

# AGENDA



For a meeting of the
<b>DEVELOPMENT CONTROL COMMITTEE</b>
to be held on
<b>TUESDAY, 8 JANUARY 2013</b>
at
<b><u>1.00 PM</u></b>
<b>* PLEASE NOTE TIME OF MEETING *</b>
<b>(THE LATE REPORT WILL BE EMAILED TO MEMBERS ON THE FRIDAY BEFORE THE MEETING)</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

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

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

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

**1. MEMBERSHIP**

The Chief Executive to notify the Committee of any substitute members

**2. APOLOGIES**

**3. DISCLOSURE OF INTERESTS**

Members are asked to disclose any interests in matters for consideration at the meeting

**4. MINUTES OF MEETING HELD ON 18TH DECEMBER 2012**

**(Enclosure)**

**5. PLANNING MATTERS**

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

**6. S11/2371 & S11/2372/LB - CAYTHORPE HALL, CAYTHORPE**

Report from Case Officer.

**(Enclosure)**

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

Report No. PLA969 by the Development Management Service Manager. **(Enclosure)**

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

## **PUBLIC SPEAKING**

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2011/12 meetings are:

<b>Meeting Date</b>	<b>Notification Deadline</b>
Tuesday 20 November 2012, 1pm	Monday 19 November 2012, 1pm
Tuesday 4 December 2012, 1pm	Monday 3 December 2012, 1pm
Tuesday 18 December 2012, 1pm	Monday 17 December, 1pm
Tuesday 11 December 2012, 1pm	Monday 10 December 2012, 1pm
Tuesday 8 January 2013, 1pm	Monday 7 January 2013, 1pm
Tuesday 5 February 2013, 1pm	Monday 4 February 2013, 1pm
Tuesday 5 March 2013, 1pm	Monday 4 March 2013, 1pm
Tuesday 26 March 2013, 1pm	Monday 25 March 2013, 1pm
Tuesday 23 April 2013, 1pm	Monday 22 April 2013, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers' presentations. There is a time limit of 10 minutes for each speaker.

## **ORDER OF PROCEEDINGS**

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
  - a. District Councillors who are not Committee members
  - b. Representative from town/parish council
  - c. Objectors to an application
  - d. Supporters of an application
  - e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 18 DECEMBER 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Ashberry  
Councillor Cook  
Councillor Higgs  
Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor King  
Councillor Morgan  
Councillor Parkin

Councillor Powell  
Councillor Mrs Judy Smith  
Councillor Jacky Smith  
Councillor Stevens  
Councillor Adam Stokes  
Councillor Mrs Brenda Sumner  
Councillor Wilkins (Chairman)  
Councillor Wren

## OFFICERS

Head of Development and Growth (Mark Williets)  
Development Management Service Manager (Pat Reid)  
Principal Planning Officer (Justin Johnson)  
Area Planning Officers (Nigel Bryan, Paul Milne and Louise Parker)  
Systems Support Officer (Gavin Hutchinson)  
Committee Support Officer (Malcolm Hall)  
Solicitor (Paul Rushworth)

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## 65. DISCLOSURE OF INTERESTS

Councillor Wilkins disclosed an interest in application S12/2555, as he was employed by a firm involved with the application. He had no personal involvement, but the firm did.

## 66. MINUTES OF MEETING HELD ON 4TH DECEMBER 2012

The minutes of the meeting held on 4<sup>th</sup> December 2012 were accepted as a correct record of decisions taken.

*(As the electronic voting system was inoperative, the voting on this minutes was by a show of hands).*

*(The electronic voting system was in operation for all subsequent votes).*

*(1.05pm – Councillor Ashberry entered the meeting).*

## **67. PLANNING MATTERS**

*Decision:-*

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

### PJM1

Application ref: S12/2727

Description: Demolition of Dutch Barn and Nissen Hut, conversion of former barn to 2 dwellings, erection of 3 bay detached garage and erection of detached dwelling.

Location: Oak Farm Barns, church Street, Harlaxton,  
Grantham,NG32 1HB

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Carol Harris – Chairman of Harlaxton Parish Council  
Nigel Lee – supporting

*(1.25pm – Councillor Morgan entered the meeting).*

Mike Sibthorp – agent on behalf of the applicant

together with no objection from Planning Policy, Highway Authority, Environmental Health, Natural England, Lincolnshire Wildlife Trust or Upper Witham Internal Drainage Board, comments from Lincolnshire Heritage, objections from the Parish Council, objections from the Conservation Officer and representations from nearby residents; late information report emailed to all Members before the meeting, including additional correspondence from the Parish Council, further letter from the agent in support, report of site inspection and comments made by Members at the meeting.

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

The application site is located within the historic core of the Harlaxton Conservation Area and comprises a group of redundant farm buildings, some

traditional and of late C18/early C19 construction and others dating from the mid C20.

Two unsightly twentieth century structures on the front/eastern part of the site, a Dutch barn and a Nissen hut, are to be removed and replaced with a detached dwelling. The Dutch barn and Nissen hut are modern, unsympathetic structures and their removal would represent an enhancement of the scene on this important approach to the parish church and restore the openness of the site frontage.

It is considered that the principle of development in this location where there is no evidence of any previous building/s prior to the mid-twentieth century Nissen hut and Dutch barn being erected and where the openness of this part of the site is important to the character of street scene in this part of the conservation area, being the principal approach to the parish church would neither conserve or enhance the character of the conservation area. Furthermore it is considered that the erection of a new dwelling on this site would have an adverse impact on the setting of the nearby listed buildings.

Accordingly the proposal is considered to be contrary to sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy

#### LDPP1

Application ref: S12/2613/FULL

Description: Application under section 73 of the Town and Country Planning Act 1990 to allow for the Variation of Condition 3 of S98/0558 (to extend delivery hours)

Location: Asda Store, Union Street, Barrowby Road, Grantham.

Decision: Approved

Noting no objection from the Highway Authority, comments from Environmental Protection and comment from a nearby resident; late information report emailed to all Members before the meeting, including a note of 5 further letters of objection (88 neighbours being consulted) and a note from Environmental Protection in relation to complaints, report of site inspection and comments made by Members at the meeting.

It was proposed that the application be approved, subject to a number of amended conditions, which were read to the Committee by the proposer. This proposition was seconded, subject to proposed condition 4 (in relation to reversing alarms) being amended by the deletion of the words "not cause a

nuisance” and the substitution of the words “be disabled”. This amendment was accepted by the proposer.

Members commented on the poor arrangement of the loading bay at the store, and it was agreed that the Development Management Service Manager would write to the owners asking them to seriously consider improvements.

It was further suggested that in order to reduce the likelihood of complaints about noise in the yard that proposed condition 3 be amended to restrict the movement of pallets or pallet trucks as well as product cages between certain hours. This was accepted by the proposer and seconder.

On being put to the vote the proposition as amended was agreed, and the application was approved, subject to the following conditions:-

1. The revised delivery hours referred to are 06.30 to 22.00 Monday to Saturday and 07.30 – 18.00 Sundays and Bank Holidays, for a period of 52 weeks from the issue of this approval.
2. At no time during the delivery shall the delivery vehicle remain stationary with its engine and refrigeration unit idling whilst waiting to unload, undertaking a delivery or whilst its delivery is being off loaded.
3. No product cages, or pallets or pallet trucks (full or empty) shall be moved across the outside yard area between the hours of 9pm and 7am Monday to Saturday and 9pm and 7.30am Sundays and Bank Holidays.
4. Reversing alarms on vehicles making deliveries to the store shall be disabled. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices, or a person at the rear warning of a reversing vehicle shall be used instead.
5. The applicant and his delivery drivers shall have regard and advice from the “Quiet Deliveries Demonstration Scheme” prepared by the Department of Transport (May 2011).

NB1

Application ref: S12/2528/RM

Description: Erection of petrol filling station (reserved matters application pursuant to S12/0222)

Location: Land at, South Road, Bourne.

Decision: Approved

Noting no objection from Bourne Town Council or Thurlby Parish Council, comments from Lincolnshire Heritage and no objection from Natural England, together with representations from nearby residents, 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 to the following conditions:-

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

L5/455/33 rev C  
L5/455/34 rev A  
L5/455/35 rev A  
L5/455/36 rev B  
L5/455/37 rev A

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the operation of the petrol filling or in accordance with the programme agreed with the local planning authority.
3. The lighting scheme as submitted by Hilclare Lighting Manufacturer shall be built as approved and no changes shall be allowed to it, without planning permission first having been obtained, which would increase illuminance levels.

Note(s) to Applicant

1. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
2. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m<sup>3</sup> Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
3. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also 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.

NB2

Application ref: S12/2504/OUT

Description: Section 73 application to remove Condition 4 of Outline Permission S12/0222/OUT, to allow 24 opening of the petrol filling station

Location: Land at, South Road, Bourne

Decision: Approved

Noting comments made during the public speaking session from:-

Mr M Stanojevic – applicants

together with no objection from Bourne Town Council and an objection from Thurlby Parish Council, comments from Lincolnshire Heritage and Environmental Protection and a number of objections from nearby residents; late information report emailed to all Members before the meeting, including amendments to proposed conditions 1 and 2, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the conditions in the report, as amended by the late report.

Following further discussion in regard to lighting of the premises, and the effect on local residents and wildlife, a suggested variation to condition 3 was made and agreed by the proposer and seconder.

Members expressed concern at the possible unrestricted use of the shop and kiosk at unsociable hours, with the potential for anti-social behaviour resulting, and a Member asked if the kiosk at the filling station would sell takeaway food and alcohol. Exceptionally, the Chairman allowed the applicant to speak, and he confirmed that this would in fact be the case, although the licence (when applied for and granted) would restrict alcohol sales.

Before the proposition was put, the Chairman confirmed that it would be subject to the conditions in the report as amended in the late report and also the amendment agreed above in regard to lighting.

The proposition was then put to the vote and the application was approved, subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from 02 May 2012 or two years from the approval of the last of the reserved matters, whichever is the later.
2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from 02 May 2012:
  - (a) layout;
  - (b) scale;
  - (c) appearance; and
  - (d) landscaping.

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

3. When an application is submitted for the approval of reserved matters it shall be accompanied with a plan identifying the means of lighting that shall minimise the impact on persons and wildlife, for the development as well as indicate how long the lighting will be turned on. The lighting scheme is to be approved by the officers prior to the commencement of development and shall be subject to the approval of the Petroleum Officer.
4. The premises can be used for petrol and kiosk sales only with unrestricted hours of operation; however, outside the hours of 06:00 - 23:30 no petrol deliveries are allowed and ancillary equipment including the jet wash, car wash and car vac shall be restricted.
5. The recommendations contained in the submitted 'Riparian Mammal Survey', 'Reptile Survey' and 'Extended Phase 1 Habitat Survey' undertaken by delta-simons shall be implemented, unless otherwise agreed in writing with the Local Planning Authority.
6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
7. All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

8. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.
9. Before the petrol station is brought in to use the roads and/or footways providing access to the building, 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. Details of the roads and/or footways shall be submitted to and approved in writing and clearly demonstrate how pedestrians and cyclists will be accommodated within and around the scheme.

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).

10. 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 visibility splays indicated on drawing number L5/455/21 B dated 12 March 2012 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.
11. Before any unit is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.
12. When the application is made for approval of 'Reserved Matters' that application shall show details of the arrangements of the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.
13. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.
14. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

L5/455/20 rev A  
L5/455/21 rev B  
L5/455/22 rev B

Note(s) to Applicant

1. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
2. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m<sup>3</sup> Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
3. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also 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.

AH1

Application ref: S12/2875/HSB  
Description: Erection of single storey side and rear extensions  
Location: 10 Glen Crescent, Stamford, Lincolnshire, PE9 1SW  
Decision: Approved

Noting no comments from the Heritage Trust of Lincolnshire 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 to the following conditions:-

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

2. The development shall be undertaken in strict accordance with the details shown on the following approved drawing numbers :-

Location Plan (Scale 1:1250) received on 7 November 2012  
Existing Layout Plan (Scale 1:200) received on 13 November 2012  
Proposed Layout Plan (Scale 1:200) received on 13 November 2012  
Existing Layouts (Scale 1:50) received on 7 November 2012  
Proposed Layouts (Scale 1:50) received on 7 November 2012

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

#### 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.

#### LDPP2

Application ref: S12/2734/FULL

Description: Erection of storage unit, 2.4m high gates and fencing and replace flat porch roof with mono pitch.

Location: 9 Ruston Road, Grantham, Lincolnshire, NG31 9SW

Decision: Approved

Noting no objection from the Highway Authority and comments made by Members at the meeting.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The storage unit hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this permission.
3. The storage unit shall be used for the purpose hereby permitted and for

no other purpose.

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. BB/M/12/001 received 22 October 2012

Design and Access Statement revised 5 November 2012 received 6 November 2012

*(The meeting adjourned from 3.12pm to 3.32pm).*

### JJ1

Application ref:	S06/1151/MJNF
Description:	Non food retail development (6 units) with associated parking, servicing and access.
Location:	Former Mirlees Blackstone Site, Uffington Road, Stamford
Decision:	Approved, subject to the Secretary of State not calling in the application, and to a Section 106 agreement.

The Case Officer, in introducing the application, gave a lengthy history of the consideration of the application, which was set out in detail on pages 34 and 35 of the report. He reminded the Committee that the application had been approved in 2008, but following a successful application by Stamford Chamber of Trade and Commerce for a judicial review of the decision, the planning consent had been quashed for the reasons set out at the top of page 35 of the report. Following the Court's decision, the application was now reported back to the Committee for re-determination. Details of the original scheme were set out on page 35, as were details of an amended scheme submitted since the Committee's last consideration and following the quashing of the decision by the High Court. The Case Officer also referred to a table of figures in relation to sensitivity test 2, set out on page 67 of the report, and circulated amended figures to Members present.

*(3.45pm – Councillor Mrs Kaberry-Brown left the meeting).*

The Committee noted comments made during the public speaking session from:-

Timothy Lee – President, Stamford Chamber of Trade and Commerce

Trade and Egerton Gilman – Committee Member, Stamford Chamber of  
Commerce  
Anthony Ferguson – applicants

together with comments from the consultation undertaken as a result of the amended scheme from Stamford Town Council, no objection from the Environment Agency, Natural England, Environmental Protection, Highways Agency, Highway Authority and Heritage Lincolnshire, comments from the Planning Policy Team and the Consultant Arboriculturalist and representations from local residents, together with objections from Stamford Chamber of Trade and Commerce and detailed comments from Martin Tonks and several letters from Wedlake Bell on behalf of the Chamber and comments from Delaine Buses Ltd and Savills, lengthy officer observations on all issues raised, in regard to retail impact, access and highway safety, design and layout and impact on wildlife, together with a note of the Section 106 Heads of Terms; late information report emailed to Members prior to the meeting, including a note of an additional letter of objection from a local resident and an additional letter (in full) from Wedlake Bell on behalf of the Chamber of Trade and Commerce, together with comments made by Members at the meeting.

*(4.20pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).*

It was proposed and seconded that the application be approved.

*(4.48pm – Councillor Wren left the meeting).*

*(4.50pm – Councillor Higgs left the meeting).*

*(4.52pm – Councillor Higgs returned to the meeting).*

The Case Officer advised Members that on page 71, in the second bullet point, the figure of 2,083 should be 2,803. He also clarified that the recommendation was as shown on page 77, and subject also to a Section 106 agreement in order to secure the necessary implementation of a bus service of a minimum 3 year period.

On being put to the vote, the proposition was agreed, and the application was approved, with authority delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the summary of reasons set out in the Case Officer's circulated report, and subject to the application not being called in by the Secretary of State, to the completion of a Section 106 agreement in order to secure the necessary implementation of a bus service of a minimum 3 year period, and to the following conditions:-

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

2. No development shall take place 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 development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas of fifty car parking spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained.
5. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - a) all previous uses
    - b) potential contaminants associated with those uses
    - c) a conceptual model of the site indicating sources, pathways and receptors
    - d) potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action.

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

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the local planning authority, for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
8. No development shall take place until details of any external lighting have been submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.
9. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:  
  
Proposed Site Layout Plan: Ref A1A00037 A(PL) 01-101 Rev B  
Proposed Elevations: Ref A1A00037 A(PL) 01-200  
Part Typical Elevation: Ref A1A00037 A(OO) 01-201  
Proposed Site Section AA and BB: Ref A1A00037 A(PL)01-202  
Landscape Masterplan: Ref SF1412 LL01 Rev D  
Tree Protection Plan: Ref SF1412 TPP01 Rev B  
Proposed Roundabout: Ref 10-257-TR-009 Rev A  
Proposed Bus Layby : Ref 10-257-TR-011  
proposed Pedestrian Crossing: Ref 03/332/100/013 Rev A
10. The buildings hereby approved shall not be occupied until a new four arm roundabout on Uffington Road (as indicatively shown on drawing ref 10-257-TR-009 Rev A) has been implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

11. Development shall not commence until details of the proposed bus stop together with all ancillary works on Uffington Road have been submitted to and approved in writing by the local planning authority; and the buildings hereby approved shall not be occupied until the bus stop has been provided in accordance with the approved details.
12. Development shall not commence until details of a pedestrian crossing facility on Uffington Road together with all necessary ancillary works as indicatively shown on drawing number 03/332/100/013A have been submitted to and approved in writing by the local planning authority; and the buildings hereby approved shall not be occupied until the pedestrian crossing facility has been provided in accordance with the approved details.
13. Prior to commencement of first use of each unit the road and/or footways providing service access to that unit for the whole of its frontage from an existing public highway shall be constructed to a specification to enable them to be adopted as highway 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 occupation is commenced of the penultimate unit.
14. Prior to the buildings hereby approved been occupied all objects exceeding 0.6 metres high shall be removed from the vision splays as indicated on drawing number 10\_257\_TR\_009 Rev A dated 21 March 2012, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6metres in height.
15. No development shall take place until the detailed design for the arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved arrangements.
16. No development shall take place until details of the provision of parking/turning/manoeuvring/loading/unloading areas for vehicles have been submitted to and approved in writing by the local planning authority.
17. Development shall not commence until an updated Framework Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

18. No development shall take place until all existing trees to be retained as part of the development as shown on the approved plan (ref SF1412 Tpp01 Rev B) have been fenced off to the limit of their branch spread, or as otherwise approved in writing by the local planning authority. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these fenced areas. The tree protection measures shall comply fully with the guidelines and recommendations set out in the Arboricultural Survey Report submitted on 27 February 2012.
19. No development shall take place until details indicating the position, design, materials and type of boundary treatment to be erected together with a timetable for their provision has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
20. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
21. No development shall take place until details of any new hard surfaces to be installed inside the root protection areas of any retained trees has been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that the hard surfaces will be constructed using the no-dig method of construction as described in Arboricultural Practice Note 12.
22. The total net sales floorspace for the development hereby approved shall be restricted to a maximum of 4,576 sq m.
23. The total net sales non-bulky comparison goods floor space shall be restricted to 2,803sq m (clothing, footwear, glassware, chemists goods, jewellery and other personal effects, sports equipment, games, toys and hobbies, books, pets and pets products, small electrical appliances, chinaware and kitchenware, perfume goods, toiletries, stationary,

fashion accessories and soft furnishings).

24. The total net sales bulky comparison goods floor space shall be restricted to 1,773 sq m (furniture, floor-coverings, DIY and decorating goods, garden supplies, office equipment and supplies, motor accessories, bicycles, electrical and gas goods and appliances, audio visual equipment).
25. The minimum retail unit size shall be restricted to 465sq m gross.
26. The retail units hereby permitted shall only be sub-divided in accordance with the approved plans and there shall be no further sub-division of the units without an express grant of planning permission by the local planning authority.
27. No development shall take place until details of a scheme for the mitigation of the ecological impacts of the development and enhancement of habitat creation have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the recommended enhancement measures as set out in section 4.4 and 5.0 of the Ecology Report (rev A) undertaken by Smeeden Foreman dated October 2011. The development shall then be carried out in strict accordance with the approved scheme.
28. The premises hereby permitted shall be used for the sale of non-bulky and bulky comparison goods only and for no other purpose (including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
29. The premises hereby permitted shall not be used for the sale of food and convenience goods (food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals, non-durable household goods) without an express grant of planning permission by the local planning authority.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
2. prior to commencement of the permitted development a Section 278 Agreement of the Highways Act 1980 shall be entered into with the local highway authority Lincolnshire County Council to provide a four arm

roundabout and bus stops and pedestrian crossing facilities together with all drainage, lighting and necessary ancillary works.

3. This permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to drainage may need to be submitted on request for approval of the Lead Local Floods Authority and any amendments to the approved scheme shall subsequently be implemented before occupation of the first unit of the phase to which this permission relates.
4. Your attention is drawn to the attached letter from the Environment Agency dated 05 November 2012 which provides additional information in relation to the details to be submitted for the conditions outlined above.

*(5pm – the Chairman, Councillor Wilkins, left the meeting, having declared an interest).*

*(5pm – Councillor Cook left the meeting).*

*(The Vice-Chairman, Councillor Parkin, was in the Chair for this item).*

JJ2

Application ref: S12/2555/DC

Description: Approval of details relating to Condition 11 (landscaping) for application S11/2953

Location: Land off, Burghley Street, Bourne

Decision: Approved

Members noted the comments from the Case Officer that there was no requirement on the original consent for this area to have any element of grasscrete. He suggested that this application, which was only for the discharge of a condition, could be approved, and that a fresh application be submitted by the appropriate officers for temporary parking on this space, at which time surfacing could be considered.

*(5.05pm – Councillor Mrs Brenda Sumner left the meeting).*

*(5.20pm – Councillor Stevens left the meeting).*

It was proposed and seconded that the application as submitted be approved, and that as a separate issue, appropriate officers be requested to submit an application for the use of the space for temporary car parking, with appropriate surfacing.

*(5.25pm – Councillor Howard left the meeting).*

*(5.25pm – the Chairman, Councillor Wilkins, returned to the meeting).*

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

The Development Management Service Manager submitted his report PLA968 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers. A planning appeals update/summary as at 3<sup>rd</sup> December 2012, and copies of appeal decisions was also submitted, together with a table showing planning applications performance as at November 2012.

*(5.32pm – Councillor Powell left the meeting).*

**69. CLOSE OF MEETING**

The meeting closed at 5.34pm

# Agenda Item 5

**COMMITTEE: 8 January 2013**

	<b>NO</b>	<b>PAGE</b>	<b>PROPOSAL AND LOCATION</b>	<b>REC</b>
SB1	S12/3053	1	Erection of sub-station and external works Land to north of Wherry's Lane, Burghley Street, Bourne	AC
PJM1	S12/1715	7	Temporary change of use of former police station building to administrative facility ancillary to Grantham College, external alterations to modern extensions and addition of broadband antenna to outbuilding Stonebridge House, St Catherine's Road, Grantham, NG31 9DD	AC
PJM2	S12/1716	15	External alterations to building and erection of antenna Stonebridge House, St Catherine's Road, Grantham, NG31 9DD	AC
PJM3	S12/2935	22	Ground floor extension to rear 12 Brittain Drive, Grantham, NG31 9JT	AC
LDPP1	S12/3050	27	Erection of single storey rear extension to dwelling 64 Shakespeare Avenue, Grantham, NG31 9NW	AC
RV1	S12/2502	32	Felling of sycamore tree in two stages (50% reduction by November 2012); stage 2 removal of remainder – 232 – Stamford New Cross Road Order 91 New Cross Road, Stamford, PE9 1AL	A

Applicant	<b>Lee Goodale, South Kesteven District Council</b> Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	Neil Connett, Wm Saunders Partnership LLP Sheppard Lockton House, Cafferata Way, Newark, NG24 2TN
<b>Proposal</b>	<b>Erection of sub-station and external works</b>
<b>Location</b>	<b>Land to north of Wherry's Lane, Burghley Street, Bourne</b>
App Type	Full Planning Permission
Parish(es)	Bourne
Reason for Referral to Committee	The application has been referred to the Development Control Committee as the Council is the applicant.
Recommendation Summary	<p>The application is for the erection of an electricity sub-station. It is considered that the proposal would be sited in a suitable location that would not prejudice the second phase of the redevelopment of the Wherry's Lane area approved under planning permission reference s11/2593. It would utilise a turning head that has been previously approved under that permission. The site is located adjacent to the Bourne Conservation Area and, due to the design, scale and materials proposed; it would preserve the character and appearance of the Conservation Area. The sub-station would be viewed in the context of the existing single storey funeral services building and garage blocks that are located to the rear of properties on North Street. The proposal will help facilitate the Wherry's Lane scheme that is a key part of the Bourne Core area redevelopment.</p> <p>The proposal would be in accordance with the National Planning Policy Framework, Core Strategy policy EN1, the adopted Bourne Conservation Area Appraisal and Management Plan, the emerging Site Allocation and Policies DPD policy SAP9 and the Bourne Town Centre Redevelopment SPD.</p> <p>In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.</p>

**Key Issues**

- Impact on Conservation Area
- Impact on Future Phases of Redevelopment
- Highway Safety

**Technical Documents Submitted with the Application**

- Site Plan, Location Plan and Elevations

## **REPORT**

### **Application Category**

This application is categorised as a minor application.

### **Reason for Referral to Committee**

The application has been referred to the Development Control Committee as the Council is the applicant.

### **The Proposal**

The application is for the erection of an electricity sub-station to supply electricity to the first phase of the Wherry's Lane redevelopment project. The redevelopment scheme comprises the conversion of an existing four storey seed mill into apartments and the reconstruction of Wherry's Lane into a shared use through-route, alongside which is proposed a row of shops with apartments above. The sub-station would be 4m by 4m square in footprint and would have a pitched roof to a ridge height of 4m. It would be faced in red brick to match the new retail/residential units. It would have grey Eternit style slate roof materials. Doors would be low maintenance GRP or hardwood with painted steel louvers. Rainwater goods would comprise black UPVC rainwater gutters and downpipes.

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

The site comprises a small area of land to the north of Wherry's Lane sufficient in size to house the sub-station and access to it. It falls within the overall site approved under S11/2953 but lies within Phase 2 of the redevelopment scheme. The application site and surrounding land was previously an unattractive under-utilised backwater located behind the main historic frontage buildings on North Street. The main buildings of merit are Wherry's Mill, which is four storey and presents a prominent landmark feature in the town centre, and the single storey funeral services buildings. Both are positive unlisted buildings in the Bourne Conservation Area. The area is linked to the North Street via a pedestrian route along Wherry's Lane. The site is located adjacent to the Bourne Conservation Area.

### **Relevant Site History**

S11/2953 - Demolition of all buildings on site (except mill building which is to be retained and refurbished) and redevelopment of site to create 7 retail units at ground floor level (Use Classes A1, A2, A3) 4 new apartments in refurbished mill building and 10 new build apartments at 1st/2nd floor over new retail space. Future Phase 2 land is to be grassed and landscaped. The proposal includes alterations to the adjacent Burghley Street car park. Work has commenced on site with site clearance having been undertaken.

## **Policy Considerations**

### National Planning Policy Framework (2012)

Section 1 Building a strong, competitive economy  
Section 7 Requiring good design

### East Midlands Regional Plan (2009)

Policy 2 Promoting Better Design  
Policy 3 Distribution of New Development  
Policy 4 Development in the Eastern Sub-area

### South Kesteven Core Strategy (2010)

Policy SP1 Spatial Strategy  
Policy EN1 Protection and Enhancement of the Character of the District

South Kesteven Bourne Town Centre Redevelopment Supplementary Planning Guidance (2009)

Emerging South Kesteven Site Allocation and Policies Development Plan Document (2011)

Policy SAP9 Bourne Core Area

## **Representations Received**

### Lincolnshire County Council

No representations received at the time of writing this report.

### Bourne Town Council

No comments received at the time of writing this report.

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

No representations received from local residents and businesses at the time of writing the report.

## **Officer Evaluation**

The emerging Site Allocations and Policies DPD policy SAP9 identifies the site as lying within the Bourne Core Area where planning permission will be granted for development schemes which will contribute to the Council's vision of comprehensive mixed use redevelopment of the area. The site is also included in the area covered by the Bourne Town Centre Redevelopment SPD that seeks to promote the comprehensive redevelopment of the North Street/Burghley Street area. The proposed sub-station would facilitate the implementation of the planning permission for the redevelopment of the Wherry's Lane part of Bourne Core Area. As the sub-station would be located in a discrete corner of the site, it would not prejudice the implementation of Phase 2 redevelopment.

The proposed sub-station would be located at the rear of existing outbuildings related to the Funeral Service business on Wherry's Lane. It would be a similar height to these buildings and the garage block at the rear of 19 North Street. These buildings are identified in the Bourne Conservation Area Appraisal and Management Plan as positive unlisted buildings in the Conservation Area. In view of the small size of the proposed sub-station, the quality of the proposed materials and its location adjacent to existing single storey outbuildings; it is considered that it would preserve the character and appearance of the Bourne Conservation Area.

The proposed sub-station is located at the end of a turning head that is indicated on the approved site layout plans for the Wherry's Lane redevelopment. The access area would lie at the head of the turning head. Subject to the views of Lincolnshire County Council Highways, the proposal would not prejudice access to the redevelopment site or have a detrimental impact on highway safety.

### **Crime and Disorder**

The development raises no significant crime and disorder implications.

### **Human Rights Implications**

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

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

### **SUMMARY OF REASONS FOR APPROVAL**

The application is for the erection of an electricity sub-station. It is considered that the proposal would be sited in a suitable location that would not prejudice the second phase of the redevelopment of the Wherry's Lane area approved under planning permission reference s11/2593. It would utilise a turning head that has been previously approved under that permission. The site is located adjacent to the Bourne Conservation Area and, due to the design, scale and materials proposed; it would preserve the character and appearance of the Conservation Area. The sub-station would be viewed in the context of the existing single storey funeral services building and garage blocks that are located to the rear of properties on North Street. The proposal will help facilitate the Wherry's Lane scheme that is a key part of the Bourne Core area redevelopment.

The proposal would be in accordance with the National Planning Policy Framework, Core Strategy policy EN1, the adopted Bourne Conservation Area Appraisal and Management Plan, the emerging Site Allocation and Policies DPD policy SAP9 and the Bourne Town Centre Redevelopment SPD.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

### **RECOMMENDATION:**

It is recommended that Members be minded to approve the application, subject to conditions, providing that no objection is received from Bourne Town Council.

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

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

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

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

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

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

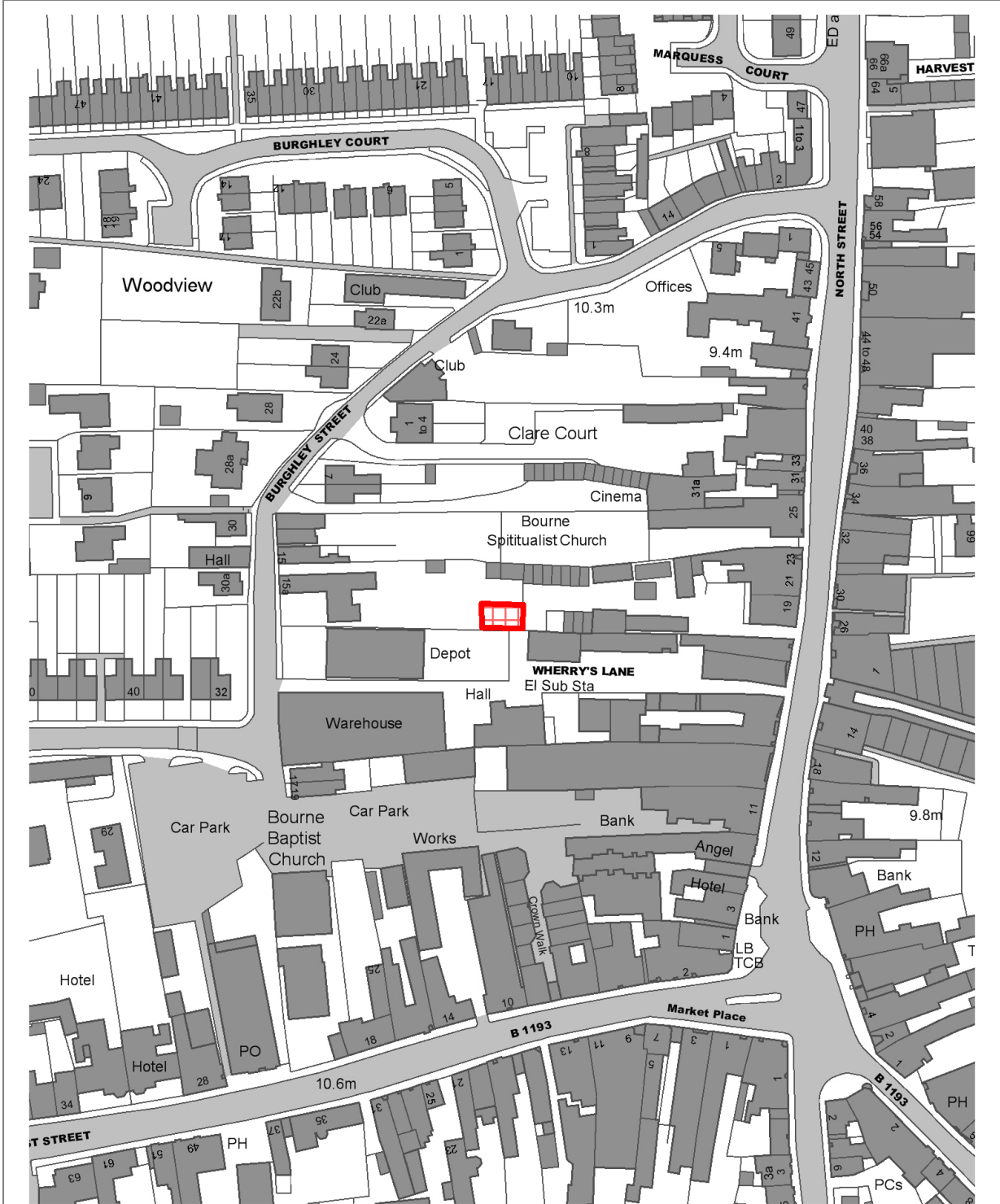
Site plan, location plan and elevations ref: 10464-(9)03 revA

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

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/3053</b>
Proposal	<b>Erection of sub-station and external works</b>
Location	<b>Land to north of Wherry's Lane, Burghley Street, Bourne</b>



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Applicant	<b>Mr D Boyden, Grantham College</b> c/o Agent
Agent	James Badley, R G & P 130, New Walk, Leicester, LE1 7JA
<b>Proposal</b>	<b>Temporary change of use of former police station building to administrative facility ancillary to Grantham College, external alterations to modern extensions and addition of broadband antenna to outbuilding</b>
<b>Location</b>	<b>Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD</b>
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee at the request of the Ward Member.
Recommendation Summary	Approve subject to conditions

### Key Issues

- Accordance with policy
- Impact on highway safety
- Impact on neighbouring residential amenity
- Visual amenity
- Heritage Impact
- Ecology

### Technical Documents Submitted with the Application

- Site Plan
- Block Plan
- Elevational Drawings
- Floor plans
- Design and Access Statement

## **REPORT**

### **Application Category**

This application is categorised as an Other application.

### **Reason for Referral to Committee**

The application is to be determined by the Development Control Committee at the request of the Ward Member.

