

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 26 JULY 2011
at
<u>1.00 PM</u>
* PLEASE NOTE TIME OF MEETING*
(THE LATE REPORT WILL BE AVAILABLE IN THE MEMBERS' ROOM FROM 12 NOON)
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillors Parkin (Chairman); Wilkins (Vice-Chairman); Ashberry; Cook; Higgs; Howard; Mrs Kaberry-Brown; Vic Kerr; King; Morgan; Powell; Jacky Smith; Mrs Judy Smith; Judy Stevens; Adam Stokes; Sumner and Wren
Committee Support Officer:	Malcolm Hall Tel: 01476 406118 m.hall@southkesteven.gov.uk

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

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

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members

2. APOLOGIES

3. DECLARATIONS OF INTEREST

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

4. MINUTES OF MEETING HELD ON 28TH JUNE 2011

(Enclosure)

5. PLANNING MATTERS

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

(Enclosure)

EXCLUSION OF THE PUBLIC

IT IS ANTICIPATED THAT, IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC MAY BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM, BECAUSE OF THE LIKELIHOOD THAT OTHERWISE EXEMPT INFORMATION AS DESCRIBED IN PARAGRAPHS 2 AND 5 OF PART 1 OF SCHEDULE 12A OF THE ACT WOULD BE DISCLOSED TO THE PUBLIC

6. ENFORCEMENT ACTION - FENCE , 133 PRINCESS DRIVE, GRANTHAM

Report No.PLA903 from the Planning Enforcement Officer

(Enclosure)

7. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA904 by the Acting Lead Professional

(Enclosure)

8. PLANNING ENFORCEMENT - JANUARY TO JUNE 2011

Briefing paper PLA902 from the Planning Enforcement Officer

(Enclosure)

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

MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 28 JUNE 2011

1.00PM



COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry
Councillor Higgs
Councillor Howard
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor King
Councillor Morgan

Councillor Parkin (Chairman)
Councillor Bob Sandall
Councillor Mrs Judy Smith
Councillor Jacky Smith
Councillor Adam Stokes
Councillor Sumner
Councillor Wilkins (Vice-Chairman)
Councillor Wren

OFFICERS

Head of Development & Growth (Mark Williets)
Acting Lead Professional (Paul Green)
Principal Planning Officers (Kevin Cartwright and Justin Johnson)
Area Planning Officers (Nigel Bryan, Peter Lifford and Paul Milne)
Planning Technician (Tim Robertson)
Acting Principal Conservation Officer (Ian Wright)
Committee Support Officer (Malcolm Hall)
Assistant Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Rosemary H Woolley
Councillor Raymond Wootten
(In accordance with Council procedure rule 24.5, Councillor Wootten spoke in connection with application KJC1)

7. 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 Powell for this meeting only.

8. APOLOGIES

Apologies for absence were received from Councillor Cook.

9. DECLARATIONS OF INTEREST

Councillor Judy Smith indicated that she thought she might have a personal and prejudicial interest in relation to application PG3. After clarification, and advice from the Committee Support officer and Assistant Solicitor, it was determined that there was no personal and prejudicial interest.

Councillor Vic Kerr declared a personal and prejudicial interest in application PJM1, as he was a farmer in the area of the application site.

Councillor Adams declared a personal interest in application PG4, as the applicant was known to him personally.

10. MINUTES OF MEETING HELD ON 31ST MAY 2011

The minutes of the meeting held on 31 May 2011 were approved as a correct record of decisions taken, subject to the addition, in Minute 111, of the following, to more accurately reflect the situation existing at the meeting:-

(For clarification, the members involved and unable to vote were Councillors Ashberry, King, Morgan, Powell, Jacky Smith, Adam Stokes, Sumner and Wilkins).

11. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S10/2313/LB

Description: Alterations and extensions to listed building

Location: 4, St Marys Place, Stamford, Lincolnshire, PE9 2DN

Decision: Deferred

The Chairman asked that it be recorded that all members of the committee had been lobbied by a group of local residents objecting to the proposal, and had been supplied with a significant amount of information in the forms of plans and additional information relevant to the application. He also asked that it be noted that information from the applicant's agents had been circulated to members by email yesterday.

Noting an objection from Stamford Town Council, comments from English Heritage, Building Control and the the South Kesteven Planning Archaeologist, a number of representations from nearby residents, and an analysis of the environmental impacts in relation to the proposed development; late information report circulated to members present at the meeting including detailed observations from the applicant in relation to matters raised by members, officer comments on the information received and two recommended additional conditions, report of site inspection and comments made by members at the meeting.

Prior to discussion taking place on the reports received, the Committee Support Officer and Assistant Solicitor gave advice in relation to public speaking for the benefit of members who had not been present at the meeting on 31 May 2011.

It was proposed and seconded that the application be approved, subject to the conditions shown in the main report and in the late report, subject to conditions 5 and 8 being amended to more tightly control the development. After discussion, and as an amendment, it was proposed and seconded that further consideration be deferred to enable members to be able to fully and properly consider all the additional information that had been circulated in relation to the application. On being put to the vote the amendment was carried and on being put as the substantive motion was also carried.

PG1

Application ref:	S11/0783/HSB
Description:	Two storey rear extension
Location:	The Barn, Rectory Lane, Fulbeck, Grantham, NG32 3JS
Decision:	Approved

Noting comments made during the public speaking session from:-

Tim Kelway – objector
Nigel Brown – applicant

together with no objection from the Parish Council or Conservation Officer, objections from nearby residents and letters in support from nearby residents; late information report circulated to members present at the meeting including additional information in relation to amended plans and officer comment thereon, together with a suggested amended condition, 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. The timber boarding to the external elevations of the extension shall remain unstained and be allowed to weather naturally.
5. Prior to the commencement of any works to the existing barn details of any insulation to be installed in the building shall be submitted to the local planning authority and only such materials as may be agreed in writing shall be used to insulate the building.
6. Prior to the commencement of the works of the extension hereby permitted , large scale details of the intersection of the extension and the existing barn shall be submitted to the local planning authority and agreed in writing.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 222.1001, 222.1002A, 222.1003, 222.1004A, 222.1005, 222.1008.
8. Notwithstanding the submitted plans there shall be no windows at first floor level in the south elevation, ie to the dressing room and master bedroom, of the proposed extension.

Note 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.

PG2

Application ref: S11/0707/FULL

Description: Replacement dwelling and detached garage

Location: 1, Main Road, Uffington, Stamford, Lincolnshire,
PE9 4SN

Decision: Approved

Noting comments made during the public speaking session:-

Sarah Woolf – objector
Mike Sibthorp – agent

together with comments from the Parish Council, no objection from the Highway Authority and a letter of objection from a nearby resident, 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 proposed dwelling shall be rendered in the same colour as the adjoining property 3 Main Road and details of the colour finishes to both the windows of the dwelling and the walls of the swimming pool shall be submitted to and agreed with the local planning authority before any development is commenced.
3. Before the dwelling is occupied the access and vehicular turning area shall be completed in accordance with the approved plan number 2634/2 dated 24 March 2011 and retained for that use thereafter.
4. The tree and hedge planting as proposed in the tree report of Michael J Sumner received on 27 May 2011 shall be implemented within the first available planting season.

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.

PG3

Application ref: S11/0865/FULL

Description: Change of use from residential (Class 3) to office use (Class B1)

Location: 69, Abbey Road, Bourne, Lincolnshire, PE10 9EN

Decision: Approved

Noting comments made during the public speaking session:-

Paul Toseland – applicant

together with no objection from the Town Council, 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. The premises shall be used for office purposes only and for no other purpose (including any other purpose in Class B1 .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).
3. No parking or surfacing of the garden area to the rear of the property shall be undertaken without the further written approval of the local planning authority.

PG4

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: Approved

Noting an objection from SKDC Environmental Protection, objections from

neighbouring residents, and additional information from the agent for the applicant; late information report together including a letter from the applicant's agent in relation to the requested resiting and comments made by members at the meeting.

(2.41pm – Councillor Ashberry left the meeting).

(2.47pm – Councillor Ashberry returned to the meeting).

It was proposed and seconded that the application be refused.

The Committee Support Officer gave advice as to those members present who should not vote on this application.

The proposition was put to the vote, but the result was declared void as one of the members present and unable to vote had mistakenly voted. The vote was taken again and the proposition to refuse was lost.

A further proposition that the application be approved was proposed and seconded and on being put to the vote was agreed, subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before the use of the seating area commences the screen fencing as submitted to the local planning authority shall be installed and retained at all times thereafter.
3. The outdoor seating area and marquee shall not be used for the purposes authorised by this permission beyond 23:00 hours on any day.
4. The proposed marquee shall not be used on more than 4 occasions in any calendar year and shall be removed from the site within four days of its use.

PL1

Application ref:	S11/0761/OUT
Description:	Residential development for 4 no. 2 storey dwellings and creation of new access
Location:	51, Barrowby Road, Grantham, Lincolnshire, NG31 8AA
Decision:	Deferred

Noting comments during the public speaking session from:-

Peter Harrison - objecting
Mr M Leahy – objecting
Mike Sibthorp – agent

together with comments from the Conservation Officer and Highway Authority, a number of objections from nearby residents, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be approved. As an amendment, it was proposed and seconded that further consideration be deferred pending the submission of a full design and access statement together with full details of the dwellings proposed for the site. On being put to the vote the amendment was carried, and on being put as the substantive motion was also carried.

(The meeting adjourned from 3.36pm to 3.55pm).

KJC1

Application ref: S10/2388/MJRF
Description: Erection of 22 apartments
Location: 85, Manthorpe Road, Grantham, NG31 8DE
Decision: Refused

Noting comments made during the public speaking session from:-

Mr Dyer – objecting
Ian Newton – objecting
Mrs M Robinson – objecting

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

Mrs V Wheeler – objecting
Jean Parker – objecting
Trevor Burdon – objecting
Mr Defusto – applicants

together with comments from the Open Spaces Officer, Crime Prevention Design Advisor, Environmental Protection, Environment Agency, Lincolnshire Wildlife Trust, Natural England, SKDC Conservation Officer, Landscape Consultant/Tree Officer, Lincolnshire County Council (Education), Senior Historic Environment Officer Archeology, Upper Witham Internal Drainage

Board, Partnership Projects Officer (Affordable Housing) and the Highway Authority, a number of letters of objection from nearby residents in relation to the original and amended plans, a letter of objection from one of the local Ward members, a number of letters in support of the application and a note of the Section 106 Heads of Terms; late information report circulated to members at the meeting including observations in relation to refuse collection/storage from the Recycling and Enforcement Team Leader and officer comments on parking provision for the site, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be deferred for further negotiation with the applicant in relation to design and numbers, and also with the Highway Authority. As an amendment, it was proposed and seconded that the application be refused for reasons of character and appearance, over development and for reasons put forward by the Inspector at the appeal in 2010. The proposition to defer was withdrawn and the proposition to refuse was then put and agreed, and the application was refused for the following reasons:-

1. It is considered by reasons of bulk and mass the proposal would not relate well to the surrounding properties and wider area. It would be out of keeping with the scale of surrounding properties and be overdevelopment of the plot when compared with the existing plot ratios and urban grain to the detriment of the character and appearance of the surrounding area and street scene.
2. The scale and prominent location of the proposed development would be dominating not only in relation to the neighbouring properties but would also have a detrimental impact on the character and appearance of the adjacent conservation area.
3. As such the proposal is considered to be contrary to policy EN1 (1, 3, 4, 5, 10 and 12 of the adopted South Kesteven Core Strategy, the Grantham Townscape Character Assessment, PPS1 and PPS3 which promote high quality development through good inclusive design and PPS5 Policy HE10 which seeks to ensure that development that affect the setting of a heritage asset preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Note(s) to Applicant

1. A revised scheme reducing the overall numbers on the site and thereby the bulk and mass of the development would significantly reduce the impact of the proposal. Any scheme should attempt to 'turn the corner' to make a coherent transition between the two frontages of this important gateway to the town.

(5.10pm – Councillor Vic Kerr left the meeting, having declared an interest).

PJM1

Application ref:	S10/2884/MJNF
Description:	Erection of 3 poultry units, 3 feed bins and a general purpose building
Location:	Land Off, Gonerby Lane, Allington
Decision:	Deferred

Noting comments from the applicants in support, comments from Planning Policy and the Parish Council, no objection from Natural England, Highways Agency, Highway Authority, Environment Agency or Lincolnshire County Fire and Rescue, comments from Lincolnshire Wildlife Trust, Environmental Health and the Environment Agency (Noise and Odour), representations 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 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 contributions towards highway improvements, and to appropriate conditions as listed in the report, but in this case as 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 Acting Lead Professional acting 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 an unacceptable development acceptable have not been forthcoming.

(5.31pm – Councillor Vic Kerr returned to the meeting).

(5.34pm – Councillor Wren left the meeting).

(5.34pm – Councillor Morgan left the meeting).

(5.35pm – Councillor Wren returned to the meeting).

(5.40pm – Councillor Bob Sandall left the meeting).

JJ1

Application ref:	S10/1978/FULL
Description:	Conversion, alteration and extension of barns to create 5 dwellings; erection of 2 dwellings and car port and shed, erection of 3m earth bund
Location:	Towngate House Farm, Towngate West, Market Deeping
Decision:	Deferred

Noting no objection from the Highway Authority, detailed comments from English Heritage, comments from Planning Policy, Welland and Deepings Internal Drainage Board and Market Deeping Town Council, no objection from Natural England, comments from the Society for the Protection of Ancient Buildings, comments from the Ramblers Association and Conservation Officer, no objection from Heritage Lincolnshire and comments from the Environmental Protection Officer together with a note of the Section 106 Heads of Terms; late information report circulated to members at the meeting including further comments from English Heritage, Market Deeping Town Council and the Conservation Officer; and comments made by members at the meeting.

(5.45pm – Councillor Mrs Kaberry-Brown left the meeting).

(5.47pm – Councillor Morgan returned to the meeting).

(5.50pm – Councillor Mrs Kaberry-Brown returned to 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 relating to affordable housing, to appropriate conditions as listed in the report, but in this case as 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 Acting Lead Professional acting 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 an unacceptable development acceptable have not been forthcoming.

JJ2

Application ref:	S10/2015/LB
Description:	Conversion, alteration and extension of listed building
Location:	Towngate House Farm, Towngate West, Market Deeping
Decision:	Deferred

Noting comments from English Heritage, Market Deeping Town Council and the Society for the Protection of Ancient Buildings; late information report circulated to members at the meeting including further information from English Heritage, comments from Market Deeping Town Council and the Conservation Officer and a recommended additional condition, together with 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, subject to the Secretary of State not requiring the application to be referred to him, and subject to appropriate conditions to include the conditions in the main report and the additional condition in the late report.

JJ3

Application ref:	S10/2020/FULL
Description:	Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings
Location:	47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
Decision:	Deferred

For the submission of further information from the applicant.

JJ4

Application ref: S10/2021/LB

Description: Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote

Location: 47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Decision: Deferred

For the submission of further information from the applicant.

(6.00pm – Councillor Sumner left the meeting).

JST1

Application ref: S10/2650/OUT

Description: Erection of 5 dwellings

Location: 28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB

Decision: Deferred

Noting comments made during the public speaking session from:-

David Shaw – Agent

together with no objection from the Highway Authority, Environment Agency, Community Archaeologist or Parish Council, comments from Planning Policy, Property and Facilities and Housing Solutions and a number of 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 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 contributions towards affordable housing, and to appropriate conditions, as listed in the report, and to an additional condition restricting the number of properties on the site to 5, but in this case as 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 Acting Lead Professional acting 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 an unacceptable development acceptable have not been forthcoming.

JST2

Application ref: S11/0592/FULL

Description: Erection of four dwellings on garden land at rear of existing dwelling

Location: Eglesfield, 40A, Stamford Road, Market Deeping, Peterborough, Lincolnshire, PE6 8AB

Decision: Deferred

At the request of the Highway Authority, for further information.

(Meeting adjourned from 6.10pm to 6.14pm).

JST3

Application ref: S11/0623/FULL

Description: Erection of six dwellings and associated works

Location: Part OS 1037, East Lane, Morton, Bourne, Lincs

Decision: Deferred

Noting no objection from the Highway Authority or Parish Council and comments from Planning Policy, Housing Solutions, the Ramblers Association and Waste and Recycling and a note of the Section 106 Heads of Terms, together with comments made by members at the meeting.

After members had expressed concerns at the level of the Section 106 monies requested in relation to a payment in lieu towards affordable housing, it was proposed, seconded and agreed that further consideration be deferred for a recalculation of the Section 106 amount, and for a report to the next meeting.

12. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA894 listing details of applications not determined within the 8 week time period. Also submitted was a list of applications dealt with under delegated powers and a planning appeals update/summary as at the end of May 2011.

13. PUBLIC SPEAKING - AMENDMENT TO RULES

Decision:-

That the Constitution Committee be requested to agree to an amendment to the constitution, Paragraph 24.7 (i) to delete "24 hours prior to the meeting" and amend to "one working day prior to the meeting".

