a 'Minor' type of application.

Reason for Referral to Committee

It was requested by the Chairman that the application should go to committee due to the proposal being in the wider public interest.

The Proposal

The proposal is for the demolition of existing shop, outbuildings and curtilage wall and the erection of 3 shop units with 4 flats to the upper floors.

An application for Conservation Area Consent accompanies this application.

The Application Site and its Surroundings

The site is located close to the town centre of the settlement of Stamford in an area of mixed commercial activity.

The site consists of a retail unit constructed of brick and concrete tiles with a stone façade fronting Broad Street. A smaller building, also with a stone façade, fronts onto Star Lane.

An existing flat roofed building, which is currently used as a hairdressers, is situated on the corner of Broad Street and Star Lane. This building falls outside of the application site but adjoins the two proposed frontages to these roads.

Relevant Site History

There is no relevant site history

Policy Considerations

Planning Policy Statement 1 (PPS1)
Planning Policy Statement 3 (PPS3)
Planning Policy Statement 4 (PPS4)
Planning Policy Statement 5 (PPS5)

Policy SP1 and EN1 of the South Kesteven Core Strategy (2010)

Representations Received

Town Council – No objections

Local Highways Authority – No objections subject to conditions

Consultant Architect for the Historic Environment – The buildings to be demolished are modern and generally uncomplimentary in form and detail to the historic buildings in the vicinity. These appear to have a negative influence on the character and appearance on this part of the Stamford Conservation Area.

The proposal generally shows attractive form, scale and detail and, by virtue of following the building line on the back of the footways of Broad Street and Star Lane, will form an attractive and distinctive enclosure to the streetscene here.

One point of concern is the modelling of the element to the proposed building range with frontage onto Broad Street. The visible gable appears contrived, unattractive and ill-fitting in relation to the form, style and character of the existing buildings in the vicinity. This has been brought about by the excessively deep plan on first floor and roof areas. I would advise that a closer adherence to traditional form is required.

Amended plans were received on 28 March that appears to overcome some of the concern raised by the Consultant Architect.

Archaeologist – Recommend a condition requesting trial trenching to be carried out.

Representations as a Result of Publicity

The proposal was advertised in accordance with the Statement of Community Involvement (SCI) with the closing date for third party representations being 11 February 2011.

As a result of the proposal a single objection was received raising concern over impact to living conditions to no' 25 Broad Street, overlooking and the close proximity to the Grade II* Listed Building that lies adjacent to the site.

Officer Evaluation

The proposal is located adjacent to a Listed Building and is situated within the Stamford Conservation Area. It is in an area of mixed residential and commercial activity and is situated close to the Stamford town centre. The following key issues have been identified;

Design, size and scale and their impact on the streetscene, Conservation Area and the setting of nearby listed buildings

Parking

Impact to occupiers of surrounding buildings

The design of the buildings appear to generally reflect the immediate area with traditional shopfronts, small dormers with the roof slope and other design elements that are characteristic of the area. The appearance of the buildings appears to be a visual continuation of the frontages along Broad Street and Star Lane and will provide an attractive enclosure to the streetscene. Its overall design appears well thought out will generally assist in preserving and enhancing this part of the Stamford Conservation Area.

The size and scale of the buildings are considered to be in-keeping with the surrounding built form and their appearance will not compromise the identity of adjacent properties.

On balance, it is considered that the proposal will have a positive affect on the streetscene and the Stamford Conservation area and will not adversely impact on the setting of nearby listed buildings.

PARKING

The existing disused shop had no dedicated parking area and the proposed retail units and residential apartments do not include any new parking provision; however, the site is adjacent to the town centre and close to all amenities, it is therefore considered that, on balance, a zero parking scheme for the proposal is acceptable. It should be noted that the local highways authority raise no objections to the proposal.

IMPACT TO NEIGHBOURS

The proposal lies adjacent to buildings where the upper floor areas are used for residential accommodation. There is also an office building to the rear that will have a close relationship with the new properties.

It appears that the layout of the proposal has respected the amenity of both the occupiers of residential flats and nearby business users. The rear elevation of the properties that are to front Star Lane will have obscure glazing to all window openings thereby ensuring that overlooking/ loss of privacy is not compromised for users of the office building and future occupiers of the site.

The proposal incorporates two terrace areas at first floor level to the rear of the buildings that front Broad Street. These terraces, one relating to each residential unit, will generally have views across the existing hardstanding area and, largely due to the screening walls to the sides of the terrace, will not give rise to any significant overlooking/loss of privacy for private areas of occupiers of adjacent properties.

The proposed buildings along Broad Street have an unusually large plan depth resulting in part of the western gable becoming visible to occupiers of the adjacent property at no' 25 Broad Street. Whilst it is acknowledge that the proposed building will be noticeable to adjacent occupiers it is considered that, on balance, the level of dominance and visual

intrusion will not be significant and the relationship between these buildings is generally reflective of the built form and character of Stamford.

Section 106 Heads of Terms

A Section 106 legal Agreement is not required for this site.

Crime and Disorder

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) 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 proposal has been attractively designed to generally reflect the form and detailing of other buildings within the vicinity and their size and scale appear to be appropriate for this location. The development, which is to front Broad Street and Star Lane, will provide a distinctive and attractive enclosure that will be a welcome addition to the streetscene. It is further considered that the proposal will not adversely affect this part of the Stamford Conservation Area or the setting of nearby listed buildings.

The proposal also appears well thought out and, on balance, has respected the private amenity of occupiers of nearby residential apartments and adjacent business users in terms of dominance, visual intrusion and overlooking/loss of privacy.

It is therefore considered that, on balance, the proposal is in accordance with Planning Policy Statements 1, 3, 4 and 5 (PPS1, PPS3, PPS4 and PPS5), policies 1 and 27 of the East Midlands Regional Plan (2009) and policy EN1 of the South Kesteven Core Strategy (2010).

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposal has been attractively designed to generally reflect the form and detailing of other buildings within the vicinity and their size and scale appear to be appropriate for this location. The development, which is to front Broad Street and Star Lane, will provide a distinctive and attractive enclosure that will be a welcome addition to the streetscene. It is further considered that the proposal will not adversely affect this part of the Stamford Conservation Area or the setting of nearby listed buildings.

The proposal also appears well thought out and, on balance, has respected the private amenity of occupiers of nearby residential apartments and adjacent business users in terms of dominance, visual intrusion and overlooking/loss of privacy.

It is therefore considered that, on balance, the proposal is in accordance with Planning Policy Statements 1, 3, 4 and 5 (PPS1, PPS3, PPS4 and PPS5), policies 1 and 27 of the East Midlands Regional Plan (2009) and policy EN1 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. The materials used in the construction of the external walls and roof shall be carried out in accordance with the submitted Design and Access Statement received on 10 December 2010.

Reason: To ensure that the materials used in the construction harmonise well with the surrounding development and in the interest of visual amenity.

3. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted the condition is imposed to ensure the satisfactory preservation of the building and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

5. HP00 - No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors.

- ii. loading and unloading of plants and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. measures to control the emission of dust and dirt during construction.
- v. traffic management proposals during each process including demolition and construction.

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.

Note(s) to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *

Applicant	Hereward Homes Limited The Old Barn, 27B, Crocket Lane, Empingham, Rutland, LE15 8PW
Agent	T D Musgrove, Iplan Architectural 22, Cambridge Road, Stamford, PE9 1BN
Proposal	Demolition of existing shop, warehouse and curtilage walls in conservation area
Location	24, Broad Street, Stamford, Lincolnshire, PE9 1PJ
App Type	Conservation Area Consent
Parish(es)	Stamford

REPORT

Application Category

This application is categorised as an 'Other' type of application.

Reason for Referral to Committee

It was requested by the Chairman that the application should go to committee due to the proposal being in the wider public interest.

The Proposal

The proposal is Conservation Area Consent for the demolition of an existing shop, outbuildings and curtilage wall prior to its redevelopment.

An application for Planning Permission for 3 shops and 4 flats accompanies this application.

The Application Site and its Surroundings

The site is located close to the town centre of the settlement of Stamford in an area of mixed commercial activity.

The site consists of a retail unit constructed of brick and concrete tiles with a stone façade fronting Broad Street. A smaller building, also with a stone façade, fronts onto Star Lane.

An existing flat roofed building, which is currently used as a hairdressers, is situated on the corner of Broad Street and Star Lane. This building falls outside of the application site but adjoins the two proposed frontages to these roads.

Relevant Site History

There is no relevant site history

Policy Considerations

Planning Policy Statement 5 (PPS5)

Policy 27 of the East Midlands Regional Plan (2009)

Policy EN1 of the South Kesteven Core Strategy (2010)

Representations Received

Town Council – No objections

English Heritage – Determine in accordance with local policies

Consultant Architect for the Historic Environment – The buildings to be demolished are modern and generally uncomplimentary in form and detail to the historic buildings in the vicinity. These appear to have a negative influence on the character and appearance on this part of the Stamford Conservation Area.

The proposal generally shows attractive form, scale and detail and, by virtue of following the building line on the back of the footways of Broad Street and Star Lane, will form an attractive and distinctive enclosure to the streetscene here.

One point of concern is the modelling of the element to the proposed building range with frontage onto Broad Street. The visible gable appears contrived, unattractive and ill-fitting in relation to the form, style and character of the existing buildings in the vicinity. This has been brought about by the excessively deep plan on first floor and roof areas. I would advise that a closer adherence to traditional form is required.

Amended plans were received on 28 March that appears to overcome some of the concern raised by the Consultant Architect.

Archaeologist – Recommend a condition requesting trial trenching to be carried out.

Representations as a Result of Publicity

The proposal was advertised in accordance with the Statement of Community Involvement (SCI) with the closing date for third party representations being 11 February 2011.

As a result of the proposal a single objection was received raising planning concerns (planning application accompanies this application) over impact to living conditions to no' 25 Broad Street, overlooking and the close proximity to the Grade II* Listed Building that lies adjacent to the site.

Officer Evaluation

The proposal is located adjacent to a Listed Building and is situated within the Stamford Conservation Area. It is in an area of mixed residential and commercial activity and is situated close to the Stamford town centre.

The main issue is whether the existing buildings are worth of retention and to evaluate if their loss will be detrimental to this part of the Stamford Conservation Area. The existing buildings to be demolished are modern and generally uncomplimentary in form and detail to the historic buildings in the vicinity. These appear to have a negative influence on the character and appearance on this part of the Stamford Conservation Area.

It is therefore concluded that their loss, subject to suitable redevelopment, will not have a detrimental impact to the Stamford Conservation Area.

Section 106 Heads of Terms

A Section 106 legal Agreement is not required for this site.

Crime and Disorder

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) 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 existing buildings to be demolished are modern and generally uncomplimentary in form and detail to the historic buildings in the vicinity. These appear to have a negative influence on the character and appearance on this part of the Stamford Conservation Area.

It is therefore considered that, on balance, the proposal is in accordance with Planning Policy Statements 5 (PPS5), policy27 of the East Midlands Regional Plan (2009) and policy EN1 of the South Kesteven Core Strategy (2010).

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the existing buildings to be demolished are modern and generally uncomplimentary in form and detail to the historic buildings in the vicinity. These appear to have a negative influence on the character and appearance on this part of the Stamford Conservation Area. It is further considered that their removal will not have a detrimental impact on the setting of nearby listed buildings.

It is therefore considered that, on balance, the proposal is in accordance with Planning Policy Statements 5 (PPS5), policy27 of the East Midlands Regional Plan (2009) and policy EN1 of the South Kesteven Core Strategy (2010).

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 works of demolition shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- a. the parking of vehicles of site operatives and visitors.
- b. loading and unloading of plants and materials.
- c. measures to control the emission of dust and dirt during construction.
- d. traffic management proposals during each process including demolition.

* * * * *

Applicant	Mr T Wright Westwood, Main Street, Braceborough, Stamford, Lincolnshire, PE9 4NT
Agent	T Robinson 68a, Horsegate, Deeping St. James, Peterborough, PE6 8EW
Proposal	Change of Use from retail (A1) to hot food takeaway (A5) and provision of external flue to rear roofslope
Location	41-51, Bridge Street, Deeping St. James, Peterborough
App Type	Full Planning Permission
Parish(es)	Deeping St James

REPORT

Application Category

This application is categorised as an 'other' type of application.

Reason for Referral to Committee

In line with working practices the application has been referred to committee due to the number of objections exceeding six.

The Proposal

The proposal is for the change-of-use of unit 5 from retail A1 to takeaway use (A5).

The Application Site and its Surroundings

The site is an existing retail unit erected in 2009. It forms part of a terrace of 6 shop units.

The units are situated on the southern side of Bridge Street, Deeping St. James with residential properties to the east and west and the river Witham adjacent the site to the south.

There is a mix of uses in the area; however, it appears that the area is predominantly residential.

Relevant Site History

S09/2444 – Approval for a change-of-use to takeaway for the adjacent unit (unit 6)
S08/0401 – Approval for the erection of 6 retail units

Policy Considerations

Planning Policy Statement 1 (PPS1)

Planning Policy Statement 4 (PPS4)

Policy EN1 of the South Kesteven Core Strategy (2010)

Representations Received

Local Highways Authority – Does not wish to restrict the grant of permission

Environmental Protection – No objection but request a condition ensuring the extraction equipment is built in accordance with the details provided by CCES

Parish Council – Object on grounds of a dangerous access to the site, limited parking and inadequate litter bin space.

Representations as a Result of Publicity

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for third party objections being 13 March 2011.

As a result of the publicity 9 objections were received. A summary of the objections received are as follows;

1. Problems with litter
2. More than adequate takeaways in the area
3. Increased obesity with younger children in the area
4. Proliferation of takeaways
5. Close relationship between takeaway and residential properties
6. Traffic
7. Noise and disturbance from the existing takeaway will be increased
8. Possible damage to cars
9. Parking congestion
10. Increased smell from the takeaway
11. Uncertainty regarding opening hours
12. Health and safety

Officer Evaluation

The proposal relates to the change-of-use for unit 5. The westernmost 4 units appear to be in retail use with unit 6, the end unit on the eastern side, having been recently granted permission for the premises to be used as a hot food takeaway.

HIGHWAY SAFETY

The 6 units were constructed following a fire that destroyed the whole shopping area. The previous parking arrangement, which is acknowledged to be relatively tight in terms of maneuverability, has been maintained in the new scheme.

The arrangement identifies 11 spaces that are gained from single access point off Bridge Street. This arrangement has been considered acceptable by the local highways authority

and, on balance, is considered unlikely to cause significant congestion or compromise the safety of users of the site and users of the local highway network.