### **The Proposal**

The proposal is for the re-development of the former Police Station site to include the temporary change of use (3 years) of the buildings to an administrative facility for Grantham College. As part of the scheme external alterations are proposed together with the erection of a broadband antenna to the outbuilding. The antenna measures 30cm x 30cm and is 12cm deep

External alterations include the creation of two new fire exits, one on the more modern extension to Stonebridge House and a further one on a detached workshop. The broadband antenna is to be fixed to the external street facade of the former stable block.

There is no change to the layout or scale of the buildings.

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

The application site comprises of the former Police Station. The 1.6ha site includes the Grade 2 listed Stonebridge House and outbuildings together with more modern additions.

The site is close to Grantham town centre and immediately south of the main Grantham College Campus on Stonebridge Road.

The buildings are set in extensive landscaped grounds including many mature trees. The main vehicle access is off St. Catherines Road, which adjoins the southern and eastern sides of the site. A secondary access is off Stonebridge Road.

### **Site History**

S07/0851 – Conversion of Stonebridge House and associated stables to 13 dwellings  
– Appeal for Non-Determination – Appeal Dismissed – 25th February 2009.

S07/0854 – Residential Development – Appeal for Non-Determination – Appeal Dismissed – 25 February 2009.

S07/LB/6805 - Conversion of Stonebridge House and associated stables to 13 dwellings – Approved 23 July 2008.

S12/1716 – External alterations to building and erection of antenna – Current application undetermined.

## **Policy Considerations**

### South Kesteven Core Strategy

Policy EN1  
Policy E1  
Policy SP1

### National Planning Policy Framework

Section 1 (Building a strong, competitive economy)  
Section 4 (Promoting sustainable transport)  
Section 7 (Requiring good design)  
Section 11 (Conserving and enhancing the natural environment)  
Section 12 (Conserving and enhancing the historic environment)

## **Representations Received**

### Planning Policy

It is understood that the application relates solely to Stonebridge House with outbuildings and modern extensions and not to the wider site which previously formed the overall site of the former police station. There is an extant listed building consent for the conversion of Stonebridge House and historic outbuildings to 13 apartments which expires on 22 July 2013.

Policies E1 of the adopted South Kesteven Core Strategy July 2010 and Policy TOC1 of the Grantham Area Action Plan Submission document October 2011 seek to encourage new office development in existing centres. On the face of it the proposal would therefore be contrary to these policies. However, as the previous use of Stonebridge House and associated buildings was as a police station which will have included a significant office element, it is likely to be difficult to make a case for resisting the proposal on these grounds.

In light of the college acquiring the site, Stonebridge House is no longer included in the five year housing land supply figures that have been updated following the GAAP hearings. Even if the site were to remain as a housing allocation in the GAAP following examination, I don't think we would object to any proposals that sought to enhance and improve facilities at the college.

### Conservation Officer:

No objection to the application.

### Lincolnshire Heritage

Notes that no recognised archaeological features of interest would be affected by the proposed development.

### South Kesteven Arboriculturalist:

No objection

### Lincolnshire County Council

As Highway Authority, does not object to the application, subject to a condition.

### Natural England

No objection. The authority should consider requesting enhancements in relation to bats and great crested newts. For the latter, this may be in the form of new water bodies and suitable terrestrial habitat.

### Lincolnshire Wildlife Trust

Has no objections.

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 2 November 2012. As a result of the consultation 1 representation has been received. A summary of the objections received is reproduced below.

- What would be the impact of any decision on the original historic building?
- Changes need to be approved by English Heritage
- The future of the extensive grounds as well as the buildings are of key concern
- It is vital to protect the ecosystem of the site which provides a green island.
- Ecological assessments should be provided
- The building and street scene are of particular importance to the Conservation Area
- Parking facilities in the area are problematic
- The recent 54 apartment block approval on the corner of Dudley Road/ St. Catherines Road will further add to on-street parking problem in the area.
- The Stonebridge House site should provide an ideal opportunity to help resolve an existing parking problem
- Site should remain secure from trespass until appropriate survey works are completed.

## **Applicant's submission**

The building has been empty for some time and efforts to find an alternative use have failed due to the recession. The college needs temporary accommodation to continue its expansion plans and the site is ideally located across the road from its main campus in Grantham.

The temporary use is required for 3 years. The reason for this is that the college is looking to put together a scheme for the whole site and needs to factor in the time for drafting a scheme, getting planning consent, and securing funding. Any less than 3 years is too much of a risk in this context, and should avoid the need to apply again for a temporary consent.

I can clarify the parking situation as follows:

- No student parking access
- No general visitor parking access

- Staff parking: up to 10 spaces required, mostly for the college's estates staff who will be re-based at the site; the classrooms indicated on the plans are not for fulltime usage, such that only 2 or 3 teaching staff might be expected to park at the site. The figure of 10 will also be sufficient to allow for 1 or 2 visitors related to the college's plans for the site, such as specialist contractors and consultants.
- Existing parking arrangements left by the police are to be used.
- Stone Bridge Road is the only point of access: the access to St Catherine's Road will remain closed off.

## **Officer Evaluation**

The site has been vacant since 2007 and the grounds and the buildings sited within are falling into disrepair. The applicants have stated that the site has been marketed for some time without a successful response.

The applicants are seeking the temporary use of the site (3 years) for admin purposes in relation to the Collage use whose main campus is adjacent. The authority considers that this is an acceptable re-use of the site being in such close proximity to the educational facilities adjacent. Furthermore there is no objection from Planning Policy in relation to this new use.

Due to the existing office-like layout within there are no internal alteration required. The main alterations consist of the creation of two new fire exits. It is considered that due to the works being of such a minor nature minor and being carried out on the more modern element of the building that there will be no adverse impact on the character of the listed building.

Although the proposed antenna is to be affixed to the old stable due to the small nature of the equipment and its method of fixing it is not considered that this will impact adversely on the structures historic fabric. Further consideration of these structural changes has been carried out as part of the assessment of the listed building application (S12/1716/LB).

A representation has been received that asks the authority to look at the ecological impacts of the proposal, particularly in terms of the impact on trees and protected species.

The site benefits from the presence of many mature trees, many of which are protected by a Tree Preservation Order. A tree survey has not been requested from the applicant as the proposed works do not involve operations which are considered to put any of the existing trees at risk. No objection has been received from the Arboriculturalist.

In relation to Protected Species, the response from Natural England was their standing advice which requires the officer to follow a matrix in order to determine what potential impacts there may be or what surveys are required. Again in relation to the nature of the minor works proposed it was determined that a Protected Species Survey was not required and furthermore, that the proposed use will not impact adversely on the existing habitat.

The Highway Department do not consider that the proposal will impact adversely on parking or highway safety in the area, requesting a condition requiring that the access from St. Catherines Road shall remain closed.

The application should be considered accordingly in that the change of use and associated works would secure the future of the buildings without, subject to conditions, being detrimental to the historic fabric of the listed building, ecology or highway safety. As a result, it is recommended that the application be granted permission subject to appropriate conditions.

## **Crime and Disorder Implications**

The application will not raise any significant issues.

## **Human Rights Implications**

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

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

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

It is considered that the proposal is a suitable re-use of a site that has been vacant for a considerable time. The works are relatively minor and will help secure the long term future of the buildings and its surroundings.

It is not considered that the proposal would raise any significant issues with regard to impacts on the character of the listed building, ecology, parking or highway safety. Subject to conditions the proposal would not be detrimental to highway safety. The proposal is, therefore, deemed to comply with guidance contained in Sections 1, 4, 7, 11 and 12 of the National Planning Policy Framework and policies EN1, E1 and SP1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

1. The use hereby permitted shall be discontinued on or before 8th January 2016.

Reason: For the avoidance of doubt.

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

Drawing Reference: 7704/001 Rev A dated 25th September 2012

Drawing Reference: 7704/002 dated 25th September 2012

Drawing Reference: 7704/003 dated 25th September 2012

Drawing Reference: 7704/007 Rev A dated 25th September 2012

Drawing Reference: 7704/009 dated 25th September 2012

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

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

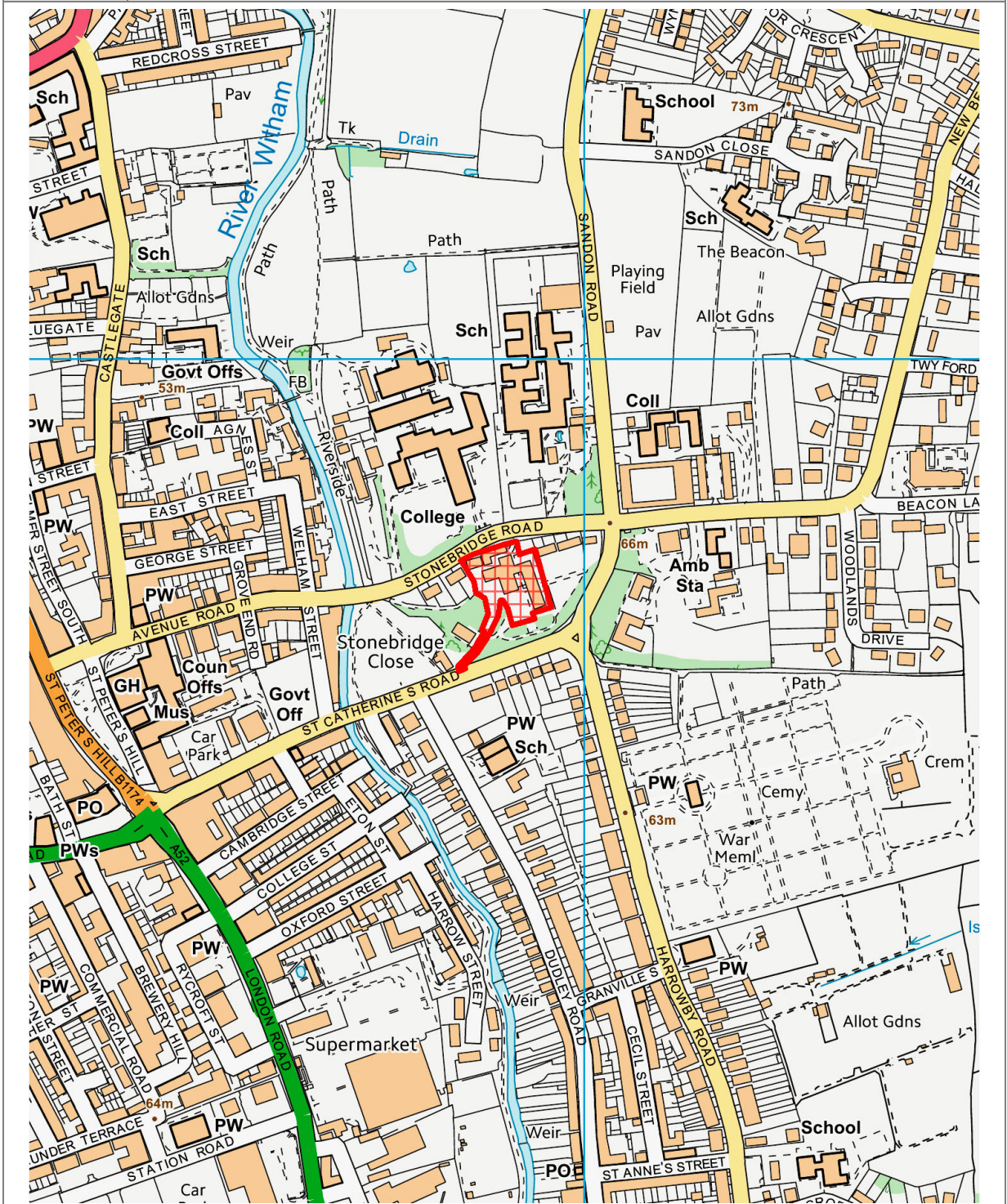
1. DC Committee 8 January 2013.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187)

to ascertain the level of protection required and whether a geological assessment is necessary.

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/1715</b>
Proposal	<b>Temporary change of use of former police station building to administrative facility ancillary to Grantham College, external alterations to modern extensions and addition of broadband antenna to outbuilding</b>
Location	<b>Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD</b>



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Applicant	<b>Mr D Boyden, Grantham College</b> c/o Agent
Agent	James Badley, R G & P 130, New Walk, Leicester, LE1 7JA
<b>Proposal</b>	<b>External alterations to building and erection of antenna</b>
<b>Location</b>	<b>Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD</b>
App Type	Listed Building Consent
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee at the request of the Ward Member.
Recommendation Summary	Approve subject to conditions

**Key Issues**

- Accordance with policy
- Visual amenity
- Heritage Impact

**Technical Documents Submitted with the Application**

- Site Plan
- Block Plan
- Elevational Drawings
- Floor plans
- Design and Access Statement

## **REPORT**

### **Application Category**

This application is categorised as an Other application.

### **Reason for Referral to Committee**

The application is to be determined by the Development Control Committee at the request of the Ward Member.

### **The Proposal**

The proposal is for external alterations in relation to the re-development of the former Police Station site for the temporary change of use of the buildings to an administrative facility for Grantham College. As part of the scheme external alterations are proposed together with the erection of a broadband antenna to the outbuilding. The antenna measures 30cm x 30cm and is 12cm deep.

External alterations include the creation of two new fire exits, one on the more modern extension to Stonebridge House and a further one on a detached workshop. The broadband antenna is to be fixed to the external street facade of the former stable block. The antenna will be fixed to the building ensuring that the fixings are secured through mortar joints so that no unsightly holes will be left if the antenna is subsequently removed

There is no change to the layout or scale of the buildings.

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

The application site comprises of the former Police Station. The 1.6ha site includes the Grade 2 listed Stonebridge House and outbuildings together with more modern additions.

The site is close to Grantham town centre and immediately south of the main Grantham College Campus on Stonebridge Road.

The buildings are set in extensive landscaped grounds including many mature trees. The main vehicle access is off St. Catherines Road, which adjoins the southern and eastern sides of the site. A secondary access is off Stonebridge Road.

### **Site History**

S07/0851 – Conversion of Stonebridge House and associated stables to 13 dwellings  
– Appeal for Non-Determination – Appeal Dismissed – 25 February 2009.

S07/0854 – Residential Development – Appeal for Non-Determination – Appeal Dismissed – 25 February 2009.

S07/LB/6805 - Conversion of Stonebridge House and associated stables to 13 dwellings – Approved 23 July 2008.

S12/1716 – External alterations to building and erection of antenna – Current application undetermined.

## **Policy Considerations**

### South Kesteven Core Strategy

Policy EN1

### National Planning Policy Framework

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

## **Representations Received**

### Conservation Officer:

The proposed external alterations involve the insertion of doors into modern additions to the principal listed building and the installation of a broadband antenna to the north wall of what was originally a stable block to the main house.

The proposed doors will have no impact on the character and appearance of the principal building.

Having regard to the cost implications in relation to what is being proposed, I would not wish to pursue the matter of an alternative antenna location any further.

Providing any securing bolts etc are into the mortar joints rather than the bricks, I have no objections.

I would also suggest a condition requiring removal though when obsolete or no longer needed.

### Lincolnshire Heritage

Notes that no recognised archaeological features of interest would be affected by the proposed development.

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

The application was advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being 5 October 2012. As a result of the consultation 2 representations have been received, from the Ward Member and one neighbour. A summary of the objections relevant to this application received is reproduced below.

- What would be the impact of any decision on the original historic building?
- Changes need to be approved by English Heritage
- The future of the extensive grounds as well as the buildings are of key concern

- The building and street scene are of particular importance to the Conservation Area
- Object to the external antenna
- Are there alternative methods of internet and WiFi access?
- Antenna would disrupt the look of a listed building and be visually intrusive
- Evidence should be provided that there is no other possible alternative to the placing of an external antenna.
- If approved may set a precedent for other satellite dishes on other listed buildings in the area.

### **Applicant's submission**

The antenna has to be on the wall facing the road since it needs a direct line of sight to related equipment in the main college building on the other side of the road – it has in fact been positioned to have a line of sight through a gap in the road-side trees. The reason for this relationship is that the antenna enables wireless communication for the College between its buildings.

The College can ensure that the fixings are secured through mortar joints so that no unsightly holes will be left if the antenna is subsequently removed.

There's no suitable alternative to a simple broadband antenna as proposed.

The alternative is to provide a direct cable connection between the buildings, which would be quite expensive given the distance involved and that ordinary cabling won't do. Any cabling would have to be buried for some distance, adding significantly to the cost, and then there would be the issue of getting across Stonebridge Road – the cable would need to go under or over, neither of which is a viable proposition.

The proposed antenna is a very cost-effective solution for the College, which of course needs to be very careful with how it spends limited resources these days.

### **Officer Evaluation**

The site has been vacant since 2007 and the grounds and the buildings sited within are falling into disrepair.

The applicants are seeking the temporary use of the site for admin purposes in relation to the Collage use whose main campus is adjacent. Various minor works are proposed in order to facilitate this new use.

Due to the existing office-like layout within there are no internal alteration required. The main alterations consist of the creation of two new fire exits. It is considered that due to the works being of such a minor nature minor and being carried out on the more modern element of the building that there will be no adverse impact on the character of the listed building.

Although the proposed antenna is to be affixed to the old stable due to the small nature of the equipment and its method of fixing it is not considered that this will impact adversely on the structures historic fabric. Further consideration of the change of use has been carried out as part of the assessment of the planning application (S12/1715/FULL).

The application should be considered accordingly in that the works would secure the future of the buildings without, subject to conditions, being detrimental to the historic fabric of the listed building.

As a result, it is recommended that the application be granted permission subject to appropriate conditions.

### **Crime and Disorder Implications**

The application will not raise any significant issues.

### **Human Rights Implications**

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

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

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

It is considered that the proposal is a suitable re-use of a site that has been vacant for a considerable time. The works are relatively minor and will help secure the long term future of the buildings and its surroundings without

It is not considered that the proposal would raise any significant issues with regard to impacts on the character of the listed building. Subject to conditions the proposal would not be detrimental to highway safety. The proposal is, therefore, deemed to comply with guidance contained in Sections, 7, 11 and 12 of the National Planning Policy Framework and policies EN1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

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

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

2. Any securing bolts used to affix the antenna hereby approved shall be screwed into the mortar joints of the building and shall not be screwed into the bricks or any stonework.

Reason: To protect the historic fabric of the building in the interests of preserving its character.

3. The antenna hereby approved shall be removed when obsolete or no longer needed.

Reason: In the interests of preserving the historic character of the building.

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

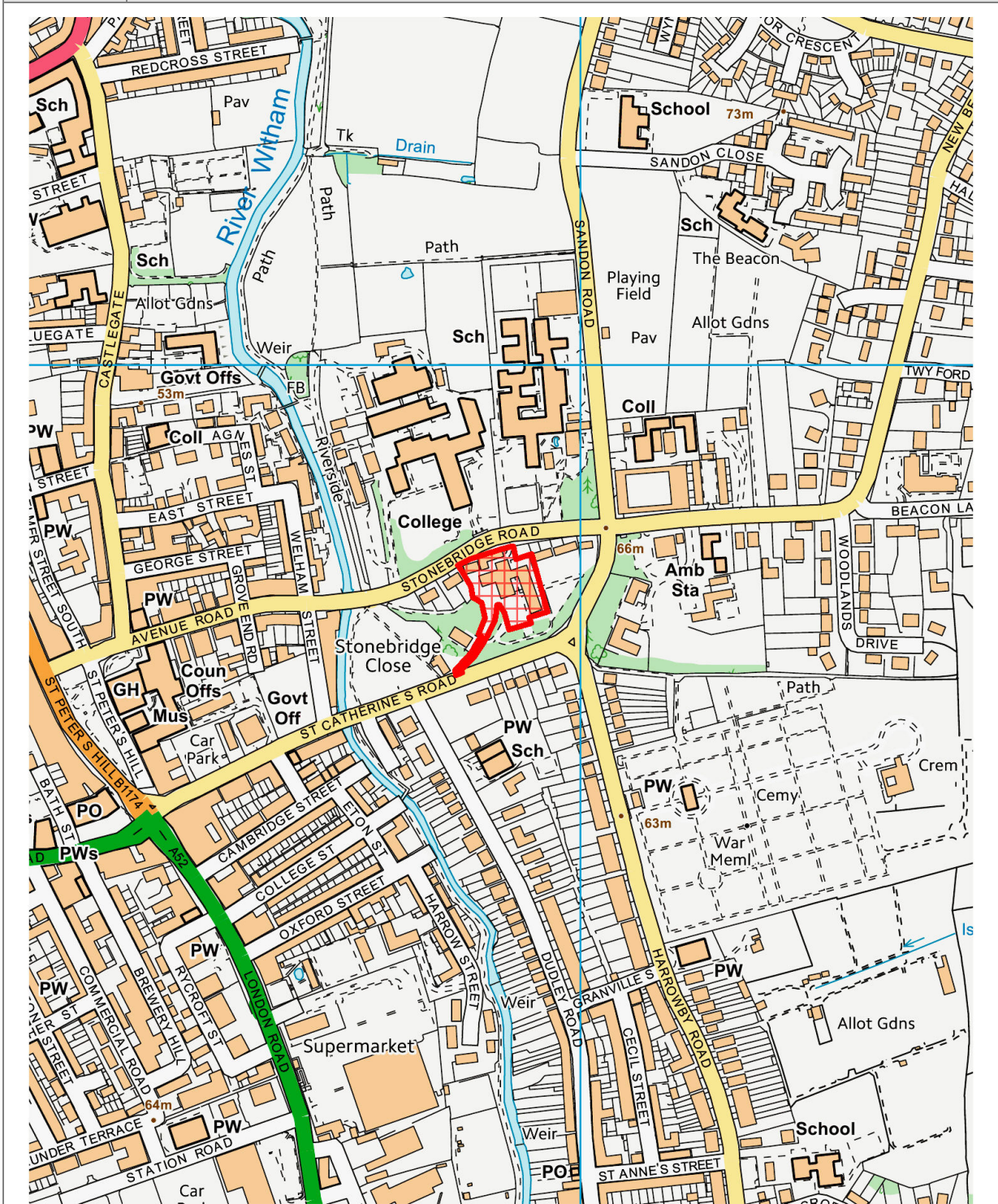
Drawing Reference: 7704/001 Rev A dated 25th September 2012  
Drawing Reference: 7704/002 dated 31st August 2012  
Drawing Reference 7704/003 dated 31st August 2012

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

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/1716</b>
Proposal	<b>External alterations to building and erection of antenna</b>
Location	<b>Stonebridge House, St Catherines Road, Grantham, Lincolnshire, NG31 9DD</b>



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Applicant	<b>South Kesteven District Council</b> Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
Agent	Mr Mark Blackwell, Property Services, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
<b>Proposal</b>	<b>Ground floor extension to rear</b>
<b>Location</b>	<b>12, Brittain Drive, Grantham, Lincolnshire, NG31 9JT</b>
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The applicant is South Kesteven District Council
Recommendation Summary	Approve subject to conditions

**Key Issues**

- Accordance with policy
- Impact on highway safety
- Impact on neighbouring residential amenity
- Visual amenity

**Technical Documents Submitted with the Application**

- Site Plan
- Dimensioned block plan
- Elevational Drawings
- Floor plans

## **REPORT**

### **Application Category**

This is a Householder Application.

### **Reason for Referral to Committee**

The application is being referred to the Development Control Committee because the applicant is South Kesteven District Council.

### **The Proposal**

The application is for a single storey rear extension to the existing semi-detached dwelling. The single storey extension will have a width of 8.4m and a maximum length of 3.30m.

The extension will have a flat roof with a roof height below the level of the first floor windows. Externally, the extension will have a glazed opening door to the rear facing elevation together with a single window with a larger window set just off this.

Internally the extension will provide accommodation for a kitchen, bedroom and shower room.

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

The application site is located to the south side of Brittain Drive.

The existing property is a two storey red brick semi-detached dwelling.

The immediate area is predominantly residential with neighbouring properties consisting of two storey dwellings of a matching design to the applicant's property.

### **Site History**

There is no history of previous planning applications on the site.

### **Policy Considerations**

#### National Planning Policy Framework

- Section 1 Building a Strong, Competitive Economy
- Section 7 Requiring Good Design
- Section 11 Meeting the Challenge of Climate Change, Flooding and Coastal Change

#### Policies of South Kesteven Core Strategy

Policy EN1

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

The application was advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments was the 25th December 2012.

One letter of objection has been received at the time of writing the report. Points raised were as follows:

- I am concerned about 45 degree rule
- I have conifers at side of both properties and would like to keep them.

At the time of writing the report the public consultation period had not expired. Should any further objections be received then these will be reported within a late items paper.

## **Key Issues**

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

## **Crime and Disorder Implications**

The proposal raises no significant crime and disorder implications

## **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**

The single storey element of the rear extension is in proximity to the rear of No. 10, Brittain Drive. However, having regard to boundary treatments, the scale of the extension and the relationship with the neighbouring property the proposal is considered acceptable in that it would not have a detrimental or overbearing impact on the occupants of that adjacent property.

Due to there being only one ground floor side opening facing one of the neighbouring properties and the retention of the existing fence it is considered the proposal would not have an overlooking impact.

The extension has a suitable level of separation to No. 14 and due to the small volume of build that will be screened the existing conifer boundary treatment adjacent to No.10; it is considered that the existing levels of light which these neighbouring properties currently enjoy will not be materially affected.

It is concluded that the development is acceptable and the application is recommended for approval.

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

The proposals, by virtue of their scale, design, materials and siting are acceptable in accordance with national and local policies as set out in the National Planning Policy Framework Sections 1, 7 and 11 and Policy EN1 of the South Kesteven Core Strategy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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

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

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

2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

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

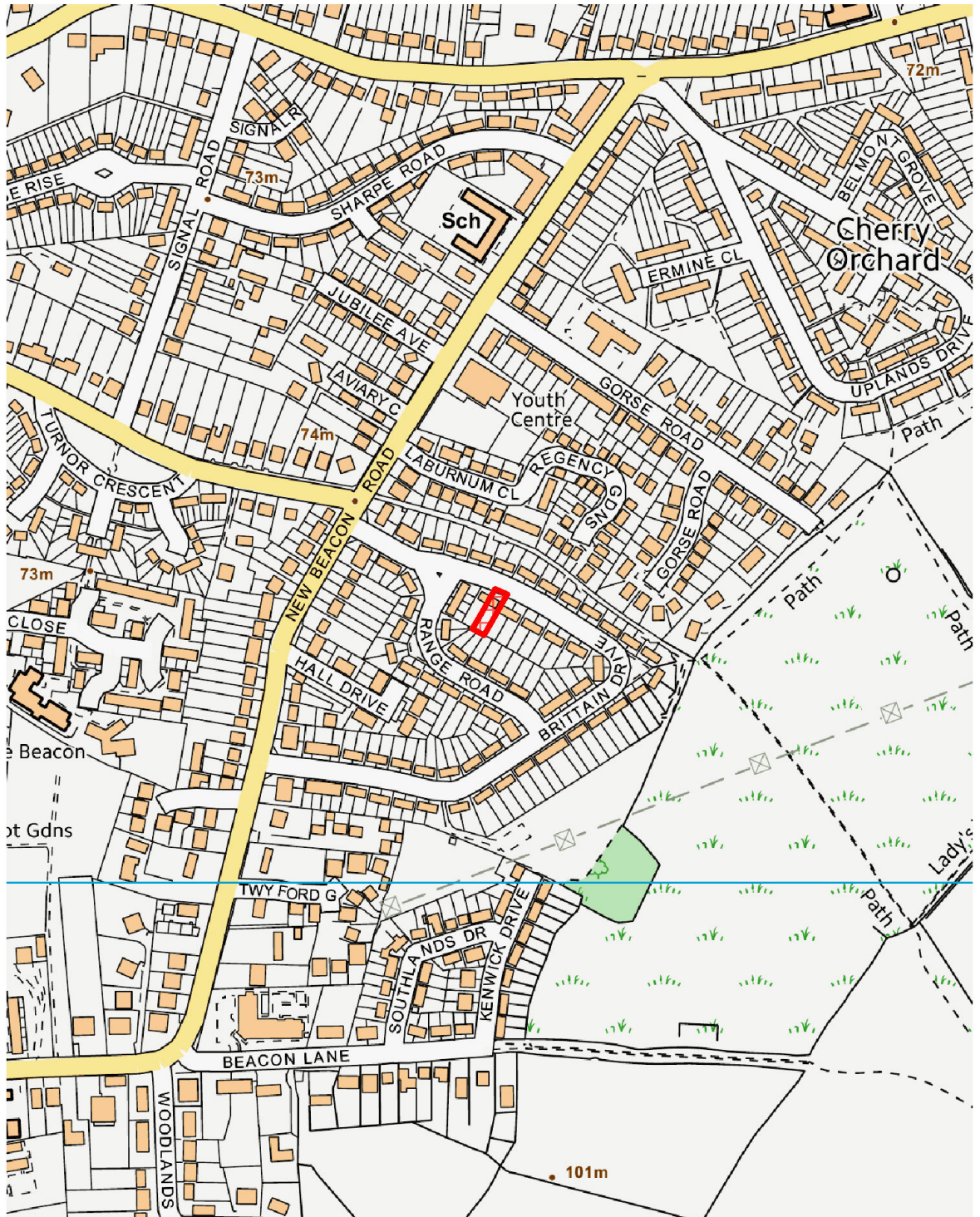
Dimensioned 1:200 Block Plan dated 13th November 2012  
Drawing Titled: Proposed Layouts dated 13th November 2012

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

\* \* \* \* \*

# Site Location Plan

Ref	<b>S12/2935</b>
Proposal	<b>Ground floor extension to rear</b>
Location	<b>12, Brittain Drive, Grantham, Lincolnshire, NG31 9JT</b>



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Applicant	<b>South Kesteven Council Offices</b> South Kesteven District Council, Council Offices, St Peters Hill, Grantham, NG316PZ
Agent	Mr Mark Blackwell, South Kesteven District Council South Kesteven District Council, Council Offices, St. Peters Hill, Grantham, NG31 6PZ
<b>Proposal</b>	<b>Erection of single storey rear extension to dwelling</b>
<b>Location</b>	<b>64, Shakespeare Avenue, Grantham, Lincolnshire, NG31 9NW</b>
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The applicant is South Kesteven District Council Property Services.
Recommendation Summary	That the development be approved subject to condition(s)

**Key Issues**

- Impact on neighbouring dwellings

**Technical Documents Submitted with the Application**

- Proposed and existing details date stamped 26 November 2012

## **REPORT**

### **Application Category**

This application is categorised as a householder application.

### **Reason for Referral to Committee**

The applicant is South Kesteven District Council

### **The Proposal**

The application is a householder application for erection of single storey rear extension to dwelling at 64 Shakespeare Avenue, Grantham.

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

The application site is located in a residential area located off Harrowby Lane, 64 Shakespeare Avenue is a brick built semi detached dwelling with a standard sized rear garden and garden area to front.

### **Relevant Site History**

No planning history on site.

### **Policy Considerations**

#### National Policy

NPPF – Section 7 Requiring good design

#### South Kesteven Core Strategy

EN1 – Protection and Enhancement of the Character of the District

### **Representations Received**

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

Archaeological – no affect upon any known sites.

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

At the time of compiling the committee agenda no responses had been received. The consultation period has yet to expire so any responses will be included within the late papers or reported verbally.

## **Officer Evaluation**

This proposal is for the erection of a single storey rear extension of existing dwelling to provide a bedroom and shower room, this application has been submitted by South Kesteven District Council Property Service and the proposal is required for a disabled person.

The materials will match those of the host dwelling and the proposal is considered to be of a suitable design, size and form. The host dwelling is semi detached and the proposal will be screened by existing boundary treatments.

Due to the size, form and location of the proposed extension and internal alterations, it is considered that the proposal will not be visually intrusive or impact adversely upon the private amenities of the neighbouring properties.

Accordingly the proposal is considered to conform to Section 7 of the National Planning Policy Framework requiring good design and Policy EN1 of the adopted South Kesteven Core Strategy.

## **Crime and Disorder**

It is considered that the development would not result in any significant adverse crime and disorder implications.

## **Human Rights Implications**

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

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

## **Conclusion**

The proposed extension would, by virtue of materials, scale, design and siting, respect the character of the host property and wider area without having a detrimental impact on residential amenity through a dominating or overlooking impact. The proposal is therefore deemed to comply with Policy EN1 of the adopted South Kesteven Core Strategy along with Section 7 of the National Planning Policy Framework Requiring Good Design, with no other material planning considerations to indicate that the application should be determined otherwise.

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

The proposed extension would, by virtue of materials, scale, design and siting, respect the character of the host property and wider area without having a detrimental impact on residential amenity through a dominating or overlooking impact. The proposal is therefore deemed to comply with Policy EN1 of the adopted South Kesteven Core Strategy along with Section 7 of the National Planning Policy Framework Requiring Good Design, with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

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

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

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

Proposed layouts received 26 November 2012

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

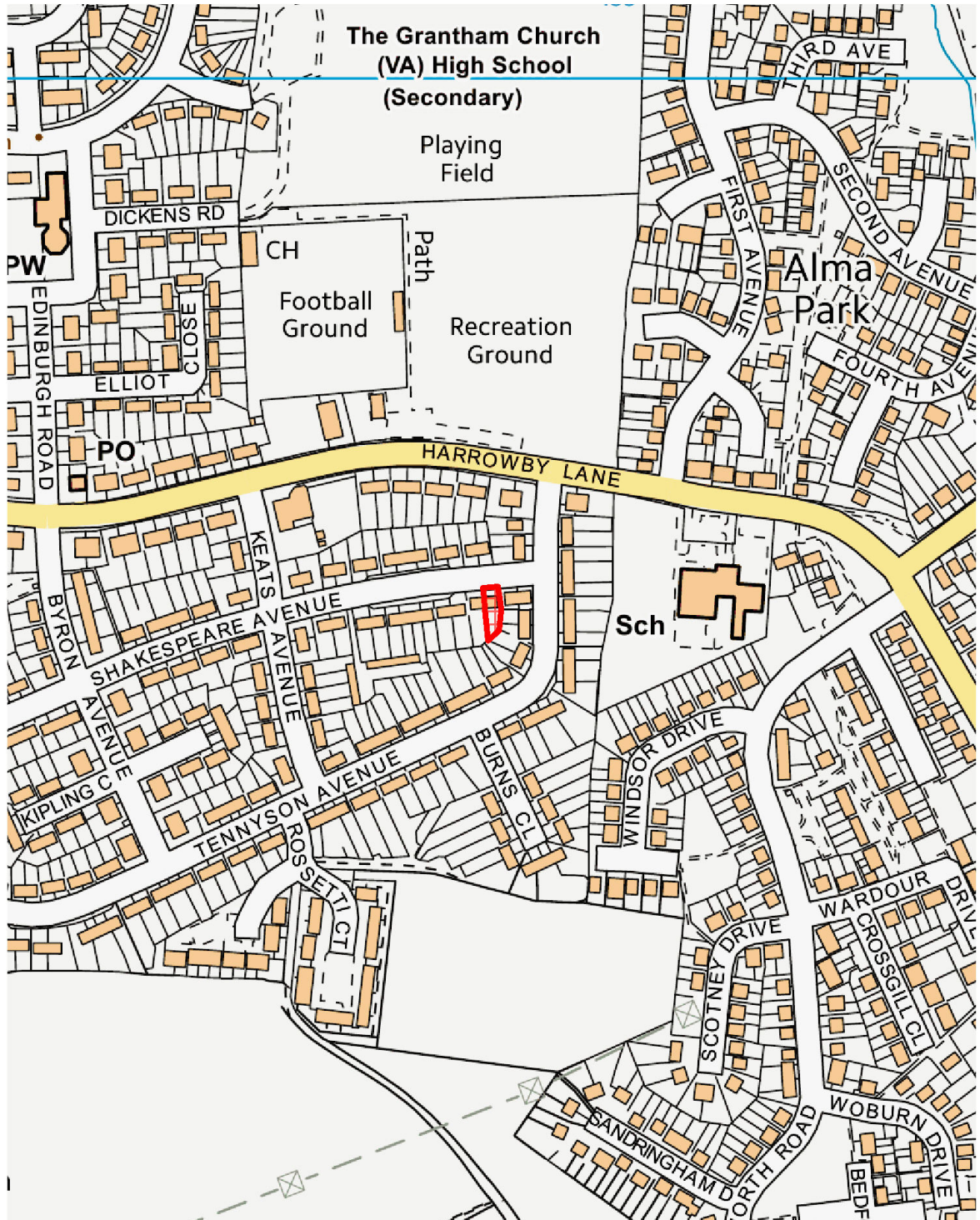
#### Note(s) to Applicant

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.