The Chairman advised members that the current constitution rule in relation to public speaking required any person wishing to speak to notify the committee administrator or planning case officer at least 24 hours prior to the meeting. A failure to make such a notification would mean that the person would not be allowed to speak. It had happened on a number of occasions, and most recently on the Tuesday after the Bank Holiday Monday in May, that this was not strictly adhered to, as there were no staff available to take the request to speak.

In the circumstances it was suggested that the rule be amended to alter the 24 hour period to one working day, meaning that the request would be with the committee administrator either on the Friday or in the case of Easter, on the Thursday prior to the meeting. He proposed, and it was seconded, that the Constitution Committee be asked to amend the constitution accordingly. On being put to the vote the proposition was carried.

14. COMMITTEE REVIEW

The Chairman advised the committee that he was intending to introduce a 3 monthly "committee review" whereby an informal meeting would be held, starting at 12.15pm before a scheduled meeting, to enable a review of matters considered by the committee at previous meetings, and also such matters as recent appeal decisions. It was also intended to allow members to bring forward any ideas for improvements to the administration of the committee. The first of these meetings would be held prior to the next scheduled meeting of the committee on 26 July.

15. VOTING ISSUES

Councillor Morgan advised the meeting that the matter of voting issues which had been the subject of some discussion at the last meeting of the committee, in relation to the inability of members who had not heard all the debate on a matter to vote, had been referred to solicitors for advice, and she would report in due course.

16. CLOSE OF MEETING

The meeting closed at 6.39pm.

Agenda Item 5

COMMITTEE: 26 JULY 2011

NO	PAGE	PROPOSAL AND LOCATION	REC	
PJM1	10/2841	1	Erection of 18 dwellings (affordable), Land r/o Highfield Mews, Great Gonerby NG31 8XA	AC
JST1	11/0623	20	Erection of six dwellings and associated works, Pt OS 1037, East Lane, Morton	AC
PWM1	11/1154	26	Demolition of existing dwelling and erection of five dwellings with associated improvements to access, 16 Harrowby Lane, Grantham, NG31 9HX	AC
KJC1	11/1028	37	Change of use from dwelling to 6 bed hostel accommodation, 63 Barrowby Road, Grantham NG31 8AB	
NB1	10/2313	46	Alterations and extensions to listed building, 4 St Mary's Place, Stamford PE9 2DN	AC

**Development Control Committee
26 July 2010**

PJM1 S10/2841/MJRF

Target Decision Date: 17-Jun-2011

Applicant	Mr Robert Jenkinson Freshfield, 16, Birchwood, Thorpe St Andrew, Norwich, NR7 0RL
Agent	Mr Stuart Martin, D B Lawrence & Associates 30, Handley Street, Sleaford, Lincs, NG34 7TQ
Proposal	Erection of 18 dwellings (affordable)
Location	Land R/o Highfield Mews, Great Gonerby, Grantham, NG31 8XA
App Type	Major Full (Residential)
<u>Parish(es)</u>	Great Gonerby

REPORT

Application Category

This is a Major application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the Acting Lead Professional due to the significant local interest.

The Proposal

The proposed development is for the erection of 18 dwelling units comprising 14 two-storey properties, predominantly semi-detached in form and four bungalows. Two of the bungalows, Type B, have been specifically designed for disabled occupants.

It is proposed to access the site from an extension to Highfield Mews. The existing road would be extended northwards towards the northern boundary of the site where it then splits eastwards and westwards towards turning areas.

A small open space is included forming part of the drainage scheme for the site.

A range of dwellings are proposed of differing styles, reflecting the variation of properties that exist in Great Gonerby.

The application site and its surroundings

The application site which comprises part of a larger agricultural field, with an area of approximately 0.57 hectares, approximately 97 metres in width (east to west) and approximately 80 metres in depth is located on the northern side of the village of Great Gonerby adjacent to Highfield Mews.

The Highfield Mews development is a recently constructed development comprising of 9 dwellings and is accessed from Green Street, to the west of the High Street.

The eastern boundary of the site runs along the rear of properties fronting the High Street while the western boundary runs alongside properties situated off Green Street. The south-east corner of the site sits adjacent the rear of two properties within Coachman's Court.

From the existing entrance gate at the end of Highfield Mews the ground rises northwards for approximately 200m before cresting and falling northwards down to Gonerby Moor.

Site History

S06/0776 – Conversion of redundant barn to office/study – Refused – 15th September 2006.

S09/2052 – Erection of 19 Affordable dwellings – Withdrawn – 29th June 2010.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPS5 – Planning Historic Environment

PPG13 – Transport

PPS25 – Development and Flood Risk

South Kesteven Core Strategy

SP1 – Spatial Strategy

SP2 – Sustainable Communities

SP3 – Sustainable Integrated Transport

SP4 – Developer Contributions

EN1 – Protection and Enhancement of the Character of the District

EN2 – Reducing the Risk of Flooding

EN4 – Sustainable Construction and Design

H1 – Residential Development

H3 – Affordable Housing

Representations Received

Local Highway Authority: No objections subject to conditions and financial contributions of £2,713.50 for Fire and Rescue and £20,000 towards bus service provision.

Environment Agency: Wishes to make no comments on this application.

Anglian Water:

Anglian Water would agree with the findings of Chris Maw of SKDC and would recommend a surface water discharge of no greater than 2.4 litres per second into manhole 5452 in Highfield Mews.

Anglian Water have had recent experience of adopting flow control devices which restrict flows to the recommended rate and so this is not seen as being an issue.

Anglian Water would not consider adopting the open surface attenuation area; all structures submitted for adoption should fulfil the criteria as stated within Sewers For Adoption 6th Edition.

Upper Witham Drainage Board:

If the surface water from the site is regulated to a rate that will not increase the final rate from the site from that which presently discharges into the public sewer system and thence into the water course system, then the Board will have no objection to the proposal.

SKDC Projects Officer

I have spoken to the applicant's engineer since his report was received and he is now aware of our requirements thus:

1. Attenuation should be down to Greenfield run-off rates. Engineer to UWIDB has confirmed that this possible.
2. The site shall be protected to a 1 in 100 year standard + 30% for climate change.
3. Any new development must not exacerbate the existing problems

Should the applicant submit a design satisfying the above then I shall have no objections. On other matters raised in the objection (open space etc) I have no comments: as long as the system works from a drainage point of view then that is all.

Local Plans (Policy):

This site is a greenfield site on the edge of the village and has not been allocated for development of any kind, although it has been the subject of consultation for the emerging Site Allocations and Policies DPD.

The relevant Core Strategy policies are: SP1 and H3.

Policy SP1 allows for development in LSCs and gives preference to brownfield sites within the built-up part of the settlement and allocated sites. Whilst the policy framework of SP1 does not preclude the development of greenfield sites within LSCs, it is clear that preference should be given to brownfield and allocated sites and that these should be within the built-up part of the village. It would, therefore, be inappropriate to permit the development of a greenfield site on the edge of the village unless it can be demonstrated that there are overriding, material considerations relevant to this specific site.

Policy H3 allows for affordable housing to be provided as a percentage of the development of a site. The policy envisages that the affordable housing will comprise a percentage (up to 35%) of the overall scheme. Policy H3 allows for the development of affordable housing on rural exception sites. These sites will be in locations outside the towns and LSCs. This site cannot, therefore, be considered as a rural exceptions site.

At a recent appeal against a refusal to allow the development of 29 affordable dwellings in Long Bennington, the Inspector stated:

The Inspector stated that the "shortfall in affordable housing in the district weighs heavily in favour of the proposal", but, on balance attached greater weight to the need to integrate the dwellings into the community.

The circumstances of this particular case are somewhat different from those at Long Bennington. This application is for a much small number of dwellings than the application at Long Bennington. Although the application site could not be considered to be brownfield, it is not in a prominent location in open countryside. It is on the edge of the village, immediately adjacent to existing residential properties, and a short distance from the main road through the village. It is, therefore, well located for village facilities, and development here could constitute a natural evolution of the village. Following the Inspector's lead and giving greater weight to the need to integrate the development within the community, it may be that a development of this size, in this location, would be acceptable and would address an identified need

Lincs Wildlife Trust:

The Trust are satisfied that the proposed works should not result in any significant negative impacts on protected species.

Area Footpaths Officer (South Lincolnshire):

From the plan it would appear that this public footpath would not be affected by the development.

Community Archaeologist: No archaeological intervention is required.

Conservation Officer:

The application site lies outside the northern boundary of the Great Gonerby Conservation Area. The interceding development along Highfield Mews acts as a buffer between the proposed site and the boundary of the conservation area.

It is proposed to erect 18 affordable dwellings on the site along a central spine which forms a continuation of Highfield Mews with small scale cul de sac developments to the east and west. It is proposed to enclose the central spine with six pairs of semi-detached dwellings which lends a harmonious character to the proposed development, with two pairs of single storey bungalows and detached buildings on the cul-de-sacs.

The plan form of the proposed development is inconsistent with that of the historic core. However the proposed use of red brick, with decorative elements which include stone cills, window lintels and brick arches to the windows reflects some of the vernacular characteristics of the traditional buildings within the conservation area. It is considered that the proposed development is more sympathetic in terms of design and materials to the conservation area than the High Mews development which abuts the boundary.

The proposed development will not have a detrimental impact upon the character or appearance of the conservation area nor will it detract from any key views. Therefore I do not wish to raise any objections

Open Space Officer:

I have calculated the provision for play and POS using the equation promoted in the Fields in Trust document: Planning and Design for Outdoor Sport and Play (2008) for a rural development.

The calculation for the provision of play is detailed in the attached spreadsheet. Based on the potential number of residents in this development the calculation gives a figure of 106 m² to be provided for equipped children's play and an additional 234 m² of informal children's play space. I based this on 18 dwellings as per the attached site plan.

I can see on the attached plan that there is an allocation of POS of 0.16 ac (647 m²). I would request that this includes the provision of a LAP (DPS), see attached guidance for requirements, or that a contribution of £15,000 is made to the existing play facilities on Great Gonerby playing fields.

Partnership and Projects Officer:

A planning application reference number S10/1037 was received last year to erect 19 affordable homes on land rear of Highfield Mews, Great Gonerby. The application was withdrawn following advice from the planning offer that a Housing Needs Survey was required to be carried out especially as 29 affordable homes had only just been completed in March, 2010.

Consultation was undertaken with the Chair of Great Gonerby Parish Council and Councillor Jeff Thompson on the best approach to carry out the survey. The choices were to carry out a full parish survey, a full parish survey and housing register survey or just a housing register survey. It was decided to carry out the Housing Register Survey. The survey forms were sent out in June 2010 and the report finalized in September, 2010.

The report makes recommendation on the number, size, type and tenure of the affordable housing that is required in Great Gonerby. The applicant was sent a copy of the finalized report and the scheme submitted reflects the housing needs identified in the report. Included on the proposed scheme are two x bungalows which will be adapted for disabled applicants and two x four bedroom houses also capable of being adapted for families with disabled family member.

The applicant is working with one of the council's preferred registered housing providers (RHP), Nottingham Community Housing Association. Should the application be approved the RHP will be required to enter into nomination agreements with the Council giving highest priority to applicants with local connection to Great Gonerby and the usual restriction will apply for a rural exception site.

Great Gonerby Parish Council:

Plot 1 is sited close to an existing property (7 Highfield Mews) and will overpower the short garden of this property. The proposed site is on higher land than the developed land. Could a bungalow be built in this plot instead of a house? Plot 15 is also in an unreasonable proximity to the existing development of 47/49/51 High Street.

The open space is in a poor position and is fenced in with only 2 properties being able to see it and is in close proximity to existing properties. It would be more constructive being used to form a narrow green hedge and tree planting strip along the northern boundary of the site to define the northern limit of the built up area of the village for the present foreseeable future.

Despite the revised design and access statement calling for the "creation of strong boundary treatment particularly abutting open land" (Page 39) this has not been carried out along the northern boundary of this site which requires a more intensive planting scheme plus a traditional hawthorn hedge as boundary (see above suggestion).

Since the existing Highfield Mews development, Green Street has been prone to flooding. Following investigations it was ascertained that any future development must not be

connected to existing waste/foul water system or existing electric cables, as the existing services cannot cope with any further development.

Residents who attended the recent Parish Council meeting had the above concerns and also raised the following which needs to be taken into consideration:

Increase of traffic from access road onto Green Street and Green Street/High Street junction and other narrow roads in the village causing congestion, increase of housing within the conservation area, opening for more development into the open countryside.

The use of the proposed open space to solve the surface water problems seriously undermines its original purpose and capability to function as an amenity area. This is not acceptable as this is one of the main design features of the application.

There are health and safety concerns of open water, especially for children, on a residential development. Subsidence issues are also a concern as the proposed surface water area is very close to existing properties.

Representations as a result of publicity

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

- Will dominate and oppress the surrounding environment
- Will be visually intrusive
- Impact on character of the area
- Impact adversely on the Conservation Area
- Increase volume of traffic will be generated along Green Street
- Development will create danger to both drivers and pedestrians
- Green Street is too narrow to accommodate traffic
- Already is a dangerous junction between Green Street and High Street
- Will add to existing on street parking problems
- Access would be better served off the main road
- Headlights will shine directly into our windows
- Development clearly an expansion of village into rural surroundings
- Scheme indicates the potential for further development past the site
- Would set a precedent for future development
- Loss of privacy
- Demand for further properties is unfounded
- Properties in Belvoir Gardens remain empty
- Object to the loss of fertile land
- Development will exacerbate existing drainage problem
- Development will increase noise
- Route from development to recreational field dangerous for children.
- Gonerby is now overdeveloped
- Development is too dense
- Plans are misleading

- Protected species survey is unreliable
- Development inconsistent with Core Strategy
- Does not satisfy rural exception policy
- Does not meet local need
- The site is elevated which will create problems
- Open space will be dangerous when flooded.
- Requires an EIA
- Pond will be a magnet for disposal of rubbish
- Ponds will have stagnant water and a breeding ground for flies
- Discharge from drainage system will increase flooding in Green Street
- Efficiency of the pond is reduced due to the method of construction used
- Landscaping proposals for the pond are required
- Open space will be just a giant muddy puddle
- Not clear who is going to maintain the open space
- Level of discharge from site could be lower with different control device
- Not clear if open pond has capacity to deal with rain fall from open sky
- Drainage scheme does not extend to all hard surfaces
- Pond may cause subsidence to houses
- Public open space is being compromised as a result of drainage scheme
- Pond should be larger to allow for climate change

Alternative Sites Appraisal

The planning application is accompanied by an assessment of other sites within the village.

Most of the sites have already be assessed as part of the SHLAA and/or Site Allocations and Policies DPD processes. Planning Policy did not object to the findings but made the following observations:

Site 3 Belton Lane = has been assessed as having some development potential, albeit there are highways concerns with the capacity.

Site 4 Easthorpe Road = has been assessed as being suitable for frontage development and, I would consider, to be just as suitable as the application site.

Site 9 Church Lane = as part of a larger site this has been assessed as not suitable - however, the site is in the centre of the village where all facilities can be accessed. It may be that some small amount of development on this site may be suitable, with the remainder of the site being left as open space.

Additional information was submitted by the applicant in response to these comments as follows:

“In relation to the comments on sites 3, 4 and 9 I would comment as follows;

Site 3 Belton Lane = has been assessed as having some development potential, albeit there are highways concerns with the capacity.

The site has some development potential for market housing and is thus unlikely to be available for affordable housing. The width of the site is approximately 105m. The only type of development that is realistically achievable on the site is frontage development.

Assuming an average plot to be approximately 10-12m wide this is likely to limit the no. of dwellings that can be accommodated on the site. The site cannot accommodate the 18 dwellings recognised as being required in this case. Highways are unlikely to accept direct accesses off Belton Lane. This will also therefore limit dwelling numbers (even assuming it were available). We have identified that the accessibility to the village centre is sub-optimal, involving the crossing of the playing field. Taking all these considerations into account I do not consider the site to be more suitable for affordable housing development than the application site.

Site 4 Easthorpe Road = has been assessed as being suitable for frontage development and to be just as suitable as the application site.

In my view, whilst the SHLAA has identified the site as potentially suitable for frontage development, I am not aware that the site is available for anything other than market housing. The same comments apply as to Site 3; the length of the frontage may preclude the delivery of 18 units in frontage form. Also, I am not persuaded that in townscape terms this would be a desirable or satisfactory design response. It is notable that the Planning Policy officer states that in policy terms that the Easthorpe Road site is 'just as suitable'. I would disagree. In terms of accessibility to facilities and services I would regard the Highfield Mews site as far more satisfactory. Likewise in impact terms I would regard the Easthorpe Road site as having a more adverse impact. Even if the site were deemed to be 'just as suitable' on all counts (which it isn't), this implies that the Highfield Mews site is suitable.

Site 9 Church Lane = as part of a larger site this has been assessed as not suitable - however, the site is in the centre of the village where all facilities can be accessed. It may be that some small amount of development on this site may be suitable, with the remainder of the site being left as open space.