NOISE AND DISTURBANCE

Noise and disturbance issues often raised as a concern by members of the public when relating to takeaway uses. It is acknowledged that such a use will increase activity in the area during the evenings and that a degree of noise and disturbance is likely to arise as a result of the proposal; however, this unit is within a parade of purpose built shops and the resulting activity, on balance, is considered unlikely to give rise to unreasonable levels of noise and disturbance during the daytimes and early evenings.

The proposed hours of use for the takeaway are 0930 hours to 2330 hours Monday to Sundays. It is considered that the late opening hours may adversely impact on neighbours of nearby dwellings/flats by way of noise and disturbance and therefore a condition should be imposed to restrict the opening hours from between 0930 hours to 2230 hours Monday to Sundays.

REFUSE

Notwithstanding concerns raised in objection received the proposal includes acceptable measures for the collection of trade waste from the site and litter bins are located close to the premises.

EXTRACTION EQUIPMENT

The submitted details for the extraction equipment have been assessed by the Environmental Protection Services and have been deemed 'fit for purpose'.

The scheme includes details on the canopy, the duct and flue (which is to be positioned on the rear roofslope), the extraction equipment, attenuated noise control measures and appropriate odour control measures that include the later ozone filter to be fitted into the canopy.

Based on the submitted details it is concluded that the extraction equipment to be used is acceptable for these premises. A condition is to be attached to any approval ensuring that the development is carried out in accordance with the submitted details.

Section 106 Heads of Terms

The application does not require a Section 106 legal agreement.

Crime and Disorder

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) 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

The application should be approved subject to conditions for the following reasons;

The takeaway use is to be located in an existing commercial frontage that has dedicated parking for the 6 units. The existing parking arrangement is to remain unchanged and it is considered that the approved use is unlikely to compromise highway safety or significantly increase parking congestion during the daytime when all the units are likely to be open.

Furthermore, it is considered that the takeaway use, which will have conditional opening hours, is unlikely to give rise to significant levels of noise and disturbance during late evening hours.

It is further considered that the extraction equipment to be installed will not adversely impact occupiers of surrounding dwellings by way of smell and fumes.

It is therefore considered that the proposal, on balance, is in accordance with Planning Policy Statements 1 and 23 (PPS1 and PPS23) and policy EN1 of the South Kesteven Core Strategy (2010).

SUMMARY OF REASON(S) FOR APPROVAL

The takeaway use is to be located in an existing commercial frontage that has dedicated parking for the 6 units. The existing parking arrangement is to remain unchanged and it is considered that the approved use is unlikely to compromise highway safety or significantly increase parking congestion during the daytime when all the units are likely to be open.

Furthermore, it is considered that the takeaway use, which will have conditional opening hours, is unlikely to give rise to significant levels of noise and disturbance during late evening hours.

It is further considered that the extraction equipment to be installed will not adversely impact occupiers of surrounding dwellings by way of smell and fumes.

It is therefore considered that the proposal, on balance, is in accordance with Planning Policy Statements 1 and 23 (PPS1 and PPS23) and policy EN1 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. The installation of the extraction equipment shall be carried out fully in accordance with details submitted by CCES Limited dated 25 February 2011.

Reason: To ensure that appropriate mitigation measure are carried out to suppress the noise, fumes and smell that may arise from the use hereby approved

3. The opening hours for the use hereby approved shall be restricted between 1130 hours and 2230 hours Monday to Sunday.

Reason: To ensure that the private amenity of nearby residents is respected in the mornings and late evenings.

* * * * *

Applicant	Mr B Herrod - Planning Manager, Bovis Homes Ltd Bromwich Court, Highway Point, Gorsey Lane, Coleshill, West Midlands, B46 1JU
Agent	
Proposal	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)
Location	Former Impress Factory site, Springfield Park, Grantham
App Type	Major Outline (Residential)
Parish(es)	Grantham

REPORT

Members may recall that at a previous planning committee the planning application was deferred for negotiations with the developer. Of particular concern was the additional revenue that would be realised from the scheme as a result of the affordable housing element being reduced from 30% to 25%.

The following additional information has been provided by the applicant:

“You indicated at our meeting that the committee were resistant to the loss of affordable housing and that they were under the impression that a 5% reduction in the quantum of the on-site affordable housing provision would generate additional returns from the market housing.

We agreed that for you to be in a position to report positively back to committee that we would provide you with further information with respect to the affordable housing offer, the agreements we have with your Housing Strategy Officer and the additional financial information to support the affordable housing package.

By way of background condition 8 of the outline planning permission states:

“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 local planning authority, and such details shall include:

- the type and nature of the affordable housing provision to be made;
- the arrangements within the site to accommodate the affordable housing;
- the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
- 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.”

Bovis Homes subsequently secured approval of reserved matters for the construction of 246 homes pursuant to application S07/0588/35 on 21st November 2007 and 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%) which comprised of 49 x 2 bed flats, 20 x 2 bed houses and 5 x 3 bed houses (74 units) of which 51% were rented and 49% shared ownership. This is the base line against which any revised affordable package must be assessed with respect to the financial costs to Bovis of delivering an affordable package on this site.

At our meeting Mandy Gee explained to you the chronology of events that followed and that despite the combined efforts of Bovis and your Housing Strategy colleagues, no housing association was willing to take on the management of some 40+ flats in one location for rent and that the collapse of the financial market meant that shared ownership was not an option.

Subsequently the tenure mix has been revised and an agreed revised mix of 62 units representing 25% provision has been agreed to provide 22 x 2 bed flats, 30 x 2 bed houses and 10 x 3 bed houses (62 units).

All of these 62 units have now been constructed, transferred to an RSL and are now occupied by tenants with a greatly improved mix of affordable housing on the site in terms of unit type, size and location from the original proposal and one which offers a far better choice and which is more sustainable in terms of housing management.

In addition to the above I have set out below points which are material to the Committee's consideration of this application:

- Although the package now delivered represents a reduction in percentage terms of the quantum of units which have been delivered as affordable, the enhanced mix and higher percentage and number of units which we are able to offer as rented units represents a significant enhancement and betterment over and above the originally approved scheme. Moreover all 62 units have been delivered notwithstanding that only 79 of the market units on the site have been sold to date. Condition 8 requires that the affordable housing is delivered prior to the occupation of 50% (184) of the market units. The advanced delivery of the 62 affordable units represents a significant material gain in the supply of affordable housing in the district.

- The housing market remains fragile particularly within the east of England, and the impact of having to deliver additional affordable units during the remaining of the current financial year for Bovis would be such that there is a real risk that all future build may cease in light of the fragility of sales. Current build activity on site is low having regard to the number of stock units yet to be sold. In his letter of 31st March 2011 to all Chief Planning Officers Steve Quartermain, Chief Planner for Communities and Local Government endorses the coalition Government's proposals set out in the Growth Review. Annex B of that letter notes that “There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.....Understanding the impact of planning obligations on the viability of development will be an important consideration when

obligations are reviewed, particularly where they are reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning authorities, could allow development to proceed on stalled schemes.” This advice is particularly pertinent in the context of this scheme where, as alluded to above any further financial impact could seriously impact upon a business decision to continue building new homes on this site.

- The initial viability and land appraisal for the site was based upon an offer received from Flagship Housing Group for 74 units at £122 per sq.ft. The eventual contracted figure was £69 per sq.ft over two separate phases with Crosskeys Homes and Muir Group respectively. This significant reduction in transfer values meant that in effect the cost to Bovis in providing the affordable housing has almost doubled. This increase is partly due to changes in RP circumstances and viability models but is primarily caused by the change in tenure from shared ownership to rented necessitated by changes to market conditions.

- Revenue/profits from the sale of 12 market units will not make up the deficit in costs of providing the affordable units which we have now provided; i.e the cost of providing the mix we have is greater than the costs of providing the originally approved scheme

- A major contributing factor to the difficulties in the housing market has been the lack of availability of mortgage finance and the reluctance of lenders to lend at previously acceptable loan to value rates. This has affected the private market but is also a contributing factor to the unwillingness of RP's to purchase shared ownership units. Bovis has tried to offset this problem by providing alternative shared equity products direct to the market through Homebuy Direct and Jumpstart where typically the purchaser pays for 75% of the property now and the remainder in 5 years time. Whilst this does help with first time buyer sales it does tie up equity and income to the developer for a number of years.

- It is generally accepted that house prices have fallen significantly since 2007 as much as 24% for a two bedroom unit in South Kesteven (taken from the South Kesteven Strategic Housing Market Assessment 2010) significantly reducing profits and therefore the level of affordable housing.

- The mixed on the ground is skewed for the better towards more rented and larger family orientated housing units (where the need is most acute) compared with the bias towards shared ownership 2 bedroomed apartments units originally approved.

Additional Comments from the Partnership and Projects Officer

I have now done some research on the Housing Register and I can confirm that the housing needs for Grantham and South Kesteven as a whole centre around 2 bedroom houses. I researched the waiting list for two bedroom, 3 bedroom and four bedroom accommodation and have arranged the results in 'points order' in descending order (the highest level of needs = greatest points).

Housing Register for 2 bedroom accommodation Grantham only = 971
3 bedroom accommodation Grantham only = 292
4 bedroom accommodation Grantham only = 129

The single adults requiring 1-2 bedroom accommodation require some form of supported, special needs accommodation, either purpose built or support close by.

You will see from the spreadsheet that there is a high need for four bed accommodation in Grantham as well, this is an area that will need attention in the future, but it is not appropriate to provide a development of four bedroom houses for management reasons.

With regards to this Planning Application, the housing need requirement fully supports the change in unit types from two bedroom flats to two and three bedroom houses, not only in terms of housing need for families, but in respect of housing management and the issues that can result from young families being housed in flats in one location.

Officer Comments

In light of the above comments it is considered that sufficient justification has been provided by the applicants to permit the affordable housing provision to be reduced to 25%. As such there is no change to the previous recommendation.

The previous officer report is taken in full below.

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 49 no. 2 bed flats, 20 no. two bed houses and 5 no. 3 bed houses.

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

In total this revision will provide 22 no. 2 bed flats, 30 no. 2 bed houses and 10 no. 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.

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.

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

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 Rev F received by the local planning authority from the applicant's agent on 5th April 2011.

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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 site.

15. 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	Mr G Reeve 2, Portsmouth Close, Grantham, Lincolnshire, NG31 8BP
Agent	
Proposal	Alteration of listed building
Location	Men of Grantham War Memorial, St Wulframs Church Yard, Swinegate, Grantham, NG31 6RR
App Type	Listed Building Consent
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as an Other application

Reason for Referral to Committee

South Kesteven are responsible for the upkeep of the War Memorial.

The Proposal

The proposal involves the installation of two commemorative plaques on the octagonal base of the War Memorial, of green Cumberland stone, to honour those service personnel of the town who have given their lives since 1945 to the present day.

The proposed plaques will match that already affixed to the memorial and have the same style of lettering. They will be secured by means of small stainless steel dowels attached to the back of the plaques and could be removed, should this become necessary at some future date.

The Application Site and its Surroundings

The Memorial is Grade II listed and dates from the 1920's.

It is located in the north-west corner of St Wulfram's Church yard, just south of Church Street.

It is constructed stone and has an octagonal base with a gothic canopied top. The base has arcading to all eight faces but that facing towards Hurst's Almshouses has a stone plaque commemorating servicemen killed in the first and second world wars.

Relevant Site History

S10/1454/LB Cleaning of monument Granted 17/01/2011

Policy Considerations

PPS5 – Planning for the Historic Environment

Policy EN1 of the Core Strategy of the Local Development Framework

Representations received in response to consultation

Grantham Civic Society: No comments received (Notified 8th April 2011)

Representations in response to publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations by 6th May 2011.

Officer Evaluation

Although the proposed plaques will result in the ornamental arcading to three of the eight sides of the base of the memorial being concealed they will not compromise the fabric of the structure nor its historic significance.

There is no conflict with policy.

Section 106 Heads of Terms

Not applicable

Crime and Disorder

It is considered that the proposal will not raise any significant crime and disorder 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 affixing two additional commemorative plaques to the grade II listed War Memorial using the method proposed will not affect the historic significance of the heritage asset.

The proposal therefore complies with central government guidance contained in PPS5 and Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework.

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	Mr & Mrs H O'Rourke 138, Barrowby Road, Grantham, Lincolnshire, NG31 8AF
Agent	Mr Adrian Fox, Neil Dowlman Architecture 14, Main Ridge West, Boston, PE21 6QQ
Proposal	Erection of dwelling with access off Camarthen Close
Location	R/o 138 Barrowby Road, Grantham, NG31 8AF
App Type	Outline Planning Consent
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as an outline 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 development of garden land and is considered to be locally controversial.

The Proposal

The application proposes the erection of a single dwelling within the back garden of an existing dwelling. The application is in outline form with all matters reserved. However, the details submitted show the dwelling to be a bungalow with single detached garage with access from Carmarthen Close to the north.

The application site and its surroundings

The application site is the rear half of the large domestic garden of 138 Barrowby Road. This property is one of a number of large detached properties facing Barrowby Road, set in large gardens. To the north is the end of a cul-de-sac which is part of a relatively recently built housing estate of higher density. A footpath runs along the western boundary connecting Barrowby Road with Carmarthen Close.

Site History

A previous similar application (S07/1171) was withdrawn after it was found to be invalid, due to insufficient information having been submitted. This previous proposal would have been accessed by a long driveway from Barrowby Road along the eastern boundary of 138.

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.

SK Projects Officer (Drainage): Soakaways are not acceptable, a sustainable drainage system should be used.

Representations as a result of publicity

Four neighbour objections:

1. Impact of noise/disturbance/traffic/access to footpath during construction.
2. Concerns over ownership/rights of way of land where access is proposed.
3. Highway safety concerns.
4. Noise and disturbance from vehicular movements.
5. Loss of tree.
6. Loss of privacy.
7. Impact on wildlife.
8. Garden grabbing.
9. Applicant should not take advantage of cul-de-sac to enhance land value.

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1) – Sustainable Development
Planning Policy Statement 3 (PPS3) – Housing

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development

South Kesteven Core Strategy

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

Officer Evaluation

Key Issues

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

Sustainability

The application site is within the existing built up area of Grantham 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, given the shortage of available brownfield and allocated land remaining, it is considered that notwithstanding the recent reclassification of garden land as greenfield land, development of this greenfield site is acceptable as it is a logical infill site in a sustainable location within an existing urban area. 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.

Impact on Form and Character of the Area

Although the properties along this section of Barrowby Road all have large gardens of the same length, the garden of 138 is noticeably wider. Furthermore, the continuity is interrupted by the footpath running alongside the western boundary. The access would be from Carmarthen Close, an established cul-de-sac, and the proposed bungalow, as shown on the site plan, would be aligned with those properties on the eastern side of Carmarthen Close. For these reasons, the proposal is not considered to be backland development in the normal sense of the word, and is considered to be appropriate for the form and character of the area. Furthermore, being a bungalow, the visual impact would be limited by the modest scale and position within the plot.