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/3050</b>
Proposal	<b>Erection of single storey rear extension to dwelling</b>
Location	<b>64, Shakespeare Avenue, Grantham, Lincolnshire, NG31 9NW</b>



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Applicant	<b>Steve Frisby, Property Development Services, South Kesteven District Council</b> Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
Agent	
Proposal	<b>Felling of sycamore tree in two stages (50% reduction by November 2012); stage 2 removal of remainder - 232 - Stamford New Cross Road Order</b>
Location	<b>91, New Cross Road, Stamford, Lincolnshire, PE9 1AL</b>
App Type	Tree Preservation Order Application
Parish(es)	Stamford
Reason for Referral to Committee	This application has been referred to the development Control Committee due to the proposal being submitted by the Council's Property Services Division.
Recommendation Summary	<p>Given the concerns of the Council's Governance and Risk Officer, the Tree Officers recommendation and the Town Council comments it is concluded that consent should be granted for the felling of this tree owing to its close proximity to the adjacent row of four dwellings and the ensuing root damage being caused to these units.</p> <p>It is therefore considered that the proposal is in accordance with NPPF Section 11 and Policy EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise.</p>

### Key Issues

- The visual impact on the surrounding area
- The impact on the existing frontage dwelling
- The impact on the amenities of adjacent residential occupiers

### Technical Documents Submitted with the Application

- Geotechnical Engineers Report dated 05-09-12
- South Kesteven District Council's Consultant Arboriculturist's Report

## **REPORT**

### **Application Category**

This application is categorised as a minor application.

### **Reason for Referral to Committee**

This application has been referred to the development Control Committee due to the proposal being submitted by the Council's Property Development Services.

### **The Proposal**

Proposed felling of a sycamore tree with a Tree Preservation Order on it (Order No 232 – Stamford New Cross Road Order.

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

The site is to the north side of New Cross Road and is in the front garden of No 91 New Cross Road which is Council owned property. The site is in a predominantly residential area and the tree in question is a mature Sycamore tree with considerable amenity merit.

### **Site History**

- The sycamore tree outside no. 91 New Cross Road has caused considerable damage to nos. 91, 89, 87 and 85 and is continuing to do so as supported by various technical reports
- Nos. 91 and 89 were in the past underpinned by the Council.
- No. 87 is privately owned and there is a claim (the claim has been ongoing for over three years) against the Council with an insurance reserve. The tree needs to be removed in order to mitigate the risk of further structural damage to the properties and in particular no. 87. If consent is not given then no. 87 will require underpinning and the cost of this will have to be met by the Council as the insurers are unlikely to cover this. The reason being that the most obvious and cost effective solution is to remove the tree
- If the tree is not removed and no. 87 has to be underpinned then no. 85 will also require underpinning.

### **National Policy**

#### NPPF

Section 11 – Conserving and Enhancing the Natural Environment.

#### South Kesteven Core Strategy

Policy EN1- Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of

the built and countryside environments and criteria 1, is relevant in this case relating to, statutory, national and local designations of landscape features, including natural and historic assets.

## **Representations Received**

### Tree Officers Report. –

The Tree Officer, following a site inspection and consideration of the reports submitted, is of the opinion that the tree is a significant feature in the ground movement and resulting damage to the property. He has indicated that an important consideration in this instance is that:-

“Sycamore roots have been identified under the foundations of the directly adjoining houses in a moderate to high shrinkable soil. The level monitoring results provided by the applicant appear to be consistent with seasonal movement whereby the levels appear to decrease in the spring/summer when tree root activity is at its height. Hence it is my view that the sycamore tree is a significant factor in the ground movement and resulting damage to the property.”

He does acknowledge that the tree by virtue of its size has considerable importance in the landscape of the surrounding area but that this needs to be balanced against continuing damage and costs for compensation that may result should the application be refused. There would appear to be little alternative to the tree being removed in this case.

### Stamford Town Council

The Town Council have indicated that, provided an arboriculturist has confirmed that the tree is causing the problems stated they will have no objections.

### Financial Services Comments

I have no specific financial comments to make in respect of this report.

### Legal and Democratic Services Comments

Under the Town and Country Planning (Tree Preservation) (England) (Regulations) 2012 no person shall cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which an order relates, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

The Committee should be satisfied that the damage being caused by the tree outweighs any benefit from the significance of the tree and that nothing short of removing the tree will stop further damage being caused. Unlawful works to a protected tree can result in criminal prosecution and/or compensation.

The ongoing reports by Plexus Law and Sime Solutions have clearly identified since 2010 and as recently as September 2012 (an ongoing monitoring report) that the tree is a substantial and effective cause of subsidence and damage to property.

### Governance and Risk Officer Comments

As the history of the site set out above.

## **Officer Evaluation**

With regard to the impact on the character of the area the tree by virtue of maturity and height is a significant visual amenity to the surrounding area. However taking into account the Tree Officers Report, the Council's Governance and Risk Officers Comments and independent survey and ongoing monitoring reports it would appear that the tree roots are causing damage and subsidence to the foundations of the adjacent row of four dwellings. With these facts in mind it seems, on balance, the only viable solution is to allow the felling of the tree.

## **Crime and Disorder Implications**

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

## **Human Rights Implications**

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

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

## **Summary of Reason(s) for Approval**

Given the concerns of the Council's Governance and Risk Officer, the Tree Officers recommendation and the Town Council comments it is concluded that consent should be granted for the felling of this tree owing to its close proximity to the adjacent row of four dwellings and the ensuing root damage being caused to these units.

It is therefore considered that the proposal is in accordance with NPPF Section 11 and Policy EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise.

## **Recommendation:**

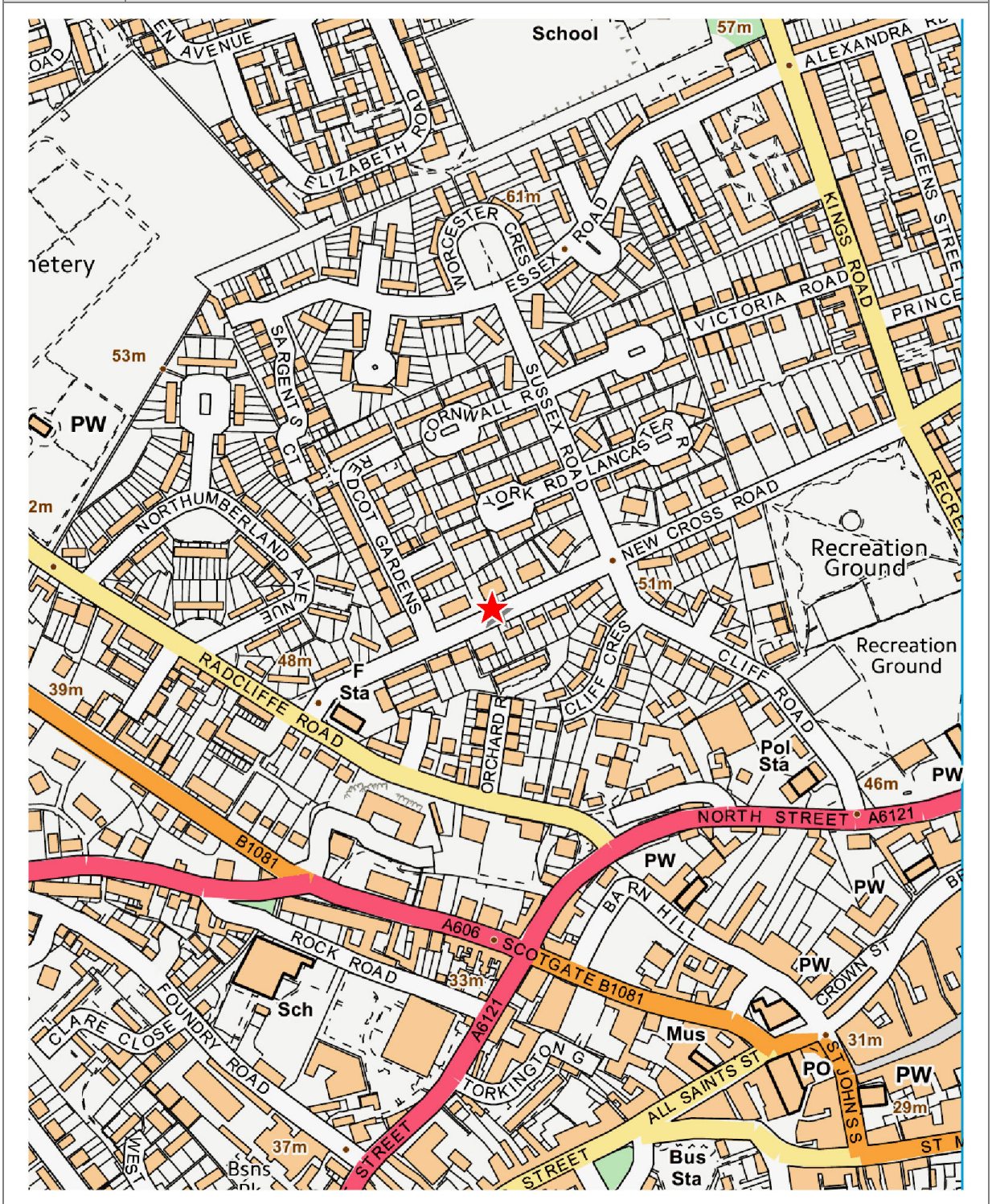
That the felling of the tree be approved.

**RECOMMENDATION:** That the development be Approved (without conditions)

\* \* \* \* \*

## Site Location Plan

Ref	<b>S12/2502</b>
Proposal	<b>Felling of sycamore tree in two stages (50% reduction by November 2012); stage 2 removal of remainder - 232 - Stamford New Cross Road Order</b>
Location	<b>91, New Cross Road, Stamford, Lincolnshire, PE9 1AL</b>



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S11/2371

**Retention of two conservatories, veranda, extension to Coach House and various structures within the curtilage (including fountain, fencing, CCTV cameras and landscaping works), erection of leisure building, greenhouse and cold frames within existing walled garden, construction of tennis court**

## **Application Category**

This application is categorised as a householder application for planning permission

## **Reason for Referral to Committee**

This application has been referred to the committee as it involves significant works to heritage assets including a grade II\* listed building and is considered to be locally important.

This application was originally discussed at the committee meeting of 07 February 2012. Members of the Committee considered that notwithstanding the objections of English Heritage, they were minded to approve the application.

The Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 (in conjunction with The Arrangements for Handling Heritage applications – Notification to the Secretary of State (England) direction 2009) requires applications involving works to grade II\* listed buildings where English Heritage object and the Local Planning Authority (LPA) is minded to approve, to be referred to the Secretary of State. The legislation referred to above requires LPAs to provide a statement explaining their reasons for being minded to approve and the extent to which the objections of English Heritage have been considered.

This application (along with S11/2372/LB) was originally discussed at the committee meeting of 10 January 2012. Members expressed the view that they were minded to approve the application. The listed building consent application was deferred to allow members to prepare a statement to justify reasons for approval before referring the application to the Secretary of State. This planning application was also deferred pending determination of the listed building application as much of it relates to the same development.

## **The Proposal**

This application was submitted following enforcement procedures after it was brought to the Council's attention in April 2010 that unauthorised works were being carried out at the site. Some of these works have now been reversed but the others are the subject of this application. This application was submitted on officer advice in order to determine the acceptability or otherwise of the work. The works involve a number of separate elements, some of which are retrospective and some of which are new build proposals.

The retrospective elements include:

- Conservatory on the east elevation (Kitchen Conservatory)
- Conservatory on the north elevation (Coach House Conservatory)
- Link between the Coach House and adjacent building
- Veranda on the west elevation
- CCTV cameras
- Fencing and gates

- Circular pond and fountain in the courtyard

The new build elements include:

- Lean to “leisure building” within the walled garden
- Lean to greenhouse and cold frame within the walled garden
- A tennis court

This planning application is accompanied by a listed building consent application – S11/2372/LB which covers those parts of the proposal which require listed building consent.

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

The application site is an impressive early C19 stone built Country House with associated outbuildings and walled garden set within landscaped formal gardens and extensive informal parkland. The Hall itself is grade II\* listed whilst the adjacent Coach House is grade II listed. All other outbuildings and historic structures within the immediate curtilage are covered by the main Hall’s listing. The driveway and a large part of the curtilage are also within Caythorpe Conservation Area.

### **Relevant Site History**

The house and grounds appear to have been in need of investment for some years although by no means derelict or “at risk”, and the house was until fairly recently occupied as two dwellings without planning permission. Various other minor unauthorised works appear to have occurred although the exact extent is unclear. The wider estate had also been subdivided into different ownerships.

The outbuilding to the west of the courtyard was converted to a dwelling under SK.96/0944 and SK.96/LB/4872

A small lean to dwelling was approved and built within the walled garden under S02/1644 & S02/LB/5831 following an earlier refusal (S02/0337) of a larger dwelling in the same position.

The applicant, since purchasing the Hall, has acquired most of the land historically associated with the Hall. The Hall and its historic curtilage are therefore now under the same ownership with the exception of a small parcel of land to the west of the walled garden. The applicant has carried out a number of works of repair and restoration to the Hall, outbuildings, walled gardens, boundary walls and sunken garden as well as landscaping works to the grounds which have been carried out to a high standard and have generally enhanced the site.

Unfortunately, the applicant has also built a number of unauthorised extensions, and carried out other development which were brought to the Council’s attention in April 2010 and are the subject of this planning application.

Planning and listed building applications (S11/0316 & S07/0317/LB) were originally submitted in February 2011 but were later found to be invalid due to inaccuracies in the plans and the discovery that other unauthorised works had been carried out that should have been included in the plans. The applicant eventually withdrew these applications on officer advice following significant delays in submitting the required information and submitted the current applications in October 2011.

Planning permission (S11/1903) was granted in 2011 for a curtilage extension and enlargement/restoration of the pond to the south of the Hall.

## **Policy Considerations**

National Planning Policy Statement (NPPF)

Section 12: Conserving and Enhancing the Historic Environment

East Midlands Regional plan (RSS8)

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

South Kesteven Core Strategy

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

Other Relevant Documents

PPS5 – Planning Practice Guide (although PPS5 itself has been superseded by the NPPF, this guidance has not been withdrawn)

English Heritage: Conservation Principles – Policies and Guidance

## **Representations Received**

Community Archaeologist: This application does not affect any archaeological sites and therefore no archaeological intervention required.

Caythorpe Parish Council: No observations about the works

Ramblers Association: No public right of way affected by this development

Highways Authority: No observations

English Heritage: See Appendices 1 & 2

SKDC Principal Conservation Officer: See Appendices 3 & 4

Statement from Applicant's Agent: See Appendix 5

Justification Statement from Applicant's Solicitor: See Appendix 6

Justification Statement from the Applicant prepared by Dr C. Miele; See Appendix 6

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

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, two neighbour letters had been received:

- No objection to the proposal. Welcomes the applicant's investment in the site but questions the applicant's assertion that the Hall was split into 8 occupancies.

- Applaud the investment that the applicant has put into the site and that the work that has been done so far is of a high standard.

## Officer Evaluation

### Key Issues

The key issues in this case are the impact of the proposals on the historic character of the listed buildings and their settings and the impact on the historic character of the conservation area, its setting and impact on the wider area.

The fact that this application is partly retrospective is not a material consideration and should not be taken into account when making a decision. Only the planning merits or otherwise of the development should be considered.

### Overview

Since the previous committee meeting where this application was discussed, all national Planning Policy Statements including PPS5 (Planning and the Historic Environment) have been superseded by the National Planning Policy Framework (NPPF). However, policy in relation to the historic environment, as set out in Section 12 of the NPPF, has not changed significantly, either in its general thrust or at the more detailed level. In respect of this application, effectively the same policy considerations apply under the new regime.

The National Planning Policy Framework (NPPF) is very clear that proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm or that **ALL** the following apply:

1. the nature of the heritage assets prevents all reasonable uses of the site; and
2. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
4. the harm or loss is outweighed by the benefit of bringing the site back into use

The NPPF also states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

The main thrust of the applicant's justification for these works is that the proposals have relatively little impact, are needed for "modern living" and any degree of harm is outweighed by the applicant's commitment to restoration and reuse of the site as a whole and the high quality of the work already undertaken.

English Heritage has objected to all the retrospective elements in this application on the grounds that they would cause unjustifiable and demonstrable harm (including substantial for some elements) to the historic character of the building. Whilst the assessment of the Council's Officers differs slightly from English Heritage's assessment, and some of the proposals are considered acceptable, there are major elements of the development which are considered to be unacceptable.

There is no doubt that the applicant has carried out works of restoration to Caythorpe Hall and grounds which are positive. However it has not been demonstrated that there are any

public benefits of some elements of the specific proposals included in this planning application that outweigh the degree of harm caused by the development, or that the development is necessary to achieve any such public benefits in accordance with the NPPF.

### Kitchen Conservatory

Officers take a slightly different view from English Heritage on this part of the works. This part of the building, where the conservatory is located, although directly adjacent to the formal, symmetrical and well proportioned eastern elevation of the main Hall, is an L shaped service wing of a plainer and more functional appearance with a large recess. The eastern elevation therefore, when viewed as a whole cannot be considered to be symmetrical. Any alterations or additions to the service wing are unlikely to damage the symmetry to the degree suggested by English Heritage. Furthermore, glazed timber structures of a similar scale, such as conservatories or orangeries are not uncommon as historic features or new additions on country houses of this type. The structure is however considered to be excessively large and substantially harmful in the context of this elevation. A new smaller structure of this type may be acceptable in principle although the degree of harm caused by the bulk and scale of the structure “as built” may have been overstated by English Heritage and the conservatory structure itself is easily reversible.

However, significant and unjustified alterations have also been made to the historic fabric of the building. A large opening (5.5m in width) has been created in the external eastern wall of the service wing and a flat roofed stone “tower” structure which appears to be a historic feature has been removed. According to the drawings and design and access statement, a poor quality modern lean-to conservatory structure has been removed to allow for the new conservatory. Removal of incongruous or unauthorised add-ons is obviously welcome. However, the justification given for these works is minimal and appears to be based mainly on the applicant’s personal requirements rather than a thorough understanding of the historic significance of the building and the impact on its character.

Taking the above into account, the kitchen conservatory is considered to cause significant and unjustified harm to the listed building and conservation area.

### Coach House Conservatory

This structure is discreetly located between the northern elevation of the service wing and the side elevation of the smaller coach house. This part of the Hall has a generally utilitarian appearance and was clearly designed to be lower down the hierarchy of elements of the building than the aesthetically impressive “set pieces” of the main south and east facades. However, it still gives a strong sense of the unity of design of the building as a whole. Notwithstanding the above, the small scale of the conservatory as well as the design and materials are considered appropriate in this location and do not have an unduly harmful impact. The link wall between the service wing and adjacent small coach house appears more akin to a boundary wall and gate than a building when viewed from the courtyard maintaining the impression of two distinct and separate buildings. The conservatory itself does not compromise the historic fabric and is easily reversible. Taking the above into account, this part of the development is not considered to be significantly harmful to the listed building or conservation area.

### Veranda

The veranda, has been constructed on the western elevation facing the courtyard which appears to have been built in two stages with differences in the colour of the stonework and window detailing delineating the formal part of the Hall and the more utilitarian service

wing. Whilst not wholly inappropriate or incongruous, and more easily reversible than suggested by English Heritage, the veranda cuts across this subtle distinction making it less clear as well as partially obscuring the ground floor windows. Furthermore, it would introduce a formal decorative element to what was intended as a functional service courtyard, undermining its historic significance and the character of the conservation area. Although the veranda is considered to have a harmful rather than substantially harmful impact, it is considered that insufficient justification has been submitted to outweigh the harmful impact indicated above.

#### Link Between Coach House and adjacent garage

This part of the development has not been mentioned in the applicant's design and access statement although it is clearly shown on the plans. Although in recent years there may have been some sort of insubstantial roof or car port type structure linking the two buildings (although no evidence has been shown to demonstrate this), there is no evidence to suggest that these two buildings were ever historically joined and a photo included in the marketing brochure shows no link. The "pre – existing" plans and elevations show a lean-to extension on the north elevation of the Coach House with the same fenestration as currently exists. It is not clear if this is accurate as the applicant claims to have no photographic record taken before works were carried out and it appears to conflict with the plans published with the sales brochure. However, significant rebuilding appears to have taken place. Notwithstanding the above, this link is discreet and designed in such a way that the impression of the two buildings being separate and distinct is largely maintained. This part of the development is therefore not considered to be significantly harmful to the listed building or conservation area.

#### Leisure Building, Greenhouse and Cold Frame

All of these would be located within the walled garden, which has been sensitively restored, and roughly corresponding in footprint to similar structures that were historically in this location. Taking into account the design, scale and materials, and subject to approval of materials and joinery details these proposals are considered to be acceptable and would not harm the setting of the listed buildings or the conservation area.

#### Fences, Gates, Pond & Fountain

The fences to the north of the Hall are considered to be low key features in the context of the site as a whole and are of an appropriate design and scale providing a means of enclosure to this part of the garden without undermining the historic character of the Hall or the grounds. The 2m close board timber fences enclosing the courtyard, whilst inappropriate on their own as a permanent solution are considered to be acceptable as a temporary security measure whilst the adjacent yew hedge (planted either side) matures, at which point they would not be visible.

Since the original report was written, information has come to light showing that the stone gate piers are in fact a historic feature which until recently stood to the east of the sunken garden, forming the entrance gateway to the site from the east. The fountain was also until recently located within a small circular pond in the centre of the formal sunken garden to the east of the hall. These features were clearly designed to align with the symmetrical east elevation of Caythorpe Hall forming an important element in its setting. The new circular pond/fountain in the courtyard is constructed of stone to match the Hall and outbuildings and is located approximately where there appears to have been a circular "island" in the gravelled courtyard. The erection of stone gate piers to the courtyard and a pond/fountain within the courtyard of the position, design, materials and dimensions shown is considered to be acceptable in principle and does not undermine the setting of the listed

buildings or the character of the conservation area. However their removal and relocation requires listed building consent which is the subject of the accompanying application.

## Other Features

The CCTV cameras mounted on poles are low key features which are painted black and being discreetly sited, blend in reasonably well with the background having little impact on their surroundings. The tennis court would have minimal impact be located behind the walled garden and largely screened from the main buildings by an orchard. All these features are considered to be acceptable and would not harm the setting of the listed buildings or the historic character conservation area.

## Other Issues

The Parish Council have raised concerns about the retention of a footpath which crosses the grounds. This proposal does not affect the footpath.

It is not considered that the proposal would lead to a significant increase in traffic which would be detrimental to highway safety or traffic capacity.

The extent of works carried out by the applicant remains unclear as it is claimed that there is no photographic record of the building before works were carried out. As a result, officers intend to carry out a full internal and external photographic survey of the Hall, Coach House, grounds and all curtilage buildings and structures to determine if any further permissions/consents are required and so any alterations can be monitored in future.

## Comments on Applicant's Statement

Most of the applicant's statement refers to the comments of English Heritage and the relevant issues have been addressed above, but there are several issues that need to be clarified.

The applicant makes the point that the building cannot be seen by the public and in previous correspondence have referred to an appeal decision involving development to an unlisted building within a designated Area of Outstanding Natural Beauty. In this decision, the inspector noted that the impact on the AONB was limited as it could not be seen from outside the site. This appeal decision has little relevance to the current application which involves works to, and affecting the setting of designated heritage assets. Regardless of whether the site is visible from public vantage points, and to some extent it is, both from the A607 and public footpaths that run through the grounds, it falls within the conservation area and contains designated heritage assets. The Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 makes it clear that the impact on the historic character and the setting of heritage assets is a material consideration.

The Act (in conjunction with The Arrangements for Handling Heritage applications – Notification to the Secretary of State (England) direction 2009) also requires applications involving grade II\* listed buildings where English Heritage object and the LPA is minded to approve, to be referred to the Secretary of State.

## Comments on additional statement submitted by the applicant

The report by Dr C Miele of Montagu Evans, submitted on behalf of the applicant is not considered by Offices or English Heritage to add any great weight to the arguments already put forward by the applicant. It is fundamentally based on the premise that the harm caused by the proposals is "less than substantial" and therefore should be weighed against the public benefits of the scheme including its optimum viable use in accordance

with para. 134 of the NPPF. Much of the arguments put forward are based on speculation and are not backed up by evidence. Dr Miele is clearly of the view that the proposals result in harm to the significance of the buildings. However, even if the view is taken that “less than substantial harm” has occurred (a view which officers and English Heritage do not take), no public benefit has been demonstrated. No evidence has been put forward which shows that the works are necessary and essential to allow the continued use of Caythorpe Hall as a dwelling, or indeed for any other potential use. The applicant’s stated desire for “modern living” is a personal need rather than a fundamental need to make Caythorpe Hall “viable” in the sense of capable of being lived in and to ensure its long term preservation. Dr Miele’s report echoes this view that the works are needed for the enjoyment of the property. Harmful alterations to a listed building to secure its “optimum viable use” is likely to be justifiable (in accordance with NPPF para.134) in the case of long term derelict or vacant buildings which are at risk of irreversible loss or deterioration and the changes are the only reasonable option to ensure the building’s long term preservation. This may apply to structures such as old industrial buildings, hospitals etc where the original use for which they are designed can clearly no longer be carried on and compromises to allow them to be put to other uses have to be found to secure their preservation. Caythorpe Hall does not fall into this category and is a substantial building in reasonable condition with plenty of internal floorspace and there is no evidence to suggest that acceptable living conditions cannot not be maintained within the constraints of the existing building. Furthermore, it is likely that there is some scope for some degree of internal reconfiguration and/or extension without causing unacceptable harm to the building’s significance. In respect of the coach house doors, the justification appears to be that they are necessary to allow use as a garage. No alternative option such as entrance from the rear or changes to the doors to allow full opening whilst maintaining their original appearance appears to have been explored. It is noticeable that Dr Miele’s report is silent on the relocation of the fountain and entrance gates.

## Conclusion

Whilst Officers take a slightly different view on some elements of the proposal from that of English Heritage, Officers generally concur with English Heritage that some elements of the development in this application cause substantial and unjustified harm and are therefore unacceptable. These works include the kitchen conservatory and veranda. The applicant’s efforts to bring the estate back within single ownership and the high quality restoration work already undertaken are commendable and welcome. However there is no evidence to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal, or that there are any public benefits of the specific proposals included in this planning application that outweigh the degree of harm caused by the development. It is therefore considered that those elements of the development outlined above cause substantial and unjustified harm to the historic character of the grade II\* listed Hall and the grade II listed Coach House.

## Crime and Disorder Implications

The application will not raise any significant issues.

## Human Rights Implications

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

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

**OFFICER RECOMMENDATION:** That the development be refused for the following reasons:

1. It is considered that a thorough understanding of the historic significance of grade II\* listed Caythorpe Hall and the impact on its character has not been demonstrated and that the kitchen conservatory and the veranda have a harmful and unjustified impact on the historic character of the grade II\* listed Hall, the setting of the grade II listed Coach House and Caythorpe conservation area, contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.
2. No evidence has been submitted to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that works to the Hall result in substantial and unjustified harm to the historic character of the grade II\* listed Hall the setting of the grade II listed Coach House and Caythorpe conservation area contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.

**Extensions and alterations to listed building including retention of two conservatories, veranda, and extension to Coach House, erection of leisure building and greenhouse within existing walled garden, replacement of Coach House doors and other associated works**

**Application Category**

This application is categorised as a listed building consent application

**Reason for Referral to Committee**

This application has been referred to the committee as it involves significant works to heritage assets including a grade II\* listed building and is considered to be locally important.

This application was originally discussed at the committee meeting of 07 February 2012. Members of the Committee considered that notwithstanding the objections of English Heritage, they were minded to approve the application. The minutes of the meeting state that:

“It was proposed and seconded that further consideration be deferred pending an application endorsed by the committee being made to the Secretary of State”

Whilst Members stated that they were minded to approve the application, it was deferred to allow Members to further consider the merits of the application, with a view to preparing a statement to justify reasons for approval before referring the application to the Secretary of State, should committee continued to be minded to approve.

The Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 (in conjunction with The Arrangements for Handling Heritage applications – Notification to the Secretary of State (England) direction 2009) requires applications involving works to grade II\* listed buildings where English Heritage object and the Local Planning Authority (LPA) is minded to approve, to be referred to the Secretary of State. The legislation referred to above requires LPAs to provide a statement explaining their reasons for being minded to approve and the extent to which the objections of English Heritage have been considered.

Since the application was originally brought before committee, a number of factors have come into play that materially affect the assessment of the proposal and require the application to be brought back before committee and reconsidered. These are:

- Changes in planning policy – the National Planning Policy Framework has superseded PPS5
- The statement from Dr Miele submitted by the applicant
- It has come to the attention of officers that some of the works undertaken by the applicant and shown on the plans involve the erection of structures which are in fact parts of curtilage listed structures which have been removed from their original location and either partially or wholly relocated. This was not immediately obvious or referred to in the applicant's submission and unknown to English Heritage.
- The applicant has since admitted that the opening in the rear of the coach house was created by him and not pre-existing as shown on the plans.

Taking the above new information into account, it is the duty of the Council to reconsult English Heritage, as a statutory consultee. The application has been re-assessed in the light of the new information and English Heritage's updated comments and brought back to committee with the appropriate recommendation.

## **The Proposal**

This application was submitted following enforcement procedures after it was brought to the Council's attention in April 2010 that unauthorised works were being carried out at the site. Some of these works have now been reversed but the others are the subject of this application. This application was submitted on officer advice in order to determine the acceptability or otherwise of the work. The works involve a number of separate elements, some of which are retrospective and some of which are new build proposals.

The retrospective elements shown on the plans include:

- Conservatory on the east elevation (Kitchen Conservatory)
- Conservatory on the north elevation (Coach House Conservatory)
- Link between the Coach House and adjacent smaller coach house building
- Veranda and replacement door on the west elevation
- Replacement doors to the Coach House
- Removal and relocation of stone gate piers and fountain from the formal garden in front of east elevation to the service courtyard to the west

The new build elements include:

- Lean to "leisure building" within the walled garden
- Lean to greenhouse within the walled garden

This listed building consent application is accompanied by a planning application—S11/2371 which covers those parts of the development which require planning permission.

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

The application site is an impressive early C19 stone built Country House with associated outbuildings and walled garden set within landscaped formal gardens and extensive informal parkland. The Hall itself is grade II\* listed whilst the adjacent Coach House is grade II listed. All other outbuildings and historic structures within the immediate curtilage are covered by the main Hall's listing. The driveway and a large part of the curtilage are also within Caythorpe Conservation Area.

## **Relevant Site History**

The house and grounds appear to have been in need of investment for some years although by no means derelict or "at risk", and the house was until fairly recently occupied as two dwellings without planning permission. Various other minor unauthorised works appear to have occurred although the exact extent is unclear. The wider estate had also been subdivided into different ownerships.

The outbuilding to the west of the courtyard was converted to a dwelling under SK.96/0944 and SK.96/LB/4872

A small lean to dwelling was approved and built within the walled garden under S02/1644 & S02/LB/5831 following an earlier refusal (S02/0337) of a larger dwelling in the same position.

The applicant, since purchasing the Hall, has acquired most of the land historically associated with the Hall. The Hall and its historic curtilage are therefore now under the

same ownership with the exception of a small parcel of land to the west of the walled garden. The applicant has carried out a number of works of repair and restoration to the Hall, outbuildings, walled gardens, boundary walls and sunken garden as well as landscaping works to the grounds which have been carried out to a high standard and have generally enhanced the site.

Unfortunately, the applicant has also built a number of unauthorised extensions, and carried out other works which were brought to the Council's attention in April 2010 and are the subject of this listed building consent application.

Planning and listed building applications (S11/0316 & S07/0317/LB) were originally submitted in February 2011 but were later found to be invalid due to inaccuracies in the plans and the discovery that other unauthorised works had been carried out that should have been included in the plans. The applicant eventually withdrew these applications on officer advice following significant delays in submitting the required information and submitted the current applications in October 2011.

Planning permission (S11/1903) was granted in 2011 for a curtilage extension and enlargement/restoration of the pond to the south of the Hall.

## **Policy Considerations**

National Planning Policy Statement (NPPF)

Section 12: Conserving and Enhancing the Historic Environment

East Midlands Regional plan (RSS8)

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

Policy 27: Regional Priorities for the Historic Environment

Other Relevant Documents

PPS5 – Planning Practice Guide (although PPS5 itself has been superseded by the NPPF, this guidance has not been withdrawn)

English Heritage: Conservation Principles – Policies and Guidance

## **Representations Received**

Community Archaeologist: This application does not affect any archaeological sites and therefore no archaeological intervention required.

Caythorpe Parish Council: No observations about the works

Ramblers Association: No public right of way affected by this development

Highways Authority: No observations

English Heritage: See Appendices 1 & 2

SKDC Principal Conservation Officer: See Appendices 3 & 4

Statement from Applicant's Agent: See Appendix 5

Justification Statement from Applicant's Solicitor: See Appendix 6

## Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, two neighbour letters had been received:

- No objection to the proposal. Welcomes the applicant's investment in the site but questions the applicant's assertion that the Hall was split into 8 occupancies.
- Applaud the investment that the applicant has put into the site and that the work that has been done so far is of a high standard.

## Officer Evaluation

### Key Issues

The key issues in this case are the impact of the works on the historic character of the listed buildings and whether there is sufficient justification for the works, taking into account the significance of the heritage assets involved and the requirements of current planning policy.

The fact that this application is partly retrospective is not a material consideration and should not be taken into account when making a decision. Only the listed building merits or otherwise of the works should be considered.

### Overview

Since the previous committee meeting where this application was discussed, all national Planning Policy Statements including PPS5 (Planning and the Historic Environment) have been superseded by the National Planning Policy Framework (NPPF). However, policy in relation to the historic environment, as set out in Section 12 of the NPPF, has not changed significantly, either in its general thrust or at the more detailed level. In respect of this application, effectively the same policy considerations apply under the new regime.