The site is in my view an important feature of the village. I have a recollection that planning permission has previously been refused for development on the site, and dismissed on appeal. Access considerations are important in this case, as from memory; Church Lane is a private road or Rupp which cannot be readily improved. Any access would clash with the Church lane access. Whilst acknowledging accessibility, I disagree with Planning Policy that this site is suitable. Even though they suggest the site may be suitable for a small development, it clearly would not suit the scale of development proposed in this case. It could not deliver the level of affordable housing required in the village."

From the evidence submitted it is considered that there are no other sites more suitable for affordable housing provision within the village than the application site.

Officer Evaluation

The main issues for consideration in relation to this application are residential amenity of neighbouring occupiers, highway safety, drainage and compliance with a required housing need.

With regard to residential amenity, it is considered that there is sufficient separation between the proposed dwellings and the existing neighbouring properties to ensure that there would be no significant loss amenity from over looking, loss of privacy or overshadowing.

The proposed dwellings immediately adjacent the rear's of no's 45 to 51 High Street are bungalows having side gables facing the properties themselves. To the western side of the site in proximity to the dwellings off Green Street, the dwellings have been sited to maintain a suitable distance of separation and are screened by existing outbuildings. . The additional dwellings within the body of the site are predominantly inward looking and would form a natural enclosure to the end of the cul de sac. As such the layout and design of the proposed development would ensure that current levels of amenity of neighbouring occupiers are not significantly impacted upon.

Regarding noise and disturbance during the construction phase and post occupation, it is considered appropriate to attach a condition to any grant of planning permission requiring the submission of a method statement. This would identify the hours of operation and the best practicable methods that are to be employed to minimise noise and disturbance etc. during the construction phase.

A significant number of concerns have as a result been received in relation to pedestrian and highway safety. The local highway authority raise no objection to the development, subject to appropriate conditions and whilst it is considered that the proposed development would be likely to increase the number of vehicle movements along Green Street and Highfield Mews this in itself would not result in any significant loss of residential amenity to existing occupiers that could justify refusal on these grounds.

The site would result in additional built form to the west off Highfield Mews and to the rear of High Street. The location of the application site having built form to three of its boundaries would mean that the dwellings would be not be readily visible from many public vantage points, particularly High Street and Green Street. The siting of the dwellings not extending further into the open countryside than existing adjacent dwellings coupled with the style and construction of the dwellings being in keeping with the varied style and design of the existing properties along Green Street and Highfield Mews would help to lessen any visual intrusion of the proposed development and aid its assimilation with the existing settlement.

The nature of the proposed development should also be considered. As can be seen from the supporting information submitted by D B Lawrence, a number of alternative sites have been identified, but discounted for various reasons or are simply not deliverable. The scheme would provide affordable housing to meet an identified need. It is therefore a balance decision that has to be made.

Although the application site could not be considered to be brownfield, it is not in a prominent location in open countryside. It is on the edge of the village, immediately adjacent to existing residential properties, and a short distance from the main road through the village. It is, therefore, well located for village facilities, and development here could constitute a natural evolution of the village.

Planning permission has been granted at Belvoir Gardens, Great Gonerby, Walkers Way, Barrowby and The Drift at Harlaxton for affordable dwellings in all instances. It therefore considered that as there is an identified need for affordable housing in Great Gonerby, coupled with the fact that proposed units reflect the current housing register, the proposed development would meet an identified aim of the Council.

As a proposal involving the development of land within a village defined as a 'local service centre' the proposal is in general conformity with strategic and locational criteria within the policies set out above. Policy H3 of the adopted Core Strategy indicates that where there is a proven need for affordable housing the Council will consider acceptable scheme which seek to meet this need subject to the development being acceptable in respect of all other policy requirements.

As already stated Great Gonerby is a 'local service centre' and as such has the required local facilities and infrastructure to support the proposed development. It is the case that most of the local facilities including the shop, church and school are all located within close walking proximity to the application site.

A Housing Register Survey has been undertaken for the area and this has indicated that there is an identified need for a scheme of between 15 - 18 properties. The Council's Partnership and Project Officer has been consulted on this development and has confirmed that the proposed scheme will meet the identified affordable housing needs for the area.

With reference to the comments received regarding the empty affordable homes at Belvoir Gardens, Great Gonerby. Longhurst Housing Association has confirmed that there are three properties currently empty. The three properties are shared ownership properties, 2 x two bedroom houses and 1 x 2 bedroom bungalow. These properties were based on a 50% share and were funded by the Homes and Communities Agency on this basis.

When the application for planning was approved for this development, the housing market was quite buoyant and many applicants could afford to secure a mortgage for these shared ownership properties. The development was funded by the Homes and Communities Agency on this basis (shared ownership properties receive less grant funding than affordable rented properties). However the financial climate changed during the construction of this scheme and many of the applicants for the shared ownership properties can no longer afford a mortgage, even if they could find a financial institution willing to give mortgages. This has left 3 shared ownership properties available on the Belvoir Gardens site and Longhurst Homes are unable to change the tenure to affordable rented properties without prior approval from the Homes and Communities Agency and an increase in funding.

The proposed tenure at Highfield Mews are for the majority of the dwellings to be affordable rent with the ability to change to shared ownership should the financial market and mortgage availability improve. Any change to the proposed tenure will be based on

the affordable housing needs and affordability during construction and completion of the affordable housing. This is in line with the Governments guidance on flexibility of tenure within the affordable housing sector.

Concern has been raised with regard to the scale and layout of the proposed development and its impact on the character and appearance of the Conservation Area. The submitted layout plans demonstrate that the proposed development can be accommodated on the site without having a detrimental impact on the character and appearance of the village.

In addition, the proposed use of materials and details sympathetic to some of the vernacular characteristics of the traditional buildings within the conservation area ensure that the proposed development will not have a detrimental impact upon the character or appearance of the conservation area nor will it detract from any key views.

A Screening Opinion request was submitted, with the Local Authority determining that an Environmental Impact Assessment was not required.

A Protected Species Survey has been submitted with the application carried out by a qualified Ecologist. No objections have been received from either Natural England or Lincolnshire Wildlife Trust. A condition has been attached requiring the submission of details for the provision of bird and bat boxes on the site prior to occupation of the dwellings.

Representations have been received raising concerns about drainage of the site and existing flooding problems within Green Street. A Drainage Report was commissioned by the applicants which concluded that for the proposed development the provision of 171 cu metres of attenuation storage coupled with discharge from the development being limited to 5.0 l/s by means of hydrobrake effectively satisfies the criteria of not making surface water flooding any worse than the existing situation. The new development would discharge upstream of the existing system which has a hydrobrake on it so the flow in to Green St will not increase. The hydrobrake is required on the new system to prevent the existing storage from filling up too quickly overflowing. If it were a flat site then the second hydrobrake would not be required and but as it is steeply sloping the second hydrobrake allows the excess water to be stored at the top of the hill and not increase the 'head' on the existing hydrobrake.

Proposals in the report are shown in outline only to demonstrate that it is practical for a suitable surface water drainage system to be installed. It is normal for detailed design to be undertaken following planning approval. As a result a suitable planning condition has been attached.

Issues have been raised regarding the safety of the attenuation storage area and the potential problem of vermin and algae. The proposal is for a dry basin, therefore only 171m³ is required. This is for the 1 in 100 year plus climate change event. The 1 in 1 year plus volume is 33m³ which is less than 200mm deep over the whole pond and will empty in less than 4 hours. The base will be sloped towards the inlet outlet so it will drain and fill gradually. Any rainfall event less than 5mm/hr will pass through the hydrobrake and not use the storage. For a 50mm per hour event only 100m³ of storage is required which would fill at a rate of 55 l/s. With a 1 in 300 slope in the pond bottom the water would advance at a rate no greater than 0.1 m/s.

The drainage scheme is such that the attenuation area will not become permanently muddy or full of water for sustained periods. It is considered that it will be no different to other grassland areas and similar examples can be found between Barrowby Gate and Winchester Road in Grantham.

The pond will contain water for a maximum of 20 hours for the 1 in 100 year plus climate change event. The average will be less than 4 hours on 5 or 6 occasions per year so there will be no issue with algae, mosquitoes, vermin and water plants.

A condition has been attached requiring final details outlining how the attenuation area and drainage infrastructure will be maintained.

Any undertaking would normally include the lagoon, open space and associated bunding areas specifically designed for surface water run-off detention and overland flood flow, headwalls, outfalls, manholes, pipework and other such flow control devices.

This will be the land owners responsibility until transferred to a Maintenance Company or a Housing Association. The inspection and maintenance regime would normally include:

- Mowing of lagoon and open space area 16 times annually (or as necessary)
- Control of weed growth in lagoon and open space area as necessary
- Frequent removal of debris (both natural and man-made)
- The clearance of blockages from pipes and culverts as soon as identified
- The repair of malicious damage to screens, headwalls or other features as soon as practically possible
- De-silt lagoon area every ten years or as necessary
- Inspect outfalls, detention areas and other associated feature together with general operation annually subject to review by a certified engineer.
- Maintenance and repair of any fencing in association with the lagoon and open space

A letter has been received confirming that the applicant is prepared to accept maintenance responsibilities until transferral to a Housing Association.

As a result of the information submitted, no objection has been received from Anglian Water, Lincolnshire Highways Department, The Upper Witham Drainage Board or the SKDC Drainage Officer in relation to drainage and flood risk.

Section 106 Heads of Terms

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

£2,713.50 to the Highway Department for Fire and Rescue
£20,000 to the Highway Department towards bus provision
£16,272 towards health provision
£50,974 towards education facilities
£15,000 towards public open space provision

The applicants have raised concerns about the developer contributions and the impact these have on the viability of the scheme given that it is to provide 100% affordable housing. The applicants have submitted a development appraisal which shows the viability of the scheme will be compromised with these contributions.

Comments were received from Economic Development who stated that the Development Appraisal is a good representation of the likely costs that will be incurred by the developer should this development be permitted.

A Section 106 Agreement has been requested to be undertaken in relation to the properties remaining as affordable properties in perpetuity. The agreement had not been finalised at the time of writing the report.

Crime and Disorder Implications

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

Human Rights Implications

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

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

Summary of Reason(s) for Approval

This is a full application for the erection of 18 affordable dwellings on a 0.57 hectare greenfield site on the edge of Great Gonerby. The site is located on the edge of a 'local service centre and is considered to strategically well located in relation to the local facilities including schools, shops, doctor surgery, public transport and employment opportunities. Alternative sites have been considered and ruled out as been inappropriate or unavailable. It is therefore considered that the proposed site is appropriate subject to conditions and the signing of a Section 106 Agreement.

It is considered that the proposal is in accordance with national and local policies as set out in Planning Policy Statement PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPG13 (Transport) and PPG25 (Development and Flood Risk). Core Strategy policies SP1, SP2, SP3, SP4, EN1, EN2, EN4, H1 and H3. Concerns have been raised in relation to highway safety. The Local Highway Authority has been consulted and raised no objections to the development subject to the attached conditions. Concerns have also been raised in relation to the appropriateness of the site and the impact that the development will have on residential amenities of local residents. It is however considered that the site can accommodate the residential development proposal and that this would not appear out of character with the

local area or be detrimental to the residential amenities of the occupiers of adjacent properties

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 the Chairman and Vice Chairman to issue a planning permission subject to the signing of a Section 106 Obligation to ensure the dwellings remain affordable in perpetuity 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 (affordable) criteria 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.
2. Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
3. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Reason: To ensure a satisfactory appearance to the development 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and in accordance with the guidance contained in national Planning Policy Statement PPS1.

7. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A to E of the Town and Country Planning (General Permitted Development) Order 1995 (or any other amending or re-enacting that order with or without modification), no further extensions or additions to the dwelling, or the provision of any additional building within its curtilage, shall be constructed without the prior written permission of the local planning authority.

Reason: 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 Policy EN1 of the South Kesteven Core Strategy.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings 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 Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

details of how the scheme shall be maintained and managed after completion which must also include the proposed open space drainage attenuation area as shown in drawing J34-08 Rev B received by the local planning authority on 20th June 2011.

Reason: To ensure that the risk of flooding, both at the site and to third parties does not increase as a result of the development.

10. Notwithstanding the submitted drainage details prior to the occupation of dwellings hereby permitted precise detail of the open space drainage attenuation area shall be submitted to and approved in writing by the local planning authority. Such details shall include:

(a) Constructional/sectional detail of the lagoon.

(b) Details of any fencing or other means of enclosure to be erected around the lagoon.

(c) Details of additional landscaping around the lagoon.

(d) Details of warning signs around the lagoon.

The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings hereby permitted.

Reason: To ensure a satisfactory means of surface water drainage.

11. Building operations shall not be commenced on site until details of the existing and proposed ground levels within the site, and finished floor levels of the proposed building, together with existing floor and ground levels of adjoining properties have been submitted to and approved in writing by the local planning authority. Such details shall include the location and cross sections of the fencing or planting along the boundary of the site.

Reason: To ensure a satisfactory form of development and to protect the amenities of adjacent occupiers in accordance with Policy EN1 of the South Kesteven Core Strategy.

12. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policy EN1 of the South Kesteven Core Strategy.

13. Before each dwelling is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways

maintainable at the public expense, less the carriageway and footway surface courses.

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

*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

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

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

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

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

Reason: To ensure that the construction of the development is carried out to the best practice to minimise disruption to adjoining occupiers and in accordance with Policy EN1 of the South Kesteven Core Strategy.

15. Before the dwellings hereby approved are occupied a lighting scheme shall be submitted to and approved in writing by the local authority which covers all vulnerable area including all parking areas.

Reason: In the interests of the reduction of crime and community safety.

16. Before any of the dwellings hereby approved are occupied a scheme detailing the provision of bird and bat boxes on the site shall be submitted to and approved in writing by the local authority.

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

17. Before the first occupation of the building on Plot 1 hereby permitted, the first floor window on the side elevation serving the bathroom shall be fitted with obscure glazing (to a minimum obscurity of Pilkington Level 3 or equivalent) and if any part of the window(s) is less than 1.7m above the floor of the room in which it is installed, it shall be non opening. The window(s) shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and in accordance with the guidance contained in national Planning Policy Statement PPS1.

18. This permission should be read in conjunction with the submitted application and the amended site layout plan received by the local planning authority from the applicants agent dated 20th June 2011.

Reason: For the avoidance of doubt.

Note(s) to Applicant

1. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
2. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

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Applicant	E F R Construction Ltd UNIT 3, The Arena, Roman Bank, Bourne, Lincolnshire, PE10 9LQ
Agent	Alan Hornsby Architectural Services Ltd Little Acre, Peak Hill, Cowbit, Spalding, PE12 6AW
Proposal	Erection of six dwellings and associated works
Location	Part OS 1037, East Lane, Morton, Bourne
App Type	Full Planning Permission
Parish(es)	Morton

REPORT

Application Category

This application is categorised as a minor application

Reason for Referral to Committee

The application was deferred at the 28 June 2011 Development Control Committee pending further negotiations as to the amount of financial contribution (in lieu) towards affordable housing secured under a Section 106 Legal Agreement. The level of contribution sought will be presented to Members within the Supplementary Report.

The Proposal

The proposal relates to the erection of 6 detached dwellings and associated garages

The Application Site and its Surroundings

The application site, which is located within the Morton Conservation Area, is an area of untidy vacant land towards the northern edge of the settlement of Morton.

The access to the site is located on the corner of East Lane and the entrance lies between two farm tracks to the south and the west; the gable end of an adjacent dwelling also is situated close to the proposed entrance.

The site appears relatively clear apart from some building debris that has been left towards the southern boundary of the site.

Semi-mature boundary trees are situated along the perimeter of the site providing a good level of visual screening.

Open fields are located to the north and west.

Relevant Site History

S05-0665 – Erection of 12 dwellings – Approved in 2005

S06/1584 – Erection of 5 dwellings – Approved in 2006

S06/1593 – Erection of 3 dwellings – Approved in 2006

S08/0404 – Demolition of 8 Tattershall Drive and erection of 3 dwelling with associated access – Approved with conditions.

Policy Considerations

Planning Policy Statement 1 (PPS1)

Planning Policy Statement 3 (PPS3)

Planning Policy Statement 5 (PPS5)

Planning Policy Guidance note 13 (PPG13)

Policy 27 of the Regional Plan (2009)

Policies SP1, SP2, SP4, EN1, EN2 and H3 of the South Kesteven Core Strategy (2010)

Representations Received

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

Community Archaeologist – No intervention required.

Parish Council – No objection but request approval should ensure future maintenance of dykes and boundary hedges is carried out by homeowners

Policy – The application lies within Morton Conservation Area and the design, layout and use of materials fails to reflect the local distinctiveness of the Conservation Area and takes its cue from nearby modern developments rather than the built form of the historic core. It is therefore considered contrary to policy EN1 of the Core Strategy

Property and Facilities – Comments to follow on drainage issues.

Housing Solutions – Awaiting outcome of negotiations as to the level of financial contribution towards affordable housing.

Footpaths association – No public rights of way are affected.

Waste and Recycling – There appears to be sufficient space for the storage of wheeled bins although concerns are raised about access for refuse lorries. It is advised that residents bring their bins to the point of access or agree to a disclaimer removing liability for damage caused to the private driveway.