Neighbours' Amenities

The plot size, scale and separation distances are considered sufficient (subject to satisfactory boundary treatment) to ensure no overlooking/loss of privacy, loss of light or overbearing impact. The low level of extra traffic likely to be generated is not likely to lead to unacceptable noise and disturbance to adjacent properties. 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 description and details submitted show the access to be from Carmarthen Close. The Highways Authority do not object subject to conditions. By virtue of the low level of extra

traffic likely to be generated, it is not considered that the proposal would be detrimental to highway/pedestrian safety or traffic capacity.

Ownership of the Land (access)

Some concern has been raised about the ownership of the part of the site where the access would be, i.e. the strip of grass between Carmarthen Close and the existing rear boundary of no 138. The applicant has made all reasonable efforts to find the owner of this land, including contacting adjacent property owners, the highways authority, the original builder and the land registry as well as placing an advertisement in the local paper but has not been able to trace the owner. Accordingly ownership certificate D has been signed as part of the planning application. The ownership of this land is a separate legal matter beyond the scope of planning and the granting of planning permission does not override the need to comply with other legislation or legal covenants, or to obtain permission from the owner. The ownership of the land is therefore not a material planning consideration and has not been taken into account when making this recommendation.

Other Issues

Concerns have been raised about the impact of noise/disturbance from construction works and potential blocking of the footpath. 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. There is no reason to believe that access to the footpath would be blocked. Again, this is a separate legal matter beyond the scope of planning.

The trees within the site are not considered worthy of a tree preservation order and any loss of trees can be mitigated with new planting. Biodiversity is unlikely to be significantly affected by virtue of the fact that this site is not protected by any statutory designation and a significant part of it would remain a domestic garden.

The issue of the value of the applicant's land is not a material 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 an existing urban area, would be an efficient use of the land which would be in keeping with the built form and character of the surrounding area. It is therefore considered to comply with the sustainability aims of national, regional and local policy.

It is considered that by virtue of its modest scale and good separation distance from adjacent dwellings, subject to detailed design, the proposal will not have a detrimental impact on the residential amenities of the occupiers of neighbouring properties and that the low level of extra traffic likely to be generated would not be detrimental to 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), policies 1, 2 & 3 of the East Midlands Regional Plan and policies SP1, 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 or two years from the approval of the last of the reserved matters, whichever is the later.

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

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. layout;
 - ii. scale;
 - iii. appearance;
 - iv. access; and
 - v. landscaping.
3. 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. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in forward gear.

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

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

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

6. 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 dwelling is. Development shall be carried out in accordance with the approved details.

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

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 when submitting details for surface water drainage, soakaways will not be acceptable. A sustainable drainage system must be submitted and approved. All hard surfaces should be constructed of porous or permeable materials or provision should be made to direct surface water run off to a porous or permeable surface within the curtilage of the dwelling.
3. 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.
4. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.

Applicant	Mrs S Harding Colsterworth Post Office, 2, Bourne Road, Colsterworth, Grantham, Lincolnshire, NG33 5JE
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Erection of three dwellings
Location	2, Bourne Road, Colsterworth, Grantham, NG33 5JE
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 has been deferred twice, the first time to allow members to visit the site and assess the submitted additional indicative drawings of the access, and the second time in order to allow the applicant to submit amended plans to resolve the issues raised by Members.

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 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.”

The Highways Authority will be reconsulted when amended plans are received and their response will be reported in the Late Background Papers.

Colsterworth Parish Council: (comments summarised)
Concerns about the access given the changes in levels
Highway safety and parking issues
Reduction in amenity space for No 2 Bourne Road

Representations as a result of publicity

1. Three neighbour objections at the time of writing this report. The issues raised are summarised below:
2. Visually intrusive
3. Loss of greenfield site - "Garden grabbing"
4. Loss of view
5. Concerns over boundary treatment
6. Highway safety/parking/congestion issues
7. Overlooking/loss of privacy
8. Overbearing impact
9. 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. The applicant was also asked to demonstrate how a satisfactory access could be achieved.

At the Committee meeting of 29 March 2011, the applicant had submitted some indicative drawings showing how a satisfactory access could be achieved including a block plan, cross sections and elevations. The Highways Authority had also confirmed that they were 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. However, Members raised concerns about the position of the access, and the steep gradient of the footpath. It was suggested that the middle dwelling be “swapped around” so that the access and archway would be further to the west, where the difference in height between the highway and the site is slightly less. This would make the gradients of the footpath less steep. Detailed drawings of the access were also requested. The applicant has expressed a willingness to comply with these requests and has stated that amended plans will be submitted before the Committee date.

At the time of writing this report, the amended plans had not yet been received. Any amended plans received before the committee date will be commented on in the late background papers. The Highways authority will be consulted and their response reported.

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):

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

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

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

landscaping.

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

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

3. No development shall take place until 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).

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.

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.

5. 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).

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	Mr P Southerington, Witham Specialist Vehicles Ltd Honey Pot Lane, Colsterworth, Grantham, Lincs, NG33 5LY
Agent	Mike Sibthorp Planning Logan House, Lime Grove, Grantham, NG319JD
Proposal	Change of use to B8 (open) storage and formation of access
Location	Bourne Road, Colsterworth
App Type	Major Full (Non-residential)
Parish(es)	Colsterworth

REPORT

Application Category

This application is categorised as a large-scale major 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 a major application of local importance.

The Proposal

The proposal involves the change of use of 5.5ha of degraded former agricultural land to a use for the open storage of MoD surplus vehicles (Use Class B8).

A number of structures and physical works are also proposed as part of the application:

The existing access, approved in 2005 (S05/1081) would be extended into the site by 110m and would include provision for a future road extension to the east of site.

2.4m palisade fencing would be erected around the perimeters of the site.

4 x 10m lighting columns would be provided along the northern boundary.

A porous hard surface would be provided for the vehicle storage areas

An ecological buffer strip would be created along the southern boundary with Twyford Wood

The position and extent of various proposed buildings has been shown on the block plan but it should be stressed that these are not part of this application.

The application site and its surroundings

The site consists of unused former agricultural land stretching between the A1 and A151. To the north and northwest there are a number of commercial premises clustered around the A1/A151 junction, including the A1 Truck Stop, Colsterworth Services and a hay and

straw storage business. There is woodland (Twyford Wood) to the south and open countryside to the east. The edge of Colsterworth village itself is some 400m to the NW.

Relevant Site History

Outline, planning permission for office, warehouse and general industrial use has been granted a number of times between 1993 and 2010 but never implemented:

SK.92/1251 – Office, warehouse and general Industry – approved 17 May 1993
Sk.96/0346 – Office, warehouse and general Industry – approved 19 August 1996
S99/0814 – Office, warehouse and general Industry – approved 27 September 1999
S02/1060 – Office, warehouse and general Industry – approved 24 October 2002
S05/1269 – Industrial Development (B1, B2 and B8)- approved 21 February 2007
S10/0415 – development of land for mixed commercial uses – approved 22 June 2010

Permission was granted in 2005 for the access which has now been built:

S05/1081 – right turn junction and new access – approved 24 October 2005

Representations Received

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

The County Highways Authority: Require further information regarding visibility from the access before they can comment. These comments will be reported in the late background papers.

Highways Agency: No objection.

Natural England: No objection

Lincs Wildlife Trust: No objection in principle but consider that the ecological buffer strip should be 10m rather than 5m in depth, consistent with previous approvals.

Environment Agency: No objection in principle but request a condition requiring details of a scheme for surface water drainage to avoid contamination of groundwater.

Parish Council: Some concerns raised as summarised below:

Traffic/highway safety – concerns that the roundabout may be inadequate

Footway should be provided – as per previous approval

Flood risk implications if drainage is inadequate

Light pollution from security lighting

Crime and disorder implications – concern that military equipment could be targeted by terrorists

Representations as a result of publicity

None at the time of writing

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1): Sustainable Development

Planning Policy Statement 4 (PPS4): Sustainable Economic Growth

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 3: Distribution of Development

Policy 20: Regional Priorities for Employment Land

Policy 31: Priorities for Management and Enhancement of the Region's Landscape

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy SP2: Sustainable communities

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

Policy EN2: Reducing the Risk of Flooding

Policy E1: Employment Development

Saved Policies of The South Kesteven Local Plan 1995

Policy E7: New Industrial and Business Development

Officer Evaluation

Key Issues

The key issues that need to be considered are:

Sustainability

Economic Benefits

Landscape and Visual Impact

Noise, Disturbance and Amenity Issues

Impact on Wildlife and Biodiversity

Highways Issues

Sustainability

The application site is adjacent to an existing commercial area on the edge 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. Although, the land is a greenfield site, it is allocated for employment development in saved policy E7 of The South Kesteven Local Plan and has a long planning history of approvals for industrial, office, warehouse uses which were never implemented. There is an extant outline permission (S10/0415) on the site for mixed commercial use. The principle of development for commercial use has therefore already been firmly established. 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.

Economic Benefits

National planning policy given in PPS4 (Sustainable Economic Growth) states that planning applications that secure sustainable economic growth should be treated favourably. It is considered that the proposal would have positive economic benefits and would contribute towards the local economy.

Landscape and Visual Impact

The proposal is located adjacent to the A1 trunk road and an existing collection of commercial buildings and parking areas, including HGV parking. No buildings are included in this application. Although it is acknowledged that the proposal is fairly large scale and would change the character of the immediate surroundings, taking into account the adjacent commercial/transport context, it is not considered that the open storage and associated structures proposed would be unduly prominent or unacceptably visually intrusive in the wider landscape.

Noise, Disturbance, and Amenity Issues

It is considered unlikely that the proposals (subject to appropriate conditions) would have a detrimental impact on the residential amenities of nearby properties or the amenity of the area in general due to the nature of the activities and the separation distances. A condition requiring further details of the lighting is recommended to ensure that light pollution is minimised. SK Environmental protection have been consulted on this application but at the time of writing had not responded. Any comments will be reported in the Late Background Papers

Impact on Wildlife and Biodiversity

The adjacent Twyford Wood is a designated Site of Wildlife Interest and is a habitat for protected species including great crested newts. The application site itself was formerly a habitat for great crested newts, but has been cleared in recent years under a licence issued by Natural England.

The previous two outline approvals included a condition requiring a 10metre wide ecological buffer strip along the boundary with Twyford Wood in order to protect biodiversity and protected species. The current application proposes a 5m strip. The applicant has stated that the reduction can be justified as the proposed use is “benign”. However, Lincolnshire Wildlife Trust has confirmed that it must be a minimum of 10m to provide adequate protection, consistent with previous approvals. It is considered that the impact of the proposed B8 storage use would not be significantly less than any other employment use, especially given that the applicant has indicated potential future workshops and other buildings on the site. Taking the above into account it is considered that insufficient justification has been demonstrated for a reduction in the buffer strip from previous approvals and a condition requiring a 10m minimum buffer strip is recommended.

Highways

The Highways Authority have requested further information in respect of visibility. Any further information and comments will be reported in the late background papers.

Flood Risk and Drainage

Although it is stated that surface water would be discharged into an existing swallow hole, The Environment Agency have stated that this may not be acceptable as it could contaminate groundwater. Concerns have also been raised about that inadequate drainage may lead to flooding on the A1. The site is not within an area identified as being a high flood risk zone. However, a condition requiring details to be approved of a more appropriate system of surface water drainage including measures to ensure flood risk is minimised and that groundwater is not contaminated has been recommended.

Crime and Disorder Implications

Concerns have been raised by the parish council that military vehicles could be targeted by terrorists. However, the vehicles to be stored would be decommissioned ex MoD vehicles such as land rovers, cargo trucks and earthmovers rather than weapons or artillery. They are also intended for sale to the public (although not from this site). Furthermore, the applicant already operates from a nearby industrial estate at Honey Pot Lane without such problems occurring. It is therefore considered that, 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 development of this allocated employment site in a sustainable location for B8 storage use is in line with the sustainability and economic growth aims of national, regional and local policy. It is considered that (subject to conditions) the proposal would not be detrimental to highway safety, the landscape character, biodiversity or the amenity of the area or increase the risk of flooding.

For the reasons outlined above, it is considered that the proposal is in accordance national planning policy advice contained in PPS1 (Sustainable development), PPS4 (Sustainable Economic Growth), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity), policies 1, 3, 20 & 31 of The East Midlands Regional Plan, policies SP1, SP2, EN1, EN2 and E1 of the South Kesteven Core Strategy and saved policy E7 of the South Kesteven Local Plan and that there are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to no comments from the Highway Authority and the following condition(s):

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

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

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.

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

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

4. Notwithstanding the submitted plans, a minimum of a 10 metre wide ecological buffer strip shall be retained between the proposed development and the centreline of the hedge bounding the Twyford Wood Wildlife Site to the south. In all other respects, the ecological buffer strip shall be implemented in accordance with the details specified on drawing no MSP. 712/001 before the use commences, and retained as such thereafter.

Reason: To ensure the protection of species inhabiting the woodland edge of the Wildlife Site as in accordance with PPS9 and Policy EN1 of the South Kesteven Core Strategy.

5. Full details and specification of the proposed security lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over this important detail in the interests of the amenities of the area and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

6. The boundary treatment as shown on the submitted plans shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

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

Note(s) to Applicant

1. Your attention is drawn to the attached comments of Natural England
2. Your attention is drawn to the attached comments of Lincs Wildlife Trust
3. Before submitting details of a surface water drainage scheme, you are advised to seek the advice of the Environment Agency to agree an acceptable solution which will avoid contamination of groundwater.
4. 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	George Bowman & Son Ltd Salem Bridge Brewery, Wainfleet, Skegness, Lincs, PE24 4JE
Agent	Mr T Harwood 1, Irnham Road, Corby Glen, GRANTHAM, NG33 4NB
Proposal	Provision of hard standing for outside seating area
Location	The Fighting Cocks, 13, Market Place, Corby Glen, Grantham, Lincolnshire, NG33 4NH
App Type	Full Planning Permission
Parish(es)	Corby Glen

REPORT

Application Category

This application is categorised as an 'other' application.

Reason for Referral to Committee

This application has been referred to the committee at the request of the Acting Lead Professional as it is considered to be locally controversial.

The Proposal

The proposal is for a paved seating area to the rear of the existing car parking area of a public house. It will provide an outdoor garden area for its customers.

The proposed development will be to the rear car parking area of a listed public house, "The Fighting Cocks," which is located in Corby Glen. The proposal will provide an attractive area closer to the pub for use throughout the year but mainly during the summer period. The car parking area would be moved to the bottom of the garden making it a safer and more usable area. This would also create more car parking spaces. The area has been designed to be able to incorporate a free standing proposed marquee which would be used on a temporary basis. The proposed marquee is self supporting and will be attached by means of bolting the feet to the new paving and would be removed after use.