The National Planning Policy Framework (NPPF) is very clear that proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm or that **ALL** the following apply:

1. the nature of the heritage assets prevents all reasonable uses of the site; and
2. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
4. the harm or loss is outweighed by the benefit of bringing the site back into use

The NPPF also states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

The main thrust of the applicant's justification for these works is that the proposals have relatively little impact, are needed for "modern living" and any degree of harm is

outweighed by the applicant's commitment to restoration and reuse of the site as a whole and the high quality of the work already undertaken.

English Heritage has objected to all the retrospective elements in this application on the grounds that they would cause unjustifiable and demonstrable harm (including substantial for some elements) to the historic character of the building. Whilst the assessment of the Council's Officers differs slightly from English Heritage's assessment, and some of the proposals are considered acceptable, there are major elements of the works which are considered to cause harm or substantial harm to the character of the listed buildings.

There is no doubt that the applicant has carried out works of restoration to Caythorpe Hall which are positive. However it has not been demonstrated that there are any public benefits of the specific proposals included in this listed building consent application that outweigh the degree of harm caused by the works, or that the works are necessary to achieve any such public benefits in accordance with the NPPF.

### Kitchen Conservatory

Officers take a slightly different view from English Heritage on this part of the works. This part of the building, where the conservatory is located, although directly adjacent to the formal, symmetrical and well proportioned eastern elevation of the main Hall, is an L shaped service wing of a plainer and more functional appearance with a large recess. The eastern elevation therefore, when viewed as a whole cannot be considered to be symmetrical. Any alterations or additions to the service wing are unlikely to damage the symmetry to the degree suggested by English Heritage. Furthermore, glazed timber structures of a similar scale, such as conservatories or orangeries are not uncommon as historic features or new additions on country houses of this type. The structure is however considered to be excessively large and substantially harmful in the context of this elevation. A new smaller structure of this type may be acceptable in principle although the degree of harm caused by the bulk and scale of the structure "as built" may have been overstated by English Heritage and the conservatory structure itself is easily reversible.

However, significant and unjustified alterations have also been made to the historic fabric of the building. A large opening (5.5m in width) has been created in the external eastern wall of the service wing and a flat roofed stone "tower" structure which appears to be a historic feature has been removed. According to the drawings and design and access statement, a poor quality modern lean-to conservatory structure has been removed to allow for the new conservatory. Removal of incongruous or unauthorised add-ons is obviously welcome. However, the justification given for these works is minimal and appears to be based mainly on the applicant's personal requirements rather than a thorough understanding of the historic significance of the building and the impact on its character.

Taking the above into account, the kitchen conservatory is considered to cause substantial and unjustified harm to the listed building.

### Coach House Conservatory

This structure is discreetly located between the northern elevation of the service wing and the side elevation of the smaller coach house. This part of the Hall has a generally utilitarian appearance and was clearly designed to be lower down the hierarchy of elements of the building than the aesthetically impressive "set pieces" of the main south and east facades. However, it still gives a strong sense of the unity of design of the building as a whole. Notwithstanding the above, the small scale of the conservatory as well as the design and materials are considered appropriate in this location and do not have an unduly harmful impact. The link wall between the service wing and adjacent small coach house appears more akin to a boundary wall and gate than a building when viewed from

the courtyard maintaining the impression of two distinct and separate buildings. The conservatory itself does not compromise the historic fabric and is easily reversible. Taking the above into account, this part of the works is not considered to be significantly harmful to the listed building.

### Veranda

The veranda, has been constructed on the western elevation facing the courtyard which appears to have been built in two stages with differences in the colour of the stonework and window detailing delineating the formal part of the Hall and the more utilitarian service wing. Whilst not wholly inappropriate or incongruous, and more easily reversible than suggested by English Heritage, the veranda cuts across this subtle distinction making it less clear as well as partially obscuring the ground floor windows. Furthermore, it would introduce a formal decorative element to what was intended as a functional service courtyard, undermining its historic significance. Although the veranda is considered to have a harmful rather than substantially harmful impact, it is considered that insufficient justification has been submitted to outweigh the harmful impact indicated above.

### Link Between Coach House and adjacent garage

This part of the works has not been mentioned in the applicant's design and access statement although it is clearly shown on the plans. Although in recent years there may have been some sort of insubstantial roof or car port type structure linking the two buildings (although no evidence has been shown to demonstrate this), there is no evidence to suggest that these two buildings were ever historically joined and a photo included in the marketing brochure shows no link. The "pre – existing" plans and elevations show a lean-to extension on the north elevation of the Coach House with the same fenestration as currently exists. It is not clear if this is accurate as the applicant claims to have no photographic record taken before works were carried out and it appears to conflict with the plans published with the sales brochure. However, significant rebuilding appears to have taken place. Notwithstanding the above, this link is discreet and designed in such a way that the impression of the two buildings being separate and distinct is largely maintained. This part of the works is therefore not considered to be significantly harmful to the listed building.

### Leisure Building and Greenhouse

Both of these would be located within the walled garden, which has been sensitively restored, and roughly corresponding in footprint to similar structures that were historically in this location. Taking into account the design, scale and materials, and subject to approval of materials and joinery details these proposals are considered to be acceptable and would not harm the character of this curtilage listed building (Wall enclosing walled garden).

### Coach House Doors

The new doors are much larger with no glazing and significantly alter the appearance of the Coach House and are considered to be detrimental to its character. No justification has been offered for the replacement of these doors other than to allow vehicular access. As far as can be ascertained these were original historic features which contribute significantly to the character of the Coach House and were not beyond repair. Taking the above into account, this alteration is considered to cause substantial and unjustified harm to the listed building.

## Stone Gate Piers and Fountain:

The planning application includes the erection of stone gate piers at the entrance to the service courtyard and a pond and fountain within the courtyard. Since the original report was written, information has come to light showing that the stone gate piers are in fact a historic feature which until recently stood to the east of the sunken garden, forming the entrance gateway to the site from the east. The fountain was also until recently located within a small circular pond in the centre of the formal sunken garden to the east of the hall. These features were clearly designed to align with the symmetrical east elevation of Caythorpe Hall forming an important element in its setting and as pre-1948 structures are covered by the listing. Their removal or relocation requires listed building consent. There is no reference in the application, either in the drawings or the design and access statement, to the removal, relocation, replacement or rebuilding of the gate piers or fountain although their new location is clearly shown on the plans so must be considered as part of this application. Whilst the erection of stone gate piers to the courtyard and a fountain within the courtyard of the position, design, materials and dimensions shown may be considered to be acceptable in principle, the unjustified removal of these historic curtilage listed structures from their original locations is considered to be substantially harmful to the character of the grade II\* listed building.

## Other Works

A large new opening with timber doors also appears to have been created in the rear elevation of the Coach House. Although this is shown on the "pre existing" plans and elevations and no photographic record has been submitted, the stonework appears to have been recently cut and the arch appears too shallow to be original. In the absence of evidence to the contrary, it is therefore assumed to have been carried out by the applicant. The applicant, through a statement from his solicitor has now admitted that he has created this opening. Whilst this particular alteration may not be significantly harmful, again no justification has been given.

A replacement door has been installed on the western elevation of the Hall beneath the veranda. The original is not shown on the "pre-existing" elevations, but photographs from the sales brochure taken relatively recently show what appears to be an original historic door. The replacement is an inappropriate modern design and no justification has been given.

The full extent of works carried out by the applicant remains unclear as it is claimed that there is no photographic record of the building before works were carried out and it is likely that other unauthorised works have been carried out without the knowledge of the LPA. As a result, officers intend to carry out a full internal and external photographic survey of the Hall, Coach House, grounds and all curtilage buildings and structures to determine if any further permissions/consents are required and so any alterations can be monitored in future.

## Comments on Applicant's Statement

Most of the applicant's statement refers to the comments of English Heritage and the relevant issues have been addressed above, but there are several issues that need to be clarified.

The applicant makes the point that the building cannot be seen by the public and in previous correspondence have referred to an appeal decision involving development to an unlisted building within a designated Area of Outstanding Natural Beauty. In this decision, the inspector noted that the impact on the AONB was limited as it could not be seen from outside the site. This appeal decision has little relevance to the current application which involves works to, and affecting the setting of designated heritage assets. Regardless of

whether the site is visible from public vantage points, and to some extent it is, both from the A607 and public footpaths that run through the grounds, it falls within the conservation area and contains designated heritage assets. The Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 makes it clear that the impact on the historic character and the setting of heritage assets is a material consideration.

The Act (in conjunction with The Arrangements for Handling Heritage applications – Notification to the Secretary of State (England) direction 2009) also requires applications involving grade II\* listed buildings where English Heritage object and the LPA is minded to approve, to be referred to the Secretary of State.

#### Comments on additional statement submitted by the applicant

The report by Dr C Miele of Montagu Evans, submitted on behalf of the applicant is not considered by Offices or English Heritage to add any great weight to the arguments already put forward by the applicant. It is fundamentally based on the premise that the harm caused by the proposals is “less than substantial” and therefore should be weighed against the public benefits of the scheme including its optimum viable use in accordance with para. 134 of the NPPF. Much of the arguments put forward are based on speculation and are not backed up by evidence. Dr Miele is clearly of the view that the proposals result in harm to the significance of the buildings. However, even if the view is taken that “less than substantial harm” has occurred (a view which officers and English Heritage do not take), no public benefit has been demonstrated. No evidence has been put forward which shows that the works are necessary and essential to allow the continued use of Caythorpe Hall as a dwelling, or indeed for any other potential use. The applicant’s stated desire for “modern living” is a personal need rather than a fundamental need to make Caythorpe Hall “viable” in the sense of capable of being lived in and to ensure its long term preservation. Dr Miele’s report echoes this view that the works are needed for the enjoyment of the property. Harmful alterations to a listed building to secure its “optimum viable use” is likely to be justifiable (in accordance with NPPF para.134) in the case of long term derelict or vacant buildings which are at risk of irreversible loss or deterioration and the changes are the only reasonable option to ensure the building’s long term preservation. This may apply to structures such as old industrial buildings, hospitals etc where the original use for which they are designed can clearly no longer be carried on and compromises to allow them to be put to other uses have to be found to secure their preservation. Caythorpe Hall does not fall into this category and is a substantial building in reasonable condition with plenty of internal floorspace and there is no evidence to suggest that acceptable living conditions cannot not be maintained within the constraints of the existing building. Furthermore, it is likely that there is some scope for some degree of internal reconfiguration and/or extension without causing unacceptable harm to the building’s significance. In respect of the coach house doors, the justification appears to be that they are necessary to allow use as a garage. No alternative option such as entrance from the rear or changes to the doors to allow full opening whilst maintaining their original appearance appears to have been explored. It is noticeable that Dr Miele’s report is silent on the relocation of the fountain and entrance gates.

#### Conclusion

Whilst Officers take a slightly different view on some elements of the proposal from that of English Heritage, Officers generally concur with English Heritage that the majority of the works in this application cause substantial and unjustified harm and are therefore unacceptable. These works include the kitchen conservatory, veranda, replacement front doors and new opening on rear elevation of the Coach House, and replacement door on main Hall courtyard elevation, relocation of the fountain and entrance gates, which are all considered to have a substantial harmful impact on the historic character of the grade II\* listed Hall and grade II listed Coach House. The applicant’s efforts to bring the estate back within single ownership and the high quality restoration work already undertaken are

commendable and welcome. However there is no evidence to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal, or that there are any public benefits of the specific proposals included in this listed building consent application that outweigh the degree of harm caused by the works. It is therefore considered that those elements of the works outlined above cause substantial and unjustified harm to the historic character of the grade II\* listed Hall and the grade II listed Coach House.

## Determination of the Application

Your officers continue to recommend refusal of this application based on the evaluation and reasons given above.

In accordance with the relevant legislation, if Members continue to be minded to approve, the application must be referred to the Secretary of State. The legislation requires LPAs to provide a statement explaining their reasons for being minded to approve and the extent to which the objections of English Heritage have been considered. This is an important safeguard in decision making to ensure that the LPA has properly considered the proposal. Previous referrals of a similar nature dealt with by this authority have been rejected by the Secretary of State as inadequate, so the concern of officers has been to ensure that any referral is accompanied by a sufficiently robust statement to avoid this situation.

Taking the above into account, your officers advise that, in the case that the Committee continue to be minded to approve, the following must be taken into account when making a statement to accompany a referral to the Secretary of State.

The relevant policies against which proposals in the listed building consent application under consideration at Caythorpe Hall must be considered are as follows:

### **East Midlands Regional Plan (RSS8)**

The following questions must be answered in relation to policies 26 & 27 Of RSS8:

#### **Policy 26**

1. Does this proposal ensure that this historic asset receives the highest protection?
2. Is the damage (loss/alteration of historic fabric) unavoidable and has it been minimised as far as possible? Does the need for the works outweigh the damage and has it been clearly justified?

#### **Policy 27**

1. Has the significance of the heritage asset been fully identified and assessed in this application? (see note on significance)

### **National Planning Policy Framework (Chapter 12)**

This document sets out the national policy principles guiding the determination of applications for consent relating to all heritage assets. The first key question is - has the applicant demonstrated an understanding of the significance of the heritage asset?

The following questions must be answered in relation to the paragraphs below of the NPPF. NB. Some paragraphs have been omitted as they are not applicable to this type of application.

#### **Paragraph 128**

1. Has the applicant demonstrated an understanding of the significance of **ALL** parts of the designated heritage assets affected including curtilage listed structures.

#### **Paragraph 129**

1. Has full account been taken of all relevant sources of information relating to the significance of the heritage asset and expert advice given by consultees? Can committee justify why they think English Heritage and the Conservation Officer's expert advice is wrong?
2. Has the nature of the significance and value of the heritage asset been fully considered?

### **Paragraph 130**

1. Has it been taken into account that deliberate damage (loss or significant alteration) to the historic fabric has been carried out, i.e. has the fact that the work has already been carried out and therefore that it may be considered to serve no purpose to reverse it been given weight when the NPPF specifically says it should not?

The next section stipulates that any harmful impact on the significance of a designated asset needs to be justified against specific criteria. For substantial, harm, that harm must be considered necessary and justified in order to deliver substantial public benefit. The key questions in this case are therefore: Is the harm necessary? What are the public benefits? Has the applicant justified the harm to the significance of the heritage asset caused by the unauthorised works already undertaken?

The following questions must be answered in relation to the paragraphs below of the NPPF:

### **Paragraph 132**

1. Bearing in mind that there is a policy presumption in favour of the conservation of heritage assets, and the higher the grade the greater the presumption in favour, has the high grading (grade II\*) of the heritage asset and therefore the even greater presumption in favour of conservation than that given to lower graded heritage assets been taken into account?
2. Has there been clear and convincing justification for **ALL** the proposed works?
3. Are there wholly exceptional circumstances that justify the substantial harm (including loss/alteration of historic fabric) to a grade II\* Listed Building (Caythorpe Hall) and exceptional circumstances that justify the replacement of the doors to the grade II listed Coach House.

### **Paragraph 133**

5. Are there substantial public benefits (of **ALL** the proposals contained in this LB application only) that outweigh the harm and what are these?
6. Are the works **ESSENTIAL** because of **ALL** the following
  - a. without them the nature of the heritage asset prevents all reasonable uses of the site; and
  - b. the site has no other viable use to ensure its conservation; and
  - c. no grants/public ownership are available; and
  - d. it is the only way of bringing the site back into use?
7. Has the above been fully demonstrated by the applicant through evidence including that the site has been properly marketed and all other alternatives have been investigated?

### **Paragraph 138**

1. Does the removal of relatively modern and incongruous later additions (of which no clear evidence of their extent has been shown) justify substantial harm to the historic fabric?

## **Definitions**

### **Substantial Harm**

Substantial harm means significant loss of or alteration to the historic fabric of the building or loss/alteration that undermines or diminishes its historic significance. This is likely to

include changes to historic layouts, elevations, or details (such as windows/doors/roofing materials), removal/alteration of parts of the building (including curtilage listed structures) that form part of the building's intrinsic character and history. In the context of a grade II\* listed building, this is likely to mean **ANY** significant intervention in the historic fabric.

## Significance

It is a long established principle of historic building conservation that any works of alteration or extension should be based on an understanding of the '**significance**' of the building in question. Without such an understanding there is a serious danger of irreparable damage being caused to, or irreplaceable historic fabric being lost. In the case of Caythorpe Hall an attempt has been made to retrospectively justify the works but clearly the majority of the works have been undertaken without any attempt to understand the significance of the building, in particular those parts of it which have been affected by the unauthorised works. Caythorpe Hall is a grade II\* listed building and this means that it is of outstanding architectural merit. Only about 8% of all Listed Buildings are listed II\*. Caythorpe Hall is therefore of high 'significance'. What is '**Significance**'? Significance in the case of Caythorpe Hall can be taken to comprise its:

- **Historic Significance;**  
And its
- **Architectural and Artistic Significance.**

**Historic significance** - arises from its history, its development over time, the strength of its tie to a particular architectural or historic period, its layout, plan form and internal features of special interest including chimney stacks and fireplaces and links to a notable designer, owner or to a local industry.

**Architectural and Artistic Significance** – derives from its design and general aesthetics, either from a particular architectural design or from the way the building has evolved over time. It includes visual qualities and characteristics, legibility of form, character of elevations, roofscape, materials, fabric, construction, craftsmanship and decoration. Once having established the significance of the whole building and those elements to be subject to intervention, proposed alterations can be designed in such a way as to avoid or minimise any loss of significance.

## Other relevant facts

- The determination should relate to the acceptability or otherwise of what is proposed specifically in this listed building consent application and not to any other works, or land ownership issues, whether proposed or already carried out by the applicant at Caythorpe Hall.
- **ALL** separate elements, whether retrospective or proposed, in the application must be in accordance with policy. If one element, however small, is not in accordance with policy and is therefore unacceptable, the whole application must be refused.
- The quality of the workmanship or materials of any works already undertaken is not material to whether these works are acceptable in principle or not. Whether they accord with policy is the relevant issue.
- It should be noted that the house has been in continuous residential occupation until the current owner bought it and although in need of repairs and investment was not derelict or in danger of falling down – it was not on English Heritage's or the council's buildings at risk register. The house itself was subdivided into two with part of the service wing being used as a separate flat – the main house was still in its original use as a dwelling. The reference made by the applicant at the previous committee to previous subdivision to 7 dwellings and different ownerships relates to the whole estate and the various outbuildings and dwellings within the wider curtilage including the lodge.

- The fact that the applicant apologised to committee for carrying out works without permission is not a material consideration and does not make the works acceptable. Neither are any stated intentions to sell the site for a hotel or leave it to dereliction should listed building consent not be forthcoming, particularly as these statements have not been backed up by evidence.
- Since the unauthorised works came to the council's attention, the applicant has taken 18 months to submit a valid application and has therefore had sufficient time to provide evidence and justification for the works.
- There is no reason why the applicant cannot submit new applications for those parts of the scheme which officers do not consider unacceptable or contrary to policy.

## **Crime and Disorder Implications**

The application will not raise any significant issues.

## **Human Rights Implications**

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

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

**OFFICER RECOMMENDATION:** That the development be refused for the following reasons:

1. It is considered that a thorough understanding of the historic significance of grade II\* listed Caythorpe Hall and the impact on its character has not been demonstrated and that the kitchen conservatory, veranda, replacement front doors and new opening on rear elevation of the Coach House, replacement door on main Hall courtyard elevation and removal and relocation of the gate piers and fountain, have a substantial harmful and unjustified impact on the historic character of the grade II\* listed Hall, and the grade II listed Coach House, contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.
2. No evidence has been submitted to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that works to the Hall result in substantial and unjustified harm to the historic character of the grade II\* listed Hall and the grade II listed Coach House contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.



# APPENDIX 1

## English Heritage's Consultee Response to S11//2372/LB

**Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010  
CAYTHORPE HALL, CHURCH LANE, CAYTHORPE, GRANTHAM,  
LINCOLNSHIRE, NG32 3EL  
Application No S11/2372**

Thank you for your letter of 17 October 2011 notifying English Heritage of the above application. We have previously attended a site visit on 21 November 2011 and commented on proposals for this site on 25 November 2011, 13 May 2011, 2 September 2010 and 13 December 2010.

We understand that the reasons for re-consulting English Heritage are that (1) a further report by Dr C Meile (dated October 2012) has been submitted on behalf of the applicant, (2) it has become apparent that additional alterations have been undertaken about which we have not been consulted, and (3) the National Planning Policy Framework has replaced Planning Policy Statement 5 Planning for the Historic Environment since we gave our previous advice.

### **Summary**

Caythorpe Hall, built in 1823, is listed Grade II\* and is therefore within the top 8% of listed buildings in England. The Coach House, also built in 1823, is listed Grade II. The proposals are for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting, including the addition of a kitchen conservatory, a 'link conservatory' between Caythorpe Hall and the Coach House, and a veranda, and the relocation of a fountain and stone gate piers.

It remains our view that the kitchen conservatory and the 'link conservatory' cause substantial harm to the significance of Caythorpe Hall and the requirements of the National Planning Policy Framework have not been met, particularly the requirements in paragraph 133. We consider that the veranda on the west elevation has a harmful impact upon the significance of Caythorpe Hall and has not been justified. We also consider that the relocation of the fountain and the gate posts harms the setting and significance of Caythorpe Hall and has not been justified.

Our advice is provided in line with the national Planning Policy Framework, particularly paragraphs 7, 17, 126, 131, 132, 133 and 134; the Historic Environment Planning Practice Guide (English Heritage, March 2010) and English Heritage 'Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, April 2008).

Accordingly, English Heritage objects to this application and recommends refusal of planning permission and listed building consent. If, notwithstanding our advice, your Authority is minded to grant consent, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009.

### **English Heritage Advice**

#### **Significance**

As we noted in our letter of 25 November 2011, Caythorpe Hall is listed Grade II\* which means that it is part of a small proportion (about 8%) of listed buildings which are at least of outstanding architectural and/or historic interest. The Coach House is listed Grade II which means it is of special architectural and/or historic interest. A large

part of Caythorpe Hall's and the Coach House's significance lies in the conscious overall design of the buildings and their setting. This is due in part to their being largely built during one building phase, in 1823, rather than piecemeal over many years. As we advised in our letter of 25 November 2011, the Classical architectural style of Caythorpe Hall is expressed eloquently in the fenestration and detailing of the elevations and makes an important contribution to its architectural and historic interest. As previously advised, the building has been designed in the round, not, as suggested in C Miele's report, designed to 'be seen' in the round. The elements of design and material which link all the elevations include the distinctive limestone used throughout on the principal parts of the building and some of the service areas (including the west elevation), the regularly spaced vertical sliding sash windows, a string course (or courses), the high solid to void ratios of the elevations and the general plainness of the wall treatment with any decoration reserved for building elements such as windows and doors.

These elements help unify the design while allowing the hierarchy of the elevations to be demonstrated by richer architectural detailing and modulation, particularly on the south elevation (the entrance front) and the southernmost part of the east elevation (the garden front) of the main part of the building. We advised in our letter of 25 November 2011, that the variation in the 'architectural treatment and detailing of the elevations reflects the hierarchy of the layout and plan form of the rooms behind'. We do not understand why C Miele's report suggests that we did not recognise this aspect of the building's significance.

The principal element of the east elevation is the symmetrical 5 bay part (to the left as one views the east elevation), which could be termed the garden front which faces onto the formal garden. This part of the house is attached to a substantial service wing to the north. The 'linking' section is set back a long way from the 5 bay garden front to separate the principal part of the house from the service wing. This separation is an important part of the design of the house and it is achieved through the plan form of the building - the deliberate setting back of the linking section - as well as the plainer architectural detailing of the service sections.

There is clear evidence, including photographs, which show the fountain and stone gate piers as part of the formal garden to the east of Caythorpe Hall. Whether they are original is unclear, but they have been there for some time and are visible on historic maps. They form a significant part of Caythorpe Hall's setting and significance as strong elements of the formal garden overlooked by some of the principal rooms in the house on the garden front. The fountain formed the focus of the formal garden immediately to the east of the house and the gate piers helped denote the limit of the immediate formal garden whilst also forming a visual 'entrance point' to the open land to the east which can be seen in views from the garden front.

The west elevation of the house faces towards the Coach House and kitchen garden and is clearly lower in the hierarchy of elevations compared to the entrance front and the garden front, with plainer detailing and the inclusion of three storeys where there are only two on the entrance front and garden front. We do not agree that the west front is vernacular in style as elements of the overall design are continued on this elevation, including the vertical sliding sash windows. As we noted in our previous advice, there is a clear difference in the character of the stone facade of the northernmost three bays of the west elevation compared to the part to the south. The evident quoins around the windows and difference in the limestone of the three southernmost bays of this part of the west elevation serve to create an important visual division between the more formal central section of the house and the northern service wing. These architectural elements visually break up what would otherwise appear a long and somewhat unbalanced northernmost part of the west elevation. The architecture and setting of Caythorpe Hall, including its cohesive design elements and hierarchy of elevations, contribute significantly to its high historical and aesthetic values, illustrating its status and function as a late Georgian country house. The Coach

House forms an important part of the setting of Caythorpe Hall and was designed in a Classical style in the same limestone as the main house. It is symmetrical with a central 3 bay pedimented projection. The central projection has a wide entranceway which would have accommodated carriages. The width of the entranceway was previously broken up visually by a multi-leaf door.

## **The proposed scheme**

The proposed scheme is for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting. Two conservatories (a kitchen conservatory and a 'link conservatory' between Caythorpe Hall and the Coach House) and a veranda on the western elevation of the Caythorpe Hall have been built without Listed Building or Planning consent, and consent is now being applied for retrospectively. Replacement Coach House doors have also been inserted without consents. It has also become apparent that the fountain and stone gate piers have been moved from the formal garden on east side of the house to the courtyard on the east side, also without consent, and a door on the west elevation has been removed.

## **Impact of the proposed scheme**

### **Kitchen conservatory**

The large kitchen conservatory is built of timber and glass. It is particularly prominent and visible when viewed from the east and north east. It also physically joins the formal symmetrical 5 bay garden front to the northern L-shaped service wing and completely fills in the recessed section of the building which was designed to visually separate the formal garden front from the service wing. The kitchen conservatory also projects beyond the existing east facing section of the north service wing and the roof of the extension projects above the first floor string-course and cuts across the view of several first floor windows on the recessed section of the garden front.

We consider that the kitchen conservatory is overly prominent and it substantially degrades the ability of the higher status 5 bay garden front to be seen and experienced as separate from the service areas of the house which was a deliberate design feature of Caythorpe Hall brought about by the deep recess between the formal garden front and the service wing.

We continue to advise that the use of glass does not diminish the physical presence of the extension; rather, the apparent bulk of the structure is increased by the visual effects of glare and reflections, and the fact that the extensive glass panels on an extension of this scale form a mass of different material to the rest of the building, which together significantly detract from the appearance of the Grade II\* listed building.

It is English Heritage's view that an extension of this scale, form, design and character in this location results in substantial harm to the significance of Caythorpe Hall. As we advised in our letter of 25 November, evidence remaining on site suggests that two shallow extensions previously existed attached to the link section between the main part of the house and the northern part of the service wing. A sloping scar on the north elevation of the main part of the house from a previous roof shows that a low extension of some form extended a short way from the existing linking section of the service wing. Similarly a three storey extension existed on the northern side of the recessed area which again only extended a short way to the east from the existing linking section of the service wing. As we said in our letter of 13 May 2011, removal of an inappropriate later addition to the building would have given rise to the opportunity to 'better reveal' the significance of the heritage asset which the NPPF encourages. There may be a case for a small extension to the linking section of the service wing. However we remain of the view that any such extension should only extend as far to the east as the previous extensions and would therefore be significantly recessed from the east facing sections of the garden front and the north service wing. The fact that

small extensions previously existed should not be taken as justification for replacing them with a much larger structure which causes substantial harm. We reject the assertion in the C Miele report that this would require reduction of only 2m in the depth of any extension compared to the existing conservatory. Any extension would have to be recessed much further than 2m to maintain the distinction between the higher and lower status parts of the building and avoid harming its significance.

We also continue to have major concerns about what appears to be the removal of a large part of a principal external wall to create a full width open access into the extension. This is a major alteration to the plan form of the building resulting in loss of significant historic fabric which has not been sufficiently justified.

#### 'Link conservatory'

As we advised in our letters of 25 November 2011 and 13 May 2011, the Grade II\* listed Hall and the Grade II listed Coach House have been designed as discrete entities with a form and layout which reflects the different status and their different functions. It is our view that the creation of a link structure between the two buildings results in substantial harm to the significance of both listed buildings through the alteration of the plan form of the buildings, which had previously maintained them as separate entities, and the creation of a visible link between the two separate buildings. No evidence of a previous structure on this location was observed on site. Any new opening to connect the 'link conservatory' to the main house would also have a harmful impact upon the plan form and layout of the Coach House and would result in the unjustified loss of historic fabric.

#### Veranda on the west elevation

We consider that the proposed veranda would harm the significance of Caythorpe Hall by cutting across the important visual division between the more formal central section of the house, including the three southernmost bays with decorative quoin treatment around the windows, and the northern service wing which is plainer and with a different limestone treatment. The veranda would also obscure views of the ground floor windows, detracting from the significance of the proportions of the fenestration, including the regular arrangement of the windows and the spaces between them. Part of the significance of the windows is as part of the unifying use of vertical sliding sash windows on all elevations of the house. We do not understand why the C Miele report says that we advised that all elements cause substantial harm when we clearly stated in our letter of 25 November 2011 that the veranda causes harm rather than substantial harm.

#### Relocation of fountain and gate piers

We consider that the relocation of the fountain and gate piers has caused harm to the significance of Caythorpe Hall by the removal of important elements of the formal, high status gardens to the east, with a clear designed relationship to the significant garden front which overlooked them, and by the insertion of these formal structures in the lower status service yard to the west of the house.

#### Coach House doors

We consider that the new doors of the Coach House harm the significance of the building. As the new door has only two leaves, the door leaves are greatly oversized, with huge hinges, and this harms the appearance and design of the elegant main façade of the Coach House which is a key part of the building's significance. We understand that the original doors had more than two leaves and this would provide an appropriate solution.

#### Planning policy and guidance

By law, in every decision on listed building consent or planning permission concerning a listed building, special regard must also be paid to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990). Since our last advice letter on 25 November 2011, the National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 5 Planning for the Historic Environment. Paragraph 7 of the NPPF makes clear that protecting and enhancing our historic environment is part of sustainable development. Conserving heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations is also one of the core planning principles (para. 17). Conservation is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

The NPPF also states that heritage assets are an irreplaceable resource (para. 126) and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be (para. 132). Paragraph 132 also says that significance can be harmed or lost through development within a heritage asset's setting and substantial harm to the significance of a heritage asset of the highest significance, including grade II\* listed buildings, should be wholly exceptional. Paragraph 132 also states that as heritage assets are irreplaceable, any harm or loss should require 'clear and convincing justification'. Paragraph 133 of the NPPF goes on to say that 'Where a proposed development will lead to substantial harm to... significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm ... is necessary in order to achieve substantial public benefits that outweigh the harm or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use'.

Paragraphs 126 and 131 also remind us that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the desirability for new development to make a positive contribution to local character and distinctiveness.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

'Conservation Principles', pp 46-53, highlights that sustaining design value depends upon maintaining the integrity of the design concept.

## **Position**

English Heritage considers that the kitchen conservatory does not meet the requirements of paragraph 133 of the NPPF as it causes substantial harm and it does not provide substantial public benefits that outweigh the substantial harm caused, and none of the conditions in paragraph 133 have been met. We do not consider that it has been shown to provide any public benefit. We do not accept the view put forward in the C Miele report that adding the kitchen conservatory optimises the use of Caythorpe Hall and thereby provides some public benefit. This is speculation and no evidence

has been put forward to support this. The additional accommodation provided by the kitchen conservatory is very small compared to the overall area of the house, a view that is acknowledged in the C Miele report, and the house includes many large principal rooms and large service areas which can accommodate reasonable expectations of family living in a large house. Indeed, the fact that Caythorpe Hall has just been bought on the open market demonstrates that it is viable as a country house without the kitchen conservatory. The application fails to provide a clear and convincing justification for the kitchen conservatory as required by paragraph 132 of the NPPF. English Heritage also considers that the link conservatory does not meet the requirements of paragraph 133 of the NPPF as it causes substantial harm and in our view it does not provide substantial public benefits that outweigh the substantial harm caused, and none of the conditions in paragraph 133 have been met. We do not consider that it has been shown to provide any public benefit.

It remains our view that the justification provided in the Design and Access Statement that the two conservatories are 'fundamentally required to provide the living space required for modern living' is unproven as there is no evidence to suggest that the existing accommodation is inadequate.

It also remains our view that the harm caused by the introduction of the veranda on the west elevation does not deliver any public benefits that outweigh the harm caused and therefore does not meet the requirements of paragraph 134 of the NPPF.

The Design and Access statement argues that the wider works to restore the estate justify any harm caused by the extensions and the veranda. As we advised in our letter of 25 November 2011, we do not accept this argument. The extensions and veranda are not necessary to deliver the scheme or 'preserve the asset' as substantial accommodation already exists within the hall and associated buildings. Restoration of other parts of a heritage asset is not in itself a justification for causing substantial harm to the heritage asset, particularly where the works which cause substantial harm are not necessary to deliver the overall scheme. It is important to note that simple reversal of additions, even if possible, is not in itself a justification for works which cause substantial harm to the significance of listed buildings.

We also consider that the relocation of the fountain and stone gate piers causes harm to the significance of Caythorpe Hall and does not deliver any public benefits that outweigh the harm caused, and therefore does not meet the requirements of paragraph 134 of the NPPF. As far as we are aware no justification has been put forward for these works.

We remain of the view that the proposed scheme does not sustain and enhance the significance of the heritage assets, nor do the conservatories and veranda make a positive contribution to character, including scale, height, mass and alignment.

## **Recommendation**

Accordingly, English Heritage objects to this application because of the substantial harm caused by the kitchen conservatory, the substantial harm caused by the Coach House conservatory, the harm caused by the veranda and the harm caused by the relocation of the fountain and gate piers, none of which have been justified. We recommend refusal of listed building consent and planning permission. If, notwithstanding our advice, your Authority is minded to grant listed building consent, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely  
**David Walsh**

Inspector of Historic Buildings and Areas  
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Enclosure: Checklist for notification to the National Planning Casework Unit

**CHECKLIST OF INFORMATION FOR NOTIFICATION TO THE SECRETARY OF STATE (NATIONAL PLANNING CASEWORK UNIT)**

**Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010**

If you are required to notify the National Planning Casework Unit of this application, it will help to save time if you include the following documents:

- \_ Copy of the application
- \_ List of the drawing numbers
- \_ Copy of the list description(s)
- \_ Recent photographs if available
- \_ Copy of the advertisement
- \_ Copies of any representations received
- \_ Statement explaining the extent to which the local authority has taken on board the advice and recommendations from English Heritage and other consultees
- \_ Confirmation of any amendments made to the application subsequent to initial notification to English Heritage
- \_ Explanation of why the local authority is disposed to grant consent, including copies of committee report(s) and minutes, where relevant
- \_ List of proposed conditions

## **APPENDIX 2**

### **English Heritage's Consultee Response to S11/2371**

**Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010  
CAYTHORPE HALL, CHURCH LANE, CAYTHORPE, SOUTH KESTEVEN,  
LINCOLNSHIRE, NG32 3EL  
Application No S11/2371**

Thank you for your letter of 21 October 2011 notifying English Heritage of the above application. We have previously attended a site visit on 21 November 2011 and commented on proposals for this site on 25 November 2011, 13 May 2011, 2 September 2010 and 13 December 2010.