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 19 April 2011.

No representations were received as a result of this publicity.

Officer Evaluation

The key issues identified are;

- Affordable housing contributions
- Design, size and scale
- Impact on neighbour's private amenity
- Impact on the Conservation Area and the streetscene

Affordable housing

The site has an extant consent for 5 dwellings. This proposal relates to 6 dwellings and the recent changes introduced in the Core Strategy state that new permissions of 5 or more dwellings should include an element of on-site affordable housing provision or a financial contribution (in lieu) for off-site affordable housing. The net increase in the number of units for the site is 1. The level of contribution, which is yet to be agreed, will be presented to Members within the Supplementary Report.

Design size and scale

The dwellings are all two-storey and are not-dissimilar to nearby developments in terms of their size and scale.

The proposed development incorporates 4 different designs that are relatively simple in form, with protruding gables, dormer windows and porches. It is considered that the design of the dwellings is acceptable.

Impact to neighbour's private amenity

It is considered that the siting of the dwellings will ensure that no detrimental harm will arise to occupiers of nearby properties or future occupiers of the site by way of dominance, visual intrusion, overlooking and noise and disturbance.

Impact to the Conservation Area and streetscene

The site is currently vacant but has an untidy appearance arising from the deposits of building materials and its overgrown nature. The introduction of new dwellings on the site in the design proposed will generally enhance this part of the Morton Conservation Area and the streetscene.

Concern has been raised from the Conservation officer that the design does not provide local distinctiveness or use traits from the historic core of the village; however, the site is not visually prominent and has a history of consents for similar designed properties, including an extant consent. Taking this into account it is considered that the overall scheme is appropriate for this location.

Section 106 Heads of Terms

The application, if a resolution to approve arises from the Committee, should be subject to the signing of a S106 Agreement for a financial contribution. The level sought will be presented to Members within the Supplementary Report.

Crime and Disorder

It is considered that the proposal will not give rise to increased crime and disorder in the area

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed six dwellings are situated within the Morton Conservation Area and on land that has an extant permission for 5 houses. It is considered that the size, scale of the dwellings are generally reflective of the adjacent built form and the design of the dwellings are acceptable.

It is considered that the proposed access, which is to be off the corner of East Lane, will not compromise highway or pedestrian safety. Acceptable levels of on-site parking are included within the scheme.

It is further considered that the siting of the dwellings will ensure that no undue harm is caused to the private amenity of occupiers of adjacent dwellings as a result of the development by way of dominance, overlooking, visual intrusion noise and disturbance.

It is therefore considered that the proposal is, on balance, in accordance with Planning Policy Statements 1, 3, 5 (PPS1, PPS3, and PPS5), policy 27 of the East Midlands Regional Plan (2009) and policies SP1, SP2, SP4, EN1, EN2 and H3 of the South Kesteven Core Strategy (2010). There are no material planning consideration that indicate against the proposal.

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal.

4. 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.

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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting etc. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; 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).

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 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).

7. The arrangements shown on the approved plan 10/21/08 dated 10 March 2011 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

8. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number 10/21/08 dated 10 March 2011.

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

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

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

* * * * *

Applicant	Mr & Mrs A & K Shearer & Cole C/o Agent
Agent	Mr Matt Hubbard, Antony Aspbury Associates Limited 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW
Proposal	Demolition of existing dwelling and erection of five dwellings with associated improvements to access
Location	16, Harrowby Lane, Grantham, NG31 9HX
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 considered to be locally controversial.

The Proposal

This application seeks outline planning permission for demolition of an existing dwelling and erection of five dwellings. Matters of access and landscaping have been included for consideration. As part of the landscaping scheme, a number of mature trees are proposed for retention on the site. The access would be from Harrowby Lane and the indicative layout shows a private driveway on the western part of the site serving the five detached dwellings to the east.

A number of trees on the site have been identified by the SK Arboriculturalist as worthy of inclusion in a Tree Preservation Order. Given that the trees concerned are included in the landscaping for the proposed development, it is logical and appropriate to consider the two issues together. Therefore, as well as the recommendation to approve the development, a second recommendation is made that the committee delegate authority to the Lead Professional of Development Control to make a Tree Preservation Order.

The application site and its surroundings

Derelict detached house set in very large semi- wooded plot. The site slopes gently downhill to the west and is set within a fairly low density leafy suburban location (1930s – 1950s). The plot is significantly larger than those around it. There are some higher density 1930s Council semis to the SE. A footpath with wide grass verges runs along the eastern

boundary of the plot with a number of council owned garages abutting the southern part of this boundary.

Relevant Site History

None

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.

SK arboriculturalist: No objection to the development subject to conditions to protect trees during construction and use of no dig construction method for the driveway within root protection areas. Various trees within the site are also recommended for inclusion in a TPO:

“Trees 10, 17, 19 those in G4 22, have great merit in terms of the visual amenity of the locality & I believe that their loss would be of detriment to the character of the area. Given the impending development of the site I would therefore recommend that a TPO be served on these trees in particular. This will as far as reasonably possible help to ensure their retention now & in the future.”

Representations as a result of publicity

Five x neighbour objections:

1. Concerns about inclusion in original block plan of a strip of land along the eastern boundary which is amenity land belonging to SKDC.
2. Highway safety concerns
3. Overlooking/Loss of privacy
4. Visually intrusive
5. Out of keeping – too many crammed on plot
6. Would dominate the area
7. Northernmost dwelling too close to road
8. Concerns that more trees could be felled
9. Concerns that more than 5 dwellings could be built
10. Landscaping should not be determined until layout fixed
11. Possibility of bats living in buildings
12. Design and access statement misleading

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

Other Relevant Policy Documents

Grantham Townscape Character Assessment

Officer Evaluation

Key Issues

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

Sustainability

The application site is within the existing built up area of Grantham and is 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 result in a more 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 Harrowby Lane all have large gardens, the garden of no 16 is noticeably larger. Furthermore, the continuity is interrupted by the footpath running alongside the eastern boundary. The subdivision of the site into 5 plots with detached dwellings would result in a form of development which is appropriate and compatible with the surrounding area and in accordance with the Grantham Townscape Character Assessment. This combined with the retention of mature trees would ensure that the visual impact is limited.

Detailed matters of layout, scale and appearance will be determined when a future Reserved Matters application is submitted. However, it is considered that the indicative layout shown on the plans would not be appropriate, as the design fails to respond adequately to the constraints of the site. The plot arrangement is unimaginative and suggests a uniform house type not necessarily suited to the character of the area. The layout would therefore need to be revised in order to be acceptable as part of a reserved matters application. The turning head is also not of a sufficient size and the driveway of plot one is too close to the site access to satisfy the highway authority's requirements. Furthermore the northernmost property is shown uncharacteristically close to the road in relation to nearby properties. Conditions have been recommended, limiting the maximum eaves height of the properties and the minimum distance of the northernmost building from the northern boundary. An informative will indicate in more detailed terms what is expected of a Reserved Matters application.

Access

The existing access would be improved and used to create a private driveway into the site. Although it is acknowledged that Harrowby Lane is a through road used by traffic to and from the Alma Park industrial estate, it is considered that the good visibility splays and modest amount of traffic likely to be generated by the proposed properties will ensure that there will be no detrimental impact on highway safety. The Highways Authority does not object subject to conditions.

Landscaping

A tree report has been submitted which includes retention of a number of mature trees. These trees are identified as "important trees" in the adopted Grantham Townscape Character Assessment, and their retention is considered essential both to preserve the leafy character of the wider area and to aid integration of the development into its immediate surroundings. However, in order to provide an adequate level of screening, to soften the edge of the public realm and provide a satisfactory development, it is considered necessary for further new planting along the parts of the east and west boundaries where there are no trees shown on the plans. Accordingly a condition is recommended requiring further details of new planting to be submitted with a reserved matters application. The SKDC Arboriculturalist has stated that subject to conditions to ensure adequate protection of the trees during construction (including no dig construction where necessary), there is no objection in arboricultural terms to the development.

Tree Preservation Order

A number of the trees are considered worthy of Tree Preservation Orders due to their wider visual amenity value. The SKDC Arboriculturalist has stated that:

“Trees 10, 17, 19 those in G4 22, have great merit in terms of the visual amenity of the locality & I believe that their loss would be of detriment to the character of the area. Given the impending development of the site I would therefore recommend that a TPO be served on these trees in particular. This will as far as reasonably possible help to ensure their retention now & in the future.”

Accordingly, as well as the recommendation to approve the development, a second recommendation is made that the committee delegate authority to the Lead Professional of Development Control to make a Tree Preservation Order for these trees.

Residential Amenities

The detailed layout, scale and appearance will be determined at reserved matters stage where detailed issues of neighbours' amenities will be assessed. However, it is considered that the site is sufficiently large to accommodate five appropriately designed and sited dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

Affordable Housing

Core Strategy policy H3 requires an affordable housing contribution for developments of 5 or more dwellings. However in this case the net gain is 4 dwellings only so a contribution is not required.

Other Issues Raised

It was brought to the Council's attention that the eastern boundary on the original 1:500 block plan did not correspond to the 1:1250 site location plan. The narrow strip of land to the east is owned by SKDC – in 1996 a section of overgrown hedge was fenced off by SKDC and an agreement was signed with the owner that this land would remain under the ownership of SKDC with rights of access for maintenance. The applicant has subsequently submitted an amended block plan with the boundary shown in the correct position for the avoidance of doubt. Temporary fencing has been erected within the boundaries to protect the property from vandalism and criminal activity. The fencing mentioned above has also been patched up with the agreement of SKDC.

Concerns have been raised about the possibility of protected species living in the dwelling to be demolished. Given that a large number of trees are to be retained, it is considered that to a large extent, the site will remain a potential habitat of bats. The house itself has not been derelict for any great period of time so in this case it is not considered necessary to provide a protected species survey. However an informative has been attached explaining the applicant's legal responsibility towards bats.

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 development of this site within a sustainable urban area is in accordance with the sustainability aims of national, regional and local policy.

The subdivision of the site into five plots with suitably designed and sited detached dwellings, with access from Harrowby Lane, together with the retention of mature trees would result in a form of development which is appropriate and compatible with the surrounding area and would not be detrimental to highway safety or neighbours' amenities.

It is therefore considered that the current 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, policies SP1, H1 & EN1 of the South Kesteven Core Strategy, and The Grantham Townscape Character Assessment, and that there are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION 1: That the development be approved subject to the following conditions:

RECOMMENDATION 2: That the Lead Professional of Development Control be delegated authority to make a Tree Preservation Order

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

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

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) and appearance;

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. 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.

4. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 11612/01 Rev A dated 01 July 2011, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

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

5. The vehicular access shall incorporate 8.0 metres radii tangential to the nearside edge of the carriageway of Harrowby Lane and the minimum width of the access shall be 4.8 metres.

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

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

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

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

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

8. No development shall take place until 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. 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).

9. When application for reserved matters is submitted, that application should include details of existing and proposed levels, including north-south and east-west cross sections through the site, showing the relative heights and finished floor levels of the proposed dwellings, adjacent roads and footpaths and the adjacent properties. The development shall be built in accordance with the approved details.

Reason: In the interests of visual amenity and in order to ensure that the residential amenities of the occupants of adjacent dwellings are protected in accordance with PPS1 and Core Strategy policy EN1.

10. Before development is commenced, a tree protection plan and method statement showing how the trees would be protected during construction shall be submitted to and agreed in writing with the local planning authority. Development shall be carried out in accordance with the agreed details.

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

11. As part of the landscaping scheme, the trees on site shall be retained and maintained in accordance with the submitted arboricultural survey dated 05 May 2011. Any retained trees which within a period of five years from the completion of the development die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

12. Notwithstanding the submitted plans, when application is made for reserved matters, that application shall include further details of landscaping along those sections of the eastern and western boundaries where there are no trees, (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

13. A no dig construction method shall be used for any parts of the access road which fall within the root protection areas (shown on the approved plans), details of which shall be submitted to and agreed in writing by the Local Planning Authority before any development is commenced. The development shall proceed in accordance with the approved details.

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

14. Notwithstanding the submitted scale parameters, no dwelling on the site shall have an eaves height greater than 6 metres.

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

15. No part of the dwellings shall be within 10m of the northern boundary of the site.

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

16. Other than works necessary to widen and improve the access, the stone retaining wall along the street frontage shall be retained.

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

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

- i) 1:1250 site location plan received 20 May 2011
- ii) 1:500 Block Plan 11612/01/REV A (position of access and retention of trees only)

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

Note(s) to Applicant

1. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
3. This road is a private drive and will not be adopted as a highway maintainable at the public expense (under the highways act 1980) and as such the liability for maintenance rests with the frontagers.
4. You are advised to inform any contractors involved in the demolition of the existing buildings of all relevant protected species legislation and in particular the protected status of bats and their roost sites. Work should proceed carefully and care should be taken to ensure that bats are not killed or injured. Should any bats be found, work should cease and the advice of Natural England sought.
5. You are advised that that the indicative layout shown on the plans would not be appropriate, as the design fails to respond adequately to the constraints of the site. The plot arrangement appears unimaginative and suggests a uniform house type not necessarily suited to the character of the area. The layout would therefore need to be revised in order to be acceptable as part of a reserved matters application. When an application for reserved matters is submitted, you are advised that the following design principles should be followed:
6. The area is characterised by dwellings of varying styles, heights and footprints. Therefore uniform/standard house types should be avoided – the design and position of each dwelling should be varied and respond specifically to the constraints of the site and contribute positively to the character of the area.
7. One, one and a half, or two storey dwellings would be preferable, however two storey (to eaves height) with some limited accommodation in the roofspace, with appropriately positioned dormers or rooflights may be acceptable on some parts of the site.
8. Any turning head should be designed in accordance with the Highways Authority's required standards and dimensions.
9. No access/driveway to any individual dwelling (off the main private drive) should be within 15m of the main access.
10. When submitting details for surface water drainage, you are advised that hard surfaces should be constructed of porous materials or provision should be made to direct surface water run off to a porous or permeable surface within the application site. Soakaways are not an acceptable form of drainage on this site. A sustainable

urban drainage system should be considered. To discuss a suitable alternative, please contact Chris Maw (SKDC Drainage Officer) on 01476 406409

11. 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	Axiom Housing Association Ltd Axiom House, Maskew Avenue, Peterborough, PE1 2SX
Agent	PDG Architects Toll Bar House, Shrewsbury Avenue, Peterborough, PE2 7BX
Proposal	Change of use from dwelling to 6 bed hostel accommodation
Location	63, Barrowby Road, Grantham, NG318AB
App Type	Full Planning Permission
Parish(es)	Grantham

REPORT

Application Category

This is a minor application.

Reasons for Referral to Committee

The proposal is likely to cause wider concern.

The Proposal

Members may recall that at a previous development control committee planning permission was granted on a temporary basis for the change of use of 63, Barrowby Road, from a dwelling to 6 bed hostel accommodation. (Planning ref: S09/1916).

The temporary 18 month permission was to enable the local planning authority to monitor its potential impacts in the interests of the amenities if the area.

The proposal is for a 6 bed hostel to provide emergency accommodation (maximum stay of 8 weeks) to meet the immediate and short range need of people aged 18 to 60.

The applicants submitted design and access statement indicates how the house would property would operate:

“Bala House has 3 full time staff, who provide cover during the following hours:

Monday to Friday 08:30-02:00
Weekends 13:00-02:00

Outside these time the project is monitored by a CCTV link to one of Axiom’s other hostels that has staffing 24 hours a day.

A curfew is in operation and forms part of the licence agreement that each resident must sign up to, as follows:

You will be expected to be in the Project by 10.30 every night and not to leave again until 7am. If you need to stay out later than 10.30pm, please discuss this with the staff on duty. If you leave before this time you cannot return to the project before 7am.

A stringent set of house rules are also in place to tackle any form of anti-social behaviour including noise disturbance. No alcohol is allowed on site, and residents are not permitted any personal callers. Each resident contributes to the running of the project by undertaking daily chores, thereby encouraging a sense of responsibility to each other, the hostel and the surrounding area.

The project manager uses their discretion when any house rules are broken, but ultimately this may lead to eviction. Any criminal activity would be escalated to the police with immediate effect. The staff have built up good contacts with the local police and encourage regular drop in visits to the project. There has been only one minor disturbance in the street due to the eviction of a resident, soon after the project opened.

In the short time that the project has been opened it has quietly established its place in the community and is already beginning to have a positive effect through the support it provides to residents. In addition the resident's voluntary work allows them to make a positive contribution to the neighbourhood".

The Application Site and its Surroundings

The application property is located at the junction of Barrowby Road and Green Hill Road. The property is a three storey end terrace. The six bedrooms are split between the three floors with one on the ground floor, three on the first floor and two on the second floor.

The site is located in close proximity to Grantham town centre being approximately 0.5km from the market square.

The area is predominantly residential.