The scale of the proposed development will be 8.6m by 13.5m within the curtilage of the car park and the marquee would be 3.6m x12.m.

The proposed development will be constructed from natural sandstone paving with red brick (paviors) banding. All step risers would be artificial stone and treads will be sandstone slabs. The fence and gated areas to the bin storage area and the oil tank to be tantalized posts, rails and feather edge boards. At the rear existing stone boundary wall, posts and trellis would be inserted with the trellis above the wall level to give privacy to the dwellings behind.

The access to the proposed development will be via Market Place which is the Main Street of Corby Glen.

The application site and its surrounding

The host building is (No.13 Market Place) which is also known as “The Fighting Cocks” Public House. It is classified as A4 use building. It is a two storey listed detached building within the residential conservation area of Corby Glen 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 building which leads to a rear car park.

Corby Glen has been designated a conservation area. There are a number of buildings in the vicinity which are single and two storey dwellings and which share similar characteristics in design, scale and materials. Also there are (A1) and (B2) buildings. The host building is visible from the street scene (highways) however, the proposed development will be situated within the car park and this is not visible from the public highway. It is felt that it is important to note the surrounding area.

Relevant Planning History

S10/ 1852: Provision of handrails to patio area to listed building- Incomplete submission – 09/03/2011.

S10/0985: Patio area- Preliminary Enquiry- 14/05/2010.

Representations Received

Parish Council: No objection/observation

English Heritage: No response submitted.

South Kesteven District Council Environmental Protection: Objection on grounds of the proximity of this area to the neighbouring residents and the effect of the noise that would arise from its use would have on them. The applicant does not mention hours of use or the proposed use of the marquee. There is currently a restriction on the premises licence to the effect that external drinking areas are vacated by 23:00.

Representation as a result of publicity

Fifteen neighbours were notified on 14th October 2010 and this resulted in three letters of objection on the following grounds:

The marquee: A condition should be put on the ‘maximum number of times per year on which the temporary marquee is erected and the duration of each occasion. So that the owner cannot erect the marquee and leave it permanently.’ The facility should be seen as short term when an event is being held.

Noise Impact: Restriction on the duration that the marquee is erected so as to minimise the noise to neighbouring property.

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

Noise and Odour Impact

The objectors felt that the proposed development would increase noise. It is also noted that there is no specific mention on the application form and no supporting evidence of the time the marquee would be in use. Also there was some concern that the proposal would be extremely near residential properties. The adjoining bungalow properties back directly onto the car park and have very short gardens.

Additional information:

The agent for "The Fighting Cocks" submitted the following correspondence on the 28.03.2011. The email reads as follows:

'From my assessment of the application particulars it seems very clear that the red-lined site comprises a single planning unit and that that entire planning unit comprises what is now an A4 Public House. That being the case, I can see no planning issues in terms of the use of any part of the site as a beer garden or sitting out area. Whilst there is a car parking area forming part of the area to the rear of the public house, there would be no material change of use arising were the entire rear garden area to be utilised as a beer garden / sitting out area. The A4 use clearly permits such usage. At the present time approximately half the area is in use for car parking and half for sitting out / beer garden areas. Under the proposed application the balance of uses remains largely unchanged.

The proposed development in this case simply proposes the re-paving of part of this rear area, with a modest leveling. This involves no material change of use. Even if the leveling and re-paving did not arise the intended use as a sitting out area could take place without any requirement for planning permission. The only planning issue therefore is whether the re-profiling arising from the works gives rise to any adverse visual impacts. Given the

screened nature of the rear area, no adverse impacts can reasonably be seen to arise in this case.

We note that Environmental Protection have commented about the proximity of the area to neighbouring residents and the potential noise impacts. However, as we have discussed above, there is no material change of use arising, and no conflict with any conditions on any planning permission. Environmental Protection themselves point out that the Premises Licence places a time restriction on the use of outside areas (until 11.00pm). It thus seems clear that through licensing controls, the use of the premises can be controlled to protect residential amenity. Clearly premises licensing can be seen as imposing proper controls over the usage of the land. We would ask Environmental Protection to consider the position in the light of the above.

Whilst the application plans identify an indicative marquee / gazebo over the paved area, this simply reflects how the rear area of the public house is used. The gazebo is a temporary structure and is governed by the 28-day GPDO right. The provision of embedded slots for such a gazebo cannot be seen as changing the temporary nature of the structure. If this was seen as determinative, this element could be readily omitted (in practice however, removal of the slots would not preclude the erection of the gazebo under the 28-day PD rule).

As my client has rightly pointed out, were the paved area to follow the existing ground profile, it is likely that the works in this case could be deemed de minimis. Please could you confirm this. The modest levelling that is proposed in this case gives rise to no issues of visual impact. The railings around the paved area would be deemed to comprise a means of enclosure and thus permitted development.

As I understand it, your concerns in this case are based solely upon the comments of Environmental Protection. In my view, their comments need to be assessed against a proper understanding of the planning unit and the permitted usage of the land. Regardless of the application, the land in question could be utilised as a sitting out area. Indeed, the whole of the rear garden area could be so used.

As part of the application, the applicants have proposed additional screening to the boundary with the adjacent dwellings. This is not dissimilar to the screening adjacent the existing beer garden area at the western end of the plot.

In practice, I would suggest that given that by a positive determination of this application, the Council is actually able to exercise a greater measure of planning control over the use of the site that it would have if it were to refuse the application. Refusal of the application, would leave the Council with no planning controls over the use of the land at the rear of the property. This would leave the applicants in a position of being able to use the entire rear area without any restrictions other than the 11.00 licensing restriction. Reasonable controls in this case seems preferable to all concerned rather than no controls at all.'

On 26.04.2011, the agent submitted another email which read:

'I am still not persuaded that the proposals in this case involve any form of change of use. It also seems clear to me that the site comprises one planning unit (the site plan confirms this). Much flows from this.

Attached are extracts from DC Practice. This makes clear that the formation of a beer garden does not require planning permission provided that the land falls within the same planning unit as the pub, which is clearly the case in "The Fighting Cocks" case. The primary use (A4 pub) may be carried out on any part of the planning unit. There can be no issue of intensification where a use falls within a defined use class as in this case (Brooks v Burton 1977).

There is also a section on marquees, which indicates that generally speaking they do not require planning permission.

Hope the above clarifies where I was coming from!

I would be grateful if the key points from my e-mail of 28/03 could be reported in the next agenda.

We shall also be obtaining and forwarding letters from the two immediately adjoining residents, both of whom have confirmed to us that they have no objections. '

Response:

We noted the agent's comments regarding the planning unit however, we are still adamant that the proposed development would require a planning application because the proposal will require some engineering works because the proposal would need some type of fixture to the ground. Therefore, it would seem unlikely the proposal would appear to be 'temporary'.

In planning committee (26.04.2011) the agent commented that he would have liked this email (dated the 28.03.2011) to have been included as a late item. It is important to note we were not instructed to do this but the agent's email was on file.

The agent forwarded another email dated 26.04.2011 after planning committee. Once again we noted his comments but our original recommendation still applies.

Finally, the applicant forwarded two photocopied signed letters from the adjoining residents. We received the letters on the 10th May 2011. The agent and applicant confirmed that the neighbours have no objections to the proposal. However, it is important to point out that all planning applications are assessed on material planning considerations and the use of land in the public interest. Therefore as with letters of objections and letters that are in support of a proposal regardless of the comments we must remain neutral and we will assess the impact a proposal will have on the land use. It is important to highlight that present occupiers that are in support of the proposal may differ from new occupiers which may object to a proposal in the future.

Non planning material considerations

The objector commented on the proposal: that the plans were not uploaded on to the website.

Crime and Disorder Implications

The application will not give rise to 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.

Conclusion

It is considered by the Local Planning Authority that due to the close proximity of the proposed development to surrounding residential properties it would result in a significant adverse impact on their residential amenities through noise disturbance and loss of privacy. Furthermore, the proposed engineering works and the attachment of the marquee to the ground at permanent fixed anchor points and the size of the marquee are factors that in the opinion of the Local Planning Authority mean that the proposals are of such nature, scale and permanence will require planning permission and for the reasons set out above it is considered that the proposal is contrary to National Policy PPS1 Delivering Sustainable Development, Planning Policy Statement 5 (PPS5): Historic Environment, Planning Policy Guidance 24 (PPG24) Planning and Noise and the South Kesteven District Council Core Strategy (EN1).

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

1. It is considered that the design and scale of the proposed development not be in keeping with the predominantly residential character of the surrounding area and would have a significant adverse impact on the residential amenity by virtue of noise disturbance and loss of privacy and would thus be contrary to Planning Policy Statements PPS1 and PPS5, Planning Policy Guidance Note: PPG24 an Policy EN1 of the South Kesteven Core Strategy.

* * * * *

Applicant	Alston Country Homes Limited Blenheim Way, Northfields Industrial Estate, Market Deeping, PE6 8LD
Agent	Shayne Andrews, Shayne Andrews Design & Architecture Ltd 10, Spalding Road, Deeping St James, Peterborough, Lincolnshire, PE6 8NJ
Proposal	Erection of three dwellings and associated access
Location	16, Towngate East, Market Deeping, Peterborough, PE6 8DR
App Type	Full Planning Permission
Parish(es)	Market Deeping

REPORT

Introduction

This application was reported to the Development Control Committee on 26th April 2011. At the meeting Members resolved to defer the application in order for Officers to go back to the applicant and negotiate amendments to the scheme, particularly a reduction in the number of dwellings proposed.

The applicant has taken on board the concerns that the Members had and has now reduced the scheme from four dwellings to three.

Application Category

This application is categorised as a minor development.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the Council's Acting Lead Professional.

The Proposal

This is a full application for the erection of three detached two-storey dwellings on land to the rear of 16 Towngate East, Market Deeping. Access to the site is to be provided via a private drive located between 16 and 18 Towngate East. The proposed dwellings would all have off-street parking in the form of garage space and parking space to the front of the dwellings.

The Application Site and its Surroundings

The application site comprises part of the large garden to number 16 Towngate East and a small area of land to the west which has recently been cleared. The majority of the site is overgrown and there are a number of poor quality trees on the site.

The site is located on the southern side of Towngate East and is within a residential area. The site is surrounded by properties which front on to Towngate East, Halfleet and Dovecote Road.

Relevant Site History

S03/0575 - This application was for the erection of a dwelling on land to the rear of 14 and 16 Towngate East. The application was refused on 19 August 2003 on grounds relating to residential amenity and highway safety.

S04/1796 - In January 2005 planning permission was refused for the erection of four dwellings on land to the rear of 18 Towngate East. The application was refused due to the impact on the character of the surrounding area and the detrimental impact on residential amenity.

S05/0698 - in July 2005 planning permission was refused for the erection four dwellings to the rear of 18 Towngate East. The reasons for refusal related to the development having a detrimental impact on the form and character of the area, adverse impacts on residential amenity and being a piecemeal form of development which would prejudice a more comprehensive scheme. The applicants appealed this decision. In dismissing the appeal the Planning Inspector concluded that the development would not be detrimental to the form and character of the area. The Inspector also concluded that the development would be detrimental to residential amenity due to increased noise and disturbance but that this would not in itself be sufficient to warrant refusal of the application. The Inspector did however conclude that the development would prejudice a more comprehensive scheme for the site.

S07/0211 - In October 2007 planning permission was refused for residential development on land to the rear of 12-18 Towngate East. The application was refused on the grounds that the developer was unable to complete the required S106 Agreement due to land ownership issues.

S07/1217 - In August 2007 outline planning permission was granted for the erection of a dwelling to the rear of 14 Towngate East.

S08/0341 - In May 2008 reserved matters consent was granted for the erection of a detached dwelling in connection with outline application S07/1217.

S08/0518 - In June 2008 planning permission was refused for the erection of two dwellings on land to the rear of 18 Towngate East. The application was refused due to concerns about residential amenity and that the development would compromise a more comprehensive form of development. The appellant appeal the decision. The appeal Inspector allowed the appeal concluding that the development would not be detrimental to residential amenities and that the development would not prejudice the development of the remainder of the land to the west of the site.

S10/0921 - In July 2010 planning permission was granted for a substitution of house type in relation to application S08/0341.

Policy Considerations

National Planning Policy

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

East Midlands Regional Plan 2009

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

South Kesteven District Council Core Strategy

SP1 – Spatial Strategy

SP3 Sustainable Integrated Transport

H1 – Residential Development

EN1 – Protection and Enhancement of the Character of the District

Representations Received

Highways – The local highway authority has raised no objections to the development subject to conditions relating to the access and parking provision.

Heritage Lincolnshire – There are no known archaeological issues.

Market Deeping Town Council – Members feel this is over development of the site and that the site is too small for the size of the development. Members also stated that in their opinion the access is too small for the number of vehicles and have concerns this will have over the impact on the environment, wildlife and near neighbouring residential properties.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement. Eight letters have been received and the points made can be summarised as follows:

1. Concern that the access is via Dovecote Rd,
2. Concerns that staff from the adjacent care home block Dovecote Rd
3. We have no objections but would raise concerns with amount of traffic in area generated with both this and recent developments on Towngate and Godsey Lane,
4. Concerns about hours of construction,
5. Landscaping and tree clearing / protection needs to be handled sensitively.

6. Characteristics will adversely affect public passing on foot, on cycle and in cars or on public transport.
7. Access is not suitable for additional number of vehicles,
8. Concerns about loss of hawthorn hedge adjacent rear of 4 dovecote road and concerns about distance to adjacent properties form new dwellings,
9. The previous owner's wishes were that the land would not be developed,
10. Consideration should be given to landscaping boundaries with tree planting to screen the dwellings,
11. Concerns about loss of privacy,
12. This type of infill is unnecessary given approval for 3000 dwellings in Market Deeping,
13. Affordable housing should form part of the development,
14. Previous health and safety issues with developer leaving an unattended fire on site,
15. Buildings should be at least 2m off boundary to allow access for scaffolding to clear guttering etc,
16. Concerns about flood risk,
17. Contrary to national planning policy guidance on back garden developments, An urban Capacity Study needs to be completed which identifies the amount of land being currently developed and whether the existing amenities can sustain the already buckling services,
18. The outlook from my property has changed from a rural environment (removal of a tree line orchard that has already taken place) which attracted a range of wildlife, to a future housing estate type environment which by purchasing my current property I expected to avoid. Reviewing these plans I now feel my environment will potentially be spoilt, and intrusion will occur from both noise, the loss of more rural views and my plot being overlooked.

One letter from a local resident has also been forwarded from the local MP. Her comments are outlined in the list above.

In addition to the above Acoustic Associates of Petersburg have written in but the letter is advertising their services and not commenting specifically on the application.