We understand that the reasons for re-consulting English Heritage are that (1) a further report by Dr C Meile (dated October 2012) has been submitted on behalf of the applicant, (2) it has become apparent that additional alterations have been undertaken about which we have not been consulted, and (3) the National Planning Policy Framework has replaced Planning Policy Statement 5 Planning for the Historic Environment since we gave our previous advice.

#### **Summary**

Caythorpe Hall, built in 1823, is listed Grade II\* and is therefore within the top 8% of listed buildings in England. The Coach House, also built in 1823, is listed Grade II. The proposals are for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting, including the addition of a kitchen conservatory, a 'link conservatory' between Caythorpe Hall and the Coach House, and a veranda, and the relocation of a fountain and stone gate piers.

It remains our view that the kitchen conservatory and the 'link conservatory' cause substantial harm to the significance of Caythorpe Hall and the requirements of the National Planning Policy Framework have not been met, particularly the requirements in paragraph 133. We consider that the veranda on the west elevation has a harmful impact upon the significance of Caythorpe Hall and has not been justified. We also consider that the relocation of the fountain and the gate posts harms the setting and significance of Caythorpe Hall and has not been justified.

Our advice is provided in line with the national Planning Policy Framework, particularly paragraphs 7, 17, 126, 131, 132, 133 and 134; the Historic Environment Planning Practice Guide (English Heritage, March 2010) and English Heritage 'Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, April 2008).

Accordingly, English Heritage objects to this application and recommends refusal of planning permission and listed building consent. If, notwithstanding our advice, your Authority is minded to grant consent, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009.

#### **English Heritage Advice**

#### ***Significance***

As we noted in our letter of 25 November 2011, Caythorpe Hall is listed Grade II\* which means it is part of the small proportion (about 8%) of listed buildings which are at least of outstanding architectural and/or historic interest. The Coach House is listed Grade II which means it is of special architectural and/or historic interest. A large part of Caythorpe Hall's and the Coach House's significance lies in the conscious overall design of the buildings and their setting. This is due in part to their being largely built during one building phase, in 1823, rather than piecemeal over many years.

As we advised in our letter of 25 November 2011, the Classical architectural style of Caythorpe Hall is expressed eloquently in the fenestration and detailing of the elevations and makes an important contribution to its architectural and historic interest. As previously advised, the building has been designed in the round, not, as suggested in C Miele's report, designed to 'be seen' in the round. The elements of design and material which link all the elevations include the distinctive limestone used throughout on the principal parts of the building and some of the service areas (including the west elevation), the regularly spaced vertical sliding sash windows, a string course (or courses), the high solid to void ratios of the elevations and the general plainness of the wall treatment with any decoration reserved for building elements such as windows and doors.

These elements help unify the design while allowing the hierarchy of the elevations to be demonstrated by richer architectural detailing and modulation, particularly on the south elevation (the entrance front) and the southernmost part of the east elevation (the garden front) of the main part of the building. We advised in our letter of 25 November 2011, that the variation in the *'architectural treatment and detailing of the elevations reflects the hierarchy of the layout and plan form of the rooms behind'*. We do not understand why C Miele's report suggests that we did not recognise this aspect of the building's significance.

The principal element of the east elevation is the symmetrical 5 bay part (to the left as one views the east elevation), which could be termed the garden front which faces onto the formal garden. This part of the house is attached to a substantial service wing to the north. The 'linking' section is set back a long way from the 5 bay garden front to separate the principal part of the house from the service wing. This separation is an important part of the design of the house and it is achieved through the plan form of the building - the deliberate setting back of the linking section - as well as the plainer architectural detailing of the service sections.

There is clear evidence, including photographs, which show the fountain and stone gate piers as part of the formal garden to the east of Caythorpe Hall. Whether they are original is unclear, but they have been there for some time and are visible on historic maps. They form a significant part of Caythorpe Hall's setting and significance as strong elements of the formal garden overlooked by some of the principal rooms in the house on the garden front. The fountain formed the focus of the formal garden immediately to the east of the house and the gate piers helped denote the limit of the immediate formal garden whilst also forming a visual 'entrance point' to the open land to the east which can be seen in views from the garden front.

The west elevation of the house faces towards the Coach House and kitchen garden and is clearly lower in the hierarchy of elevations compared to the entrance front and the garden front, with plainer detailing and the inclusion of three storeys where there are only two on the entrance front and garden front. We do not agree that the west front is vernacular in style as elements of the overall design are continued on this elevation, including the vertical sliding sash windows. As we noted in our previous advice, there is a clear difference in the character of the stone facade of the northernmost three bays of the west elevation compared to the part to the south. The evident quoins around the windows and difference in the limestone of the three southernmost bays of this part of the west elevation serve to create an important visual

division between the more formal central section of the house and the northern service wing. These architectural elements visually break up what would otherwise appear a long and somewhat unbalanced northernmost part of the west elevation.

The architecture and setting of Caythorpe Hall, including its cohesive design elements and hierarchy of elevations, contribute significantly to its high historical and aesthetic values, illustrating its status and function as a late Georgian country house. The Coach House forms an important part of the setting of Caythorpe Hall and was designed in a

Classical style in the same limestone as the main house. It is symmetrical with a central 3 bay pedimented projection. The central projection has a wide entranceway which would have accommodated carriages. The width of the entranceway was previously broken up visually by a multi-leaf door.

### ***The proposed scheme***

The proposed scheme is for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting. Two conservatories (a kitchen conservatory and a 'link conservatory' between Caythorpe Hall and the Coach House) and a veranda on the western elevation of the Caythorpe Hall have been built without Listed Building or Planning consent, and consent is now being applied for retrospectively. Replacement Coach House doors have also been inserted without consents. It has also become apparent that the fountain and stone gate piers have been moved from the formal garden on east side of the house to the courtyard on the east side, also without consent, and a door on the west elevation has been removed.

### ***Impact of the proposed scheme***

#### **Kitchen conservatory**

The large kitchen conservatory is built of timber and glass. It is particularly prominent and visible when viewed from the east and north east. It also physically joins the formal symmetrical 5 bay garden front to the northern L-shaped service wing and completely fills in the recessed section of the building which was designed to visually separate the formal garden front from the service wing. The kitchen conservatory also projects beyond the existing east facing section of the north service wing and the roof of the extension projects above the first floor string-course and cuts across the view of several first floor windows on the recessed section of the garden front.

We consider that the kitchen conservatory is overly prominent and it substantially degrades the ability of the higher status 5 bay garden front to be seen and experienced as separate from the service areas of the house which was a deliberate design feature of Caythorpe Hall brought about by the deep recess between the formal garden front and the service wing.

We continue to advise that the use of glass does not diminish the physical presence of the extension; rather, the apparent bulk of the structure is increased by the visual effects of glare and reflections, and the fact that the extensive glass panels on an extension of this scale form a mass of different material to the rest of the building, which together significantly detract from the appearance of the Grade II\* listed building.

It is English Heritage's view that an extension of this scale, form, design and character in this location results in substantial harm to the significance of Caythorpe Hall. As we advised in our letter of 25 November, evidence remaining on site suggests that two shallow extensions previously existed attached to the link section between the main part of the house and the northern part of the service wing. A sloping scar on the north elevation of the main part of the house from a previous roof shows that a low extension of some form extended a short way from the existing linking section of the service wing. Similarly a three storey extension existed on the northern side of the

recessed area which again only extended a short way to the east from the existing linking section of the service wing. As we said in our letter of 13 May 2011, removal of an inappropriate later addition to the building would have given rise to the opportunity to 'better reveal' the significance of the heritage asset which the NPPF encourages. There may be a case for a small extension to the linking section of the service wing. However we remain of the view that any such extension should only extend as far to the east as the previous extensions and would therefore be significantly recessed from the east facing sections of the garden front and the north service wing. The fact that small extensions previously existed should not be taken as justification for replacing them with a much larger structure which causes substantial harm. We reject the assertion in the C Miele report that this would require reduction of only 2m in the depth of any extension compared to the existing conservatory. Any extension would have to be recessed much further than 2m to maintain the distinction between the higher and lower status parts of the building and avoid harming its significance. We also continue to have major concerns about what appears to be the removal of a large part of a principal external wall to create a full width open access into the extension. This is a major alteration to the plan form of the building resulting in loss of significant historic fabric which has not been sufficiently justified.

#### 'Link conservatory'

As we advised in our letters of 25 November 2011 and 13 May 2011, the Grade II\* listed Hall and the Grade II listed Coach House have been designed as discrete entities with a form and layout which reflects the different status and their different functions. It is our view that the creation of a link structure between the two buildings results in substantial harm to the significance of both listed buildings through the alteration of the plan form of the buildings, which had previously maintained them as separate entities, and the creation of a visible link between the two separate buildings. No evidence of a previous structure on this location was observed on site. Any new opening to connect the 'link conservatory' to the main house would also have a harmful impact upon the plan form and layout of the Coach House and would result in the unjustified loss of historic fabric.

#### Veranda on the west elevation

We consider that the proposed veranda would harm the significance of Caythorpe Hall by cutting across the important visual division between the more formal central section of the house, including the three southernmost bays with decorative quoin treatment around the windows, and the northern service wing which is plainer and with a different limestone treatment. The veranda would also obscure views of the ground floor windows, detracting from the significance of the proportions of the fenestration, including the regular arrangement of the windows and the spaces between them. Part of the significance of the windows is as part of the unifying use of vertical sliding sash windows on all elevations of the house. We do not understand why the C Miele report says that we advised that all elements cause substantial harm when we clearly stated in our letter of 25 November 2011 that the veranda causes harm rather than substantial harm.

#### Relocation of fountain and gate piers

We consider that the relocation of the fountain and gate piers has caused harm to the significance of Caythorpe Hall by the removal of important elements of the formal, high status gardens to the east, with a clear designed relationship to the significant garden front which overlooked them, and by the insertion of these formal structures in the lower status service yard to the west of the house.

#### Coach House doors

We consider that the new doors of the Coach House harm the significance of the

building. As the new door has only two leaves, the door leaves are greatly oversized, with huge hinges, and this harms the appearance and design of the elegant main façade of the Coach House which is a key part of the building's significance. We understand that the original doors had more than two leaves and this would provide an appropriate solution.

### *Planning policy and guidance*

By law, in every decision on listed building consent or planning permission concerning a listed building, special regard must also be paid to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990).

Since our last advice letter on 25 November 2011, the National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 5 Planning for the Historic Environment. Paragraph 7 of the NPPF makes clear that protecting and enhancing our historic environment is part of sustainable development. Conserving heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations is also one of the core planning principles (para. 17). Conservation is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

The NPPF also states that heritage assets are an irreplaceable resource (para. 126) and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be (para. 132). Paragraph 132 also says that significance can be harmed or lost through development within a heritage asset's setting and substantial harm to the significance of a heritage asset of the highest significance, including grade II\* listed buildings, should be wholly exceptional. Paragraph 132 also states that as heritage assets are irreplaceable, any harm or loss should require '*clear and convincing justification*'.

Paragraph 133 of the NPPF goes on to say that '*Where a proposed development will lead to substantial harm to... significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm ... is necessary in order to achieve substantial public benefits that outweigh the harm or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use*'.

Paragraphs 126 and 131 also remind us that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the desirability for new development to make a positive contribution to local character and distinctiveness.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

'Conservation Principles', pp 46-53, highlights that sustaining design value depends upon maintaining the integrity of the design concept.

## **Position**

English Heritage considers that the kitchen conservatory does not meet the requirements of paragraph 133 of the NPPF as it causes substantial harm and it does not provide substantial public benefits that outweigh the substantial harm caused, and none of the conditions in paragraph 133 have been met. We do not consider that it has been shown to provide any public benefit. We do not accept the view put forward in the C Miele report that adding the kitchen conservatory optimises the use of Caythorpe Hall and thereby provides some public benefit. This is speculation and no evidence has been put forward to support this. The additional accommodation provided by the kitchen conservatory is very small compared to the overall area of the house, a view that is acknowledged in the C Miele report, and the house includes many large principal rooms and large service areas which can accommodate reasonable expectations of family living in a large house. Indeed, the fact that Caythorpe Hall has just been bought on the open market demonstrates that it is viable as a country house without the kitchen conservatory. The application fails to provide a clear and convincing justification for the kitchen conservatory as required by paragraph 132 of the NPPF.

English Heritage also considers that that the link conservatory does not meet the requirements of paragraph 133 of the NPPF as it causes substantial harm and in our view it does not provide substantial public benefits that outweigh the substantial harm caused, and none of the conditions in paragraph 133 have been met. We do not consider that it has been shown to provide any public benefit.

It remains our view that the justification provided in the Design and Access Statement that the two conservatories are 'fundamentally required to provide the living space required for modern living' is unproven as there is no evidence to suggest that the existing accommodation is inadequate.

It also remains our view that the harm caused by the introduction of the veranda on the west elevation does not deliver any public benefits that outweigh the harm caused and therefore does not meet the requirements of paragraph 134 of the NPPF.

The Design and Access statement argues that the wider works to restore the estate justify any harm caused by the extensions and the veranda. As we advised in our letter of 25 November 2011, we do not accept this argument. The extensions and veranda are not necessary to deliver the scheme or 'preserve the asset' as substantial accommodation already exists within the hall and associated buildings. Restoration of other parts of a heritage asset is not in itself a justification for causing substantial harm to the heritage asset, particularly where the works which cause substantial harm are not necessary to deliver the overall scheme. It is important to note that simple reversal of additions, even if possible, is not in itself a justification for works which cause substantial harm to the significance of listed buildings.

We also consider that the relocation of the fountain and stone gate piers causes harm to the significance of Caythorpe Hall and does not deliver any public benefits that outweigh the harm caused, and therefore does not meet the requirements of paragraph 134 of the NPPF. As far as we are aware no justification has been put forward for these works.

We remain of the view that the proposed scheme does not sustain and enhance the significance of the heritage assets, nor do the conservatories and veranda make a positive contribution to character, including scale, height, mass and alignment.

## **Recommendation**

Accordingly, English Heritage objects to this application because of the substantial harm caused by the kitchen conservatory, the substantial harm caused by the Coach House conservatory, the harm caused by the veranda and the harm caused by the relocation of the fountain and gate piers, none of which have been justified. We

recommend refusal of listed building consent and planning permission.  
Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

**David Walsh**

Inspector of Historic Buildings and Areas

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## **APPENDIX 3**

### **Comments of South Kesteven Principal Conservation Officer**

I refer to your memorandum dated 17th October 2011 inviting comment on the application for listed Building Consent for works of alteration and extension to Caythorpe Hall.

The present Hall, a modest Georgian country house displaying the, then fashionable, influence of Ancient Greece. It was built in 1823/4 for Colonel G. H. Packe, the Lord of the Manor and the architect was William Parsons of Leicester. The house itself is listed Grade II\* and an adjacent Coach House is listed grade II. All other buildings within the curtilage are covered by the listing to the main house, apart from the grade II listed Lodge and the Icehouse. The latter is not affected by the current application.

The whole estate was sold out of the Hussey family in 1947 when both the Hall and gardens, amounting to 5.8 acres, were purchased by H. Adcock of Corby Glen Sawmills.

More recently, prior to it coming into the applicant's ownership it was occupied, unauthorised, as two dwellings and had been the subject to neglect and a degree of unsympathetic alteration.

The Hall was listed in 1955 and the Coach House and Lodge in 1984.

The Hall, Coach House and other buildings and the grounds in the immediate vicinity of the of the Hall are within the Caythopre Conservation Area.

The current application seeks consent for works of alteration and extension already undertaken and also for further proposed works. There still remain other works that have been carried out without authorisation that do appear to form part of the current applications.

In April 2010 it was brought to the Authority's attention that works were being undertaken to the Hall by a new owner. A site visit by Officers revealed that various unauthorised works of alteration and extension had been carried out without authorisation. The owner was advised of the legal implications of carrying out works without first obtaining the requisite authorisations and was advised to cease further works, other than repairs on a like-for-like basis, and to submit as soon as possible an application seeking consent for works already undertaken and others that were proposed.

Despite having been advised to cease any further works, the owner carried on with those already started and others which are included in the current applications for listed building consent and planning permission.

Not everything the applicant has undertaken at the property has had a negative impact on the buildings. There have been extensive works of refurbishment, to both internal and external features that had been neglected or the subject of past, unsympathetic alteration.

Taking each element of the proposal separately, I would comment as follows:

#### **Kitchen Conservatory**

The hall comprises two distinct elements, the original Hall and an L-shaped service wing adjoining at the northern end. Adjoining the northern end of the Hall and the eastern wall of the service wing, which is significantly recessed from the eastern elevation of the Hall, a substantial timber conservatory has been added

that has itself an L-shaped floor plan and extends beyond the eastern wall of the service wing. It also projects above the first floor string course and obscures several of the first floor windows.

There have been some unauthorised demolitions in this recessed area to accommodate the conservatory.

A three-storey, flat roof structure was demolished and a large opening formed in the eastern wall of the service wing, without authorisation. The supporting information claims that the structures that have been removed "comprised rough brick walling, single-glazed joinery frames, felt flat roofing, corrugated PVC sheeting roofing in part". No photographic evidence has been submitted to support this claim but the photographs that were taken at the time the property was last on the market show the three-storey element that has been removed to apparently be constructed of stone. The removal of structures without authorisation means that the applicants assertions about their construction could not be verified and there was no opportunity for an assessment to be made of their historic significance.

In addition, a large area of the external wall of the service wing has been removed at ground floor level where the conservatory adjoins, not by the current owner it is claimed, that has resulted in the loss of a significant amount of historic fabric.

The conservatory that has been erected here has a significant and removal of a substantial area of external wall has a harmful impact on the character and appearance of the principal, eastern elevation of the Hall and the adjoining service wing. It is irrelevant that there are only limited public views of this part of the building. Private views are of equal importance.

#### Conservatory to north wall of service wing

Again this extension has already been added. It provides an enclosed link between the service wing and an adjacent building between the Hall and the Coach House. It allows for passage between the three buildings without the need to go outdoors.

It is similar in design and materials to that added to the eastern wall of the service wing but has a much smaller footprint. It is also claimed that this replaces a former, inferior structure, although again no evidence has been provided to support this claim.

A small area of garden around this conservatory has been enclosed by fencing.

In my opinion the impact of this conservatory on the character and appearance of the listed building is not significant, nor is the structure inappropriate in terms of its design, materials and size.

I would not wish to object therefore to this element of the proposals.

#### Coach House

The grade II listed Coach House is located at right angles to and to the north-west of the Hall.

There have been significant alterations to this building, including the creation of a link to the Hall, as mentioned above.

A significant and harmful alteration has been the replacement of the sliding doors to the south, principal elevation facing onto the courtyard, with side hung doors. This unauthorised alteration has altered the appearance of the building to the detriment of its character and appearance. The replacement doors are much larger and fill the entire opening. They incorporate no glazing, unlike the previous doors which had glazing at the top of the side panels, and they have, of necessity, larger and more prominent hinges.

A large opening, not much smaller than that on the south elevation, has been formed in the north wall and it has a similar pair of double doors. This alteration has resulted in the unjustified loss of a significant amount of historic fabric to the detriment of the significance of this heritage asset.

#### Veranda to western elevation of the Hall

This addition has also already been added to the Hall. It is constructed of timber and has a lead roof. It extends across nearly the full length of the west elevation to the service wing.

The supporting statement suggests that that the west elevation is “ill-proportioned unbalanced, and somewhat ‘institutional’ in its appearance” and claims that it is an “essential” log store and covered porch.

It is not only excessive for the stated purpose but also has the unfortunate effect of obscuring the subtle transition from the formal part of the Hall and the service wing, which are constructed of noticeably different coloured stone and have different detailing to the window and door openings.

The supporting statement also makes reference to such structures on similar properties at Normanton and Stragglethorpe but these are not precisely identified and nor are any photographs provided so a how relevant these comparisons are cannot be assessed.

#### New leisure building and Greenhouse

The ground area of the walled garden has been sensitively restored and its enclosing walls have been re-pointed. It is proposed to erect a new ‘leisure building’, comprising a swimming pool, gym and ancillary facilities against the north wall of the kitchen garden in the style of a period greenhouse/conservatory. There is evidence of a similar structure having once been in this location, if not quite as extensive as currently proposed.

It is also proposed to erect a sizeable lean-to greenhouse and cold frame in the south west corner of the walled garden. These are shown to be in a style appropriate for the context.

Although no large scale details have been submitted, I am satisfied that the setting of none of the principal and curtilage heritage assets will be compromised by these buildings but, if the applications are approved, I would request that a condition be imposed stipulating that these structures be constructed with timber framing and to details to be agreed with the authority.

#### Other works

Other works for which planning permission is being sought, again retrospectively, include the creation of an ornamental pond and fountain in the courtyard, the installation of pole mounted cctv cameras, the erection of fencing and the formation of a tennis court. I have no particular concerns about these works, even though they have already been undertaken. The pole mounted cctv cameras and the tennis court are sited discreetly as practicable and the fencing is preferable to the on-end railway sleepers that were formerly used in several places on the site.

There are other works that appear to have been carried out without authorisation and for which consent is not being sought under the current applications include:

- Wall connecting the Hall, intervening outbuilding and the Coach House.
- Small extension to rear of Coach House, linking the Coach House with the adjacent garage to the east and thus, via the conservatory, to the Hall.

- Demolition of previous additions.
- Replacement door to west elevation of service wing.

Although I do not share English Heritage's opinion on a couple of elements of the works for which consent is being sought, specifically the conservatory against the north wall of the Hall and the Leisure building to be erected against the walls of the former kitchen garden, I concur with their comments on the majority of the works for which consent is being sought.

I would advise therefore that on the grounds that substantial harm has been caused to the character and appearance of the grade II\*, grade II and curtilage listed and therefore their significance as heritage assets by the kitchen extension and associated alterations to the Hall, the alterations to the Coach House and the addition of a veranda to western side of the Hall. Policy HE9 of PPS5 states that "Loss affecting any designated asset should require clear and convincing justification". In the case of the applications under consideration in this instance no convincing justification has been provided.

The works for which consent/approval are being sought under these applications are considered to be contrary Central Government Guidance on Planning and the Historic Environment contained in PPS5 – Planning for the Historic Environment, in particular policies HE6, HE7, HE9, HE10, Policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the Core Strategy to South Kesteven local Development Framework.

## APPENDIX 4

### Additional comments from SKDC Principal Conservation Officer

Thank you for forwarding a copy of the Expert Opinion statement of Montague Evans on behalf of Mr Sowerby for the works that are the subject of applications for Listed Building Consent and Planning Permission at Caythorpe Hall.

Having read through the statement I would wish to make the following comments:

- Whilst there has been a change of policy guidance from the short-lived PPS5 to the NPPF since the applications for planning permission and listed building consent were originally submitted, the main thrust of Government policy in respect of the historic built environment still recognizes that heritage assets are an irreplaceable resource to be conserved in a manner appropriate to their significance.

Caythorpe Hall is listed grade II\*, which means that it is a particularly important building of more than special interest. Only 5.5% of all listed buildings are Grade II\*. Caythorpe Hall is, therefore, undeniably of high significance. The fact that the associated Coach House is listed in its own right emphasizes the significance of that building as well.

- The author of the Expert Opinion, Dr Miele, clearly comes with an impressive CV and due regard should have been paid to his assessment of the works. I am somewhat surprised, however, that his assessment of significance appears not to have any regard to the Historic Environment Record, which the NPPF states at paragraph 128 that “As a minimum the relevant historic environment record should have been consulted...”. Information from the HER and other sources would have informed the analysis of the significance of the different elements of the heritage asset. The assessment appears to have been made purely on the basis of, what I acknowledge to be, Dr Miele’s considerable experience in dealing with conservation matters but it appears to be founded upon what is there to be seen at present. I have to say that I would have expected a more rigorous analysis of the Hall and stables historical development than we have been presented with. Furthermore, he appears to have taken on board the current owners statements about the property without question. This is disconcerting given that the owner has admitted under caution that many of the works he has carried out were unauthorised in full knowledge that Listed Building Consent should have first been obtained and that he has been inconsistent in some of the statements made regarding other alterations.
- A consequence of the lack of analytical rigour is that the assessment of the works of extension and alteration is based on supposition rather than the facts. For example, when considering the Kitchen Conservatory to the East Range he suggests that “there could well have been a conservatory here in the history of the building on the basis that this was an increasingly popular feature from 1800 onwards on status houses”(para. 4.27). There is no historical evidence to support this claim and the balance of probability is that there wasn’t a conservatory in this location as research has shown that only about a quarter of the houses dating from the period in which the Hall was constructed had conservatories added. Furthermore, the location is on the northern side of the main house and enclosed on three sides by the high walls of the main part of the house and its service wing and thus only receives sunlight from the east and then to varying degrees, depending on the time of year.

- The significance of the east elevation of the main part of the house is played down in an attempt to justify the size of the garden room in the recess.

The south and east elevations are distinct entities but both are of equal significance. Clearly the internal arrangement is such that the principal formal rooms take advantage of the views to the escarpment to the east and equally, it is the main elevation of the house that can be seen from views in the opposite direction.

The south front is the formal entrance that is intended to impress visitors. That role has been diminished by the alterations undertaken by the current owner who has contrived to make the service entrance on the western side the principal approach, not least by moving the fountain that had previously always been located as a focal point in the formal garden on the eastern side of the house to the yard enclosed by the west elevation of the house, the Coach House and the kitchen garden.

The large opening that has been created at ground floor level of the eastern wall of the service wing has resulted in the loss of a significant amount historic fabric, for which no satisfactory justification has been provided, probably because there is none beyond the owner's preference.

- The significance of the doors to the principal south elevation of the independently listed Coach House is also seriously underplayed. The doors that were in existence until replaced by the current owner were an important, if somewhat idiosyncratic, feature. Their removal and replacement with conventional, two-leafed, side hinged doors has caused significant harm to the character and appearance and, therefore, the significance of this heritage asset.

There is no evidence that the doors were in a poor condition, recent photographs certainly do not suggest they were and in any case if there were areas of rot then partial repair would have been the appropriate course of action. I cannot agree that removal of the doors is a "minor consideration", as Dr Miele states. Contrary to what he asserts, it would in my opinion warrant a refusal on its own. Dr Miele's opinion is again not based upon any evidence other than the owner's assertions.

- Dr Miele's comments with regard to the weight that should be attached to the Practice Guide that accompanied PPS5 are questionable. A statement on English Heritage's website States as follows: "Please note, the PPS5 Practice Guide remains a valid and Government endorsed document pending the results of a review of guidance supporting national planning policy. The references to PPS5 policies in this document are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF." I am informed by representatives of English Heritage that this statement was posted only after discussions with the relevant government department.

Until such time as the supporting guidance to the Policies in the NPPF are reviewed, the Practice Guide remains a document to which significant weight should be attached. No doubt EH themselves will have something to say on this matter when they submit their comments.

- Dr Miele also makes what is to me a curious comment (para 5.8) when he states that the works undertaken by the owner to make the house suitable to modern living involve only "minimal intervention". If the works under consideration here are considered to be 'minimal' it would be interesting to know what Dr Miele would consider to be substantial.

- The document also makes no reference to other unauthorised alterations which are shown on the plans, such as the relocation of the fountain and entrance gates from the formal garden on the eastern side of the house to the service yard on the western side and the formation of a double width opening in the rear of the Coach House.

In conclusion, I can find nothing in Dr Miele's submission to persuade me to deviate from my original comments that were included in the report when these applications were last placed before Committee.

Ian Wright  
Principal Conservation Officer

## APPENDIX 5

### Statement from Applicant's Agent

I write with reference to your email of 20th December 2011 enclosing further comments from English Heritage on the revised/resubmitted planning application at the above.

Following further consultation with my clients in the above matter, I have been asked by Mr. & Mrs. Sowerby to put-forward the following points. Which I quote from an email received from Mr Sowerby:

- “We do not accept the points made by EH which we believe have already been fully addressed in great detail in our application. In particular, pages 1 to 14 of the Design and Access Statement (revision B, 12 September 2011) remain entirely relevant.”
- “In our opinion, EH are objecting to the conservatories and veranda purely on the grounds of the application being retrospective. We feel that their arguments are biased and have been predetermined since the outset.”
- “The above point is reinforced by their ‘bully-boy’ tactics and threats to refer the matter to the Secretary of State (if they don’t get their way!). Their attitude is borne-out by their unethical and high handed unauthorised site visit, in respect of which we are in the process of making an official complaint to the relevant authorities.”
- “Not one person who has seen the work at Caythorpe has failed to be impressed and nobody can understand why EH object to the proposals.”
- “How can English Heritage say that the building has been “harmed” when it clearly has not, and in fact has been saved beautifully restored as indeed the Committee will see on their forthcoming visit!”
- “We believe EH have totally misunderstood the history and reading of the building and how this has changed over the years. As a result, EH have misunderstood the application completely.”
- “EH allude that the “appendages” spoil a previously untouched building when is it clear that the building has been constructed over many years and different stages so that the relationship of the component parts has been constantly changing. For example, the Hall itself has been extended at least twice and was originally significantly further separated from the Coach House which has at some point had the wing added and then the small lower garage (at later dates).”
- “EH have made no mention of the quality and detail of the four years of restoration work that has taken place and that has saved the building for the next 100 years. Surely we must be allowed some credit for all of this effort!?”
- “The kitchen conservatory recessed area has previously been significantly infilled with various buildings as detailed on old Land Registry plans. This contradicts some elements of the view stated by English Heritage.”
- “EH are saying that they would be prepared to consider extensions within this area. In fact any such extension would look very little different from what has already built when viewed from the lawn area to the east of the property.”
- “EH accept the proposal for the huge leisure complex building within the walled garden, and have previously allowed a 20% floor area extension to the walled garden house,

yet a 4% increase in the floor area of the Hall (in the form of the conservatories) is unacceptable to them!"

- "How can EH possibly say that the work is "not in the public interest" when it can not be seen by the public?"
- "Without the conservatories and the veranda the property is not suitable for our families' practical use. We are living in the 21st Century and the property has to be both practical and manageable."
- "As already stated, the property had previously been split into seven separate ownerships and has now been returned to one."
- "If the application is rejected, the Hall will have to be split back into multi-occupancy along with applications for further enabling development to recoup significant costs already expended. The only other alternative would be to redevelop the Hall as a Hotel which would inevitably lead to fundamental physical changes to the fabric, and the loss of the use of the property as a family home."
- "The Walled Garden leisure complex has been amended in line with English Heritage's previous comments. It appears from their latest response that they have overlooked these amendments. Surely one must question how carefully they are looking at the application documents if this can be the case?"
- "The project as a whole means that the extensive wall along the main road side to the east of the site which is in a terrible state will be saved. This wall is perhaps the most outstanding piece of construction within the village and its reconstruction is a fundamental part of our proposal to reinstate the formal parkland around the Hall as was originally the case. Surely we must be given credit for works of this type?"

Please note that this is my client's express wish that the above points are put to you prior to your consideration of this matter.

## APPENDIX 6

### Statement from applicant's solicitor submitted 18 June 2012-12-20

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**GROUNDS FOR REFERRAL OF THE ABOVE APPLICATION TO THE SECRETARY OF  
STATE  
FOLLOWING THE DETERMINATION OF THE PLANNING COMMITTEE OF THE 7<sup>TH</sup>  
FEBRUARY 2012  
THAT 'AN APPLICATION ENDORSED BY THE COMMITTEE BE MADE TO THE  
SECRETARY OF STATE'**

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#### **The kitchen conservatory**

1. The three storey eastern wall of the service wing is substantially recessed from the principal elevation of the Hall to the east and subordinate to that elevation. The recessed area created by this later addition was formerly partly infilled by a single storey extension to the northern elevation of the Hall at this point and by a flat roofed three storey extension in the north corner of the area.
2. The conservatory fills the recessed area at ground floor level with a light filled transparent extension that is appropriately located there. Access is provided through the external wall of the eastern elevation of the service wing as it would be with an extension in that location. The subservient nature of the glazed infill structure in the recessed area as a new complimentary element in the overall evolution of the building design is apparent. The upper storeys of the area remain open and the perception of the formal separation of the Hall from the service wing is effectively maintained over the full height of the three storeys. The subordination of the structure of the conservatory to the principal eastern elevation of the Hall is secured by it being set back 6 metres from that elevation. While the conservatory is a new feature in views of the Grade II\*Hall from the east, its setting is preserved if not enhanced by its siting in the recessed area. While the listing is not an exhaustive statement of the heritage interest of the building, it is of some note that none of the features mentioned there is materially affected by the siting of the kitchen conservatory.
3. The conservatory does not, where it ties into the northern wall of the Hall, project above the first floor string-course. Nor does it cut across the first floor windows in the eastern elevation of the service wing. Views out from those windows include the roof of the conservatory but at no material harm to their function as window lights in a service wing.
4. By siting and design the conservatory does not cause substantial harm to the Grade II\*listed the Grade Hall (National Planning Policy Framework: section 12). The listed building and its settings are preserved and no material harm is caused to its historic interest (S.16. LBA 1990).

#### **The Coach House conservatory extension**

5. The evolution of the design of the Hall and its service wing and the Coach House does not reveal unwavering adherence to the maintenance of their separation as discrete built entities. In particular, this is demonstrated by the introduction at some

time in the past of the smaller stone coach house / garage building sited between the service wing of the Hall and the Coach House and physically linked to the latter as shown on the plans accompanying the application.

6. The conservatory that has been built is correctly described by the planning officer in his report prepared for the Committee of the 29<sup>th</sup> May 2012 as 'an enclosed link between the service wing and an adjacent building between the Hall and the Coach House. It allows for passage between the three buildings...' The site was formerly in part occupied by a wall structure. The planning officer's conclusion that 'the impact of this conservatory on the character and appearance of the listed building is not significant, nor is the structure inappropriate in terms of its design, materials and size' is reasonable and supported by the facts. The introduction of the conservatory link causes no substantial harm to the listed buildings or their settings which are preserved.

### **The veranda**

7. The western elevation of the Hall and its service wing is described on page 10 in the Design and Access Statement. Reliance is placed on the description there and the improvement made by the veranda as indicative of the absence of any substantial harm caused to the listed building or its setting.
8. The decorative quoin treatment around the windows and difference in limestone of the three southern most bays of the elevation and doorway and the visual division they signify between the more formal central section of the Hall and the north service wing remain open to view and materially unaffected. Similarly, the veranda does not 'obscure views' of the ground floor windows. The proportions of the fenestration and the spaces between them also remain open to visual appreciation.
9. For these reasons, the veranda causes no substantial harm to the Grade II\* listed Hall. It provides a useful shelter in the context of a service courtyard and preserves the listed building and its setting.

### **The Coach House doors**

10. The new Coach House doors and the creation of an opening in the north elevation of the Coach House have not caused substantial harm to the Grade II listed building or its setting.
11. The new doors represent an appropriate functional means of enclosure of the Coach House's main entrance (the proportions of which are unchanged) for vehicles and machinery without causing material harm to the appearance or character of the building. They also, by enabling use of the full width of the opening, provide the means by which the Coach House may be used to accommodate modern machinery necessarily required to maintain the estate.
12. Similarly the opening created in the northern elevation of the Coach House causes no material harm to its appearance and character as an historic storage facility made use of for the accommodation of modern gardening and agricultural machinery and associated activities.