Representations Received

Local Plans

The proposed use should have regards to the following:

Local Policy

Policy EN1 of the Core Strategy states that all development will be assessed in relation to:

- Noise and light pollution
- the quality and character of the built fabric and their settings

- local distinctiveness and sense of place

Conclusion Statement

Generally, the proposed change of use is acceptable in planning policy terms. However, the noise levels, anti-social behaviour and the impacts on the surrounding houses and amenity should be given a consideration. An extension of the Planning condition on the proposed use will allow for proper monitoring of the impacts on the immediate neighbourhood.

Crime Prevention Design Advisor

Boundary

The perimeter of the site and all rear gardens should be secured with a robust fence of a close-boarded construction without footholds, to a minimum height of 2000mm or 1800 mm with trellis over. The rails to the timber fence should face the garden. This would reduce the possibility of unauthorised access from the public right of way and the adjoining property.

Reported Crime

There are no records of reported crime occurring at this location.

Local Highway Authority

It is considered by the local highway authority that the proposed development will not be detrimental to highway safety or capacity.

Senior Historic Environment Officer (Archaeology)

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

Environmental Protection

I can advise that Environmental Protection have not received any complaints of noise or issues at the premises and consequently I have no adverse comments to make.

Housing Solutions

The Service Manager for housing Solutions has confirmed that the comments made in relation to the previous planning application still stand. They are summarised below:

South Kesteven District Council is the second largest district in the county both in terms of population and area. It also contains the largest town, namely Grantham.

Not unsurprisingly it also has one of the highest numbers of households requiring housing advice and accepted as statutorily homeless. We also however see a large number of clients that are not deemed a priority need under the legislation, have no settled accommodation and have limited options available to them. Thus a facility of this type could be a valuable addition to the housing options we are able to offer to customers.

As the manager of the housing advice and homeless service for the Council the provision of this facility would be a valuable addition to the options we are able to refer/signpost to. At present we are only able to suggest to customers that they travel to Lincoln or Peterborough where the nearest night shelter facilities exist and then there is no guarantee of access. The addition of support services with this proposed facility will likely provide the best opportunity for both positive & sustainable outcomes for residents.

In addition the Service Manager has made the following comments in relation to the current planning application:

“Since the facility opened we have been able to refer a large number of customers to the hostel. (This will likely be evidenced by the occupancy levels at the facility which the operator may have)

With the addition of the support services at the hostel I am aware that a significant number of customers have been able to achieve positive outcomes to their housing situations.

SKDC, along with a number of stakeholders, continue to work closely with the operators of the hostel to ensure as many customers as possible can access what is a valued facility in the homelessness arena within the South Kesteven district”.

Representations as a result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. There have been two letters of objection. One letter signed by nine individuals and a further letter.

A summary of the main concerns are listed below:

1. I would argue that there has not been negligible impact on the local area. There has been untold, what Axiom would describe as minor disturbance, with people getting ladders to get in, drug dealing, police attendance and so on.
2. The fact that there are no parking spaces at the address has caused friction for neighbours who often find their drive blocked and who have been verbally abused when asking people to move.
3. Staffing appears sparse and often miles away which means there is no-one on hand to deal with emergencies when we were told that it would be manned almost full time. This surely breaks the previous license agreement.
4. As far as the neighbourhood is concerned there has been no positive contribution from this commercial venture as far as we are concerned is still in the wrong place and would ask you to consider this re-application very carefully.
5. Despite the ‘urgent need’ for this type of accommodation, no residents there until October 2009 therefore it has actually only been operating for 8 months.
6. There have been many incidents of breaches of planning permission.

7. It is not always staffed.
8. Some residents and their visitors have been inconsiderate and confrontational to me.
9. The post box has been taped up due to it being set alight several times – coincidentally you might say.
10. The house is situated on the corner where it is totally unsuitable for this use.

One of the submitted letter also makes reference to a petition containing several hundred signatures against the development. A copy of this petition has been requested. However, at the time of drafting this report the petition has not been received by the local planning authority. Any information relating to this petition will be reported in the late background paper.

Applicants Submission

The following extract is taken from the submitted Design and Access Statement:

Positive Impact of the Project

Over the past 8 months, since the hostel opened, there have been 38 people moved through the service, and 36 of these have been very positive with a planned move on (including other supported housing and renting in the private).

The age of residents has varied from 18 to 55.

31 of the residents were male and 7 female.

Referrals for new applications to the hostel have been received from a variety of agencies including Addaction (the UK's leading specialist drug and alcohol treatment charity), Lincolnshire Probation Trust, South Kesteven District Council, South Holland District Council and the Citizens Advice Bureau.

The average waiting list for the project has varied between 2 and 7 people.

Security

Prior to the commencement of the temporary use as a hostel a comprehensive CCTV surveillance system was installed with both internal and external cameras. Internal dome cameras ensure that the communal areas and covered and external cameras cover the rear garden, front and side elevation and main entrance.

An intruder alarm has been installed with internal detectors, control panel and external sounder.

The main entrance door has a door entry system with access key pad.

Both the main entrance door and rear doors have wall mounted external light fittings with motion detectors.

Relevant Site History

S09/1916 – temporary planning permission was granted for the change of use from a dwelling to 6 bed hostel for a period of 18 months ending on or before 2 August 2011.

The reason for the temporary planning permission was to allow the local planning authority to monitor the use and its potential impacts in the interests of the amenities of the area.

Policy Considerations

National Policy Guidance

There is no specific national planning advice in relation to accommodation for the homeless.

PPS3 – Housing

The Government's key housing policy goal to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community

To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing in particular those who are vulnerable or in need.

To improve affordability across the housing market, including by increasing the supply of housing

To create sustainable, inclusive, mixed communities in all areas, both urban and rural.

South Kesteven Core Strategy

Policy EN1 – This is a general policy which is designed to protect and enhance the character of the District.

EN1(2) states that all development should be assessed in relation to local distinctiveness and sense of place.

EN1 (11) states that all development should be assessed in relation to noise and light pollution.

Key Issues

The key issues in relation to this application are need, fear of crime and disorder, and impact on the amenity of neighbours.

Need

It is considered that there is a definite need for the proposed hostel. The operation of the hostel for the temporary period has demonstrated that it provides an important role. This is confirmed by the comments of the Housing Solutions Service Manager.

As per the previous planning application (S09/1916) it is important that need forms part of the determination process and balanced against any other material planning considerations.

Fear of Crime

Having regard to various court and appeal cases it is recognised that public safety, fear of crime and its perception are material planning considerations. Public opposition, even if found to be unjustified, can be a material consideration, however, as per the previous planning application, it is for the decision maker to assess the weight to be applied.

The comments of the Crime Prevention Officer states that there have been no reported crimes in the area. It is considered that this factor demonstrates that the preventative security measures coupled with the controlled operation of the site it is unlikely that there would be any significant increase in crime or threat to public safety as a result of the development.

Impact on the Amenity of Neighbours

The comments as a result of the public consultation process are noted. However, they do not appear to be supported by the comments of the Crime Prevention Officer who has stated that there are no records of reported crimes at this location and the Environmental Protection Team leader states that their section has not received any complaints of noise or issues at the premises.

Lack of parking has been raised as a concern by some residents. However, the local highway authority has not objected to the development.

In light of the above it is considered that the proposal has not resulted in any significant impact on the amenity of neighbours in the area during the temporary period and would be unlikely to result in problems if granted a permanent planning permission.

Crime and Disorder

This matter is discussed in the Key Issues section above.

Human Rights Implications

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

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

Conclusion

Comments by members of the public have indicated that they do not consider the site to be an appropriate location for a hostel as it is a residential. However, it is considered that hostel accommodation is most closely related to a residential use than any other. The hostel in this location would more readily assimilate its residents, and allow them to form part of the established community than it being a non conforming use in a commercial town centre location for example.

Notwithstanding the hostel use, the area would remain predominantly residential in nature and the proposal would not have a detrimental impact on the character of the area.

As such the proposal is considered to accord with the thrust of national guidance contained in PPS3 which strives to ensure that everyone has the opportunity of living in a decent home, which they can afford in a community where they want to live.

It is accepted that the fear of increased crime and/or antisocial behaviour are material considerations in the determination of this application. Whilst this has been raised by members of the public it has not been substantiated by the comments of the Crime Prevention Officer or Environmental Protection Team Leader who have. Accordingly, it is not considered that a refusal of planning permission could be substantiated on this ground.

It is considered that the hostel has operated successfully for a limited period without resulting in any significant adverse impact on the amenity of neighbouring occupiers and has not resulted in any significant increase in crime or antisocial behaviour. Whilst providing an important facility for homeless persons within South Kesteven.

SUMMARY OF REASON(S) FOR APPROVAL

The proposal is considered to accord with the thrust of national guidance contained in PPS3 and objectives of adopted South Kesteven Core Strategy Policy EN1. Concerns have been raised regarding residential amenity, crime and antisocial behavior, and contrary to form and character of the area. These are material considerations but are not considered to outweigh the policies referred to above and the identified need for this type of homeless accommodation.

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. There shall be no more than six bedsits within the property.

Reason: To define the permission and in the interests of residential amenity of the neighbouring occupiers in accordance with Policy EN1 of the adopted South Kesteven Core Strategy.

3. The hostel hereby permitted shall operate in accordance with the operational details, security measures, landscaping, lighting and refuse/waste collection/disposal as set out in approved Design and Access Statement.

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

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

Drawing No. 11011/02 received by the local planning authority on 10th May 2011.
Drawing No. 11011/01 received by the local planning authority on 10th May 2011.

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

* * * * *

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

Introduction

This application was deferred from the last meeting to allow members “to be able to fully and properly consider all the additional information that had been circulated in relation to the application”.

The following addition to the report addresses the issues raised by the circulated information and some of the issues raised by Members with regard to the application.

4 St. Mary’s Place has basically an L-shaped floor plan and the building historical development of the building that exists today can be broken down into four distinct phases:

- The oldest part is a late C14/early C15, vaulted, undercroft beneath the eastern end of the range fronting onto St Mary’s Place. This is believed to be the undercroft of the guildhall of the guild of Corpus Christie that once occupied the site. The carved boss at the centre of the vaulting suggests that it is of late C14 or C15 date. The floor remains just earth.

Unfortunately, a late C18 limestone rubble wall crudely supports and divides the vaulting and the cellar. There are other minor later brick additions that are commonly found in cellars for storage purposes.

- The two-storey with attics rear wing with a mansard/gambrel roof also pre-dates the frontage range. Its eastern and southern walls are constructed of limestone rubble and the west wall, facing onto an enclosed courtyard, is of ashlar. This part of the building probably dates from the C18. Internally this part of the building was gutted during the period when it was occupied by the NFU. The internal subdivisions that exist today date from the late 1990’s. Externally both the eastern and western walls show much evidence of alteration.
- The five bay three-storey with attics range on the street frontage dates from 1790/91. It is faced in ashlar and was constructed by a local mason, John Hames.

- There are twentieth century additions in the garden to the east and against the south wall of no.3 St. Mary's Place that include a flat roofed former office dating from the 1940's, that is described as a study room on the submitted drawing, and a conservatory dating from the late 1990's.

The proposed works to the property in connection with the hotel/restaurant use, for which a resolution to grant planning permission was made at a previous meeting, are exactly the same as for the previous application and which the Inspector determining the appeals considered. The single element that the Inspector to exception to, covering over the courtyard, has been omitted for the current application.

There are several properties in Stamford with Medieval undercrofts. Notable surviving examples are 23 High Street (Burtons/Dorothy Perkins), 13 St Mary's Hill (Fratellis), 24 High Street, St. Martin's.

Of these, the undercroft at 13 St Mary's Hill (Fratellis) is of particular interest in relation to the current proposal because this is used as a dining room and only has access via a single stone flight of steps.

The history of applications for Listed Building Consent on this property is as follows:

LB.910 - Internal alterations. Approved 1983

LB.5067 – Internal and external alterations. Approved 1998

LB.09/0846/LB – Alteration and extension. Refused 2010 (Appeal Dismissed)

It is not unusual for Listed Buildings to be converted to hotels. There are numerous examples elsewhere in the country, such as:

The Royal Crescent Hotel, Bath (grade 1) - Occupies two Georgian mid-terrace houses

Lumley Castle, County Durham (grade 1) – A C14 castle

The Chantry Hotel, Bury St. Edmunds (grade II) – a late C18 townhouse

To name but a few.

That said, it nonetheless remains the case that each proposal should be considered on its own individual merits.

Just a few days prior to the last meeting a representation was circulated to elected Members by residents of other properties in St Mary's Place. The representation included an assessment of the proposed works compiled by an architectural historian who has not actually been inside the building and this is clear to some extent from some the comments contained in the assessment.

The assessment included floor plans of the building annotated with comments on various aspects of the proposed works. Officer comment on these is as follows:

- Basement The assessment of the cellar emphasises its historic significance. It is claimed that the installation of a new floor in the cellar will affect the existing intact earth floor.
Glazed screens to stairs and alongside northern wall of cellar will obscure significance.
Black coloured aluminium louvres inappropriate.

Officer comment: The earth floor will remain intact beneath the new surface to be laid on top. The Appeal Inspector did not take issue with this proposal. The freestanding glazed screen to the north wall will not impact on significance nor will that to the stone stairs. These features will still be visible and unaffected by the proposed works .

- Ground floor The assessment claims that the proposals involve reinstatement of a C20 wall on the western side of the hall and that this should be rebuilt on its original line.

It is stated that an original C18 window in the western wall that is proposed to be converted to a door opening should not be taken down to the ground.

The remodelling of the internal walls of rear wing present opportunity to restore significance by inserting new walls on original lines.

The south wall of No3 St. Mary's contains a blind door that is concealed by the existing 'Study Room' built against this wall. It is asserted that this suggests a former connection between the two properties and is very significant.

The glass fire doors will impinge on legibility of the Hall.

The curved passage at the eastern end of the front range conforms with the alignment of an earlier structure and proposed new kitchen structure scrambles this plan and obscures south gable of no.3, base of which may pre-date 1740.

The room containing the existing toilets is possibly the oldest part of the house above ground and intense subdivision would obliterate the plan significance.

Officer comment

There are no proposals to reinstate a wall along the western side of the hall. The wall will remain in its current position.

The window in the western wall of the rear wing to be altered to a door is modern and has a concrete lintel.

The rear wing was 'gutted' on all floors during the occupation of the NFU. All existing sub-divisions dated from the late 1990's, as does a fireplace to a chimney in the eastern wall.

The room containing the toilets has been the subject of sub-division and alteration in the past. The current proposals involving remodelled sub-division will not compromise the significance of this part of the building.

The glazed panels to be installed in the hall are for fire protection purposes and will remain open except in the event of fire, when they will be self-closing. There will, therefore, be no impact on significance as a result of the installation of the glazed panels.

The significance of the possible former connection between the application property and no.3 will not be compromised by the proposed extension that will replace the existing study room.

- First floor The significance of the full width drawing room in the front range would be would compromised by sub-division.

The removal of one of the two existing entrance doors results in loss of significance. It is proposed to install the kitchen exhaust flues in an existing chimney and the drawing does not show any interventions in the wall to allow for access into each flue every three metres, as required by DEFRA guidance.

The stair is made of combustible materials and would therefore require some fire-rated performance to serve as a means of escape.

Officer comment

There has been much debate about when the drawing room became one single, full width room. There has been much speculation but no hard evidence to provide a date. It was only restored to a single room in the late 1990's when the stud partitions installed by the NFU were removed.

It cannot be stated with absolute certainty that the room was historically only one room and neither can it be confirmed that it was sub-divided, although there is some evidence support this belief, such as two entrance doors and the sub-dividing arches that are shown on plans as far back as the Authority has records.

The entrance door will not be removed, it is shown to be retained but fixed closed, a common practice when doors in historic buildings are no longer needed.

The issue of access to flues has been discussed with the Council's specialist consultant and it has been confirmed that access is not necessarily required at such intervals. It depends on the system installed.

There are no proposals to undertake works to the staircase which, according to the RCHME notes, is "a plain early 19th century piece of carpentry", in connection with fire safety. Such staircases can be found unaltered in numerous historic buildings that are occupied as hotels, and your Officer knows of an example of an unaltered mid-C17 staircase in a nursing home.

- Second floor

Reference is made to English heritage's pre-application comments on the loss of reed and lath walls.

Officer comment

Your Officer was present at the site meeting when discussions of the possible sub-division of an existing bathroom on this floor to create two en-suites for adjoining bedrooms took place. At that time the proposal involved the formation of a new door opening in one of the reed and lath walls, to allow direct access from the bedroom. Not surprisingly, concerns were expressed about the justification for this loss historic fabric and having regard to EHS' concerns the applicants subsequently altered the scheme to avoid this loss by proposing the creation of a small en-suite against the south wall of the bedroom using readily reversible stud partitions.

- Attic floor

The assessment states that the attic plan appears to have been undivided given the single entry point from the stairhall. The plan is scrambled by the insertion of a bathroom.

Officer comment

The attic space may well have been a single space originally but it is currently three rooms. There is one 20th century partition that is to be removed and another that is much older, possibly C19. A bathroom would be installed in the smaller of the two resulting rooms.

There is no "scrambling" of the floor plan.

There are constant references in the assessment to the floor plan of the building being "scrambled" as a result of the proposed alterations. This is clearly not the case as the historic floor plan will be retained. Some remodelling is proposed where past alterations have taken place.