Officer Evaluation

This is a full application for the erection of three dwellings at land to the rear of 16 Towngate East, Market Deeping. The application site is overgrown and there are a

number of poor quality trees on the site. The south western part of the site has already been cleared of all vegetation. One objector has referred to the site as former allotments, although there is no record of this and the land looks to have formed part of the large gardens to the properties fronting on to Towngate East.

The site and the adjacent land to the rear of number 18 Towngate East have been the subject of a number of planning applications in recent years (see planning history above).

Planning consent was originally refused to develop the land to the rear of 18 Towngate East on the bases that a more comprehensive form of development including the land to the rear of 16 Towngate East should be provided. This approach was backed on appeal in 2005. However following a further appeal in March 2009 an Inspector allowed the development as he considered that it would be some time before the land at No.16 would become available.

To date planning permission has been granted for three dwellings in the area. Two to the rear of 18 Towngate East and one to the rear of 14 Towngate East, which has recently been constructed. Taking into account the previous approvals and this current application a total of 7 new dwellings are proposed, albeit one was a replacement for No. 16.

The previous owner of the application site had resisted allowing development of the land due to his own personal wishes. However the land is considered to be suitable for development and the current owners are wishing to pursue this.

All though the site cannot be considered as previously developed land for the purposes of PPS3 this site is within a residential area and the Council have always maintained that this area of land is suitable for a comprehensive form of residential development.

The design of the proposed dwellings is considered to be appropriate for this location and would reflect the design of other approvals on adjacent land. The dwellings have been designed and laid out to ensure that privacy is maintained and that there will not be any significant loss of privacy via overlooking. The dwellings have a good separation distance from adjacent dwellings which will also ensure that there is no significant loss of light / overshadowing.

Access to the site is via a new drive on to Towngate East. This arrangement also forms the access to two previously approved dwellings to the rear of 18 Towngate East. The local highway authority has raised no objections and in view of the fact that there has been a previous approval for the access it is considered to be acceptable. All of the properties have adequate off-street parking provision the development will not therefore result in any significant on-street parking issues. Concern has been raised in relation to this but with respect to other developments – these concerns have been passed on to the local highway authority.

Concerns have been raised about the hours of construction work and a suitable condition has been suggested in order to protect the residential amenities of adjacent properties and the nearby care home.

A Section 106 has not been required in relation to affordable housing or other facilities as the development is only for four dwellings and does not hit the relevant policy triggers.

The site is not within an area at risk of flooding and does not require a Flood Risk Assessment.

Concerns about health and safety issues are covered by other legislation and are not considered to be material to the determination of this planning application.

Section 106 Heads of Terms

This application does not require a S106 contribution as it does not meet any of the policy triggers.

Crime and Disorder

The proposed development raises no specific 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.

Conclusion

The proposed dwellings reflect the design of other dwellings in the area and have been sited so as to minimise their impact on the residential amenities of the occupiers of existing properties in the area. The development is considered to comply with the general planning principles and policies for the area and is therefore considered to be appropriate.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is for the erection of three dwellings on land to the rear of 16 Towngate East, Market Deeping. The application site is overgrown and there are a number of poor quality trees on the site. The south western part of the site has already been cleared of all vegetation.

All though the site cannot be considered as previously developed land for the purposes of PPS3 this site is within a residential area and the Council have always maintained that this area of land is suitable for a comprehensive form of residential development. The design of the proposed dwellings is considered to be appropriate for this location and would reflect the design of other approvals on adjacent land. The dwellings have been designed and laid out to ensure that privacy is maintained and that there will not be any significant loss of privacy via overlooking. The dwellings have a good separation distance from adjacent dwellings which will also ensure that there is no significant loss of light / overshadowing.

Access to the site is via a new drive on to Towngate East. This arrangement also forms the access to two previously approved dwellings to the rear of 18 Towngate East. The local highway authority has raised no objections and in view of the fact that there has been

a previous approval for the access it is considered to be acceptable. All of the properties have adequate off-street parking provision the development will not therefore result in any significant on-street parking issues.

The development is therefore considered acceptable and complies with the requirements of national and local planning policies as set out in Planning Policy Statements PPS1< PPS3 and PPG13, Policies 1 and 2 of the East Midlands Regional Plan 2009 and Policies SP1, SP3, H1 and EN1 of the adopted South Kesteven District Council Core Strategy 2010.

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

1. This permission relates solely to the application as amended by drawings 001/SP/SKDC Rev A received on 6th May 2011 and the drawing showing plot 2 received on 10 May 2011.

Reason: The earlier submitted drawings were unacceptable because of the cramped appearance and impact on the amenities of adjacent residential properties.

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.

3. 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).

4. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 001/SP/SKDC Rev A received on 6th May 2011.

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

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, amenity and commerce of the residents of this site.

6. 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.
7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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

8. No construction works, movement of construction traffic, and deliveries to and from the premises shall occur other than between 0730 and 1830 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.
9. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

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

10. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 001/SP/SKDC Rev A received on 6th May 2011 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 allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Note(s) to Applicant

1. 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.
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.

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Applicant	Miss Shani Lees Elderwood Farm, Bottom Street, Witham On The Hill, Bourne, Lincolnshire, PE10 0JS
Agent	Mr A Oglesby, Oglesby & Limb Ltd Suite 4 & 5 Market Chambers, 12, Market Place, Spalding, PE11 1SL
Proposal	Application to extend time limit for the implementation of application of S08/0317 for construction of 9 dwellings
Location	59 & 65, Abbey Road, Bourne, PE10 9EN
App Type	Full Planning Permission
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to Committee because it is a major application and requires a Section 106 Agreement.

The Proposal

This is an application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation. The application to be extended is application S08/0317 relating to the erection of nine dwellings on the site of a former garage.

Planning permission was originally approved in May 2008 and this application seeks to extend the time limit for implementation.

The application site and its surroundings

The application site is located in the centre of Bourne to the north of Abbey Road. The site was a former garage and has been vacant for some time. The existing buildings on the site are in a poor state of repair and do not enhance the adjacent character and appearance of the surrounding area or the adjacent Bourne Conservation Area.

To the north of the site there is a new residential development and to the east and west of the site there are a number of residential and retail units. Abbey Lawn is to the south of the site and this area is within the Bourne Conservation Area.

Site History

S08/0317 – Full planning permission was granted in May 2008 for the erection of nine dwellings on the site.

Policy Considerations

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPG16 – Archaeology and Planning

Development Plan:

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy SP4: Developer Contributions

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

Policy EN4: Sustainable Construction and Design

Policy H1: Residential Development

Policy H3: Affordable Housing

Representations Received

Partnership & Project Officer Housing Solutions:

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

Environmental Protection:

No objections

Local Highway Authority:

No objections

Community Archaeologist:

No known archaeological issues on site.

Bourne Town Council:

No objections but hopes that this construction will soon take place as the site is an eyesore.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement and no letters of objection have been received from local residents and businesses.

Policy Considerations

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPG16 – Archaeology and Planning

Development Plan:

South Kesteven Core Strategy

Policy SP1: Spatial Strategy
Policy SP4: Developer Contributions
Policy EN1: Protection and Enhancement of the Character of the District
Policy EN4: Sustainable Construction and Design
Policy H1: Residential Development
Policy H3: Affordable Housing

Officer Evaluation

This application seeks approval to extend the time limit for implementing a previous approval for nine dwellings. Policy H1 of the Core Strategy indicates that in Bourne new housing development will be restricted to those on allocated sites and those with existing consent. This development is therefore considered to be in accordance with policy H1 of the Core Strategy.

Since the last approval the Council's Core Strategy has been adopted and the main changes in relation to the determination of this application relate to policy H3 and the requirement for the development to now make a S106 contribution towards affordable housing. The applicant's have indicated that they are willing to enter into such an agreement and this is currently been arranged through the Council's Legal Team.

The proposed development would see a rundown vacant garage site in the centre of Bourne redeveloped and it is considered that this would significantly improve the visual amenity of the area. The properties have been designed to ensure that there will be no adverse impact on the residential amenity of adjacent properties.

The local highway authority has raised no objections to the proposed development subject to the same conditions as last time being imposed again.

The Council's Environmental Protection Team has raised no objections to the proposal although a condition requiring a contaminated land survey to be undertaken has been recommended as per the previous approval.

Section 106 Heads of Terms

The application requires a Section 106 contribution towards affordable housing (35%)

Crime and Disorder Implications

This application raises no significant crime and disorder implications.

Human Rights Implications

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

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

Recommendation 1:

That the application be deferred to the Lead Professional in consultation with the Chairman/Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the following conditions.

Recommendation 2:

Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the 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.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 3, Planning Policy Guidance Note 13 and 16, and policies SP1, SP4, EN1, EN4, H1 and H3 of the South Kesteven Core Strategy. The issues relating to boundary treatments, residential amenity, density and Highway Safety are material considerations but, subject to the condition(s) 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. 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).

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
4. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with EN1 of the South Kesteven Core Strategy.

- a. metre close boarded fencing shall be used to form the boundary treatments to the dwellings hereby approved unless otherwise agreed in writing by the Local planning Authority. The boundary treatments shall be erected prior to the occupation of the dwellings.

Reason: To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies EN1 of the South Kesteven Core Strategy.

5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number A0689-10B dated 13 March 2008, and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety, and in accordance with Policies EN1 of the South Kesteven Core Strategy

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policies EN1 of the South Kesteven Core Strategy

7. Development shall not be begun until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

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 and in accordance with Policies EN1 in the of the South Kesteven Core Strategy.

8. 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 and in accordance with Policies H6 and EN1 in the Saved Policies of the South Kesteven Local Plan.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.
2. Works within the highway shall be agreed in liaison with Lincolnshire County Council Highways.

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Agenda Item 6

AGENDA ITEM

Report No: PLA. 885

DEVELOPMENT CONTROL COMMITTEE

31 MAY 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 11 April- 13 May 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).

TABLE 3A **Outstanding Planning Appeals** **TABLE 3B** **Appeal Decisions with Summary**

This table lists outstanding appeals together with newly submitted appeals and recent decisions accompanied by a summary.

PLANNING APPEALS 2011/2012 (excluding Enforcements)**NO OF APPEALS DETERMINED (based on Decision Date)**

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
LODGED	56	39	57	54	37	3
DISMISSED	37	35	38	32½	23½	0
ALLOWED	11	14	18	12½	13½	0
WITHDRAWN	5	2	2	2	0	0
OUTSTANDING	32	17	13	16	15	18

APPEALS OUTSTANDING AT 30 APRIL 2011

S09/1233/MJRF KJC Richard Edwards, Larkfleet Homes Erection of 29 affordable dwellings and associated infrastructure Land Off Valley Lane, Long Bennington	Public Inquiry	<u>Start Date</u> 29-Oct-2010 <u>Date of H / I</u> 02-Mar-2011	
S09/2490/HSH PL Mr Simon Lewis Erection of 1.8m fence and gates 118, Fifth Avenue, Grantham, NG319TJ	Written Evidence	<u>Start Date</u> 06-May-2010 <u>Date of H / I</u> N/A	
S09/2675/FULL JST Mr M Thurlby, The Crown Hotel Change of use from dwellinghouse (C3) to use as four hotel bedrooms 6, Barn Hill, Stamford, PE9 2AE	Written Evidence	<u>Start Date</u> 18-Jun-2010 <u>Date of H / I</u> N/A	
S10/0253/FULL IVW Mr J Thorold Formation of access track off Bridge Street Marston Hall, School Lane, Marston, Grantham, NG322HQ	Written Evidence	<u>Start Date</u> 23-Mar-2011 <u>Date of H / I</u> N/A	
S10/0256/FULL IVW 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	Written Evidence	<u>Start Date</u> 23-Mar-2011 <u>Date of H / I</u> N/A	

<p><u>S10/1246/HSH</u> NB Mr David Lowe Two storey rear extension The Clock Tower, New Cross Road, Stamford, Lincolnshire, PE9 1QZ</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 22-Dec-2010</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/1260/FULL</u> KJC Mr R Ranshaw Change of use of office building to dwelling Barkston Heath Mushrooms, Heath Lane, Barkston</p>	<p>Informal Hearing</p>	<p><u>Start Date</u> 27-Sep-2010</p> <p><u>Date of H / I</u> 01-Feb-2011</p>	
<p><u>S10/1412/FULL</u> PJM Mr S Bailey Erection of dwelling Spring Croft, Gonerby Road, Grantham, NG31 8HU</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 22-Feb-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/1804/FULL</u> PL Mr James Allen, TJ & KG Allen Retention of agricultural building and change of use to house livestock with additional livestock building and food storage Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 13-Apr-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2004/OUT</u> PL Mr & Mrs J Holmes Outline approval for the erection of a single storey dwelling with garage and parking with new vehicular access Land To Rear Of 36, Church Street, Long Bennington, Newark, NG23 5EN</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 15-Mar-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2051/HSH</u> PWM Mr & Mrs I M Crowther Two and three storey side extension to dwelling Castle View, 220, Bridge End Road, Grantham</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 29-Dec-2010</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2068/FULL</u> KJC Mr Gordon Cakebread Application under Section 73 of the Town and Country Planning Act for a shop and associated car park to not comply with Condition 12 of planning permission S10/0179 (requiring the construction of the pedestrian refuge) Land At The Drift, Harlaxton, NG32 1AE</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 19-Jan-2011</p> <p><u>Date of H / I</u> N/A</p>	

<p><u>S10/2141/ADV</u> RV Mr R Edwards, Larkfleet Homes Display of four non-illuminated fascia signs Larkfleet House, Falcon Way, Bourne, Lincolnshire, PE10 0FF</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 17-Feb-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2177/HSH</u> NB Richard Pyne Erection of 1 1/2 storey extension and front porch to Grade II listed building The Barn, Morkery Lane, Castle Bytham, Grantham, NG334SR</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 01-Feb-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2179/LB</u> NB Richard Pyne 1 1/2 storey extension, front porch and internal alterations to listed building The Barn, Morkery Lane, Castle Bytham, Grantham, NG334SR</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 01-Feb-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2185/FULL</u> TF Daltons Solicitors Demolition of existing dwelling and erection of 2 pairs of semi-detached dwellings St Nicholas, Priory Road, Stamford, Lincolnshire, PE9 2EU</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 01-Apr-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2525/FULL</u> PJM Mrs P Rai, PR Property Developments Ltd Erection of 2 dwellings Rear of Highgate, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 04-Apr-2011</p> <p><u>Date of H / I</u> N/A</p>	
<p><u>S10/2593/FULL</u> PL Mr M Bailey Erection of dwelling R/o 62 & 64 Manthorpe Road, Grantham, NG31 8DN</p>	<p>Written Evidence</p>	<p><u>Start Date</u> 15-Mar-2011</p> <p><u>Date of H / I</u> N/A</p>	

RECENT APPEAL DECISIONS TO THE END OF MARCH 2011

Application Ref: S10/0034/FULL NB
Planning Inspectorate No: APP/E2530/A/10/2141270/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs C Lister
Proposal:	Retention of mobile home
Site:	Langtoft Livery Stables, Cross Road, Langtoft Fen, Peterborough, PE6 9NX

Appeal Decision – Date:	Appeal allowed - 11 February 2011
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SUMMARY

The application was determined under delegated powers and refused permission, this was on the understanding that the renewal of temporary permissions should not normally be allowed if the operation does not make a profit for at least one of the 3 year temporary permission.