### **The new leisure building, greenhouse and other works**

13. Planning permission and, where necessary, listed building consent, can be granted for the leisure building and the lean-to greenhouse and cold frame, and the other works (pond and fountain, pole mounted CCTV, erection of fencing and tennis court) for the reasons explained by the SKDC Conservation Officer as set out in the report to Committee 29<sup>th</sup> May 2012.

## **Policy**

14. The relevant Development Plan comprises the East Midlands Regional Plan (RSS8). Policy 26: the Grade II\* listed Hall and Grade II listed Coach House are designated historic assets that receive the highest level of protection appropriately accorded to them. Policy 27: The significance of these specific historic assets and their settings is understood as disclosed in the officer's report to committee and in the DAS. The proposals embraced by the application before the Council constitute sensitive change to the historic environment of these heritage assets.
15. In the same way, the significance of the heritage assets comprising the Hall and the Coach House and their settings is described for the purposes of paragraphs 128 and 129 of the NPPF. The proposals sustain and arguably enhance the historic significance of those assets for the reasons stated (NPPF 131). No substantial harm or loss is caused to them. They are conserved (NPPF 132).
16. In addition, the proposals constitute substantial public benefit in restoring and making good use of, the Hall and the Coach House for modern living and, at the same time, restoring and preserving these historic buildings and their settings (NPPF 134). The proposals accord, therefore, with relevant planning policy.
17. For these reasons it was, following their visit to the application site, proposed and seconded by Members at the South Kesteven District Council Planning Committee meeting of the 7<sup>th</sup> February 2012 that the proposals be approved and the necessary reference to the Secretary of State be made under the direction in Circulars 01/2001 and 08/2009.

## **APPENDIX 7**

### **Statement by Dr C Miele submitted 30 October 2012**

#### **CAYTHORPE HALL, HARMISTON**

#### **EXPERT OPINION**

##### **1.0 INTRODUCTION**

1.1 This report has been instructed by Mr & Mrs Sowerby, the freeholders of Caythorpe Hall, Caythorpe, Grantham, Lincolnshire, South Kesteven.

1.2 There is a complicated background to this case, and I highlight salient points only as they relate to the expert opinion set out in this report

1.3 It is intended to assist the planning authority in the determination of a retrospective application listed building consent and planning permission (LPA References No. S11/2371 and S11/2372). Officers prepared a report dated which recommended the refusal of these consents on the basis of unacceptable harm to the special interest of the subject property, a fine, late Georgian, stone faced house which is grade II\* listed.

1.4 These works are a small part of a wide range of improvements which the Sowerbys have carried out recently, and which are not in dispute.

These include:

- Extensive repairs to the house which was in poor condition, including windows to a high standard.
- The removal of miscellaneous sheds, drives and tanks.
- The curing of wet and dry rot and appropriate repair of damaged material.
- The repair of stonework which was damaged, and its repointing, to a high standard of workmanship.
- General maintenance, such as the repair of leaking rainwater goods.
- Rebuilding of lost chimneys.
- Reroofing with slate in place of unattractive concrete tiles.
- The restoration of parkland planting involving over 10,000 hedge plants and considerable extents of fencing.
- The consolidation of the historic estate achieved by purchasing land sold by previous owners.
- The repair of extensive boundary walls.
- Repairs to the entrance gateway.

1.5 There can be no doubt that these works have benefitted the listed building and the estate, and demonstrate the stewardship commitment the owners have to the property.

#### **Expertise**

1.6 My background and expertise are set out in the concluding Appendix of this report. I summarise that here.

1.7 I have more than twenty years experience advising on heritage matters in a planning context, including time at English Heritage (1991-98) and as a senior professional in private practice (Director, Alan Baxter and Associates, 1998-2004; Senior Planning Director and National Head of Heritage and Planning, RPS, 2004-2006). I joined Montagu Evans as a partner in 2006 and am now senior partner in the Planning and Development Department where I manage a specialist heritage team.

1.8 I have worked on many projects involving highly graded buildings and sites, including internationally renowned ones. Recent projects include:

- For the Trustees of the **British Museum**, planning advice on the 20,000 sqm extension to the Grade I Museum building to provide an international exhibition centre, a science and conservation centre, basement stores and a state of the art loading bay;
- For the Trustees of the **South Bank Centre**, where I have advised over ten years on a range of planning and heritage matters, completing most recently a conservation management plan which was prepared in consultation with English Heritage and Lambeth Council. I am currently advising on the planning matters arising from the final phase of SBC's masterplan.
- For Prime Investors on the conversion of **Admiralty Arch**, the great ceremonial entrance to the Mall and grade I listed, to a signature hotel.
- For the Trustees of the **Natural History Museum**, a revision of my earlier conservation management plan taking in a wider grounds and access strategy.
- For the partners of the **Design Museum**, in the conversion of the Grade II\* listed Commonwealth Institute in RBK&C into their new headquarters. I achieved a complex listed building consent as part of an enabling scheme and am now discharging a range of conditions consequent upon detailed design and structural repairs.
- For the Dean and Chapter of **Westminster Abbey**, on the creation of a 140 seat visitor café in a previously inaccessible part of the complex off Dean's Yard, and comprising a C14 vaulted space.

1.9 Prior to joining English Heritage I completed higher level academic qualifications in the history of British architecture (C19) achieving a PhD in this topic area. I have continued to research and publish in academically refereed books and journals. Last year English Heritage published a book I jointly authored on an C18 villa and villa architecture. In 2010 I edited and contributed to a book on the architecture and history of the UK Supreme Court. Prepared for the Ministry of Justice and UK Supreme Court Executive to mark the opening of the Court, this book was commercially published by Merrell (5,000 copies in paper). Both have been well reviewed. I have published also widely on the history of the conservation movement, including on William Morris (Yale 2005, Sheffield Academic Press 1996). Currently I am preparing a biography of the eminent Victorian architect Sir George Gilbert Scott.

1.10 In recognition of my scholarly achievement I have been elected Fellow of the Society of Antiquaries and Royal Historical Society.

1.11 This academic work goes to the weight which may be attributed to the opinion I provide on the significance of the property and the works' effects on that significance.

### **The Scope of this Note and Its Status as Expert Opinion**

1.12 Broadly any such further opinion, reaching favourable conclusions, would at the very least comprise

- an analysis of the impact of the proposals on the special interest or significance of the heritage asset and
- in light of the above, a policy assessment of the proposals.

1.13 Accordingly, and acting on legal advice, Mr Sowerby contacted me at Montagu Evans on recommendation from Counsel. As is my normal practice as an expert, I then agreed a two stage process.

1.14 In the first stage, my work involved the review of instructions prepared by Mr Sowerby's solicitors and comprising relevant background information.

1.15 This stage concluded with formal advice. The scope of my instruction was such that,

if I formed the view that I could not support the proposals as compliant with policy (and conservation practice generally), then I would advise Mr Sowerby that I could take the matter no further.

1.16 If, on the other (and as has been the case), my analysis was favourable in relation to the policy tests and supporting statutory provision, then I would move to a second stage, which would be a formal submission to the authority.

1.17 Thus, this note is offered as my genuine professional opinion and in providing that I have applied the RTPI Code of Conduct for planners providing expert evidence in a planning inquiry, which is applicable in this situation.

1.18 My signed affirmation in the final section confirms my adherence to my professional institute's code.

1.19 Furthermore, I confirm that the analysis notes inform my policy assessment were derived directly from the substantive part of my stage one letter to our client.

### **Appreciation of the Issues**

1.20 The problem essentially is this: the retrospective consents the applicant's architect submitted to regularise unauthorised alterations to the grade II\* listed house were put to the planning committee with an officer recommendation for refusal and a strong objection from English Heritage. Members did not accept that recommendation, following a detailed committee report and a site visit attended by a significant number of the committee (as reported to me by the applicant).

1.21 Members were then on point of resolving to grant the listed building consent, when a senior officer pointed out that in these circumstances (where the committee is minded to grant consent for works to a grade II\* building against officer recommendation), then the application must be referred to the Secretary of State. An email dated 2 March 2012 from Mr Moore of South Kesteven to then agent, the architect, summarises the situation.

1.22 If, officers advised, the Committee could not formulate good reasons why they are minded to grant consent, taking into the account the effect of the proposals on the special interest of the listed building, then the Secretary of State may refuse the application. It would then be open to applicant to appeal enabling an Inspector to allow or dismiss the proposals.

1.23 Equally, the SoS may choose to determine such applications through a public inquiry.

1.24 This procedure is set out in Circular 01/2001, the GDPO 1995 and the Planning (LBCA) Regulations 1990, Regulation 13.

1.25 It is normal practice when authorities notify the Secretary of State of such applications for the authority to explain why it is minded to grant consent against officer recommendation. This may be documented with copies of committee reports, minutes of discussions, etc. The form that these reasons can take will vary on the facts of any particular case.

### **The Need for an Expert Report**

1.26 It is generally acknowledged that heritage planning matters involve judgment, and as such this is precisely one of those areas where members do often disagree with officers.

1.27 Mr Moore's 2 March 2012 email just cited states that the members' justification (or resolution) must have regard to all relevant policies, and that their reasons in respect

of these must be legitimate. Any reasons must also have regard to any material considerations as well (in line section 38 (6) of the 2004 Act).

## **Other Matters: The Reasonability of Judgements Offered by English Heritage**

1.28 By way of a general and introductory observation, I feel bound to say that I have concluded English Heritage's advice in this case has been disproportionate.

1.29 The officer does not identify 'a little' or even 'some harm' but 'substantial harm' arising from each work individually (not cumulatively), even the most minor work.

1.30 I note the local authority do not use the word 'substantial' in its committee report.

1.31 If for the sake of argument, and proceeding on a reasonable and proportional basis, I had concluded there was harm, then there would only be 'some' and that only from the kitchen conservatory works to the east front.

## **2.0 STATUTORY PROVISION, POLICY AND MATERIAL CONSIDERATIONS**

2.1 The cascade that ties statutory provision to policy and best practice rests on an appreciation of a development's effects on the special interest or significance of a listed building.

2.2 In this section I set out statutory provision, policy and guidance (material considerations of varying weight) which provide the basis for the determination of the application.

2.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 deals with the grant of listed building consent, and imposes a duty on the decision maker to preserve the special interest of statutorily listed buildings, and any features they possess, or their settings. There is a corresponding duty in relation to the grant of planning consents set out in section 66 of the Act.

2.4 In this context "preservation" means "to cause no harm" (the South Lakeland test).

2.5 Listed building and planning consents are also determined in relation to the Development Plan under the terms of the Section 38(6) of the 2004 Act.

2.6 The relevant Local Plan is the South Eastern Local Plan April 1995. It expired in 2007.

2.7 Policies relating to the historic environment including listed buildings, specifically Policies C3 through to C9, have been withdrawn.

2.8 There is a statement of intent in respect of other Conservation Policies but these relate to conservation area matters and so are not applicable to this case.

2.9 The Core Strategy forms part of the local development framework and sets out policies and principles which are pertinent in the determination of planning and listed building consent applications. The Core Strategy was adopted on 5th July 2010 and under para 2.14 of the National Planning Policy Framework (NPPF) enjoys a 12 month transitional period which is applicable to plans adopted since 2004. The heritage policies contained in the Core Strategy were drafted in relation to then current national planning guidance including PPG15 on heritage matters. This has since been replaced by PPS5 which itself has now been withdrawn. National Planning Policy Guidance is discussed further below.

2.10 Core Strategy Policy EN1 "protection and enhancement of the character of a district"

deals with significant natural, historic and cultural attributes and features landscape”, which “contribute to its conservation, enhancement and restoration”. Parts 4 on Buildings, 5, expressly dealing with built fabric and the settings of buildings, are applicable in this case.

2.11 EN1 is a broad and strategic policy crafted at the regional level, and accordingly is of less assistance in considering the application than the more detailed policy in the NPPF and in guidance discussed below. The supporting text of EN1 recognises, inter alia, the rich heritage of buildings in the district. It draws attention to the historic fabric of individual buildings and the wider landscape. The policy justification states that these are “finite resources” which must be safeguarded.

2.12 Therefore, I conclude the document of most weight in this case is the Framework, which I will now discuss.

### **National Planning Policy Framework**

2.13 In March 2012, Government published the NPPF. This is a material consideration of great weight for the purpose of determining heritage base applications particularly in this case, where there are no saved plan policies on listed building alterations. Such applications are considered in Chapter 12 of the NPPF, from paras 126 to 141.

2.14 Para 128 requires applicants to describe the significance of a affected heritage asset to a level a detail proportionate to that asset’s importance. This is to provide the decision maker with sufficient information to understand impact of a proposal on an asset’s significance. In this case there has been a great deal of correspondence and formal submissions made on this point. Notwithstanding this, there is very little information or analysis at play to explain why the building is important and how its several parts may or may not contribute to that importance. English Heritage have offered some very general comments on that significance, which I cite later in this report. I do not agree with their analysis.

2.15 Para 129 of the NPPF requires decision makers to assess the ‘particular significance’ of a heritage asset. This should be done in order to avoid or minimise conflict between the conservation of the heritage asset and particular proposals.

2.16 Conservation is defined in the annex of the NPPF as “the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”. This definition of conservation obviously reflects the statutory provision albeit in different language. The concept of ‘preservation’ as set out in sections 16 and 66 of the heritage act corresponds to the concept of sustaining significance.

2.17 Paragraph 131 sets out some general consideration applicable to the determination of all applications affecting the heritage asset. These three considerations include “the desirability of sustaining and enhancing the significance of heritage assets to viable uses consistent with the conservation” [my emphasis].

2.18 Para 131 introduces an important refinement. The act of conservation is here described in relation to the significance of an asset not necessarily in relation to its fabric. Thus there is no basis in policy, or in statute for that matter, to support the idea that in itself all the fabric of a listed building contributes to its significance. Of course, there will be cases where all fabric does that and other cases where fabric makes very little contribution.

2.19 This approach is fundamental to the sustainable management of heritage assets particularly houses of the kind under consideration here, where from a practical perspective planning policy should not restrict limited alterations and changes which

provide for the reasonable requirements of occupants in order to use the property in a way which any owner of a large family house would seek. The term 'viability' is not here used in a strict development appraisal sense, but rather to reflect a use which can be sustained in the long term. Thus what comprises an optimal viable use must of necessity vary from asset to asset depending on the nature or character of the item.

2.20 One must always bear in mind that the long term conservation of any heritage asset is best assured through its continued use for a purpose similar to that for which it was constructed. Clearly Caythorpe was built as a large, family sized property. The arrangements of its spaces reflect the particular preoccupations and interests of the time when it was built.

2.21 The reasonable expectations of homeowners have changed over time and it is an established principle of the planning system, evidenced by consents for alterations to listed residential buildings, that reasonable changes to enable the better functioning of these houses in the present should be allowed to ensure they maintain their attractiveness and functionality in the long term. It is of course a matter of degree, having regard to all considerations. I take the view that the unauthorised alterations considered in this report should be considered in these terms, at least at the level of principle.

2.22 Para 132 amplifies the way that significance should be applied. It states: *"when considering the impact of the proposed development on the significance on heritage assets great weight should be given to the assets conservation. The more important the asset come the greater the weight should be."*

2.23 In considering the application of this policy, it is right again to have regard to the definition of 'conservation' as cited previously. Here the policy emphasises that its object is to sustain/preserve or enhance the "significance" of an asset which does not necessarily mean its fabric per se. I highlight this point because there are two issues under consideration here. One relates to the unauthorised additions to the building. Another relates to the removal of fabric. Therefore, this paragraph is likewise not seeking the physical preservation of fabric in all cases to an absolute degree, original or otherwise. Rather this policy encourages a nuanced understanding of significance to deliver the objectives of sustainable development.

2.24 The question of harm is dealt with at paragraphs 123 and 134 of the NPPF. I am aware that English Heritage have identified substantial harm to the significance of the designated heritage asset as the basis for their advice that the consent should be refused. For reasons explained in this note, I consider this judgement disproportionate to the nature, character and scale of the work.

2.25 Paragraph 134 deals with circumstances where works lead to harm which is less than substantial.

2.26 If there is any harm consequent upon the proposals, then in my opinion it can only reasonably be less than substantial. If that is so, then the NPPF advises that harm should be weighed "against the public benefits of the proposal, including securing its [the asset's] optimum viable use". Here again the concept of viability is raised, not from a financial perspective but in relation to the way a building is used now and in the long term and therefore how it maintains its attractiveness to future users in changing conditions.

2.27 An optimum viable use is a use which balances all considerations, heritage and reasonable expectations or needs relating to current practical requirements. The rear conservatory, to the north side, does not on my analysis require any justification other than that it causes no harm and so passes the 'preservation' test in sections 16 and 66 of the heritage act. The other work – the veranda and conservatory – clearly have

some effect, and I conclude that there is no material harm. However, if a different view is taken, then the relevant consideration is set out at paragraph 134, and the potential qualifying public benefits are those that accrue to the building. The works make the property more useable and attractive to occupiers with the means to sustain such a substantial property, and in so doing ensure its continued occupation and maintenance. The appropriate care of a listed building deriving from its appropriate use is a public benefit of weight in itself.

2.28 It will be clear that the proposals enable the more efficient use of a secondary area of the property, and more convenient intercommunication between what are essentially secondary serving areas of the property. The accommodation is the sort of heavily used space – combining kitchen and sitting room use – that is the heart of any family home. On my appraisal this is only the place where it could reasonably go and still provide the sort of accommodation any large family with the means necessary to sustain the asset will require.

2.29 The real question for the decision maker in this case is the effect of the conservatory on the aesthetic value of the east-front of the building and removal of historic fabric to make this connection. Pausing for a moment, I will comment that it appears to be accepted that this part of the building has been altered at some point in the past to some extent, so the fabric which has been removed was not from an untouched part of the building.

2.30 If the conservatory causes harm to the aesthetic value of the building, then I conclude it must be less than substantial and so falls to be considered in relation to the potential benefits it brings to the way that the house is used. Similar comments apply to the veranda on the western, or on the courtyard elevation of the building. In considering what justification there is for such works, it is important to return to that formulation of “securing [the listed building’s] optimum viable use”. As noted this will vary across buildings and across uses

### **The PPS5 Practice Guide**

2.31 The practice guide which was published to accompany PPS5 relates directly to the then current national policies. Because the main policy document is now withdrawn, the practice guide comprises guidance of limited weight only. I say this notwithstanding an opinion published by English Heritage on its website which states that, because the policies in the NPPF are similar to those which appeared in PPS5, the practice guide “remains almost entirely relevant and useful in the application of the NPPF”. That surely is a valid comment only insofar as very broad principles are concerned, and in particular on the need for decisions to be based on an appreciation of the significance of an asset.

2.32 Nevertheless, for the sake of completeness, and because I understand English Heritage corporately takes a different view, I will consider some of the guidance set out in the practice guide. This is without prejudice to my clear view that it has little weight.

2.33 Paragraph 56 states that “understanding the extent of the fabric” that holds interest is also important because this can “among other things, lead to a better understanding of how adaptable the asset may be and therefore improve viability and prospect for long-term conservation”. This paragraph is in effect saying that fabric itself is not of necessity integral to significance. Fabric may be in some cases, but not in all as a matter of principle. The paragraph advises furthermore that intervention should be targeted in areas which are of lesser fabric significance. This is precisely what has been done in the unauthorised works, and manifestly so which takes me back to my earlier statement about the disproportionately of English Heritage’s judgements.

2.34 Paragraph 57 confirms that understanding the “*level of importance*” of that interest is

important as it provides the essential guide to how protectively the policies should be applied. This is fundamental to decision making where there is unavoidable conflict with other planning objectives. Thus the Best Practice Guidance which English Heritage still endorses suggests that different levels of “protection” (which tends to mean ‘physical preservation’) is a sound approach to the management of change of the historic environment. This advice is relevant and of some, if still limited, weight because it is consistent broadly with the principles of the NPPF.

2.35 Paragraph 58 emphasises the importance of undertaking:

*“an assessment of significance to an extent necessary to understand the potential impact (positive or negative) of the proposal....”* I note here again the absence of any explicit Statement of Significance for the affected property.

2.36 Paragraph 87 addresses the question of planning balance in relation to listed building matters. It identifies that even where a proposal “causes minor harm there will still be some loss of value to society caused by that harm”. Such a loss needs a countervailing public benefit by way of justification. This public benefit could include “possibly, the conservation benefit of a proposal that realises the optimal viable use of the asset”. In this case, the conservation of the historic building is an intrinsic public benefit, but that conservation will only be achieved through continued care and maintenance for a sympathetic use and on the basis that owners will be attracted to the amenities and practical spaces that the property offers. Again, there is similar provision in the NPPF.

2.37 The question in this case is whether, therefore, the unauthorised works which may be deemed to cause some harm are necessary to make the listed building attractive in the long term, to potential future occupiers of a large single family house in a relatively remote location.

2.38 Staying with this point, paragraph 89 makes explicit that the interests of an individual owner are not what matters but rather those of future owners who would ensure the future of the conservation asset. Thus, and taking this principle into account in the decision making process, it is right to consider whether there are other, less impactful options for providing the kind of heavily used family accommodation provided in the conservation and the space behind, in the body of the house.

2.39 Paragraph 90 states that harmful development may be justified in the interest of optimising use provided that steps had been taken to minimise harm. Such steps may be through sympathetic design and materials and careful siting.

2.40 There is more detailed guidance under paragraphs 142 and following on alterations to listed buildings for the heritage assets. This states that the relevant significant characteristics of heritage assets “can include” layout, plan form, addition of openings and external detailing (amongst other things). The use of the verb “can” indicates that interest is capable of being conveyed by these characteristics but will not necessarily in all cases be conveyed by these characteristics.

2.41 In relation to additions and alterations, there is detailed advice at paragraphs 178 and following. Here, at paragraph 179, there is advice which is contrary to earlier general advice and the mother policies in the NPPF. Paragraph 179 states that *“fabric will always be an important part of the asset significance”*. This cannot be the case even in the terms set by the guidance and there is nothing in the NPPF to support this statement. Again, the way conservation is defined in relation to significance will tend to lessen the retention of fabric as a requirement.

2.42 Paragraph 180 contains more practical advice stating, for example, that new openings “need to be considered in the context of the architectural and historical

significance of that part of the asset". This again here demonstrates that not all parts of an asset will be of equal significance.

### **Conservation Principles (English Heritage, 2008)**

2.43 Conservation Principles sets out the way that English Heritage will approach the definition of significance, and was prepared to explain its advice in a structured way. Essentially, it sets out four criteria according to which significance or special interest may be understood. The two which apply in this case are aesthetic value, relating to the appearance of the building, and historical value relating to its age and those physical characteristics which provide information on the aspirations of the owners and how they used it. Sometimes practitioners call these associations 'evidential value', a third criterion, but on my reading of the advice, 'evidential' relates primarily to archaeological considerations.

### **3.0 THE SIGNIFICANCE OF SPECIAL INTEREST OF THE BUILDING**

3.1 The basis for regulating the historic environment is an understanding of the particular significance of an affected asset, and the relative significance of its parts. Thus, and this is only logical, not all parts of even a highly graded listed building will necessarily be of the same significance. This approach is supported by policy and guidance.

3.2 Accordingly I set out here my conclusions about the significance of the subject building as a whole, with comments apropos its several parts.

3.3 I rely on the categories of significance advised in Conservation Principles just cited. These are evidential value, historical value, aesthetic value, and communal value. The two that apply to this matter are historical and aesthetic. Before doing so I comment on the judgements English Heritage has made on the significance of the property.

### **English Heritage's Advice on Significance**

3.4 English Heritage have commented on the significance of the building in their consultation letter of 25 November 2011 (Appendix 3.0).

3.5 This states:

*"Caythorpe Hall, built in 1823, is listed Grade II\* and is therefore within the top 8% of listed buildings in England. The Coach House, also built in 1823, is listed Grade II. They are historically, functionally and spatially related to ancillary structures and features which contribute positively to their setting and significance, and together, these heritage assets create an attractive group within the Caythorpe Conservation Area."*

3.6 The advice continues, page 2, that

*"... the Greek inspired architecture style of the Grade II\* listed Hall is expressed eloquently in the fenestration and detailing of the elevations and makes an important contribution to the architectural and historic interest of the building. The building has been designed to be seen in the round and the uninterrupted visibility of the elevations allows the architecture to be appreciated and understood. In addition, the architectural treatment and detailing of the elevations reflects the hierarchy of the layout and plan form of the rooms behind. Therefore, any addition to the building should ensure that the legibility of the established architectural character and significance of the building is preserved."*

3.7 I will pause to comment that the officer has not identified any hierarchy of significance on the elevations. For example, and a propos the veranda, the windows have no

detailing comparable to what is found on the main south front (see Appendix 1, photos 9 compared with 11 and following). Neither do the windows on the clearly ancillary north range have any moulded details. This should not surprise us. These are plainly low status, serving elevations. They could be on houses of a vernacular character, the product of ordinary building craft. They do not justify the high grading of the property.

3.8 The west and north elevation – which have the veranda and small conservatory respectively – do relate to the hierarchy of the plan form. These less important rooms which would likely never had had any special interior treatment or plan form. The elevations are informally arranged which is what one would expect of the side of a house that faces a stable.

3.9 I will also comment that the remark on the building being intended to be seen in the round is inaccurate. The main, south elevation is a symmetrical composition, with shallow projecting bays and a three bay, single-storey Ionic portico. This is a powerful composition in its own right and functionally served as the public face of the house. It is where the status drive delivered visitors. The design is a bold, cubic composition that works on its own and not in combination with the east elevation.

3.10 That east elevation is a very different composition, and it faced what would always have been the more private side of the house. Accordingly, it has a different character. Indeed, I think it highly likely that there would always have been a visual break in the landscape treatment separating public from private. It must be said that the normal suburban or country house arrangement would be to have the main front directly on the other side of the garden front (a clear back at the back and a front on the front). That was not done here for reasons we don't know, though which may have to do the established access to the site and its functional layout.

3.11 The architecture of this elevation does not need to be seen in the round with the front elevation – they are distinct entities aesthetically and functionally.

3.12 That east elevation is not the singular, discrete piece made out in the advice note. It is comprised of a five bay element, with a central, shallow segmental bay, and ancillary accommodation at full off that is visible from all parts of the corresponding garden area (see photos 1 through 4, Appendix 1).

3.13 Furthermore, when one moves to the northeast (see photos 5 and 6, the same Appendix), one sees that front together with the very substantial parts of the rest of the house, which do not have the same architectural treatment as the five bay elevation. That five bay elevation corresponds with status rooms, the rest with lower status areas, including the kitchen which appears to have been located more or less historically in the area which has been refitted for a kitchen. One can see, clearly, the two window northern return of the five bay façade, which simply runs out on the return, to the position of the conservatory recently constructed.

3.14 I do not see how can call this architecture designed to be seen in the round. It plainly was not, because otherwise there would be a full elevation on the north return, and the south and east fronts would have an obvious design relationship with each other. They do not.

3.15 Previous owners of the property took the same approach as Mr and Mrs Sowerby in adding to the house on this side, and extended into the same area (as reported by others in several documents). Indeed, this is why, presumably, English Heritage and the Council accept that an extension could be located in the position of the conservatory.

3.16 In a letter of 10 September 2010, English Heritage comment on the Stable Block expressly (see first letter in Appendix 3 bundle).

3.17 Here they observe that the house and stable block were designed 'in a Greek inspired Regency Style'. This judgment on style – Greek or properly Greek Revival – is true of the south front of the house. The east front is more Regency, with no overt Greek influences. The stables have a Palladian character, in the great tradition of late C18 stables. The house, then, as one might expect of a provincial, small country seat, is a bit of a collage of different stylistic quotations. More objectively, the significant point is that the stable relates to the plainly constructed (if handsome) ranges of the west elevation of the house and does not therefore group with the south and east elevations. Indeed, this is one of the oddities of the property. The two relate to one another functionally and through materials and obvious age, but architecturally there is no sign of any particular consideration being shown here to resolve this relationship. English Heritage's comment, therefore, overstates the sensitivity of this relationship, implying that there is a positive design relationship when there is not. They are, I do not doubt, an 'attractive ensemble', to cite the November English Heritage letter.

3.18 Their comments continue: 'The special interest of the stable derives to a large extent from its designed symmetry and the architecture form and detailing of the entrance front with its elegant proportions which echo the style of the main house...'. The language is not very well considered here. The proportions of a house do not equate to its style, and in any event the styles are not similar and neither can the two frontages be seen in one view since the stable block is set very far back from the south front and well off to one side. I would agree the main front of the stable is attractively detailed and symmetrical. Therefore, the consideration for the decision maker is whether the north conservatory as constructed upsets the symmetry of this elevation. It should appear plain that it does not.

3.19 In summary, then, English Heritage have endeavoured to draw conclusions about significance but these are either inaccurate, incomplete or indeed even misleading to a degree I find surprising.

3.20 I do not consider, then, these opinions do provide the kind of analysis which the Framework requires to form the basis of decision making.

### **General Remarks on Character and Significance – the Exterior**

3.21 This is a fine late Georgian, small country house where all the components of a larger house were fitted onto a slightly cramped site. Its main elevation faces south. This is an austere and balanced composition, well-proportioned and considered. It follows a fairly standard type derived from Greek Revival precedents (the architecture of John Nash and his cohort). It has an enclosed setting, at present, and is the formal entry to the house, the side designed for public show. It is my strong opinion that its setting would always have been enclosed because the space to the east was private and the space to the west was not polite (the stabling and service end of the house). This elevation was a set piece designed to be seen on its own, in isolation and to impress.

3.22 The east elevation is aesthetically and functionally distinct. This is the more private side of the house, albeit some of the function or public rooms face on to it. Its architecture is very different. There are potentially longer views from it, and a public footpath running diagonally off to the south, but I consider that any potential views would not enable one to appreciate the detail of the elevation on this side.

3.23 The eastern elevation has two distinct parts. There is a symmetrically composed, regular part with a shallow, segmental, full-height bay, again a fairly typical feature for a house of this date in country and suburban situations. It has rather austere proportions that are typical of the period. To the right is an L-plan range rising to the same height as the bowed elevation. The more formal five bay elevation, as noted, returns for two windows to the north, and then the building line clearly notches back and recesses. It is clear why both English Heritage and South Kesteven appear to

accept the principle of a single storey extension in this location. Indeed, this original detailing and building format seem naturally to suggest a modest extension here. It is the obvious place. Thus, the east range is not an elevation. It is a composite of a symmetrical part and a substantial rear and side part, providing polite and serving/secondary accommodation respectively. The scale and presence of this rear, recessed part increase in views to the northeast and undermine the architectural for the east five-bay front.

3.24 At many places in the documentation, there are references to these ranges to the north being later extensions which is a reasonable conclusion to draw in the absence of evidence to the contrary.

3.25 The west elevation, to the stable yard, is secondary, simple and vernacular in character, and there is a noticeable change in the ashlar finish to the stonework where the previous extensions have taken place. The fenestration is not symmetrical. This forms one side of a working courtyard, and adjoins the stables which has a greater degree of architectural finish than the side elevation of the main house and is an interesting example of an earlier Palladian style surviving into the Regency period, possibly because the building type had been refined and perfected in the reign of George III.

3.26 The north elevation is partly screened and without any obvious features. I concluded that the whole of the set back northern range was of a lesser social status than the southern part of the house, containing kitchens and related facilities, with ordinary bedrooms on upper floors. This is evidenced through its setback position and also the change in stonework tooling on the west or courtyard side.

### **Plan Form of the House, the Stables and the Group**

3.27 The building's significant plan form comprises the main, ground and first-floor floor rooms that orient largely to the south or main front and the east or garden. These are arranged in an 'L' so that there is no true circuit such as one expects in a villa of the late C18 or early C19. These are not rooms ranged to provide views in all directions. They have significant features (cornices, fireplaces) and well proportioned spaces.

3.28 The real highlight of the house interior is set in the notch or angle of the 'L-plan' suite of principal rooms, a splendid full-height, grand stair with a coved dome and skylight. That feature in particular, in my view, taken together with the south front move the building from a Grade II to a Grade II\* listing. The works affect neither.

3.29 The areas beyond this grouping of spaces are secondary, in varying degrees. That nearer to the stair might have had some status and in any event the proposals don't affect it. Others, further north, and in the shallow northern range, were clearly low status or functional spaces.

3.30 To the west is a well-enclosed service courtyard, and the most distinguished element here is the stable block, a simple and elegant late Palladian composition. Its significance has been compromised by the loss of internal features (at some time in the past), such that the significance of it lies principally in its symmetrical elevation and proportions. I am aware that the local authority consider the current doors should have a different configuration to reflect more the previous doors with posts extending from the fanlight into the opening.

3.31 I understand, equally, from the freeholder that the previous doors were in poor condition and in any event it is plain that the dimension of that opening would present challenges to the use of the stable as a garage, its most suitable use from all perspectives (the car being the successor to the horse and cart and essential to the needs of any family living here). Increasing accommodation in the stable also reduces the extent of car parking in the stable yard. This detail is a minor consideration, it

seems to me, and if there is harm arguably it is not material to the determination of the applications or of sufficient weight to warrant a refusal on its own.

3.32 As noted, here, the west elevation of the house to this side, has a simple, vernacular character typical of late Georgian construction. It is not a symmetrical elevation.

There are plainly two different finishes to the facing stones, and different details (lintols), and simple storey bands. The north side of the main house is handsome and characterful, historical for its age and character but without any special design interest. The evidence it presents of different design details is plain to see to anyone who takes an interest in such things.

3.33 What impresses on the west or stable-yard side is the consistency of materials, the scale of the space, its enclosure by obviously historic structures and buildings which are themselves attractively made and, in the case of the stable, detailed. Its character is that of a service yard, historically of lower status than the main house.

3.34 The arrangement of stabling and service or rear access to the house, the position of both in relation to the walled garden, all these attributes are exactly as one would expect. They are typical.

### **The Reason for Listing at a High Grade**

3.35 Stepping back, then, what are the aesthetic qualities that justify the II\* listing, bearing in mind that only about 8% of listed buildings are graded II\* or, the highest grade, I?

3.36 In my judgment the Greek Revival south front is particularly special, and so too the entrance sequence within culminating in that splendid stair. The associated interior spaces have attractive detailing but are not particularly special. It is their scale that impresses.

3.37 The east front is a handsome elevation, composed of two parts. On the one side is a symmetrical principle part. Set back from it is a wing in complementary materials and of comparable, albeit simpler character. This range is full height and quite prominent, with a strong and well defined character and robust proportions that result from a combination of the material and the relatively limited number of window openings. As a result this eastern symmetrical range does not have the quality of a freestanding villa. It is a frontage that projects from a larger range. One can appreciate its proportions as an element but is always aware of the full-height extension to the side in matching materials. That awareness increases as one moves from the east to the north east.

3.38 I do find the arrangement to the side of the five-bay range odd. It returns for two windows, then sets back in a different plane, creating a notch, and so returns again projecting further forward. I have come around to the view that there could well have been some sort of conservatory in this location historically. I say this because the taste for domestic conservatories emerged in polite locations (central London and related suburban areas) in the late C18 and early C19, and then spread more widely. This reflected the Regency period's interest in integrating buildings better with the natural environment.

3.39 Thus, it is my considered view that the principle of a conservatory is at least consistent with the aesthetics and cultural climate of the Regency or late Georgian period.