There are also repeated references suggesting that walls and other features previously removed should be reinstated in their former positions. There is no requirement under legislation or policy guidance for applicants undertake reinstatement as part of their schemes. PPS5 states at Policy HE7.2 :

"In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals."

It should be noted that neither English Heritage nor the Appeal Inspector took issue with the proposed alterations to the floor plan, the external alterations and extensions, as now proposed.

Much discussion has centred on the role of English Heritage in the proposals for 4 St Mary's Place.

As the building is Listed Grade II* there is a statutory requirement to notify English Heritage and other National Amenity Bodies, namely, the Georgian Group, Ancient Monuments Society, Twentieth Century Society, Society for the Protection of Ancient Monuments and the Council for British Archaeology.

Where English Heritage or any of the national Amenity Societies expressly state that they object to the proposal and have said they require the Secretary of State to be notified, and the authority is minded to grant consent, the Local Planning Authority should notify the Secretary of State. If neither English Heritage nor the Amenity Societies object, the Local Planning Authority may approve the application without referral to the Secretary of State. If they wish to approve an application, despite objections from English Heritage or the Amenity Societies, then the application has to be referred and the Authority have to explain to the Secretary of State why they wish to approve contrary to the objections.

There have been instances where the Authority have resolved to grant consent despite English Heritage objections, most notable examples in recent years are the conversion of the grade II* listed Greyhound Inn at Folkingham to apartments and the conversion of former stables to a conference room at the grade 1 listed Angel and Royal in Grantham.

By way of clarification the following is summary of English Heritage involvement in the current and previous application:

2008 Pre-application comments provided following site visit with applicants agent, architect and the Councils' Planning Officer and Historic Buildings Advisor. Concerns raised in respect of:

- The creation of two new bathrooms on the first floor may well be problematic – I identified the likely impact of plumbing as an issue which is central to whether bathrooms are appropriate in this location, although ventilation may also be a problem.
- The subdivision of the 2nd floor central bedroom to form two bathrooms would also be harmful due to the loss of original stud and reed walling. The same issue concerning services could also naturally apply, as it will no doubt elsewhere.
- The size of the external conservatory looks a substantial amount broader than that agreed on site, and I note that a different design approach has been adopted, which does not successfully integrate with the appearance of the building.
- The widening of the ashlar joints to take a flashing detail for the roof of the proposed dining room is also damaging.
- The proposed “green walls”, which did not form part of our discussions, are potentially harmful to the masonry, however, without photographs this is difficult to ascertain.

Officer Comment

Officers were present at the site visit and raised similar concerns about some aspects of the proposals. The comments are pre-application advice for the applicant to have regard to when developing their proposals.

Drawings were prepared seeking to address the concerns expressed and these were forwarded to English Heritage for further comment. No response was forthcoming.

The formal application addressed EHS' concerns by (a) showing how additional plumbing could be installed without undue harm to the fabric of the building; (b) Omitting the proposal to subdivide a central room on the second floor to create two bathrooms in favour of creating an en-suite by partitioning off part of one of the bedrooms, thus avoiding the loss of original stud and reed walling; (c) The external conservatory was omitted from the scheme following the comments on the formal 2009 application.

The issue of widening the joints of the ashlar was overcome by the omission of the proposal to enclose the courtyard from the current application, in response to the appeal decision.

2009 Formal applications were submitted and, in accordance with statutory requirements, English Heritage were formally consulted.

English Heritage's recommendation was as follows:

"Our view is that the proposed conservatory would significantly alter the successfully re-established character of the grade II* listed building. No justification that the building cannot continue in its original use as a single dwelling has been provided. Therefore we recommend the application be refused."

Officer comment

In response to EHS' comments the conservatory was withdrawn from the scheme. Nonetheless the application was refused because of Members concerns about the impact of proposed internal alterations to the building.

2011 Formal comments on application for listed building consent S10/2313/LB:

"Recommendation – this application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice."

Officer comment

Upon seeking clarification of the response on this particular application EHS' Case officer explained that they had "...judged (on the basis of available information) that the current proposals would not result in major damage or major change to the architectural or historic interest of the Grade II* listed building sufficient to trigger further detailed advice/comment".

It should be noted that this has been a common English Heritage response to consultation listed building applications for many years and is not something that has come about as a result of recent budget cuts.

Finally, although the point has been already been made elsewhere, it is important understand that the Inspector's decision and his report on the appeals against refusal of the previous applications are a material consideration in determining the current application.

In his report, the Inspector stated:

“Such internal conversion works have been sensitively considered and designed, and would not in themselves be harmful to the appearance and layout of the listed building”

On the subject of the kitchen and storage area the Inspector stated:

“To my mind, the design and materials proposed kitchen and the cold storage area/changing room would clearly identify them as contemporary structures. Having regard to their location and scale, they would 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.”

The only aspect of the proposed works of extension and alteration that the Inspector singled out for criticism was the proposed enclosure of the courtyard at the rear of the front range and west of the rear wing. As has already been stated, enclosure of the courtyard has been omitted from the current application.

The application was considered by the Appeal Inspector against the policies contained in PPS5 and your Officers are satisfied that the current application complies with PPS5.

The late items paper for the last meeting included two additional conditions to be added to the recommendation. The Vice –Chairman proposed some additional wording to some conditions and the conditions have now been amended to read as follows:

5) Before the works hereby granted consent are commenced, a Method Statement, together with full drawings of proposed service runs shall be submitted to the Local Planning Authority detailing how services associated with the use of the listed building as a hotel/restaurant are to be installed without causing any undue harm to historic fabric. Such Method Statement as may be agreed in writing shall be strictly adhered to during the installation of services.

Reason: To ensure that no undue harm is caused to historic fabric by the installation of services in connection with the use as a hotel/restaurant, in accordance with PPS5, Policy EN1 of the Core Strategy to the South Kesteven local Development Framework.

6) The Local Planning Authority shall be notified of the commencement of works of installation of services to allow a representative of the Authority to inspect the works at regular intervals and to ensure that the approved Method Statement is being adhered to.

Reason: To ensure that no undue harm is caused to historic fabric by the installation of services in connection with the use as a hotel/restaurant, in accordance with PPS5, Policy EN1 of the Core Strategy to the South Kesteven local Development Framework.

7) Prior to the commencement of the works hereby granted consent, details shall be submitted to the local planning authority of the proposed self-closing doors to the fire lobby on the ground floor, including large scale details of the interface of the fixings with the existing fabric and only such details as may be agreed in writing shall be used in the installation of the fire lobby doors.

Reason: To ensure that the means of installing the fire lobby doors does not cause irreversible damage to features of historic significance in accordance with PPS5 and Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework.

8) Notwithstanding that no works are proposed to the principal staircase as part of the application a full structural survey of the staircase and its associate balustrading be carried out and full proposals for any work required in or may be carried out and full proposals for any work required to the staircase and/or balustrading shall be submitted to and agreed and approved in writing with the local planning authority before any works to the building are commenced.

Reason: To ensure that the historic significance of the staircase is not compromised by any works of alteration in accordance with PPS5 and Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework.

The Agent for the applicants has submitted his own response to the objectors assessment and this is as follows:

“I refer to the discussions at the Development Control Committee on 28 June, and in particular to the decision by members to defer a decision on the above application resulting from the issues raised in a letter to members dated 20 June 2011 and the related plans.

The letter, together with the accompanying annotated drawings, constitutes a private communication between the objectors and members. It has not been submitted formally to the local planning authority and therefore does not have the status of an application document or a formal representation. However, the documents are copious and were the principal reason for the members’ decision to defer the application for listed building consent.

Critically, the purported assessment of impact is riddled with inaccuracies, false and misleading assertions, insidiously designed to mislead members and to paint an alarmist picture of the proposals. For this reason, we feel compelled to respond in order to set the record straight. We have confined ourselves to commenting to the most glaringly incorrect and misleading of statements rather than to present a line by line critique of the objectors’ letter. For the avoidance of doubt, and to ensure that members’ are properly informed, we would also respectfully suggest that the local planning authority makes its own careful and objective assessment of the veracity of the objectors’ statements.

Timing of the objectors' letter

The objectors' letter, and associated material, was sent individually to each member of the Development Control Committee just a few days prior the last meeting. It was clearly timed to bamboozle members with a vast amount of last minute material, and thereby frustrate a decision. This material was circulated well over eight months after registration of the application. The issues raised are substantially the same as those that have been cited by objectors previously in respect of both this and the earlier application. The internal works proposed for the listed building are substantially the same as those of the original application. As such they have been tested at appeal.

The local planning authority clearly has a statutory obligation to have regard to representations received within 21 days of the publication of the statutory advertisement/erection of the site notice. This period expired within the original eight week period, which expired on 7 December 2010. During this time the objectors submitted representations covering broadly the same issues cited in the latest submission. It is recognised that it is reasonable for a planning authority to have regard to legitimate representations received after the 21 days and prior to determination. However, it would seem unreasonable in the extreme to give significant weight to representations received well over six months after the determination date when there had been no material change in the proposals, and where the representations are merely a repetition of arguments made on many previous occasions.

Understanding of significance

The objectors' letter highlights the requirement of PPS5 Policy HE6.1 requiring applicants to provide local authorities with a description of the significance of the heritage asset in question proportionate to its importance. The letter asserts that this has not been done in this instance. As you know detailed historical and architectural analysis was undertaken prior to the submission of the previous application, and discussed in detail with the authority's planning and conservation officers. The analysis of architectural and historical significance, together with a reasoned justification of the proposals, in turn formed part of the material included with the Design and Access Statement, as required under PPS5. Both South Kesteven District Council and English Heritage have been satisfied from the outset with the analytic material submitted. It is therefore wholly inaccurate to argue that such analysis has not been provided. Consequently, it is unnecessary and completely unreasonable to suggest that additional support material should be provided at this late stage. The suggestion is nothing more than an insidious ploy to further delay determination of the application.

The objectors claim that 'the work done by Dr Fair and others' is based on the Royal Commission for Historical Monuments (RCHME) survey of Stamford (1977) including the unpublished notes and diagrams. As you know, our work has likewise been informed by both the published and unpublished RCHME material. It is clear from our close knowledge of the RCHME report that this work has been quoted selectively and inaccurately by the objectors. For example, they refer repeatedly to the main staircase as 'the original 1791 staircase' when in fact informed analysis

clearly shows it to be of early 19th century design, and the RCHME inspector's notes refer to it as a 'plain early 19th century piece of carpentry' (see attached copies of the RCHME notes). Other examples of spurious quoting of the RCHME survey include the claim that it states that the curved passage in the NE corner of the building 'captures the plan of an earlier structure'. There is no such statement in either the published report or the inspector's unpublished field notes. What is actually stated is that the distorted rear wall of the building 'possibly conforms with the alignment of the earlier structure' – an entirely different point.

Impact of proposals on significance of plan form

The letter highlights the significance of the building's plan form, referring to the RCHME classification of house types in Stamford. It states that the significance of the plan form will be lost. The importance of respecting the historic plan form is recognised by the applicant. This is precisely why the proposals have been specifically designed to minimise impact on the building's interior, and to make very few changes to the internal layout. In this context it should be noted that no original walls are to be lost and only very limited subdivision of existing spaces undertaken. This will have been clear to members on their recent site visit. The letter is therefore disingenuous in stating repeatedly that the plan form will be 'scrambled'.

The accusation of 'scrambling' and obliterating the historic plan form is repeatedly made in the annotated drawings that accompany the objectors' letter. It is asserted that the works to the rear wing of the building will 'disembowel it into a barn, obliterating its plan form'. This melodramatic and entirely false statement is clearly deliberately designed to mislead members into believing that we are proposing the gutting out of original fabric. Nothing could be further from the truth. In fact, this part of the building had already been completely opened up into a large single space on both the ground and first floors during the 20th century by the previous occupants of the building, the National Farmers Union. The 1998 conversion works had subsequently involved insertion of modern stud walling and a timber staircase in this area of the building. The attached survey and proposals drawings prepared by the architect responsible for the 1998 conversions works testify the state of the building at that time, and the new works that we carried out. Therefore, it is patently absurd to claim that the plan form would be compromised by the very modest and easily reversible alterations that are now proposed.

The letter is also wholly misleading in its false claim that the planning inspector ruled that 'substantial harm' was proposed in respect of the previous appeal scheme. Nowhere in the inspector's letter is the term 'substantial harm' mentioned. The truth is that the inspector found fault with only one aspect of the proposal (the enclosure of the small rear courtyard). This has been omitted from the application under consideration.

The document further falsely claims that subdivision of the oldest part of the house as toilet cubicles was material to the inspector's decision to dismiss the listed building consent appeal. This is completely untrue. The dismissal of the appeal was, as stated above, solely on the grounds of the enclosure of an open courtyard.

The tenor of the letter and accompanying notes is that the plan form of the building is so precious that it should not be subject to any form of alteration because it conforms to a particular classification of a particular Georgian house type. This argument might have some credibility if the building in question had an outstanding interior that had remained totally unaltered since Georgian times. However, in this instance we are dealing with a relatively plain interior, the form of which that has been much altered over time. Therefore, such a demand for absolute preservation is unreasonable and indefensible.

The objector's annotations of the application drawings highlight the absence of proposals for conjectural reinstatement of lost 18th century internal subdivisions, for example on the ground and first floors of the rear wing. Such arguments are absurd and run counter to accepted conservation philosophy, as reflected in relevant national policy and guidance. There is no presumption in relevant heritage legislation, or national policy contained in PPS5, requiring applicants for listed building consent to incorporate restoration proposals in their schemes, simply that they should not cause harm. Therefore, the absence of proposals to reinstate lost internal walls is not a legitimate basis for refusal of the current application.

The proposed internal alterations were specifically commended by the inspector who considered the proposals in relation to the previous appeal. His decision letter states that the internal conversion works have been sensitively conceived and designed, and would not in themselves be harmful to the appearance and layout of the listed building (paragraph 21). For avoidance of doubt we attach the inspector's decision letter.

Plumbing, fire safety and electrical services

The objectors speculate falsely that the proposals will necessitate significant rebuilding and 'dramatic interventions as a result of plumbing, fire safety and electrical services. These aspects have been fully thought through in discussion with the council's planning and building control officers, and have been incorporated into the proposed plans. A particular concern of English Heritage at pre-application stage in 2008 was the potential impact of plumbing and ventilation of bathrooms. In response to this concern a detailed analysis of fabric was undertaken, culminating in a carefully-designed strategy for routing of pipes and ductwork through existing voids within the building in order to avoid harm to the building fabric. Detailed plans showing these arrangements form part of the application drawings.

The unsubstantiated claim made by the objectors that a fire consultant working on their behalf considers the proposals to be unsatisfactory is clearly of no consequence since the Council's own advisors have stated that they are satisfied that the proposed alterations will satisfy the fire safety requirements of the Building Regulations. My letter to the Council dated 22 June sets this out in detail. In this context it should be noted that a Fire Strategy was prepared by Simon Ham, a specialist fire consultant who was responsible for originally drafting paragraph 0.35 of Approved Document B of the Building Regulations 2000, Volume 2 – Fire Safety. It is precisely the situation that arises with 4 St Mary's Place, involving re-use of a historic building, that paragraph 0.35 was designed to apply to. The Fire Strategy was first agreed by the Council's building control and planning officers at pre-

application stage, and formed the basis of the previous and current scheme, both of which were supported by planning, conservation and building control officers.

The so-called worked example of 62-63 Pall Mall, London cited by the objectors is not a relevant comparator since it is in a significantly different context. It is for a new-build-7-storey office building where the fire rating criteria applicable are significantly different.

The statement that the staircase is 'made of wood and therefore combustible' (and therefore by inference should not be a reason not to allow conversion of the premises) is ludicrous, since such construction exists in countless historic hotels throughout the country. To apply this logic generally would effectively preclude the conversion of the majority of historic buildings to new uses, which would be manifestly absurd. The prediction by the fire consultant working for the objectors that insurers might ask for 'significant interventions' is pure speculation. A grant of listed building consent would authorise the currently submitted proposals. No material changes could be made without a further application for listed building consent. In the unlikely event that material amendments are required in due course, a new application for listed building consent would, of course, be made.

The spurious assertion by the objectors that acoustic treatment of existing historic timber floors, wall and ceilings between bedrooms 'would likely be very disruptive requiring their dismantling and rebuilding' has no basis and is simply not borne out by the detailed proposals shown on the drawings. No such interventions are proposed by Agellus who are at great pains to retain historic fabric, surfaces and finishes.

Reference is made in the objectors' letter to the DEFRA guidance that highlights the need for access panels within duct work at 3 metre intervals. It should be noted that this is non-statutory guidance, and that any reasonable interpretation of it would allow an alternative approach, provided it meets the aim of allowing inspection and cleaning. It would be reasonable to expect inspection hatches every 3 metres from the point of extract throughout the duct work, all the way through to the end point of the filtration system, in order to ensure that there is no build up of grease within the ducting. It should not, however, be necessary to have inspection panels downstream of the odour abatement system, provided it can be demonstrated that the post-filter grease emissions are likely to be insignificant. A highly effective grease filtration system is proposed upstream of the carbon filter, to prevent it from being fouled. Furthermore, continuous flexible flue liners are to be installed in each chimney flue, avoiding joints in the ductwork that might attract the build-up of grease. Therefore, we are advised by our mechanical and electrical engineers, and odour consultants that the likelihood of any grease forming upstream in the three chimney vertical flues would be minimal. Consequently, there will be no necessity for the intrusive access panels asserted by the objectors.