However, the Inspector added weight to the mitigation put forward by the applicant e.g. current economic climate, death of a business partner and initial outlay of money combined with the current building works for additional stabling.

As a result the Inspector granted another three year temporary permission, this is due to expire on 4 December 2012 with the mobile home having been on the site for a year longer than that granted under the original permission (ref; S06/1389).

Application Ref: S10/0745/FULL JST
Planning Inspectorate No: APP/E2530/A/10/2137085/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr B Maynard, Stamford Homes Ltd
Proposal:	Erection of four dwellings and associated works (Plot substitution 46-49 of application S09/1659)
Site:	Former Quarry Farm Brickworks, Little Casterton Road, Stamford

Appeal Decision – Date:	Appeal allowed with conditions - 02 February 2011
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SUMMARY

The Inspector considered the effect the development would have on the appearance and character of the area and the impact on the living conditions at 24 Haddon Road to be the key issues when allowing the appeal

Notwithstanding that the proposed houses were of a greater bulk and around 2m taller than those that were previously approved the Inspector considered that the nearest modified house, which is around 15m away from the side of no'24 Haddon Road, would not be significantly affected. Overlooking would also be adequately contained given the relationship between properties.

The Inspector concluded that the current mix of house types ensured that the proposal would not adversely affect the appearance and character of the area or represent a harmful visual intrusion in the built context.

Application Ref: S10/1081/MJRF KJC
Planning Inspectorate No: APP/E2530/A/10/2136072/NWF

Appeal Type: **Public Inquiry**

Appellant:	Mr T Bower & Others
Proposal:	Change of use of land to use as a residential caravan site for Gypsies and Travellers as defined by Paragraph 15 of Circular 01/2006, with 13 mobile homes and 13 touring caravans, including the laying out of hardstanding and creation of new access
Site:	Land North Of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham

Appeal Decision – Date:	Appeal allowed with conditions - 04 March 2011
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SUMMARY

As members are aware the main issue in relation to this development was that of highway safety. There was significant discussion between parties regarding which highway standards should be applied. Whether it should be Design Manual for Roads and Bridges or Manual for Streets (MfS) 1 and 2. The Inspector concluded that MfS should be the determining factor in this case. It was determined that the Gypsy site would not materially affect highway safety.

Other matters discussed at the appeal that are material to the determination of the appeal were sustainability of the site, the need for and provision of sites for Gypsies and Travellers, the appellants' accommodation needs and the availability of alternative sites and human rights.

The failure of the Council to provide alternative sites was given substantial weight in favour of the appeal.

The Inspector concluded that "the proposed access would not have a material harmful effect on highway safety in Stragglethorpe Lane. This, together with the weight of that I have given to other material considerations has led me to conclude that the appeal should be allowed.

I accept that my conclusion differs from that of the previous Inspector but there have been several changes since February 2010, not at least the fact that the appellants are now proposing to move the access to a more favourable place. Furthermore, MfS 2 has been published, and the County's 2005 design guide has been superseded by a development guide which directs developers to the guidance of MfS.

Having concluded favourably on the sole issue of highway safety, and in the absence of any other objections from the Council, I see no reason to make the permission temporary".

Application Ref: S10/1443/HSJ JJ
Planning Inspectorate No: APP/E2530/A/10/2139637/WF

Appeal Type: **Written Evidence**

Appellant:	Mr & Mrs R Bullen
Proposal:	Extension to existing annex to residential dwelling
Site:	ANNEXE 1, Pond Farm, Edenham Road, Bourne, Lincolnshire, PE10 0LG

Appeal Decision – Date:	Appeal dismissed - 11 February 2011
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SUMMARY

This application sought approval of a two storey extension to the existing property. In dismissing the appeal the Inspector concluded that further extensions to an already significant building would be out of keeping with and detrimental to the character of this open rural landscape, and would be not contribute to its conservation, restoration or enhancement. The Inspector also considered the extension would be detrimental to the appearance and character of the main building.

The appeal was dismissed.

Application Ref: S10/1732/FULL JJ

Planning Inspectorate No: APP/E2530/A/10/2141606/NWF

Appeal Type: **Written Evidence**

Appellant:	Mike Sibthorp Planning
Proposal:	Demolition of existing dwelling and erection of two 2 1/2 storey dwellings
Site:	6, Fox Dale, Stamford, Lincolnshire, PE9 2UZ

Appeal Decision – Date:	Appeal dismissed - 28 February 2011
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SUMMARY

This application sought approval for the erection of two dwellings. The application was referred to the Development Control Committee where Members asked officer to negotiate a reduction in the height of the dwellings. Following this the applicant appealed against non-determination. The Council informed the Inspector that had they still had jurisdiction over the application they would have refused the application due to concerns about the scale and impact on neighbours amenities.

In dismissing the appeal the Inspector concluded that the overall height and bulk of the new dwellings to the ridge of the roof would be substantially greater (at least 1.8m higher) than that of the immediate neighbours at Nos.4 & 8 Fox Dale. The architect had used the ridge height of No.71 Casterton Road as a guide, but the Inspector stated that this was significantly higher than the existing dwellings on the appeal site and its immediate neighbours. The combination of the scale and proximity of the new dwellings to each other and to the site boundaries, and their overall height, noticeably above that of the neighbouring dwellings, would give the impression of a most uncharacteristic, intensive and obtrusive development, out of keeping with the scale and appearance of the immediate surroundings.

The appeal was dismissed.

**APPLICATIONS DECIDED UNDER DELEGATED POWERS
FROM 14 MARCH – 08 APRIL 2011**

S09/2387/DC

Applicant: Mr Paul Clarke, Place Architectural
Proposal: Approval of details required by Condition 7 (drainage) of S08/1382
Location: Corner Of Caunt Road And, Springfield Road, Grantham
Decision: Approved - 11 May 2011

S10/1345/MJNF

Applicant: Mr T Tye
Proposal: Change of use from agricultural land to mixed use of agricultural & storage of hay and straw, including retention of access track and hardstanding, retention/extension of barn and retention of bunding
Location: Adjacent Ashleigh, Bourne Road, Colsterworth, Grantham, NG335JN
Decision: Approved conditionally - 12 April 2011

S10/2167/MJNF

Applicant: Mr N Vanstone, PGL Travel Ltd
Proposal: Excavation and formation of new activity/rafting lake including landing stages and associated works
Location: PGL Outdoor Activity Centre, Caythorpe Court, Caythorpe, Grantham, NG32 3EP
Decision: Approved conditionally - 18 April 2011

S10/2868/HSB

Applicant: Mr Steve Pashley
Proposal: Extension to form garage/office and insertion of window to first floor of dwelling
Location: 15, High Street, Ropsley, Grantham, NG334BG
Decision: Approved conditionally - 12 April 2011

S10/2902/FULL

Applicant: Mr Rob Johnson
Proposal: Demolition of former Hotel and erection of six dwellings
Location: Former Shirley Croft Hotel, Harrowby Road, Grantham, NG31 9EA
Decision: Withdrawn - 04 May 2011

S11/0055/LB

Applicant: OHL Ltd
Proposal: Alteration of listed building (internal)
Location: Manor Farmhouse, Church Lane, Braceborough, Stamford, PE9 4NT
Decision: Approved conditionally - 26 April 2011

S11/0115/HSB

Applicant: Mr D Charles
Proposal: Conservatory to rear
Location: 164, Somerby Hill, Grantham, Lincolnshire, NG31 7ET
Decision: Approved conditionally - 12 April 2011

S11/0152/HSB

Applicant: Mr S Chatterjee
Proposal: Conservatory to rear
Location: 4, Langdale Crescent, Grantham, NG318DF
Decision: Approved conditionally - 20 April 2011

S11/0162/FULL

Applicant: Mr & Mrs Long
Proposal: Detached bungalow with detached garage with living accommodation above
Location: Land Off, Irnham Road, Corby Glen
Decision: Approved conditionally - 18 April 2011

S11/0176/HSB

Applicant: Mr L Matthews
Proposal: Two storey extension to the side and single storey extensions to front and rear of dwelling
Location: 17, Ninth Avenue, Grantham, NG31 9TF
Decision: Approved conditionally - 12 April 2011

S11/0183/MJRF

Applicant: Paul Sharman, Baxter & King
Proposal: Application under Section 73 of the Town & Country Planning Act for 13 affordable dwellings (S10/2714) to vary Condition 10 (boundary treatment)
Location: 30-32, Spalding Road, Deeping St. James
Decision: Approved conditionally - 11 May 2011

S11/0194/DC

Applicant: Mr M Bust
Proposal: Approval of details of condition 3 (archaeology) required by planning permission S10/2303
Location: 52, High Street, Stamford, Lincolnshire, PE9 2LG
Decision: Approved - 14 April 2011

S11/0196/FULL

Applicant: Mr N Joyce, QK Cold Stores (Marston) Ltd
Proposal: Construction of single storey lean-to onto existing factory
Location: Q K Cold Store (Marston) Ltd, Tollbar Road, Marston, Grantham, Lincolnshire, NG32 2HT
Decision: Approved conditionally - 13 April 2011

S11/0213/FULL

Applicant: Mrs S Scholes, Rippingale Parish Council
Proposal: Retention of mobile changing hut
Location: Jubilee Playing Field, Pinfold Close, Rippingale, Bourne
Decision: Approved conditionally - 18 April 2011

S11/0214/FULL

Applicant: Mrs S Scholes, Rippingale Parish Council
Proposal: Temporary siting of a storage container
Location: Jubilee Playing Field, Pinfold Close, Rippingale, Bourne
Decision: Approved conditionally - 18 April 2011

S11/0216/FULL

Applicant: Wrenbridge (Stamford) Ltd
Proposal: Change of use from delivery office to retail/commercial (A1, A2, A3 & A4); first and second floor to 3 residential units and external alterations to building
Location: Former Royal Mail Delivery Office, Horseshoe Lane, Stamford, PE9 2EY
Decision: Approved conditionally - 14 April 2011

S11/0219/FULL

Applicant: James Griffiths, Kier Homes
Proposal: Construction of gates
Location: E Bowman & Sons Ltd, Cherryholt Road, Stamford, Lincolnshire, PE9 2ER
Decision: Approved conditionally - 11 April 2011

S11/0227/MJRR

Applicant: Mrs Alison Lea, Larkfleet Homes
Proposal: Reserved matters (outline S10/1076) for 14 dwellings and associated development
Location: Land Off, Broadgate Lane, Deeping St James
Decision: Approved conditionally - 10 May 2011

S11/0245/HSB

Applicant: Mr & Mrs M Lee
Proposal: One and two storey extension
Location: Long Acres, School Lane, Sedgebrook, Grantham, NG32 2ES
Decision: Approved conditionally - 14 April 2011

S11/0251/HSB

Applicant: Mr Alan Smith
Proposal: Rear conservatory
Location: 71, Wroxall Drive, Grantham, NG31 7EF
Decision: Approved conditionally - 14 April 2011

S11/0263/ADV

Applicant: Mr J Cooke, Wagtail Country Park
Proposal: Advance directional sign for Wagtail Country Park
Location: Land Adjacent A1 Northbound, Tollbar Road, Marston
Decision: Refused - 12 April 2011

S11/0264/ADV

Applicant: Mr J Cooke, Wagtail Country Park
Proposal: Advance directional sign for Wagtail Country Park
Location: Land Adjacent A1 Southbound, Tollbar Road, Marston
Decision: Refused - 12 April 2011

S11/0265/HSB

Applicant: Mr Shaun Balfe
Proposal: Detached triple garage with games room over
Location: Glebe Acre, Town Street, Westborough, Newark, NG235HJ
Decision: Approved conditionally - 12 April 2011

S11/0267/FULL

Applicant: Mr Gary Sample, Northgate Vehicle Hire Ltd
Proposal: Change of use from commercial vehicle sales/storage to vehicle hire B1 & ext
Location: Occupation Lane, Gonerby Moor, Grantham, NG32 2BP
Decision: Approved conditionally - 06 May 2011

S11/0274/TPO

Applicant: Mr Lawis
Proposal: Reduce copper beech tree by 25-30% volume, shape and balance protected by TPO
Location: 20, High Street, Caythorpe, Grantham, NG32 3BS
Decision: TC&P - Work allowed - 21 April 2011

S11/0280/FULL

Applicant: PM Wagstaff Ltd
Proposal: Erection of four dwellings and two detached garages
Location: Land R/o 4 Sparrow Lane, Long Bennington, Newark, NG23 5DL
Decision: Approved conditionally - 11 April 2011

S11/0302/HSH

Applicant: Mr A Buttigieg
Proposal: Single storey extension to provide a porch and toilet/shower area
Location: 15, Eskdale Road, Grantham, NG318EP
Decision: Approved conditionally - 12 April 2011

S11/0306/FULL

Applicant: Mr H & J Dorrington
Proposal: Replacement dwelling
Location: Southlands, Fen Road, Dunsby, Bourne, Lincolnshire, PE10 0UE
Decision: Approved conditionally - 10 May 2011

S11/0307/CAC

Applicant: Mr H & J Dorrington
Proposal: Demolition of existing dwelling in conjunction with application for replacement unit
Location: Southlands, Fen Road, Dunsby, Bourne, PE10 0UE
Decision: Approved conditionally - 10 May 2011

S11/0315/RM

Applicant: Seagate Homes
Proposal: Erection of 3 dwellings (reserved matters for S10/0165)
Location: Adj 42, Main Street, Baston
Decision: Approved conditionally - 27 April 2011

S11/0343/LDP

Applicant: Mr E D Hanna
Proposal: Certificate of Lawfulness of Proposed Use Class C2a
Location: Hurnsfield, Barrowby Road, Grantham, Lincolnshire, NG31 8NT
Decision: Lawful Development - 11 April 2011

S11/0346/DC

Applicant: Seagate Homes Limited
Proposal: Approval of details of conditions 2 (materials), 6 (drainage), 7 (archaeology) and 8 (landscaping) required by S10/2694
Location: 2, The Grove, Hanthorpe, Bourne, Lincolnshire, PE10 0RD
Decision: Approved - 13 April 2011

S11/0348/HSH

Applicant: Mr R Jasinski
Proposal: Extension to dwelling
Location: 4, Guildford Close, Grantham, Lincolnshire, NG31 8SJ
Decision: Approved conditionally - 11 April 2011