3.40 This is not the sort of arrangement one would expect to find on a site that was developed in a cleared state, and I have no historical information to explain it. I can surmise, however, the following scenario: the access from the south was established, and the owner did not want to move the approach drive to another location. That

approach set the main orientation of the house and the stair internally.

3.41 The ancillary parts of the estate were to the west, and so it may be that there was no practical option but to bring together all the required rooms – status and serving or ancillary – into one range.

3.42 Both elevations, then, are quintessentially of their time. They reflect the Greek Revival to the south. To the east, the elevation has a less formal, character. The south front stands apart and so reflects that ideal perfectly. On the eastern elevation, budget or expediency or other site constraints led to a compromise solution. The result reflects historical characteristics of the site and the circumstances of the owner.

3.43 This south or main front is, then, of considerable architectural and historical significance. The east front is less resolved architecturally, and this illustrates a particular historical characteristic of the site. The location of a conservatory here, off to one side, is consistent, then, with the overall disposition of the building.

3.44 Throughout all parts of the building, the continuity of stone facing is a very attractive attribute. On the service yard side the materials and proportion of solid to void, and the simple detailing of openings, are the source of architectural interest. And here the architecture is, as I said earlier, vernacular in character and having only very limited design intent (a story band). It is not symmetrically disposed.

3.45 I cannot explain the change in material finishes but they may reflect the extension of the property to the north. It is understood that there were extensions in this location on the eastern side. Here I note that one of the reasons given to support the veranda is that it obscures the change in materials at this point.

3.46 This is a matter of judgment. I noticed the differences instantly when I visited, with the veranda in place. It is the sort of difference that only attentive or interested viewers would really register, and that change is equally apparent now with the veranda in place regardless.

3.47 The focus of the service yard in any event is the façade of the stable block, a most interest survival externally.

3.48 I am aware that the English Heritage response states that some of the works compromise the plan form of the building. These changes, however, occur at the northern, or service end of the building. The genuinely significant plan form of the building is that sequence of principle spaces oriented south and east, taken together with the fine stair and associated spaces. This significant plan form is not affected by the works. It would be interesting to know particularly why English Heritage find this plan form of such particular significance that forming a covered glass link between a stable and the back end of a house should cause 'substantial harm'. This goes to my earlier point on the proportionality, or lack of it, in their response.

#### **4.0 COMMENTS ON THE WORKS**

4.1 In commenting on the works, I will have regard in the main to concerns expressed by English Heritage on the basis these are the ones that will be of particular interest to the SoS on the notification of the application should the authority resolve to grant listed building consent.

4.2 The works at issue are:

- The Coach House doors, which affect a grade II (unstarred) listed building and so fall outside English Heritage's locus;
- The glazed conservatory to the north of the main house and which provides a covered access from the northern part of the house to the stable block, which I will refer to as the 'link conservatory' to distinguish it from the other

conservatory noted below;

- The veranda to the main house, facing the stable-service courtyard to the rear or west of the main house; and
- The kitchen conservation, which sits between the main eastern elevation of the house and its service range to the north.

4.3 The ordering above reflects the relative sensitivity of each item, from lesser to greater.

4.4 In this section of my advice, I will assess the impact of these works on the special interest of the listed building.

4.5 In so doing, I will also offer some observations on the English Heritage comments set out in their letter of 25 November 2011 (See Appendix 3.0).

4.6 In the following, final section I will apply my analysis to the policy considerations set out in section 2.0.

### **The 'Link Conservatory'**

4.7 It is clear that the local authority have formed a reasoned view that this work is not harmful. That is documented in the committee report which records the judgment of the conservation officer.

4.8 The access between the two listed structures is achieved by means of existing openings.

4.9 English Heritage have objected on the following bases:

- There is no evidence of a structure there before. *This is not a judgment based in policy. One does not need to demonstrate precedent for additions to listed buildings. The policy is the effect of any alteration, addition, extension or demolition on the special interest of the property irrespective of what was there before. In any event OS plans show some form of structure here in the past, with the 2 buildings being linked.*

- The two buildings were designed as 'discrete entities with a form and layout to reflect their respective functions and settings'. *This is a statement of fact from which one is meant to infer that the work somehow confuses the two properties. The scale of the addition is modest and it is located on elevations of clearly lesser importance. The work does not interfere with the appreciation of that each building is a discrete entity, and it does not confuse their forms. Nor does the conservatory link interfere with an appreciation of the original functions of the stable as distinct from the house. The hierarchy of form and meaning is not disturbed and, indeed, scarcely any change would be perceptible;* and

- The new opening to the stable would have a 'harmful impact on the plan form and layout of the Coach House [sic – 'stable' is more accurate historically] and would result in the loss of historic fabric'. *I am puzzled by this because my instructions are that no new door was formed in the return wall.*

4.10 Thus, I conclude there is no basis for sustaining this first objection.

4.11 I was genuinely surprised, therefore, that English Heritage judged this work on its own to cause 'substantial harm'. In town planning, 'substantial' is a very great deal of something. This judgment is disproportionate.

### **The Veranda**

4.12 This structure is, again, traditionally constructed and detailed, and executed to a very high standard. Its design complements the general character of the building – the curving section of the roof is appropriate to a late Georgian or Regency period building. The detailing of the timber construction (simple, rectangular sections with

chamfered edges) is consistent with the traditional language of late Georgian and early Victorian building. The lead covering is an appropriate and authentic treatment.

4.13 The timber veranda provides the sort of covered area that is desirable in any domestic situation. It is self evident that it could still provide some useful function and be smaller. That in itself, however, does not make it unacceptable. Size would become a consideration if, for example, its scale overpowered the host building's or upset some obvious design characteristic of feature.

4.14 Again, the test is whether the structure affects the significance of the listed building.

4.15 The timber veranda has a modest scale, relative to the affected elevation, and the impact of the whole of the listed building is negligible.

4.16 The timber veranda does not obscure any significant features on the host building. This is a secondary elevation, facing what was always meant to be a working part of the estate, the different sides of which have features/buildings of different characters. It is not a deliberately designed composition, balanced in its parts. The windows affected are identical in their design (masonry and joinery) to others in this elevation.

4.17 The veranda is exactly the sort of feature one would expect to find on a small historic house, on a secondary elevation facing to a working yard and providing a dry threshold between that yard and the house.

4.18 In the circumstances, I cannot see how the element causes harm to the aesthetic and historical value of this part of the house. It is clearly easily reversible should someone in the future have no need for it; that said, it is such an obviously useful feature in a family house, one providing useful and practical protection from the elements, that I find it hard to imagine why one would remove it. I make this point because I can see this addition would be desirable to any future occupant and so in this way makes the property more attractive and useable.

4.19 It is suggested that the new element undermines a 'subtle architectural distinction' and also obscures a view of the ground-floor windows.

4.20 The difference in tooling of stonework is noticeable – to those who take an interest – across the whole of the façade and was apparent to me at once, with the feature in place. I cannot see, then, how it detracts from the marked change in stonework tooling and slight change in window detailing.

4.21 The ground floor windows have a simple, traditional head detail that is standard. There is no moulding or fancy ornament. There are similar details elsewhere on the building.

4.22 The veranda is detailed and joined to the building in the exactly the way a traditional, historic feature would be. It has authenticity and integrity of detailing and design, and so is wholly consonant with the rest of the elevation and the property as a whole.

4.23 I am surprised that English Heritage's judgment is so emphatic in its condemnation of this feature. Their letter states that veranda, in itself, not taken in combination with the other works, causes 'substantial harm' to the cultural significance of the listed building. This suggests to me an in principle objection. It is also clearly disproportionate because it takes no account whatsoever of the nature and character of this elevation in relation to the yard and the workaday purpose of the entrance. Their analysis of special interest does not even mention this elevation or describe its character in any detail. I can see no evidence, then, for the basis of their judgment.

4.24 I am somewhat fortified in my own conclusions by the assessment offered in the committee report. The officer states the design is 'not wholly inappropriate' and it has

not entailed the removal of fabric, making it easily reversible.

4.25 The officer sees some harm from the veranda cutting across the different tooled finishes in the elevation and concludes that the application contains 'insufficient justification... to outweigh the harmful impact indicated above'. Thus, the officer does not find substantial harm. The correspondence I have seen also indicates the officer could accept the principle of such an ancillary structure were it smaller. Again, it cannot be the case that this, secondary elevation, facing a yard can be so sensitive as to rule out the principle of an extension.

4.26 The conservation officer takes a different view to English Heritage in relation to the window heads. He does not mind about the position of the veranda relative to them.

### **The Kitchen Conservatory to the East Range**

4.27 This is clearly the most significant of the unauthorised works, and I doubt whether the matter would have escalated to the point it has were it not for this element. Even here, however, the authority and English Heritage accept a) that the area has been altered in the past and was occupied by some structure and b) that the principle of some form of extension here is acceptable. No one has suggested the possibility – which I consider likely – that there could well have been a conservatory here in the history of the building on the basis that this was an increasingly popular feature from 1800 onwards on status houses.

4.28 This structure is formed within a recess between the symmetrical part of the east range and a full height recessed range to the north (or right looking at the east elevation). Overall, the range is not symmetrical. One part of the range, the one facing the sunken garden area, is symmetrical.

4.29 The work projects in front of the north range but stops short of a two-window return terminating in a quoin which marks the end of the symmetrical part. I am advised that there was a structure here (one can make out the ghost of a lean-to roof in the north return of the symmetrical block). The structure itself entailed the removal of the lower part of an external wall to integrate the conservatory with the body of the house and so to form a large, family-sized kitchen. I am also advised that part of an earlier structure, an unattractive, 3 story flat-roofed block containing WCs, existed here extended above the height of the conservatory. This must have been later because the ashlar one sees now, on the outside of the north range, was also set and finished as an external wall.

4.30 The conservatory itself is single-storey, with a hipped roof. It beds in below a string course and behind the return quoining of the five-bay range. The roof, having a traditional form, projects above this line and therefore on a strict elevational basis rises above a first-floor window. Like the other works, this one is a well-made and attractively detailed structure, done to a high standard and constructed largely of timber. This structure is largely glazed. Being formed largely of glass and timber, it is clearly ancillary and cannot be said to compete with the scale of the building. The question is whether it undermines the aesthetic character of this elevation or detracts from an appreciation of its age and architectural characteristics, specifically the symmetry of the five-bay range to the left on this frontage.

4.31 It is important to note that both English Heritage and the Council accept the principle that something could be built here, in this position, to provide an extended kitchen/daily-living accommodation in good communication with the garden. Likewise the principle of making some opening to achieve that would not be an issue. It is important to make this point. The elevation is not so sensitive as to be incapable of sustaining any addition without harmful impact. It is the depth of projection beyond the eastern part of the north range and the height of the hipped roof (for English Heritage in particular) which is at issue

4.32 English Heritage has argued that the conservatory is 'particularly prominent and visible in relation to the highly significant eastern Garden frontage of the house'. Their earlier comment, repeated in the 25 November letter, referred specifically to the 'visual impact on the designed symmetry of this part of the building'.

4.33 The elevation as a whole, however, is not symmetrical. It is one part only that takes a symmetrical form. Its aesthetic quality derives from the proportions of the rectangular frontage, the contrast between the flat frontage and the curving, full-height bay and details that define building elements: windows, parapet, corners. These qualities are clearly perceptible even though the rest of the building rises to the same height as the symmetrical piece off to one side and then returns in a full-height, square plan bay.

4.34 The conservatory is a lower, light-weight structure, set back from the frontage and below a higher range which matches the scale and materials of the five-bay, symmetrical element which is the focus of particular comment. It is clearly a secondary structure of a kind traditionally associated with a garden, and set to one side of the main or polite part of the house.

4.35 I do not consider it is 'prominent' to the extent it is intrusive and so draws the eye away from the five-bay element. That element is a simple, attractive range whose proportions and materials and detailed design can be admired and appreciated in the existing situation, where a much larger, stone structure is set off to the right of it.

4.36 English Heritage itself concludes that something set behind the east plane of the northern serving ranges might not upset the perceived symmetry of the polite block centred on the garden. Furthermore, the important detail, the junction between the symmetrical range and the conservatory, is set back from the corner of the symmetrical range.

4.37 There is, then, a line, perhaps two metres or so in plan depth, that demarcates what English Heritage might find acceptable from what they find not just unacceptable but the source of substantial harm requiring a special circumstances justification. This harm arises, they allege, from the scale and proportions of the extension which undermine the aesthetics of the range of the symmetry of the projecting piece.

4.38 Therefore, I do not agree with this assessment for the following reasons:

- First, as a matter of fact, the conservatory is lower than the main range.
- Second, it is set within a recess to one side and does not project forward of the main front.
- Third, a substantial part of the building returns behind it at full height in any event, and that does not spoil the symmetry of the front.
- Fourth, the conservatory is made from lightweight materials (timber and glass not stone), and detailed in a complementary, traditional style.
- Fifth, it is not the main elevation of the building. It is a side elevation intended to face a private garden.
- Sixth, the character of the structure is what one expects to find attached to the garden side of a house.
- Seventh, the principle is in any case accepted, so the elevation cannot be so sensitive as to rule out any addition.
- Eighth, and finally, there have been structures here and, I conclude, an early one could well have been a conservatory in any event.

4.39 For those reasons it is not intrusive, nor does it interfere with the aesthetic qualities of the symmetrical part of the elevation, still less with the elevation as a whole.

4.40 If one concludes differently, and identifies some harm, then the degree of harm surely cannot be substantial because of the subsidiary scale of the element relative to the frontage, and the clearly ancillary nature of the conservatory, along with its materials

which reinforce that character and have a lightweight character (as distinct from the stone facing which is such a prominent feature of this building). On these bases any harm, for the sake of argument, would be very limited.

4.41 In that analysis, which is contrary to my conclusions, how then might the limited level of harm consequent on the works be justified in terms of policy?

4.42 First, there is no in principle objection: English Heritage suggest they could support something smaller. The elevation cannot, then, be so special and integral to the quality of the listed building as to require its total preservation.

4.43 Second, the conservatory assists in realising the optimal viable use of the property and that benefit could be judged to offset any harm on a proportional basis.

4.44 This is a large family house, and any large family coming to live here will want a combination kitchen-sitting room in the modern manner. It is reasonable, common expectation, a requirement of family living. The way families lived in such properties when they were new, and for generations, was fundamentally, and also good access to light and air and a garden for children and the enjoyment of the property. This is presumably why English Heritage do not object to the principle.

4.45 The rooms to the south are designed for formal entertainment. Such a modern space cannot acceptably be created here without compromising significant plan form or sensitive fabric/features. A conservatory for family living would be incongruous on the stable yard side, which is intended for vehicles and access. Neither would it function effectively on the north side, where the outlook is poor and the building presents a narrow frontage.

4.46 Therefore, if the property is to have a conservatory at all, then the only realistic location is the one which has been chosen.

### **The Impact of Glazing**

4.47 English Heritage's second observation on the conservatory relates to the material and is directed against the applicant's architect who stated that the use of glass reduces visual impact and so also the potential for harm to the aesthetics of the building.

4.48 English Heritage reply that glass is not perceived transparently but as a reflection which creates an impression of solidity that will compete with or intrude upon the rest of the elevation.

4.49 Yes, of course, glass is sometimes dark. It is also sometimes transparent or reflective. The fact is, however, that glass will always be understood to be glass in this sort of situation, irrespective of any particular lighting conditions. When those do occur the viewer will still perceive the material and also that the effect is transitory not permanent. The circumstances, in any event, when this will occur are bound to be limited because light will come into the conservatory from above, through the roof. It is a difference in lighting levels, inside and out, that produces reflectivity of the kind English Heritage say will be harmful. I cannot see that this will practically occur to the degree claimed. Furthermore in many conditions, there will be internal lights and backlighting from the window at the far end of the room which will again reduce reflectivity and increase transparency.

4.50 A conservatory with a flat, solid roof would appear as a darker form.

### **Fabric Removal**

4.51 Once more English Heritage state that this single work, on its own, causes substantial

harm, not some harm, not significant harm. I am again fortified to some extent by the remark from officers in the report, which concludes that any alterations or additions to the service wing 'are unlikely to damage symmetry to the degree suggested by English Heritage'. The Council acknowledge there is scope for something on a reduced scale and they question EH's judgement.

4.52 The authority is more concerned than English Heritage is with the removal of fabric, notwithstanding their understanding that the area was already altered by a later structure.

4.53 On that point, as the officers accept, there is no definitive information on the extent of fabric that survived in this location, but even setting that to one side, and assuming historic fabric has been removed, it is gone. Modern masonry reinstating some nibs to the way will always, no matter how carefully detailed and constructed, be modern and as such have no historical value. Neither is any party suggesting that masonry bore any features or other ornamental detailing of interest.

4.54 If one can agree that some form of extension here is acceptable, then the width of opening maximises the benefit to the building's daily use. The removal of fabric does not disguise the extent of the external walling, because that can be clearly appreciated above the lintel forming the opening to the conservatory. In any event, there are understood to have been openings here anyway, perhaps linked to an earlier garden or conservatory extension and later the WC block.

### **The Stable Doors**

4.55 On this point, I can be brief. The reinstatement of two posts relating to the fanlight would complicate vehicle access to the stable, and the detail contributes relatively little to the significance of the elevation. In any event, the applicants have agreed a compromise partition, amending the existing doors, if the authority maintain a determined objection against the works, despite practical consideration.

## **5.0 PERFORMANCE AGAINST POLICY**

5.1 This concluding section considers the application's proposal against statutory provision, the development plan and material considerations.

5.2 Because the proposals cause no material harm to the significance of the listed building, they accord with Core Strategy Policy EN1. The historic building is preserved and its usefulness, and therefore attractiveness, as a family home is enhanced not just for the present occupants but future ones.

### **National Planning Policy**

5.3 The information set out in this note, taken together with previous submissions made to the planning authority, satisfy the policy requirement at para 128. The heritage asset has been assessed to a degree proportionate to its significance enabling an understanding of the works' effects on that significance. Similarly, this information enables the decision maker to assess the particular significance of the asset, minimising the potential conflict between the legitimate expectations of current and future owners and the significance of the building in line with para 129.

5.4 In line with para 131, this report explains how the works sustain and enhance the significance of the asset by ensuring its attractiveness as a family home, and in this way in turn ensuring it will be inhabited and cared for in the long term. The proposals enable the optimal viable use of the building for its original purpose, serving the needs of any owner with the means and interests to maintain it.

5.5 This opinion demonstrates why, in resolving to grant retrospective consent, the

authority would be giving great weight to the preservation of the building's significance (as distinct from its fabric), in line with para 132.

5.6 English Heritage's assessment of harm is disproportionate. I have not identified any material harm, but if the decision maker does then that harm must be less than substantial and balanced by the optimisation of the property's use (the para 134 consideration). That optimisation for family occupation is a public benefit because it makes a listed building more desirable and attractive to the sort of occupant for which the house was built and who will continue to use and maintain the building. This level of optimisation is proportionate to the scale of alteration. In other words, for works of this relatively modest nature, the NPPF only requires a benefit of similar scale.

### **The PPS5 Practice Guide**

5.7 The former PPS5 Practice Guide has little weight in the decision making process. Notwithstanding that, and for the sake of completeness, this report demonstrates an understanding of the extent of fabric that holds interest and this has been used to assess why the areas that have been altered are flexible and adaptable. Indeed, the authority and English Heritage agree that the garden elevation to the east is not so sensitive as to be unable to sustain some alteration and extension. Paras 56 through 58 are addressed fully.

5.8 If harm is adduced, then it will be minor and in line with para 87 the benefit to the future conservation of the listed building, achieved by making it suitable to modern family requirements through minimal intervention, assists in realising its optimal viable use.

5.9 This report explains why it is not the particular interests of this owner which are served, but rather those of any owner with the need of such a large property and the means to maintain it, in line with paras 89 and 90.

5.10 Significant fabric is not affected and no aspect of significant plan form is either. The part of the asset affected is not of high significance – to the north and stable yard – and in the higher significance area design, materials and siting have been used to minimise the conflict between the legitimate needs of the present and the benefit of preserving the significance of the listed building.

### **Conservation Principles (English Heritage, 2008)**

5.11 This report provides a detailed analysis of the significance of the heritage asset with reference to the family of heritage values identified in Conservation Principles.

### **Statutory Provision**

5.12 Accordingly, and mindful of the above, the statutory duty in respect of listed building regulation as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is satisfied and the special interest of the listed building is preserved.

## **6.0 CONCLUSIONS**

6.1 This note has been prepared as an independent, expert assessment, instructed by the freeholder of Caythorpe Hall, Harmiston, Lincolnshire.

6.2 It is intended for the consideration of the local planning authority, which was resolved to grant retrospective listed building consent for the unauthorised works to this grade II\* listed building along with a number of proposed additions and improvements. Members formed a view on the acceptability of the works against a maintained objection from English Heritage and some concerns expressed by officers.

6.3 Officers advised members that in the circumstances, under the terms of statutory

instrument, the application for listed building consent had to be notified to the Secretary of State with an indication of the Council's intention to grant consent.

6.4 This report provides the Council with reasons why it may reasonably resolve to grant consent against the advice of English Heritage.

6.5 I will observe that there is some difference of opinion between the officers of the Council and English Heritage, and, furthermore, that English Heritage allege 'substantial' harm to the significance or special interest of the building arising from each work singly. I explain in this report why I consider this judgment disproportionate to the nature of the works, their extent and impact.

6.6 Substantial harm' is in planning a very great deal of harm, a level normally requiring a special circumstances justification. The local planning authority do not consider that the conservatory to the north of the house, providing covered access the garage area in the stables, causes harm and they do not agree that the veranda causes substantial harm. Both English Heritage and the officers of the Council appear to accept the principle of a conservatory on the east or garden front. It will be seen there is some difference opinion on matters which are understood to involve judgments that are subjective in varying degrees.

6.7 As a listed building expert with more than twenty years experience, and academic qualifications in the history of architecture, it is my considered view is that the works do not cause any material harm to the significance of the listed building for the following reasons:

- All the alterations/additions are to the lower status or serving part of the house, where they enhance the day to day functioning of the building.
- In relation to the glazed conservatory to the rear or north side, this is positioned in a location where it is not widely visible, at the lower or serving end of the house where the fabric is simply detailed with no special features. The element at issue is a reasonable expedient providing convenient access in dry conditions.
- The veranda is another convenient addition, providing an external porch or threshold under the dry before entering the house. It shelters what is a daily, work-a-day entrance, and is located on a secondary elevation facing a stable yard providing access to an extensive walled garden. The traditional character of the feature, and its construction to a very high standard, with good quality materials reduces its impact. The feature's scale is secondary, and it does not detract from an appreciation of the aesthetics or historical qualities of the elevation, including the difference in tool marks identified in the papers. It could provide the same function if it were smaller, but it is a long elevation and I find the proportions of it set against the stone pleasing. This is an aesthetic judgment, I accept.
- The conservatory to the east front has caused the most concern. Having read the papers, it is clear that the principle of positioning some form of extension or conservatory, providing a modern family open-plan kitchen or dining room is acceptable to all parties. I conclude that in a house of this period, when there was a greater interest in integrating daily life with nature, conservatories were common on houses of substance, in town and country. It would not have been surprising if the house were built with one, and the only logical position for it is the one which the applicants have chosen. The information provided to me shows there was a structure here previously in any event and, as noted, English Heritage accept the principle. They would just rather it were smaller. The Officers have made similar comments.
- The conservatory comprises a very small percentage of the overall volume of the building is the family living space it creates is proportionate to the scale of the house.
- As for the depth or projection of the conservatory, it sits neatly in a notch formed by the return of the five-bay garden front. I find if it were set back from

here, the corner details would be awkward architecturally. In any event it is set on a side of the five bay front which extends at full height to the north. The symmetry of that five-bay element to this side of the house is already appreciated in the context of a full height extension or side range. It is understood that the building was previously extended at this point with unattractive structures.

- The scale of the proposed conservatory means it is subsidiary to the elevation and the position contributes to that, such that the conservatory will not detract from the aesthetic interest of this frontage, which is comprised of different elements understood to be of at least two phases. The fabric removed achieves the seamless integration of the new room with the rest of the house, optimising its use for a purpose conducive to the property's longterm conservation and in an area previously hidden and, I am advised, in poor condition.

- This is the only location one could locate such a structure, and conservatories were common on large houses of this period, and I surmise there was such a structure here early in the property's history.

- Finally, I comment on the design of the Coach House or Stable doors. As the application here relates to a grade II (unstarred) listed building, English Heritage have not commented. The local authority consider the design of the doors should replicate ones previously existing, and which had timber elements which, I am advised, were positioned on the alignment of features in the stable door fanlight. The executed works are to a traditional, timber design appropriate to the building, but enable the full-width of the opening to be used. This seems to me to be a reasonable solution to the practical problem which would arise from reinstatement of posts which narrowed the entrance. This would increase the likelihood of damage from vehicles. I understand from the Sowerbys that there is in principal agreement to alter the existing doors to incorporate the 2 post features and the glazed panels to match the previous appearance, which would address the concern expressed by the authority. The doors in their current state do not on my assessment upset the architectural form and character of the building. It is a minor detail, and any harm is offset by the improvement to functionality which enables the structure to be used efficiently for a purpose analogous to its original use. If a different view is taken, then I do not think this work alone could justify a refusal of the applications.

6.8 The report concludes that in resolving to grant consent the local planning authority would be discharged its duty under section 16 of the P(LBCA)Act 1990, ensuring the preservation of the listed building's special interest which is not harmed. Consequent development plan policy is likewise satisfied and so too national policy on conservation of the built environment in Chapter 12 of the NPPF.

6.9 In carrying out this assessment, I have given no weight to the fact that the works were unauthorised.

## **7.0 SIGNED AFFIRMATION**

7.1 I confirm that, insofar as the facts stated in my report are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

7.2 I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.

7.3 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement.

7.4 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my report.

7.5 I confirm that my report complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute “Chartered Town Planners at Inquiries – Practice Advice Note 4”.

**Dr Chris Miele MRTPI IHBC FSA FRHS**

**Partner, Montagu Evans LLP**

**Signed:**

**Dated: \_\_\_\_\_29 October 2012\_\_\_\_\_**

# Agenda Item 7

## AGENDA ITEM

Report No: PLA. 969

### DEVELOPMENT CONTROL COMMITTEE 8 JANUARY 2012

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#### REPORT BY DEVELOPMENT MANAGEMENT SERVICE MANAGER

#### Information relating to development control and other planning activity

##### TABLE 1                    Applications not determined within statutory period

This table, broken down into Major applications and Others, lists those applications that have not been determined within the recommended 13 week (for Majors) or 8 week (for Others) time period. These applications are listed by application number stating a brief reason for the decision not being made.

Applications outstanding (at the date the report was compiled) = 51

##### TABLE 2                    Applications dealt with under delegated powers from 5 December 2012 – 14 December 2012

This table lists those applications upon which decisions have been made under the Powers of the Council Exercisable by Officers (as adopted by the District Council on 27 October 2006).

##### TABLE 3A                    Outstanding Planning Appeals TABLE 3B                    Appeal Decisions - None DOCUMENT 3C                Copy of Appeal Decisions - None

Table 3A lists outstanding appeals including newly submitted appeals and Table 3B lists recent decisions accompanied by a summary. Document 3C gives the full appeal decision received from the Planning Inspectorate.

##### TABLE 4                    Planning applications performance

This table displays new end to end times for determining applications.

**DEVELOPMENT MANAGEMENT**

**Applications not determined within the statutory period**

Report No: 969/2012  
Date Prepared: 19 December 2012  
No of applications over 8 weeks:

**MAJOR APPLICATIONS**  
(13 weeks)

**S11/2002/MJRO/KJC**

Date received:  
24-Aug-2011  
No of days: 481

**Andrew Rogers, JGP Properties Ltd**

Outline planning permission for residential development and the formation of new vehicular access  
Land Off Main Road, Long Bennington  
Reason for non-determination:  
Noise issues now resolved. To be reported to Committee February/March 2013 (post SAP)

**S11/2472/MJRO/JJ**

Date received:  
01-Nov-2011  
No of days: 412

**Persimmon Homes (East Mids) Ltd**

Outline application with all matters except access reserved for approval for residential development  
Godsey Lane/Eastfield, Market Deeping  
Reason for non-determination:  
Subject to S106 Agreement with applicants solicitor, to be completed by January 201.

**S12/0438/MJRF/JJ**

Date received:  
01-Mar-2012  
No of days: 291

**Mr D Pallett, Anvils of Stamford**

Demolition of existing retail warehouse building and erection of 10 dwellings  
2A, Radcliffe Road, Stamford, Lincs  
Reason for non-determination:  
Subject to S106 Agreement, awaiting updated information on viability from agent, due by mid December 2012 and determined by 31 January 2013.

**S12/0484/MJRO/KJC**

Date received:  
27-Feb-2012  
No of days: 294

**Stephen Holman, Yelcon Homes Ltd**

Erection of 55 residential units (including 15 affordable units)  
Outline  
Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham  
Reason for non-determination:  
Viability negotiations to be concluded December 2012 and report to Committee January/February 2013.

**S12/0613/MJRF/PJM**

Date received:  
10-Apr-2012  
No of days: 251

**William Davies Ltd**

Erection of 18 dwellings (affordable)  
Land R/o Highfield Mews, Great Gonerby, Grantham, NG31  
8XA

**Reason for non-determination:**

SUDs and S106 details agreed early December 2012, to be approved by 21 December 2012.

**S12/0864/MJRO/NB**

Date received:  
05-Apr-2012  
No of days: 256

**Commercial Estates Group and, Cecil Estate Family Trust**

Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements, pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network)

Land between Empingham Road and Tinwell Road, Stamford

**Reason for non-determination:**

Agreement with applicants to post SAP decision - February/March 2013 DC Committee.

**S12/0873/MJRF/KJC**

Date received:  
28-Aug-2012  
No of days: 111

**Mr T Bower & Others**

Retention of vehicular access  
Land North Of Fallows End, Stragglethorpe Lane, Fulbeck,  
Grantham

**Reason for non-determination:**

Highways comments due December 2012. Report to DC Committee 8 January 2013.

**S12/1198/MJNF/NB**

Date received:  
25-May-2012  
No of days: 206

**Nick Sewell, New River Retail Limited**

Erection of two retail units (non food)  
Former R F Witt & Sons and adjacent car park, Godsey Lane,  
Market Deeping, Peterborough, PE6 8HT

**Reason for non-determination:**

To go to Committee in February 2013

**ALL OTHER APPLICATIONS**

**(8 weeks)**

**S12/2459/FULL/NB**

Date received:  
01-Oct-2012  
No of days: 77

**Simon Boon**

Erection of two dwellings (incorporating balconies)  
Land Adjacent Newcomb Court, Radcliffe Road, Stamford

**Reason for non-determination:**

Report to 8 January 2013 DC Committee.

**S12/2429/FULL/SP**

Date received:  
26-Sep-2012  
No of days: 82

**Simon Richardson, Keisby Estate Ltd**

Pig rearing and finishing building (unit 1) EIA development  
Land East of Keisby House, Keisby, Bourne, PE10 0RZ  
Reason for non-determination:  
Reponses from statutory consultees due

**S12/2325/HSH/SP**

Date received:  
13-Sep-2012  
No of days: 95

**Mr & Mrs Smith**

First floor extensions over existing single storey wing on  
northern elevation, re-roofing porch and double garage  
Rose Cottage, Gorse Hill Lane, Caythorpe, Grantham,  
Lincolnshire, NG32 3DY  
Reason for non-determination:  
Awaiting amended plans, and highways requirements.  
Determine by 14 December 2012.

**S12/2286/OUT/PJM**

Date received:  
26-Sep-2012  
No of days: 82

**Mr D Hubbard**

Erection of 6 apartments (outline)

87, Norton Street, Grantham, Lincolnshire, NG31 6BY

Reason for non-determination:

Request to report to DC Committee to February 2012 meeting

**S12/2213/FULL/NB**

Date received:  
18-Sep-2012  
No of days: 90

**Mr A Copland**

Erection of 4 dwellings

Land off, Stephens Way, Deeping St James

Reason for non-determination:

Needs Section 106 and report to February 2013.

**S12/2198/HSH/SP**

Date received:  
19-Oct-2012  
No of days: 59

**Sam Fells**

Extension to rear and front of dwelling, with detached double  
garage to front

The Old Coach House, Waterloo Road, Caythorpe, Grantham,  
Lincolnshire, NG32 3DX

Reason for non-determination:

Assessing detailed comments and representations, to be  
deferred by 11 January 2013

**S12/2170/FULL/PWM**

Date received:  
30-Aug-2012  
No of days: 109

**Mrs Laila Podro**

2 x 15 metre high wind turbines

The Old Pump Cottage, Fen Road, Dowsby, Bourne,  
Lincolnshire, PE10 0TX

Reason for non-determination:

Deferred by Committee for more information

**S12/2016/FULL/SP**

Date received:  
10-Aug-2012  
No of days: 129

**Simon Daws**

3 x 15 meter high wind turbines

Copley Farm, Doddington Lane, Claypole, Newark,  
Lincolnshire, NG23 5AT

Reason for non-determination:

Deferred by Committee for further information.

**S12/1716/LB/PJM**

Date received:  
31-Aug-2012  
No of days: 108

**Mr D Boyden, Grantham College**

External alterations to building and erection of antenna  
Stonebridge House, St Catherines Road, Grantham,  
Lincolnshire, NG31 9DD

Reason for non-determination:  
DC Committee 8 January 2013.

**S12/1715/FULL/PJM**

Date received:  
25-Sep-2012  
No of days: 83

**Mr D Boyden, Grantham College**

Temporary change of use of former police station building to  
administrative facility ancillary to Grantham College, external  
alterations to modern extensions and addition of broadband  
antenna to outbuilding

Stonebridge House, St Catherines Road, Grantham,  
Lincolnshire, NG31 9DD

Reason for non-determination:  
Report to 8 January Committee

**S12/1665/FULL/JJ**

Date received:  
03-Jul-2012  
No of days: 167

**Burghley House Preservation Trust**

Retrospective application for retention of Marquee with  
associated bar/servery and toilets  
The William Cecil, High Street, St Martins, Stamford,  
Lincolnshire, PE9 2LJ

Reason for non-determination:  
Awaiting further noise assesment. Report to DC Committee  
February 2013.

**S12/1487/FULL/NB**

Date received:  
09-Jul-2012  
No of days: 161

**Andrew Wood**

Erection of replacement timber storage buildings, new access  
gates and piers  
The Old Rectory, Carlby Road, Greatford, Stamford,  
Lincolnshire, PE9 4PR

Reason for non-determination:

**S12/1322/LB/IVW**

Date received:  
23-Jun-2012  
No of days: 177

**Mr Mick Lai, Hop Sing Chinese Restaurant**

Alterations to Listed Building  
21, Westgate, Grantham, Lincolnshire, NG31 6LU

Reason for non-determination:  
Amended drawings due December 2012. Determine by 14  
December 2012.

**S12/1271/FULL/PJM**

Date received:  
19-Jun-2012  
No of days: 181

**Mr & Mrs N & H Smith**

Change of use from field used for agriculture to storage of  
leisure vehicles/touring caravans  
Casthorpe House Farm, Denton Lane, Casthorpe, Grantham,  
Lincolnshire, NG32 1DS

Reason for non-determination:  
Meeting with neighbours to assess visual impact. Determine  
by 7 December 2012.