Issues relating to the proposed rear extension

The objectors' letter cites two specific objections to the proposed rear extension, firstly that it would obscure the gable of the neighbouring no. 3 St Mary's Place, and

thereby damage its setting, and secondly that the proposed 'living wall' would become desiccated in summer.

In respect of the first issue it should be noted that the proposed extension is of relatively small scale, and will be almost entirely invisible within the public domain. The inspector's site visit conducted in connection with the public inquiry held last year showed conclusively that the proposed extension would not be readily visible in public views, including elevated land on the south side of Stamford. Furthermore, there is clear visual evidence that there was formerly a substantial pitched roof structure sitting against the gable in question – so there is precedent for a structure in this location. In respect of the 'living wall' it should be noted that the 'example in Lincoln that recently failed spectacularly' was of very different type to that proposed, and is therefore not a relevant comparator. Professor Short has previously made reference (in last year's public inquiry and in written representations) to the failure of a 'living wall' at Paradise Walk, London. This was however, a hydroponic system unlike the simple soil-planted system that is proposed for 4 St Mary's Place, requiring far less water.

Both of the above issues were rehearsed at great length at the public inquiry held last year, and the inspector ruled that the extension 'would not unacceptably intrude upon the appearance, layout and setting of the listed building'. Indeed, he added that whilst the extension would not be readily visible to the general public it 'would make a pleasing addition to the architectural vocabulary of Stamford'. He also concluded that 'the design materials proposed for the kitchen and cold storage area would clearly identify them as contemporary structures'. Therefore the suggestion that the proposed extension would 'scramble the interlocking plan' of the two listed buildings is indefensible.

Use of the medieval crypt

The objectors assert that the interventions and use of the cellar is 'wholly misconceived'. This statement is ludicrous. The medieval cellar is clearly the most architecturally and historically significant part of the building and for the first time in recorded history it will be able to be appreciated by the public. The objectors cite problems with the earth floors, medieval vaulting and staircase. In reality the interventions that are proposed are characterised by a 'light touch' and were covered in pre-application discussions with English Heritage and Council officers. The assertion by the objectors that the crypt 'would likely be deemed too fragile for prolonged public access' is totally without foundation. The great majority of medieval detail (ribs and bosses) is situated at ceiling level and therefore safe from damage by the public users. The intention is to avoid significant intervention into the earth floor of the cellar, and to bed new York stone slabs on sand. Any intervention into the existing floor will be carried out under archaeological supervision as prescribed in proposed conditions recommended by officers. The exposed stonework to the walls will be painted with traditional limewash. It is not proposed to alter the staircase. The proposal will, however, involve the removal of extremely unsightly modern accretions within the cellar (coal bunker, boiler, pipe runs and plant) thereby substantially enhancing the setting of this part of the listed building.

Access for people with disabilities

The unsubstantiated claims of an access consultant representing the objectors that he considers the proposals to be unsatisfactory not in compliance with the relevant legislation is incorrect. Our own access consultant, Jane Earncliffe, has assessed the proposals in detail and the Council's advisors have confirmed that they are satisfied that the proposed alterations will satisfy the relevant legislation. These matters are dealt with in detail in my previous submission to the Council dated 22 June 2011. In the unlikely event that material amendments are required in due course, a new application for listed building consent would be made.

Assessment under Conservation Area legislation

The letter from the objectors cites the general duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the character or appearance of the conservation area. The objectors make specific reference to the alleged harm caused by increased activity, traffic and noise. All of these matters were considered in depth at the public inquiry last year and the inspector ruled that they would not be harmful. The impact of a particular change of use on the character and appearance of a conservation area is a matter that should, more properly, be taken into consideration in the authority's determination of a planning application. Therefore, the duty under Section 72 will already, have formed part of the authority's recent decision to grant planning permission for the change of use.

Other matters raised by objectors

A variety of other matters have been cited by the objectors in their letter of 20 June, including issues such as sustainable design, water consumption, the Code for Sustainable Homes and BREAM standards. These matters are of no relevance to the determination of an application for listed building consent. The letter also cites the attitude of Westminster City Council in respect of minor amendments to listed building consent applications. This is totally irrelevant to the case in question. The only relevant factor is the stance of South Kesteven District Council, based on the technical recommendations of its professional staff.

Conclusions

The application for listed building consent was registered as valid by South Kesteven District Council on 12 October 2010. It should have been determined within eight weeks of registration – the standard time period for most applications. Agellus Hotels have, through their agents, provided an enormous amount of technical detail in support of this application, and have been extremely patient in awaiting the authority's decision.

Great care has been exercised in conceiving the proposals for the hotel and restaurant in consultation with English Heritage and the Council's Conservation Officer. All of the proposed physical alterations to the fabric of the listed building would be very modest, are sensitively conceived by a team with a track record of

experience of working with historic buildings, and in nearly all cases are reversible in nature. Therefore, the special architectural or historic significance of the building would be unharmed by the proposed scheme. As stressed on previous occasions, Agellus Hotels are entirely willing to accept appropriately worded conditions to ensure that the works to the listed building are monitored by the Council's Conservation Officer to ensure that its special historical and architectural interest is preserved.

The proposals, if approved, would bring public benefits including the securing of a viable long-term use for an important listed building in Stamford town centre. The proposals would provide for the full and active use of the building, and allow public access and enjoyment of it, including the medieval crypt. The proposals would lead to the creation of new jobs and would encourage tourism, thereby contributing to the vitality of Stamford. These benefits would far outweigh any perceived harm that would result the proposals.

The representations made y objectors in their letter of 20 June 2011 comprise an assemblage of arguments that have been cited repeatedly, in one form or another, since the proposals for the site were first submitted in 2009. A great many of these arguments are flawed and inaccurate. The proposals that are now before members have been extremely carefully conceived in dialogue with officers at SKDC, and are informed by the outcome of the public inquiry held in 2010. English Heritage has not objected to the proposals.

We trust the responses to the objectors' letter outlined above set the record straight. Based on this we can see no valid reason why the current application for listed building consent should not be approved, subject to appropriately worded conditions. We therefore trust that the Development Control Committee will determine the application in accordance with the sound recommendations of officers. We would be grateful to receive a written response to this letter, confirming that you concur with its factual content.

Introduction

This application was deferred from the last meeting to enable members to be able to fully and properly consider all the additional information that had been circulated in relation to the application.

Introduction

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 application was then heard at the Development Control Committee of 31 May with full planning permission having been granted for the change of use and extension of the building, subject to the signing of a legal agreement (ref; S10/2312). However, with there being a number of new Members on the Committee it was felt appropriate to defer the Listed Building application so that a site visit could be completed to fully assess the impact on the Listed Building.

In addition it should be noted that the agent has sent a further letter highlighting that the revised application has addressed the concerns expressed by the Planning Inspector when determining an appeal on the site. In addition there is no intention of 'destroying, gutting or rebuilding' the property, as well as noting that English Heritage does not object to the application.

The original report before Members is still considered relevant and is reproduced below; the content of which is supported by the Acting Principal Conservation Officer.

The only changes that have been made which would impact on the Listed Building, beyond those to improve disabled access, is alterations to the existing chimneys with there being a need to utilise 3 for the flue extract as opposed to the 2 originally proposed.

Therefore the recommendation remains the same with additional conditions added relating to the installation of services as well as allowing access to the building for Officers to inspect works being undertaken.

Application Category

This application is categorised as a other application.

Reason for Referral to Committee

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

The Proposal

The proposal is to convert the building, with a current use as a residential property, to a luxury restaurant on the ground floor with up to 66 covers and a boutique hotel with 9 bedrooms on the upper floors. In addition to internal alterations, such works would require

the demolition of an existing office and greenhouse and the construction of a new kitchen with cold storage and staffroom above. Refuse wheeled bins and cycle storage would be sited adjacent to existing outbuildings, within which would be located refrigeration and condenser units.

The Application Site and its Surroundings

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

Relevant Site History

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

- 1) 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.
- 2) 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 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment

Core Strategy Policy

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

Representations Received

The comments of Stamford Town Council are reproduced below;

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

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

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

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

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

Representations as a Result of Publicity

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

- The rear extension in terms of design would not respect the character of the host building
- Materials proposed would be at odds with the form of the building as well as the living wall being difficult to maintain
- Internal alterations would not respect the character of the grade II* Listed Building
- The Planning Inspector dismissed the appeal on the grounds of the alterations not respecting the character and form of the Listed Building and this application should be refused permission also.

Officer Evaluation

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

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

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

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

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

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

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

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

Section 106 Heads of Terms

No section 106 would be required for the application

Crime and Disorder

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

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the alterations to the application overcome the reasons for refusal attached to consent S09/0846 as well as those attached to appeal decision

APP/E2530/A/10/2120313. With appropriate conditions the development is therefore deemed to respect the character of the Conservation Area and Listed Building through the alterations, extensions and materials that are proposed. Nor would the proposal have a detrimental impact on features of interest and the use proposed is appropriate. The proposal is therefore deemed to comply with core strategy policies EN1, EN3 & EN4; East Midlands Regional Plan policies 1, 2, 26 & 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.

4. 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. 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 proposal complies with guidance contained in PPS5.

6. Before the works hereby granted consent are commenced, a Method Statement shall be submitted to the Local Planning Authority detailing how services associated

with the use of the listed building as a hotel/restaurant are to be installed without causing any undue harm to historic fabric. Such Method Statement as may be agreed in writing shall be strictly adhered to during the installation of services.

Reason: To ensure that no undue harm is caused to historic fabric by the installation of services in connection with the use as a hotel/restaurant, in accordance with PPS5, Policy EN1 of the Core Strategy to the South Kesteven local Development Framework.

7. The Local Planning Authority shall be notified of the commencement of works of installation of services to allow a representative of the Authority to inspect the works at regular intervals and to ensure that the approved Method Statement is being adhered to.

Reason: To ensure that no undue harm is caused to historic fabric by the installation of services in connection with the use as a hotel/restaurant, in accordance with PPS5, Policy EN1 of the Core Strategy to the South Kesteven local Development Framework.

8. Prior to the commencement of the works hereby granted consent, details shall be submitted to the local planning authority of the proposed self-closing doors to the fire lobby on the ground floor, including large scale details of the interface of the fixings with the existing fabric and only such details as may be agreed in writing shall be used in the installation of the fire lobby doors.

Reason: To ensure that means of installing the fire lobby doors does not cause irreversible damage to features of historic significance in accordance with PPS5 and Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework.

9. Notwithstanding that no works of alteration are proposed to the eighteenth century staircase as part of the current application, should it become necessary to undertake works of alteration for the purposes of strengthening no works shall be undertaken without first submitting details to the local planning authority and only such details as may be agreed in writing shall be used in undertaking such works.

Reason: To ensure that the historic significance of the staircase is not compromised by any works of alteration, significance in accordance with PPS5 and Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework.

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Agenda Item 6

By virtue of paragraph(s) 2, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

BRIEFING PAPER PLANNING ENFORCEMENT

January – June 2011

Introduction

1. This report summarises the level of enforcement activity undertaken within South Kesteven District Council for the period January – June 2011. The purpose of this report is to provide Members with an update on progress of the Planning Enforcement Service for the period highlighted.

Update

2. Complaints and inquiries to the Enforcement Section are currently being reviewed through the Habanero system. Through the trial period it has been agreed that the initial complaints/inquiry will be logged by support staff (enforcement). Depending on the basis of the inquiry/complaint further investigation will be conducted by either planning and/or enforcement officers. Should the matter facilitate enforcement action the case will be dealt with by the enforcement officer who will instigate the appropriate action accordingly? This trial period has now been extended a further 8 weeks to illicit further information and statistics to examine the extra data required to accordingly make judgement on the structure and balance of the enforcement team and its priorities.

Staffing Issues

3. The two Planning Enforcement Officers still continue to operate the area in conjunction with the north and south sub divide of the district. To assist with the increase in work load the Section 106 officer and a further support officer are facilitating the cases that are being generated for investigation.

Assessing the need for enforcement action or prosecution

4. It was highlighted in the previous report that a six monthly enforcement report would now be undertaken on a regular basis to keep Members updated on current enforcement issues/cases. As part of the enforcement processes it is opined that Members have some perception of the processes and criteria set out in the reasoning and outcomes of enforcement issues. In deciding whether enforcement action or prosecution is expedient the Council will take into consideration Planning Policy Guidance 18. The guidance note clearly sets out the approach which should be undertaken when conducting an investigation.

The general approach to enforcement

5. Nothing in this Note should be taken as condoning a wilful breach of planning law. LPAs have a general discretion to take enforcement action, when they regard it as expedient. They should be guided by the following considerations:-
 - (1) Parliament has given LPAs the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area (the private citizen cannot initiate planning enforcement action);

- (2) the Commissioner for Local Administration (the local ombudsman) has held, in a number of investigated cases, that there is "maladministration" if the authority fail to take effective enforcement action which was plainly necessary and has occasionally recommended a compensatory payment to the complainant for the consequent injustice;
- (3) in considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest;
- (4) enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site); and
- (5) where the LPA's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop (LPAs should bear in mind the statutory time limits for taking enforcement action).

Where development is carried out without permission

6. In assessing the need for enforcement action, LPAs should bear in mind that it is not an offence to carry out development without first obtaining any planning permission required for it. New section 73A of the 1990 Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Accordingly, where the LPA's assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the development that he should at once submit a retrospective planning application (together with the appropriate application fee). It may also be appropriate to consider whether any other public authority (e.g. the highway or environmental health authority) is better able to take remedial action.
7. While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances, LPAs should consider using the new "planning contravention notice" to establish what has taken place on the land and persuade the owner or occupier to seek permission for it, if permission is required. The owner or occupier of the land can be told that, without a specific planning permission, he may be at a disadvantage if he subsequently wishes to dispose of his interest in the land and has no evidence of any permission having been granted for development comprising an important part of the valuation. As paragraph 14 of DOE Circular 2/87 (WO 5/87) points out, it will generally be regarded as "unreasonable" for the LPA to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the enforcement notice. Accordingly, LPAs who issue a notice in these circumstances will remain at risk of an award against them of the appellant's costs in the enforcement appeal.

Where unauthorised development can be made acceptable by the imposition of conditions

8. A LPA may consider that development has been carried out without the requisite planning permission, but the development could be made acceptable by the imposition of planning conditions (for example, to control the hours, or mode, of operation; or to carry out a landscaping scheme). If so, the authority may invite the owner or occupier of the land to submit an application, and pay the appropriate application fee, voluntarily. It can be pointed out to the person concerned that the authority do not wish the business, or other activity, to cease; but they have a public duty to safeguard amenity by ensuring that development is carried out, or continued, within acceptable limits, having regard to local circumstances and the relevant planning policies. LPAs should bear in mind the need to consult on such applications in the normal way and the possible effect of such development on the functions of statutory undertakers.
9. If, after a formal invitation to do so, the owner or occupier of the land refuses to submit a planning application in these circumstances, the LPA should consider whether to issue an enforcement notice. Section 173(4)(b) of the 1990 Act (as amended by the 1991 Act) provides that one of the purposes for which the LPA may, in an enforcement notice, require remedial steps to be taken is for "removing or alleviating any injury to amenity which has been caused by the breach". For that purpose, section 173(5) of the 1990 Act provides that an enforcement notice may require, among other things, "the carrying out of any building or other operations" (paragraph (b)); or "any activity on the land not to be carried on except to the extent specified in the notice;" (paragraph (c)). Accordingly, where an owner or occupier of land refuses to submit a planning application which would enable the LPA to grant conditional planning permission, the authority would be justified in issuing an enforcement notice if, in their view, the unauthorised development has resulted in any injury to amenity, or damage to a statutorily designated site, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development. If an enforcement notice is issued to enable the LPA to grant conditional planning permission, they should explain clearly (in their statement of reasons for issuing the notice) what injury to amenity, or damage to the site, has been caused by the unauthorised development and how their conditional grant of permission will effectively remedy it. The owner or occupier will then have no doubt about the purpose of the enforcement action, or what he is required to do in order to remove or alleviate the perceived injury to amenity.

Where the unauthorised development is unacceptable on the site but relocation is feasible

10. It is not the LPA's responsibility to seek out and suggest to the owner or occupier of land on which unauthorised development has taken place an alternative site, to which the activity might be satisfactorily relocated. But if, as part of their economic development functions, the authority are aware of a suitable alternative site, it will usually be helpful to suggest it, and to encourage removal of the unauthorised development to it.
11. If an alternative site has been suggested, the LPA should make it clear to the owner or occupier of the site where unauthorised development has taken place that he is expected to relocate to the alternative site (or some other site he may prefer). The LPA should set a reasonable time-limit within which relocation should be completed. What is reasonable will depend on the particular circumstances, including the nature and extent of the unauthorised development; the time needed to negotiate for, and secure an interest in, the alternative site; and the need to avoid unacceptable disruption during the relocation process. If a timetable for relocation is ignored, it will usually be expedient for the LPA to issue an enforcement notice. In that event, the compliance period in the notice should specify what the LPA regard as a reasonable period to complete the relocation.