S11/0349/HSH

Applicant: Mr & Mrs D Cross
Proposal: Front extension to dwelling and flat roof to pitched roof extension
Location: 49, Saltersford Road, Grantham, Lincolnshire, NG31 7HL
Decision: Approved conditionally - 11 April 2011

S11/0352/HSH

Applicant: Mrs B Fox
Proposal: First floor side extension to dwelling
Location: 73, Stephenson Way, Bourne, Lincolnshire, PE10 9DD
Decision: Approved conditionally - 18 April 2011

S11/0355/FULL

Applicant: Deeping St James United Charities
Proposal: Replacement ancillary outbuilding to rear of existing scout hall
Location: 43, Church Street, Deeping St James, Peterborough, Lincolnshire, PE6 8HF
Decision: Approved conditionally - 28 April 2011

S11/0356/FULL

Applicant: Mr Paul Rackman, CEP Potatoes Ltd
Proposal: Welfare block including toilets, shower and rest room - extension of time limit of S08/0318
Location: C E P Potatoes, Honey Pot Lane, Colsterworth, Grantham, NG335LT
Decision: Approved - 12 April 2011

S11/0357/CAC

Applicant: Deeping St James United Charities
Proposal: Demolition of outbuilding to rear of scout hut
Location: 43, Church Street, Deeping St James, Peterborough, Lincolnshire, PE6 8HF
Decision: Approved conditionally - 28 April 2011

S11/0358/FULL

Applicant: Mr J Espin-Silvester, Lark Energy
Proposal: Construction of small scale wind turbine
Location: Larkfleet House, Falcon Way, Bourne, Lincolnshire, PE10 0FF
Decision: Approved conditionally - 18 April 2011

S11/0360/FULL

Applicant: Lark Energy
Proposal: Construction of small scale wind turbine
Location: Spitfire Park, Market Deeping, PE6 8GY
Decision: Approved conditionally - 06 May 2011

S11/0363/LB

Applicant: Mr S Odedra
Proposal: Internal alterations to install a 2 storey lift
Location: Five Bells Retirement Home, 28, Market Place, Folkingham,
Sleaford, Lincolnshire, NG34 0SF
Decision: Approved conditionally - 11 April 2011

S11/0366/HSB

Applicant: Mr & Mrs S Clayson
Proposal: Conservatory to rear of dwelling
Location: 21, Barrowby Gate, Grantham, NG317LT
Decision: Approved - 19 April 2011

S11/0382/HSB

Applicant: Mr R Edkins
Proposal: Ground floor garden room extension
Location: Lyndawn, Low Road, Barrowby, Grantham, NG321DJ
Decision: Approved conditionally - 04 May 2011

S11/0388/NMA

Applicant: Mr J Griffiths, Kier Homes
Proposal: Non-material amendment relating to elevational alterations
to dwellings approved under application S10/0364
Location: Land And Premises Of E Bowman & Sons, Cherryholt
Road, Stamford
Decision: Approved - 13 April 2011

S11/0391/FULL

Applicant: Mr & Mrs C Moore
Proposal: Replacement dwelling
Location: Lake House, Barholm Road, Tallington, Stamford, PE9 4RJ
Decision: Approved conditionally - 03 May 2011

S11/0392/FULL

Applicant: David Pannell, Burghley House Preservation Trust Ltd
Proposal: Alteration to roof
Location: Lady Annes Hotel, 36, High Street, Stamford, Lincolnshire,
PE9 2LJ
Decision: Approved conditionally - 20 April 2011

S11/0393/LB

Applicant: David Pannell, Burghley House Preservation Trust Ltd
Proposal: Alteration to roof and internal alterations
Location: Lady Annes Hotel, 36, High Street, Stamford, Lincolnshire,
PE9 2LJ
Decision: Approved conditionally - 20 April 2011

S11/0394/ADV

Applicant: Arcadia Group
Proposal: Replacement signage
Location: 23, High Street, Stamford, Lincolnshire, PE9 2AY
Decision: Approved - 04 May 2011

S11/0400/HSB

Applicant: Mr D Downs
Proposal: Single storey rear extension
Location: 53, Queens Walk, Stamford, Lincolnshire, PE9 2QF
Decision: Approved conditionally - 11 April 2011

S11/0402/HSH

Applicant: Mrs J Bonar
Proposal: Erection of detached garage/workshop
Location: The Old House, Main Street, Greatford, Stamford,
Lincolnshire, PE9 4QA
Decision: Approved conditionally - 13 May 2011

S11/0411/FULL

Applicant: Mr T Tsuchiya
Proposal: Demolish existing stable block and erection of new stable
block
Location: Drallam House, 26, High Street, Little Bytham, Grantham,
Lincolnshire, NG33 4QX
Decision: Approved conditionally - 18 April 2011

S11/0415/HSH

Applicant: Mrs L Turta
Proposal: Single storey extension to rear of dwelling
Location: 169, Eastgate, Deeping St James, Peterborough,
Lincolnshire, PE6 8RB
Decision: Approved conditionally - 14 April 2011

S11/0421/FULL

Applicant: Dixons Retail plc
Proposal: Addition of mezzanine A1 retail floor within Units 4 and 5
and associated external alterations
Location: Unit 4, Dysart Retail Park, Grantham, NG31 7NP
Decision: Approved conditionally - 20 April 2011

S11/0422/HSH

Applicant: Mr & Mrs Nick & Diane Geeson
Proposal: 1.5 storey side & rear extension and single storey rear
extension to cottage
Location: The Cottage, Main Street, Carlton Scroop, Grantham, NG32
3AU
Decision: Approved conditionally - 12 April 2011

S11/0432/HSH

Applicant: Mr & Mrs C Temperley
Proposal: Side extension to bungalow
Location: 6, Lady Margaret's Avenue, Market Deeping, Peterborough,
Lincolnshire, PE6 8JA
Decision: Approved conditionally - 18 April 2011

S11/0438/HSH

Applicant: John Workman
Proposal: Single storey side/rear extension and alteration to existing
roof
Location: The Beehive, Main Street, Greatford, Stamford,
Lincolnshire, PE9 4QA
Decision: Approved conditionally - 20 April 2011

S11/0439/FULL

Applicant: Christopher Sibson
Proposal: Siting of office building
Location: Newage International Ltd, Barnack Road, Stamford, Lincs
Decision: Approved conditionally - 13 April 2011

S11/0440/HSH

Applicant: Mr & Mrs P Sagar
Proposal: Single storey rear extension
Location: Rock Lodge, 1, Empingham Road, Stamford, Lincolnshire, PE9 2RH
Decision: Approved conditionally - 14 April 2011

S11/0441/HSH

Applicant: Mr S Hand
Proposal: Insertion of rooflights in side elevation
Location: Carpenters Rest, Swinstead Road, Corby Glen, Grantham, Lincolnshire, NG33 4NU
Decision: Approved conditionally - 13 April 2011

S11/0446/HSH

Applicant: Mr Angus Brown
Proposal: Two storey side extension and single storey rear extension
Location: 6, Beech Close, Colsterworth, Grantham, NG33 5NG
Decision: Approved conditionally - 28 April 2011

S11/0469/HSH

Applicant: Mr Michael Chapman
Proposal: Two storey side and single storey rear extension
Location: 14, Exeter Gardens, Stamford, Lincolnshire, PE9 2RN
Decision: Approved conditionally - 20 April 2011

S11/0474/HSH

Applicant: Mr & Mrs P C Tanner
Proposal: Rear extension
Location: Dodo, Gonerby Lane, Allington, Grantham, NG32 2DU
Decision: Approved conditionally - 12 April 2011

S11/0477/HSH

Applicant: Mr Steven Russell
Proposal: Provision of rooflights to eastern and western roofslopes on residential annexe
Location: 20, High Street, South Witham, Grantham, Lincolnshire, NG33 5QB
Decision: Approved conditionally - 28 April 2011

S11/0484/HSH

Applicant: Mr Chris Rose
Proposal: Replace flat roof with pitched roof
Location: 15, Wheatsheaf Lane, Long Bennington, Newark, NG23 5DU
Decision: Approved conditionally - 21 April 2011

S11/0486/HSH

Applicant: Mr & Mrs M Chambers
Proposal: Side and rear extension to dwelling
Location: 7, Toll Bar Road, Grantham, Lincolnshire, NG31 9EN
Decision: Approved conditionally - 20 April 2011

S11/0492/HSH

Applicant: Mr D King
Proposal: First floor side and front extensions
Location: 9, Harrowby Lane, Grantham, Lincolnshire, NG31 9HY
Decision: Approved conditionally - 19 April 2011

S11/0493/FULL

Applicant: Mr P Heard, Paul Heard Properties Ltd
Proposal: Proposed 4 bedroom detached dwelling
Location: 314, Harlaxton Road, Grantham, NG317JY
Decision: Approved conditionally - 26 April 2011

S11/0504/HSH

Applicant: Mr K Symons
Proposal: Two storey side extension
Location: 204, Dysart Road, Grantham, Lincolnshire, NG31 7LW
Decision: Approved conditionally - 11 April 2011

S11/0518/TCA

Applicant: Mr Guy Costley
Proposal: Removal of dead weeping willow tree & removal of leylandii hedge and replace with yew hedge
Location: Davaar, Main Street, Woolsthorpe By Belvoir, Grantham, NG32 1LU
Decision: TC&P - Work allowed - 21 April 2011

S11/0519/HR

Applicant: Mr Nigel Goodacre
Proposal: Removal of two 25 metre hedgerows to make way for light aircraft to operate
Location: Osgodby Farm, Irnham Road, Osgodby, Grantham, NG334JH
Decision: HR - Hedgerow Retention Notice - 21 April 2011

S11/0523/HSH

Applicant: Mr Chris Shennan
Proposal: Rear two storey extension
Location: Peartree Cottage, 1, Allington Road, Sedgebrook, Grantham, NG32 2EL
Decision: Approved conditionally - 14 April 2011

S11/0525/CAC

Applicant: Mr & Mrs C Wilding
Proposal: Demolition of outbuildings in Conservation Area
Location: 42, High Street, Billingborough, Sleaford, NG34 0QB
Decision: Approved conditionally - 28 April 2011

S11/0526/HSH

Applicant: Ms A Mackintosh
Proposal: Single storey rear extension
Location: 30, Bramble Grove, Stamford, Lincolnshire, PE9 4BL
Decision: Approved conditionally - 03 May 2011

S11/0531/HSH

Applicant: Mr D Jordan
Proposal: Single storey front extension
Location: 8, Oak Road, Stamford, Lincolnshire, PE9 2JG
Decision: Approved conditionally - 21 April 2011

S11/0534/HSH

Applicant: Mr Kevin Burdock
Proposal: Construction of car port on the north gable of the existing dwelling
Location: 18, Osbourne Way, Market Deeping, Peterborough, Lincolnshire, PE6 8SU
Decision: Approved conditionally - 20 April 2011

S11/0537/HSB

Applicant: Mr Simon Maddocks
Proposal: Two storey extension to rear of dwelling
Location: 93, Sandcliffe Road, Grantham, NG318ER
Decision: Approved conditionally - 11 April 2011

S11/0539/ADV

Applicant: Booker Ltd
Proposal: Non illuminated fascia signs, directional signs and non illuminated freestanding post sign
Location: Booker Cash & Carry, Gonerby Road, Grantham, NG31 8HY
Decision: Approved - 11 May 2011

S11/0541/LDE

Applicant: Mr Martin Foster
Proposal: Lawful Development Certificate for use of land as residential garden
Location: Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH
Decision: Unlawful Development - 11 May 2011

S11/0547/MJNF

Applicant: Stamford Property Co Limited
Proposal: Erection of business unit (replacement of extant permission S07/1127)
Location: Land To R/o Stamford Business Park, Ryhall Road, Stamford
Decision: Approved conditionally - 21 April 2011

S11/0553/LB

Applicant: Mr Mark Hamblin
Proposal: Internal alteration to listed building
Location: The Presbytery, 32, High Street, Corby Glen, Grantham, Lincolnshire, NG33 4LX
Decision: Approved conditionally - 09 May 2011

S11/0556/ADV

Applicant: Mr R Immink
Proposal: Externally illuminated fascia sign to frontage of building
Location: Land Opposite, 41, Spalding Road, Bourne
Decision: Approved conditionally - 14 April 2011

S11/0562/HSB

Applicant: Mr Sean Hale
Proposal: Single storey side and rear extensions to dwelling
Location: 31, Manor Drive, Long Bennington, Newark, NG23 5GZ
Decision: Approved conditionally - 06 May 2011

S11/0565/NMAH

Applicant: Mr & Mrs D Stutting
Proposal: Non material amendment to S06/0081 (changes to internal layout)
Location: 36, Westborough Lane, Long Bennington
Decision: Approved - 12 April 2011

S11/0581/FULL

Applicant: Ross Thain & Co
Proposal: Canopy to shopfront
Location: 34, High Street, Stamford, PE9 2BB
Decision: Approved conditionally - 13 May 2011

S11/0584/HSB

Applicant: Mrs Susan Bond
Proposal: First floor front extension
Location: 24, Downing Crescent, Stamford, Lincolnshire, PE9 1JD
Decision: Approved conditionally - 20 April 2011

S11/0586/FULL

Applicant: Mr S Arnold, M G Arnold and Sons
Proposal: Conversion of mill building to form dwelling including single storey rear extension
Location: Claypole Mill Farm, Claypole, Newark, NG23 5AH
Decision: Approved conditionally - 14 April 2011

S11/0587/HSB

Applicant: Mr Ian Hemstock
Proposal: Two storey extension to side
Location: 33, Sandcliffe Road, Grantham, Lincolnshire, NG31 8EQ
Decision: Approved conditionally - 04 May 2011

S11/0589/HSB

Applicant: Mr V Russon
Proposal: Revised scheme for two storey extension to dwelling to include a conservatory to the rear of the dwelling
Location: 14, Dickens Drive, Stamford, Lincolnshire, PE9 2GS
Decision: Approved conditionally - 20 April 2011

S11/0590/HSB

Applicant: Mrs Edith Mogollon
Proposal: Single storey extension to side and rear
Location: 75, Harrowby Lane, Grantham, Lincolnshire, NG31 9HZ
Decision: Approved conditionally - 13 May 2011

S11/0593/HSB

Applicant: Messrs Sanders & Worrell
Proposal: Rear extension to kitchen
Location: Church View Cottage, Main Street, Normanton, Grantham, NG32 3BH
Decision: Approved conditionally - 04 May 2011

S11/0599/FULL

Applicant: Mr Dale Peakall & Miss T Swift
Proposal: Temporary Residential Caravan
Location: Trail End Barn, Holme Lane, Claypole, Newark, Lincolnshire, NG23 5AP
Decision: Approved conditionally - 19 April 2011