**S12/1246/LDE/SP**

Date received:  
21-May-2012  
No of days: 210

**Mr Robert Kitchen**

Certificate of lawful development (existing) - static home for the former Old Pieground Farm, Pointon Fen, Pointon Static Home, (Formerly Old Pieground Farm), Pointon Fen, Pointon, Nr Sleaford, Lincolnshire, NG34 0LF

Reason for non-determination:

Awaiting information from Parish Council

**S12/1118/FULL/NB**

Date received:  
05-Jul-2012  
No of days: 165

**Mr A Cordial**

Change of use of ground floor to exercise room (D2) and part of first floor to theatre school (D1)

Midland Language Centre, 9A St. Peters Hill, Stamford, PE9 2PE

Reason for non-determination:

Additional noise report received and going out to re-consultation to determine by 21 December 2012.

**S12/1058/FULL/NB**

Date received:  
28-Jun-2012  
No of days: 172

**Mr J Lloyd**

Demolition of outbuilding, erection of two one and a half storey dwellings and conversion of barn to one dwelling

29, High Street, Castle Bytham, Grantham, Lincolnshire, NG33 4RZ

Reason for non-determination:

Comments from Highways end December 2012. Report to DC Committee 8 January 2013.

**S12/0319/OUT/SP**

Date received:  
01-Feb-2012  
No of days: 320

**Mr & Mrs S Orme**

Erection of two 2-storey dwellings

R/o 12 West Street, Barkston, Grantham, NG32 2NL

Reason for non-determination:

Awaiting highway assessment. Determine by 10 December 2012.

**S11/3144/FULL/SP**

Date received:  
20-Jul-2012  
No of days: 150

**Mr S C Daws**

Temporary dwelling for a key agricultural worker

Copley Farm, Doddington Lane, Claypole, Newark, NG23 5AT

Reason for non-determination:

Awaiting independent assessment on viability, determine by 7 December 2012.

**S11/3068/FULL/SP**

Date received:  
26-Jan-2012  
No of days: 326

**Mr J Cooke**

Use of land for the siting of 39 serviced touring caravan pitches

Wagtail Country Park, Cliff Lane, Marston, Grantham, NG322HU

Reason for non-determination:

Awaiting confirmation from the Highways Authority by early December 2012. Determine by 7 December 2012.

**S11/3007/HSH/SP**

Date received:  
07-Dec-2011  
No of days: 376

**Mr N Brady**

Conversion of outbuilding to ancillary accommodation  
The Laurels, Main Street, Denton, Grantham, NG32 1JZ  
Reason for non-determination:  
Awaiting further structural information. To be determined by  
21 December 2012, following receipt of structural information.

**S11/2921/LB/SP**

Date received:  
07-Dec-2011  
No of days: 376

**Mr Niall Brady**

Conversion of listed outbuilding to ancillary accommodation  
The Laurels, Main Street, Denton, Grantham, NG32 1JZ  
Reason for non-determination:  
To be determined by 21 December 2012 following receipt of  
structural information.

**S11/2782/OUT/JJ**

Date received:  
23-Nov-2011  
No of days: 390

**Wm Morrison Supermarkets Plc**

Erection of pub/restaurant (with associated parking)  
Former Mirrlees Blackstone Site, Uffington Road, Stamford  
Reason for non-determination:  
Needs to consider associated application (to DC Committee  
18 December 2012) Report to 6 February 2013 Committee.

**S11/2619/FULL/AH**

Date received:  
15-Nov-2011  
No of days: 398

**Mr G Bremner**

Use of land as grass airstrip and erection of building for  
storage of aircraft and agricultural machinery  
Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9  
4NX  
Reason for non-determination:  
Noise Survey Assessment out for public consultation  
December 2012. Report to DC Committee 6 February 2013.

**S11/2372/LB/PWM**

Date received:  
26-Sep-2011  
No of days: 448

**Mr & Mrs P Sowerby**

Extensions and alterations to listed building including retention  
of two conservatories, veranda, and extension to Coach  
House, erection of leisure building and greenhouse within  
existing walled garden, replacement of Coach House doors  
and other associated works  
Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32  
3EL  
Reason for non-determination:  
Assessment of detailed information received November and  
December 2012. English Heritage comments due by 14  
December 2012. Report to DC Committee 8 January 2013.

**S11/2371/HSH/PWM**

Date received:  
26-Sep-2011  
No of days: 448

**Mr & Mrs P Sowerby**

Retention of two conservatories, veranda, extension to Coach House and various structures within the curtilage (including fountain, fencing, CCTV cameras and landscaping works), erection of leisure building, greenhouse and cold frames within existing walled garden, construction of tennis court Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL

**Reason for non-determination:**

Assessment of detailed information received November and December 2012. Englished Heritage comments due by 14 December 2012. Report to DC Committee 8 January 2013.

**S11/1431/FULL/PJM**

Date received:  
16-Jun-2011  
No of days: 550

**Mr Peter Aust**

Change of use of former railway land to garden land Land to r/o The Old Stables Woolsthorpe Road to 15 Ingle Court (inclusive), Woolsthorpe By Colsterworth, Grantham, Lincolnshire, NG33 5NT

**Reason for non-determination:**

Contamination report due by 19 December 2012. Determine January 2013.

**S10/2021/LB/JJ**

Date received:  
03-Sep-2010  
No of days: 836

**Mr C Riddle**

Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote 47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

**Reason for non-determination:**

Undertaking consultation on Heritage Enabling Development, advice due December 2012, then report to DC Committee.

**S10/2020/FULL/JJ**

Date received:  
03-Sep-2010  
No of days: 836

**Mr C Riddle**

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings 47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

**Reason for non-determination:**

Undertaking consultation on Heritage Enabling Development advice due December 2012, then reports to DC Committee.

**S10/1805/FULL/KJC**

Date received:  
13-Oct-2010  
No of days: 796

**Mr S Turner, Grantham Roofing Services Ltd**

Residential Development for the creation of nine flats including demolition of the existing building 20b, Swinegate, Grantham, NG316RJ

**Reason for non-determination:**

Concerns re parking provision - ongoing negotiations to be concluded December 2012, report to DC Committee February 2013.

**S10/0962/FULL/PL**

Date received:  
13-Apr-2010  
No of days: 979

**Mr Robert Cunniffe**

Change of use of area 1 into garden and change of use of areas 2, 3 & 4 to recreational equine land  
Land adjacent to Orchard House, Woolsthorpe Road,  
Woolsthorpe By Colsterworth, Grantham, NG335NT

**Reason for non-determination:**

Contamination report required, due by 21 December 2012.  
Determined January 2013.

**S09/2829/LB/JJ**

Date received:  
27-Nov-2009  
No of days: 1116

**Mr C Riddle**

Extension and alterations of farmhouse, conversion and extension and re-build of barn and dovecote  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

**Reason for non-determination:**

Linked to application S10/2020 below

**S09/2827/FULL/JJ**

Date received:  
27-Nov-2009  
No of days: 1116

**Mr C Riddle**

Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of dwelling  
47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

**Reason for non-determination:**

Linked to application S10/2020 below

**APPLICATIONS DECIDED UNDER DELEGATED POWERS**  
**FROM 5 – 14 DECEMBER 2012**

**S09/2418/DC**

Applicant: David Uhlar, Robin Ashley Architects LLP  
Proposal: Approval of details required by Condition 2 (materials) and 5 (parking) of S07/0934  
Location: Pinfold House, 11, Main Road, Long Bennington  
Decision: Approved - 06 December 2012  
End to End time: 1162

**S12/0566/FULL**

Applicant: David Wilson Trailers Ltd  
Proposal: New vehicular access  
Location: Jubilee Business Park, Honey Pot Lane, Colsterworth, Grantham, NG33 5LZ  
Decision: Withdrawn - 13 December 2012  
End to End time: 283

**S12/0879/FULL**

Applicant: D G Richardson & Son Ltd  
Proposal: Agricultural grain store - affecting the setting of a listed building (Grade I) St Andrew's Church, Sempringham  
Location: The Piggery, Marsedyke Bridge, Pointon Road, Billingborough  
Decision: Approved conditionally - 13 December 2012  
End to End time: 237

**S12/1013/OUT**

Applicant: Robert Price, Bosworth Properties Limited  
Proposal: Outline application for demolition of existing public house and erection of hotel (Class C1), restaurant (Class A3) and fast food/retail unit (Class A5/A1)  
Location: The Fox Inn, Great North Road, Colsterworth, Grantham, NG33 5LN  
Decision: Refused - 12 December 2012  
End to End time: 167

**S12/1150/FULL**

Applicant: Mr Simon Barter, PGL Travel Ltd  
Proposal: Six archery ranges with wooden acoustic & safety barriers (affecting the settings of historic park & garden & listed building)  
Location: Principals House, Caythorpe Court, Caythorpe, Grantham, NG32 3ER  
Decision: Approved conditionally - 13 December 2012  
End to End time: 55

**S12/1358/HSB**

Applicant: Mr K Beadle  
Proposal: Retention of boundary fence  
Location: 1, Truesdale Gardens, Langtoft, Peterborough, Lincolnshire, PE6 9QG  
Decision: Approved conditionally - 11 December 2012  
End to End time: 39

**S12/1365/FULL**

Applicant: Mr C Leake  
Proposal: Change of use from A1 (retail) to mixed use comprising of A1 (retail) & A5 (hot food takeaway) uses.  
Location: 55A, Main Road, Long Bennington, Newark, Lincolnshire, NG23 5DJ  
Decision: Approved conditionally - 14 December 2012  
End to End time: 190

**S12/1425/FULL**

Applicant: Mr P Willoughby  
Proposal: Erection of detached dwelling and retaining wall  
Location: Plot adjacent The Cottage, Lower Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2BB  
Decision: Approved conditionally - 05 December 2012  
End to End time: 180

**S12/2004/MDPO**

Applicant: Mr Victor & Heather Evelyn Humphries  
Proposal: Discharge of Planning Obligation in relation to Section 52 Agreement  
Location: The Heathers, Barrowby Road, Grantham, Lincolnshire, NG31 8NR  
Decision: ANSWERED - 05 December 2012  
End to End time: 110

**S12/2138/FULL**

Applicant: Carole Barker  
Proposal: Hybrid planning application for part Full and part Outline Consent for a Residential Development (5 x dwellings) comprising: Full application for the retention of 1 x dwelling and access road. Outline application for 4 x dwellings  
Location: 4, Ash Gardens, Ancaster, Grantham, Lincolnshire, NG32 3AF  
Decision: Approved conditionally - 13 December 2012  
End to End time: 45

**S12/2324/HSH**

Applicant: Michael Baker  
Proposal: First floor rear extension and rear conservatory  
Location: 4, Welbournes Lane, Long Bennington, Newark, Lincolnshire, NG23 5DP  
Decision: Approved conditionally - 10 December 2012  
End to End time: 67

**S12/2333/FULL**

Applicant: Peter Patel, Wagtail Fishery  
Proposal: Use of land for siting five static holiday caravans  
Location: Wagtail Fisheries, Cliff Lane, Marston, Grantham, Lincolnshire, NG32 2HU  
Decision: Approved conditionally - 13 December 2012  
End to End time: 78

**S12/2382/FULL**

Applicant: Mrs G Clingo, Bourne United Charities  
Proposal: Conversion and extension of barns to form 4 no. dwellings  
Location: 35, High Street, Morton, Bourne, Lincolnshire, PE10 ONR  
Decision: Approved conditionally - 05 December 2012  
End to End time: 55

**S12/2383/LB**

Applicant: Mrs G Clingo, Bourne United Charities  
Proposal: Conversion and alterations of existing barns to form 4 no. dwellings  
Location: 35, High Street, Morton, Bourne, Lincolnshire, PE10 ONR  
Decision: Approved conditionally - 05 December 2012  
End to End time: 55

**S12/2403/TPO**

Applicant: Mrs Sonia Withers  
Proposal: Lift the crown of 4 beech trees with preservation orders (Hermitage 267 order), remove three saplings and reduce elm tree to ground level  
Location: 1, The Hermitage, Stamford, Lincolnshire, PE9 2RF  
Decision: TC&P - Work allowed - 05 December 2012  
End to End time: 75

**S12/2440/LB**

Applicant: Mrs Anthea Harris  
Proposal: Retention of window without glazing bar detail approved  
Location: Albermarle Cottage Annexe, 12, High Street, Castle Bytham, Grantham, Lincolnshire, NG33 4RZ  
Decision: Approved - 05 December 2012  
End to End time: 56

**S12/2478/FULL**

Applicant: Mr R Pearce  
Proposal: Erection of 3 no. terrace properties  
Location: Land adjacent to The Former Odd House, Fletcher Street, Grantham, Lincolnshire, NG31 6BP  
Decision: Refused - 07 December 2012  
End to End time: 52

**S12/2492/FULL**

Applicant: Mrs M Harris Beds  
Proposal: Siting of two metal containers  
Location: 39, London Road, Grantham, Lincolnshire, NG31 6EU  
Decision: Approved conditionally - 05 December 2012  
End to End time: 54

**S12/2538/HSB**

Applicant: Mr Roger Thickpenny  
Proposal: Retention of rear fence and erection of fence adjacent garage  
Location: 4, Holly Drive, Bourne, PE109SP  
Decision: Approved conditionally - 12 December 2012  
End to End time: 47

**S12/2544/HSH**

Applicant: Mr & Mrs R Moody  
Proposal: Erection of single storey garden room extension to rear of property and conversion of first floor outbuilding to habitable use (revised scheme)  
Location: 3, Rutland Terrace, Stamford, Lincolnshire, PE9 2QD  
Decision: Approved conditionally - 13 December 2012  
End to End time: 50

**S12/2545/LB**

Applicant: Mr & Mrs R Moody  
Proposal: Erection of single storey garden room extension to rear of property and conversion of first floor outbuilding to habitable use (revised scheme)  
Location: 3, Rutland Terrace, Stamford, Lincolnshire, PE9 2QD  
Decision: Approved conditionally - 13 December 2012  
End to End time: 50

**S12/2585/FULL**

Applicant: Mr I Smith  
Proposal: Section 73 application to vary condition 15 (approved plans) of planning approval S11/3168  
Location: The Cedars, Low Road, Barrowby, Grantham, Lincolnshire, NG32 1DL  
Decision: Approved conditionally - 05 December 2012  
End to End time: 54

**S12/2589/LB**

Applicant: Mr Alexander Gordon, National Trust  
Proposal: Alteration of Grade II Listed entrance gates (installation of automation motors and sensors)  
Location: Belton House, The Drive, Belton, Grantham, Lincolnshire, NG32 2LS  
Decision: Approved conditionally - 11 December 2012  
End to End time: 41

**S12/2592/FULL**

Applicant: Mr R Immink  
Proposal: Variation of Condition 1 (occupancy) of p/p S11/1123  
Location: Land Opposite, 41, Spalding Road, Bourne  
Decision: Approved conditionally - 13 December 2012  
End to End time: 52

**S12/2609/HSH**

Applicant: Polebrook Ltd  
Proposal: Single storey side and rear extension; erection of garage and outbuildings and creation of a new access  
Location: Walland House, Main Street, Braceborough, Stamford, Lincolnshire, PE9 4NT  
Decision: Approved conditionally - 06 December 2012  
End to End time: 55

**S12/2648/HS**

Applicant: Mr J Czarnotta  
Proposal: Alterations to boundary wall to Belmesthorpe Road frontage  
Location: Greatford Hall, Belmesthorpe Road, Greatford, Stamford,  
Lincolnshire, PE9 4QA  
Decision: Approved conditionally - 10 December 2012  
End to End time: 52

**S12/2649/LB**

Applicant: Mr J Czarnotta  
Proposal: Alterations to boundary wall to Belmesthorpe Road frontage  
Location: Greatford Hall, Belmesthorpe Road, Greatford, Stamford,  
Lincolnshire, PE9 4QA  
Decision: Approved conditionally - 10 December 2012  
End to End time: 52

**S12/2651/TCA**

Applicant: Mrs Pamela Marriott  
Proposal: Works to Rowan & Leylandii trees  
Location: Bracken, Church Lane, Ropsley, Grantham, Lincolnshire,  
NG33 4DA  
Decision: TC&P - Work allowed - 05 December 2012  
End to End time: 50

**S12/2661/HS**

Applicant: Darron Thompson  
Proposal: Rear conservatory  
Location: 73, Arran Road, Stamford, Lincolnshire, PE9 2XT  
Decision: Approved conditionally - 10 December 2012  
End to End time: 47

**S12/2662/HS**

Applicant: Mr & Mrs J Harvey  
Proposal: Erection of detached garage  
Location: Barn, r/o, 21, High Street, Carlby  
Decision: Approved conditionally - 06 December 2012  
End to End time: 50

**S12/2666/FULL**

Applicant: Mrs G Hatton  
Proposal: Minor material amendment under Section 73 to Planning  
Permission S11/2013 to allow an alteration  
Location: Howdale Farm, Howdale Lane, Hough On The Hill,  
Grantham, NG32 2BJ  
Decision: Approved conditionally - 07 December 2012  
End to End time: 35

**S12/2680/DC**

Applicant: Mr Patrick Armstrong  
Proposal: Submission of details in relation to the discharge of  
conditions 2 (materials) and 4 (drainage) of planning  
approval S09/2101  
Location: 17, Church Lane, Caythorpe, Grantham, NG323DU  
Decision: Approved - 07 December 2012  
End to End time: 52

**S12/2683/HS**

Applicant: Mr S Pagg  
Proposal: Two storey front and first floor side extensions and single storey rear extension  
Location: 10, Godiva Crescent, Bourne, Lincolnshire, PE10 9QU  
Decision: Approved conditionally - 12 December 2012  
End to End time: 55

**S12/2701/HS**

Applicant: Mr M Hudson  
Proposal: Two storey side and single storey rear extension  
Location: 3, Police Houses, Cliff Road, Stamford, Lincolnshire, PE9 1AB  
Decision: Approved conditionally - 12 December 2012  
End to End time: 49

**S12/2703/FULL**

Applicant: Camstead Limited  
Proposal: Bungalow and garage and reposition of garage at plot 3  
Location: Former Roman Mill, Little Casterton Road, Stamford, PE9 1BG  
Decision: Approved conditionally - 11 December 2012  
End to End time: 53

**S12/2717/HS**

Applicant: Mr & Mrs B Freeman  
Proposal: First floor side extension linking to and incorporating existing detached garage  
Location: 5, Meadowsweet, Stamford, Lincolnshire, PE9 4DG  
Decision: Approved conditionally - 10 December 2012  
End to End time: 49

**S12/2719/HS**

Applicant: Mr & Mrs D Sheard  
Proposal: Build single storey timber building to house private indoor swimming pool  
Location: The Coach House, Sudbrook Road, Carlton Scroop, Grantham, NG32 3AW  
Decision: Approved conditionally - 10 December 2012  
End to End time: 49

**S12/2720/FULL**

Applicant: Mr S Bircham, Horsch UK  
Proposal: External alterations to insert additional windows and laying out 8 additional car parking spaces  
Location: Land Opposite, 41, Spalding Road, Bourne  
Decision: Approved conditionally - 13 December 2012  
End to End time: 52

**S12/2721/ADV**

Applicant: Mr S Bircham, Horsch UK  
Proposal: Signage  
Location: Land Opposite, 41, Spalding Road, Bourne  
Decision: Approved conditionally - 13 December 2012  
End to End time: 52

**S12/2729/LDP**

Applicant: Peter Burrows, Lindpet Properties Ltd  
Proposal: Lawful Development Certificate for proposed use of public house and ancillary flat to retail use  
Location: Huntingtower Arms, 93, Harlaxton Road, Grantham, Lincolnshire, NG31 7AE  
Decision: Lawful Development - 13 December 2012  
End to End time: 48

**S12/2732/TCA**

Applicant: Mr Hazzard  
Proposal: Raise the crown of Ash tree  
Location: Housemartins, 3, Fish Well Close, Skillington, Grantham, Lincolnshire, NG33 5ES  
Decision: TC&P - Work allowed - 13 December 2012  
End to End time: 52

**S12/2733/HSB**

Applicant: Mr & Mrs Hornby  
Proposal: Single storey rear extension to dwelling  
Location: 15, Water Lane, Ancaster, Grantham, Lincolnshire, NG32 3QS  
Decision: Approved conditionally - 05 December 2012  
End to End time: 28

**S12/2753/HSB**

Applicant: Mr & Mrs Robert Langley  
Proposal: Proposed attached garage with bedroom accommodation in roof  
Location: 5, Richmond Drive, Grantham, Lincolnshire, NG31 8UD  
Decision: Approved conditionally - 11 December 2012  
End to End time: 41

**S12/2758/FULL**

Applicant: Terrington Burchett Ltd  
Proposal: First floor extension to industrial unit  
Location: 5, Withambrook Park, Grantham, Lincolnshire, NG31 9ST  
Decision: Approved conditionally - 11 December 2012  
End to End time: 33

**S12/2764/FULL**

Applicant: Mr P Sharman, Baxter & King  
Proposal: Remove Condition 8 (Tree Survey) of S09/0827/FULL  
Location: Land Adjacent, 18, New Road, Langtoft  
Decision: Approved conditionally - 12 December 2012  
End to End time: 49

**S12/2781/HSB**

Applicant: Mr J Barwell and Ms A Begley  
Proposal: Pitch roof over existing flat roof garage (retrospective)  
Location: 5, Newham Road, Stamford, Lincolnshire, PE9 1BZ  
Decision: Approved - 11 December 2012  
End to End time: 36

**S12/2791/LB**

Applicant: Mr Martin Stevens  
Proposal: Alterations of a Listed Building  
Location: 12, High Road, Hough On The Hill, Grantham, Lincolnshire, NG32 2AZ  
Decision: Approved conditionally - 10 December 2012  
End to End time: 33

**S12/2794/TCA**

Applicant: Mr John Partridge  
Proposal: Removal of 2 no. trees  
Location: 21, Church Street, South Witham, Grantham, Lincolnshire, NG33 5PJ  
Decision: TC&P - Work allowed - 07 December 2012  
End to End time: 39

**S12/2814/OUT**

Applicant: Bardo Midlands  
Proposal: Application to extend time limit of outline planning permission ref: S09/2873/OUT in relation to one no. dwelling (outline with all matters reserved)  
Location: 115, Spalding Road, Deeping St James, Peterborough, PE6 8SD  
Decision: Approved conditionally - 12 December 2012  
End to End time: 43

**S12/2823/TPO**

Applicant: Mrs C Whitwell  
Proposal: Crown reduction to one no. red chesnut and removal of lowest branches (3 no.) to one no. ash tree along with crown raising works  
Location: 15, Roman Bank, Stamford, Lincolnshire, PE9 2SS  
Decision: TC&P - Work allowed - 10 December 2012  
End to End time: 39

**S12/2830/HSH**

Applicant: Mr & Mrs D Gibson  
Proposal: First floor side, single storey front and rear extensions to dwelling  
Location: 126, Winchester Road, Grantham, Lincolnshire, NG31 8RX  
Decision: Approved conditionally - 12 December 2012  
End to End time: 36

**S12/2833/TPO**

Applicant: Brian Coleby  
Proposal: Fell one sycamore tree (numbered 2 on the attached plan) within group of trees covered by A273 - Stamford (Windmill Way)  
Location: Windmill Lodge, Windmill Way, Stamford, Lincolnshire, PE9 2RH  
Decision: Refused - 12 December 2012  
End to End time: 41

**S12/2835/HSH**

Applicant: Mr & Mrs J Johnson  
Proposal: Single storey rear extension  
Location: 69, North Parade, Grantham, Lincolnshire, NG31 8AT  
Decision: Approved conditionally - 14 December 2012  
End to End time: 39

**S12/2846/HSH**

Applicant: Mr Ryan Broxholme  
Proposal: One + a half storey side extension & single storey rear extension to chalet bungalow & enhance gates to frontage.  
Location: 23, Church Street, Long Bennington, Newark, Lincolnshire, NG23 5EN  
Decision: Approved conditionally - 06 December 2012  
End to End time: 31

**S12/2857/HSH**

Applicant: Mr & Mrs M Collins  
Proposal: Erection of two storey side extension to south-east elevation (amended scheme)  
Location: 10, Laughton Drive, Stamford, Lincolnshire, PE9 2JW  
Decision: Approved conditionally - 10 December 2012  
End to End time: 32

**S12/2868/HSH**

Applicant: Mr & Mrs D Wilde  
Proposal: Two storey side extension to dwelling  
Location: 12, Newcastle Close, Grantham, Lincolnshire, NG31 8SG  
Decision: Refused - 12 December 2012  
End to End time: 34

**S12/2873/HSH**

Applicant: Simon Weatherley  
Proposal: Erection of conservatory to the rear of dwelling  
Location: The Lilacs, Kirkby Underwood Road, Aslackby, Sleaford, Lincolnshire, NG34 0HN  
Decision: Approved conditionally - 10 December 2012  
End to End time: 33

**S12/2886/HSH**

Applicant: Mr K Perrell, K & C Homes Ltd  
Proposal: Provision of pitched roof over existing flat roofed single storey side & front extension  
Location: 15, Woodlands Drive, Colsterworth, Grantham, Lincolnshire, NG33 5NH  
Decision: Approved conditionally - 10 December 2012  
End to End time: 31

**S12/2931/FULL**

Applicant: Mr Robert Morris, The Berkeley Leisure Group Ltd  
Proposal: 3 x double garages & associated hardstandings to serve mobile homes  
Location: Plots 43 - 45, The Cresnet, Allington Gardens Park, Allington, Grantham, NG32 2FL  
Decision: Approved conditionally - 10 December 2012  
End to End time: 27

**S12/2969/DEM**

Applicant: Chris Holmes, Defence Infrastructure Organisation  
Proposal: Demolition of concrete building at airfield  
Location: RAF 500 Fire Section & Ground Radio, Barkston Heath Airfield, Barkston Heath, Grantham, NG32 2DQ  
Decision: Not required - 10 December 2012  
End to End time: 24

**S12/2980/FULL**

Applicant: Mr James Taylor  
Proposal: Erection of bungalow (extension of time limit) for planning permission S09/2136  
Location: R/o 43 Church Street, Long Bennington, Newark, NG235ES  
Decision: Approved conditionally - 14 December 2012  
End to End time: 25

**S12/2990/DEM**

Applicant: Mr Ray Childs  
Proposal: Demolition of bungalow  
Location: 31, Green Street, Great Gonerby, Grantham, Lincolnshire, NG31 8LE  
Decision: Approved - 13 December 2012  
End to End time: 23

**S12/3034/NMA**

Applicant: Mr & Mrs D Wells  
Proposal: Amendment to detached garage, i) external wall facing material change to timber cladding, ii) reduction in eaves & ridge height, iii) minor increase in footprint by 0.61 sqm - S03/0826  
Location: 15, West Road, Pointon  
Decision: Approved - 10 December 2012  
End to End time: 17

**S12/3087/DC**

Applicant: Mr & Mrs Michael Mart  
Proposal: Approval of details required by condition 10 (contamination) of S12/1708  
Location: Rear of No 4, Sparrow Lane, Long Bennington, Newark, Lincolnshire, NG23 5DL  
Decision: Approved - 10 December 2012  
End to End time: 6

**S12/3122/NMA**

Applicant: Mr Alan Baxter  
Proposal: Non material amendments to - S10/1172 (alterations to fenestration & reduction of garage roof pitch)  
Location: 3 Pointon Cottages, Pointon, Sleaford, NG340HU  
Decision: Approved - 06 December 2012  
End to End time: 3

**S12/3176/DC**

Applicant: Anthony Colburn, Ropsley Farms Ltd  
Proposal: Approval of details reserved by condition 5 (external materials) of planning permission S12/2487  
Location: Boothby Lodge Farm, Boothby Pagnell  
Decision: Approved - 13 December 2012  
End to End time: 6



**PLANNING APPEALS 2011/2012 (excluding Enforcements)**

**NO OF APPEALS DETERMINED (based on Decision Date)  
APPEALS OUTSTANDING AT 14 DECEMBER 2012**

<p><b><u>S11/1401/LDE</u></b> LDPP Mr Martin Foster Lawful Development Certificate (Existing) - Use of land as residential garden Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 06-Sep-2012  <u>Date of H / I</u> N/A</p>	
<p><b><u>S11/1890/FULL</u></b> AH Alison Lea, Larkfleet Homes 4 no residential dwellings and associated garages along with new detached garage to Tricklebank Tricklebank, Uffington Road, Stamford, Lincolnshire, PE9 3AA</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 14-Jun-2012  <u>Date of H / I</u> N/A</p>	
<p><b><u>S11/2030/MJRO</u></b> PWM Ropsley Farms Ltd Residential development - 28 dwellinghouses The Quarry site, Grantham Road, Ropsley, Grantham</p>	<p><b>Informal Hearing</b></p>	<p><u>Start Date</u> 20-Aug-2012  <u>Date of H / I</u> 21-Nov-2012</p>	
<p><b><u>S11/2762/FULL</u></b> TF Mr R Dean, Adastone Limited Installation of portakabin for use of daytime cafe and evening security office The Fox Inn, Great North Road, South Witham, Grantham, Lincolnshire, NG33 5LN</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 19-Oct-2012  <u>Date of H / I</u> N/A</p>	
<p><b><u>S11/2807/FULL</u></b> RV Mr R Cooke Construction of pair of two storey semi-detached cottages Adj 47, High Street, Market Deeping, PE6 8ED</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 09-Aug-2012  <u>Date of H / I</u> N/A</p>	
<p><b><u>S11/2892/OUT</u></b> PL Mrs E M Pignatiello Creation of two building plots 34, Coggles Causeway, Bourne, Lincolnshire, PE10 9LL</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 05-Jul-2012  <u>Date of H / I</u> N/A</p>	

<p><b><u>S11/3006/FULL</u></b> PWM Mr Richard Porter Conversion of domestic garage to accommodation for seasonal workers and use as holiday let Stone Horse Farm, Hough Lane, Carlton Scroop, Grantham, NG32 3BB</p>	<p><b>Informal Hearing</b></p>	<p><u>Start Date</u> 21-Aug-2012  <u>Date of H / I</u> <b>12-Dec-2012</b></p>	
<p><b><u>S11/3021/HSH</u></b> AH Mrs S Uszkurat Erection of two storey rear extension following demolition of existing outbuildings, dormer window to rear elevation and external and internal alterations 27, St Peters Street, Stamford, Lincolnshire, PE9 2PF</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 11-Jul-2012  <u>Date of H / I</u> <b>N/A</b></p>	
<p><b><u>S11/3022/LB</u></b> AH Mrs S Uszkurat Erection of two storey rear extension following demolition of existing outbuildings, dormer window to rear elevation and external and internal alterations 27, St Peters Street, Stamford, Lincolnshire, PE9 2PF</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 11-Jul-2012  <u>Date of H / I</u> <b>N/A</b></p>	
<p><b><u>S12/0050/FULL</u></b> PWM Mr S Ballaam, Oak Valley Developments Erection of three dwellings The Paddock, 6, School Lane, Claypole, Newark, NG23 5BQ</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 13-Jul-2012  <u>Date of H / I</u> <b>N/A</b></p>	
<p><b><u>S12/0123/HSH</u></b> PL Mr &amp; Mrs P Smith First floor front and rear/side extension, ground floor rear extension and reinstate garage 70, Gladstone Street, Bourne, Lincolnshire, PE10 9AX</p>	<p><b>Written Representation</b></p>	<p><u>Start Date</u> 11-Jun-2012  <u>Date of H / I</u></p>	
<p><b><u>S12/0318/OUT</u></b> PJM Mr Lloyd Courtenay Erection of single storey dwelling (outline) The Harbour, Kintore Drive, Grantham, Lincolnshire, NG31 9DH</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 03-Aug-2012  <u>Date of H / I</u> <b>N/A</b></p>	
<p><b><u>S12/1016/FULL</u></b> SP Mr &amp; Mrs Machin Non- Determination - Conversion of existing two storey building, build two storey extension and demolish single storey garage and storey room to form a separate dwelling, and the formation of a new vehicle access for a classified road The Barn, Main Street, Allington, NG32 2EA</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 19-Oct-2012  <u>Date of H / I</u> <b>N/A</b></p>	

<p><b><u>S12/1020/LB</u></b> SP Mr &amp; Mrs Machin Appeal against Non Determination - Conversion of existing two storey building, build two storey extension and demolish single storey garage and storey room to form a separate dwelling, and the formation of a new vehicle access for a classified road The Barn, Main Street, Allington, NG32 2EA</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 19-Oct-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1135/OUT</u></b> SB Mr DJ &amp; FE Creasey Erection of single storey dwelling (outline including access, layout and scale only) land to south of, 39, Stainfield Road, Hanthorpe, Bourne, Lincolnshire, PE10 0RE</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 24-Sep-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1429/LB</u></b> AH Croft Commercial Developments Ltd Regularisation of works undertaken to window and door heads to provide water drips BLACK BULL, Stamford Walk, St Marys Street, Stamford, Lincolnshire, PE9 2JE</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 01-Oct-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1436/OUT</u></b> LDPP Mr Julian Dodd Demolition of existing dwelling and erection of 3 no. dwellings Land adjacent The Laurels, Bottom Street, Allington, Grantham, NG32 2DT</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 11-Oct-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1521/OUT</u></b> SB Miss H Smitheringale Erection of one 2 storey dwelling Adj. 2, Limetree Avenue, Towngate West, Market Deeping, PE6 8DQ</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 30-Aug-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1561/CAC</u></b> NB Messrs Hartley/Munton Demolition of bungalow High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 23-Oct-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	
<p><b><u>S12/1562/FULL</u></b> NB Messrs Hartley/Munton Erection of 3 dwellings High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u> 23-Oct-2012</p> <p><b><u>Date of H / I</u></b> N/A</p>	

<p><b><u>S12/1687/OUT</u></b> PJM  Mr P Collin  Erection of single storey dwelling (outline)  Tree Tops, Gonerby Road, Grantham,  Lincolnshire, NG31 8HU</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u>  29-Nov-2012</p> <p><b><u>Date of H / I</u></b>  N/A</p>	
<p><b><u>S12/1727/FULL</u></b> PJM  Mr Gary Sharp, InterM2 Ltd  Demolition of Dutch Barn and Nissen Hut,  conversion of former barn to 2 dwellings, erection  of 3 bay detached garage and erection of  detached dwelling  Oak Farm Barns, Church Street, Harlaxton,  Grantham, NG32 1HB</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u>  31-Oct-2012</p> <p><b><u>Date of H / I</u></b>  N/A</p>	
<p><b><u>S12/2202/HR</u></b> SP  Mr Richard Dring G E Dring &amp; Partners  Removal of 100m of hedgerow  The Farm, Costa Row, Long Bennington, Newark,  Lincolnshire, NG23 5DY</p>	<p><b>Written Evidence</b></p>	<p><u>Start Date</u>  22-Oct-2012</p> <p><b><u>Date of H / I</u></b>  N/A</p>	

**PLANNING APPLICATIONS PERFORMANCE**

**Apr - Nov 2012**

<b>New end to end times for determining applications</b>	<b>Days</b>	<b>Target (days)</b>
Average no of days to determine Major's (small scale)	118	90
Average no. of days to determine Minor's	73	55
Average no. of days to determine Other's	68	50
Average no. of days to determine Householder's	51	45