Where the unauthorised development is unacceptable and relocation is not feasible

12. Where, in the LPA's view, unacceptable unauthorised development has been carried out, and there is no realistic prospect of its being relocated to a more suitable site, the owner or occupier of the land should be informed that the authority are not prepared to allow the operation or activity to continue at its present level of activity, or (if this is the case) at all. If the development nevertheless provides valued local employment, the owner or occupier should be advised how long the LPA are prepared to allow before the operation or activity must stop, or be reduced to an acceptable level of intensity. If agreement can be reached between the operator and the LPA about the period to be allowed for the operation or activity to cease, or be reduced to an acceptable level, and the person concerned honours the agreement, formal enforcement action may be avoided. But LPAs should be aware of the possibility of intensification of the development after expiry of the statutory period for enforcement action. If no agreement can be reached, the issue of an enforcement notice will usually be justified, allowing a realistic compliance period for the unauthorised operation or activity to cease, or its scale to be acceptably reduced. Any difficulty with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.

Where the unauthorised development is unacceptable and immediate remedial action is required

13. Where, in the LPA's view, unauthorised development has been carried out and the LPA consider that:-
- (1) the breach of control took place in full knowledge that planning permission was needed (whether or not advice to this effect was given by the LPA to the person responsible);
 - (2) the person responsible for the breach will not submit a planning application for it (despite being advised to do so); and
 - (3) the breach is causing serious harm to public amenity in the neighbourhood of the site, the LPA should normally take vigorous enforcement action (including, if appropriate, the service of a stop notice) to remedy the breach urgently, or prevent further serious harm to public amenity.

Unauthorised development by small businesses or self-employed people

14. Although some breaches of control are clearly deliberate, the LPA may find that an owner or operator of a small business, or a self-employed person, has carried out unauthorised development in good faith, believing that no planning permission is needed for it. The cost of responding to enforcement action may represent a substantial financial burden on such a small business, or self-employed person. LPAs should consider this in deciding how to handle a particular case.
15. The initial aim should be to explore - in discussion with the owner or operator - whether the business can be allowed to continue operating acceptably on the site at its current level of activity, or perhaps less intensively. The LPA should carefully explain the planning objections to the current operation of the business and, if it is practicable, suggest ways to overcome them. This may result in the grant of a mutually acceptable conditional planning permission, enabling the owner or operator to continue in business at the site without harm to local amenity. If the site's owner or occupier is at first reluctant to negotiate with the LPA, the service of a "planning contravention notice" may help to convey the LPA's determination not to allow the development to go ahead by default.

16. If a mutually satisfactory compromise cannot be reached, and formal enforcement action is essential, the LPA should make their intentions clear, at the outset, to the owner or operator of a small business or a self-employed person. Unless it is urgently needed, formal enforcement action should not come as a "bolt from the blue" to a small business or self-employed person. It should be preceded by informal discussion about possible means of minimising harm to local amenity caused by the business activity; and, if formal action will clearly be needed, by discussion of the possible relocation of the business to another site. As explained in paragraph 10, it is not the LPA's responsibility to take the initiative in finding or providing a suitable alternative site. If formal enforcement action is likely to compel a small business or self-employed person to relocate their trading activities, the LPA should aim to agree on a timetable for relocation which will minimise disruption to the business and, if possible, avoid any permanent loss of employment as a result of the relocation. Once an enforcement notice has taken effect, LPAs should bear in mind that, where the circumstances justify it, new section 173A of the 1990 Act enables them to withdraw the notice; or to waive or relax any requirement in it, including the compliance period. A reasonable compliance period, or an extension of the initial period, may make the difference between enabling a small business or self-employed person to continue operating, or compelling them to cease trading.
17. The Government remains committed to fostering business enterprise, provided that the necessary development can take place without unacceptable harm to local amenity. LPAs should bear this in mind when considering how best to deal with unauthorised development by small businesses. Nevertheless, effective enforcement action is likely to be the only appropriate remedy if the business activity is causing irreparable harm.

Unauthorised development by private householders

18. When they are considering the possibility of enforcement action involving unauthorised development by a private householder, LPAs should bear in mind that independent professional advice about whether planning permission was needed for the development may sometimes not have been readily available, or affordable. This is particularly true where the householder may have relied on "permitted development" rights in the General Development Order (the GDO) as authorisation for the development, but a specified limitation has been exceeded in carrying it out. In these circumstances it is inappropriate to initiate a prosecution of a householder, under new section 187A(9) of the 1990 Act (prosecution for the offence of failure to secure compliance with the limitation imposed on a grant of planning permission by virtue of the GDO), unless the breach of condition notice served on the householder includes a full explanation of the allegedly unauthorised development and he has failed to take satisfactory steps to regularise it, despite being allowed adequate time to do so. In considering whether it is expedient to take enforcement action against development carried out in excess of the permission granted by the GDO, the LPA should have full regard to what would have been permitted if the development had been carried out in strict accordance with the relevant provisions. LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the GDO provisions.

Enforcement of planning control over mineral working

19. Minerals planning control is well established as part of the general planning system and there are no separate enforcement powers for unauthorised minerals working. The general policies and principles applicable to enforcement apply equally to minerals cases. Nevertheless, unauthorised minerals working sometimes poses particular enforcement problems, both in terms of the occasionally irremediable nature of the working and the speed at which damage can be caused. Certain of the new powers in the 1991 Act should therefore be helpful to mineral planning authorities (MPAs), to

prevent damage which would otherwise be virtually or totally irremediable, either to the site itself or to its surroundings.

20. It is clearly preferable for effective liaison and contacts between MPAs and minerals operators to be sufficiently good for contraventions of planning conditions to be avoided, and for any problems to be resolved through discussion and co-operation. In cases where formal enforcement proceedings are necessary, it is important to ensure that action is taken quickly. MPAs need to be able to stop an unauthorised activity as soon as it is detected. Examples are where a mineral operator is moving soil materials in contravention of clear planning conditions, so as to jeopardise the restoration and aftercare of the site; or where unauthorised excavation outside the permitted boundary causes irremediable damage, or endangers the safety and stability of the surrounding land. Section 183 of the 1990 Act (as amended by section 9 of the 1991 Act) enables a stop notice to be served at the same time as the copy of an enforcement notice; and section 184(3) (as amended) now enables a stop notice to take effect before the expiry of 3 days, or immediately, where special reasons justify it – for example to prevent irremediable damage. The planning injunction provisions of section 187B are also available in respect of unauthorised minerals development.
21. Further guidance on any more detailed aspects of enforcement of planning control over mineral working will be included, where necessary, in revisions to the relevant Minerals Planning Guidance Notes (MPGs).

The organisation of their enforcement functions by LPAS

22. How LPAs organise the administrative function of enforcing planning control is for each authority to decide. The organisation should correspond to the volume and complexity of enforcement casework in each LPA's area and be sufficiently flexible to adapt to short-term increases in the demand for enforcement. All authorities should ensure that there is a close and co-operative working relationship between the Planning Department and the Solicitor's (or Secretary's or Chief Executive's) Department. Without such an effective working relationship, formal enforcement action (which depends for its success upon speed of assessment and process) may be hampered by poor communications and misunderstandings. Public criticism is then likely, especially if statutory time limits for taking enforcement action are allowed to expire because of administrative delay. Unless they have done so recently, all LPAs are recommended to carry out a thorough review of the effectiveness of their procedural arrangements for planning enforcement; and, where necessary, to introduce revised arrangements.
23. When complaints about alleged breaches of planning control are received from parish or community councils, or members of the public, they should always be properly recorded and investigated. If the LPA decide to exercise their discretion not to take formal enforcement action, following a complaint, they should be prepared to explain their reasons to any organisation or person who has asked for an alleged breach of control to be investigated.

Enforcement Report/Activity

5. Since the 1 January 2011 there has been 235 complaints registered as of 30 June 2011. Of those, 104 cases have been closed based on a conclusion e.g. no breach, planning application approved, not expedient, time barred and breach remedied.
6. There have been 7 enforcement notices and 1 Listed Building Enforcement Notice served since the last reporting period and 4 enforcement appeals have been lodged. Currently no Breach of Condition Notice or Section 215 Notice has been served during this reporting period.

Enforcement Performance Figures September/December 2010

Cases Opened	235
Cases Closed	104

ACTIONS	
Enforcement Notices	7
Beach of Condition Notices	Nil
S215 Notices	Nil
Listed Building Enforcement Notice	1
Temporary Stop Notice	Nil
Stop Notice	Nil
Prosecutions (Notice non-compliance)	Nil
Prosecutions (Adverts)	Nil
PCN/S330/S16 Notices	5

APPEALS	
Enforcement Appeals Lodged	4
Enforcement Appeals Dismissed	1
Enforcement Appeals Allowed	Nil
Enforcement Appeals Withdrawn	Nil

Enforcement Action

- 1. Greytrex House, Tinwell Road Lane, Stamford (Use of 2 x annexes as separate living accommodation to main dwelling)** – Planning Inspectorate awarded partial costs to council. Appellant is unwilling to accept council's break down of costs. Order of the court being pursued by legal.
- 2. Grange Farm, Hougham (Car Boot Sales)** – Enforcement Notice served in connection with unauthorised use of land (car boot sales). Enforcement monitoring.
- 3. Land adj Hards Lane, Frognall (Storage building and 2 x container units)** – Enforcement appeal dismissed. Buildings now removed no further action, compliance with enforcement notice.
- 4. Mama Liz's Soul Shack, 9A North Street, Stamford (Use of part of restaurant for music events)** – Public Inquiry 2nd November 2010. Permitted use as restaurant with ancillary bar facilities. Currently establishment being used as a mixed use - restaurant and live music venue. Planning application now submitted and approved.
- 5. Land adj Fallows End, Stragglethorpe Lane, Fulbeck Lowfields (Traveller site)** – Public Inquiry regarding planning application refusal scheduled for 16 February 2011. Liaised with legal and appropriate documents for Injunctive proceedings have been presented to Counsel. Legal still collating further information regarding prosecution of the enforcement notice. Planning appeal – upheld. Appellant has submitted details to discharge planning conditions, no further action.
- 6. Black Bull, Lobthorpe (UPVC windows in Listed Building)** – non compliance with enforcement notice regarding unauthorised alterations to listed building. Documents with legal for prosecution. Further letter forwarded to owner requesting compliance.

7. **Café Black, Stamford (Canopy attached to Listed Building)** – Planning application refused. Enforcement Notice served. Appeal submitted by appellant to Planning Inspectorate, no starting date for appeal.
8. **New Fox Service Station, South Witham (Sale of motorhomes)** – Enforcement Notice served owners contest validity of notice. Planning Inspectorate confirm enforcement notice valid. Tenant has partially complied with enforcement notice. Further contact with land owner for full compliance with enforcement notice.
9. **Tallington Lakes, Tallington (Occupation of holiday caravans on permanent residential basis)** – a number of complex matters have been encountered at the caravan park. Legal seeking Counsel's advice on a number of issues at the site.
10. **38 Chapel Street, Haconby (Extension of garden cartilage)** – Enforcement Notice served and appeal received. Public Inquiry 18 October 2011.
11. **14 Berkeley Drive, Bourne (Fence)** – prosecution for non-return of Requisition for Information Notice prior to serving enforcement Notice regarding unauthorised fence.
12. **Odd House Farm, Holme Lane, Claypole (Use of agricultural building for livestock. Permitted use storage)** – Enforcement Notice served and appeal received. Planning Inspectorate confirmed appeal by written representation. Statement to be submitted by 18 July 2011.
13. **118 Fifth Avenue, Grantham (Fence)** – unauthorised fence. Enforcement Notice served compliance date 14 July 2011. Works have been undertaken and full compliance with enforcement notice.
14. **Land r/o Dr's Surgery, Station Street, Ripplingale (Caravan used for residential purposes)** – Enforcement Notice served and an appeal has been submitted. Public Inquiry 25 October 2010
15. **The Poplars, 19 Village Street, Gelston (House extension)** – Planning application refused and appealed. Enforcement Notice served compliance date 27 January 2012.
16. **The Workshop, Valley Lane, Long Bennington (Joinery workshop used for residential purposes)** - Wooden joinery building being used for residential occupation. Enforcement Officer collating information for service of enforcement notice.
17. **9 Wharf Road, Grantham (Erection of 2 x air conditioning units)** – Planning application refused. Enforcement notice served with compliance date 27 September 2011. Tenant in discussions with Enforcement Officer about relocation of air conditioning units..

S106 ENFORCEMENT REPORT - June 2011

There are approximately 141 Section 106 Agreements currently being monitored in various stages of compliance, part-compliance or breach. The following is a sample of the matters referred to Legal services:-

1. (10) S01/1182 - Old Station Yard, Station Road, Morton

Matter referred to Legal Services. Commuted sum of £40,000 Affordable Housing contribution remains unpaid. Developer maintains the contribution has been paid, but SKDC have no conclusive record of payment. Developer has been asked to provide proof of payment. Legal Services wrote to the Developer on 19.05.11. Developer has changed Banks and is checking records with previous Bank. 02.06.11 Consideration being given to issuing proceedings in the High Court.

2. (62) S99/1156 - Manthorpe Road, Grantham (Langford Gardens)

Matter referred to Legal Services. Commuted sum of £100,000 Affordable Housing contribution unpaid. No response received to various letters. Consideration being given to issuing proceedings in the High Court.

3. (28) S03/0506 & S03/0613 Southfield Business Park, Bourne

Matter referred to Legal Services. Inadequate space left for LEAP on site. Well Head Fields/Bourne Recreation ground suggested as suitable alternative site. Deed of Variation required. 21.04.11 Developer has passed the matter to their Solicitors regarding the Deed of Variation. Legal Services awaiting response from Planning Officer to proposals received.

4. (63) S99/1172 Manor and Walnut Farm, Tallington

Matter referred to Legal Services. Response received from Developer's Solicitors to our letter re non-refund of AH contribution (£25,000) requesting details of SKDC Policy at the time. Matter went to Committee on 4 January 2011. Refused. Decision sent out on 10 January 2011. Applicant has 6 months to appeal. Monitoring Officer check position on 10 July 2011.

5. (44) S05/0148 Land to the rear of 98/99 Westgate, Grantham

10.03.10 Monitoring Officer informed that this site had commenced and wrote to the Developer requesting payment of S106 contributions. Developer responded stating that stakeholder consultation was currently underway in respect of the proposed town centre redevelopment of Greyfriars and that they should not be unduly penalised for their public spirited attitude and would ask that the fees requested do not become payable until a decision to proceed or not to proceed is made by the Council. 26.04.11 Monitoring Officer discussed the position with Ian Yates. It was agreed to monitor the position pending commencement of development.

6. (25) S03/0024 Land R/O 113-135 Dysart Road, Grantham

Matter referred to Legal Services. Inadequate space left for LEAP on site. SKDC Healthy Communities Officer approved Wroxall Road as suitable alternative site. Deed of Variation required. 29.04.10 Developer paid £750 legal fees for Deed of Variation. Legal Services has drafted Deed of Variation. 16.12.10 Consultation Notice to be prepared by SKDC Healthy Communities Officer. SKDC Planning Officer to take matter to Committee for permission to vary S106 then instruct Legal Services to prepare DoV.

7. (22) S02/1169 - Springfield Road, Grantham

With the assistance of Legal Services, the balance of S106 contributions for Education and Play Equipment was received on 4 July 2011.

8. (43) S05/0107 – Land at Ermine Street, Ancaster

With the assistance of Legal Services, the outstanding Education contribution in the sum of £293,000 was received by Lincolnshire County Council Childrens' Services on 4 July 2011.

9. (83) S07/1323 – Wherry Yard, South Road, Bourne

The Education contribution in the sum of £160,382 has been paid direct to Lincolnshire County Council Childrens' Services by the Developer, Linden Homes (formerly Stamford Homes).

S106 MONIES IDENTIFIED FROM 1 Apr 2011 to 31 Mar 2012

S106 Ref No	Planning App Ref	Site Location	Amount	Received
(22)	S02/1169	Land off Springfield Road, Grantham (PE)	£4,432.50	04.07.11

TOTAL RECEIVED BY SKDC

£4,432.50

Other Monies paid direct to LCC

S106 Ref No	Planning App Ref	Site Location	Amount	Received
(22)	S02/1169	Land off Springfield Road, Grantham (EDU)	£14,777.00	04.07.11
(43)	S05/0107	Land at Ermine Street, Ancaster (EDU)	£293,000.00	04.07.11
(84)	S07/1323	Wherry Yard, South Road, Bourne (EDU)	£160,382.00	11.07.11

TOTAL PAID DIRECT TO LCC

£468,159.00

Recommendation

It is recommended that the Committee note the content of the report.