S11/0601/HSB

Applicant: Mr Chalk
Proposal: Erection of conservatory
Location: 14, Rockingham Road, Stamford, Lincolnshire, PE9 2UT
Decision: Approved conditionally - 26 April 2011

S11/0638/HSH

Applicant: Mrs L Warren
Proposal: Extension to dwelling
Location: 47, Empingham Road, Stamford, Lincolnshire, PE9 2RJ
Decision: Approved conditionally - 04 May 2011

S11/0639/HSH

Applicant: Mr David Driver
Proposal: Installation of air source heat pump on side of domestic garage
Location: Adjacent Ash Grove Cottage, Folkingham Road, Pickworth, Sleaford, NG34 0TJ
Decision: Approved conditionally - 20 April 2011

S11/0652/HSH

Applicant: Mr Daniel Dutton
Proposal: First floor side extension above garage
Location: 32, Wensleydale Close, Grantham, Lincolnshire, NG31 8FH
Decision: Approved conditionally - 27 April 2011

S11/0653/ADV

Applicant: Fovia Ltd
Proposal: Two freestanding advertisement boards
Location: 26, Avenue Road, Grantham, Lincolnshire, NG31 6TH
Decision: Refused - 11 May 2011

S11/0654/AG

Applicant: Mr C Gray, D & C Gray
Proposal: Prior notification - extension to agricultural building
Location: Manor Farm, Wilsthorpe Road, Obthorpe, Bourne, PE10 0ER
Decision: Not required - 14 April 2011

S11/0667/HSH

Applicant: Miss L Bennett & Mr S Green
Proposal: Replace existing single story rear extensions with new single storey extension
Location: 32, Highlands Way, Stamford, PE9 2XH
Decision: Approved conditionally - 11 May 2011

S11/0676/HSH

Applicant: Mr R Pithey
Proposal: Construction of rear extensions
Location: 7, Lincoln Close, Market Deeping, Peterborough, Lincolnshire, PE6 8DX
Decision: Approved conditionally - 11 May 2011

S11/0692/TPO

Applicant: Mr Nick Geeson
Proposal: Reduction of overhanging limb of horse chestnut tree to clear pine tree and building
Location: The Roost, Carlton Manor, Heath Lane, Carlton Scroop, Grantham, NG32 3AS
Decision: TC&P - Work allowed - 06 May 2011

S11/0700/FULL

Applicant: Mr J Halfhead, Sapperton Farming Co
Proposal: Construction of agricultural building
Location: Chestnuts Farm, Village Street, Sapperton, Sleaford, NG34 0TB
Decision: Approved conditionally - 06 May 2011

S11/0706/AG

Applicant: Mr S Dorrington, J H Dorrington & Son (Dunsby) Ltd
Proposal: Lined pit to hold dirty water from dairy unit
Location: OS 9049, Rippingale Fen
Decision: Not required - 05 May 2011

S11/0733/HSH

Applicant: Mr Neil Baldwin
Proposal: First floor rear extension
Location: 91, Denton Avenue, Grantham, Lincolnshire, NG31 7JE
Decision: Approved conditionally - 11 May 2011

S11/0735/DC

Applicant: Mr Antonio Padovano
Proposal: Approval of details reserved by condition 2 (materials) of S10/2272
Location: 17, Welby Gardens, Grantham, NG31 8BN
Decision: Approved - 14 April 2011

S11/0787/FULL

Applicant: Mr & Mrs Daniel Wherry
Proposal: Change of use of agricultural land to domestic garden and single storey side extension to dwelling
Location: Down Hall, 40, Doctors Lane, Rippingale, Bourne, PE10 0ST
Decision: Approved conditionally - 06 May 2011

S11/0788/FULL

Applicant: Lucy Hartigan, Nero Holdings Limited
Proposal: Change of use of highway to a mixed use of highway land and outdoor seating area
Location: 17, High Street, Stamford, Lincolnshire, PE9 2AL
Decision: Approved conditionally - 11 May 2011

S11/0797/AG

Applicant: M G Arnold & Sons
Proposal: Prior determination - Open store building
Location: Mill Farm, Claypole, Newark, NG23 5AH
Decision: Not required - 05 May 2011

S11/0834/DC

Applicant: Mr Graham Hedley, Stamford Bridge Club
Proposal: Approval of details of conditions 2 (materials), 4 (surface and foul water drainage) & 7 (landscaping) required by S10/2619
Location: Land Adj Stamford & District Indoor Bowls Club, Off, Exeter Gardens, Stamford
Decision: Approved - 27 April 2011

S11/0987/DC

Applicant: Mr Adam Mayer, Coleman Builders Ltd
Proposal: Approval of details reserved by conditions 3 (materials) & 6
(boundary treatment) of S08/0826
Location: R/O, 1, Church Street, Thurlby
Decision: Approved - 04 May 2011

S11/1020/LDE

Applicant: Mr C Gibson
Proposal: Lawful use certificate for use of land and buildings for
storage and maintenance of vehicles in connection with
stock car/banger racing
Location: Dock Furrows Farm, North Road, Bourne, Lincolnshire,
PE10 0AD
Decision: Lawful Development - 11 May 2011

S11/1076/DC

Applicant: Mr N Mead
Proposal: Approval of details of condition 2 (materials) required by
S08/LB/6952
Location: R/o 7, West Street, Barkston, Grantham, Lincs, NG322NL
Decision: Approved - 13 May 2011

DEVELOPMENT SERVICES
DEVELOPMENT CONTROL

Applications not determined within the statutory period

Report No: 06/2011
Date Prepared: 13 May 2011
No of applications over 8 weeks: 49

MAJOR APPLICATIONS
(13 weeks)

S06/1151/MJNF/JJ

Date received:
08-Aug-2006
No of days: 1739

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: 1338

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: 968

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

S08/1231/EIAOL/PG

Date received:
30-Jun-2009
No of days: 682

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

S10/1283/MJRO/KJC

Date received:
24-Jun-2010
No of days: 323

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

S10/2106/MJRF/KJC

Date received:
21-Jan-2011
No of days: 112

Ablehomes Ltd
Demolish existing dwelling and garage and construction of 13
dwellings and associated garages
53, Harrowby Lane, Grantham, NG31 9HZ
Reason for non-determination:
Ongoing discussions with Environment Agency

S10/2176/MJRF/KJC

Date received:
19-Oct-2010
No of days: 206

Ablehomes Ltd
Residential Development (21 dwellings)
Elm Farm, Lilley Street, Long Bennington, Newark, NG23 5EJ
Reason for non-determination:
Acting Lead Professional to approve in consultation with
Chairman & Vice Chairman subject to S106 agreement

S10/2388/MJRF/KJC

Date received:
15-Dec-2010
No of days: 149

Mr David Defusto, Hungerton Developments Ltd
Erection of 22 apartments
85, Manthorpe Road, Grantham, NG31 8DE
Reason for non-determination:
Awaiting amended plans re impact on heritage assets

S10/2813/MJRO/KJC

Date received:
29-Nov-2010
No of days: 165

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

ALL OTHER APPLICATIONS
(8 weeks)

S07/0818/OUT/IVW

Date received:
12-Jun-2007
No of days: 1431

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: 575

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: 532

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: 532

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: 458

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: 344

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:
Awaiting info from agent

S10/0962/FULL/PL

Date received:
13-Apr-2010
No of days: 395

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.

S10/1582/FULL/NB

Date received:
15-Jul-2010
No of days: 302

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: 302

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: 269

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.

S10/1805/FULL/KJC

Date received:
13-Oct-2010
No of days: 212

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 amended plans to address highway concerns

S10/1978/FULL/JJ

Date received:
01-Oct-2010
No of days: 224

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: 255

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 decision by Town Council on possible withdrawal

S10/2015/LB/JJ

Date received:
01-Oct-2010
No of days: 224

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: 252

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: 252

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.

S10/2224/FULL/PL

Date received:
01-Oct-2010
No of days: 224

Mr R Potts

Erection of 1.5 storey office building (B1)
46, Main Road, Long Bennington, Newark, NG23 5DJ
Reason for non-determination:
Reconsulting on amended drawing

S10/2376/TCA/EAB

Date received:
19-Oct-2010
No of days: 206

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.

S10/2586/FULL/JJ

Date received:
15-Dec-2010
No of days: 149

Alston Country Homes Limited

Erection of 4 dwellings and associated access
16, Towngate East, Market Deeping, Peterborough, PE6 8DR
Reason for non-determination:
Awaiting amended plans

S10/2650/OUT/JST

Date received:
24-Nov-2010
No of days: 170

Ms G Gaynor

Erection of 5 dwellings
28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB
Reason for non-determination:
Going to June Committee

S10/2802/FULL/PL

Date received:
12-Dec-2010
No of days: 152

Mr Richard Potts

Erection of one and half storey office building (B1)
R/o 46 Main Road, Long Bennington, Newark, NG235DJ
Reason for non-determination:
Awaiting response from Highways

S10/2889/FULL/PJM

Date received:
11-Mar-2011
No of days: 63

Mrs L McCummings

Change of use and alterations to existing house, erection of new stables, store, carport and covered manege to operate as livery with extension to existing stables to create 3 bed temporary accommodation for horse owners
Hunters Lodge, Gonerby Lane, Allington, Grantham, Lincolnshire, NG32 2EF
Reason for non-determination:
Awaiting Highways comments

S10/2908/FULL/PL

Date received:
19-Jan-2011
No of days: 114

Mr Warwick Shaw, Premier Engineering Supplies

Four terraced dwellings with associated parking
Riverside, Cambridge Street, Grantham, NG31 6EZ
Reason for non-determination:
Awaiting additional info

S11/0062/FULL/PJM

Date received:
08-Feb-2011
No of days: 94

Mr D Hoskins, Hanby Grange

Proposed menage
Hanby Grange, Hall Field Lane, Hanby, Grantham,
Lincolnshire, NG33 4HJ
Reason for non-determination:
Awaiting tree report

S11/0083/FULL/RV

Date received:
11-Feb-2011
No of days: 91

Ms R Woolley, Witham on the Hill Parish Council

Extension to existing car parking area
Village Green, Main Street, Witham On The Hill, Bourne
Reason for non-determination:
Awaiting PC answer to material finishes as requested by
Committee

S11/0188/FULL/PWM

Date received:
02-Feb-2011
No of days: 100

McCain Foods (GB) Limited

Infill of section of disused ironstone mine (Drift 2)
PAS (Grantham) Ltd., Easton, NG33 5AY
Reason for non-determination:
Awaiting consultation response from Natural England

S11/0254/ADV/RV

Date received:
27-Jan-2011
No of days: 106

Alliance/Boots

Display of non-illuminated fascia sign, individual letters and
projecting sign to replace existing signage
66, High Street, Stamford, Lincolnshire, PE9 2AW
Reason for non-determination:
Awaiting amendments

S11/0255/FULL/JJ

Date received:
03-Mar-2011
No of days: 71

Mr Stuart Fox

Two storey three bedroom dwelling with dormers in roof
24, Harvey Close, Bourne, Lincolnshire, PE10 9QJ
Reason for non-determination:
Awaiting amended plans

S11/0268/FULL/LDPP

Date received:
15-Feb-2011
No of days: 87

**Mr C Hatcliff, Heydour Parish Hall Management
Committee**

Demolition of existing village hall and construction of new
village hall
Heydour Parish Hall, Green Lane, Aisby, Grantham, NG32
3NE
Reason for non-determination:
Awaiting tree survey

S11/0406/FULL/JJ

Date received:
17-Feb-2011
No of days: 85

Miss Shani Lees

Application to extend time limit for the implementation of application of S08/0317 for construction of 9 dwellings 59 & 65, Abbey Road, Bourne, PE10 9EN
Reason for non-determination:
Under negotiation

S11/0407/FULL/RV

Date received:
07-Mar-2011
No of days: 67

Mr C Richardson

Conversion of existing building and garaging to No7 into separate dwelling
Land Adj, 7, Stamford Road, Market Deeping, Peterborough
Reason for non-determination:
Awaiting consultee requests on more info

S11/0408/LB/RV

Date received:
07-Mar-2011
No of days: 67

Mr C Richardson

Alterations and extension to former Maltings building within curtilage of listed building to create new dwelling
Land Adj, 7, Stamford Road, Market Deeping, Peterborough
Reason for non-determination:
Awaiting consultee requests on more info

S11/0409/FULL/RV

Date received:
07-Mar-2011
No of days: 67

Mr C Richardson

Double garage with hobbies room above
Dane House, 7, Stamford Road, Market Deeping,
Peterborough, Lincolnshire, PE6 9JA
Reason for non-determination:
Awaiting consultee requests on more info

S11/0410/LB/RV

Date received:
07-Mar-2011
No of days: 67

Mr C Richardson

Double garage with hobbies room above to listed building
Dane House, 7, Stamford Road, Market Deeping,
Peterborough, Lincolnshire, PE6 9JA
Reason for non-determination:
Awaiting consultee requests on more info

S11/0427/HSH/LDPP

Date received:
10-Mar-2011
No of days: 64

Mr & Mrs Pointon

Conservatory to front of dwelling
16, Chapel Street, Billingborough, Sleaford, NG34 0QH
Reason for non-determination:
Awaiting amended plan

S11/0444/FULL/JJ

Date received:
08-Mar-2011
No of days: 66

Mrs J Whetton, Medicx Property Ltd

Application for variation of Condition 5, 7 and 8 of application S10/1757 to enable construction work to commence prior to completion of the highway works and to replace proposed pelican crossing with zebra crossing
The Charles Read School, Bourne Road, Corby Glen,
Grantham, Lincolnshire, NG33 4NT
Reason for non-determination:
Under negotiation

S11/0507/HSH/NB

Date received:
08-Mar-2011
No of days: 66

Mrs J Hartley

Erection of detached garage
The Old Rectory, 2, Greatford Road, Uffington, Stamford,
Lincolnshire, PE9 4SW
Reason for non-determination:
Under negotiation

S11/0513/LB/NB

Date received:
04-Mar-2011
No of days: 70

Network Rail Infrastructure Limited

Alteration of listed building (installation of information
monitors, signs, speakers and induction loop)
Stamford Railway Station, Station Road, Stamford, PE9 2JL
Reason for non-determination:
Awaiting amended plans

S11/0594/FULL/KJC

Date received:
14-Mar-2011
No of days: 60

Mr J Spilsbury

Variation of Condition 1 of S00/0471 to permit an increase in
the number of shooting days from 50 to a maximum of 120
days per calendar year
Stubton Gorse, Stubton
Reason for non-determination:
Awaiting additional info from applicant

S11/0623/FULL/JST

Date received:
10-Mar-2011
No of days: 64

E F R Construction Ltd

Erection of six dwellings and associated works
Part OS 1037, East Lane, Morton, Bourne, Lincs
Reason for non-determination:
Going to June Committee